

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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May 8, 2023

Jessie Flores, Manager
City of Adelanto
11600 Air Expressway
Adelanto, CA 92301

Dear Jessie Flores:

RE: Review of the City of Adelanto's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Adelanto's (City) draft housing element received for review on February 8, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on May 3, 2023 with you, Louis Morales, Contract Planner and consultants Malia Durand, Cameron Lukos and Jason Wasmund. In addition, HCD considered comments from David Kellogg pursuant to Government Code section 65585, subdivision (c).

The draft element addresses some statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described, adopt, and submit to HCD to regain housing element compliance.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until rezones to make prior identified sites available or accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c) are completed. As this year has passed, the housing element will remain out of compliance until any necessary rezonings have been completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:
<https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the cooperation of you and Malia Durand, Consultant, during the review and update. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Clare Blackwell, of our staff, at Clare.Blackwell@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF ADELANTO

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

General: The element did not address this requirement. A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. As part of this analysis, the element should describe the actual results of the prior element's programs, compare those results to the objectives projected or planned, and based on an evaluation of any differences between what was planned versus achieved, provide a description of how the objectives and programs of the updated element incorporate changes resulting from the evaluation. This information and analysis provides the basis for developing a more effective housing program.

Housing for Specials Needs: As part of the review of programs in the past cycle, the element must provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

The element has some basic information regarding affirmatively furthering fair housing (AFFH). However, the element generally does not address this requirement. The element, among other things, must include maps and data on all fair housing components and

analyze this data for patterns and trends at the local and regional level including integration and segregation (race, income, disability, and familial status), disparities in access to opportunity (education, environmental, transportation, economic), and disproportionate housing needs (cost burdened, overcrowded, substandard housing conditions, homelessness, and displacement risks).

In addition to an assessment of fair housing, the element must include fair housing enforcement and outreach capacity an analysis of the sites inventory, identification and prioritization of contributing factors to fair housing issues, and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. The AFFH analysis should be complemented by local data and knowledge, including input from comments, and other relevant factors. For further guidance, please visit HCD's AFFH in California webpage at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Overpayment: While the element identifies the total number of households overpaying for housing (p. 38), it must quantify and analyze the number of lower-income households overpaying for housing by tenure (i.e., renter and owner) and add or modify policies and programs as appropriate.

Extremely Low-Income (ELI) Households: The element does not address this requirement. The element must quantify existing and projected ELI households and analyze their housing needs. The analysis of ELI housing needs could consider tenure and rates of overcrowding and overpayment. To assist the analysis, see the enclosed data and sample analysis at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Housing Conditions: While the element includes analysis of age and condition of housing units (p. 26) it must also quantify total units needing rehabilitation/ replacement. This estimate can be obtained from a variety of sources such as the City's code enforcement department.

Overcrowded Households: While the element identifies the total number of overcrowded households overpaying for housing (p. 32), it must quantify and analyze the number of overcrowded households by tenure (i.e., renter and owner).

4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the*

planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)

Sites Inventory: For each site identified in the sites inventory, the element must list the property's size, identify the anticipated affordability level of the units, include information on existing use (vacant or nonvacant) and describe each nonvacant site's existing uses (Gov. Code, § 65583.2, subd. (c).). In addition, each site must identify the number of units that can be "realistically accommodated" on each site, The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements and typical densities of existing or approved residential developments at a similar affordability.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period. For more information on program requirements, please see the Department's Housing Element Sites Inventory Guidebook at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf.

Zoning for Lower-Income Households: The element must demonstrate densities appropriate to accommodate housing for lower income households. For communities with densities that meet specific standards (at least 30 units per acre for Adelanto), no analysis is required. (Gov. Code, § 65583.2, subd. (c)(3).) Otherwise, an analysis must demonstrate appropriate densities based on factors such as market demand, financial feasibility, and development experience within identified zones.

Nonvacant Sites: For your information, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing need allocation (RHNA) for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period.

Replacement Housing Requirements: If the sites inventory identifies sites with existing residential uses, it must identify whether the current residential uses are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use. For nonvacant sites with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years there must be a replacement housing program for units affordable to lower-income households (Gov. Code, § 65583.2, subd. (g)(3)). Absent a replacement housing program, these sites are

not adequate sites to accommodate lower-income households. The replacement housing program has the same requirements as set forth in Government Code section 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary.

Infrastructure: The element describes infrastructure limitations (p. 59) in the City, noting that sites have been identified in areas that are anticipated to become new growth corridors and that as these roadways are established the City anticipates the development of infrastructure to occur simultaneously. To count these sites towards RHNA the element must include an analysis to show the likelihood of infrastructure development in the planning period as well as expected phasing. The element could include a program committing to actions and a timeline to make sufficient infrastructure available to accommodate the RHNA.

In addition, while the element includes Program 14 to provide water and sewer service providers a copy of the housing element immediately following City Council adoption, the element must also ensure that service providers grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element must address whether parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
- *Low Barrier Navigation Centers:* The element must address whether the City has policies or procedures to accommodate Low Barrier Navigation Centers Pursuant to AB 101 or include a program to comply with this requirement.
- *Supportive Housing:* The element must address whether the City has policies or procedures to accommodate supportive housing pursuant to AB 2162 or include a program to comply with this requirement.
- *Employee Housing:* The element must demonstrate the zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.) or add or modify programs to address statutory requirements. Specifically, section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone.
- *Manufactured Homes:* Per page 54 of the element, manufactured housing is permitted by right on all lots which permit single-family houses, pursuant to State Law. However, per Table 3-3, manufactured housing is not permitted in the DL-9, RM-12 and R3-30. The element should clarify this discrepancy and add programs as necessary.
- *Accessory Dwelling Units (ADUs):* While the element states on page 55 that ADUs are permitted by right in all residential zones that permit single family homes as consistent with State Law, based on Table 3-3, it does not appear ADUs are allowed in all the

zones that single family are allowed. For example, single family units are allowed in the DL-9, RM-12 and R3-12 while ADUs appear to not be permitted. The element should clarify this discrepancy and add programs as necessary.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Fees and Exaction: While the element includes a general analysis of fees and provides a list of residential permit fees, it must include a cumulative analysis and describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing.

Local Processing and Permit Procedures: The element includes some information about the processing and permit procedure; however, it should describe and analyze the total permit and entitlement process for a typical single family unit and multifamily development. Description should include typical processes required for single-family and multifamily projects, approval findings and an estimate of the total typical time necessary to complete the entitlement process.

Housing for Persons with Disabilities: The element states large residential care facilities are only allowed through a conditional use permit (CUP) in all residential zones (p. 47). The element should include a program to allow residential care facilities for seven or more persons in all residential zones with an objective and certain process, similar to other residential uses. In addition, residential care facilities for six or fewer do not appear to be allowed in all residential zones per Table 3-3. Please note residential care facilities should be allowed in all residential zones. The element should clarify how residential care facilities for six or fewer are permitted and add programs as necessary.

Zoning and Fees Transparency: The element must address compliance with new transparency requirements for posting fees and all zoning and development standards for each parcel on the jurisdiction's website and add a program to address these requirements, if necessary.

SB 35 Streamlining: The element should clarify whether the City has procedures consistent with the SB 35 streamlined, ministerial approval process pursuant to Government Code section 65913.4 or include a program as appropriate.

Local Adopted Ordinances: The element must analyze any locally adopted ordinances that directly impacts the cost and supply of residential development (e.g., inclusionary requirements, short term rentals, growth controls).

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

Land Cost, Construction Cost and Available Financing: While the element included general information on housing financing, it should also state if private financing and government assistance programs are generally available in the community. In addition, the element must include an estimate of the average cost or the range of costs per acre for single family and multifamily development, and an estimate of typical construction costs including material and labor.

Requests for Lesser Densities and Approval Times: The element did not address these requirements. The element must address requests to develop housing at densities below those anticipated in the sites inventory and the length of time between receiving approval for housing development and submittal of application for building permits. The analysis must address any hinderances on housing development and programs should be added as appropriate.

7. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Persons with Developmental Disabilities: The element must quantify the number of persons with developmental disabilities and analyze the special housing needs of persons with developmental disabilities.

Seniors: While the element includes a quantification of the senior population, it should also include the type of services and housing available for seniors.

Large Families: While the element includes a quantification of large families, it should also include resources, strategies and the magnitude of the needs, including housing available for this population.

C. Housing Programs

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B4, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

2. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Assist in Development Program: The element must include a program(s) with specific actions and timelines to assist in the development of housing for extremely low, very low, low-income households as well as persons with special needs. The element includes Program 13; however most commitments are requirements of State Law. The program(s) could commit the City to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to low-income and special needs households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B5 and B6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex,*

marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)

As noted in Finding B1, the element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, geographic targeting and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

5. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

The element is required to include a program that incentivizes or promotes ADU development for very low-, low-, and moderate-income households. This can take the form of flexible zoning requirements, development standards, or processing and fee incentives that facilitate the creation of ADUs, such as reduced parking requirements, fee waivers and more. Other strategies could include developing information packets to market ADU construction, targeted advertising of ADU development opportunities or establishing an ADU specialist within the planning department.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

While the element includes a general summary of the public participation process, the element should also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element