

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

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August 6, 2021

Amy Bodek, Director of Regional Planning
Department of Regional Planning
County of Los Angeles
320 W. Temple St, 13th Floor
Los Angeles, CA 90012

Dear Amy Bodek:

RE: Review of County of Los Angeles' 6th Cycle (2021-2029) Draft Housing Element Update

Thank you for submitting the County of Los Angeles' (County) draft housing element received for review on June 7, 2021, along with revisions received on July 27 and July 30, 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 telephone conversation on July 22, 2021 with Tina Fung, Connie Chung, Ayala Scott, and the County's consultant, Veronica Tam. In addition, HCD considered comments from Abundant Housing, YIMBY Law, and Josh Albretson, 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 revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the County must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County 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.

Pursuant to Government Code section 65583.3, subdivision (b), the County must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The County can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Please note, upon adoption of the housing element, the County must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County 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 and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; The Prohousing Incentive 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 County meets housing element requirements for these and other funding sources.

HCD appreciates the hard work and diligence Connie Chung, Assistant Administrator and the housing element team provided during the course of our review. We are committed to assist the County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Sohab Mehmood, of our staff, at Sohab.Mehmood@hcd.ca.gov.

Sincerely,



Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX COUNTY OF LOS ANGELES

The following changes are necessary to bring the County'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. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing (AFFH) 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))*

Promote AFFH 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).)

Enforcement and Outreach Capacity: The element needs to include an analysis of data related to enforcing fair housing laws for trends and patterns. Enforcement data at minimum should include any past or current fair housing lawsuits, findings, settlements, judgements, and complaints. The analysis could also evaluate data and the results from any fair housing testing. The analysis should also describe compliance with existing fair housing laws and regulations and include information on outreach capacity.

Integration and Segregation: The element includes limited local data on segregation and integration of race, familial status, and income, and no data on people with disabilities. The element needs to include complete local and regional data on integration and segregation for the unincorporated County and analyze it for both local and regional trends and patterns.

Racial/Ethnic Areas of Concentration of Poverty (RECAP): The element includes some data on racially and ethnically areas of concentrated poverty and affluence (RECAA). The element should be revised to include more local and regional data on RECAPs and RECAA as well as analyze this data for trends and patterns.

Access to Opportunity: The element includes some data on access to opportunities including education, economic, transportation, and environmental and no data or analysis on regional trends and patterns related to this topic. The element needs to

include local and regional data and an analysis of that data for trends and patterns related to access to opportunity.

Disproportionate Housing Needs including Displacement Risks: The element includes some local and regional data on cost burdened households, overcrowding and substandard housing issues but does not analyze this data. Additionally, the element includes no local or regional data on homelessness and displacement risks. The element should include complete local and regional data for the disproportionate housing needs people face in the unincorporated County and analyze that data for local and regional trends and patterns.

Local Data and Knowledge, and Other Relevant Factors: The element includes no additional local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the unincorporated County related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers. The element also included a number of maps that demonstrate concentrations of fair housing issues throughout the unincorporated areas but does not describe or analyze these maps for trends and patterns. For example, the element included maps on pages 78-79 of the appendices displaying concentrations of households at risk of displacement; however, did not explain or analyze this data and connect it to programs or policies.

Contributing Factors: The contributing factors listed in the element is specific to the County as a whole including incorporated cities. The element needs to identify and prioritize contributing factors that are specific to the unincorporated County.

Goals, Priorities, Metrics, and Milestones: Goals and actions must create meaningful impact to overcome contributing factors to fair housing issues. Actions must also:

- Address significant disparities in housing needs and in access to opportunity;
- Replace segregated living patterns with truly integrated and balanced living patterns;
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity; and
- Foster and maintain compliance with civil rights and fair housing laws.

Currently, the element identifies several programs to address fair housing issues. However, to facilitate meaningful change and address AFFH requirements, the element will need to add or revise/expand programs to demonstrate how it addresses fair housing issues. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results. For example, Program 3: Climate Action Plan, states that implementation will address racial inequity and better serve communities of color. However, the program should be expanded to describe why and how this program will address inequities through listing specific deliverables, objectives, and metrics. Additional programs that could be revised and strengthened include but are not limited to programs 7, 8, 15, 17, 33, 38, 41, 42, and 46.

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 Stock Conditions: The element identifies the age of the housing stock (p.106), units that are lacking adequate plumbing or kitchen facilities, and a discussion of code violations. However, it must explicitly quantify the number of units in need of rehabilitation and replacement. For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The County has a regional housing need allocation (RHNA) of 90,052 housing units, of which 39,339 are for lower-income households. To address this need, the element relies on entitled projects, specific plans, accessory dwelling units (ADUs), county-owned sites, and nonvacant site. To demonstrate the adequacy of these sites and strategies to accommodate the County's RHNA, the element must include complete analyses:

Progress in Meeting the RHNA: The element indicates 4,563 units have been entitled and that 662 units are affordable to lower-income households. For the County to count these units as progress towards RHNA, the element must demonstrate the likelihood that these projects will be constructed during the planning period. Specifically, the element should indicate the year each project was entitled and the expected construction date, or the likelihood of construction through conducting outreach to the owners/developers. Additionally, the element states that affordability was determined based on deed restrictions, and anticipated sales prices and rents. However, the element needs to specifically indicate which strategy was used for each project listed. For projects that contain lower-income units and affordability was determined based on rents and sale prices, the element should indicate the sale prices and rents for those projects.

Specific Plans: The housing element relies upon specific plan areas to accommodate 6,045 units of the County's RHNA including for lower-income households (p.167-169). While the housing element indicates the specific plans' residential capacity and estimates the number of units by income group, it does not provide any analysis demonstrating their suitability for development in the planning period or potential affordability. Additionally, the element needs to clarify which, if any, specific plans are being used as projects as progress towards RHNA or as sites in the inventory. To utilize residential capacity in specific plans, the element must:

- Indicate if projects are approved or pending for the specific plan areas, describe the status of the project, including any necessary approvals or steps prior to development, and the affordability of the projects' units based on anticipated rents, sales prices or other mechanisms (e.g., financing, affordability restrictions) ensuring their affordability.
- If sites are available for development and do not have pending or approved projects, the element must among other requirements, list sites by parcel, size, general plan designation, zoning and include a calculation of the realistic capacity of each site.
- Describe necessary approvals or steps for entitlements for new development (e.g., design review, site plan review, etc.).
- Describe any development agreements, and conditions or requirements such as phasing or timing requirements, that impact development in the planning period.

County-Owned Sites: The element relies on County-owned sites to accommodate a portion of the RHNA. It also noted that most of these sites are located in the incorporated cities and they are nonvacant. The element must include the following for a complete analysis as well as a program that commits to developing on these sites.

- Indicate whether the sites have approved or pending projects or are suitable for development in the planning period.
- For nonvacant sites with no approved or pending project, an analysis of the extent that the existing use constitutes as an impediment or that the existing use will discontinue during the planning period.
- If no approved or pending project, the density, zoning, and conditions are appropriate to facilitate new development within the planning period and the County has a right to develop per sovereign immunity pursuant to Section 53090 and 53091 of the California Government Code and disregards the local zoning regulations for these projects.
- Indicate whether the County is both the permitting authority in terms of the approval of a project and issuing building permits.

Realistic Capacity: The element states that the County is assuming 80% of the maximum density on all sites including nonvacant and mixed-use sites (p.180). The element also states that the assumption is based on past multifamily developments built over the last three years. However, the analysis needs to specifically include a list of past developments that have been built at similar densities, affordability levels, and community plan areas or zones to relate it to the inventory. A complete analysis should also include a discussion of current trends and programs or policies to facilitate achieving 80% of the maximum density. Additionally, the element stated that an automatic 27.5% density bonus was applied to sites within Coastal South Los Angeles, San Gabriel Valley, and Santa Clarita Valley. The analysis needs to describe the thresholds for a project to qualify for a density bonus, the likelihood of developers taking advantage of the density bonus and circumstances where the density bonus will not be utilized. The element also needs to 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, performance standards, and development trends supporting residential. 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, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The sites inventory identifies small sites to accommodate the County's lower-income RHNA including candidate sites as part of the shortfall. The element also states that contiguous lots are assumed to have potential for lot consolidation if the lots are under the same ownership (p.178). However, the element should also describe the County's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, specific examples of projects that were built for lower-income households on similarly sized sites, densities and affordability and relate those examples back to the sites inventory. A complete analysis should also include a discussion of current trends and the degree of reliance on small sites to accommodate the lower-income RHNA. Based on a complete analysis, the County should consider adding or revising programs to include incentives for facilitating lot consolidation development on small sites.

Suitability of Nonvacant Sites and Candidate Sites for Rezoning: The element identifies a large portion of its RHNA at all income levels on nonvacant sites including sites that will be rezoned to address the 6th cycle shortfall (p.178-185). The analysis mentioned a list of factors that were considered to determine development potential including age of structures and degree of underutilization. However, the element should list the actual values for each of the sites to better relate the overall analysis to the sites inventory. Additionally, the analysis should describe why and how the factors demonstrate that these sites are suitable for development.

For a complete analysis, the element can include descriptions of the different typologies or uses on nonvacant sites based on each community area, information on vacancies and the demand for the existing use, past and current development trends, examples of similar existing uses redeveloped into residential at similar densities and affordability as identified in the inventory, and policies and programs that facilitate residential development on nonvacant sites.

In addition, the element should clearly identify the degree of reliance on nonvacant sites to accommodate the housing need for lower-income households. If the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, as part of the resolution to adopt the housing element, the County must make findings based on substantial evidence that the use is likely to be discontinued pursuant to Government Code section 65583.2, subdivision (g)(2).

ADUs: The County is counting 500 ADUs per year for a total of 4,000 ADUs to accommodate its moderate and above moderate RHNA. The element shows that

the County permitted an average of 371 ADUs per year between 2018-2020 (p.172). Additionally, the County permitted 277 ADUs in the first half of 2021. However, the analysis and programs do not support the assumption that 4,000 ADUs will be permitted during the planning period. As a result, the element should be revised to reduce the number of ADUs assumed per year. Additionally, the County should consider additional incentives such as streamlined process for building permits, a strong education and marketing program for homeowners, financial incentives, or other zoning actions such as allowing more than one ADU (e.g., Junior ADU) that converts existing space, permitting duplexes to fourplexes in single family zones.

Sites with Zoning for a Variety of Housing Types:

- *Low Barrier Navigation Shelters:* The element stated that the County complies with Government Code sections 65660, 65664, 65666, and 65583 – Low Barrier Navigation Shelters (LBNC) – by allowing overnight safe parking and shelters as an accessory use. However, the element needs to specifically state whether the County allows LBNC as a use by right in all zones that allow mixed use and nonresidential zones that permit multifamily uses.
- *Parking Standards for Emergency Shelters:* The element stated that the County complies with Government Code sections 65660, 65664, 65666, and 65583 parking and quantification for homeless shelters, by allowing overnight safe parking. However, the element needs to demonstrate that parking requirements for emergency shelters do not require more parking than other residential or commercial uses within the same zone. Additionally, the element should state whether the need for emergency shelter capacity was based off the most recent point-in-time count, number of shelter beds available on a year-round and seasonal basis, the number of beds that go unused on an average monthly basis, and the percentage of those who moved into permanent housing from emergency shelters.

Based on the analysis, the County may need to add or revise program(s) to comply with requirements for emergency shelters and LBNC. For technical assistance please visit [The Housing Planning Hub](#).

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).)*

An analysis of potential and actual non-governmental 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 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 Section 65584. (Gov. Code, § 65583, subd. (a)(6).)

Fees and Exaction: The element includes a general description of the different fees required for a proposed housing development (p. 142). However, the element needs to analyze whether fees are a potential constraint to development. For example, it should include the proportion of fees to the overall cost to build a multifamily unit or development and a single-family home.

Local Processing and Permit Procedures: The element lists three types of discretionary reviews and the different types of permits generally required for housing developments (p.135). However, the element also needs to analyze the extent to which the discretionary reviews constrain housing supply and affordability. The element should describe and analyze approval findings for a conditional use permit (CUP) and discuss any guidance available to promote more certainty and clarity for applicants.

Constraints on Housing for Persons with Disabilities: The element noted that the County utilizes a local reasonable accommodation (RA) ordinance, and that the findings relate to the necessity and reasonableness of the request (p.154); however, the analysis must include a list of the required approval findings for RA requests. Additionally, the element states that group homes for adults and children of seven or more is subject to a CUP in almost all residential zones and zones that allow for residential (p.126-127). The element also states that a CUP is considered a Type III review requiring both a public hearing and approval from planning commission, ranging from 6-8 months in approval time, costs starting at \$10,000 in permit fees, and requires "proper integration with the surrounding community" (p.135-139) This constitutes as a barrier to housing for persons with disabilities and as such must be addressed through a program.

Requests for Lower Density, Permit Times, and Efforts to Address Non-Governmental Constraints: The element must include analysis of land and construction costs for single family and multifamily housing, requests to develop housing at densities below those identified, 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.

5. *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).)*

Special Needs Households: The element must include an analysis of the existing needs and resources for each special needs group including farmworkers,

extremely low-income households (ELI), people experiencing homelessness and large families. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability of shelter beds, # of large units, # of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

Extremely Low-Income Households: The element must quantify existing and projected extremely low-income (ELI) households and analyze their housing needs. The analysis of ELI households could consider tenure and rates of overcrowding and overpayment. [Building Blocks: Housing Needs - Extremely Low Income Housing Needs \(ca.gov\)](#)

Large Families and Female-Headed Households: While the element quantifies the number of large households and female-headed households living in the unincorporated County (p.92-93), the element must include an analysis of their existing needs, gaps in resources to meet those needs, and policies and programs to address unmet needs. Specifically, when analyzing existing needs and resources for large families, the element could analyze the proportion of large families that also experiencing overcrowding, cost burdened and discuss the availability of larger rental units (3+ beds) relative to the number of large households. [Building Blocks: Large Families and Female-Headed Households \(ca.gov\)](#)

Farmworkers: While the element quantifies the number of permanent farmworkers living in the unincorporated County (p.94), the element should quantify how many seasonal farmworkers live or work in the unincorporated County, a description of the different housing types available to meet their needs (e.g., single-room occupancy, migrant centers, employee housing, etc.), and proposed resources and policies to address their needs. [Building Blocks: Housing Needs - Farmworkers \(ca.gov\)](#)

People Experiencing Homelessness: While the element discusses current zoning for emergency shelters and transitional and supportive housing as well as County financial and administrative resources (p. 194), the element needs to discuss whether current resources meet the needs of the unincorporated County's homeless populations and/or what other policies and programs are in place to address the needs gap. For a complete analysis, the element should include:

- A discussion of the existing and potential housing problems
- Description of existing resources such as how many shelter beds are available, discussion of shelters that specialize in specific populations (families, chronically homeless, female shelters, etc.)
- Current resources and programs to meet their needs, an assessment of the gap in current resources, and identification of programs and policies that will help address the gap.

C. Housing Programs

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

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

Specifically, the programs should be revised to include a more detailed timeline for implementation. The element states that implementation for a program would be completed "by 2024"; however, the element should be revised to include a month or quarter for the year that it will be completed, such as, "October 2024."

The element's programs need to provide more specificity on what the program will be doing, specific actions the County will take to implement the program, and what issues, goals, or policies it will be addressing. For example, Program 10: Comprehensive Residential Design and Development Standards states that adding objective design in the zoning code will promote livable and equitable communities. The element needs to clearly connect how updating the zoning code promotes livable and equitable community, a specific date, and how it accomplishes Policy 8.2 which focuses on sustaining the overall livability of neighborhoods.

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 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 A3, 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 County may need to add or revise programs to address a shortfall of sites, zoning available to encourage a variety of housing types and incentives to facilitate development. In addition, the element should be revised as follows:

Programs 2, 7, 8, 16: The element identifies a current shortfall of 67,243 units and that the rezoning will be completed through specific plan updates identified in programs 2, 7, and 8. However, the element must include a listing of potential sites to accommodate it shortfall. Program 16 should be revised to specifically commit to rezoning sites to accommodate the shortfall of sites to accommodate the County's RHNA pursuant to Government Code section 65583.2, subdivisions (h) and (i). At a minimum the program must commit to the following:

- 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. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval.
- Accommodate a minimum of 16 units per site;
- Require a minimum density of 20 units per acre; and
- At least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low- and low-income housing need, if those sites:
 - Allow 100 percent residential use, and
 - Require residential use occupy 50 percent of the total floor area of a mixed-use project.
- Please refer to the sample program included in the Sites Inventory Guidebook on page 37 for more guidance: [Housing Element Sites Inventory Guidebook \(ca.gov\)](#)

Program 19 (ADU Construction): This program should be revised based on the outcomes of a complete analysis as noted in Finding A3. This program states the County will consider other tools and incentives for ADU construction such as outreach, technical and financial assistance. This program should include specific commitments for when and how they will develop and implement additional incentives for ADU construction.

County-Owned Sites: The element needs to include a specific commitment to developing on County-owned sites. Actions must include:

- Reporting units to Department of Finance as the County's housing stock, not the City where the site is located.
- Commitment to facilitate approvals, entitlements, and building permits
- Marketing sites including issuing annual RFPs, outreach with developers
- Developing and providing incentives

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 housing element must contain program(s) to that assist in the development of housing for all income levels and special needs population including farmworkers, people with disabilities, and people experiencing homeless. The element should be revised to include a program, or add to existing programs, to addressing the housing needs for farmworkers. For technical assistance, please visit: [Building Blocks: Program Requirements - Assist in the Development of Housing \(ca.gov\)](https://www.ca.gov/building-blocks-program-requirements)

4. *Address and, where appropriate and legally possible, remove governmental and non-governmental 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 and nongovernmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.

5. *Promote AFFH 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 A1, the element must include a complete analysis of AFFH Based on the outcomes of that analysis, the element must add or modify programs.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

HCD understands the County did not make the element available to the public prior to submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission to HCD, the County has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in the course of its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The County must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. In addition, HCD reviewed third-party comments as part of this review. These comments will be provided to the County under a separate cover and should be considered as part of the revised element. HCD's future review will consider the extent to which the revised element

documents were circulated and how the County solicited, considered, and addressed public comments in the element. The County's consideration of public comments must not be limited by HCD's findings in this review letter.

E. Coastal Zone Localities

Coastal localities shall document the number of low- and moderate-income units converted or demolished, and the number of replacement units provided. (Gov. Code, § 65588, subd. (d).)

The element does not meet the statutory requirements. To determine whether the County's affordable housing stock in the coastal zone is being protected and provided as required by Government Code section 65588, the element must be revised to include the following:

1. The number of new housing units approved for construction within the coastal zone since January 1982.
2. The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within the coastal zone or within three miles.
3. The number of existing residential dwelling units occupied by low- and moderate-income households either within the coastal zone or three miles of the coastal zone that have been authorized to be demolished or converted since January 1982.
4. The number of residential dwelling units for low- and moderate-income households that have been required for replacement.