

RESOLUTION 2021-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, REPEALING IN ITS ENTIRETY THE 2013-2021 HOUSING ELEMENT AND ADOPTING IN FULL NEW TEXT COMPRISING THE 2021-2029 SIXTH CYCLE HOUSING ELEMENT UPDATE TO THE GENERAL PLAN.

(CASE NO. PLCY-003816-2020 GPA; CITYWIDE)

WHEREAS, the California Legislature has determined that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals;

WHEREAS, California Government Code Section 65588(b) requires the City of Encinitas to periodically prepare an update to the Housing Element of its General Plan;

WHEREAS, the City Council directed the City Manager to cause the Development Services Department to proceed with this update to the City's Housing Element for the 2021-2029 planning period;

WHEREAS, as provided in Government Code Section 65350 et. seq., and Public Resources Code this Housing Element Update 2012-2029 constitutes a General Plan Amendment ("Project");

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the City mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and other entities listed and no California Native American tribe requested consultation;

WHEREAS, the City of Encinitas prepared the draft 2021-2029 Housing Element in accordance with California Housing Element Law (Government Code section 65580 et seq.);

WHEREAS, the 2021-2029 Housing Element Update project, Case Number PLCY-003816-2020 GPA, is popularly known as "Housing Plan Update 2021-2019";

WHEREAS, California Government Code Section 65583 requires that the Housing Element Update contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of these needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element Update;

WHEREAS, the City's share of the regional housing need was established in the Regional Housing Needs Assessment Plan prepared and adopted by the San Diego Association of Governments (SANDAG) on July 10, 2020. The allocation establishes the number of new units needed, by income category, to accommodate expected population growth over the planning period of the Housing Element;

WHEREAS, Housing Element Law requires the Housing Element to identify adequate sites to accommodate the City's Regional Housing Needs Allocation (RHNA) for all income categories, and the Housing Element Update identifies sites that can accommodate housing exceeding the City's RHNA;

WHEREAS, in accordance with Government Code Section 65585(b), the City on June 30, 2020 submitted a draft Housing Element to the California Department of Housing and Community Development (HCD) and submitted revisions to HCD dated August 17 and 19, 2020; and received a letter from HCD dated August 27, 2020, which found that the City's draft Housing Element required revisions to comply with Housing Element Law;

WHEREAS, the City Council considered the comments received from HCD at a Study Session on November 16, 2020 and provided direction on responses to HCD's comments;

WHEREAS, the City incorporated each of HCD's specific requirements identified in the August 27, 2020 letter into the City's Housing Plan Update 2021-2029, resubmitted the draft Housing Plan Update 2021-2029 to HCD on December 4, 2020, and submitted additional revisions on January 18, 2021;

WHEREAS, HCD issued a letter to the City dated February 4, 2021, which found that the City's December 4, 2020 draft Housing Element and revisions required further revisions to comply with Housing Element Law;

WHEREAS, the City Council and Planning Commission considered the comments received from HCD at a Joint Study Session on February 16, 2021 and provided direction on responses to HCD's comments;

WHEREAS, the City has incorporated revisions into Housing Plan Update 2021-2029 in response to HCD's letter of February 4, 2021 to ensure that the Housing Element would substantially comply with Housing Element Law;

WHEREAS, the City has determined that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed Housing Element would have a significant effect on the environment, in that no new policies adopted modify the density or physical design of housing and so do not have the potential for causing a reasonably foreseeable direct or indirect change in the physical environment, as further documented in Attachment No. 15 to the staff report submitted to the City Council for its meeting of April 7, 2021;

WHEREAS, the City conducted substantial and broad public engagement using a methodical process including surveys with over 500 respondents and public workshops with over 50 participants, identifying public opportunities and issues and this Project is a culmination of the input received;

WHEREAS, the Planning Commission held a duly noticed public hearing on March 4, 2021, as prescribed by law. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including written and graphical information posted on the Project website, including without limitation public comments submitted to HCD and City

responses through February 26, 2021, all of which are incorporated by this reference as though fully set forth herein.

- b. Materials created for public engagement and study session agenda reports.
- c. Oral testimony from City staff, interested parties, and the public.
- d. The staff report dated March 4, 2021, which along with attachments, are incorporated herein by reference as though fully set forth herein, as are staff reports and presentations prepared for related study sessions, which occurred during the life of the Project.
- e. Additional information submitted during the public hearing;

WHEREAS, on March 4, 2021, the Encinitas Planning Commission, in its independent judgment and after fully considering all alternatives, unanimously recommended approval of the Sixth Cycle Housing Element with a modification to incorporate a study on the impact of non-owner occupied short-term lodging on the availability of housing;

WHEREAS, on March 25, 2021, the City received Notices of Violation from HCD regarding its Density Bonus Ordinance and its Group Homes Ordinance adopted in December 2020;

WHEREAS, the City Council Commission held a duly noticed public hearing on April 7, 2021, as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a. Written information including written and graphical information posted on the Project website, including without limitation public comments submitted to HCD and City responses through March 15, 2021, all of which are incorporated by this reference as though fully set forth herein.
- b. Materials created for public engagement and study session agenda reports.
- c. Oral testimony from City staff, interested parties, and the public.
- d. The staff report dated April 7, 2021 and the supplemental Memorandum dated April 6, 2021, which along with attachments, are incorporated herein by reference as though fully set forth herein, as are staff reports and presentations prepared for related study sessions, which occurred during the life of the Project.
- e. Additional information submitted during the public hearing;

WHEREAS, the 2021-2029 Housing Element Update attached as **Exhibit 2021-16-A** to this Resolution is the final, adopted 2021-2029 Housing Element of the General Plan, the entirety of which is new text and graphics in the General Plan;

WHEREAS, the Housing Element is not part of the City's Local Coastal Program and may therefore be adopted by the City Council and become effective immediately upon its adoption;

WHEREAS, the proposed amendments to the Housing Element will not repeal, amend, or adopt any of the Planning Policy Documents referenced in Section 3 of the Encinitas Right to Vote Amendment (Encinitas Municipal Code Section 30.00.030) and therefore no vote of the electorate is required before the Housing Element Update may become effective;

WHEREAS, the proposed update to the Housing Element is not a General Plan update that is comprehensive in nature, as defined in Land Use Element Policy 3.12, in that it is not titled as such and does not substantially change or re-adopt the text and maps of the existing elements of the General Plan; and

WHEREAS, based on the totality of the record and evidence described and referenced in this Resolution, the Encinitas City Council finds that the proposed text amendments are consistent with the purposes of the General Plan, Municipal Code, and adopted Local Coastal Program in that the amendments support a variety of objectives including increasing housing choice by accommodating a variety of housing types to meet the needs of all Encinitas residents, providing adequate sites with corresponding density to meet the City's RHNA allocation, adopting State mandated and locally desired programs to implement the Housing Element effectively, and distributing attached and multi-family housing to the City's five communities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Encinitas hereby resolves as follows:

SECTION 1. The foregoing recitations are true and correct and are incorporated by reference into this action.

SECTION 2. The 2021-2029 Housing Element of the General Plan substantially complies with Housing Element Law, as provided in Government Code 65580 et seq. and are consistent with Land Use and other elements of the City's General Plan. The proposed amendments are required to bring the Housing Element into consistency with State law and are consistent with sound planning principles in that the proposed policies and proposed implementing regulations are compatible and ensure that the goals and policies of the General Plan can be adequately implemented to achieve the community's vision.

SECTION 3. As required by Government Code Section 65585(e), the City Council has considered the findings made by the Department of Housing and Community Development included in the Department's letter to the City dated February 4, 2021, Consistent with Government Code Section 65585(f), and as described in Exhibit 'A'; to this resolution, the City Council has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of Article 10.6 of the Government Code as interpreted by HCD. The changes made in Housing Plan Update 2021-2029 are described in **Exhibit 2021-16-B**, which is incorporated by this reference and are adopted along with this resolution.

SECTION 4. There is a real and substantial relationship of the Encinitas Housing Element to the general welfare of the City and the entire region. Encinitas has adequately researched and considered the numerous competing interests in the region and, in view of the demonstrated need for new housing, the approval constituted a reasonable accommodation of those interests.

SECTION 5. The 2013-2021 Housing Element is hereby repealed in its entirety and the 2021-2029 Housing Element (**Exhibit 2021-16-A**) is adopted.

SECTION 6. Based on the evidence presented, Proposition A (EMC Chapter 30.00) is not applicable to this item, and no voter requirement applies.

SECTION 7: This Resolution shall become effective upon adoption by the City Council.

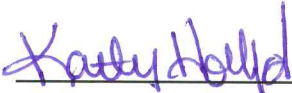
SECTION 8: The Director of Development Services or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the 2021-2029 Housing Element is in conformance with State law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Encinitas, California, held on the 7th day of April 2021.



Catherine S. Blakespear, Mayor

ATTEST:



Kathy Hollywood, City Clerk

APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney

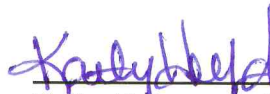
I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 7th day of April 2021, by the following vote

AYES: Blakespear, Hinze, Lyndes, Mosca

NAYS: Kranz

ABSENT: None

ABSTAIN: None



Kathy Hollywood, City Clerk

Exhibit 2021-16-A

2021-2029 Housing Element

The 2013-2021 Housing Element is hereby repealed in its entirety and is removed from the General Plan. Because of the extensive revisions made to the 2013-2021 Housing Element, it is not presented with deleted text. It is simply removed in its entirety. In its place, the new 2021-2029 Housing Element, which includes all Appendices, is adopted in its entirety in the General Plan. It is not underscored, but it should be viewed as new text. This is done because of the extent of the changes made and underscoring all of it would be confusing and difficult to read.

The 2021-2029 Housing Element may be accessed at:

<https://encinitasca.gov/I-Want-To/Housing-Plan-Update/Housing-Update-2021-2029>

and

Encinitas City Hall
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024

Exhibit 2021-16-B

Response to Findings of the California Department of Housing And Community Development Included in Letter Dated February 4, 2021.

General

To be in substantial compliance with state law, a housing element must contain all of the elements mandated by state housing element law. (See *Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1191-92.) The table attached to this Exhibit B as Attachment A demonstrates that the Encinitas Housing Element contains each of the elements mandated by State law.

Response to Letter from HCD Dated February 4, 2021

A.1 Housing Needs, Resources, or Constraints.

HCD Comment: Realistic Capacity: Site 09 - Echter Property/Fox Point Farms: Encinitas' City Council took action at its January 27, 2021 meeting to deny the appeal from Encinitas Community Trust and approve the Fox Point Farms development application. As such, capacity estimates in the housing element for Site 09 should be revised to reflect the number and affordability level of the housing project as approved for the site.

City Response: The City has updated Program 1A (Pages 1- 13-17) of Section 1, Section 12 of Appendix B (Pages B- 127-134), and Appendix C to reflect the approval of 250 units of housing on Site 09 – Echter Property. It has been removed from the list of available sites and added to the “approved” list, and the affordability adjusted to that proposed in the project. In addition, City staff has updated the number of projects under construction, issued building permits, or approved since the start of the projection period on June 30, 2020, and updated ADU projections based on the City's model program and continued high demand. With these updates, the City has concluded that the plan's capacity for units affordable to lower income households will result in a total buffer of at least 858 units, over 100 percent of the City's 838-unit RHNA obligation.

As acknowledged and identified in Program 1E (Page 1- 22), the City will comply with No Net Loss requirements if and when a project is approved with less than the identified RHNA for all income levels. Any site rezoned will satisfy the adequate site requirements of Section 65583.2 and will be consistent with the City's obligation to affirmatively further fair housing, which is reflected in the update to this Program in response to HCD's comments.

B.1 Housing Programs.

HCD Comment: As noted in Finding A-1, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning cannot be 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.

City Response: As noted above in the response to A1, Program 1A (Pages 1- 13-17) of Section 1, Section 12 of Appendix B (Pages B- 127-134), and Appendix C have been revised to reflect the approval of the Echter site and units under construction, approved, and issued building permits since the start of the projection period on June 30, 2020. The City has provided a new Table 2-3 on Page 1-14 showing the City's progress in meeting its RHNA obligation in all income categories since the start of the projection period. Based on these updates, the City has concluded that the plan's capacity for units affordable to lower income households will result in a total buffer of at least 858 units, over 100 percent of the City's 838-unit lower income RHNA obligation, as well as a buffer of over 100 percent in the moderate and above-moderate income categories. Units approved and under construction in the above-moderate income category already exceed the City's above moderate income RHNA for the eight-year period ending in April 2029. In total, City zoning can accommodate 3,722 units, well in excess of the 1,554 total units that the City is required to accommodate.

HCD Comment: Program 2D: Ensure that the Density Bonus Ordinance Continues to be Consistent with State Law

In order to meet the requirements of Assembly Bill (AB) 2345 (Chapter 197, Statutes of 2020), the City adopted Ordinance No. 2020-09 with the intent of satisfying the law's requirements pursuant to the course of action allowed in Government Code 65915, subdivision (s). HCD has reviewed Ordinance No. 2020-09 and finds multiple provisions are inconsistent with SDBL.

Ordinance No. 2020-09 does not "incentivize the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the version of this section effective through December 31, 2020" as required by subdivision (s). Alternatively, it disincentivizes density bonus by including provisions that limit the number of housing units that can be developed (use of net acreage); requires documentation in excess of the "reasonable documentation" allowed when requesting concessions/incentives and waivers, thus shifting the burden of proof from the City to the developer; includes arbitrary requirements not allowed in State Density Bonus Law (e.g., square footage requirements for density bonus units), and does not include any grandfathering provisions. Please see the Department's December 16, 2020 correspondence for additional areas that do not comply with statutory requirements.

As you are aware, a local government may not adopt ordinances that conflict with the State Planning and Zoning Law. (Gov. Code, § 65000 et seq.) Program 2D acknowledges this by stating, "Government Code section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law."

Accordingly, Program 2D must be revised to commit the City to immediately remove or suspend Ordinance No. 2020-09 and apply current State Density Bonus Law until the City's density bonus ordinance is appropriately amended to be in compliance with the requirements of AB 2345 and Government Code section 65915, including as noted in the Department's December 16, 2020 correspondence.

City Response: The City has revised Program 2D to state that the City will repeal Ordinance No. 2020-09 within six months and will immediately apply current State Density Bonus Law to

pending projects. In response to informal HCD comments received on April 6, 2021, the program was revised to indicate that the City's density bonus ordinance would comply with current requirements of State Density Bonus Law.

HCD Comment: Program 2E: Accommodate Specialized Housing Types to Assist Persons with Special Needs

The City adopted Ordinance No. 2020-16 with the intent of regulating group homes, including sober living homes, which are not required to be licensed by the State of California. HCD has reviewed Ordinance No. 2020-16 and finds multiple provisions that discriminate against persons with disabilities and are inconsistent with the requirements of Government Code section 65008, including the following:

- It explicitly targets persons with disabilities and imposes different requirements on a protected class than those requirements generally imposed upon other uses.
- It creates an onerous permitting requirement that jeopardizes the financial feasibility of group homes and sober living homes by requirements including, but not limited to, 24-hour on-site management.
- It requires written notice to neighbors within 500 feet, thus stigmatizing the tenants and additionally requiring a Good Neighbor Policy, which assumes the tenants – persons with disabilities – will be bad neighbors.
- It limits the use and enjoyment of the home by including additional limitations including, but not limited to, use of the garage, and driveway, use of ADUs, limiting the number of cars, and more.

None of these requirements apply to other residential uses. Program 2E must be revised to commit the City to immediately remove or suspend Ordinance No. 2020-16 and uphold current State laws regarding the fair and equal treatment of persons with disabilities without discrimination in land use.

City Response: The City has revised Program 2E to state that the City will immediately suspend enforcement of Ordinance No. 2020-16 and will repeal the Ordinance within six months.

HCD Comment: Program 3D: Improve the Efficiency of the Development Review Process for Housing Projects

Program 3D states, "In conformance with Government Code section 65940.1 (SB 1483), the City has posted on its website a current schedule of fees, application forms, zoning ordinances, and other information, and updates the information with 30 days of any changes." In addition, Section 9.1.7 of the housing element (Cultural/Natural Resources Overlay Zone) states, "The Final Environmental Assessment (EA)...identifies the R-30 sites that potentially may have ecologically sensitive plant and animal habitats or could contain archaeological and tribal cultural resources...project staff will inform the applicant if a site specific analysis is required for archaeology or biology when a project is proposed...Because the EA is incorporated into the

General Plan, the City is required to ensure that developments on R-30 sites comply with its requirements.” [Emphasis added.]

Program 3D should be revised to include a commitment to post the additional analysis required by the EA on the City’s website along with the detailed, objective standards required of the studies and the mitigation measures identified should a significant impact be identified for each of the R-30 sites within 6 months.

HCD reminds the City that it adopted both the Environmental Impact Report and the EA with overriding considerations regarding immitigable traffic impacts. Thus, the City has declared the provision of housing takes precedence over any potential significant and immitigable impacts development may have on traffic.

City Response: Program 3D (Pages 1- 40-42) has been updated to state that the City will provide more information about the studies identified in the EA on the City’s website within six months of the adoption date of the Housing Element. While mitigation measures are identified in the EA, whether they will be applied to projects will depend upon the impact identified, if any. The EA is currently available on the website.

In response to informal comments from the Department received on March 25, 2021 and April 6, 2021, Program 3D was further amended to explain more clearly that the EA is not an environmental document, to describe its relation to the Measure T EIR prepared on an earlier draft of the Fifth Cycle Housing Element, to list the five R-30 sites reviewed in the Measure T EIR, and to cite the scope of Planning Commission review as stated in HCD’s Technical Guide to the Site Inventory.

It is incorrect that the EA was adopted with a statement of overriding considerations regarding traffic impacts that could not be mitigated. The EA is not an EIR, and therefore, the City did not adopt a statement of overriding considerations. As required by state law (Government Code Section 65759(a)(3)), the EA was "deemed to be a part of the general plan," and objective requirements for various studies included in the EA must be completed for all sites in the R-30 overlay zone, including 'by-right' projects, to be consistent with the general plan. In regard to traffic studies, the EA states that "a site-specific study shall be conducted for the purposes of determining whether a fair-share contribution is warranted to mitigate any significant traffic impacts resulting from buildout of the development." The EA has not acted as a constraint on housing development.

HCD Comment: Program 3F: Seek to Create Community Support for Housing at a Variety of Income Levels:

Program 3F describes the Citizen Participation Process (CPP) as, “not used as a basis to approve or deny a project but as a means for the developer to explain the project to the community, to involve the community in the application review, and to provide an opportunity to reduce public opposition to project.” As such, the City requires a CPP for most housing development projects in the City, including projects qualifying for a by-right process (without any discretionary action) such

as R-30 sites with development projects including 20 percent or more of the units affordable to lower-income households.

However, the City's Municipal Code Chapter 30.09 acknowledges both the City's Design Review and CPP are discretionary actions. For example, Emergency Shelters, which must be allowed by-right, are explicitly exempt from both design review and the provisions of Chapter 23.06 (CPP process).

Program 3F further states that, "Comments received during the CPP are provided to the decision-making bodies in the staff report. Staff provides an analysis of comments received that are relevant to objective standards applicable to the proposed project for the decision-making body to consider in making the required findings."

Any process that involves a public meeting or public hearing implies discretion is allowed. However, discretionary processes and standards are not allowed for by-right projects. Program 3F should be revised to provide certainty that decision-making bodies only consider objective standards and use objective processes during the deliberation of projects qualifying for a by-right review. Subjective processes and subjective standards cannot be imposed. Citizens' comments that are subjective in nature or do not address objective standards may not be considered or influence decision-making. The City should consider that by inviting the public's input on by-right projects, citizens who engage in the process by providing subjective comments that cannot be considered by the City's decision makers could become frustrated and disenfranchised.

As an alternative, the City may consider amending its approval process for projects that are allowed by right so that they are exempt from the CPP or other public hearings, and that the Director of Development Services (or other staff designee) has decision-making authority for by-right design review.

In addition, Program 3F or other programs should include a commitment to continually monitor both the CPP and design review processes as applied to by-right projects to ensure only objective processes or standards are used. In addition, due to the cumulative impact of a variety of potential constraints, Program 3F or other programs must monitor the City's overall regulatory framework annually and make changes as appropriate. Monitoring should be done in collaboration with HCD, the development community, and/or housing advocates. If any process is found to include discretion or subjectivity for by-right development or generally act as a constraint on development, the requirement should be removed or suspended until the process can be amended. Amendments should be completed within one year of identification of the constraint.

City Response: Planning Commission and City Council agreed to retain the CPP for by-right projects because, in the City's experience, the CPP reduces opposition to projects and so reduces the risk of future third-party litigation, without blocking project approvals or reducing housing density. Staff has incorporated the language requested by HCD into Program 3F (Pages 1- 42-44) and modified the program to include a monitoring program for by-right projects to ensure only objective processes or standards are used and that any required amendments be completed within one year of the identification of a constraint. Staff modified other program objectives as needed to reflect the timeframe. In addition, in Program 3D, the City incorporated the language

provided by HCD in its technical guide to the site inventory regarding the scope of Planning Commission review of 'by right' projects.

In response to informal comments from the Department received on March 25, 2021, Program 3F was further amended to explain the available appeal processes if an applicant believes that subjective standards are being improperly applied to its project.

Attachment A

Conformance of Housing Element with State Law Requirements

Government Code Provision	Housing Element Compliance
Section 65583	
(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:	Appendix B
(a)(1) An analysis of population and employment trends and documentation of projections.	Appendix B, pages 1-7
(a)(1) A quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.	Appendix B, pages 7-40 Section 1, pages 3, 13
(a)(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay,	Appendix B pages 7-10
(a)(2) housing characteristics, including overcrowding, and	Appendix B pages 12-38, 12-15
(a)(2) housing stock condition.	Appendix B pages 30-35
(a)(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.	Appendix C Please see Section 65583.2 regarding the land inventory.
(a)(4)(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter.	Appendix B pages 94-97 Section 1, Program 2E

Government Code Provision	Housing Element Compliance
<p>(a)(4)(A) If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:</p>	<p>Section 1, Program 2E</p>
<p>(i) The maximum number of beds or persons permitted to be served nightly by the facility. (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone. (iii) The size and location of exterior and interior onsite waiting and client intake areas. (iv) The provision of onsite management. (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart. (vi) The length of stay. (vii) Lighting. (viii) Security during hours that the emergency shelter is in operation.</p>	<p>Appendix B pages 97-98 Section 1, Program 2E</p>
<p>(a)(4)(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).</p>	<p>Appendix B, pages 97-98</p>
<p>(a)(4)(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.</p>	<p>Not applicable.</p>
<p>(a)(4)(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.</p>	<p>Appendix B pages 94-97 Section 1, Program 2E</p>

Government Code Provision	Housing Element Compliance
(a)(5) 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),	Section 1, Programs 3A-3H Appendix B, pages 70-113
(a)(5) and for persons with disabilities as identified in the analysis pursuant to paragraph (7),	Section 1, Programs 2E, 3A-3H, 5B Appendix B, pages 100-102
(a)(5) including land use controls,	Appendix B pages 70-90
(a)(5) building codes and their enforcement,	Appendix B page 107
(a)(5) site improvements,	Appendix B page 116-118
(a)(5) fees and other exactions required of developers,	Appendix B page 104
(a)(5) local processing and permit procedures,	Appendix B pages 108-114
(a)(5) and any locally adopted ordinances that directly impact the cost and supply of residential development.	Appendix B pages 70-100
(a)(5) 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	Section 1, Programs 3A-3H Appendix B, pages 70-113
(a)(5) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).	Section 1, Programs 2E, 3A-3H, 5B Appendix B, pages 100-102
(a)(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing,	Appendix B, page 65-70, 66-68 Section 1, Programs 3E, 3F, 5A, 5C
(a)(6) the price of land,	Appendix B page 65-66
(a)(6) the cost of construction,	Appendix B page 65-66
(a)(6) the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2,	Appendix B, page 67

Government Code Provision	Housing Element Compliance
(a)(6) and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584.	Appendix B, page 67 Section 1, Programs 3D, 3E
(a)(6) The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.	Appendix B, page 69 Section 1, Programs 3E, 3F, 5A, 5C
(a)(7) An analysis of any special housing needs, such as those of the elderly;	Appendix B, pages 17-30, 19
(a)(7) persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code;	Section 1, Program 5B Appendix B, page 22-24
(a)(7) large families;	Appendix B, page 24-25
(a)(7) farmworkers;	Appendix B, page 28-29
(a)(7) families with female heads of households;	Appendix B, pages 9, 25
(a)(7) and families and persons in need of emergency shelter.	Appendix B, page 26-27
(a)(7) The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions.	Section 1, Program 2E Appendix B, pages 26-27, 94
(a)(7) The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.	Not applicable
(a)(7) An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.	Not applicable
(a)(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.	Section 1, Program 1F, page 23, Appendix B, pages 137-138

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(a)(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.	Appendix B 39-40 Section 1, Programs 6A, 6B
(a)(9)(A) – (D).	Not applicable. No units at risk of loss in next 10 years.
(b)(1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.	Section 1, Program 4A-4B
(b)(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.	Section 1, page 54
(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that 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,	Section 1
(c) the provision of regulatory concessions and incentives,	Section 1 Programs 1C, 1D, 2D Appendix B, page 75, 125
(c) the utilization of appropriate federal and state financing and subsidy programs when available,	Section 1, Program 2C Appendix B, page 35
(c) and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code).	Not applicable; City has never established a redevelopment project area.

Government Code Provision	Housing Element Compliance
(c) In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:	
(c)(1) 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 Section 65584.09.	Inventory shows that adequate sites are available during the planning period to accommodate the regional housing need for each income level. But see Programs 1A-1G and Appendix C
(c)(1) 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,	Section 1 Programs 1C, 1E, 2B, 2E, 2G Appendix B, page 90-92, 93
factory-built housing,	Appendix B, page. 90-92
mobilehomes,	Appendix B, page. 90-92, 93
housing for agricultural employees,	Appendix B, page 90-92, 99
supportive housing,	Appendix B, page 90-94, 98
single-room occupancy units,	Appendix B, page. 90-93, 99
emergency shelters,	Appendix B, page 94
and transitional housing.	Appendix B, page 90-92, 98
(c)(1)(A) 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, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.	The inventory of sites identifies adequate sites to accommodate the need for groups of all household income levels and no rezoning is required. See Programs 1A-1G, Appendix B pages 119-134, and Appendix C.

Government Code Provision	Housing Element Compliance
(c)(1)(B) 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 identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.	The inventory of sites identifies adequate sites to accommodate the need for groups of all household income levels. See Programs 1A-1G, Appendix B pages 119-134, and Appendix C.
(c)(1)(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.	Section 1, Program 2E Appendix B page 28
(c)(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.	Section 1, Programs 2A-2G
(c)(3) 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.	Section 1, Programs 3A-3H, 5A-5C
(c)(3) 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.	Section 1, Program 5B
(c)(3) Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.	Section 1, Program 2E Appendix B, pages 98 -99
(c)(3) Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).	Section 1, Program 2E Appendix B, page 99
(c)(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.	Section 1, Programs 2C, 4A and 4B
(c)(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 protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.	Section 1, pages 3-5, Programs 1C, 1D, 2A, 2B, 2C, 2E, 2F, 3F, 3H, 4B, 5A – 5C, 6A Appendix B pages 41-64

Government Code Provision	Housing Element Compliance
(c)(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.	Section 1, Programs 6A and 6B
(c)(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2.	Section 1, Programs 1C, 1D
(c)(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.	Section 1 All Programs, Section 1, page 5
(c)(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.	Section 1, pages 5-8, Appendix A
(c)(10)(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:	Appendix B, pages 41 - 64
(c)(10)(A)(i) A summary of fair housing issues in the jurisdiction	Appendix B, pages 41-43
(c)(10)(A)(i) and an assessment of the jurisdiction’s fair housing enforcement and fair housing outreach capacity.	Appendix B, pages 43-44
(c)(10)(A)(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends,	Appendix B, pages 44-45
(c)(10)(A)(ii) racially or ethnically concentrated areas of poverty,	Appendix B, pages 45-46
(c)(10)(A)(ii) disparities in access to opportunity, and	Appendix B, pages 46-49
(c)(10)(A)(ii) disproportionate housing needs within the jurisdiction, including displacement risk.	Appendix B, pages 49-52

Government Code Provision	Housing Element Compliance
(c)(10)(A)(iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).	Appendix B, pages 52-53
(c)(10)(A)(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance,	Section 1, pages 3-5, Programs 1C, 1D, 2A, 2B, 2C, 2E, 2F, 3F, 3H, 4B, 5A – 5C, 6A Appendix B pages 41-64
(c)(10)(A)(iv) and identifying the metrics and milestones for determining what fair housing results will be achieved.	Section 1, Programs 1C, 1D, 2A, 2B, 2C, 2E, 2F, 3F, 3H, 4B, 5A – 5C, 6A
(c)(10)(A)(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity,	Section 1, Programs 1C, 1D, 2A, 2B, 2C, 2E, 2F, 3F, 3H, 4B, 5A – 5C, 6A
(c)(10)(A)(v) as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing,	Section 1, Program 6A
(c)(10)(A)(v) and protecting existing residents from displacement.	Section 1, Program 5C Appendix B, page 52
(c)(10)(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.	Section 1, Program 5A Appendix B pages 41-64
(d) – (j)	Not applicable.

Government Code Provision	Housing Element Compliance
Section 65583.1	
(a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, ... may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department.	Section 1, Program 1A, 1C-D, Appendix B, pages 129-133
(b) – (c)	Not applicable.
(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.	Section 1, Program 1A Appendix B, page 133
65583.2	
(a) A city’s or county’s inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (10) of subdivision (c) of Section 65583,	Section 1, Program 1A Appendix B, pages 119-134 Appendix C
(a) that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, “land suitable for residential development” includes all of the following sites that meet the standards set forth in subdivisions (c) and (g):	Section 1, Program 1A Appendix B, pages 120 Appendix C
(a)(1) Vacant sites zoned for residential use.	Section 1, Program 1A Appendix B, pages 119-134 Appendix C

Government Code Provision	Housing Element Compliance
(a)(2) Vacant sites zoned for nonresidential use that allows residential development.	Section 1, Program 1A, pages 13-17 Appendix B, pages Appendix B, pages 119-134 Appendix C
(a)(3) Residentially zoned sites that are capable of being developed at a higher density, including sites owned or leased by a city, county, or city and county.	Section 1, Program 1A, pages 13-17 Appendix B, pages 120 Appendix C
(a)(4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.	Not applicable
(b) The inventory of land shall include all of the following:	
(b)(1) A listing of properties by assessor parcel number.	Appendix C, pages 12-48, 53-59
(b)(2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.	Appendix C, pages 12-48, 53-59
(b)(3) For nonvacant sites, a description of the existing use of each property.	Appendix C, pages 12-48, 53-59
(b)(3) If a site subject to this paragraph is owned by the city or county, the description shall also include whether there are any plans to dispose of the property during the planning period and how the city or county will comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.	Not applicable.
(b)(4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.	Appendix B, pages 114-117 Appendix C
(b)(5)(A) A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities.	Appendix B, page 116 Appendix C

Government Code Provision	Housing Element Compliance
(b)(5)(B) Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.	Section 1, Program 1G Appendix B, page 116 Appendix C, pages 7, 12-48, 52-59
(b)(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.	Section 1, Program 1G Appendix B, page 116
(b)(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.	Section 1, page 16 Appendix C, pages 51, 129
(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate the development of some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The inventory shall specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing.	Section 1, Program 1A-1B Appendix B, pages 119-134 Appendix C
(c) A nonvacant site identified pursuant to paragraph (3) or (4) of subdivision (a) in a prior housing element and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need shall not be deemed adequate to accommodate a portion of the housing need for lower income households that must be accommodated in the current housing element planning period unless the site is zoned at residential densities consistent with paragraph (3) of this subdivision and the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower income households. An unincorporated area in a nonmetropolitan county pursuant to clause (ii) of subparagraph (B) of paragraph (3) shall not be subject to the requirements of this subdivision to allow residential use by right.	Appendix B, page 134 Appendix C
(c) The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing,	Appendix B, page 90-100
(c) factory-built housing,	Appendix B, pages 90-92, page 93

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(c) mobilehomes,	Appendix B, pages 90-92, page 93
(c) housing for agricultural employees,	Appendix B, pages 90-92, page 99
(c) supportive housing,	Appendix B, pages 90-92, page 98
(c) single-room occupancy units,	Appendix B, pages 90-92, page 99
(c) emergency shelters, and	Appendix B, pages 90-92, page 98
(c) transitional housing.	Appendix B, pages 90-92, 98
(c) The city or county shall determine the number of housing units that can be accommodated on each site as follows:	
(c)(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulation requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.	Appendix C, pages 6-7, 50
(c)(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.	Appendix C pages 4-5, 12-48, 52-59
(c)(2)(A) A site smaller than half an acre shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site is adequate to accommodate lower income housing.	Appendix C

Government Code Provision	Housing Element Compliance
(c)(2)(B) A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing. For purposes of this subparagraph, “site” means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision.	Appendix C
(c)(2)(C) A site may be presumed to be realistic for development to accommodate lower income housing need if, at the time of the adoption of the housing element, a development affordable to lower income households has been proposed and approved for development on the site.	Not applicable.
(c)(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:	
(c)(3)(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.	Not applicable.
(c)(3)(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:	
(i) – (iii) Not applicable.	
(c)(3)(B)(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.	Section 1, Program 1A Appendix B, pages 127-134 Appendix C, pages 3-49
(d) – (f) Not applicable.	
(g)(1) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development,	Section 1, Program 1A-1B, 1E Appendix B, pages 121-134 Appendix C
(g)(1) the city’s or county’s past experience with converting existing uses to higher density residential development,	Appendix B, page 121-127 Appendix C

Government Code Provision	Housing Element Compliance
(g)(1) the current market demand for the existing use,	Appendix B, page 126 Appendix C
(g)(1) an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development,	Appendix B, page 125 Appendix C
(g)(1) development trends,	Appendix B, page 126 Appendix C
(g)(1) market conditions,	Appendix B, page 126 Appendix C
(g)(1) and regulatory or other incentives or standards to encourage additional residential development on these sites.	Appendix B, page 125 Appendix C
(g)(2) In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.	Appendix C, pages 12-49, 61-64
(g)(3) Notwithstanding any other law, and in addition to the requirements in paragraphs (1) and (2), sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by low or very low income households, shall be subject to a policy requiring the replacement of all those units affordable to the same or lower income level as a condition of any development on the site. Replacement requirements shall be consistent with those set forth in paragraph (3) of subdivision (c) of Section 65915.	Section 1, Program 1B, pages 17-19 Appendix B, page 134 Appendix C
(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period.	Section 1, Program 1A-1B, pages 13-19 Appendix B, pages 127-134 Appendix C

Government Code Provision	Housing Element Compliance
<p>(h) 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 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c), shall be at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c) and shall meet the standards set forth in subparagraph (B) of paragraph (5) of subdivision (b).</p>	<p>Section 1, Program 1A-1B Appendix B, pages 127-134 Appendix C</p>
<p>(h) At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses 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.</p>	<p>Section 1, Program 1A Appendix B, pages 133-134 Appendix C</p>
<p>(i) For purposes of this section and Section 65583, the phrase “use by right” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act.</p>	<p>Section 1, Programs 1A, 1B, 3D Appendix B, pages 110-111, 125, 127, 134</p>
<p>(i) A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.</p>	<p>Section 1, Program 1B Appendix B, pages 110-111, 125, 127, 134</p>