

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

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September 14, 2021

Greg Kapovich, Community and Economic Development Director  
Planning Division  
City of Lomita  
24300 Narbonne Ave.  
Lomita, CA U.S.A. 90717

Dear Greg Kapovich:

**RE: Review of the City of Lomita's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element**

Thank you for submitting the City of Lomita's (City) draft housing element received for review on July 16, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on September 10, 2021 with you, Planner Sheri Repp, and the City's consultant Elizabeth Dickson.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). In particular, the element must include a complete sites inventory and analysis, as well as a complete analysis and programs to affirmatively further fair housing (AFFH). The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: [http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf).

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:

[http://opr.ca.gov/docs/OPR\\_Appendix\\_C\\_final.pdf](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and  
[http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

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.

Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml> 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. Upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov).

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 Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; 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 meets housing element requirements for these and other funding sources.

HCD appreciates the patience during this time and is sorry for not having met with the City; however, 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 Edgar Camero, of our staff, at [edgar.camero@hcd.ca.gov](mailto:edgar.camero@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, written in a professional style.

Shannan West  
Land Use & Planning Unit Chief

Enclosure

## APPENDIX CITY OF LOMITA

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

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

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

As part of the evaluation of programs in the past cycle, the element must provide an explanation of the 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).

### **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 does include some analysis on the various components of the City's ability to affirmatively furthering fair housing (AFFH), however the element should include relationships between data points and visualizations. The element should analyze these relationships and/or correlations to create a more holistic analysis for the AFFH section. In addition, where data is available the element should include data from multiple American Community Survey (ACS) datasets and analyze any trends and patterns.

The element includes an Analysis of Impediments that was prepared in 2018; however, additional information is necessary to address the requisite AFFH analysis requirement, including local contributing factors to the fair housing issues and develop strong programs and strategies to address the identified fair housing issues as follows:

Fair Housing Enforcement and Outreach: The element includes a summary of fair housing issues and assessment on enforcement; however, the element is missing

some key components in its analysis on outreach capacity. Outreach capacity could consist of actions such as the City's ability to investigate complaints, obtain remedies, or the City's ability to engage in fair housing testing. In addition, outreach capacity should also include the various methods ways in which the City plans to deliver outreach. This should specify the different forms of media it intends to use and should elaborate on how the information will be culturally relevant and inclusive (p. 88).

Racially/Ethnically Concentrated Areas of Poverty (R/ECAP): The element includes information relative to R/ECAP, but the analysis must be complemented by describing the evidence at the regional level (pp. 98-99). In addition, the City should also analyze the racial concentrations as they relate to areas of affluence if the City does not have areas of concentrated poverty. The combination in the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes over time and consider other relevant factors, such as public participation, past policies, practices, and investments and demographic trends.

Access to Opportunity: The element provides qualitative and quantitative information (pp. 99-104) on the access to opportunity but must include quantitative evidence to support such statements. A complete analysis should consider the relationship between the access to opportunities and the varying access points for the different individuals described in the other sections, such as the relationships between the disparities in access related to, integration and segregation, displacement factors, and where affordable housing is located relative to the areas of opportunities. For more guidance, please refer to page 35 of the AFFH Guidebook, available here: <https://www.hcd.ca.gov/community-development/affh/index.shtml#guidance>.

Integration and Segregation: The element includes some data on integration and segregation (pp. 89-97) and disaggregates this by various special needs populations; however, what the element should also do is consider data from previous years to identify if there are any trends or patterns. The analysis should also describe any correlations and relationships that arise between data points such as relationships between income level or poverty status and who populates these areas. Things that the element could consider and unpack are the relationships between population by census tract and relationship to income/poverty status.

Contributing Factors: Upon a complete AFFH analysis, the element must list and prioritize contributing factors to fair housing issues. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing.

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies programs to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address affirmatively furthering fair housing requirements. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

Given that most of the City is considered a high- and highest-resource community, the element could focus on programs that enhance housing mobility and encourage development of more housing choices and affordable housing. Programs also need to be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results. For more information, please see HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtm>.

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).)*

The element quantifies the number of extremely low-income households, projected extremely low-income households, and special needs households; however, the analysis must go beyond the quantities. The analysis must identify or discuss which resources are available to these populations. In addition, the analysis should include an assessment of need for each of these special-needs populations.

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).)*

The City has a regional housing needs allocation (RHNA) of 829 housing units, of which 363 are for lower-income households. To address this need, the element relies on vacant sites, underutilized sites, accessory dwelling units (ADUs), rezoned sites, and projects that are underway and will have certificates of occupancy during the planning period (p. 115). To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Sites Inventory: While the element uses multiple tables to lists the vacant, nonvacant, and underutilized sites it plans to use to accommodate the RHNA, the sites inventory must include complete information for each parcel in the inventory including general plan zoning designations, capacity estimates by affordability, parcel size, and a description of existing uses for any nonvacant sites. The sites inventory must identify if each site was included in the 4<sup>th</sup> or 5<sup>th</sup> cycle sites inventories. Finally, for existing uses,

the inventory must include sufficient detail to facilitate an analysis of the potential for additional development on nonvacant sites.

Realistic Capacity: The element estimates that vacant sites will be built out using an estimate of 85 percent (pp. 116-117). However, the methodology for calculating the realistic capacity for sites zoned for nonresidential uses (e.g., commercial, and mixed-use zones), the element must describe how the estimated number of residential units for each site was determined. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts.

Suitability of Nonvacant Sites: The element mentions that building age, land value ratio, underutilization of site, and opportunities areas were used to evaluate the adequacy of non-vacant sites (p. 121); however, the element should relate these factors to the sites in the inventory. For example, it could list the land value ratio for each site and describe why and how the factors demonstrate that these sites are suitable for development. The analysis must also consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, 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, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

In addition, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). Absent findings (e.g., resolution of adoption) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA. The City must strengthen this analysis by including concrete information on why anticipation for redevelopment is expected/assumed and could consider things such as leases that are expiring, past development trends consisting of nonvacant sites with residential units for lower-income RHNA.

Small Sites: The element currently lists the size of the parcels; however, these parcels are displayed by site, some of these sites may be less than half-acre in size, triggering a small sites analysis. Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated 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 housing element describes other evidence to HCD that the site is adequate to accommodate lower-income housing. (Gov. Code, § 65583.2, subd. (c)(2)(A).) For

example, a site with a proposed and approved housing development that contains units affordable to lower-income households would be an appropriate site to accommodate housing for lower-income households. (Gov. Code, § 65583.2, subd. (c)(2)(C).). The element identifies several sites consisting of aggregated small parcels. The element must describe whether these aggregated parcels are expected to develop individually or consolidated with the other small parcels. For parcels anticipated to be consolidated, the element must demonstrate the potential for lot consolidation. For example, analysis describing the City role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for redevelopment, recent trends of lot consolidation, and information on the owners of each aggregated site. Without this additional analysis, HCD cannot consider these sites toward accommodating any portion of the RHNA for lower-income households.

Suitability and Availability of Infrastructure: While the element states that all sites have access to infrastructure and water, the element must also discuss whether all sites have access to dry utilities. In addition, the element must clarify the availability of sewer capacity to demonstrate sufficient existing or planned capacity to accommodate the City's regional housing need for the planning period. (Gov. Code, § 65583.2, subd. (b).)

Sites with Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element does not clearly identify a zone in which emergency shelters are a permitted use by-right without a conditional use permit or other discretionary action. The description of emergency shelters (p. 66) states that new buildings, structures, or additions are subject to review and approval of the commission.
  - *Transitional and Supportive Housing:* Pursuant to SB 2 (Chapter 633, Statutes of 2007), transitional and supportive housing must be permitted as a residential use in all zones and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Transitional and supportive housing developments can qualify as a low-barrier navigation centers, therefore, the element must be revised to ensure that these housing types are permitted in zones allowing residential uses. The language for program 9, *Supportive Housing*, and program 13, *Zoning Revisions for Special Needs Housing*, must be revised to specify that transitional and supportive housing is a permitted in all zones allowing residential uses.
  - *Manufactured Housing:* The element describes manufactured housing as a permitted use (p. 64) but the element must specify if this form of housing with a permanent foundation is allowed in the same way as a single-family dwelling.
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. 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 Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). 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. (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: The element must analyze constraints to residential development in mixed-use zones, including housing for lower-income households, given that mixed-use areas are relied upon to accommodate the lower-income RHNA. This analysis should consider if there are limitations on locations for stand-alone multifamily developments or if nonresidential is a requirement for mixed-use developments. In addition, for these mixed-use overlay zones, the element must clarify what the maximum and minimum densities are considering the various places that the information is inconsistent; 22 units per acre (p. 70, Table 4), 18 units per acre (p. 63, Table 1), and a range of 14-22 units per acres (Program 14).

Parking Requirements: The element acknowledges that parking can be a costly component of development and minimum parking requirements allow little flexibility for development. Therefore, the element must analyze the parking requirements for housing types especially for multi-family housing and the enclosed parking requirement for senior citizen planned unit developments. Program 27 should be amended as appropriate given a complete analysis of minimum parking requirements. In addition, the element should describe the approval process for how parking reductions are granted senior citizen planned developments (p. 68). The element should elaborate on what constitutes a parking study a share examples if possible.

Fees and Exaction: The element includes required fees; however, the element must analyze their impact as potential constraints on housing supply and affordability. The analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. In addition, the element must describe the purpose of the development tax and assess it as a constraint towards affordable housing if the tax exemptions are for affordable housing for seniors and persons with disabilities.

Local Processing and Permit Procedures (Conditional Use Permit): While the element includes permit procedures for a variety of housing types and includes the timing associated with Conditional Use Permits (CUPs), the element must also provide an estimate of the timing for the various housing types in the various zones. For example, the element states that multifamily projects are allowed by-right in the RVD zone but require a CUP in the mixed-use overlay (p. 64, Table 2). The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing



supply and affordability. This is especially critical as the element heavily relies on sites in the mixed-use overlay to accommodate its lower-income RHNA. The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. The analysis should also describe what the determining factor is to allow height extensions in the mixed-use overlay zone for development (p. 70, Table 4).

Design Review: The element must describe and analyze the design review guidelines and process, including approval procedures and decision-making criteria, for their impact as potential constraints on housing supply and affordability. This analysis should identify any findings from major/minor site plan reviews, specify the approval procedures, and explain the determining factors for reviews that require non-discretionary processes. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint, or it must include a program to address this permitting requirement, as appropriate.

On-site and Off-site Improvements: The element states that a water and sewer study are needed for projects with five or more units. The element should describe typical costs associated with this study and whether results could impact the feasibility of development on any of the sites identified in the inventory.

Housing for Persons with Disabilities: The element currently details that residential care facilities serving six or fewer persons are permitted in all residential zones. However, residential care facilities serving seven to 15 persons are allowed upon approval of a CUP (p. 68). The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty. The CUP process must be objective and should analyze the 15-person limit for number of persons allowed in a large group home as a constraint.

The element has some information on its reasonable accommodation procedure but must complete its analysis by listing any findings and describe the approval processes for reasonable accommodation requests while also describing the differences between minor and major reasonable accommodation requests. The element should analyze for a constraint the "discretionary processes" that minor and major reasonable accommodation requests undergo. This includes analyzing the referral to the planning commission, what is considered a nondiscretionary condition of approval, and if the determining factors for request approvals are objective (p. 68). The element must demonstrate this process is not a constraint and include a program to address reasonable accommodation requests, 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. 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. (Gov. Code, § 65583, subd. (a)(6).)*

**Developed Densities and Permit Times:** The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need. The element must also include an analysis regarding local efforts to address nongovernmental constraints.

- 6. 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).)*

While the element quantifies the City's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (e.g., availability of senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

- 7. Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

The element states that the Kiwanis Gardens is at-risk as the affordability is expiring in 2027 but fails to analyze the development. Analysis should include an assessment of risk, the cost estimate to replace versus preserve, identify qualified entities to help preserve, and lastly identify potential funding to preserve the at-risk units.

### **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 through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and*

*state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Programs containing unclear language (e.g., “evaluate”, “consider”, “encourage”, etc.) should be amended to include more specific and measurable actions. Deliverables should occur early in the planning period to ensure actual housing outcomes.

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City’s specific role in implementation; (2) definitive implementation timelines (e.g., December 31, 2021 instead of short-term); (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Specifically, all the programs should be revised to provide specific timeframe beyond “short-term”, “middle-term”, and “long-term” for each action described in each program. In addition, the following programs require revision:

*Program 2 (Code Enforcement):* The element should be revised to include an outreach component. This could be through a targeted-approach and should specify how the City will track and monitor code enforcement cases. The timeframe should be revised to reflect the objective(s). For example, the timeframe for this program should be annually.

*Program 3 (Mobile Home Park Regulations):* The program addresses mobile home park tenant issues; however, it does not mention any collaboration with tenants. The program should be revised to include tenants as part of the mobile home park regulations development. In addition, the program should include ways that the City plans to disseminate information once the regulations are completed and specify a timeframe for completing the regulations.

*Program 21 (Section 8 Housing Choice Voucher Program):* The program states that the City will continue to connect with residents but should be revised to describe how it will connect. The program should add actionable steps such as increasing Section 8 housing vouchers or creating a threshold for a certain amount of Section 8 housing vouchers and should include inclusive and accessible outreach strategies.

*Program 18 (Surplus Lands):* The program must be revised to make the objective actionable. The City could consider what happens when the land is identified, to whom it be reported, and where it will be tracked.

- 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 B2, 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 12 (Lot Consolidation):* The program must be revised to specify when the zoning code will be amended. As the element is relying heavily on sites expected to be consolidated to accommodate the RHNA, zoning code amendments should happen early in the planning period to have a beneficial impact.

*Program 13 (Zoning Revisions for Special Needs Housing):* The program should be revised to identify where it will allow emergency shelter by-right and timeframe for adoption of zoning amendments. Please be aware, HCD cannot find the element in full compliance until the City amends zoning to permit year-round emergency shelters without discretionary action pursuant to Government Code section 65583, subdivision (a)(4)(A).

*Program 14 (Rezone Program):* The program references Table B; however, no Table B is found in the housing element. The objectives should be revised to include timeframes for rezones and include the expected acreage for rezoning and capacity shortfall.

- 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).)*

*Program 7 (Incentives and Regulations):* The program indicates the development of housing for lower and moderate-income households will be assisted primarily by applying state density bonus law (SDBL). However, in addition to complying with SDBL, the element must include a program(s) describing specific actions the City will take to assist in the development of housing affordable to lower- and moderate-income households, including extremely low-income households (ELI). For example, programs could prioritize some funding for the development of housing affordable to ELI households and offer financial incentives or regulatory concessions to encourage the development of a variety of housing types, such as multifamily, single-room occupancy (SRO) units, and supportive housing, to address the identified housing needs for ELI households.

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 B3 and B4 the element requires a complete analysis of potential governmental and non-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.

*Program 11 (Objective Design Standards):* The program description states that the City will increase transparency and certainty in the development process. The program should be revised to include how the City will make it more transparent such as if the City will provide these standards online if it does not already do so. In addition, the program should include when the City will start making these changes. The program could state, zoning code amendments done after October 15, 2021 will require objective design standards.

*Program 27 (Reduced Parking Requirements):* The program should be revised to include a specific timeframe for when the zoning code will be updated. In addition, the second objective should also specify a timeline for the parking study and an additional step to make the parking study actionable. For example, the program could state that the Parking study will begin December 31, 2021 and that the City will make changes to the parking requirements based on the findings of the study.

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. (Gov. Code, § 65583, subd. (c)(5).)*

*Program 19 (Accessibility):* The program should include inclusive and accessible outreach materials and strategies to residents, with an emphasis on residents who may need accessibility design features. The program should also specify how often this outreach will occur and have a concrete time for when outreach as well as the website will be complete.

*Program 20 (Homebuyer Assistance Programs):* The City should consider making this program more inclusive and accessible to all residents of Lomita. This could be creating flyers in multiple languages and disseminating where those residents are or even doing targeted outreach at City-led or community-led events.

*Program 22 (Fair Housing):* The program includes objectives; however, each of the objectives should include how often the newsletter, website, and coordination will occur.

*Program 23 (Fair Housing Development Marketing):* The program states that the City will promote marketing material but should consider how often marketing will occur and where promotion will take place. In addition, as for the second objective, the program should clarify how or what it means for standards to be easily available for development applicants.

6. *The housing program shall preserve for low-income household 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. (Gov. Code, § 65583, subd. (c)(6).)*

The element includes Program 4 (Lower Income Housing Preservation) to work towards maintain the rent restriction of at-risk developments through monitoring. However, the element must include specific and proactive actions to preserve the at-risk units. For example, the program could support applications by nonprofits for funding to purchase at-risk units, strengthen relationships with the listed nonprofits and develop a plan or strategy for quickly moving forward in the case units are noticed to convert to market-rate uses in the planning period, and consider pursuing funding on at least an annual basis. The program could also commit to contacting non-profits immediately to develop a preservation strategy by a date certain and be ready to quickly act when notice of conversion is received and monitoring the units to ensure tenants receive proper notifications.

7. *Develop a plan that incentivizes and promotes the creation of ADUs 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. (Gov. Code, § 65583, subd. (c)(7).)*

*Program 6 (Accessory Dwelling Units):* The program should be revised to clarify when the City plans to amend the zoning code and when the City plans to begin development of the incentive program, as well as include the adoption date of the program. In addition, the program should specify the actions the City will take to incentivize or promote ADU development for very low-, low-, and moderate-income households. This can take the form of flexible zoning requirements, development standards, or processing and fee incentives that facilitate the creation of ADUs, such as reduced parking requirements, fee waivers and more. Other strategies could include developing information packets to market ADU construction, targeted advertising of ADU development opportunities or establishing an ADU specialist within the planning department.

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

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

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

#### **E. 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)(8).)*

While the element includes a general summary of the public participation process (pp. 134-137), it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, and participation in community workshops, and if translation services were provided. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.