

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

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February 27, 2025

Joshua E. Mann, Director  
Community Development Department  
City of Riverbank  
6707 3<sup>rd</sup> Street  
Riverbank, CA 95367

Dear Joshua E. Mann:

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

Thank you for submitting the City of Riverbank's (City) draft housing element received for review on December 2, 2025. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation with you and your consultant on January 30, 2025. In addition, HCD considered comments from Marty Adrian, Jami Aggers, Gretchen Brown, Christa Casci, Karen Conrotto, Annabel Gammon and J. Allen Gammon, Evelyn Halbert, Diana Hernandez-Adrian, Christine Holmer, Libby Longstreth, Vivian Lopez, Arlene Nagle, Garry Pearson, Betsy Walton, and Voters for Farmland 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.

As a reminder, the City's 6th cycle housing element was due December 31, 2023. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described, adopt, and submit to HCD to regain housing element compliance.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that did not adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until rezones are completed to make prior identified sites available or to accommodate a shortfall of sites pursuant to Government Code sections 65583, subdivision (c)(1)(A) and section 65583.2, subdivision (c). As this year has

passed and Program 1.1a has not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning has been completed.

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.

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>.

HCD appreciates the efforts of the housing element update team during the update and review. 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 Emily Hovda, of our staff, at [Emily.Hovda@hcd.ca.gov](mailto:Emily.Hovda@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF RIVERBANK

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).)*

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

Additionally, to demonstrate adequate sites from the prior planning period, the prior element included Program 1.1c to rezone sites to accommodate the regional housing needs allocation (RHNA) for lower-income households. The element should demonstrate that the sites were rezoned to meet by-right requirements pursuant to Government Code 65583.2(h) and (i), including but not limited to permitting multifamily development without discretionary action and requiring minimum densities.

### **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).)*

The element generally describes some of the requirements regarding an analysis of Affirmatively Furthering Fair Housing (AFFH); however, it then describes the analysis is pending and generally does not address this requirement. For your information, subsequent submittals of the housing element must address the AFFH requirements. For example, the element, among other things, must include an assessment of fair housing, including discussion of patterns of integration and segregation, Racially and Ethnically Concentrated Areas of Poverty and Affluence, (RECAP and RCAA) disparities in access to opportunity, disproportionate housing needs, analysis of fair housing issues in relation to identified sites and identification and prioritization of contributing factors to fair housing issues. This analysis must be supplemented by local data and knowledge and other relevant factors and based on the outcomes of a complete analysis, goals and actions must be added to the element and should be sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. HCD will send sample analyses to assist the City in meeting this requirement. For further guidance, please visit HCD's AFFH in California webpage at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

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).)*

*Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

*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).)*

Population, Employment, and Household Characteristics: The element does not address this requirement. The element must include a description and analysis of current population trends and employment data, including an identification of significant employers, industries, and typical wages. In addition, it must also include an analysis of household characteristics, such as tenure (rental or homeownership), growth rate, and trends. For additional information, please see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/population-employment-and-household-characteristics>.

Housing Costs: While the element includes information on rental and sales prices, rental information from the American Community Survey (ACS) does not fully reflect market conditions and the element should include current local data from additional data sources.

Extremely Low-Income (ELI) Households: While the element includes some information about ELI households, given the unique and disproportionate needs of ELI households, the element should expand the analysis to include coincidences with other special housing needs, disproportionate housing needs (i.e., cost burden, overcrowding compared to other income groups), impacts on related issues such as transportation opportunities and health outcomes, then examine the availability of resources to determine gaps in housing needs.

Additionally, the element must also identify projected housing needs. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the 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>.

Persons with Disabilities: While the element quantifies persons with disabilities, including developmental disabilities, in the City, it should also discuss and analyze the availability of resources and the magnitude and nature of the gap between resources and housing needs. Additionally, the element should discuss the unique housing needs and challenges experienced by persons with developmental disabilities. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/people-disabilities-including-developmental-disabilities>.

Farmworkers: While the element quantifies farmworkers in the City, the analysis should be expanded to include discussion of characteristics of this group (e.g., permanent, seasonal, housing tenure, disproportionate housing needs) and the magnitude and nature of the gap between resources and housing needs and characteristics. For additional information on the disproportionate needs of farmworkers, see Farmworker Health in California: Health in a Time of Contagion, Drought, and Climate Change from the University of California, Merced at [https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs\\_report\\_2.2.2383.pdf](https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_2.2.2383.pdf).

Seniors: While the element quantifies seniors in the City, it should also analyze senior households by tenure, and discuss and analyze the availability of resources and the magnitude and nature of the gap between resources and housing needs.

Large and Female-Headed Households: While the element quantifies large households and female-headed households in the City, it should also discuss and analyze the availability of resources and the magnitude and nature of the gap between resources and housing needs.

- 3. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and*

*an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Progress in Meeting the RHNA: While Table VI-9 (p. VI-17) quantifies the number of units expected to be accommodated both within and outside City limits, the number of lower-income units should be divided between low- and very low-income categories.

Additionally, the element identifies 366 units that are either pending, approved, or under construction. If utilizing pending development toward the RHNA, the element must demonstrate the affordability and availability of these units during the planning period. Affordability should be demonstrated based on actual or anticipated rents or sales prices or other mechanisms ensuring affordability (e.g., deed restrictions). To demonstrate the availability of units within the planning period, the element could analyze infrastructure schedules, the City's past completion rates on pipeline projects, outreach with developers, and should describe any expiration dates on entitlements, anticipated timelines for final approvals, and any remaining steps for projects to receive final entitlements. The element must also include a program to monitor the development of the pipeline projects and identify alternative actions, such as rezoning or identification of additional sites, should the projects not make sufficient progress within the planning period.

Parcel Listing: While the element includes a parcel listing of identified sites, it should separate the moderate- and above moderate-income categories by site or by number of units.

Candidate Sites to Accommodate a Shortfall of Capacity: The element identifies a shortfall of adequate sites to accommodate a total of 790 lower- and moderate-income units and further identifies 15 candidate sites to be rezoned to accommodate this shortfall. The identification of candidate sites must address all components specified in Section 65583.2, including listing of sites by existing and proposed general plan designation and zoning, existing uses and anticipated affordability levels. The element must also demonstrate their suitability and availability in the planning period, including but not limited to calculation of realistic capacity, availability of infrastructure, appropriate size and density, mapping and any known constraints or conditions that could preclude development in the planning period.

Realistic Capacity: While the element provides realistic capacity estimates, it must also include analysis support these capacity assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. For example, the element could list recent projects by number of units, zone, allowable densities, built densities and affordability. The analysis may utilize recent development trends in the City and broader region.

In addition, the element appears to assume residential development on sites with zoning that allow nonresidential uses. As such, the element should include realistic capacity calculations for sites in nonresidential zones and account for the likelihood of nonresidential uses. The element should include analysis based on factors such as development trends, performance standards or other relevant factors. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-sites-and-zoning>.

Small and Large Sites: Sites smaller than half an acre or greater than ten acres are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites of equivalent size with affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of these sites. The element should provide analysis of past trends or present other evidence to demonstrate the suitability of these sites. For example, for small sites, the analysis could describe the City's role or track record in facilitating past lot consolidation, common ownership, policies, or incentives offered or proposed to encourage and facilitate lot consolidation or other conditions rendering parcels suitable and ready-for-lot consolidation. For large sites, the element could discuss past developments, including developments in the broader region and how appropriate parceling or other measures were taken to facilitate affordability to lower-income households.

Zoning for Lower-Income Households: The element must demonstrate densities appropriate to accommodate housing for lower-income households. For communities with densities that meet specific standards (at least 20 units per acre for Riverbank), no analysis is required (Government Code section 655832.2(c)(3)). Otherwise, an analysis must demonstrate appropriate densities based on factors such as market demand, financial feasibility, and development experience within identified zones. The element identifies several sites designated Mixed Use (MU) with an allowable density of 18 units per acre. As a result, the element should either demonstrate the appropriateness of this zone through analysis, remove or shift the sites toward other income groups or revise the allowable density to 20 or more units per acre.

Environmental Constraints: While the element discusses environmental constraints in relation to nonvacant sites, it should also discuss and analyze environmental constraints in relation to vacant sites, which should include analysis of any other known environmental or other constraints (e.g., shape, access, easements, conservation easements, Williamson Act contracts, military and other compatibility, contamination) that could impact housing development on identified sites in the planning period.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within the timeframe specified in Government Code section 65583.2(c). The element should clarify if sites were identified in prior planning periods and if so, which sites and add or modify a program pursuant to Government Code section 65583.2(c). For more information on program requirements, please see HCD's Housing Element Sites Inventory Guidebook at [https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf).

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. The analysis may utilize representative sites to address this requirement and should consider factors such as degree of underutilization, past experiences converting existing uses to higher density residential development, current demand for the existing use, any existing leases or other conditions precluding redevelopment, condition of the existing structure, vacancies, recent turnover, recent improvements and developer or property owner interest.

Replacement Requirements: For your information, if the element identifies sites with existing residential uses meeting specified criteria, absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).

Annexation: If the element relies on sites that need to be annexed to accommodate the regional housing need, it must demonstrate their suitability and availability in the planning period. For example, the element should discuss the status of the annexation; remaining steps necessary to complete the annexation; anticipated timeframe for each step; and any barriers to annexation. Upon a complete analysis, the element should add or modify programs as necessary to facilitate the annexation; including phasing multifamily zoned sites earlier in the planning period; establishing appropriate zoning including meeting by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i) and to rezone other sites if the annexation is not completed by a specified date.

Accessory Dwelling Units (ADU): The element projects 42 ADUs or approximately 5 ADUs per year over the eight-year planning period. However, this projection is inconsistent with HCD's records (1 ADU permitted in 2021, 1 permitted in 2022, and 5 permitted in 2023) and the element should reconcile trends between the City and HCD. Additionally, the element must demonstrate the anticipated affordability of ADUs based on actual or anticipated rents. For example, the element may utilize a rent survey or other information from Stanislaus County that examines rents and ADU affordability in the region.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. 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.

Zoning for a Variety of Housing Types:

- *Emergency Shelters*: The element indicates emergency shelters are permitted by-right in the R-3 zone (p. IV-20); however, it should clarify whether emergency shelters are permitted *without discretionary approval* and if necessary, add or modify programs. Further, the element indicates emergency shelters are allowed with a conditional use permit in the C-1, C-2, and CM zones. The element should describe the development standards of these zones, including any special standards for emergency shelters and whether those standards are appropriate for emergency shelters, especially relating to parking. Specifically, the element must evaluate the City's emergency shelter parking requirements pursuant to AB 139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement. The element should also provide an analysis of capacity, including acreage, parcel size, vacancy status, and proximity to transportation and services for potential sites, hazardous conditions, and any conditions inappropriate for human habitability. Finally, the element should discuss the City's definition of emergency shelters and whether it is consistent with AB 2339 and add or modify programs, if necessary.
- *Housing for Farmworkers*: The element indicates farmworker housing is allowed by-right in the R-1 zone (p. D-2). However, the element should address whether the City complies with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5, 17021.6 and 17021.8. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. Section 17021.8 requires that a development is subject to a streamlined, ministerial approval process and is not subject to a conditional use permit (CUP) if the development is an eligible agricultural employee housing development. Based on a complete analysis, the element should add or modify programs, if necessary.
- *Low-Barrier Navigation Centers*: Low-barrier navigation centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65660. The element must demonstrate compliance with this requirement and add or modify programs as appropriate.

- *Permanent Supportive Housing:* Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and add or modify programs, if necessary.
  - *Mobilehomes and Manufactured Housing:* Manufactured homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards as a conventional single-family residential dwelling. The element must demonstrate compliance with this requirement and add or modify programs as appropriate.
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 indicates that all multifamily housing developments must include fenced open space of at least 50 square feet per unit with a minimum area of 300 square feet (p. D-5). The element should further describe and analyze this requirement as a potential constrain on multifamily housing development. Based on a complete analysis, the element should add or modify programs as appropriate.

Additionally, the Crossroads Specific Plan requires a floor-area-ratio of 0.35, which the element should discuss and analyze as a potential constraint on the ability to achieve maximum densities.

Parking: Program 3.1d of the previous housing element was intended to lower parking requirements for multifamily housing developments and is noted as being complete (p. IX-13); however, it is unclear whether these standards were amended, as Table D-2 and the parking requirements described on page D-6 contradict the new requirements established by Program 3.1d. The element should reconcile this information and add or modify programs to reduce parking requirements, if necessary.

Additionally, the element should analyze parking requirements for mobile homes as a potential constraint and add or modify programs as appropriate.

Density Limits: The element indicates in Table D-2 that the R-3 zone has a minimum density of 20 units per acre; however, elsewhere in the element, the R-3 zone is listed as having a minimum density of 16 units per acre (p. VI-10). The element should reconcile this information.

Additionally, the element should address comments from developers relating to density (p. I-6) and include discussion of how they were incorporated in the element. HCD encourages the City to incorporate these comments in the element's schedule of programs.

Zoning and Fees Transparency: The element should clarify compliance with transparency requirements for posting all fees, zoning, and development standards on the City's website and add a program to address these requirements, if necessary.

Local Processing and Permit Procedures: While the element includes information on the City's processing and permitting procedures, it should also analyze these procedures as a potential constraint on housing development. In particular, the element should list and analyze approval findings for impacts on approval certainty and the maximum three meetings per year to process General Plan and zoning modifications.

Additionally, the element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and, if there are no written procedures, add a program to address these requirements.

Finally, the element should address public comments on this 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.

Housing for Persons with Disabilities: The element must analyze potential constraints on housing for persons with disabilities, as follows:

- *Reasonable Accommodation*: The element briefly mentions the City's reasonable accommodation procedures; however, the element should also describe these procedures, decision-making criteria, application requirements, approval findings, fees, and analyze any potential constraints on housing for persons with disabilities. Based on a complete analysis, the element should add or modify programs as appropriate.
- *Group Homes*: While the element indicates group homes of seven or more persons are conditionally permitted in the Multiple Family Residential Zone (p. VII-9), it should also analyze exclusion of these group homes from other zones allowing residential uses as a constraint on housing for persons with disabilities. In addition, the element should address the CUP requirement as a constraint, including listing and analyzing approval findings for impacts on approval certainty. The element should also clarify whether development standards for group homes are the same as development standards for similar uses in the same underlying zone. Based on a complete analysis, the element should add or modify programs as appropriate.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability*

*of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584... (Gov. Code, § 65583, subd. (a)(6).)*

Availability of Financing: The element should describe whether housing financing, including private financing and government assistance programs, are generally available in the City.

Approval Time and Requests for Lesser Densities: The element must analyze requests to develop housing at densities below those assumed in the sites inventory. The element should also identify the typical length of time between receiving approval for housing development and submittal of applications for building permits. The analysis should address any hinderances on achieving the RHNA.

### **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 achieve the goals and objectives of the housing element, Programs must include discrete timing (e.g., at least annually, by 2026). Examples of programs that should be revised include Programs 3.1a (Planned Development and Tiny Homes), 4.1a (Rehabilitation Funding), and 4.1c (Housing Condition Survey).

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 1.1a*: While the element includes this Program to rezone necessary to accommodate the City's shortfall of adequate sites, it must specifically commit to acreage, zone, allowable densities, and anticipated units.
- *Program 1.1c*: A cursory review of the City's ADU ordinance by HCD discovered areas which appear to be inconsistent with State ADU Law. As a result, the Program should commit to updating the City's ADU ordinance to comply with state law with discrete timing (e.g., six months).
- *Program 2.1k*: The Program should commit the City to establishing appropriate development standards for single-room occupancy units (SROs).
- *Housing for Farmworkers*: Based on the outcomes of a complete analysis, the element should add or modify programs to adhere to requirements described in Health and Safety Code 17021.5, 17021.6, and 17021.8.
- *Infrastructure*: The element identifies the need for the City's wastewater treatment plant to be upgraded and expanded in order to accommodate the City's RHNA. As such, the element should commit to a schedule of actions to complete the appropriate infrastructure improvements.

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).)*

Special Housing Needs: The element must include specific actions to assist in the development of housing for ELI and special needs households. In addition, the element must include specific actions to address the needs of farmworkers. For farmworkers, specific efforts should be included based on the outcomes of a complete analysis. For example, the element could commit to proactive actions to coordinate with nonprofit developers, employers, and other related organizations, to explore funding and incentives, annually identify specific development opportunities, pursuing strategies to integrate affordable housing and targeting rehabilitation and conservation and improvement programs toward farmworkers.

Density Bonus Ordinance: The element should add or modify programs to amend the City's density bonus ordinance to comply with state law.

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.

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. Depending upon the results of that analysis, the City may need to revise or add programs. 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 relatively higher income and opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

#### **D. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*

While the City made efforts to include the public through workshops and surveys, moving forward, the City should employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/public-participation>.