

The City of Long Beach Planning Bureau Staff have reviewed the following letter from HCD dated September 17, 2021 and have included in red text staff's responses to each point in the letter as to how the plan either has been revised in the version before the Planning Commission, or will be revised in the version for consideration by the City Council.

Attachment C

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

GAVIN NEWSOM, Governor

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

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September 17, 2021

Oscar Orci, Director  
Department of Development Services  
City of Long Beach  
411 W. Ocean Blvd.  
Long Beach, CA 90802

Dear Oscar Orci:

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

Thank you for submitting the City of Long Beach's (City) draft housing element received for review on July 20, 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 Alison Spindler-Ruiz, Advance Planning Officer, along with City staff and the consulting team. In addition, HCD considered comments from Abundant Housing L.A., Legal Aid Foundation of Los Angeles, Our Future Los Angeles, and YIMBY Law, pursuant to Government Code section 65585, subdivision (c).

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). The enclosed Appendix describes 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).

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 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 County 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).

HCD is 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 Colin Cross, of our staff, at (916) 820-1275 or [colin.cross@hcd.ca.gov](mailto:colin.cross@hcd.ca.gov).

Sincerely,

Shannan West  
Land Use & Planning Unit Chief

Enclosure

## APPENDIX CITY OF LONG BEACH

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.)*

Special Needs Housing: As part of the evaluation of programs in the past cycle, the element must evaluate 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). **The City has undertaken a number of actions to better support the housing needs of special needs populations. For example, the City is effective in its use of CDBG CHDO funds with partners including HOPE Housing to retrofit of dwelling units for those with special needs to live mostly independently. The City will further elaborate on the cumulative effectiveness of the past cycle in the revised draft.**

Coastal Zone Housing: The element does not address this statutory requirement. To determine whether the City's affordable housing stock in the coastal zone is being protected and provided as required by Government Code section 65588, the element must include: **The City will update the revised draft to provide the additional information needed to address these requirements**

1. The number of new housing units approved for construction within the coastal zone since January 1982.
2. The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within the coastal zone or within three miles.
3. The number of existing residential dwelling units occupied by low- and moderate-income households required either within the coastal zone or three miles of the coastal zone that have been authorized to be demolished or converted since January 1982.
4. The number of residential dwelling units for low- and moderate-income households that have been required for replacement.

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

1. *Affirmatively further[ing] fair housing (AFFH) 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).)*

Site Inventory: The element contains an analysis of the site inventory that addresses some AFFH requirements. However, the analysis does not fully identify whether sites improve or exacerbate conditions or whether the sites are isolated by income group. The element states “a majority of the eastern side of the City is highest or high resource, while the western section of the City is a mix of moderate and low resource areas and areas of high segregation and poverty. Most of the sites identified are located on the western side of the City” (p. F-40). A complete analysis should address this pattern, analyzing the income categories of identified sites, the number of sites and units by income and how that effects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss how the sites strategy can increase opportunity in the identified areas, and how access to higher-resource areas might be created despite containing few identified sites and the exclusion of the Founding and Contemporary Neighborhood (FCN) PlaceType from consideration in the inventory. Depending on the results of a complete analysis, the element should add programs as appropriate. **Staff is developing additional analysis to address these points. Analysis at this point indicates that the site inventory improves conditions rather than exacerbates them. Many sites on the site inventory are anticipated to be mixed-income, meaning they are anticipated to include both market-rate and affordable housing units. This is positive from an AFFH perspective both in lower and higher resource areas to reduce isolation by income groups. In the Downtown and Midtown areas of Long Beach, the recently adopted Inclusionary Housing Policy ensures that any market-rate development will include a required minimum percentage of affordable units. Throughout the rest of the City, the Enhanced Density Bonus program, which was adopted in September 2021, provides locally-tailored incentives that go above and beyond state law requirements to encourage market rate projects to include affordable units to be eligible for bonuses and incentives, thereby facilitating mixed-income development citywide including on site inventory sites.**

**There are two other important strategies for creating new housing in high opportunity areas that will be better articulated in the revised inventory and plan. First, rezoning through the Southeast Areas Specific Plan (SEASP) went into effect in July 2021. SEASP creates opportunity for approximately 2,500 new housing units in a high opportunity area of the City. Next, the increase in development of Accessory Dwelling Units (ADUs) within low-density residential neighborhoods is another important strategy for creating new housing in high opportunity areas, which are predominantly low-density residential areas. Although ADUs are not reflected on the site inventory itself, projected ADU development is included as part of the City’s strategy for demonstrating residential dwelling unit potential to meet the RHNA (see table HE-5 in the draft plan). Similarly, the site inventory does not include sites in the Founding and contemporary Neighborhood (FCN) PlaceType due to uniformly applied criteria for the site inventory. As required by HCD, sites must meet a**

minimum size requirement which most FCN sites do not meet. They must also have room to grow and have high development potential. The FCN PlaceType is a lower-density residential PlaceType that does not provide high development potential or significant room to grow, both of which are also required criteria. However, Table HE-5 does include an anticipated 1,272 ADUs, most of which are anticipated to be developed in the FCN PlaceType. Additionally, there are multiple programs in place to encourage new housing development in the FCN PlaceType, including regulations to encourage a variety of housing types in low-density zones (Program 2.3), and monitoring of housing production (Program 6.9) to reconsider land use and zoning policies in high-opportunity areas if not enough housing is being developed in high-opportunity areas by mid-cycle. Staff will consider additional programs based on the final analysis results.

Local Data and Knowledge: The element should incorporate local data and knowledge of the jurisdiction into the AFFH section. To assist in meeting this requirement, the element should provide local data not captured in regional, state, or federal data analysis. Staff will clarify what local data and knowledge was already included, such as outreach done to develop the City's Assessment of Fair Housing (2016) which included significant community outreach and local analysis. Staff will also add a discussion of the 2020 Long Beach Framework for Reconciliation. Feedback from that process was considered in developing the goals, polices and programs for the draft plan and this information will be better described in the revised element.

Other Relevant Factors: 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 and investment practices or other information and demographic trends. Staff will supplement the AFFH with additional historical information including from work developing the City's [Race & Suburbanization Context Statement](#) update to the Historic Preservation Element.

Contributing Factors: While the element identifies many contributing factors to fair housing issues, these contributing factors should be prioritized to demonstrate the most salient issues to Long Beach. The analysis shall result in strategic approaches to inform and connect goals and actions to mitigate contributing factors to affordable housing. Staff used the contributing factors identified in the 2016 Long Beach Assessment of Fair Housing (AFH) which was developed to comply with federal law and certified by the Federal Department of Housing and Urban Development (HUD). Long Beach's was one of the first compliant AFHs in the nation. Staff will use the additional feedback gathered since 2016, including through the Framework for Reconciliation, to prioritize the contributing factors.

Goals, Priorities, Metrics and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity

areas, place-based strategies for community preservation and revitalization and displacement protection.- **Goal 6: Ensure fair and equal housing opportunity is supported by the largest number of implementation programs of any goal in the draft plan, and includes strategies for housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. Staff will consider whether any actions should be added or modified based on the additional analysis described above and update the plan accordingly.**

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 (ELI) households. (Gov. Code, § 65583, subd. (a)(1).)*

The element includes some basic information regarding ELI households such as the number of households. However, given the unique and disproportionate needs of ELI households, the element must identify the projected housing needs for ELI households and include analysis to better formulate policies and programs. For example, the element could analyze tenure, cost burden, overcrowding and other household characteristics then examine the availability of resources to determine gaps in 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 regional housing need allocation (RHNA) for very low-income households qualify as ELI households. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

**Much of this is already present in the plan, but sometimes it's pointing to the right place and expanding on the discussions, but the revised plan will include additional analysis and an expanded discussion about the existing and projected needs of ELI households. Upon completion of this analysis, staff will consider whether any actions should be added or modified and update the plan accordingly.**

3. *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).)*

While the element describes and analyzes the age of the housing stock, it must also include an estimate of the number of units in need of rehabilitation and replacement. **Staff is now examining how to best estimate the number of units in need of rehabilitation and replacement citywide.**

4. *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).)*

Site Inventory: The parcel listing (pp. C-19 – C-50) should describe the existing use of each site sufficiently to facilitate analysis of the potential for additional development in

the planning period. The listing should also break down the anticipated affordability of the units by income category. Units are currently listed as being “market rate” or “below market rate” without addressing the RHNA income categories of above moderate-income, moderate-income and lower-income households.

Staff has already conducted all of this analysis in developing the site inventory and will create a supplemental, expanded table in the revised plan appendices that includes each of these data points for every site in the inventory.

Realistic Capacity: For most zones, the element assumes a realistic capacity of 75 percent of the maximum yield (p. C-5), given various development standards. The element should support this assumption with a listing of projects that have developed at such densities in those zones. These project listings should include the affordability of those developments by income category.- Staff has already analyzed recent projects which informed the selection of the 75% of maximum yield as the realistic capacity. This analysis will be provided in more detail in the revised plan appendices.

Additionally, the inventory relies on zones that allow nonresidential uses, such as the NSC PlaceTypes. The realistic capacity calculations for these zones should account for the possibility of nonresidential development on sites in those zones and adjust the estimates for the inventory if necessary. The estimates must also account for land use controls, such as whether these zones allow 100 percent nonresidential uses. 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. 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.- There is no known case of a recent non-residential development in the City in mixed-use zones or PlaceTypes, and in fact most mixed-use development is driven by the residential market demand and a commercial component to serve the residential uses and activate the ground floor. However, staff will conduct further analysis and better address this point in the revised plan appendices.

Suitability of Nonvacant Sites: The element must analyze the extent to which existing uses may impede additional residential development and include 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.

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., adoption resolution) 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 site inventory must rely primarily on non-vacant sites because there are very few vacant sites in the City, and many of the sites that are vacant have substantial barriers

to development, such as expensive environmental remediation of former oil well sites. Staff conducted extensive analysis to only select sites that are most likely to develop, employing a front-end method of filtering out sites. Additional description of this methodology has been included in the draft before the Planning Commission, and staff will address this further in a revised draft. Development likelihood and feasibility was determined by a number of different variables, including improvement-to-land value ratio, existing lot coverage, lot size, future development potential, and existing use and unit count where applicable. The City analyzed the most current parcel-level data across such variables to determine which sites were most appropriate for inclusion into the site inventory and to estimate the number of additional units that are likely to be developed. In sum, the City took a conservative approach using a front-end method of filtering out in order to include only sites that are the most likely to develop.

Small Sites: For small parcels anticipated to be consolidated, the element must demonstrate the potential for lot consolidation. For example, the analysis could describe the City's 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/or information on the owners of each aggregated site.

Using a front-end method of filtering out sites, staff filtered out sites with four or more owners. This will be clarified in the revised plan appendices.

Accessory Dwelling Units (ADU): The element assumes an average of 350 ADUs per year will be constructed during the planning period, for a total of 2,800 ADUs. The element's analysis and programs do not support this assumption. For example, based on HCD records, the City is averaging about 159 ADU permits per year. To support assumptions for ADUs in the planning period, the element should reconcile trends with HCD records, reduce the number of ADUs assumed per year as appropriate and include additional information such as resources and incentives, other relevant factors and modify policies and programs as appropriate. The element should support its ADU assumptions based on the number of ADU permits issued.

Further, the ADU assumptions being used to meet the RHNA should be broken down by income category. The element references the ADU affordability analysis prepared by SCAG (p. C-2) but should also apply those income category assumptions to the potential ADUs included in the inventory. In the version of the plan before the Planning Commission, staff has revised the ADU estimate to reflect the number of ADUs permitted instead of the number of applications submitted.

Suitability and Availability of Infrastructure: The element must demonstrate sufficient existing or planned water, sewer, and other dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the City's regional housing need for the planning period.- This analysis was completed as part of the Land Use Element (LUE) program Environmental Impact Report which confirmed sufficient capacity for the LUE anticipated buildout of 28,524 housing units. This information is contained in the Housing Element EIR Addendum and will be added to the revised plan appendices.



grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers.

The element should discuss compliance with these requirements and if necessary, add or modify programs to establish a written procedure by a date early in the planning period. For additional information and sample cover memo, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

The City of Long Beach provides both water and sewer services. Staff will revise the Housing Element to reflect the requirement for an adopted policy by water and sewer providers that services would be prioritized for developments with units affordable to lower-income households in the event of rationing.

Electronic Site Inventory: 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. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov). Staff will submit the final draft in the required formats.

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

- *Emergency Shelters:* The element mentions emergency shelters are permitted with an administrative permit in the IG zone. The element should also discuss available acreage in the zone, including typical parcel sizes and the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. In 2020, the City adopted several new regulations to allow for emergency shelters in more areas of the City, including by-right in multiple industrial zones and a commercial zone, as well as with an AUP or CUP in other commercial and residential zones. These changes have supported development of the Atlantic Farms Bridget Housing Community, a new emergency shelter in North Long Beach that is now being studied for an expanded campus. These updates will be described better in the revised Housing Element.
- *Transitional and Supportive Housing:* The element describes transitional and supportive housing as a residential use, only subject to the same conditions for similar uses in the same zone. However, the element also indicates transitional and supportive housing are excluded from mixed-use zones. Transitional and supportive housing must be permitted in all zones allowing residential uses. The element should describe consistency with this requirement or add or modify programs as appropriate. Staff is re-evaluating this requirement and will come forward with an additional program if needed.
- *Manufactured Housing:* The element indicates manufactured homes are not allowed in the R-2-A and should either discuss how excluding this use complies with Government Code section 65852.3 or add or modify programs.

Staff is re-evaluating this requirement and intends to add a program committing to these zoning code changes during the 6<sup>th</sup> Cycle.

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

Land-Use Controls: The element must identify and analyze all relevant land-use controls as potential constraints on a variety of housing types. The analysis should analyze land-use controls independently and cumulatively with other land-use controls. The analysis should specifically address requirements related to parking for congregate care and residential care facilities. Based on the outcomes of this analysis, the element should include programs to address identified constraints. **The revised Housing Element before the Planning Commission includes some additional analysis of how local land use controls constrain the maintenance, improvement and development of housing. Staff is now evaluating the parking requirements for congregate and residential care facilities, will add a write-up of findings based on this analysis and if necessary will and/or modify programs as needed.**

State Density Bonus Law: The element notes (p. 62) the City is in the process of updating a density bonus ordinance, but it should also discuss consistency with state requirements and add or modify programs if necessary. **Although Chapter 21.63 of the Municipal Code provides for incentives through a density bonus, that chapter of the code has not been updated since 1990. Because the state density bonus law has continued to evolve, the City has chosen to simply implement state density bonus law instead of continuing to update 21.63 every time the state law is implemented, given the frequency of recent updates to state density bonus law and the delays and costs associated with such updates. This information will be clarified in the revised draft. Additionally, the draft before the Planning Commission clarifies that the City's Enhanced Density Bonus was adopted in September 2021. The Enhanced Density Bonus program offers density increases, incentives and concessions beyond those provided by state law, with up to 100 percent bonuses available for areas near high quality transit in exchange for the inclusion of affordable housing units and more stringent no net loss provisions.**

Fees and Exaction: The element identifies all required planning fees but should also analyze their impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For additional information and a sample analysis and tables, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/fees-and-exactions.shtml>. **Staff is now conducting this analysis and the results will be reported in the revised plan. It should be noted that are development fee waivers for affordable housing units, and these waivers have recently been expanded to moderate-income eunits through the recently adopted Enhanced Density Bonus ordinance.**

Local Processing and Permit Procedures: The element identifies the City's Site Plan Review Committee (SPRC) as a potential constraint, citing stakeholder concern about the review process (p. 44). This analysis should evaluate the SPRC in greater detail, including a discussion of the threshold for site plan review, the review process, and the SPRC's approval findings. Depending on the results of this analysis, the element should include programs as appropriate. **In the revised Housing Element before the Planning Commission, staff has supplemented the discussion about Site Plan Review and has added Program 2.5 (Development Review Processes) including implementing actions to reconsider site plan review thresholds and examine how to improve efficiency and predictability in the process. SPRC is a by-right process that does include required findings pursuant to LBMC 21.25.506.**

On/Off-site Improvements: While the element identifies some improvement requirements, it should ensure that all requirements are identified, describe the specific requirements in further detail, and analyze their impact as potential constraints on housing supply and affordability. **SPRC findings require that there be an essential nexus between the public improvement requirements established by and the likely impacts of the proposed development. This is codified in LBMC 21.25.506 and will be described in the revised Housing Element**

Codes and Enforcement: The element must describe the City's building and zoning code enforcement processes and procedures, including any local amendments to the building code, and analyze their impact as potential constraints on housing supply and affordability. **The City has very few local amendments to the building code, but staff is analyzing this in partnership with the Building Bureau and will provide a write-up of findings in the revised plan. The housing element does touch on code enforcement processes and proposes a program focused on ensuring that code enforcement focuses on addressing life safety issues while also preserving the City's housing stock (Program 5.4). The housing element also has an unpermitted dwelling unit amnesty program (Program 6.6) that was adopted in early 2021 to provide a legal pathway for unpermitted dwelling units to be preserved rather than demolished, for example if a unit were identified through code enforcement.**

Constraints on Housing for Persons with Disabilities: The element details that residential care facilities serving six or fewer persons are permitted in all residential zones. However, residential care facilities serving seven or more persons require a conditional use permit and are excluded from some residential zones. The element should analyze these requirements as potential constraints on housing for persons with disabilities and add or modify programs as appropriate. **Staff is reviewing these regulations to identify whether any should be considered as constraints and will add or update programs as appropriate. It should be noted that in 2020, the City expanded allowance for convalescent hospitals and care facilities in commercial zones and lowered the review threshold from a CUP to an AUP, providing significant additional capacity and a more streamlined process.**

In addition, the housing element provides the City's definition of family, stating "the definition of family does not present a constraint to housing for persons with disabilities" (p. D-25). This statement alone is not adequate to demonstrate that the

definition is not a constraint. The element should include analysis and add or modify programs as needed. Staff is reviewing the definition of a family, which was updated in Title 21 in 2015. Staff will provide additional analysis in Appendix D to address this comment and will consider whether it is appropriate to add or update any programs.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning, development standards and fees on the City's website or add or modify programs.

All zoning, development standards and fees are posted on the City's website and this will be clarified and further described in the revised plan. Additionally, the plan before the Planning Commission includes a new Program 2.5 (Development Review Processes) which contains and implementing action to identify new or improved data and technology solutions to support faster development project review and greater public access to housing and land use information such as through online dashboards and other publicly accessible online resources

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

Approval Time and Requests for Lesser Densities: The element must include analysis of requests to develop housing at densities below those identified, the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially. The element must address any hinderance on the development of housing and include programs as appropriate. Staff conducted a review of recent projects to establish how much below maximum density is typical for a development project. This information informed the assumptions for the site inventory and will be added to the constraints section of the revised plan. Staff is conducting an analysis to estimate the average length of time between when a housing development entitlement is approved and when a building permit application is filed.

7. *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 number of most special-needs populations, it must also quantify and analyze the number of permanent and seasonal farmworkers (e.g., USDA county-level data). Appendix B-27 lists the number of farmworkers in Long Beach (723 or 0.31% of households) and appendix page B-32 analyzes this group.

8. *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 includes an analysis of at-risk units that addresses some requirements. However, the element should expand the qualified entities identified for potential preservation of at-risk units. For more information on qualified entities, please see <https://www.hcd.ca.gov/policy-research/preserving-existing-affordable-housing.shtml>. Staff will revise the plan to list the City's nonprofit partners related to this work, in order to address this comment. Long Beach is known for its success in preserving at-risk affordable housing units. A program for preserving at-risk units (Program 5.1) estimates that 2,089 units may be at risk of losing their affordability controls by October 15, 2031 (ten-year timeline of at-risk housing analysis) due primarily to the expiration of project-based Section 8 contracts. The program calls for monitoring of all 2,089 units and provides multiple strategies for ensuring these units are preserved. Staff is analyzing whether there are any additional qualified entities that should be included in this analysis.

### **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).)*

To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines, objectives, and specific commitments, including:

- Program requiring a specific commitment include Actions 1.4.2 (Public Land for Affordable Housing), 1.4.3 (Allowable Land Uses in Tidelands), 1.4.4 (City-owned Zoning), 1.5.1 (Religious Facility Housing Overlay), 3.1.3 (Tenant-Based Rental Assistance Programs), 3.3.7 (Homeownership Assistance), 4.1.4 and 4.1.5 (Continuum of Care), 5.4.3 (Comprehensive Code Enforcement), and 7.2.2 (Dedicated Rental Housing Staff).
- Programs requiring specific objectives include Programs 3.4 (New Funding Mechanisms for Affordable Housing), 4.1 (Continuum of Care), 5.2 (Tenant Protection), and 5.4 (Comprehensive Code Enforcement). Objectives should be quantified when possible.
- Programs requiring discrete timelines include Actions 1.1.4 (Adequate Sites for RHNA), 1.1.5 (Assistance to Developers), 1.6.3 (Affordable Housing Development Assistance), 2.1.4 (Development Incentives) and 6.3.1

(Voucher Mobility).

Staff is reviewing these programs to identify any needed specifics related to commitment, objectives and timelines in response to the above and will provide more specifics in the revised plan.

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 B4, 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:

- *Rezoning:* Program 1.1 (Adequate Sites for RHNA) commits to rezoning sites to accommodate the City's RHNA but must also comply with all by-right provisions pursuant to Government Code section 65583.2, subdivisions (h) and (i).- Pursuant to HCD's feedback, Staff now understands that because the site inventory cannot be accommodated under the City's existing zoning, all by-right provisions of Government Code 65583.2, including subdivisions (h) and (i), must be adhered to. The revised plan will reflect this.
  - *Accessory Dwelling Units:* Action 1.7.3 should be modified to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., 6 months). Action 1.7.3 will be updated to include this monitoring requirement in the revised draft plan.
  - *Employee Housing:* As noted on page D-24, Action 2.3.1 should clarify that zoning will be amended in compliance with Health and Safety Code section 17021.5. Health and Safety Code section 17021.5 states that "No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone" Staff will update either Action 2.3.1 or add/amend another action to reflect this requirement.
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).)*

The element must include a program(s) with specific actions and timelines to assist in the development of housing for ELI households. The program(s) could commit the

City to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to ELI households; assisting, supporting or pursuing funding applications; and outreach and coordination with affordable housing developers. **The City already provides most of these services, including fee waivers, concessions and incentives for housing developments for units affordable to ELI households, assisting and supporting funding applications; outreach and coordination with affordable housing developers and even funding opportunities through the City's Housing Trust Fund. More information on these services will be included in the revised plan and staff are analyzing whether any modifications to or additional programs are warranted.**

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 B5 and B6, 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. **Staff will consider whether to include any modifications to or additional programs to the revised plan, based on the results of this analysis.**

Additionally, as noted in Finding B5 and on page 44 of the element, a low threshold for the SPRC is a potential barrier and Program 2.1 (Development Incentives) should be revised with specific comments to address the potential constraint. **The revised draft plan before the Planning Commission includes a new Program 2.5 (Development Review Processes) which includes implementing actions to reconsider site plan review thresholds.**

5. *Promote AFFH 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).)*

As noted in Finding B1, the element does not include a complete Assessment of Fair Housing (AFH). Depending on a complete analysis, the element may need to add or revise programs as appropriate. **Staff will consider whether to include any modifications to or additional programs to the revised plan, based on the results of this analysis.**

In addition, the element's programs for anti-displacement and new housing in high-opportunity areas do not appear adequate to address the fair housing issues described in the element. The existing programs for anti-displacement are 6.4

(Replacement Housing Requirements), 6.5 (Tenants' Right to Counsel), and 6.6 (Unpermitted ADU Amnesty Program). Programs 6.4 and 6.5 involve coming into compliance with existing state law, and program 6.6 does not satisfy the requirement for specific and meaningful actions toward anti-displacement. Similarly, the element's programs for new housing opportunities include 6.7 (Inclusionary Housing), 6.8 (Community Land Trusts), and 6.9 (Monitoring Housing Production). Several changes have been made to strengthen the programs under goal 6. Program 6.3 (Voucher Mobility). Program 6.4 (Replacement Housing Requirements) has been revised in the plan before the Planning Commission to include a new action going above and beyond state law to pilot the implementation of additional anti-displacement strategies through new requirements for projects subject to the Mello Act or that utilize the Enhanced Density Bonus. These pilot programs will allow the City to explore how to administer additional requirements related to both tenant income and rental history data to provide additional anti-displacement supports. Action 6.5.1 under Program 6.5 (Tenant Right to Counsel) has been significantly expanded to serve over 3,500 households, far more than the 375 households anticipated to be served per the earlier draft plan thanks to additional identified resources. Program 6.8 (Community Land Trust) is updated to reflect new resources that have been dedicated to land trust research and investment in the City's upcoming fiscal year budget. Program 6.9 (Monitoring Housing Production) has been updated with information on the Enhanced Density Bonus program, which was adopted in September 2021.

While important, the element's programs for new housing opportunities in high opportunity areas should consider additional actions. These modified program actions may also depend on the results of a complete AFH. The draft plan before the Planning Commission includes a new action to support a variety of "naturally occurring" affordable housing typologies, such as bungalow style apartments. Staff will carefully consider what additional actions could be added to the revised plan to support new housing opportunities in high opportunity areas.

#### **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, it must also include objectives for ELI households. The element should also add conservation objectives, in addition to objectives for the preservation of units at-risk of conversion to market rate uses.

Staff is determining how to conduct this analysis and will ensure compliance with the above-listed requirement in the revised plan.

#### **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, it should also summarize public comments and describe how they were considered and incorporated into the element. **Staff carefully considered public comments made throughout the engagement process, and those comments informed the goals, policies, programs and implementing actions contained in the plan. Staff is revising the engagement summary to better articulate how community input and public comments were incorporated into the plan.**

In addition, HCD understands the City made the housing element available to the public July 9, 2021, under two weeks before submittal to HCD. By not providing a sufficient opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.

**Staff submitted the draft plan to HCD on July 19<sup>th</sup>, just under two weeks after releasing it to the public on July 9<sup>th</sup>. Staff will continue its practice of sending e-notification to all interested parties, including public commenters, people who have participated in housing element events, those who have signed up for updates through the project webpage, and through LinkLB e-blasts. The revised plan will be shared with the public well before two weeks prior to re-submission to HCD for review.**