

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

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July 13, 2021

Emilio Ramirez, Director
Housing Department
City of Oxnard
214 S. C Street
Oxnard, CA 93030

Dear Emilio Ramirez:

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

Thank you for submitting the City of Oxnard's (City) draft housing element received for review on May 14, 2021. 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 conversations with Kathleen Mallory, Planning and Sustainability Manager, as well as Amy Sinsheimer and Jennifer Gastelum of Placeworks and Heather Davis of Rincon Consultants on June 30, 2021, and July 8, 2021. In addition, HCD considered comments from House Farmworkers! and Josh Albrectson, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many 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 these, and other revisions needed to comply with State Housing Element Law.

Government Code section 65588, subdivision (e)(4), requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates. Oxnard did not meet the requirements of Government Code section 65588, subdivision (e)(4), in the 5th cycle (2013 -2021); therefore, it is subject to the four-year revision requirement until the City has adopted at least two consecutive updated revisions by the applicable due dates. Provided the City adopts its housing element on or before October 15, 2021, it will meet the second four-year requirement and return to an eight-year revision cycle.

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.

For your information, some general plan element updates are triggered by housing element adoption. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:

http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and
http://opr.ca.gov/docs/Final_6.26.15.pdf.

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 programs; 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, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at

<https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

HCD appreciates the diligent efforts Kathleen Mallory provided during the course of our review. 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 Shawn Danino, of our staff, at Shawn.Danino@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" being more prominent than the last name "West".

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX CITY OF OXNARD

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

A. Review and Revise

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).)

The element reviews the 5th cycle programs but does not provide a specific review for programs regarding the effectiveness of the 5th cycle programs for meeting the community's special housing needs. An analysis must be provided for the cumulative impact of the previous housing element's programs to address the housing needs of special needs populations. The element should specifically evaluate programs targeted for special needs populations and provide a narrative analysis.

B. Housing Needs, Resources, and Constraints

1. *Affirmatively furthering 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 on opportunity areas and concentrated areas of poverty. However, the element generally does not address this requirement. The element, among other things, must include outreach, an assessment of fair housing, 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. For more information, please contact HCD and visit <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

While the assessment of fair housing in the City meets many of the statutory requirements, it is largely based on a regional Analysis of Impediments and should be tailored based on local factors and conditions in the City.

Enforcement and Outreach: While the element provides data related to the number of housing discrimination cases that were opened since 2017 (Page B-35) and describes some of the contributing factors, it needs to analyze the data for any patterns by community area or census tract and include additional local knowledge, relevant factors, and a conclusion of summary of issues. The analysis also needs to address the City's fair housing outreach capacity.

Integration and Segregation: The element does provide a dissimilarity index and includes maps from the Tax Credit Allocation Committee (TCAC), but it does not discuss local and regional patterns and trends including integration and segregation trends related to disability. The element should analyze the data for patterns throughout different census tracts, complement the data with other relevant factors or local knowledge, and conclude with a summary of issues. The element also identifies areas of linguistic isolation (Page B-43) but does not analyze the effects of this isolation or discuss how the City's programs will address these issues.

Sites Discussion: The element provides some discussion of the sites inventory in relation to the TCAC Opportunity Area (Page B-36). However, the element does not quantify the number of sites or the quantity of lower-income units in relation to these areas and relate these sites with the placement of its moderate and above moderate-income units. The element must address the full scope of Affirmatively Furthering Fair Housing (AFFH) and analyze and conclude whether the identified sites improve or exacerbate each of the fair housing issue areas.

Racial/Ethnic Areas of Concentration of Poverty: The element shows that the City includes three census tracts labeled as Racial/Ethnic Areas of Concentration of Poverty (Page B-32). While the City lists Programs 2, 9, 11, 12, 13, 19, 23, and 27 as addressing this need, it does not sufficiently describe how these programs will specifically address the needs of this population. The City may, as discussed on the June 30, 2021 call, for example, expand the Accessory Dwelling Unit (ADU) program discussed so that two ADUs may be allowed on single-unit parcels in these areas instead of one.

Racial/Ethnic Areas of Concentration of Affluence: The element does not provide any analysis of the Racial/Ethnic Areas of Affluence.

Access to Opportunity: While the element includes TCAC maps and briefly discusses access to education (Page B-30), the element currently lacks analysis of access to opportunities on a variety of areas including economic opportunity, transportation, and jobs in the City. In addition to providing this information, it needs to analyze that data for trends, patterns, local knowledge and conclude with a summary of issues. The City may, as discussed on the July 8, 2021 call, for example, expand programs that improve access to public transportation as well as protected bike lanes and carshare programs, or improve walkability and pedestrian infrastructure.

For example, the City can analyze transportation cost burden to determine programs that integrate housing and transit access. Relatedly, the City can also analyze Vehicle Miles Traveled (VMT) and outline programs to reduce the cost and distance of commuting.

Displacement: The element does include data on overcrowded households, substandard housing conditions, and cost burdened households, but it must also analyze the data including looking at trends, patterns, and other local knowledge, and conclude with a summary of issues. Programs will be necessary to demonstrate the City is using strategies to stop displacement.

Contributing Factors: The element must list and prioritize contributing factors to fair housing issues. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. Contributing factors should be unique to the unincorporated areas of the City based on a complete analysis.

Goals, Priorities, Metrics, and Milestones: The element lists Programs 2, 9, 11, 12, 13, 19, 23, and 27 to implement policies related to Affirmatively Furthering Fair Housing. While many of these programs address describe important policies, they do not make any firm, quantifiable commitments to promote and affirmatively furthering fair housing opportunities. Goals and actions must significantly seek to overcome contributing factors to fair housing issues. The element must be revised to add or modify goals and actions based on the outcomes of analysis described above. Goals and actions must specifically respond to the analysis and 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 metrics 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.

For further guidance, please visit HCD's Affirmatively Furthering Fair Housing in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

2. *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).)*

The element identifies the age of the housing stock and information related to complete kitchen and or bathroom facilities (B-19). However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could use information from its code compliance activities to help inform an estimate. In addition, the element could include estimates from a recent windshield survey or sampling, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

3. *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).)*

The City has a regional housing need allocation (RHNA) of 8,549 housing units, of which 2,911 are for lower-income households. To address this need, the element relies on vacant sites, including sites in Specific Plan Areas and within the Mixed-Use Overlay area. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Pending Projects: The element includes a parcel on Outlet Center Drive with Parcel Number 213009028 for which the element indicates there is an existing application for 174 senior apartments (Lockwood Senior Housing Complex). However, it is unclear what approvals remain necessary for the project, expected timelines for completion of the entitlement process, and demonstration of the availability of units in the planning period. In addition, the element must also describe the City's methodology for assigning these units to the various income groups based on actual or proposed sales price or rent level of the units.

Realistic Capacity: The element assumes a realistic development capacity of 80 percent of the total allowed maximum density. The analysis must describe factors used to develop the capacity estimate including how the City considered land use controls, development trends including typical density of existing or approved developments at similar affordability levels, performance standards or other relevant factors. In addition, the element assumes residential development on sites zoned for non-residential uses. To support this assumption, the element must include analysis to demonstrate the likelihood of residential uses on non-residentially zoned sites based on factors such as development trends including non-residential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#zoning>.

Suitability of Nonvacant Sites: While the element includes some recent trends (Pages F4-F6) to demonstrate past experience, it does not explain how these trends relate to zoning, existing uses, densities, and the listed sites in the inventory. The element must also analyze the extent to which existing uses may impede additional residential development and include an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development (Gov. Code, § 65583.2, subd. (g)(1).). To analyze the extent that existing uses may impede additional residential development, the element should also include information on whether existing uses are operating, have been operating, or whether or not they are anticipated to continue operating. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#analysis>.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the 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 (Gov. Code, § 65583.2, subd. (g)(2).).

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.

Small Sites: As the element relies on consolidated small sites to accommodate the RHNA for lower-income households, it should also provide analysis demonstrating the potential for consolidation. For example, the analysis could describe the City's role or track record in facilitating small-lot consolidation and how that experience relates to the sites identified in the inventory to meet the lower-income needs, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for lot consolidation, or information from the owners of each aggregated site. In addition, it should include a program to facilitate lot consolidation and development of housing on small sites relative to the sites identified in the inventory.

Rio Urbana and the Teal Club Specific Plan (Annexation): The housing element relies upon the Teal Club Specific Plan and the Rio Urbana Project to accommodate the City's regional housing need for 1,157 residential units with 165 units available to lower-income households. Both the specific plan and the project will require annexation. While the housing element indicates the plans' residential capacity and estimates the number of units by income group, it does not provide any analysis demonstrating their suitability for development in the planning period. To determine the adequacy of the annexation strategy of the proposed Specific Plan and project to meet the City's RHNA, by income category, the element must include an evaluation of the suitability of the annexed sites and any discretionary approvals required for development in the Specific Plan areas, including the following information:

- current status of the annexation process

- consistency with Local Agency Formation Commission (LAFCO) policies and next steps in the LAFCO process
- action to pre-zone prior to annexation
- descriptions of the zone, density, development standards and design requirement
- conditions or requirements such as phasing or timing requirements that impact development in the planning period
- timeline to complete annexation and specific plans and projects which is early enough in the planning period to facilitate development of annexed sites (e.g., within the first two years of the planning period)
- analysis of the suitability and availability of sites
- if expected to be completed after October 15, 2015, demonstrate compliance with the requirements of the adequate sites program requirements of Government Code section 65583.2, subdivisions (h) and (i).

Accessory Dwelling Units (ADUs): In the element, the City projects 1,000 ADUs to be constructed over the planning period, averaging 125 per year, all of which will be affordable to lower-income households. This projection was based on figures provided based on past ADU annual permit figures of 25, 55, and 123 for 2018, 2019 and 2020, respectively. However, Annual Progress Reports submitted by the City showed building permit figures of 3, 13, and 28 for 2018, 2019, and 2020, respectively. Following on our June 30, 2021 call, the City confirmed that the figures provided were for “City planning permits,” not building permits. The methodology used by the City must be based on the number of building permits, not City planning permits.

Suitability and Availability of Infrastructure: The element describes infrastructure limitations (Page 53) in the City. However, it must also demonstrate sufficient total water and sewer capacity to accommodate the regional housing need by community plan area.

For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should clarify consistency with these requirements and include programs as appropriate. For additional information and sample cover memo, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

Zoning for a Variety of Housing Types

Emergency Shelters: The element describes the zones in which emergency shelters are permitted, acreage and proximity to services. However, the element must also list and analyze development standards for emergency shelters. For example, parking requirements may be inconsistent with new state law and should be addressed as

constraints. The element must include programs as appropriate based on the outcomes of the analysis.

Single Room Occupancies: In public input provided during the Community Workshop on March 24, 2021, residents indicated an interest in a range of housing types (Page F13), including “single-room occupancy developments.” The element must describe how single room occupancy units are permitted and the development standards for these units. The element must include programs as appropriate based on the outcomes of the analysis.

Manufactured Housing: The element must clarify how manufactured housing on permanent foundations are allowed and ensure consistency with Government Code section 65852.3.

4. *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).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). While the element does provide some information on residential development standards (Page E4-E8), it does not provide any information on lot coverage requirements or minimum / maximum floor area ratio (FAR). The element should provide any relevant details on lot coverage requirements and, if necessary, analyze them as a possible constraint on housing development. The analysis must also evaluate the cumulative impacts of land use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. The analysis should also describe past or current efforts to remove identified governmental constraints.

Parking Requirements: The element describes off-street parking requirements in Table E-4 by uses and requires covered parking or garage spaces for single-family units, townhouses, as well as in studios, one bedroom, two or more bedroom units in apartments, all units in multifamily cluster development as well as mobile homes. While the program briefly describes parking requirements as a constraint (Page E13), requiring enclosed parking for multifamily can add significant cost to a housing and is a constraint to development. The element must analyze enclosed parking standards and include a program to mitigate or remove the constraint as needed.

Design Review Guidelines: While the element provides some information about the development design review (Page E36), it must describe and analyze the design review guidelines and process, including approval procedures and decision-making

criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

Processing and Permit Procedures: The element must describe the typical approval process for single family and multifamily development. The description should address what approvals are necessary, who approves the application, whether and how many public hearings are required and list approval findings. The element should then analyze the process for impacts on approval certainty, cost, timing and housing supply. In particular, the element must analyze typical processing times for multifamily housing development, including approval procedures, for their impact as a potential constraint on housing supply and affordability.

Building Codes and Code Enforcement: While the element mentions the City follows the Uniform Building Code, it should also clarify any local amendments to the code and how codes are enforced, and then analyze those impacts on the cost, affordability and supply of housing. For additional information and a sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/codes-and-enforcement-on-offsite-improvement-standards.shtml>

Persons with Disabilities: The element briefly describes its reasonable accommodation procedures but should further explain its reasonable accommodation criteria, including approval findings and process and analyze any family definition as a potential constraint. The element must include programs, as appropriate, to address any identified constraints depending on the outcomes of this analysis. In addition, the element must analyze its conditional use permit process for residential care facilities for seven or more persons as a potential barrier to housing for persons with disabilities and include programs as necessary to address this constraint.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction's website.

5. *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. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

6. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583, subd. (a)(9)(D).)*

While the element includes a listing of properties at risk of conversion to market rate and estimates the cost of replacement, it must also include an identification of public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units, and identification and consideration of use of federal, state and local financing and subsidy programs.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

Program 6: Program 6 commits to beginning updates to the Coastal Zoning Chapter 17. The program should be revised to specify when the code amendments will be complete.

Program 9: Program 9 commits to amending the zoning code to fully comply with the Employee Housing Act by 2024. However, the statutory requirements associated with the Employee Housing Act were effective as of January 1, 2020. Therefore, implementation of Program 9 should be done earlier, such as within a year of adopting the housing element. In addition to Health and Safety Code sections

17021.5 and 17021.6, the update should reflect changes to Health and Safety Code section 17021.8, which was effective as of September 28, 2020.

Program 14: Program 14 discusses the City's Shelter Development Program and commits to amending Chapter 17 of the Coastal Zoning Code and addressing the requirements of SB 2 for transitional and supportive housing by 2024. However, the statutory requirements associated are already in effect. Therefore, implementation of Program 9 should be done earlier in the planning period, such as within a year of adopting the housing element.

2. *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 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 B3, 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. The element indicates that several sites will require rezoning and/or annexation and that rezoning is expected to occur prior to the start of the planning period (October 15, 2021). Please be aware, if rezonings are not completed by that date, the element must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period. (Gov. Code, § 65583.2, subd. (h) and (i).)

In addition, the element should be revised as follows:

While Program 5 commits the City to facilitating lot consolidations, it must commit to specific actions to facilitate the lot consolidation of the sites in the inventory. For example, the element could commit to fee deferrals, providing ministerial "over the counter" processing of lot line adjustments, granting density bonuses above state density bonus law (Gov. Code, § 65915.), identifying and targeting specific financial resources, and modifying development standards.

Program 24: Program 24 commits the City to finding alternative land to rezone to accommodate for 1,157 additional units if Rio Urbana and/or Teal Club Specific Plan are not approved. However, the program must provide discrete timing for alternatives, such as a rezone to be completed. Rezones must be completed pursuant to

Government Code section 65583.2, subdivisions (h) and (i), and sites must meet the requirements of Government Code section 65583.2.

By-Right Permanent Supportive Housing: Pursuant to Government Code section 65651, the City must include a program committing to amend zoning to permit permanent supportive housing by right.

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 B4 and B5, the element requires a complete analysis of potential governmental and non-governmental 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 protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete analysis of affirmatively furthering fair housing. Based on the outcomes of that analysis, the element must add or modify programs as appropriate.

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)(8).)

While the element includes a summary of the public participation process and includes comments from community meetings (Pages F10-F18), the City must describe how and when the draft was made available (i.e. where was it posted) in addition to how comments were considered and incorporated into the element. Please note, the City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents were circulated and how the City solicited, considered, and addressed public comments in the element.