

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



December 5, 2023

Tim Rundel, City Manager
City of Weed
550 Main Street
Weed, CA 96094

Dear Tim Rundel:

RE: City of Weed 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Weed's (City) draft housing element received for review on September 6, 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. In addition, HCD considered comments from David Kellogg pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). 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 February 15, 2023. 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 above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the City failed to adopt a compliant housing element within 120 days of the statutory deadline (February 15, 2023), rezoning to make prior identified sites available for lower-income housing must 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 make prior identified sites available or accommodate a shortfall of sites are completed pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c).

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 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>.

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 Weston Starbird at Weston.Starbird@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF WEED

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. Housing Needs, Resources, and Constraints

1. *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).)*

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).)

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).)

Extremely Low-Income Households (ELI): The element must quantify the projected number of ELI households. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the regional housing needs allocation (RHNA) for very low-income households qualify as ELI households. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

Housing Conditions: While the element provides information on age of the housing stock, it must 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 organizations. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/housing-stock-characteristics>.

Special Needs Households: The element includes data and a general discussion of housing challenges faced by special needs households. However, the element must be revised to include an analysis of the existing needs and resources for farmworkers and female headed households. For example, the element should discuss the existing resources to meet housing needs (availability of shelter beds, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

2. *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: The element notes in Table 5-3 (Sites Inventory) that the total inventory equates to 93 units to accommodate the RHNA. However, when accounting for sites and units across each income level, the inventory only reflects 83 total units. The element should be revised to reconcile these figures and accurately indicate the total amount of units identified in the inventory.

Sites Identified in Prior Planning Periods: The element identified sites from the prior planning periods to accommodate the lower-income RHNA. The element notes that because these sites already allow by-right processing, no rezoning or other changes are required to comply with 65583.2(c) (p. 104). However, the element must be revised to analyze whether the City's processes allows residential use by-right for projects with 20 percent affordability and complies with the definition of by-right pursuant to Government Code section 65583.2 (h) and (i). Based on a complete analysis, the element may need to add or modify programs committing to complying with Government Code section 65583.2 (c)).

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 15 units per acre for Weed), 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. The element identified sites within the R-3 zone to accommodate the lower-income RHNA and noted that this zone allows for up to 21 units per acre (p. 105). However, Table 6-1 (General Plan Land Use Designations) notes that the R-3 zone only allows a maximum of 12 du/ac. First, the element must be revised to reconcile this information and clearly indicate the allowable densities within the R-3 zone. Second, if the City intends to utilize zoning and sites in zones that do not allow up to 15 du/ac, the element must include the analysis described above.

Environmental Constraints: While the element generally describes potential environmental constraints related to sloping, it must still describe any other known environmental or other conditions that could impact housing development on identified

sites in the planning period (e.g., shape, contamination, easements, conditions, compatibility).

Sites Inventory Electronic Form: Please note, 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/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. 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.

Zoning for a Variety of Housing Types:

- *Manufactured Housing* – Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling would be subject to. The element must demonstrate consistency with this requirement or add or modify programs as appropriate.
- *Emergency Shelters* –
 - *Allowable Zones*: While the element indicated that emergency shelters are allowed in the R-3 and R-4 zones, it must specifically discuss whether emergency shelters are allowed without any discretion (by-right).
 - *Suitability*: The element must demonstrate the adequacy and suitability of these zones. The analysis should address existing uses, any conditions inappropriate for human habitability and proximity to transportation and services.
 - *Development Standards*: The analysis of standards indicated that the City may be utilizing subjective standards when determining the shelter's compatibility with the character of the existing neighborhood. Additionally, the City imposes a 1,000 spacing requirement. While the element includes Program 2.1.4 (Zoning Amendments) committing to reviewing and revising standards for emergency shelters as necessary, the element must include a specific commitment to revising the City's spacing requirements and establishing objective standards within a specified timeframe.
 - *Definition of Emergency Shelters*: For your information, as of March 31, 2023, AB 2339 (2022) is now applicable to the City. AB 2339 (2022) specifies how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. While the element has addressed most requirements under this provision, it must address whether the City's definition of emergency shelters includes other interim interventions,

including but not limited to, navigation centers, bridge housing, and respite or recuperative care, pursuant to Government Code section 65583, subdivision (a)(4). Based on a complete analysis, the element may need to add or modify programs to comply with state law.

3. *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).)*

Local Processing and Permit Procedures: The element briefly indicated the required approval procedures for single-family and multi-family housing. Specifically, the element notes that some projects may need to go through architectural and site plan review or obtain a conditional use permit (CUP). However, the element must be revised with a complete analysis. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information for each required permit or process. The analysis should address impacts on housing cost, supply, timing and approval certainty. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate.

Finally, the element should address public comments on this revised draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

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

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

B. 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 A2, 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. *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 A3, 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.

3. *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).)*

Goals, Priorities, Metrics, and Milestones: The element includes some general programs and actions related to bolstering affordable housing, rehabilitation, and fair housing outreach. However, programs must be significant and meaningful to overcome fair housing issues and identified patterns and trends. These actions must have specific commitment, geographic targeting, metrics, and milestones as appropriate. Additionally, quantified metrics that target beneficial impacts for people, households, and neighborhoods (e.g., number of people or households assisted, number of housing units built, number of parks or infrastructure projects completed).

- *Place-based Strategies for Revitalization and Conservation:* The City has identified a portion of its moderate and above moderate RHNA in the Angel Valley and Lincoln Heights neighborhoods. As demonstrated in the City's fair housing analysis, these neighborhoods are concentrated areas of extremely low-income households, majority minority populations due to historic segregation practices, and have experienced significant displacement due to substandard housing conditions that were exacerbated by wildfires. The element indicated that the approach to identify a portion of the City's moderate and above moderate income RHNA in these areas is to facilitate integration across various income levels and encourage place-based strategies as a result of higher incomes. However, given the fair housing issues, patterns and trends, the element must include strong programs to establish place-based strategies.

Further, the element should include programs that evaluate and implement strategies to reduce further displacement of lower-income households and prevent potential gentrification of these neighborhoods. For your information, place-based programs include actions that improve one's quality of life related to housing, transportation, safety, education, recreation, infrastructure, etc.

- *Increasing Housing Choices and Affordability in Higher Resourced and Higher Income Areas:* The City has also identified majority of its moderate and above moderate RHNA at the southern tip of the City. This area is generally higher income and considered higher resourced relative to other parts of the City. The element must include programs promoting housing mobility to higher opportunity areas and strategically enhances access to housing choices and affordability. The element could consider improving existing programs or including new programs. Examples include creating more housing choices and affordability in single-family neighborhoods beyond complying with law (e.g., SB 9, ADUs), targeting affordable housing funding, homesharing programs, more than one junior accessory dwelling unit (per single family structure, enhancing capacity, affordability, and housing choices on religious institutional sites and other alternative land use strategies. Lastly, the element must be revised to include quantified metrics programs focused on housing mobility and increased housing opportunities and affordability.

C. 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 indicated that the City conducted stakeholder interviews and held a joint study session with elected officials (p. 11), the element could discuss other efforts to engage various economic segments of the community. Additionally, while the element briefly summarized key themes from stakeholder outreach, the element must discuss the how comments and public input were considered and incorporated where applicable.