



Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Christopher Williamson, AICP, Senior Planner

DATE: June 4, 2009

SUBJECT: Report on the Draft 2006-2014 Housing Element

- 1) **Recommendation:** That the Planning Commission:
 - a) Receive a report on the Draft 2006-2014 Housing Element and comment letter from the California Department of Housing and Community Development (HCD).
 - b) Hold a public hearing on the Draft 2006-2014 Housing Element to receive public input.

- 2) **Project Description and Applicant:** This is the first in a series of four reports on specific chapters of the Draft 2030 Oxnard General Plan. The Housing Element identifies and analyzes the current and future housing needs within the City of Oxnard and policies and proposed actions to provide housing to meet the needs of residents of all income levels and needs. The planning period is January 1, 2006 to June 30, 2014. Filed by the City of Oxnard, Housing and Development Services Departments.

- 3) **Housing Element Content:** The content requirements of the housing element are stated in Section 65583 of the Government Code. Each housing element must contain an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled program actions for the preservation, improvement, and development of housing. The element chapters are:
 - A) Review and Revise Previous Policies and Goals
 - B) Existing Housing Needs
 - C) Special Housing Needs
 - D) Projected Housing Needs
 - E) Constraints
 - F) Sites Inventory and Analysis
 - G) Goals and Policies

The City took a conservative approach in creating the first draft. Previous goals and programs were largely left in place and the identification of possible sites for affordable housing focused primarily on vacant, underutilized, and commercial sites that also allow housing, after accounting for known and anticipated development projects that were either affordable and/or required to provide inclusionary housing. This approach led to comments from HCD and others that now serve as direction in preparing a revised element.

The following is a brief summary of each chapter.

- A. Review and Revise Previous Policies and Goals:** During the previous Housing Element (1998-2005), the City achieved 51 percent of very low income, 95 percent of low income, 11 percent of moderate income, and 295 percent of above moderate income housing targets. This was a good performance compared to many cities. An initial review of policies and programs recommended that all but five programs be continued and/or modified.
- B. Existing Housing Needs:** Chapter B focuses on the housing needs of current residents in terms of overcrowding and overpayment. Approximately 55 percent of lower income household pay more than 30 percent of the gross income for rent or ownership costs, and 40 percent are in overcrowded households. Oxnard’s statistics are somewhat influenced by the relatively high Ventura County median household income (\$79,107 in 2006 compared to California \$64,563 and Oxnard at \$57,907) and the relatively high number of households with young children that is not the same type of crowding as a household with the same number of adults.
- C. Special Housing Needs:** This chapter examines the housing needs of persons with disabilities, the elderly, large families, single parent families, farmworker housing, and emergency housing. In general, need exists in all these populations.
- D. Projected Housing Needs:** The Southern California Association of Governments (SCAG) prepared Regional Housing Needs Assessment (RHNA) employment, population, and housing unit projections that were then allocated to the 16 SCAG subregions, of which Ventura County is its own subregion. Oxnard’s share of very low, low, and moderate income housing was lowered by a small amount in recognition that the city has a disproportionately larger share of low to moderate income housing compared to most other Ventura County jurisdictions. The City’s 2006-2014 RHNA targets, representing both current and future need, are shown below along with the number of units developed and/or contracted or under construction through April 28, 2009.

Table 1	Very-Low Income (<50% of median)	Low Income 50-80% of median)	Moderate Income (80-120% of median)	Upper Income (>120% of median)	Total
RHNA Allocation	1,491	1,221	1,445	2,936	7,093
Completed	68	188	33	= 289	
Under Contract	216	372	99	= 687	
Remaining RHNA	1,207	661	1,313	= 3,181	

E. Constraints: State Law requires the use of the term ‘constraints’ which generally implies forces or efforts to restrain actions that would otherwise occur. Environmental review, general planning, zoning, SOAR, and related local land use regulations and development standards are all extensions of local government police powers to protect life and property, minimize nuisances, and achieve a desired quality of life as expressed through a participatory democratic process. This section should be interpreted as a review of local development standards and development review procedures to ascertain whether a development standard or procedure or other regulation is no longer needed, has unintended negative consequences, and/or could be improved so as to increase opportunities and the feasibility of developing affordable housing (especially special needs, farmworker, and very low and low income units). The largest constraint, the general economy, state budget, and decline in development activity, will continue to play a major role in affordable housing actually being constructed with the 2006-2014 RHNA period.

F. Sites Inventory and Analysis: Chapter F is a key section that follows divides known and possible affordable housing sites into the following categories:

DR - Projects under construction or expected to develop. As shown in Table 1 above, there are 687 units (308 in Riverpark, 195 seniors units in Sycamore Village = 503)

RA - Projects for which planning applications are in process.

R - Residentially-zoned infill parcels scattered throughout the city.

SP - Affordable units proposed or likely to be required as part of a specific plan not in one of the above categories.

P - Vacant and underutilized largely C-2 commercial parcels or clusters of parcels that also allows R-3 housing (18 units to the acre)

A - Vacant and underutilized parcels that are not currently zoned for housing.

X - Parcels just outside city limits where owners have requested consideration for annexation and/or are parcels that make some sense to consider for annexation due to location and proximity to utilities, arterials, etc.

G. Goals and Policies: The final chapter is a listing of the goals and their implementing programs that would set the stage for attempting to meet the RHNA goals by mid-2014. As shown in Table 1, the remaining RHNA target is 3,181 units to be developed in roughly five years, a goal of 620 affordable units per year.

3) HCD Comments and Direction: The April 24, 2009 HCD comment letter contained 23 specific directions as follows:

- 1) Inclusionary affordable housing may only be counted in current or proposed projects that have ‘agreements in place’ (tables F-8 and F-10).
- 2) Include examples of recently built units at densities being proposed as analytical support.
- 3) Mixed-use sites cannot be assumed to develop at 100 percent housing.
- 4) Provide detailed information for proposed redevelopment sites (private or public) including age of structures and/or property owner interest.
- 5) Small sites are generally not suitable for State or federally-funded affordable housing projects that typically need two acres to achieve 50 to 80 units.
- 6) Any proposed sites outside the CURB should include a detailed description and timeline of

entitlement processes with specific action steps and an alternative backup strategy. Specific to Jones Ranch, outline a detailed timeline and program and an alternative 'backup' program.

- 7) The City should decide and describe in detail which strategy it will use to satisfy SB2, emergency shelter without a conditional review.
- 8) Identify and assess development review findings of approval for their impact on affordable housing approval certainty.
- 9) Describe design review guidelines and their impact on affordable housing approval certainty.
- 10) Assess the impacts of parking requirements on the cost and supply of affordable housing.
- 11) Assess the impacts of various fees on the cost and supply of affordable housing.
- 12) Assess the impacts of the affordable housing inclusionary program on the cost and supply of affordable housing.
- 13) Include a quantification and analysis of farmworkers in Oxnard, both permanent and seasonal.
- 14) Summarize in a HCD format the expected number of affordable units to be constructed within the RHNA period.
- 15) Provide a program to adequately zone sites to meet any unmet housing need as by-right uses, at 20 units to the acre minimum.
- 16) Include a program to facilitate lot consolidation.
- 17) Include an estimate of redevelopment agency accrued funding through 2014 and how it is planned to be expended on affordable housing.
- 18) Include a program for extremely low income households that could include Single-Room Occupancy units.
- 19) Include a program that more directly addresses overcrowding.
- 20) Add specific actions that address farmworker housing needs, and revisit and possibly reinstate Program 7 from the 1998-2005 Housing Element
- 21) Establish a reasonable accommodation program for persons with disabilities.
- 22) Document public participation in the Housing Element program.
- 23) Document low and moderate income units in the Coastal Zone per Government Code 65588.

4) Community Input: Staff has met with an informal affordable housing providers and lobbyists group on three occasions (April 1, 2008, August 18, 2008, May 28, 2009) in preparing the draft Housing Element, and will continue to work with the this group, which is open to anyone to attend. The Draft Housing Element was available for public review between March 9 and May 22, 2009 in conjunction with the Draft 2030 General Plan and its EIR. Tonight's hearing will be the first of several Planning Commission hearings focused only on the Housing Element. A revised Housing Element will again be available for public review and brought to the Planning Commission for additional review.

Attachment: April 24, 2009 HCD Letter
"A"

Prepared by:	 CW
Approved by:	 SM

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

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2843
www.hcd.ca.gov



April 24, 2009

Mr. Matt Winegar, Director
Development Services Department
City of Oxnard
305 West Third Street
Oxnard, CA 93030

Dear Mr. Winegar:

RE: Review of the City of Oxnard's Draft Housing Element

Thank you for submitting Oxnard's draft housing element received for the Department's review on February 23, 2008. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with Messrs. Chris Williamson, of your staff, and Rick Russ, of the Matrix Design Group, facilitated the review. In addition, the Department also considered comments submitted by Ventura Local Agency Formation Commission, California Rural Legal Assistance, Ms. Barbara Macri-Ortiz of the Law Office of Barbara Macri-Ortiz, and Mr. William L. Terry, a citizen of Oxnard, pursuant to Government Code Section 65585(c).

The Department appreciates Oxnard's efforts to address existing and projected housing needs, including creation of the Mixed Use Urban Village concept to promote private and public redevelopment, affordable and workforce housing, and a mix of uses along transit corridors. The element effectively and comprehensively presents information and the City's vision. The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). For example, the element should demonstrate the adequacy of identified sites, particularly those outside the City's Urban Restriction Boundary (CURB). This and other revisions are described in the enclosed Appendix.

The Department is available to assist the City in revising the element to comply with housing element law. If you have any questions, please contact Brett Arriaga, of our staff, at (916) 445-5888.

Sincerely,

Cathy E. Creswell
Deputy Director

Enclosure

APPENDIX
CITY OF OXNARD

The following changes would bring Oxnard'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. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. 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, 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) and 65583.2).*

Oxnard has a regional housing need allocation (RHNA) of 7,093 housing units, of which 2,712 are for lower-income households. To address this need, the element relies on constructed and approved units, vacant and non-vacant sites, sites within specific plans and sites currently outside Oxnard's City Urban Restriction Boundary (CURB). However, to demonstrate the adequacy of these sites and strategies to accommodate the City's share of the regional housing need, the element must include analyses, as follows:

Progress Toward the RHNA: Potential and available sites in the inventory (Tables F-8 and F-10), identify 1,078 units with the potential to be affordable to low- and moderate-income households. Pursuant to the April 22, 2009 conversation, the stated affordable capacity on these sites is based on the number of units projected to be developed as part of the City's inclusionary housing requirement. However, while it may be appropriate to count projected inclusionary units included in a current or proposed project with agreements in place, inclusionary programs are not a substitute for designating sufficient sites with appropriate zoning, densities, and development standards as required by Government Code Section 65583(c)(1). Consequently, the element may not rely on adopted inclusionary provisions to satisfy the statutory requirement to identify adequate sites with appropriate zoning and densities. For example, the element credits 52 units with potential to be affordable to lower-income households on Site P-4 (page F-19), yet the site's assumed density of 12 units per acre has not been demonstrated to facilitate housing for lower-income households. The element should be modified to appropriately count these sites.

Realistic Capacity: While the element states the development potential is based on typical built densities corresponding to the mid-point of each General Plan/zoning designation for identified sites (page F-3), it must include an analysis supporting this conclusion and demonstrate the analysis accounts for land-use controls and site improvement requirements. For instance, the City may include examples of recent multifamily developments and their typical built densities. Additionally, in estimating

capacity of non-vacant or mixed-use sites, the methodology must account for the extent to which uses other than residential are allowed. Projected residential development capacity should not, for example, assume residential-only development on all mixed-use or commercial sites.

Non-Vacant and Underutilized Sites: The element must include analyses of non-vacant and underutilized sites to demonstrate their potential to be developed with residential or more intensive residential uses at densities appropriate to accommodate housing affordable to lower-income households within the planning period. The element must provide a general description of existing uses (i.e., commercial, office) in Appendices B and C and a broad overview of sites in Tables F-9 and F-11. The list of existing uses (Appendices B and C) should be sufficiently detailed to demonstrate the potential for redevelopment on identified sites within the planning period. The element must describe the extent existing uses may constitute an impediment to additional residential development. While the inventory *generally* describes the existing land-use (i.e., commercial), it does not specifically describe the condition or circumstances of the use to demonstrate the potential for redevelopment in the planning period. For example, the element could detail existing uses for identified sites, including information such as the condition and age of the structure or improvement to land value or whether the use is operating, marginal or discontinued. Many of the sites in Tables F-9 and F-11 are described with active uses or other factors that do not demonstrate redevelopment potential. For example, the inventory identifies Site A-12 for development of 465 units (page F-23); however, this site was recently approved for a new commercial center and the City is currently processing an application for a new Lowe's Home Improvement store (Table F-11). Given the site's pending application status, the element should describe whether residential uses are proposed as part of the commercial center and the site's potential of providing 465 units when accounting for non-residential uses. The analysis could utilize interest from property owners, applications in the planning stage, or recent redevelopment activity.

Additionally, many of the identified non-vacant and underutilized sites have existing residential uses and appear to assume a unit capacity for each parcel that does not account for existing residential units. The element must list existing residential unit capacity on each site to calculate a net residential increase for each parcel.

Suitability of Small Sites: Given the reliance and preponderance of small sites, particularly to accommodate housing affordable to lower-income households, the element should evaluate the realistic potential for additional residential development on smaller residential infill parcels identified (Appendices A, B and C). For example, while it may be possible to build housing on a very small parcel, the nature and conditions necessary to construct the units often render the provision of affordable housing infeasible. Additionally, most assisted housing developments utilizing State or federal financial resources typically include at least 50 to 80 units.

Suitability and Availability of Sites: The element appears to rely on sites outside the City's CURB to accommodate the regional housing need, but does not demonstrate the suitability and availability of these sites in the planning period. The element describes the City's strategy of exercising an exemption, allowing the City to annex 20 acres annually by "amending" the CURB without a public vote. However, based on conversations with Oxnard staff, the City is no longer intending to seek an exemption

but, instead, is planning to seek voter approval for the sites outside the CURB, specifically the Jones Ranch Specific Plan (JRSP). If the City must rely on sites within the JRSP or extraterritorial areas, the element must be revised to include a detailed evaluation of the suitability and availability of those sites, including the following:

- a. Describe all required entitlement process steps, minimum timelines, and findings to make the sites available in the planning period and indicate what portions of the required process are under the City's control to initiate. In addressing this requirement, at a minimum, the element should describe required findings and constraints to be overcome for approval for the following agencies necessary to annex and develop sites within the JRSP and extraterritorial areas:
 1. Oxnard City Council
 2. Ventura LAFCO for annexation
 3. Calleguas and Metropolitan water districts
 4. Camarillo-Oxnard Greenbelt Agreement
 5. Williamson Act
- b. Given the length of time needed for annexation and development approvals, include a realistic estimate of the length time necessary for annexation into the City and an estimate of the number of units that could be developed in the planning period.
- c. Include a program with specific action steps, timelines and objectives the City will take, including an alternative strategy with a date certain for its implementation, if the sites will not be made available within the planning period.

Zoning for a Variety of Housing Types, Emergency Shelters: Chapter 633, Statutes of 2007 (SB 2), requires the identification of a zone(s) where emergency shelters are permitted with sufficient capacity to accommodate at least one year-round emergency shelter without a conditional use permit (CUP) or other discretionary action. SB 2 provides flexibility and encourages multi-jurisdiction coordination by allowing local governments to address SB 2 through a multi-jurisdictional agreement with a maximum of two adjacent jurisdictions. The element states that the City does not have any zones that allow emergency shelters without discretionary approval (page F-34) and states the City will comply with SB 2 either by amending zoning or pursuing a multi-jurisdictional agreement. The element should identify which strategy the City will implement to comply with SB 2. If amending zoning, the element must specifically identify the zone(s) or potential zone(s) and demonstrate sufficient capacity to accommodate the need for emergency shelters. The element should also describe the characteristics and suitability of the zone(s) for emergency shelters. If pursuing a multi-jurisdictional agreement, the element must demonstrate compliance with all of the appropriate provisions including a commitment by each participating jurisdiction to develop at least one year-round shelter within two years of the housing element planning period (June 30, 2010). In addition, the element must describe the following:

- how the capacity of the emergency shelter will be allocated for each participating jurisdiction;
- how the joint facility will address the local government's need for emergency shelters;
- the local government's contribution for both the development and ongoing operation and management of the shelter;

- the amount and source of the funding to be contributed to the shelter; and
- how the aggregate capacity claimed by all of the participating jurisdictions does not exceed the actual capacity of the shelter facility.

For additional information, see the Department's SB 2 technical assistance memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf.

2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities, including land use controls and local processing and permit procedures (Section 65583(a)(5)).*

Processing and Permit Procedures: While the element provides an overview of processing and permitting procedures (Section E.4), it should also include an analysis of all decision-making criteria. Specifically, the element should identify findings of approval for the development review permit and analyze them for their potential impact on approval certainty.

Furthermore, the element states the general plan contains design review guidelines for large complex residential projects (page E-24). The element should include a description of the design review guidelines and process, including identifying requirements and approval procedures and analyzing the impact of the guidelines and process on housing costs and approval certainty.

Parking: Parking standards for studio and one bedroom units require two spaces per unit (Table E-3). In addition, one garage space is required per unit for studio and one-bedroom units and two garage spaces for two or more bedrooms for all multifamily developments. The element should include an analysis demonstrating the impact of these standards, on the cost and supply of housing and, if necessary, a program to address and modify the potential constraint.

Fees and Exactions: While the element provides planning and processing fees for typical multi- and single-family subdivisions, an analysis should be provided to determine the impact of the fees on the cost and supply of housing. For example, according to Table E-7, total City fees for multifamily projects are 25.2 percent of total developments costs. The element should provide an evaluation describing the impact of such high proportion of City development fees on multifamily development. Based on the outcomes of the analysis, the element could add or revise policies and programs to address high fee impacts for multifamily development, such as fee waivers, fee deferrals, streamlined fee processing, and consolidated fee schedules.

Inclusionary Requirement: The element indicates the City requires a specific percentage of residential developments to be affordable to lower-income households and provides a description of the requirements and how they are implemented (page F-5). However, the element should analyze these requirements and processes for the impacts on the cost and supply of housing. This is particularly important given current market conditions. The City could engage the development community to facilitate this analysis and describe how the City promotes compliance with inclusionary requirements, including any incentives or regulatory concessions.

3. *Analyze any special housing needs, such as those of the handicapped, elderly, large families, farmworkers, families with female heads of households, and families and person in need of emergency shelter (Section 65583(a)(6)).*

While the element generally quantifies farmworker populations in the County (Section C.4), it should include a quantification and analysis of farmworkers, including permanent and seasonal in Oxnard. This analysis should be utilized to facilitate specific policies and programs. Please see the sample analysis at http://www.hcd.ca.gov/hpd/housing_element/examples/Screen10farmworkers.pdf and the following organizations and data sources:

- Migrant and Seasonal Farmworker Enumeration Profiles Study California, 2000 -- <http://www.ncfh.org/enumeration/PDF2%20California.pdf>
- Oxnard Farm Worker Housing City Committee
- House Farm Worker, Advocacy and Educational Project
- Clinicas de Camino Real -- <http://www.clinicas.org/>
- Ag Futures Alliance -- <http://agfuturesalliance.org/>
- Ventura County Farm Worker Housing Study -- http://www.ventura.org/rma/planning/pdf/programs/fwh_study.pdf
- Migrant Education Programs of Ventura County Office of Education -- <http://www.vcoe.org/Default.aspx?tabid=962&>

B. Quantified Objectives

1. *Establish the maximum number of housing units that can be constructed, rehabilitated, and conserved over a five-year time frame (Section 65583(b)(1 & 2)).*

The element did not address this requirement. Housing element law requires that the quantified objectives establish the maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period. This requirement could be addressed by utilizing a matrix like the one illustrated below:

Income Group	New Construction	Rehabilitation	Conservation
Extremely Low-Income			
Very Low-Income			
Low-Income			
Moderate-Income			
Above Moderate			
Total			

The new construction objectives may include private as well as City-planned activity. For example, the construction objective might include developments which require only City review and approval, as well as units to be developed as a result of the City's housing program.

C. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, 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. At a minimum, the element should be revised as follows:

Adequate Sites

The element relies on sites within the JRSP, Extraterritorial areas and those in 'Available Sites' that require rezoning of parcels to meet the City's regional housing need. Where the inventory does not identify adequately zoned sites pursuant to Government Code Sections 65583(a)(3) and 65583.2, the element must provide a program to identify sites in accordance with subdivision (h) of 65583.2 for 100 percent of the remaining lower-income housing need with sites zoned to permit owner-occupied and rental multifamily uses by-right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 20 units per acre. Also, at least 50 percent of the remaining need must be planned on sites that exclusively allow residential uses. To address the shortfall of sites, the City could amend Program 3 to comply with this requirement.

Program 19 (Building Parcel Assemblage and Densification Program): As noted in finding A1, many of the identified sites in the inventory accommodating the housing needs for lower-income households are smaller sites. While this program seeks to create a process by which duplexes and four-plexes may be constructed from lot consolidation, it should be revised to include specific actions to facilitate lot consolidation, particularly for larger multifamily projects. For example, the program could increase allowable densities and modify development standards, beyond density bonus law (Government Code Section 65915).

Jones Ranch Specific Plan and Extraterritorial Sites: As noted in finding A1, if the City relies on sites in the JRSP and extraterritorial areas, an annexation program will be necessary. The program must include all benchmarks involved in annexation with corresponding completion dates, acreage by zoning, anticipated capacity, and an alternative strategy to be pursued if the sites are not annexed by a date certain.

Emergency Shelters: While the element includes Program 6 to either amend zoning for emergency shelters or pursue a multijurisdictional agreement, it should clearly identify which strategy. This is particularly important given the timing requirements of SB 2 to amend zoning within a year of adoption of the housing element or to develop an emergency shelter within the first two years of the housing element planning period. If amending zoning for emergency shelters, the program must:

- identify the specific zone(s) for permitting emergency shelters;
- clarify the use will be permitted without a CUP or other discretionary action; and
- ensure development standards will encourage and facilitate the use and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zone.

If pursuing a multijurisdictional agreement, the program must demonstrate compliance with all of the requirements of multi-jurisdictional agreements (see finding A1).

Transitional and Supportive Housing: Pursuant to SB 2, a program must be added to explicitly amend zoning to permit transitional and supportive housing as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

2. *Describe the amount and uses of funds in the redevelopment agency's Low and Moderate Income Housing Fund (Section 65583(c)).*

The element must include an estimate of the moneys expected to accrue to the Low and Moderate income Fund through the end of the planning period, and the planned use of these funds. Health and Safety Code Section 33413(b)(4) requires a redevelopment implementation plan to be consistent with a community's housing element. The integration of applicable information from the redevelopment agency's current housing implementation plan into the housing element will assist in the development of an effective housing element.

3. *The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households (Section 65583(c)(2)).*

While the element includes some programs to assist in the development of very low-, low-, and moderate-income households, pursuant to Chapter 891, Statutes of 2006 (AB 2634), existing programs should either be expanded or new programs added to specifically assist in the development of a variety of housing types to meet the housing needs of extremely low-income (ELI) households. To address this requirement, the element could revise programs to prioritize funding for the development of housing affordable to ELI households, and/or offer financial incentives or regulatory concessions to encourage the development of housing types, such as single-room occupancy units, which address the needs of this income group.

Overcrowding: The element indicates 40 percent of the City's lower-income households live in overcrowded situations and recognizes the need to proactively assist in the development of larger units to accommodate larger households (page B-17); however, it does not include programs or policies to address this need. For example, the City could include a program to promote the use of CDBG and RDA rehabilitation funds for owners to add additional bedrooms or consider prioritizing use of other funds for rental projects providing some units with three or more bedrooms.

Program 20 (Farmworker Housing): The element notes farmworker populations are increasing and farmworker dwelling complexes/camps have been decreasing, necessitating a need to include policies and programs tailored to the specific needs of farmworkers and their families (page C-15). As a result, the element must add specific actions with completion dates and numerical objectives to assist in the development of housing for farmworkers.

- 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 an analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address or mitigate any identified constraints. In addition, the element must be revised as follows:

Programs 8 (Financial and Regulatory Assistance) and 16 (Incentives for Affordable Housing): Based on the outcome of the City's fees analysis noted in finding A2, the City may wish to consider a program to defer or waive fees.

Reasonable Accommodation Procedure: The element notes a program should be added to establish a reasonable accommodation procedure, separate from a variance or CUP, for providing exception in zoning and land-use for housing for persons with disabilities by a date certain (page E-32). Please see the *Building Blocks'* website for sample program language at http://www.hcd.ca.gov/hpd/housing_element/2/PRO_mitigate.php.

Farmworker Housing: The previous element included Program 7 to address identified constraints on housing for farmworkers. This program was critical to compliance in the previous planning period but was not implemented (page A-10). The current element includes Program 5 to review zoning provisions, listing several constraints, and remove restrictions based on the review. However, the program should specifically remove the listed constraints (i.e., gender restrictions, minimum acreages, number of occupants, etc.) by a date certain in addition to conducting a review of additional zoning provisions and removing or modifying other constraints on housing for farmworkers. The element should also provide language demonstrating explicit provisions to amend the City's zoning code consistent with the Employee Housing Act, specifically Health and Safety Code Section 17021.5 and 17021.6.

D. Public Participation

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

The element did not address this requirement. Engaging the community and organizations and service providers representing lower-income households is important in developing, adopting and implementing an effective housing element. The City should develop efforts to engage the community, including the parties commenting on this draft, through the adoption of the housing element, prior to submitting to the Department, by making revisions available with sufficient notice to comment (i.e., 30 days) and considering and incorporating, where appropriate, comments, including strengthening policies and programs. The element should also describe how comments obtained through public participation were considered and incorporated as appropriate into the element to demonstrate diligent efforts to achieve public participation. Additionally, the element should also describe the City's efforts to include all economic segments of the community throughout the preparation, adoption and implementation of the housing element.

E. Coastal Zone Localities

Coastal localities shall document the number of low- and moderate-income units converted or demolished, and the number of replacement units provided (Section 65588).

The element did not address this requirement and must include information pursuant to Government Code Section 65588, generally such as:

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

This data on new construction, demolished/converted, and replacement housing units for low- and moderate-income households assists in determining whether the affordable housing stock in the coastal zone is being protected and provided as required by Section 65590.