

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

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November 22, 2022

Carlos de Melo, Director  
Community Development Department  
City of Belmont  
1 Twin Pines Ln  
Belmont, CA 94002

Dear Carlos de Melo:

**RE: City of Belmont's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Belmont's (City) draft housing element received for review on August 24, 2022. 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 November 17, 2022 with yourself, Jennifer Rose, and consultant Diana Elrod. In addition, HCD considered comments from the Greenbelt Alliance, Campaign for Fair Housing Elements, and YIMBY Law 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 the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are 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 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 meets 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 is 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 Molivann Phlong, of our staff, at [Molivann.Phlong@hcd.ca.gov](mailto:Molivann.Phlong@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF BELMONT

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/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/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).)*

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 with results quantified where possible. This information and analysis provide the basis for developing a more effective housing program. In addition, the element states that the City is removing the program incentivizing lot consolidation. However, the City's current sites inventory may rely on lot consolidation to accommodate the Regional Housing Need. If so, rather than removing the program, the element must analyze how the program could be modified to increase its effectiveness to support the lot consolidation strategy to meet its Regional Housing Needs Allocation (RHNA) obligations.

As part of the evaluation of programs in the past cycle, the element must analyze 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))*

Enforcement and Outreach: The element must include the City's ability to provide enforcement and outreach capacity which can consist of actions such as the City's ability to investigate complaints, obtain remedies, or the City's ability to engage in fair housing testing. The element must address the City's enforcement capacity including findings, lawsuits, and the City's process to refer fair housing cases. In addition, the element must

summarize fair housing issues related to enforcement and outreach capacity and relationship to other fair housing issue areas. The analysis must also describe compliance with existing fair housing laws and regulations and include information on fair housing outreach capacity.

Integration and Segregation: The element includes some data on integration and segregation at the regional and local level; however, additional information is needed. The element should describe the factors that contribute to the identified segregation of white majority census tracts. This could include an analysis of high diversity census tracts along Highway 101 and include contributing factors to the segregation of White residents majority tracts. For disability status, the element indicates a significant population figure living with at least one disability, concentrated in the central part of the City. The element should expand on the analysis of access to housing, services, and living conditions of this population and the City's ability to meet their needs as well as include a regional analysis for persons with disabilities. For familial status, the element should analyze local concentrations geographically within the City.

Racial/Ethnic Areas of Concentration of Poverty and Affluence (R/ECAP): The element includes information relative to R/ECAP within the City but should also include a regional analysis. In addition, the element must also address concentrated areas of affluence both locally and regionally. The analysis should evaluate the patterns and changes over time at a local and regional level and consider other relevant factors, such as public participation, past policies, practices, and investments and demographic trends.

Disparities in Access to Opportunity: The element provides some information on the access to opportunity; however, a complete analysis should include the local and regional disparities of the educational, environmental, transportation, persons living with disabilities, and economic scores through local, federal, and/or state data. For disparities in access to opportunity for employment, the element states the City has an overwhelming positive economic outlook but identifies lower employment scores in two areas. The element should evaluate this information for patterns and trends including comparisons to the surrounding county; describe access to jobs for protected classes; and analyze what contributes to the lower employment score in two areas in the TCAC maps. For disparities in access to opportunity for transportation, the element should assess whether there are any disproportionate access opportunities to public transit or infrastructure for protected classes. In addition, the element should analyze access to transit throughout the City. For disparities in access to opportunity for environment, the element states the City scores well on environmental outcomes. However, the element must describe what contributes to the one low scoring area within the City as well as provide a regional analysis comparing the City to the surrounding region.

Disproportionate Housing Needs Including Displacement: While the element includes some data on disproportionate needs, additional information is needed. The element must analyze geographic concentrations of cost burden (by tenure), overcrowding, and substandard housing within the City as well as provide a regional analysis comparing the City to the surrounding region. For disproportionate housing needs for persons experiencing homelessness, the element sites data regarding the County's homeless population but does not include the City's homeless population; however, the element

must include the City's homeless data and analyze existing trends and policies in the City that exclude homeless populations or force homeless populations onto surrounding areas. Lastly, the element must also describe and analyze areas sensitive to displacement beyond units at-risk, including an analysis of displacement risk due to disaster (e.g., earthquake, fire, and flood).

Site Inventory: The element must include an analysis demonstrating whether sites identified to meet the RHNA are distributed throughout the community in a manner that affirmatively furthers fair housing. The element must address and analyze the RHNA sites that are near Highway 101, which is noted as having the worst environmental score in the entire jurisdiction. In addition, most sites are located in the Belmont Village Zoning District and must be analyzed to whether the site selection will exacerbate conditions. The element must also describe how the City is promoting housing mobility in single-family areas. In addition, the element must analyze affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions or isolates the RHNA by income group, the element should identify further program actions (not limited to the RHNA) that will be taken to promote equitable quality of life throughout the community (e.g., housing mobility and new opportunities in higher resource areas).

Contributing Factors: The element identifies many contributing factors to fair housing issues. The element must prioritize these factors to better formulate policies and programs and carry out meaningful actions to Affirmatively Furthering Fair Housing (AFFH). In addition, the element must describe how the actions in the Belmont AFFH Action Plan are tied to the housing element programs and include implementation.

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).)*

Extremely Low-Income Households (ELI): While the element quantifies the total number of ELI households, it must also quantify the number of projected ELI households and analyze their housing needs. The analysis of ELI housing needs should consider tenure and rates of overpayment.

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).)*

Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).

Housing Stock Condition: While the element includes an estimate of rehabilitation need based on housing age, 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 include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from

knowledgeable builders/developers, including non-profit housing developers or organizations.

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).)*

Progress in Meeting the RHNA: The City's RHNA may be reduced by the number of new units built since June 30, 2022; however, the element must demonstrate their affordability based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). The element should also discuss the status, any barriers to development and other relevant factors to demonstrate their availability in the planning period.

Sites Inventory: The element must list sites by parcel number, parcel size, zoning, general plan designation, describing existing uses for any nonvacant sites and include a calculation of the realistic capacity of each site. While the element includes some of these requirements, the inventory must include parcel size, zoning, general plan designation, a description of existing uses for any nonvacant sites, and which sites are assumed to be consolidated. For sites that will accommodate the lower-income RHNA, the sites inventory must also clearly identify nonvacant sites identified in a prior adopted housing element or vacant sites identified in two or more consecutive planning periods.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. In addition, the element should include additional examples to support the density of 59 dwelling units per acre for small sites under half an acre and clarify whether the density of 113 dwelling units per acre for sites larger than half-acre include State Density Bonus provisions in the Belmont Village Specific Plan. The analysis should also clarify if capacity assumptions are the same for all sites regardless of zoning designation. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element must also analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of nonresidential development in mixed-use and commercial areas, performance standards, and development trends supporting residential development.

AB 725: For jurisdictions that are considered Metropolitan, the element must identify at least 25 percent of the remaining moderate and above moderate RHNA on sites that allow at least four units of housing (e.g., four plex or greater). (Gov. Code, § 65583.2, subd. (c)(4).)

City-Owned Sites: The element must include additional discussion on each of the City-Owned sites identified to accommodate the RHNA. Specifically, the analysis should address general plan designations, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). In addition, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

Small Sites: Sites smaller than an half acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). For example, a site with a proposed and approved housing development that contains units affordable to lower income households would be an appropriate site to accommodate housing for lower-income households. (Gov. Code, § 65583.2, subd. (c)(2)(C).) If lots are expected to be consolidated, the analysis could describe the City's role or track record in facilitating past lot consolidation, common ownership, policies, or incentives offered or proposed to encourage and facilitate lot consolidation or other conditions rendering parcels suitable and ready for lot consolidation.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).) For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. In addition, the element could describe how sites in Table 9 (page E-23) relate to the sites identified in the inventory and describe site conditions, any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, and any developer interests.

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). For additional information and sample analysis, see the Building Blocks at: <https://www.hcd.ca.gov/analysis-of-sites-and-zoning>.

**Replacement Housing Requirements:** If the sites inventory identifies sites with existing residential uses, it must identify whether they 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:** While the element includes a general discussion on water and sewer capacity, it must demonstrate sufficient existing or planned water, sewer, and other dry utility capacity to accommodate the City's regional housing need for the planning period. (Gov. Code, § 65583.2, subd. (b).)

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. HCD recommends including a cover memo describing the City's housing element, including the City's housing needs and regional housing need. The element should demonstrate compliance with these requirements and add or modify programs, if necessary. For additional information and sample cover memo, see the Building Blocks at <https://www.hcd.ca.gov/priority-for-water-and-sewer>.

**Environmental Constraints:** While the element generally describes a few environmental conditions within the City, it must describe any known environmental constraints or conditions (e.g., shape, accessibility, easements, contamination) within the City that could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).)

**Electronic Sites Inventory:** 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/housing-elements-hcd> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto: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](mailto:sitesinventory@hcd.ca.gov).



### Zoning for a Variety of Housing Types:

- *Multifamily Housing*: On page B-18, the element states that a conditional use permit (CUP) is required for multifamily housing in the R-3, R-4, and HRO-3 zones. The element must analyze the CUP process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the CUP requirement.
  - *Accessory Dwelling Units*: The element indicates the City modified its zoning code to ease barriers to the development of accessory dwelling units (ADU's). However, after a cursory review of the City's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance to comply with state law.
  - *Emergency Shelters*: The housing element must demonstrate the permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. The element should describe the permit processing, development, and management standards of the S-2 Emergency Shelter Combining District that allows emergency shelters by-right. In addition, the element should describe the capacity of sites included in the overlay to accommodate the City's need. Lastly, the element should describe how emergency shelter parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
  - *Transitional Housing and Supportive Housing*: Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (c)(3).) While the element states that the City complies with these requirements, according to the table on Page B-19, transitional housing is not allowed in Village zoning districts where multifamily is allowed. The element must ensure consistency between the analysis and the tables and add programs as appropriate.
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).)*

Land Use Controls: The analysis must 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. Specifically, the analysis must analyze the minimum floor area per unit (1,450 square feet) in the CMU zone, the limit of two-stories in the R-3 zone as constraints on housing development, and open space requirements in the

R-3, R-4, and CMU zones. In addition, the element should analyze minimum setbacks for mixed-use developments when next to residential zones. The element should add or modify programs to address or remove identified constraints. The element should also analyze the CUP requirement for housing on the ground floor level in the Corridor Mixed-Use District and whether one hundred percent commercial or residential developments are allowed in mixed-use zones.

Parking: The element must analyze the parking requirements (p. B-25) of more than one space per studio and one-bedroom unit in the R-2, R-3, and R-4 zones. Should the analysis determine the parking standards or permit procedures are a constraint on residential development, it must include a program to address or remove any identified constraints.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all fees, inclusionary requirements, and zoning and development standards for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1).

Fees and Exaction: The element must 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. The element should include typical fees for zone changes, General Plan changes, tentative maps, lot consolidation, etc. The element should also analyze the identified fees as a percent of the total development cost for both single family and multifamily developments and add a program as appropriate.

Local Processing and Permit Procedures: While the element describes the use permit procedure for housing, it must further describe and analyze the City's permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing). The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability and analyze CUP findings as a constraint on multifamily development. For example, the analysis should consider processing and approval procedures and time for typical single- and multi-family developments, including type of permit, level of review, approval findings and any discretionary approval procedures.

SB 35 Streamlining Provisions: The element includes program H.4.1 to update the City's website with resources for SB 35, it should clarify whether the City has procedures consistent with streamlining procedures pursuant to Government Code section 65913.4 in place and include programs as appropriate.

Local Ordinances: The element must specifically analyze locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances that directly impact the cost and supply of residential development.

Design Review: The element 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 include a program to address this permitting requirement, as appropriate.

Codes and Enforcement: The element must describe and analyze any local amendments to the building code and their degree and type of enforcement for impacts on housing supply and affordability.

On/Off-Site Improvements: The element must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width) and analyze their impact as potential constraints on housing supply and affordability.

Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. The analysis must describe the findings and approval procedure for the City's Reasonable Accommodation procedure. In addition, while the element describes the City's definition of family, it should analyze the requirement of requiring "structured organization and stability", whether this is a potential constraint on housing for persons with disabilities and add or modify programs as appropriate.

While the element describes how group homes for six or fewer and seven or more are allowed within the City, they must be analyzed as a constraint and add programs as appropriate. Specifically, the CUP requirement for group homes for six or fewer residents in the HRO zone and the CUP requirement for group homes for seven or more residents in all residential zones. For your information, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject housing for persons with disabilities to higher discretionary exceptions processes and standards where an applicant must, for example, demonstrate compatibility with the neighborhood, unlike other residential uses.

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(a)(9)(D)).*

While the element includes a list of at-risk properties during the planning period, it must analyze properties at-risk within the next ten years. In addition, HCD data shows an additional property, Horizons Apartments, at-risk of expiring within the next ten years. The element should include an analysis of all at-risk properties within the City.

## 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... (Gov. Code, § 65583, subd. (c).)*

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. To address the program requirements of Government Code section 65583, subd. (c) (1-6), and to facilitate implementation, programs must include: (1) specific actions the local government will take during the planning period; (2) timelines that result in beneficial impacts within the planning period; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

All programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., “Evaluate”; “Consider”; “Encourage”; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, Programs H1.2 (Use Public Funding for Low/Moderate Income Housing), H1.4 (Housing Funds Investment Strategy), H2.4 (Require Replacement Units), and H3.1 (Expand Tenant Protections).

- Program H1.2 (Use Public Funding for Low/Moderate Income Housing): This program should be revised to include a commitment beyond explore in action B. in addition, the element should describe how the inclusionary requirement will be modified in action C.
  - Program H2.1 (Support Retention of Existing Lower Income Units): This program should be revised to include specific timing for implementation prior to each action and tie this program to State Preservation Notice Law.
  - Program H2.3 (Target Rehabilitation Funding to Special Needs Groups): This program should be revised to include proactive outreach as well as implement the rehabilitation actions earlier in the planning period.
  - Program H2.5 (Housing Service Organization Partnerships): This program should be revised to include the frequency and how often actions will occur.
  - Program H3.1 (Expand Tenant Protections): This program should be revised to include proactive outreach actions.
  - Program H3.2 (Home Ownership Financing): This program should be revised to include higher frequencies of hosting workshops during the planning period.
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 or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory... (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. In addition, the element should be revised as follows:

Incentives and Concessions: As the element relies upon nonvacant sites to accommodate the regional housing need for lower-income households, it should include a program(s) to promote residential development of those sites. The program(s) could commit to provide financial assistance, regulatory concessions, or incentives to encourage and facilitate new, or more intense, residential development on the sites. Examples of incentives include identifying and targeting specific financial resources and reducing appropriate development standards.

Program H1.4 (Housing Funds Investment Strategy): This program should be revised to state when priorities will be implemented and should address special needs housing for persons with developmental disabilities.

Program H1.5 (Update Zoning Code): If the element must rezones sites to accommodate the RHNA for lower-income households, a program must commit to a number of units (shortfall), acreage, allowable densities, appropriate development standards and meet all the by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i). For example, sites and zoning must permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households.

Programs H1.8 (Evaluate and Update Permanent Supportive Housing Requirements) and H2.3 (Target Rehabilitation Funding to Special Needs Groups): These programs should be revised to include an earlier implementation timeframe.

3. *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).)*

The element must include a program(s) with specific actions and timelines to assist in the development of housing for ELI households. The program(s) could commit the at least annual proactive outreach with affordable developers, priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting, or pursuing funding applications; and outreach and coordination with affordable housing developers.

In addition, the element must also include a program(s) to assist in the development of housing for all special needs households including persons with disabilities. Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special

needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types.

4. *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 Finding B5, the element requires a complete analysis of potential 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.

Program to Mitigate Non-Governmental Constraints: The element must be revised to include a program that mitigates non-governmental constraints that create a gap in the jurisdictions ability to meet RHNA by income category (Gov. Code, § 65583.2, subd. (c)(3).).

Program H1.1 (Monitor Regional Housing Need Allocation): This program should be revised to include no net loss and mitigation policies with adequate sites policies to mitigate unmet RHNA due to changes in production.

Program H1.10 (Update Requirements for Farmworker Housing): This program must move up timing to be implemented earlier in the planning period. In addition, the program should cite the government code for farmworker housing.

Program H1.11 (Update Requirements for Homeless Persons): The program should clarify zoning will be updated to permit these uses in multifamily zones as well as mixed use zones pursuant to AB 101, Government Code section 65660.

Program H1.12 (Update Requirements for Residential Care Facilities): This program should be revised to ensure residential care facilities for seven or more persons are allowed in all zones allowing residential uses based on objective criteria to facilitate approval certainty.

5. *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 requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. Goals and actions must significantly seek to overcome contributing factors to fair housing issues. The element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results. In addition, the element must tie the fair housing action plan to the AFFH program. Given that most of the City is considered a high resource community, the element could focus on programs that enhance housing mobility and encourage development of more housing choices and affordable housing. Programs also need to be based on identified contributing factors, be significant and meaningful. The

element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. Actions must have specific commitment, 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.

6. *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).)*

Program H1.3 (Incentivize ADU Development): This program should be revised to include actions to update the City's ADU ordinance to comply with state law. In addition, this program should clarify how often ADU fees will be monitored and include implementation for best practices review and include proactive outreach to the community.

#### **D. Quantified Objectives**

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

While the element includes quantified objectives for projected development (page E-40), it must also include quantified objectives estimating the number of housing units by income category that can be rehabilitated and conserved over the planning period.

#### **E. 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, it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, and participation in community workshops, and if translation services were provided.

#### **F. Consistency with General Plan**

*The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)*

While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.