

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

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October 18, 2023

John Guertin, City Manager  
City of Del Rey Oaks  
650 Canyon Del Rey Blvd.  
Del Rey Oaks, CA 93940

Dear John Guertin:

**RE: City of Del Rey Oaks' 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Del Rey Oaks' (City) draft housing element received for review on July 20, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from David Kellogg, LandWatch, and the California Native Plant Society pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (December 15, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law,

and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Clare Blackwell, of our staff, at [Clare.Blackwell@hcd.ca.gov](mailto:Clare.Blackwell@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF DEL REY OAKS

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Review and Revision**

*Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)*

As part of the review of programs in the past cycle, the element must provide a cumulative evaluation of the effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness).

### **B. Housing Needs, Resources, and Constraints**

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

**Enforcement:** While the element discusses compliance with a few fair housing laws, it should address compliance with additional fair housing laws. Examples include the Fair Housing Act, American disabilities Act, California Fair Employment and Housing Act, Density Bonus Law, Housing Accountability Act and No-Net-Loss Law.

**Local Data and Knowledge, and Other Relevant Factors:** The element noted that the entire City is within one census tract and it is difficult to evaluate spatial patterns. Therefore, the element should rely on local data, knowledge, and other relevant factors to better describe and analyze fair housing conditions (e.g., segregation and integration, access to opportunity and disproportionate housing needs). This could include knowledge from City staff, school officials, transportation planners and other local and regional planning documents, past applications for funding (e.g., disaster recovery),

historical investment by areas (e.g., capital improvement program), location of amenities and services, previous community surveys, information on disasters, or other indications of access to opportunity and quality of life.

Sites and Affirmatively Furthering Fair Housing (AFFH): The element does not address this requirement. The analysis must identify whether sites improve or exacerbate conditions and whether sites are isolated by income group. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups and how that affects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).

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

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

*Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

*An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter... (Gov. Code, § 65583, subd. (a)(7).)*

Extremely Low-Income Households (ELI): The element must identify the projected housing needs for ELI households. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the regional housing need allocation (RHNA) for very low-income households qualify as ELI households. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

Additionally, the element must quantify the number of existing ELI households by tenure and analyze their housing needs, including overpayment, overcrowding and other characteristics, resources and strategies and the magnitude of housing needs. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

Cost-Burdened Households: While the element quantifies cost-burdened low-income households (p. 2-12), it utilizes data from 2010. The element should be revised to include updated estimates for the number of cost-burdened households by tenure for all incomes.

Housing Conditions: While the element analyzes the age of the housing stock (p. 2-21), it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. The element states that "since 1990, one unit was declared 'unlivable,' and one unit was in need of considerable rehabilitation," but should clarify where this information was sourced from and provide a recent estimate. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.

Special Needs Households: The element includes data and a general discussion of housing challenges faced by special needs households. However, the element must be revised to include an analysis of the existing needs and resources for each special need group including persons with disabilities including developmental disabilities, farmworkers, seniors, large households, and ELI households (also noted above). For example, the element should discuss the existing resources to meet housing needs (availability of shelter beds, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

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

Parcel Listing: While the element provides some generalized statements about potential income categories, it must identify the anticipated affordability level of the units for each site identified in the sites inventory (Gov. Code, § 65583.2, subd. (c).).

Unaccommodated Need from the Prior Planning Period: The City had a shortfall of 70 units to accommodate its lower-income RHNA from previous planning periods. For your information, pursuant to Government Code section 65584, for jurisdictions that did not accommodate their shortfall from the last planning period, the City must complete rezoning efforts within one year of the planning period.

Suitability of Large Sites: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The element indicated that sites range between 20-200 acres. While the element noted that the City would only be assuming a portion of these sites, it should clarify the acreage that it will be assuming for each site. The element could also discuss whether or not a specific plan is present, timing and phasing of any current or future specific plans, provide additional description of the acreage of sub-areas, or other evidence that indicates sites of these sizes can be redeveloped into lower-income housing during the planning period. Additionally, the element should add or modify programs to facilitate development on large sites to accommodate housing for lower-income households.

Infrastructure: The element indicates that sites to accommodate the RHNA have adequate water and sewer capacity and planned infrastructure access. However, HCD received public comments noting that the capacity allotted to these sites through the Marina Coast Water District (MCWD) may no longer be available. The element should clarify total water and sewer capacity for these sites including any potential limitations. Additionally, the element stated that the water and sewer infrastructure lines would need to be extended to all sites to provide access to the available capacity. While the element noted that the City has planned for infrastructure extensions through the capital infrastructure plan (CIP), the element should discuss the timing and any potential constraints with the implementation of these infrastructure improvements. Lastly, the element must include a program with a firm commitment to the infrastructure improvements, clear timelines with milestones and efforts to address any other constraints related to water and sewer capacity.

Environmental Constraints: The element noted several potential environmental constraints on sites to accommodate the RHNA including hazardous chemicals, steep grades and sensitive species. Additionally, the element noted that portions of these sites need environmental clean-up to be cleared for residential development and these sites have covenants and restrictions on residential uses from the Department of Toxic Substances Control (DTSC). The element should clarify whether the element is assuming residential capacity on the portion of the sites that also have restrictions regarding residential uses imposed by state and federal agencies. If the element is assuming capacity on the portions of the sites that have restrictions on residential uses, the element should analyze and address this constraint or remove the sites. The analysis should identify and consider the process to lift those covenants as a potential constraint. Lastly, the element must include a complete analysis of the various environmental constraints noted on these sites and their impacts on potential development. The element could also consider public comments as part of this analysis. Based on a complete analysis, the element should include programs committing to remediation of these sites and other efforts to facilitate development.

Accessory Dwelling Units (ADU): The element is projecting 20 ADUs for an average of 2 ADUs per year over the eight-year planning period to accommodate a portion of its

RHNA. Additionally, 16 of the 20 ADUs are assigned to the lower-income RHNA. The projections are based off ADU building permit trends. Specifically, the element states that the City has issued eight building permits since 2020. However, HCD's records through the City's Annual Progress Reports (APR) indicate that the City permitted 1 ADU in 2020 and 2 in 2021. The City's past performance on permitting ADUs do not support the projections in the inventory. The element must reconcile these figures and adjust assumptions based on a realistic estimate of the potential for ADUs and include strong policies that commit to incentivizing ADUs. Depending on the analysis, the element must commit to monitor ADU production and affordability throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element. If necessary, additional actions, should be taken in a timely manner (e.g., within six months). The degree of additional actions should be in stride with the degree of the gap in production and affordability.

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

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

- *Emergency Shelters*: While the element stated that the C-1 zone allows emergency shelters by-right, it must specifically indicate whether it permits emergency shelters without discretionary action. Additionally, element should describe how emergency shelter parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) which generally limits parking requirements to the amount need for staff or include a program to comply with this requirement.

For your information, as of March 31, 2023, AB 2339 (2022) is now applicable to the City and must be addressed in the element. AB 2339 (2022) specifies how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. For more information, please see <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

- *Manufactured Housing*: While the element states that manufactured homes are allowed by-right on lots zoned for single family dwellings, it should clarify manufactured homes on a permanent foundation are to be allowed the in the same as single-family homes. The element must demonstrate compliance with this requirement or add or modify programs.

- *Accessory Dwelling Units (ADU)*: While the element notes that state law allows for ADUs to be developed on any lot that allows residential uses, the element must clarify whether the City implements this specific requirement e.g., whether the City allows ADUs in all zones that allow residential uses including nonresidential zones e.g., mixed-uses and commercial. Secondly, the element first indicates that the City implements a ministerial approval procedure for ADUs; however, also notes that the R-1 and R-2 districts require a special use permit for accessory structures (pg. 4-6). The element must clarify how the City permits ADUs including whether it requires any type of discretionary permits. Based on a complete analysis, the element may need to add or modify programs, as appropriate.

In addition, after a cursory review of the City's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance in order to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must analyze all relevant land use controls impacts as potential constraints on a variety of housing types. Specifically, the element noted that smaller bedroom units including studios and one-bedrooms are required to provide 1.75 spaces per unit (p. 4-4) and are also required to have one garage space (p. 4-5). Requiring smaller bedroom types to provide 1.5 parking spaces is considered a constraint. Additionally, the element must analyze covered parking requirements for impacts on cost, supply, housing choices, affordability and achieving maximum densities. The element must include a program committing to reducing parking requirements for smaller bedroom types (e.g., one space per one-bedroom unit).

Fees and Exaction: The element includes a listing for most fees for development and states that on average, fees do not constitute no more than ten percent of total development costs. However, the element should clarify whether the calculation considered various impact fees (water, sewer, school, etc.,) as part of that estimate. If not, the analysis should include the percentage of total development costs including all fees such as impact fees.



Local Processing and Permit Procedures: The element demonstrated that multifamily is only allowed with a use permit in any zone that allows multifamily development. In addition, the use permit generally requires planning commission and city council approval and design review. Further, the element illustrated potential constraints by requiring multifamily housing to meet subjective findings such as impacts on “morals, comfort and convenience”. For your information, subjecting multifamily housing to a conditional use permit (CUP) in zones where multifamily housing is already permitted is considered a constraint. The element must include or modify a program addressing and removing or modifying the CUP for multifamily housing in zones that are intended to permit multifamily housing.

Finally, the element should address public comments on this revised draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

Design Review: The element should clearly explain whether design review is optional or required for areas intended for residential uses and whether there are established development standards. Additionally, the element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and 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.

Constraints on Housing for Persons with Disabilities: The element included Program D.2 (Persons with Disabilities) committing to allowing group homes of seven or more in specific zones. However, zoning should simply implement a barrier-free definition of family instead of subjecting potential persons with disabilities to special regulations such as the number of persons, parking requirements, population types and licenses. These housing types should not be excluded from residential zones, most notably low-density or single-family zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special permits and potentially subjecting housing for persons with disabilities to higher discretionary standards is generally considered a constraint. The element must be revised with program(s) committing to allowing group homes of seven or more in any zone that permits residential uses and only subject to those restrictions that apply to similar residential uses. Please see HCD's for more info <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.

- 5. An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for*

*building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

Approval Times and Lesser Density Requests: The element must include analysis of requests to develop housing at densities below those identified and the length of time between receiving approval for a housing development and submittal of an application for building permits. The analysis should address any hinderances on the jurisdiction's ability to accommodate RHNA by income category and include programs as appropriate.

### **C. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and quantified objectives. This is especially important since most of these programs are being recycled from prior planning periods and indicated little progress or outcomes as noted in the review and revise section of the housing element. Programs that need to be modified with timelines, specific commitments and quantified metrics include Program A.2 (Mixed-use Zoning), A.3 (Small Lot Development), B.2 (Facilitate Affordability), B.3 (Housing Choice Vouchers). In addition, programs should be revised, as follows:

- Program A.2 (Mixed-use Zoning) and B.1 (Develop Inclusionary) commits to researching and providing a report; however the element needs to include timelines committing to take actions on the outcomes of these reports.
- Program B.3 (Housing Choice Vouchers) commits to providing pamphlets on specific issues but needs to include a timeline for when these pamphlets will be developed.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room*

*occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Program A.1 – Shortfall Rezone Program: The element describes a shortfall of sites and indicates rezoning will occur to accommodate the RHNA. In addition, the City has an unaccommodated need from the 4<sup>th</sup> and 5<sup>th</sup> cycle of 70 lower-income units. While the element includes Program A.1, it must specifically commit to acreage, allowable densities, anticipated units and affordability.

In addition, the rezone program must be revised to include all the provisions of Government Code section 65583.2, subdivisions (h) and (i), as follows:

- permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval;
- accommodate a minimum of 16 units per site;
- require a minimum density of 20 units per acre; and
- at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all the very low- and low-income housing need, if those sites:
  - allow 100 percent residential use, and
  - require residential use to occupy 50 percent of the total floor area of a mixed-use project.

In addition, the recent California appellate decision in *Martinez v. City of Clovis* found that while overlays can be used in a rezone, when the base zone allows residential development, both the base zone and the overlay zone must comply with the minimum density requirements of Government Code section 65583.2, subdivision (h). The City should address how the City's rezone program(s) will address these requirements, if applicable. Based on the analysis, the element may need to adjust Program A.1.

Publicly Identified Sites: The element identified the Fort Ord sites to accommodate the City's 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> cycle RHNA. This site is an integral part of the addressing most of the City's RHNA including the lower-income RHNA and RHNA from the last planning period. The site is owned by the City; therefore, providing a unique opportunity to provide much needed affordable housing. As such, the element needs to include significant actions to facilitate and encourage development on this site. The element should include a program with numerical objectives that ensures compliance with the Surplus Land Act if applicable, provides incentives and actions along with a schedule to

facilitate development of this site. Actions should include outreach with developers, issuing requests for proposals, incentives, fee waivers, priority processing and financial assistance.

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

While the element includes Programs B.2 and B.6 to assist in the development of affordable units, it must also include a program(s) with specific actions and timelines to assist in the development of housing for ELI households and farmworkers. The program(s) could commit the City to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to ELI households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers; developing procedures to encourage and facilitate SRO development in the allowable district.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B4 and B5 the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised, as follows:

Program C.1 – Review Constraints: This Program indicated that it would update the zoning ordinance to comply with SB 35; however, the objective of this Program states it will review and revise as needed. However, complying with SB 35 is required. The element should include a firm commitment to establishing processes and procedures for SB 35.

Reasonable Accommodation: The element noted that the City does not have a formal reasonable accommodation process and uses a variance to process requests. While the analysis indicated that the element includes programs committing to establishing a formal written reasonable accommodation procedure (p. 4-14), the element did not include any corresponding programs. The element must include or modify program(s) committing to establishing an objective written reasonable accommodation procedures.

5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion,*

*sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element requires a complete AFFH analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

#### **D. Quantified Objectives**

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group for very low-, low-, moderate- and above-moderate income, the element must also include objectives for ELI households.

In addition, while the element includes quantified objectives for new construction, it did not include objectives for units that will be conserved or rehabilitated during the planning period because the City does not have any at-risk units. However, quantified objectives are not limited to at-risk preservation. Conservation and rehabilitation objectives may include the variety of strategies employed by the City to promote tenant stability, code enforcement and repair programs that conserve the housing stock. The element should include quantified objectives for rehabilitation and conservation across income categories. For more information, please see <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/program-overview-and-quantified-objectives>.