

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

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August 22, 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) Revised Draft Housing Element**

Thank you for submitting the City of Riverbank's (City) revised draft housing element received for review on June 24, 2025. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Jeani Ferrari, Farmland Working Group, Karen Conrotto, Jami Aggers and Evelyn Halbert pursuant to Government Code section 65585.

The revised 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.

A jurisdiction that did not adopt a compliant housing element within 120 days from the statutory deadline (December 31, 2023) must rezone sites within one year of the statutory deadline and meet requirements pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivisions (c), (h) and (i), as applicable. As this year has passed and Programs 1.1a (Adequate Sites for RHNA and Rezone Program) and 1.1d (By-Right Approval) have not been completed to meet all statutory requirements, the housing element will remain out of compliance until the rezoning has been completed and submitted to HCD to meet all statutory requirements. Once the City completes the rezoning, a copy of the resolution or ordinance should be transmitted to

HCD. HCD will review the documentation and issue correspondence updating the status of the City's housing element compliance.

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 Land Use and Climate Innovation at: <https://www.lci.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the efforts of the housing element update team during the update and review of the housing element. 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. 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).)*

Disproportionate Housing Needs: While the element now addresses some requirements of an Affirmatively Furthering Fair Housing (AFFH) analysis, it must still discuss areas of the City with a higher concentration of substandard housing conditions and are thus of higher need. In addition, while the element discusses areas of the City with more incidence of persons experiencing homelessness, it should also discuss access to resources and opportunities, including transportation, services and geographically targeted programs. Based on the outcomes of a complete analysis, the element should add or modify program(s) as appropriate.

Local Data, Knowledge, and Other Relevant Factors: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. This information should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from city officials, local and regional advocates and service providers. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use, zoning, proximity to industrial uses and public housing, major physical dividers such as highways and railroad tracks, recent annexations, waves of development and master planned areas compared to older areas, and investment practices or other information and demographic trends.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess and prioritize contributing factors to fair housing issues.

2. *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).)*

Housing Costs: While the element includes information on rental and sales prices, as noted in prior review, 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.

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 Regional Housing Needs Allocation (RHNA): While the element includes additional information about each pipeline project, the element must still demonstrate the affordability and availability of these units during the planning period, especially for Pocket Avenue Senior Apartments, Lucky House, Riverbank Village, and Sierra Village, which are planned to accommodate lower- and moderate-income households. Please see HCD's prior review for additional information.

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 11 candidate sites to be rezoned to accommodate this shortfall. The identification of candidate sites must address all components specified in Section 65583.2. While the element lists sites by existing and proposed general plan designation and zoning, existing uses and anticipated affordability levels, it must still 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 now analyzes assumptions for calculating realistic capacity on residentially zoned sites, it must still demonstrate realistic residential capacity on sites with zoning that allows 100 percent nonresidential uses. For example, the element should include development trends in nonresidential zones, including how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly. Please see HCD's prior review for additional information.

Environmental Constraints: The element now discusses some environmental constraints, but as noted in the prior review, should analyze any other known constraints (e.g., shape, access, easements, conservation easements, contamination,

environmental overlay, airport and military compatibility) that could impact housing development on identified sites in the planning period.

Suitability of Nonvacant Sites: While the element now briefly describes criteria used to select nonvacant sites, it must still provide analysis to demonstrate the redevelopment potential of identified sites, as follows:

- *Criteria*: The element basically only uses one criteria to indicate redevelopment potential. However, the element should utilize additional criteria such as improvement to land value ratio, age of structure and existing versus allowable units. Further, the element should list the values of these criteria for each of the nonvacant sites (e.g., an improvement to land value ratio of 0.3). Finally, the element should support the validity of these criteria using recent development trends in the City or nearby region by listing development on nonvacant sites with similar criteria values. The inventory should be adjusted as appropriate based on the outcomes of a complete analysis.
- *Extent Existing Uses Impede Additional Development*: As noted in the prior review, the element should account for the extent existing uses impeded additional development. Examples include 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. This analysis may be conducted on a site by site or representative sites basis.

Accessory Dwelling Units (ADU): As noted in the prior review, the element must still 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.

Emergency Shelters: The element states that emergency shelters are permitted by-right in the R-3 zone (Table D-1, p. D-2); however, the element should clarify whether emergency shelters are permitted *without discretionary approval* and add or modify program(s) as appropriate. In addition, the element must analyze the R-3 zone for proximity to transportation and services and hazardous conditions.

Finally, Program 3.1j (Amendments to the Riverbank Municipal Code and Specific Plans) should be revised to establish a definition of emergency shelter pursuant to AB 2339.

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.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ..land use controls... ..and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Local Processing and Permit Procedures: While the element includes information on the City's processing and permitting procedures, as noted in prior review, the element should also list and analyze approval findings for impacts on approval certainty and add or modify program(s), as appropriate.

## **B. Housing Programs**

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... (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A3, 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 (Adequate Sites for RHNA and Rezone Program)*: The Program commits to establish a minimum density of 20 units per acre and a maximum allowable density of at least 20 units per acre. For your information, while a minimum density of 20 units per acre meets statutory requirements, establishing a minimum density that is the same as the maximum allowable density would require a precise development proposal and does not allow a range of allowable densities. This lack of a range of allowable densities presents a constraint on development. The Program should commit to a range of allowable densities to promote development feasibility (e.g., 20 to 30 units per acre).
- *Program 3.1i (Wastewater Treatment Plant Upgrades)*: The Program should commit to a schedule of actions to facilitate infrastructure improvements, including monitoring actions (e.g., mid-cycle review) and the implementation of alternative actions, such as rezoning or the identification of alternative sites, should sufficient progress not be made.

2. *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 (Farmworkers): The element must include specific actions to address the needs of farmworkers. 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.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing... (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, as noted on page IIV-24, the City's Crossroads Specific Plan requires a floor area ratio of 0.35, which is too restrictive on housing types and imposes further restrictions on potential developers. As a result, Program 3.1J (Amendments to the Riverbank Municipal Code and Specific Plans) should commit to adjust floor area ratios and address the identified constraint to housing production.

4. *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 A1, 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, geographic targeting, metrics and milestones and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in relatively higher income and opportunity areas, place-based strategies for community revitalization and displacement protection.

### **C. 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 element includes a summary of public comments received on previous version(s) of the element, it should also describe how public comments received on the current housing element draft were considered and incorporated. In addition, the element should describe any additional outreach efforts made since the prior draft beyond the City Council meeting held on May 27, 2025, particularly if any specific efforts were made to reach lower-income and special needs households or their representatives.

Moving forward, the City should employ additional methods for public outreach efforts, particularly to include lower-income and special needs households. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/public-participation>.