

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

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October 9, 2015

Mr. Tony Boren, Executive Director
Fresno Council of Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721

Dear Mr. Boren:

RE: Review of the Fresno County Multi-Jurisdictional 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the multi-jurisdictional draft housing element for Fresno County and the cities of Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma. The housing element was received for review on August 12, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. In addition, the Department considered comments from Leadership Council for Justice and Accountability pursuant to GC Section 65585(c).

The Department commends the collaborative efforts of Fresno Council of Governments (Fresno COG) and the participation of all of its member jurisdictions in the multi-jurisdictional housing element process. The Department appreciates the opportunity to partner and work with Fresno COG through the planning and implementation process. While the draft element addresses many statutory requirements, revisions will be necessary to comply with State housing element law (GC, Article 10.6). The findings listed in the body of this letter apply to all jurisdictions contained in the multi-jurisdictional element. This letter also includes a separate appendix for each jurisdiction for specific findings that apply only to that jurisdiction. The findings applicable to all jurisdictions in the main body of the draft housing element are as follows:

1. *Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element (Section 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 jurisdiction's accomplishments over the previous planning period, evaluate the effectiveness of actions and revise current programs as appropriate based on this evaluation.

While the draft housing element contains various data toward addressing this statutory requirement, the element should be revised to show how programs are being modified based on the evaluation of past progress and effectiveness of efforts to address the housing needs of the community. The essential piece of this requirement is to reflect on past efforts and additional efforts that can improve future results. The element does not seem to provide a connection between review of previous programs and current programs. For example, in some cases, past programs were effective and appropriate to continue but have not been included in the element. In other cases, a program was not implemented due to reasons such as a lack of resources but an appropriate response is not apparent in the current program. As a result, applicable current programs should be revised based on the review of past efforts.

2. *An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (GC 65583 (a)(2)).*

The element identifies the age of the housing stock (page 2-28). However, it must include an estimate of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, the code enforcement agency, or from knowledgeable profit or nonprofit developers or organizations. For additional information, see http://www.hcd.ca.gov/hpd/housing_element2/EHN_HousingStockChar.php.

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

Zoning for Lower-Income Households: The element identifies 15 units per acre as being appropriate to accommodate housing for lower-income households. However, the element may need additional analysis, as follows:

- *For jurisdictions utilizing densities less than 20 units per acre to accommodate the housing needs of lower-income households, the element must include analysis to support the density assumption for lower income affordability. For example, the element relies upon a listing of developments and their affordability but does not provide sufficient analysis of the listing such as the age of the property and/or description of experience in the zone to determine affordability to different income groups. Further, the analysis includes a generic statement about construction and land costs but should also relate that statement to financial feasibility at the identified densities and include discussion of land costs at various densities. The analysis could also consider additional information from developers of housing affordable to lower-income households regarding financial feasibility.*

- *For jurisdictions utilizing densities of at least 20 units per acre, no analysis is required other than identifying sufficient sites to accommodate the RHNA for lower-income households (Section 65583.2(c)(3)).*

Suitability and Availability of Infrastructure: The housing element includes a general description of public facilities throughout the County; however the element must describe the existing and planned infrastructure availability and capacity within each jurisdiction. Furthermore, the element must include a description of how the infrastructure capacity associated with the identified development potential in each jurisdiction can accommodate all the regional housing need. For your consideration, choosing a regional approach to this requirement may involve meeting additional planning requirements as described below under Other Elements of the General Plan.

Also, for your information, GC Section 65589.7 requires water and sewer providers to establish specific procedures and grant priority water and sewer service to developments with units affordable to lower-income households. The statute also requires local governments to immediately deliver the housing element to water and sewer providers. In providing service providers a copy of the housing element, the Department recommends including a cover memo describing the housing element, including housing needs and share of the regional housing need.

4. *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 (Section 65583(a)(7)).*

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

The element contains a general analysis and estimation of the number of farmworkers in the region. However, the element should supplement the analysis with additional data in order to better quantify the number of farmworkers and analyze their special housing needs. Local officials, special needs service providers or representatives, and City and County social and health service providers may be able to assist with information to complete the analysis. For additional information, please see the enclosed data for your consideration and *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/HN_SHN_home.php.

In addition, although each jurisdiction has an Affordable Housing Incentive program, given the extent of needs throughout the region, each jurisdiction should include programs to address the housing needs of farmworkers. The program must include specific actions and timeframes. For additional information, see the *Building Blocks* at our Department's website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_assist.php.

5. *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 (Section 65583(c)).*

The element notes that most jurisdictions participating in the multi-jurisdictional effort lack staff and resources (page 1A-9). The Department acknowledges these challenges in terms of preparing the plan and the crucial work of implementing the plan. For these reasons, the Department encourages the multi-jurisdictional effort to recognize and explore methods to address these challenges. Potentially, these challenges represent an opportunity to enhance and continue the collaborative efforts of the multi-jurisdictional effort and the Department is committed to assist Fresno COG and its participating members.

6. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing (Section 65583(c)(1)).*

Some jurisdictions have pending zoning amendments to facilitate a variety of housing types such as emergency shelters and transitional and supportive housing. In some cases, the element includes a program to complete the zoning amendments and in other cases, the housing element appears to anticipate the zoning amendments being completed prior to adoption by the statutory due date. For those jurisdictions with pending zoning amendments and no accompanying program, the element may need to add a program if the zoning amendments are not going to be completed as anticipated. Regarding the requirement for local governments to identify a zone permitting emergency shelters, the Department may not be able to find the jurisdiction in full compliance with housing element law.

7. *The housing program shall promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin or color (Section 65583(c)(5)).*

Fair Housing Programs must demonstrate a process to address fair housing complaints and describe how fair housing information is disseminated in a variety of methods and locations throughout each jurisdiction and the timing of education efforts. Some housing elements do not contain all these components and should be revised as appropriate. In addition, jurisdictions could consider additional actions facilitating consistency with requirements to affirmatively further fair housing, including regional approaches through the Fresno multi-jurisdictional effort. For additional information and a sample program, see the Building Blocks at our Department's website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_eho.php.

8. *The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals (Section 65583(c)(7)).*

The element states that general plan consistency must be maintained during the planning period; however, the element should describe how jurisdictions intend to maintain consistency throughout the planning period. For example, the element could include a program to conduct an internal consistency review of the General Plan as part of the annual General Plan implementation report required by Section 65400. The annual report can also assist future updates of the housing element. For additional information and a sample program, see the Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/OR_coastal.php

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

While the housing element includes a general summary of the public participation process and some comments, it should describe how those comments are incorporated into the document. For example it appears in many cases, particularly related to comments on the draft, that revisions were not incorporated to address public comments. The Department encourages the multi-jurisdictional effort to work collaboratively with its stakeholders to better address the housing and community development needs of the region. Also, during the period between this draft element and the adoption of the final housing element, the multi-jurisdictional effort and each jurisdiction must continue efforts to achieve public participation including from low and moderate income households, special needs populations or representative organizations such as those commenting on this draft.

In addition, the Department encourages the multi-jurisdictional effort to consider the San Joaquin Valley Fair Housing and Equity Assessment as part of the housing element update and utilize various resources available to the County, including mapping and GIS services. The multi-jurisdictional collaborative effort is a tremendous opportunity to regionally evaluate demographic patterns and potential strategies to further fair housing. Department staff are available to work with Fresno COG and the multi-jurisdictional effort toward developing innovative approaches to the region's housing and community development needs. For more information, please contact the Department and see our website at <http://www.hcd.ca.gov/housing-policy-development/docs/san-joaquin-fair-housing020915.pdf>.

10. Other Elements of the General Plan: Various elements of the general plan are now required to be updated upon adoption or revision of the element. For example, safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard and management information and the land-use element must address disadvantaged communities. Internal consistency must be evaluated upon amendment of the general plan. For information, refer to www.hcd.ca.gov/hpd/hrc/plan/he/ab_162_stat07.pdf and the Governor's Office of Planning and Research at website opr.ca.gov/docs/SB244_Technical_Advisory.pdf.

Also, on or before the next adoption of the housing element, GC Section 65302.10(b) (SB 244) requires that each city and county review and update the Land-Use Element of its general plan. The update shall be based on available data, including, but not limited to, the data and analysis developed pursuant to GC Section 56430, of unincorporated island, fringe, or legacy communities inside or near its boundaries. The Department encourages the multi-jurisdictional effort to jointly consider these timing provisions and welcomes the opportunity to facilitate innovative methods to meet these requirements. For additional information, please see the Technical Advisory issued by the Governor's Office of Planning and Research at http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf.

The enclosed Appendices describe findings that apply to individual jurisdictions. Once the findings applicable to multi-jurisdictional draft element and the individual appendices are revised and adopted to address the requirements identified by the Department, the element will comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008), each local government must adopt the element within 120 calendar days from the statutory due date of December 31, 2015 for Fresno COG. If adopted after this date, GC Section 65588(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 adoption requirements, please visit our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

The Department commends the leadership efforts of Fresno COG and all local governments in participating in the multi-jurisdictional effort. Multi-jurisdiction coordination and participation can result in benefits to the region and its communities and can serve as a model for similarly situated regions throughout California. The Department is committed to continue working with Fresno COG and its participating jurisdictions and welcomes the opportunity to meet in Fresno and discuss alternatives to meeting statutory requirements. If you have any questions or need additional technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,



Glen A. Campora
Assistant Deputy Director

Enclosure

cc: Dwight Kroll, Director, City of Clovis
Sean Brewer, Assistant Director, City of Coalinga
Corina Burrola, Planning Secretary, City of Fowler
Alan Weaver, Director, Fresno County
Jack Castro, City Manager, City of Huron
John Kunkel, Interim City Manager, City of Kerman
Bryant Hemby, Assistant Planner, City of Selma
Holly Owen, Director, City of Kingsburg
Matt Flood, City Planner, City of Mendota
Shun Patlan, Director, City of Parlier
Kevin E. Fabino, Director, City of Reedley
Dan Spears, Director, City of Sanger
Lupe Estrada, City Planner, City of San Joaquin

APPENDIX CITY OF CLOVIS

The following changes, in addition to those listed above, would bring Clovis' housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Unaccommodated Need from the Previous Planning Period: If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, it must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). While the element includes analysis of the City's efforts to address its unaccommodated need, it must include additional analysis to meet these statutory requirements. Specifically, the element must:

- list sites by parcel number or unique reference, size, zone, general plan, and realistic capacity and analyze the suitability of sites rezoned in the Loma Vista Community Centers North and South Master Plan Areas,
- demonstrate compliance with requirements pursuant to GC Section 65583.2(h) and (i) such as permitting multifamily without discretionary action and requiring minimum densities of 20 units per acre and include programs as appropriate, and
- evaluate whether all steps necessary were taken by the City to facilitate annexation, where applicable and include programs as appropriate based on the evaluation. The element should utilize Program 10.1.7 C from the previous element to assist this evaluation.

Realistic Capacity: For sites zoned for nonresidential uses, e.g. commercial and mixed use overlay zones, the element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate

must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential zones, the housing element could describe any performance standards or policies mandating a specified portion of residential or any other factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at our Department's website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures (Section 65583(a)(5)).*

Land-Use Controls: The element must identify and analyze all relevant land-use controls for impacts on the cost, supply and approval certainty of housing. While the element notes flexibility to parking requirement in some master planned areas, it must still analyze the impacts of parking on multifamily uses, particularly studio and one bedroom units. Based on the outcomes of this analysis, the element must include programs as appropriate.

Fees: The element lists fees for typical single family and multifamily development and includes a brief discussion of total impact on development. However, this analysis should account for all fees, including any regional impact fees. In addition, the element should list planning and entitlement fees such as conditional use permits, variances, rezoning, etc. Based on the outcomes of this analysis, the element must include programs as appropriate.

B. 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 (Section 65583(c)).*

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

Programs needing revision include:

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to the state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 7: Code Enforcement. Describe when a housing condition survey will be completed.

Program 10: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 11: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX CITY OF COALINGA

The following changes, in addition to those listed above, would bring Coalinga's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Large Sites: The City of Coalinga appears to rely on a large site approximately 15 acres in size to accommodate the housing need for lower-income households (page 2C-13). However, it is unclear how many individual parcels this site contains. If this site contains contiguous smaller adjacent parcels, the housing element should list parcels and discuss and analyze the potential for lot consolidation. For example, analysis describing the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site. If this site consists of a single parcel, the element should include analysis describing the feasibility of large parcel development of housing affordable to lower-income households. For example, the analysis could describe opportunities for specific-plan development and further subdivision or other methods to facilitate the development of housing affordable to lower-income households on large sites. For additional information, see the *Building Blocks* at our Department's website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#capacity.

2. *Analyze 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the*

regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).

Land-Use Controls: The housing element must identify and analyze all relevant land-use controls for impacts on the cost, supply and approval certainty of housing. While the element indicates that emergency shelters are permitted by-right, the element must analyze the one parking space for every four beds requirement for its impact as a potential constraint on the development of emergency shelters. Based on the outcomes of this analysis, the element must include programs as appropriate.

Fees: The element lists fees for typical single family and multifamily development and includes a brief discussion of total impact on development. However, this analysis should account for all fees, including any regional impact fees.

B. 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 (Section 65583(c)).*

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the

- units be affordable to lower-income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to the state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 4: Preservation of Assisted Housing At-Risk of Converting to Market Rate. The element indicates the City has 44 units at-risk of conversion to market rate. Where appropriate, identify specific timelines/benchmarks for the implementation or completion of each program action and include a quantified objective for preserving the at-risk units.

Program 10: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 11: Housing Choice Vouchers (HCV). The housing element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX CITY OF FOWLER

The following changes, in addition to those listed above, would bring Fowler's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Unaccommodated Need from the Previous Planning Period: If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, it must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). The unaccommodated analysis indicates that "the C-1, C-2, DTWN, and R-3 zones have the ability to accommodate 502 multifamily units at 21.8 units per acre" that are sufficient to accommodate the 4th cycle planning period RHNA of 228 units for lower income households (page 2D-11). To demonstrate adequate sites were made available in the prior planning period, the element must include an analysis or programs demonstrating compliance with the statutory requirements. For example, the element could describe that the sites zoned C-1, C-2, and DTWN had their respective zoning designation for the entirety of the 4th cycle planning period. Given the reliance on small sites, this analysis should also describe what policies or incentives were in place to encourage small lot development. For information, see Department's AB 1233 Memorandum at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf and the *Building Blocks* at our Department's website at http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php.

Realistic Capacity: For sites zoned for nonresidential uses, e.g. commercial and form based code zones, the element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential

zones, the housing element could describe any performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

Suitability of Sites: The element identifies a large site and many small sites to accommodate the City's housing need for lower-income households. Since most developments utilizing State or federal financial resources include 50 to 150 units, the element must include analysis describing the suitability of these sites. For example, the analysis could describe opportunities for specific-plan development and further subdivision or lot consolidation, or other methods to facilitate the development of housing affordable to lower-income households on these sites. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#capacity.

Sites with Zoning for a Variety of Housing Types: The element must describe the housing types that are permitted in commercial and form based code zones.

2. *Analyze 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Land-Use Controls: The element must identify and analyze all relevant land-use controls for impacts on the cost, supply and approval certainty of housing. The element relies on sites in commercial and form based code zones for the development of housing for lower-income households. The analysis must evaluate the cumulative impacts of land-use controls within this zone and evaluate the ability to achieve densities and residential development capacity indicated in the element. Based on the outcomes of this analysis, the element must include programs as appropriate.

Local Processing and Permit Procedures: The element must clarify whether multifamily development is permitted by-right in the commercial and form based code zones.

B. 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 (Section 65583(c)).

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 7: Energy Conservation. The program could describe the following:

- Next steps after "consider incentives" and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are "alternative energy devices?"

Program 8: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will "encourage landlords" to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate*

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

As noted in Finding A1, the element does not include a complete site analysis and 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.

As the element relies on large and small sites to accommodate a portion of the RHNA for lower-income households, it should include a program(s) to facilitate development of housing for lower income households on these sites. For example, the program could commit to (1) granting density bonuses above State density bonus law (Section 65915); (2) deferring fees specifically for consolidation; (3) expediting permit processing; (4) identifying and targeting specific financial resources; and, (5) modifying development standards. For additional information, see http://www.hcd.ca.gov/hpd/housing_element2/PRO_adqsites.php.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX COUNTY OF FRESNO

The following changes would bring Fresno 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 the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Unaccommodated Need from the Previous Planning Period: The County has not yet adopted a 4th cycle housing element and may have an unaccommodated need from the prior planning period. As a result, the County may need to add or modify programs to accommodate the unaccommodated need within the first year of the current planning period. For additional information, see the Department's AB 1233 Memorandum at our Department's website at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf.

Progress in Meeting the RHNA: The housing element indicates (page 2A-13) that 120 mobilehomes affordable to low-income households and 244 mobilehomes affordable to moderate income households have been permitted since January 1, 2006. The element must clarify whether these are new spaces or units and demonstrate their affordability. Affordability must account for all development and housing costs such as leasing space or purchasing land.

Realistic Capacity: The element indicates that sites zoned TP (Trailer Park) can accommodate mobilehome development at 9 units per acre. However, the estimate of the number of units for each site must account for land-use controls and site improvement requirements and should reflect recently built densities. The element should describe zoning and development standards that encourage and facilitate development at stated densities. In addition, the element should document previous and current development trends, as well as incentives, that indicate the stated development potential is feasible and realistic. For example, the element should provide additional analysis and description documenting the number of new mobilehome park developments and hookups approved during the current planning period.

For sites zoned for nonresidential uses, e.g. commercial zones, the housing element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at our Department's website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

In addition, the housing element indicates that the county is largely relying on sites with TP zoning designation to accommodate its need for lower-income housing. The element states that mobilehomes are the second most prevalent type of housing permitted for lower-income households and has identified all existing capacity within the TP zone as being appropriate for lower-income households. Given the reliance on these sites, the housing element must provide analysis in order to demonstrate the appropriateness of zoning for new mobilehome parks to accommodate the lower-income need based on experience in the zone, financial feasibility and development trends.

Small Sites: As the element relies on consolidated small sites to accommodate the RHNA for lower-income households, it should include a program(s) to facilitate lot consolidation and development of housing on small sites. For example, the program could commit to (1) granting density bonuses above State density bonus law (Section 65915); (2) deferring fees specifically for consolidation; (3) expediting permit processing; (4) identifying and targeting specific financial resources; and, (5) modifying development standards. The progress of this program should be monitored and the program should be modified as appropriate to assure its success. For information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/PRO_adgsites.php.

2. *Analyze 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Land-Use Controls: The housing element must also identify and analyze all relevant land-use controls and their impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). The analysis must also evaluate the cumulative impacts of land-use controls on the cost and supply of housing, including the ability to achieve maximum densities. The analysis should also describe past or current efforts to remove identified governmental constraints. At a minimum, the following land-use controls standards appear to be constraints and should be analyzed:

- The element must analyze the requirement regarding one parking space for every six occupants for emergency shelters for its impact as a potential constraint on the development of emergency shelters. In addition, the element must analyze the two spaces parking requirement for 2nd units for its impact as a potential constraint on the development of 2nd units.
- The element must analyze and clarify the height limits and the number of stories allowed in the R2 and R2A zones.
- The element relies on sites zoned TP for the development of housing for lower-income households. The analysis must evaluate the cumulative impacts of land-use controls within this zone and evaluate the ability to achieve densities and residential development capacity indicated in the element.

Fees and Exaction: The element must describe all required fees for residential development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. While the element lists impact fees, such as those for library, parks and protection, some appear to not be included in the analysis. For example, school fees do not appear to be included. For additional information and a sample analysis and tables, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_fees.php.

On/Off-Site Improvements: The housing element must identify subdivision level improvement 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 our Department's website at http://www.hcd.ca.gov/hpd/housing_element2/CON_offsite.php.

B. 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 (Section 65583(c)).

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives are offered; and
- If the density bonus offered is in addition to the state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 11: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will "encourage landlords" to participate in the HCV Program.

Program 12: Energy Conservation. Could describe the following:

- Next steps after "consider incentives" and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are "alternative energy devices?"

Include quantified objectives or benchmarks for each program action.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, emergency shelters and transitional housing. Where the inventory of sites,*

pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by-right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).

As noted in Finding A1, the element does not include a complete site analysis and 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 or zoning available to encourage a variety of housing types.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental 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.

APPENDIX CITY OF HURON

The following changes, in addition to those listed above, would bring Huron's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Progress in Meeting the RHNA: As you know, the City's RHNA may be reduced by the number of new units built since January 1, 2013. The element indicates (page 2E-10) that 30 single family homes affordable to low-income households were either built or have been under construction since January 1, 2013. However, the element appears to credit an additional 30 single family homes affordable to lower income households as being planned or approved on the same parcel (page 2E-11). The element must clarify when these units were either built or approved.

B. 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 (Section 65583(c)).*

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

Programs to be revised include:

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 4: Preservation of Assisted Housing. The element indicates the City has 88 units at-risk of conversion to market rate. Where appropriate, identify specific timelines/benchmarks for the implementation or completion of each program action and include a quantified objective for preserving the at-risk units.

Program 10: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 11: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).

As noted in Finding A1, the element does not include a complete site analysis and 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.

APPENDIX CITY OF KERMAN

The following changes, in addition to those listed above, would bring Kerman's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Unaccommodated Need From the Previous Planning Period: The element indicates an unaccommodated need from the prior planning period of 168 units of lower income households. Because the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). To demonstrate adequate sites were made available in the prior planning period, the element must include an analysis or programs demonstrating compliance with the statutory requirements. For information, see Department's AB 1233 Memorandum at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf and the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php.

Realistic Capacity: For sites zoned Mixed Use and General Commercial, the element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

Suitability of Non-Vacant Sites: The element identifies non-vacant sites to accommodate the regional housing need for lower-income households. The element must describe the methodology used to determine the development potential of non-vacant sites. The methodology must consider factors including development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. For information and sample analysis, see the *Building Blocks* at: http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#nonvacant.

Sites with Zoning for a Variety of Housing Types:

Emergency Shelters: The element (page 2F-41) indicates a bed limit of six persons for emergency shelters, however, based on conversations with the City's consultant, the bed limit is 30 beds. The element should identify the actual bed limit or include analysis and programs to address the six bed limit as a constraint.

2. *Analyze 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Land-Use Controls: The housing element describes residential development standards for most zoning districts (page 2F-38). However, it must also describe the development standards including parking, of the Mixed Use (MU) and General Commercial (GC) zones. In addition, the element should describe whether the MU and GC zones allow a one hundred percent residential development or if they require a minimum percentage of commercial or residential uses in a development.

Table 2F-10 – Residential Uses Permitted by Zone (page 2F-41) should be revised to clarify how transitional housing and supportive housing are permitted and programs should be included as appropriate.

Fees and Exaction: Clarify whether Table 2F-13 – Typical Fees includes applicable County or Regional impact fees.

Local Processing and Permit Procedures: The element indicates multifamily development in the Mixed Use and General Commercial zones permitting multifamily development requires a Conditional Use Permit (CUP). The element must analyze the CUP process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the CUP requirement. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

Design Review: The element must describe and analyze the design review community design plan, guidelines, and process (page 2F-51), including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate. For additional information and sample analysis, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php

B. 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 (Section 65583(c)).*

To address the program requirements of GC Section 65583)(c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;

- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 4: Preservation of Assisted Housing. The element indicates the City has 100 units at-risk of conversion to market rate. Where appropriate, identify specific timelines/benchmarks for the implementation or completion of each program action and include a quantified objective for preserving the at-risk units.

Program 11: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 12: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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:

In addition, Program 1 should be revised to address the unaccommodated need from the prior planning period including meeting requirements pursuant to GC Section 95583.2(h) and (i). Also, given the importance of promoting infill development and the City's infill growth policies, the Department encourages the City to identify candidate sites for rezoning within the City boundaries. If the City must rely on annexation to accommodate its regional housing need, the element must include a program committing to completing the annexation. In addition, the element must also include an evaluation of the suitability of the annexed sites, including the following information:

- Consistency with LAFCO policies;
 - Actions to pre-zone prior to annexation;
 - Descriptions of the zone, density, development standards and design requirements;
 - The anticipated housing capacity allowed by each site;
 - Timeline and steps to complete annexation which is early enough in the planning period to facilitate development of annexed sites (e.g., within the first two years of the planning period);
 - Analysis of the suitability and availability of sites including identification of any sites currently under Williamson Act contracts; and
 - Demonstrate compliance with the requirements of the adequate sites program requirements of GC Section 65583.2(h) and (i).
4. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX CITY OF KINGSBURG

The following changes, in addition to those listed above, would bring Kingsburg's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Unaccommodated Need from the Previous Planning Period: The unaccommodated need analysis indicates that "the RM-2, CC, and MXU zones have the ability to accommodate 897 multifamily units at allowable densities of at least 15 units per acre" that are sufficient to accommodate the 4th cycle planning period RHNA of 499 units for lower income households (page 2G-25). To demonstrate adequate sites were made available in the prior planning period, the element must include an analysis or programs demonstrating compliance with the statutory requirements. For example, the element could describe that the sites zoned CC and MXU had their respective zoning designation for the entirety of the 4th cycle planning period. If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, it must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). For additional information, see Department's AB 1233 Memorandum at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf and the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php.

Realistic Capacity: For sites zoned Central Commercial and Mixed Use Combining District, the element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any

performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

More than two-thirds of the sites identified to accommodate housing for lower income households are small sites, less than one acre in size. The element must describe whether small sites are expected to develop individually or consolidated with other small sites. *For sites anticipated to be consolidated*, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site. *For sites anticipated to develop individually*, the element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. This is important given the necessary economies of scale to facilitate development of housing affordable to lower-income households. For example, most assisted housing developments utilizing State or federal financial resources typically include at least 50 to 80 units. For additional information and sample analysis, see the *Building Blocks* at: http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#capacity.

Sites with Zoning for a Variety of Housing Types (Residential Care Facilities and Group Homes): The housing element indicates small residential care facilities are permitted in all residential zones, except the RA zone. Single family homes are permitted in the RA zone (Table 2G-10, page 2G-35). The housing element must add, or revise, a program to amend the zoning ordinance to comply with state law to treat residential care facilities and group homes with six or fewer residents no differently than other single-family housing uses (See Health and Safety Code Sections 1267.8, 1566.3, 1568.08).

2. *Analyze 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Land-Use Controls: While the housing element indicates "any uses in the General Plan (except single family use)" are eligible for consideration within the

MXU Combining District, it must identify all relevant land-use controls for the MXU zone and evaluate their cumulative impacts of land-use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. In addition, the two parking space per unit, 1 garaged space for all multifamily units, including studio and one-bedroom multifamily units, must be analyzed as a potential constraint on the cost and supply of housing. The housing element should include programs to address or remove the identified constraints.

Fees and Exaction: Clarify whether Tables 2G-12 and 2G-13 include all applicable fees, including school, County and Regional impact fees.

Local Processing and Permit Procedures: The element indicates mixed use development in the Central Commercial (CC) zone is conditionally permitted and residential development in the Mixed Use Combining District (MXU) is eligible for consideration. The element must describe the processing and permit procedures for residential development in the MXU zone and analyze the CUP process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential impact on residential/mixed use development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the CUP requirement. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

Growth Management System (GMS): While the housing element includes a general description of the GMS, it must also describe the GMS implementation process and include analyses of the impacts on the cost, supply, timing and affordability of housing. The housing element generally concludes that due to the fact that there are 385 allocations for multifamily housing units during the planning period, this is adequate to accommodate the City's regional housing need for lower income households. Among other things, the element must demonstrate the GMS allows for attaining regional housing needs for each income category. For example, if the multifamily housing unit allocations are awarded to market rate units, would an affordable housing development be ineligible to obtain an allocation. The analysis should also address the following:

- Describe and analyze options for carryover of unused allocations. If carryover is not allowed, describe the impact on the availability of sufficient allocations to accommodate the City's RHNA throughout the planning period.
- Describe if awarded allocations expire if not used within the allowed timeframe.
- Describe how the GMS ensure the RHNA for each income category can be accommodated.
- Identify and analyze any limit to the number of allocations which could be received by a project in a single year and the process for obtaining allocations for layered or phased projects.

- Length of time for approval of allocations and how the approval process relates to other entitlements.
- An analysis of the impacts of scoring criteria on costs and timing of development.
- An analysis of the RDCS process on the certainty and predictability of development approval.

Inclusionary Housing: The housing element indicates that there is “an inclusionary housing policy of 15 percent” (page 2G-33). The housing element should describe the City’s inclusionary housing requirements including a description of how the policy is implemented and analyze its potential impacts on the cost and supply of housing. A specific description and analysis of the policy’s implementation framework, including levels of mandated affordability and a description of the types of options and incentives the City offers to encourage and facilitate compliance with the inclusionary requirements should be included. Analyzing the inclusionary provisions is particularly important given current market conditions and the cumulative impact of local regulations. The City could engage the development community to facilitate this analysis.

B. 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 agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units

- be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 11: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 12: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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.

As the element relies on consolidated small sites to accommodate a portion of the RHNA for lower-income households, it should include a program(s) to facilitate lot consolidation and development of housing on small sites. For example, the program could commit to (1) granting density bonuses above State density bonus law (Section 65915); (2) deferring fees specifically for consolidation; (3) expediting permit processing; (4) identifying and targeting

specific financial resources; and, (5) modifying development standards. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/PRO_adqsites.php.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX CITY OF MENDOTA

The following changes, in addition to those listed above, would bring Mendota's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Unaccommodated Need from the 4th Cycle Planning Period: Table 2H-2 indicates that 351 housing units affordable to low income households were constructed during the 4th cycle planning period. The table must be revised to indicate the affordability of the constructed units by income category, i.e. very low-, low-, moderate-, and above moderate-income households to determine whether there is an unaccommodated need for each income category. For additional information, see Department's AB 1233 Memorandum at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf and *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php.

Realistic Capacity: The housing element indicates that the R-3 zoning district has a maximum density of 29 units per acre and the High Density Residential general plan designation has a maximum density of 25 units per acre (page 2H-15). A program should be revised, or added, to the housing element to remove, or address, this inconsistency.

2. *Analyze 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the*

need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).

Fees and Exaction: Clarify whether Tables 2H-12, 2H-13, and 2H-14 include all applicable fees, including school, County and Regional impact fees.

B. 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 agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 4: Preservation of Assisted Housing. The element indicates the City has 44 units at-risk of conversion to market rate. Where appropriate, identify specific

timelines/benchmarks for the implementation or completion of each program action and include a quantified objective for preserving the at-risk units.

Program 11: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 12: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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:

- 2. The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX CITY OF PARLIER

The following changes, in addition to those listed above, would bring Parlier's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Annexation Required to Accommodate RHNA: Since City is relying on "prezoned sites" and annexation to accommodate its regional housing need for lower income households (page 21-12), the element must include a program committing to completing the annexation. In addition, the element must also include an evaluation of the suitability of the annexed sites, including the following information:

- Consistency with LAFCO policies;
- Descriptions of the zone, density, development standards and design requirements;
- The anticipated housing capacity allowed by each site;
- Timeline and steps to complete annexation which is early enough in the planning period to facilitate development of annexed sites (i.e., within the first three years of the planning period);
- Analysis of the suitability and availability of sites including identification of any sites currently under Williamson Act contracts; and
- Demonstrate compliance with the requirements of the adequate sites program requirements of Government Code Section 65583.2(h) and (i).

Instead of relying upon annexation, the City may utilize other sites within existing City boundaries. For example, since there is only one parcel less than one half acre in size zoned R-3 high density residential, existing residential zoned sites within the current City boundaries could be re-zoned to residential zoning designations with higher densities to accommodate the regional housing need for lower income households. If choosing these alternatives, the element must describe the suitability of these sites and include programs committing to

completing the rezoning early in the planning period (i.e. within three years of the beginning of the planning period). For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_land.php.

2. *Analyze 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Fees and Exaction: Clarify whether Tables 2I-11 and 2I-123 include all applicable fees, including school, County and Regional impact fees.

Local Processing and Permit Procedures: The element generally describes most uses are permitted by right and site plan review may be required. However, the element must describe and analyze approval findings and impacts on approval certainty, cost and timing. For additional information and sample analysis, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

B. 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 agencies and officials responsible for the implementation of the various actions (Section 65583(c)).*

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For

example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 4: Preservation of Assisted Housing. The element indicates the City has 40 units at-risk of conversion to market rate. Where appropriate, identify specific timelines/benchmarks for the implementation or completion of each program action and include a quantified objective for preserving the at-risk units.

Program 9: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 10: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX CITY OF REEDLEY

The following changes, in addition to those listed above, would bring Reedley's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Unaccommodated Need from the Previous Planning Period: If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, it must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). While the element includes analysis of the City's efforts to address its unaccommodated need, it must include additional analysis to meet these statutory requirements. Specifically, the element must:

- demonstrate compliance with requirements pursuant to Government Code Section 65583.2(h) and (i) such as permitting multifamily without discretionary action, allowing 16 units per site, requiring minimum densities of 20 units per acre and include programs as appropriate, and
- evaluate whether all steps necessary were taken by the City to facilitate annexation, where applicable and include programs as appropriate based on the evaluation.

Realistic Capacity: For sites zoned for nonresidential uses, e.g. central and community commercial, the element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any performance standards or policies mandating a specified portion of residential or any other factors increasing the potential for residential development such as incentives for residential use, and residential

development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures (Section 65583(a)(5)).*

Fees: The element lists fee categories for typical single family and multifamily development and includes a brief discussion of total impact on development. However, this analysis should account for all fees and list the individual fees within the fee category (e.g., regional and city impact fees). Based on the outcomes of this analysis, the element must include programs as appropriate.

B. 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 (Section 65583(c)).*

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households; and
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives; and

The program could also include quantified objectives for housing for persons with special needs.

Program 4: Preservation of Assisted Housing. The element indicates the City has 38 units at-risk of conversion to market rate. Where appropriate, identify specific timelines/benchmarks for the implementation or completion of each program action and include a quantified objective for preserving the at-risk units.

Program 11: Energy Conservation. The program could describe the following:

- Next steps after “consider incentives” and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 12: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX CITY OF SANGER

The following changes, in addition to those listed above, would bring Sanger's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Candidate Sites for Rezoning: The element should include an analysis of the suitability of candidate sites for development in the planning period such as known constraints that preclude development.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures (Section 65583(a)(5)).*

Land-Use Controls: The element must identify and analyze all relevant land-use controls for impacts on the cost, supply and approval certainty of housing. While the element notes flexibility to heights and parking requirement for multifamily uses, it must still analyze:

- the impacts of a use permit for multifamily heights exceeding one story;
- only allowing up to 2 stories for multifamily; and
- parking on multifamily uses, particularly studio and one bedroom units.

Based on the outcomes of this analysis, the element must include programs as appropriate.

Fees: The element lists fee categories for typical single family and multifamily development (Table 2L-14) and includes a brief discussion of total impact on development. However, this analysis should list the individual fees within the fee category (e.g., city impact fees). Based on the outcomes of this analysis, the element must include programs as appropriate.

B. 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 (Section 65583(c)).*

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 12: Energy Conservation. This program could describe the following:

- Next steps after "consider incentives" and timelines for the next steps. For

example, consider incentives and adopt, as appropriate, identified incentives by 2018;

- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 13: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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:

- Program 2 (Rezoning for RHNA) must be revised to require a minimum density of 20 units per acre instead of 16 units per acre and allow at least 16 units per site;
 - Program 6 (Zoning Amendments) should clarify emergency shelters will be permitted without discretionary action; and
 - Programs should be added or modified to encourage development of small sites (less than 16 units per site) for housing affordable to lower income households.
3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding B2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

APPENDIX CITY OF SAN JOAQUIN

The following changes, in addition to those listed above, would bring San Joaquin's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Candidate Sites for Rezoning: The element should include an analysis of the suitability of candidate sites for development in the planning period such as known constraints that preclude development.

Realistic Capacity: For sites zoned for nonresidential uses, e.g. commercial zones, the element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

Small Sites: The element identifies several sites consisting of aggregated small parcels with less than 10 units per site capacity. The element must describe whether these aggregated parcels are expected to develop individually or consolidated with the other small parcels.

For parcels anticipated to be consolidated, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City's role or

track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site.

For parcels anticipated to develop individually, the element must describe existing and proposed policies or incentives the City will offer to facilitate development of small sites. This is important given the necessary economies of scale to facilitate development of housing affordable to lower-income households. For example, most assisted housing developments utilizing State or federal financial resources typically include at least 50 to 80 units. For additional information and sample analysis, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#capacity.

Sites with Zoning for a Variety of Housing Types: The element appears to indicate that manufactured homes are not permitted in the same manner as site-built single family homes (page 2K-22). The housing element should demonstrate the jurisdiction's zoning code allows the siting and permit process for manufactured housing in the same manner as a conventional or stick-built structure pursuant to GC Section 65852.3.

2. *Analyze 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(a)(5)).*

Land-Use Controls: The housing element must also identify and analyze all relevant land-use controls for impacts on cost supply and approval certainty of housing. At a minimum, the following land-use controls standards appear to be constraints and should be analyzed:

- The element must clarify the amount of parking required for multifamily housing developments.
- The element must describe allowable uses and development standards for sites in the HC zone.

Permit Processing: Given the reliance on sites zoned PC, CC, and NC to fulfill the lower-income portion of the City's housing needs, the element must analyze the CUP process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval for the CUP and their potential

impact on development approval certainty, timing, and cost. The element must demonstrate this process is not a constraint or it must include a program to address and remove or mitigate the CUP requirement. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

B. 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 (Section 65583(c)).*

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

Program 3: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 4: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 11: Energy Conservation. The program could describe the following:

- Next steps after "consider incentives" and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives

- by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are “alternative energy devices?”

Program 12: Housing Choice Vouchers (HCV). The element could describe how and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in the Finding A1, the element does not include a complete sites inventory or analysis; as a result, the adequacy of sites and zoning has not been established. Based on the results of a complete sites inventory and analysis, this Program 2 may need to be revised to address an additional shortfall of sites. In addition, the element states that sites will be rezoned to a minimum density of 16 units per acre; however jurisdictions in Fresno County must rezone sites with a minimum density of 20 units per acre. The zoning must permit owner-occupied and rental multifamily uses by-right to accommodate the remaining need for lower-income households. By-right means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval (Section 65583.2(i)).

The program must also commit to:

- a minimum of 16 units per site;
 - 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 that residential use occupy 50 percent of the total floor area of a mixed-use project.
3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential

governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element must include a program to address the inconsistency between the City's zoning ordinance and the general plan.

APPENDIX CITY OF SELMA

The following changes, in addition to those listed above, would bring Selma's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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

Unaccommodated Need from the Previous Planning Period: If the City failed to make adequate sites available to accommodate the regional housing need in the prior planning period, it must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2015-2023 planning period (Section 65584.09). While the element includes analysis of the City's efforts to address its unaccommodated need, it must clarify which listed sites (Table 2M-4) were available with appropriate zoning prior to the 4th cycle housing element.

Small Sites: The element must demonstrate the feasibility of small sites (allowing less than 16 units), such as potential for lot consolidation, to facilitate the development of housing affordable to lower income households and include programs as appropriate. For example, the program could commit to (1) granting density bonuses above State density bonus law (Section 65915); (2) deferring fees specifically for consolidation; (3) expediting permit processing; (4) identifying and targeting specific financial resources; and, (5) modifying development standards. The progress of this program should be monitored and the program should be modified as appropriate to assure its success. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/PRO_adgsites.php.

Zoning for Lower Income: The element indicates (page 2M-13) R-3 zoned sites are utilized to accommodate the housing need for lower income households based on a density of 19 units per acre and the overall analysis demonstrating the appropriateness of 16 units per acre. However, the list of sites shows the R-3 zone only allowing 14 units per acre; less than the overall analysis and inconsistent with the statement on page 2M-13. Also, Table 2M-8 displays a density of 12 units per

acre for the R-3 zone which seems inconsistent with the statement on page 2M-13. The element should address any inconsistency and if utilizing densities less than 20 units per acre, those densities should be consistent with the overall analysis demonstrating appropriate densities to accommodate housing for lower income households.

Realistic Capacity: For sites zoned for nonresidential uses, e.g. community commercial, service commercial, the element must describe how the estimated number of residential units for each site was determined. The estimate may rely on established minimum density standards or include analysis demonstrating how the number of units for each site was determined (Section 65583.2(c)). In addition, the estimate must also account for land-use controls such as allowing 100 percent nonresidential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any performance standards or policies mandating a specified portion of residential or any other factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts. For additional information, see the *Building Blocks* at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php.

Candidate Sites for Rezoning: The element states rezoning will occur to accommodate the carry-over of need from the 4th cycle. However, the element must list candidate sites for rezoning, such as by parcel size and include an analysis of their suitability for development. Further, when utilizing sites outside of city limits, the element should include some discussion of the feasibility for development in the planning period and specific program actions with timelines committing to various steps in the process. Finally, for a variety of reasons, the City is encouraged to first evaluate the potential for rezoning within the existing city limits.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures (Section 65583(a)(5)).*

Land-Use Controls: The element must identify and analyze all relevant land-use controls for impacts on the cost, supply and approval certainty of housing. Specifically, the analysis should address local development standards, including parking and height requirements in commercial zones anticipated to accommodate residential development. Based on the outcomes of this analysis, the element must include programs as appropriate.

Fees: The element lists fees for typical single family and multifamily development and includes a brief discussion of total impact on development. However, this analysis should account for all fees, including any regional impact fees, individually list fees within fee categories such as City Impact Fees. Based on the outcomes of this analysis, the element must include programs as appropriate.

B. 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 (Section 65583(c)).*

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

Program 2: Monitoring of Residential Capacity. Include a timeline for completing any necessary rezoning to accommodate an identified shortfall of sites. For example, all rezones will be completed within two years of identifying a shortfall of sites.

Program 3: Affordable Housing Incentives. Describe the following:

- How developers will be assisted in identifying affordable housing opportunities;
- How an affordable housing development qualifies for flexible development standards and other incentives. For example, must fifty percent of the units be affordable to lower income households;
- How will the jurisdiction promote density bonus, flexible development standards, and other incentives;
- What flexible development standards and other incentives offered; and
- If the density bonus offered is in addition to state density bonus law.

The program could also include quantified objectives for housing for persons with special needs.

Program 12: Energy Conservation. The program could describe the following:

- Next steps after "consider incentives" and timelines for the next steps. For example, consider incentives and adopt, as appropriate, identified incentives by 2018;
- How the jurisdiction promotes PG&E programs
- Any other energy conservation programs the jurisdiction promotes; and
- What are "alternative energy devices?"

Program 13: Housing Choice Vouchers (HCV). The element could describe how

and where the jurisdiction will “encourage landlords” to participate in the HCV Program.

Include quantified objectives or benchmarks for each program action.

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

As noted in Finding A1, the element does not include a complete site analysis and 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, Program 2 (prezoning for RHNA) must be revised to require a minimum density of 20 units per acre instead of 16 units per acre and allow at least 16 units per site and, as noted in Finding A1, if utilizing sites outside of City Limits, the element must include specific actions to facilitate annexation, include alternatives if sites are not annexed by a date certain.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.