

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

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February 14, 2022

Ernesto Marquez, City Manager  
City of Hawaiian Gardens  
21815 Pioneer Boulevard  
Hawaiian Gardens, CA 90716

Dear Ernesto Marquez:

**RE: City of Hawaiian Garden's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element**

Thank you for submitting the City of Hawaiian Garden's (City) draft housing element received for review on December 16, 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 a conversation on February 10, 2022 with Kevin Nguyen, Associate Planner, and the City's consultants William Kelly, Gabriel Elliott, and Salvador Lopez.

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.

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

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 (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation, 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).

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.

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, 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: [http://opr.ca.gov/docs/OPR\\_Appendix\\_C\\_final.pdf](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and [http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

HCD appreciates the dedicated support Kevin Nguyen, Associate Planner and Gabriel Elliott of Willdan Consultants provided during the review. We are committed to assist 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](mailto:shawn.danino@hcd.ca.gov).

Sincerely,



Paul McDougall

Senior Program Manager

Enclosure

## APPENDIX CITY OF HAWAIIAN GARDENS

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 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).)*

The review requirement is one of the most important features of the element update. The review of past programs should analyze the City's accomplishments over the previous planning period. This information provides the basis for evaluating the effectiveness of programs and revising programs as appropriate in the current planning period.

A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. While some basic information regarding past programs was provided (pp. 124-120), the element should describe the actual results of the prior element's programs, compare those results to the objectives projected or planned, and based on an evaluation of any differences between what was planned versus achieved, provide a description of how the objectives and programs of the updated element incorporate changes resulting from the evaluation.

Additionally, the element should also evaluate the cumulative effectiveness of the previous housing element's programs to address the housing needs of special needs populations.

### **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).)*

Outreach: Outreach specifically related to affirmatively furthering fair housing (AFFH) is foundational to a complete analysis and formulating appropriate goals and actions to overcome patterns of segregation and foster more inclusive communities. While the City has made some outreach efforts, the element should summarize and relate this input and

additional outreach to all components of the AFFH analysis and modify or add goals and actions as appropriate.

Assessment of Fair Housing: The element reports and maps data on some components of the assessment of fair housing (e.g., segregation and integration, disparities in access to opportunity) but it must also analyze the information such as evaluating patterns, trends, conditions and circumstances, coincidence with other components of the assessment of fair housing and the effectiveness of past and current strategies to promote inclusive communities and equitable quality of life. This analysis should address patterns and trends at a regional level (City compared to the broader region) for all components of the assessment of fair housing and should be complemented by local data and knowledge, including input from outreach processes, and other relevant factors as described below.

Access to Opportunity: While the element includes some discussion of disparities in access to opportunity with regards to education, jobs and environment, the housing element must identify and analyze disparities in access to opportunity for transportation. Specifically, the analysis should compare concentrations of protected groups with access to transportation options, assess any disproportionate transportation needs for members of protected classes, and analyze combined housing and transportation cost impacts on protected groups. The element may also discuss its active mobility strategies and efforts to provide alternatives to vehicle ownership, such as separated bike lanes and reducing parking minimums.

Disproportionate Housing Needs: While the element provides analysis of patterns in displacement, it must also provide analysis on substandard housing and homelessness in the jurisdiction. Additionally, given the element identifies that all 82 of the City's unhoused residents were unsheltered (Page 31), the City should commit to identify sites for permanent supportive housing, or other concrete strategies that address this population's housing needs.

AFFH and Sites: While the element provides some analysis of socio-economic patterns in the jurisdiction, it must analyze the sites in its inventory with regards to affirmatively furthering fair housing. The City should provide analysis to formulate appropriate policies and programs. A complete analysis should fully assess how the site inventory is expected to improve and/or exacerbate fair housing conditions. This analysis should address the location, number of units by income group, magnitude of the impact and any isolation of the regional housing need allocation (RHNA) and could consider topics such as existing or proposed anti-displacement policies and place-based investments, and how such strategies will improve fair housing conditions when paired with the identified sites.

Local Data and Knowledge: The element should incorporate local data and knowledge of the jurisdiction into the AFFH section. To assist in meeting this requirement, the element should provide local data not captured in regional, state, or federal data analysis and should incorporate feedback and expertise from the various organizations working on fair housing issues.

Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element should analyze historical

land use, zoning, governmental and nongovernmental spending including transportation investments, demographic trends, historical patterns of segregation, or other information that may have impeded housing choices and mobility.

Contributing Factors to Fair Housing Issues: The element must identify contributing factors to fair housing issues. These factors will be used to formulate policies and programs and carry out meaningful actions to AFFH. Contributing factors should be responsive to AFFH analysis and link to specific programs.

Goals, Priorities, Metrics, and Milestones: The element does not address this requirement. The element must add programs to include actions that are transformative, meaningful, and specific. These programs should respond directly to the contributing factors and other findings from the assessment of fair housing. Programs must also include metrics and milestones for targeting meaningful AFFH outcomes and evaluating progress and effectiveness of programs on fair housing results.

The element may, for example, revise Program 10 to create development standards for allowing naturally affordable housing types such as Single Room Occupancies (SROs) ministerially with permissive development standards within one year of adoption. The element, may, for example, revise Program 17, to identifying a site suitable for Project Homekey and commit to applying for funding within one year of adoption. The element, may also, for example, add or revise existing programs to waive parking standards for units that are deed restricted for lower-income households. To promote new affordable housing opportunities in higher opportunity areas, the element may also, for example, as discussed on the February 10, 2022 call, 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.

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).)*

Housing Conditions: The element provides some brief information on age of the housing stock. However, 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 <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).)*

Parcel Listing: The element provides various parcels grouped together. However, it must list each parcel-by-parcel number or unique reference, parcel size, zoning, general plan

designation, describe any existing uses for any nonvacant sites, and include a calculation of the realistic capacity of each parcel. Additionally, the inventory must also list sites by the general plan designation, realistic residential capacity of each site, existing use and number of units by income group (i.e., lower, moderate and above moderate income). The description of existing uses should be sufficiently detailed to facilitate an analysis of the potential for additional development.

For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. This is especially important for determining sites that have been utilized in multiple planning periods and are subject to by-right provisions. 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](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

Pending and Approved Projects: While no pending or approved projects are credited in the housing element, the site at 21821 Hawaiian Ave is described as having an "approved 18-unit condo" (p. 82). If this project has been approved, the element may use this project as a pipeline project. However, the element should specify the status of this project, remove the site from the inventory and demonstrate affordability based on actual or anticipated rents sales prices or other mechanisms ensuring affordability (e.g., deed restrictions).

Map of Sites: The element must include a general map of identified sites. For additional information, see the sites inventory analysis section of the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/inventory-of-land-suitable.shtml>.

Realistic Capacity: The element describes a strategy to use 60 percent of the maximum density to calculate the realistic capacity of development (p. 80). However, the element does not use the 60 percent multiplier in its analysis and later assumes the maximum density will be achieved for all identified sites (pp. 82 and 83). If the City intends to use 60 percent of the maximum density, it should recalculate its sites' capacity and address any shortfall.

Additionally, the element must include an analysis to support the number of units estimated on each site in the inventory and the likelihood of residential development in zones allowing nonresidential uses. The analysis must describe factors used to develop the residential 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 nonresidential uses. To support this assumption, the element must include analysis to demonstrate the likelihood of residential uses on sites with zoning that allow 100 percent nonresidential uses based on factors such as development trends including nonresidential, 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>.

**Small Sites:** Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households 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. As the element relies on consolidated small sites to accommodate the RHNA for lower-income households, it should 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.

**City-Owned Sites:** If utilizing City-owned sites, the element must include additional discussion 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.

**Suitability of Nonvacant Sites:** The element must demonstrate the potential for additional development on nonvacant sites and address the extent that existing uses impede additional development. For example, the element identifies several nonvacant sites with recently approved projects (Table 4.2), including a private hotel to casino, and a 7-Eleven Gas station. The element should include a discussion of the extent existing or pending uses impede additional development and analyze, adjust, or remove sites as appropriate. The analysis must address past experience with converting existing uses to higher density residential development, the current market demand for the existing use, 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, development trends, and regulatory or other incentives or standards to encourage additional residential development on these sites

In addition, because the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, it must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings

(e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Finally, if the element utilizes sites with existing residential uses, absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c) (3).

Availability of Infrastructure: 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>.

Environmental Constraints: The element must describe any known environmental or other constraints that could impact or preclude housing development on identified sites in the planning period.

#### Zoning for a Variety of Housing Types:

- *Emergency Shelters:* While the element broadly mentions emergency shelters are permitted without discretionary action in the General Commercial and Public Facilities zones, it must still include an analysis of capacity and presence of constraints to formulate responsive policies and programs. The analysis of capacity should include typical parcel sizes and the presence of reuse opportunities, proximity to transportation and services and any conditions inappropriate for human habitability. The analysis of constraints should address development standards, including parking requirements. For example, parking requirements generally should not exceed the amount of parking necessary to accommodate staff and not exceed requirements for other uses in the zones. The element should include programs as necessary based on the outcomes of this analysis.
- *Single Room Occupancy (SRO) Units:* While the element clarifies which zones SRO's are allowed, the element also states that there is a minimum of sixteen units (p. 104) and that SRO's cannot be considered a permanent form of housing (Program 9). The element should analyze these factors and other development standards for SRO's as possible constraints, particularly given the smaller parcel sizes in the sites inventory and include programs to address identified constraints.
- *Low Barrier Navigation Centers:* Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.
- *Permanent Supportive Housing:* Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones



permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.

- *Accessory Dwelling Units (ADU)*: On the call on February 10, 2022, the City specified that an ADU ordinance had been adopted, however, no ordinance has been received or reviewed by HCD. As a result, the element should add a program to submit and update the City's ADU ordinance as necessary in order to comply with State law. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development. Please also note that any applications for an ADU/Junior Accessory Dwelling Unit (JADU) permit must be permitted in accordance with current state law, regardless of the City's adopted ordinance.

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: While the element provides general information about development standards, it must include an analysis of potential constraints. The element should address the independent and cumulative effect of these standards and evaluate impacts on housing supply (number of units), cost, timing, and ability to achieve maximum densities. The analysis must specifically address multifamily and mixed-use heights, unit sizes and lot sizes and include programs to address identified constraints.

Parking Requirements: The element must list and analyze parking requirements by use and zone if applicable. The analysis must address impacts on housing supply and cost and should address any guest parking requirements as well requirements for enclosed or covered parking. Should the analysis determine the parking standards are a constraint on residential development, it must include a program to address or remove any identified constraints. As part of this analysis, the element may incorporate flexibility to parking requirements such as efforts to provide bicycle or carshare parking in lieu of existing parking requirements to encourage active mobility. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/land-use-controls.shtml>.

State Density Bonus Law: While the element includes a brief mention of State Density Bonus Law pursuant to Government Code 65915, it should include discussion to demonstrate compliance with this requirement and include a program if necessary. For example, the element should discuss eligibility requirements, level of density bonuses, waiver and modification process and how parking reductions are granted.

Building Codes and Their Enforcement: The element indicates the City utilizes the 2013 Building Code but should also describe how the City utilizes the current 2019 Building

Code. In addition, the element describes the Housing Code Enforcement Program that “warns homeowners against illegally converting a garage to a dwelling unit” (p. 40). However, this program should be reviewed for compliance with state ADU law, which facilitates the conversion of garages to legal dwelling units. Should the analysis determine the code enforcement program is a constraint on residential development, it must include a program to address or remove any identified constraints

Fees and Exaction: While the element provides a table listing various permit fees including several planning and development fees (Table 5.11), it must also analyze their impact as potential constraints on housing supply and affordability. Additionally, certain fees such as the Density Bonus Fee (\$2,126) and the Notice of Substandard Violation (\$538+) should specifically be analyzed for their impact on housing production. The analysis should identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For additional information and a sample analysis and tables, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/fees-and-exactions.shtml>.

Local Processing and Permit Procedures: While the element describes some of its permit procedures for various forms of housing, it must describe and analyze the City 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. For example, the analysis should consider processing and approval procedures, including design review and time for typical single- and multi-family developments, including type of permit, level of review, approval findings and any discretionary approval procedures. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/processing-permitting-procedures.shtml>.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to address these requirements.

On/Off-Site Improvements: While the element acknowledges that some site improvements may be required as part of housing development (p. 102), the element must provide more detail on these 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. 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>.

Constraints on Housing for Persons with Disabilities: While the element includes discussion of its definition of “family” and specifies that “this definition does not discriminate or limit access to housing for persons with disabilities” (Page 105), the language should be further reviewed as a possible constraint. Additionally, while the element specifies there is a reasonable accommodation procedure (p. 70), it must describe approval findings for providing exceptions in zoning and land use or include a program to do so. (Gov. Code, § 65583, subd. (c)(1)(3).) Finally, the element indicates

group homes for six or fewer and seven or more persons are excluded from residential zones and subject to a use permit process. The element should evaluate the lack of zoning and procedures for impacts on housing for persons with disabilities and include a program to address identified constraints.

Other Local 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).

Zoning and Fees Transparency: The element mentions the City's website but should clarify its compliance with new transparency requirements for posting fees and 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 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).)*

While the element includes some minimal qualification of special housing needs, it generally does not analyze those needs. An analysis should address (1) the characteristics of housing needs such as household income, tenure, appropriate housing types and zoning, (2) demographic trends, (3) comparisons in needs relative to other households, (4) available resources and strategies and (4) the magnitude of the gap in addressing housing needs. The analysis should also consult local officials, special needs service providers, or social and health service providers or other relevant organization. For additional information and a sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/large-families-female-head-household.shtml>.

In addition, the element indicates a minimal need for farmworkers according to the American Community Survey. However, farmworkers from the broader area and those employed seasonally may have housing needs, including within the City's boundaries. As a result, the element should at least acknowledge the housing needs of permanent and seasonal farmworkers at a county-level (e.g., using USDA county-level farmworker data) and include programs as appropriate.

### **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, subd. (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific commitment and role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. While the element includes programs, these programs generally do not meet these requirements, particularly related to specific commitment and definitive timelines. HCD will send examples of programs under separate cover.

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 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.

In addition, the element identifies sites used in prior planning periods. In order to use these sites in the current planning period, the element must include a program. The program must be implemented within the first three years of the planning period and

commit to zoning that will meet the density requirements for housing for lower-income households and allow by-right approval for housing developments that include 20 percent or more of its units affordable to lower-income households.

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 programs to assist in the development of housing for lower-income and moderate-income households, including extremely lower-income and all special needs households. Program actions could include proactive outreach and assistance to non-profit service providers and developers, assisting with funding for housing developments affordable to extremely low-income and 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 Findings B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

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 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 AFFH. Based on the outcomes of that analysis, the element must add or modify programs as appropriate.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

Program 3 (Second Units): Program 3 should be revised to commit to adopting a compliant ADU ordinance within six months of adoption. In addition, the program should also be expanded to include incentives to promote the creation and affordability of ADUs. Examples include exploring and pursuing funding, modifying development standards and

reducing fees beyond state law, increasing awareness, pre-approved plans and homeowner/applicant assistance tools.

#### **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 a quantified objectives for new construction, it must also provide estimates for the number of units that will be rehabilitated and conserved during the planning period. Further, objectives should be broken down to clarify goals related to extremely low-income households.

#### **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 some information about comments collected during the public participation process (pp. 9 to 26), it should also describe how comments were considered and incorporated into the element. Additionally, the element should clarify when the draft was made available to the public and how and, moving forward, employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households.