

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

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March 19, 2008

Mr. Gary Halbert, Director
Development Services
City of Santee
10601 Magnolia Avenue
Santee, CA 92071

Dear Mr. Halbert:

RE: Review of the City of Santee's Revised Draft Housing Element

Thank you for submitting Santee's revised draft housing element received for review on March 20, 2008. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b).

Santee's revised draft element addresses some of the statutory requirements described in the Department's October 19, 2007 review; however, revisions will still be necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element must include a detailed analysis of identified sites and strengthen programs to facilitate multifamily housing affordable to lower-income households. These and other revisions are described in the enclosed Appendix.

The Department encourages Santee to continue its efforts to bring the element into compliance with State housing element law. If you have any questions or would like to schedule a meeting in Santee, please contact Cecelia Golden, of our staff, at (916) 327-2646.

Sincerely,

Cathy E. Creswell
Deputy Director

APPENDIX CITY OF SANTEE

The following changes would bring Santee'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 the Department's website at www.hcd.ca.gov. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, please refer to the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* at www.hcd.ca.gov/hpd/housing_element/index.html, the Department's publication, *Housing Element Questions and Answers (Qs & As)*, and the Government Code addressing State housing element law.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Alternative Sites Inventory – Pursuant to Government Code Section 65583.1, to credit the rehabilitation of the Shadow Hills Apartments toward the City's share of the regional housing need, the element must demonstrate "committed assistance"; defined as a legally enforceable agreement during the first two years of the housing element planning period. For Santee, the first two years was June 2005 to June 2007. The element notes an agreement between the City and developers dated February 2000, which does not comply with "committed assistance" pursuant to Section 65583.1(c)(4) and therefore the 20 rehabilitated units cannot be credited toward the City's share of the regional housing need.

Suitability and Availability – The element did not address analyses regarding timing or build-out constraints and any conditions that would prevent the development of the identified sites, including issues related to ownership by the County of some sites.

Further, the Department understands the adoption of the R-30 zone is pending and the City plans to re-submit the element upon adoption of the R-30 zone. The revised element must describe when the zone is adopted and demonstrate Site 1 has been rezoned to R-30.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels, including local processing and permit procedures (Section 65583(a)(4)).*

Processing and Permit Procedures – The element indicates multifamily uses are subject to a discretionary Development Review Permit approval by the City Council (page 3-19). Although the element lists approval findings (page 3-19), the element did not and therefore must still analyze the development review permit for the potential impact on

approval certainty, feasibility and cost for multifamily development. For example, the analysis should address the impact of existing approval criteria such as standards for compatible and complementary with the immediate vicinity and agreeably related to surrounding development.

Constraints on Housing for Persons with Disabilities – The element must include a detailed analysis of the City’s reasonable accommodation procedure (i.e., Minor Exception process). While the element notes the procedure is a form of a variance and indicates the Director’s has authority to waive provisions for accessibility, a reasonable accommodation procedure is a unique exception process to zoning and land-use regulation, beyond accessibility and separate from a variance or conditional use process. As a result, the element should either include detailed analysis demonstrating the procedure provides broad exception in zoning and land-use, beyond accessibility, and is not subject to variance and conditional use findings or include a program to modify the reasonable accommodation procedure. For a sample ordinance, please see the *Building Blocks*’ website at http://www.hcd.ca.gov/hpd/housing_element/screen35_constraintsprograms.pdf.

B. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in finding A1, the element does not include a complete analysis of identified sites and the adequacy of sites cannot be established. Based on the results of a complete sites inventory and analysis, the City may need to add or strengthen programs to address a shortfall of sites or zoning.

2. *Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households (Section 65583(c)(2)).*

To address this requirement, the element must still revise the following programs:

Program 13 (Collaboration with Nonprofit Organizations and Affordable Housing Developers) – While the program now contains a goal to collaborate with five developers of affordable housing over the planning period, it should quantify construction objectives for the planning period.

Program 16 (Santee Redevelopment Project) – The program should clarify how the City will encourage housing affordable to extremely low-income households.

3. *Address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in finding A2, the element does not include a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to strengthen or add programs and address and remove or mitigate any identified constraints.

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 (Section 65583(c)).

While the element now lists agencies and organizations contacted and describes how comments were incorporated, the element does not describe diligent efforts to achieve participation of all economic segments of the community. As a result, the City should continue to publicize the availability of the element and engage the community through the revision and adoption of the housing element. Prior to adoption, revisions to the element should be made widely available with sufficient notice to allow adequate public comment.