

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

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December 3, 2021

Jennifer Le, Director
Economic and Development Services Department
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Jennifer Le:

RE: City of Costa Mesa's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Costa Mesa's (City) draft housing element received for review on October 6, 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 November 30, 2021 with you, Scott Drapkin, Assistant Director, and your consultant team. In addition, HCD considered comments from Kennedy Commission, People for Housing, Costa Mesa Affordable Housing Coalition, NSight, Paul Alexander, CasaCapri Recovery, SoCal Recovery, Jason Brewer, Keith Randle and David Alexander pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

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 this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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.

HCD appreciates the hard work and dedication you, Scott Drapkin and the rest of the City's housing element team 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 assistance, please contact Marisa Prasse, of our staff, at Marisa.Prasse@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF COSTA MESA

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).)

As part of the review of programs in the past cycle, the element must also provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

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. The City has made a tremendous outreach effort but must summarize and relate this input to all components of the AFFH analysis and modify or add goals and actions as appropriate. Further, the element mentions the regional analysis of impediments to fair housing choice (AI), including outreach but should also tailor and summarize that outreach relative to Costa Mesa's fair housing issues and formulate appropriate programmatic response.

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. This analysis should be complemented by local data and

knowledge, including input from commenters, and other relevant factors as described below.

Enforcement: The element mentions local capacity for fair housing education and outreach, but it should also discuss the ability to investigate complaints, obtain remedies, or engage in fair housing testing and address any trends and characteristics of fair housing complaints and enforcement. In addition, the element should address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgments, or complaints. Based on the outcomes of this evaluation, the element should summarize issues, identify contributing factors and formulate meaningful goals and actions as described below.

Integration and Segregation: As noted above, the element must include analysis of integration and segregation, particularly for race, disability, familial status and income.

In addition, the element should include a specific analysis of the housing and community development needs of persons with disabilities, including incorporating public comments. The analysis should consider the unique needs and barriers faced by persons with disabilities and whether persons with disabilities are able to access housing choices and services in an integrated community-based setting. Examples include accessibility features for housing, transportation, education, jobs and other types of community elements to enable fair housing choices. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Areas of Affluence (RCAA): The element states that a R/ECAP does not exist, however, HCD notes the City does have an area of High Segregation and Poverty according to TCAC/HCD Opportunity maps. In addition, the element identifies a concentrated area of affluence. As a result, the element should include specific analysis of these areas, as described above, to better formulate appropriate goals and actions.

Disparities in Access to Opportunity: As noted above, the element must include analysis of disparities in access to opportunity. This analysis must address access to opportunity for education, economy, transportation and environment.

Disproportionate Housing Need including Displacement Risk: The element generally does not address this requirement. The analysis must address disproportionate housing needs related to overpayment, overcrowding, housing conditions, homelessness and displacement risk and include analysis as described above.

Local Data and Knowledge, and Other Relevant Factors: The element generally does not address these requirements. The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City 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. Also, the element includes some general information on lending and hate crimes, but it 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.

Sites Inventory: While the element provides information regarding the placement of sites relative to race and income, additional analysis is required. For example, the element, for all components of the assessment of fair housing, should address the number of units by income group, magnitude of impact on local patterns, any isolation of the RHNA by income group and address the concentrations of sites in key areas and corridors.

Contributing Factors: The element should re-assess and prioritize contributing factors upon completion of analysis and make revisions as appropriate.

Goals, Actions, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

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).)

Extremely Low-income (ELI) Households: While the element generally quantifies existing extremely low-income (ELI) households, it must also identify the projected housing need and analyze existing and projected housing needs. For example, the element should analyze tenure, cost burden, overcrowding and other household characteristics then examine the availability of resources to determine gaps in housing needs. 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 need allocation (RHNA) for very low-income households qualify as ELI households.

For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

Housing Conditions: The element identifies the age of the housing stock. However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. 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).)*

Sites Inventory: While the element lists sites by various factors (Table B-3), it must also list sites by general plan designation.

Realistic Capacity: The element must include a methodology to calculate the residential capacity on identified sites. The methodology must be based on the land use controls and site improvements and typical densities of existing or approved residential developments at a similar affordability level. In addition, if zoning or anticipated zoning allows 100 percent non-residential uses, the methodology must account for the likelihood of 100 percent non-residential uses occurring on identified sites. The methodology should be based on factors such as development trends, performance standards or other relevant factors. For example, the element could analyze all development activity in these non-residential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

Suitability of Nonvacant Sites: The element lists examples of recent development on nonvacant sites and makes a general statement that prior uses on these redeveloped sites are similar to existing uses on identified sites. However, the element should provide supporting information to demonstrate the similarity between redevelopment trends and identified sites. For example, the element could explain the characteristics of existing uses on recently redeveloped sites and evaluate how those characteristics relate to identified sites through examples of typical sites or quantitative analysis. Further, the parcel listing includes descriptions of how existing uses do not impede redevelopment or why a site might redevelop. The element could highlight these reoccurring descriptions and provide supporting information such as development trends. For example, the parcel listing describes “no recent sign of renovation” or “proximity to major transportation corridor”. The element could provide supporting information for these descriptions to demonstrate the potential for additional development.

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.

Small Sites: Sites smaller than half an acre 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. While the element broadly mentions potential for consolidation based on common ownership, it must include analysis to demonstrate the potential for consolidation. For example, the analysis could describe the City's role or track record in facilitating past lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation or other conditions rendering parcels suitable and ready for lot consolidation.

Large Sites: The element heavily relies on several large sites to accommodate the RHNA. For example, the element identifies capacity for over 5,000 units on three sites. In most cases, the sites are under development agreements and appear to have been intended for development for a substantial amount of time. The element should demonstrate the potential for these sites to be developed as assumed in the planning period, including affordability. For example, the element should discuss the relationship between assumed affordability and development agreement or whether development agreements preclude the assumed affordability. Further, the element should discuss any anticipated steps toward entitlements, anticipated timing of development and whether the assumed number of units could be built in the planning period.

Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must relate those conditions to identified sites and describe any other known environmental or other conditions that could impact housing development on identified sites in the planning period.

Infrastructure: The element generally describes infrastructure but, it must also clarify whether there is sufficient total water and sewer capacity (existing and planned) to accommodate the regional housing need or add or modify programs, if necessary.

Accessory Dwelling Units (ADUs): The element projects 858 ADUs over the planning period or over 100 ADUs per year over the eight-year planning period. This assumption is based on a steady increase in ADUs from 4 units in 2018 and 44 in 2020 and increased interest through 12 ADU approved and 53 applications as of July 2021. However, these indicators do not appear to support assumptions of over 100 ADUs per year. First, HCD records indicate 19 ADUs in 2020. Second, based on 12 approvals (Please note permitted units should be used as a base for analysis) as of July 2021, the City will likely approve 24 ADUs. As for the 53 applications as of July 2021, the element provides no analysis how 53 applications will amount to a similar level of permitted ADUs in the same year. As a result, the element should reconcile 2020 numbers with HCD's records and rescale assumptions based on permitted units and other relevant factors and add or modify programs as appropriate.

Electronic Sites Inventory: 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 for technical assistance.

Zoning for a Variety of Housing Types:

- *Emergency Shelters*: The element mentions emergency shelters are permitted in the MP Industrial zone. However, the element should also clarify shelters are permitted without discretionary action and discuss available acreage in the zone, including typical parcel sizes and the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. Finally, the element lists various development standards such as parking and spacing requirement that should be evaluated as constraints and programs should be added to address identified constraints, particularly parking requirements consistent with AB139/Government Code section 65583, subdivision (a)(4)(A).
 - *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*: After a cursory review of the City's ordinance, HCD discovered several areas inconsistent with State ADU Law. For example, the ordinance limits ADUs to single family zones and place restrictions on conversion ADUs. As a result, the element should add a program to update the City's ADU ordinance to comply with state law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover.
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: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to heights and multifamily parking. The analysis should address any impacts on cost, supply, housing choice, affordability, timing,

approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Processing and Permit Procedures: While the element briefly mentions the Master Plan Approval and Development Review processes, it should address processing times for typical entitlement and describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing, and approval certainty.

Fees and Exaction: While the element lists various planning fees, it must specifically analyze the fees for a density bonus review and include programs to address identified constraints as appropriate.

On/Off-Site Improvements: The element describes various on and off-site improvements, but it should also identify any actual standards and analyze their impact as potential constraints on housing supply and affordability.

Measure Y: The element describes various aspects of the local voter initiative which generally subjects legislative actions (e.g., specific and overlay plans) involving residential development to voter approval. The element further states the measure may be considered a potential constraint and may discourage developers from pursuing housing development. However, the Measure is clearly a constraint on development and conflicts with meeting state requirements. The element must include a specific analysis of the impacts on housing cost, supply, affordability, timing and approval certainty. Based on this analysis, the element must include programs to address this constraint in addition to programs to make sites available to accommodate the RHNA.

Housing for Persons with Disabilities:

- *Transitional and Supportive Housing*: The element mentions definitions of transitional and supportive housing and how these uses should be permitted pursuant to state law, but it should also describe and analyze how the City permits these uses. For example, the element should describe what definitions are utilized, including for target population, which zones permit these uses, permit types and whether the uses are subject to any special regulations.
- *By-right Permanent Supportive Housing*: Permanent 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 or add or modify programs as appropriate.
- *Reasonable Accommodation*: The element (pp. 3-28 to 3.29) describes the reasonable accommodation ordinance, but it must also include analysis of potential constraints and add or modify programs to address identified constraints. For example, the ordinance contains several additional factors that the City may consider in its review of an application such as consistency with the general plan and impacts on properties in the vicinity. These factors and other provisions of the ordinance may act as constraints. The

element should include specific analysis of any potential constraint, including considering public comments and add or modify programs as appropriate.

- *Definition of Family:* The City's zoning code generally defines "family" as living together as a single housekeeping unit. The code subsequently defines single housekeeping unit with multiple restrictions that may act as constraints on housing for persons with disabilities. For example, restrictions requiring established ties and familiarity, shared expenses and responsibilities, stable membership and activities on a non-profit basis may act as constraints. The element should include specific analysis of any potential constraint, including considering public comment and add or modify programs as appropriate.
- *Group Homes:* The City's zoning code appears to isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors. Examples include residential care facilities, group homes and sober living homes for six or fewer persons or seven or more persons. First, zoning should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. Second, these housing types are excluded from some residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Finally, these housing types in many cases are subject to a special use or conditional use permit, potentially subjecting housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses. The element should include specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate.

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... (Gov. Code, § 65583, subd. (a)(6).)*

While the element includes an analysis of potential non-governmental constraints, such as the availability of financing, it must analyze requests to develop housing at densities below those anticipated in the sites inventory and the length of time between receiving approval for a housing development and submittal of an application for building permits. The analysis should address any hinderances on the jurisdiction's ability to accommodate RHNA by income category and include programs as appropriate.

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).)*

The element includes some general quantification; however, the element should include analysis of households with special housing needs. The analysis should include, but is not limited to, factors such as trends, household income, tenure, housing types, zoning, and available resources. Specifically, the element should address the total number of persons with developmental disabilities, elderly households by tenure and the characteristics and trends of persons experiencing homelessness. 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>.

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 have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific commitment. Programs to be revised with discrete timelines include Program 1A (Owner Occupied Housing Rehabilitation), 1B (Mobilehome Rehabilitation), 2B (Affordable Housing Development), 2C (Supportive Services), 2D (Senior Housing Options), 2E (Options for Large Family Households), 3B (Fairview Development Center), 3E (Promote Accessory Dwelling Units) and 3P (Federal/State Housing Programs). Programs to be revised with specific commitments include:

- Program 2B (Affordable Housing Development): The Program should be revised with actions to establish incentives, beyond analyzing potential incentives.
- Program 2F (Persons with Disabilities): The Program should commit to actions beyond accommodating accessibility efforts and include proactive steps to improve and develop housing for persons with disabilities.
- Program 2D (Encourage Development of Housing Sites Listed in Inventory): The Program should provide a commitment to the implementation of incentives to encourage the development of housing sites listed in the inventory.
- Program 3E (Promote Accessory Dwelling Units): This Program should commit to establish a program by a specified date, beyond evaluating potential programs.
- Program 3F (Motel Conversions): The Program should include proactive actions to establish or complete a deliverable, beyond evaluating potential benefits.

- 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 should be revised as follows:

- Shortfall of Adequate Sites: Programs to rezone sites and accommodate a shortfall of adequate sites (3C and 3D) must be revised to address all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i) and commit to allowable densities, minimum acreage to be rezoned, number of shortfall units and amending any caps on residential development.
 - Program 4B (Fairview Development Center): The Program should commit to a schedule of actions to facilitate development in the planning period including zoning, incentives, expedited processing and similar actions. The program should also include alternative action if the development is not occurring according to the schedule.
 - Program 3M (ADU Monitoring): The Program should commit to monitoring the production and affordability more than once in the planning period (e.g., every two years).
 - Large Sites: As noted in Finding B3, based on the outcomes a complete analysis, programs should be added or modified to ensure availability and affordability of development in the planning period as anticipated in the sites inventory.
 - Program 4E (Low Barrier Navigation Centers): The Program should be revised with a timeline earlier in the planning period (e.g., within one year).
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).)*

ELI Households: The element must include a program(s) with specific actions and timelines to assist in the development of housing for extremely low-income households. The program(s) could commit the City to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to extremely low-income households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/program-requirements/assist-in-development-housing.shtml>.

Density Bonus: The Program states the City is compliant with State Density Bonus Law (SDBL) by deferring to Government Code section 65915; however, an ordinance is required to

comply with SDBL and the Program should be revised with a specific commitment to adopt an ordinance by a date certain.

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 non-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.

In addition, Measure Y conflicts with the City's ability to meet state requirements, including making sites available to accommodate the RHNA and addressing constraints on housing. Program 3G must be revised with a specific schedule of actions to make sites with appropriate zoning available to accommodate the RHNA, including considering any exceptions within the Measure for the purposes of meeting mandates for rezoning or other changes in land use regulations, modifying the Measure and other steps that will be taken to ensure zoning will be completed within three years. If the appropriate zoning is not complete, the Program must include steps that will be taken to take alternative action. In addition, the Program or other programs should be added or modified to address this fundamental constraint to development.

5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element requires a complete analysis of affirmatively furthering fair housing. Depending upon the results of that analysis, the City must revise or add programs.

6. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs... The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

Program 1C (Preserving At-risk Units): While the Program regularly monitors at-risk units and commits to work with property owners, it must also commit to following noticing requirements, coordinating with qualified entities that preserve at-risk units, assisting with funding or supporting funding applications and providing assistance and education to tenants.