

San Joaquin County – HCD Comment Letter, June 14, 2024

HCD Comment	Page Addressed
A. Review and Revision	
Special Housing Needs: The element must provide an evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation. In addition, the element could also discuss the results, success, or lack of, challenges and opportunities from outreach, coordination, application for funding, incentives or other activities and discuss potential strategies set forth in the current element to meet the need.	Page 7-225 to 7-227
B. Housing Needs, Resources, and Constraints	
Racially Concentrated Areas of Poverty/Affluence: The element identified several tracts as R/ECAP and RCAA's; however, the element should evaluate factors that contribute to this outcome. This analysis should utilize local data knowledge and other relevant factors to achieve a comprehensive analysis. For example, the element could examine past land use practices, investments, and quality of life relative to the rest of the County and region. Based on a complete analysis, the County can consider additional actions (not limited to the Regional Housing Need Allocation (RHNA)) to promote housing mobility, place-based strategies, and improve new housing opportunities throughout the County.	Page 7-67 to 7-71
<u>Disproportionate Housing Needs</u> : While the element includes some information on persons experiencing homelessness, the element should be revised to evaluate the needs, impacts and patterns within the unincorporated areas of the County, such as areas of higher need. For example, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis. Based on a complete analysis, the element should revise programs accordingly. Lastly, the element notes that 63 percent of renters are overpaying for housing, with almost 37 percent of all renter households severely overpaying for housing within County. The element should be revised to include meaningful policies and programs that help address this.	Homelessness: page 7-126 Overpayment: • Discussion page 7-115 • Program edits: – Programs 2-7 (page 7-258) – Program 2-10 (page 7-259) – Program 2-11 (page 7-260)
<u>Identified Sites and Affirmatively Furthering Fair Housing (AFFH)</u> : The analysis should be revised to identify whether sites improve or exacerbate conditions and whether sites are isolated by income group. The element includes information on identified sites with respect to location, the number of sites and units by all income	Site Analysis: – Page 7-83 to 7-85

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groups. However, it should also discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).	– Page 7-89 – Page 7-109 and 7-111 – Page 7-123 to 124
<u>Contributing Factors</u> : Based on the outcomes of a complete analysis, the element should re-assess and prioritize the contributing factors to fair housing issues.	Page 7-137
<u>Person Experiencing Homelessness</u> : While the element includes an analysis on persons experiencing homelessness, the element should be updated with the most recent point-in-time (PIT) count. Specifically, the element notes data from the 2022 PIT survey, however HCD understands that the County has completed a more recent count. Based on an updated dataset, the element should revise the analysis and programs accordingly.	Pages 7-34 to 7-37, 7-126
<u>Farmworkers</u> : The element provides some information on farmworkers within the County; however, a complete analysis must identify challenges faced by this population, existing resources to meet those needs (availability farmworker housing units, etc.), an assessment of gaps in resources, and proposed policies, programs and funding to help address those gaps. The analysis could also consider regional and statewide studies. studies.	Page 7-42 to 7-45
<u>Sites Inventory</u> : The element incorrectly reflects the number of units by income level for the RHNA. For example, Table 7-57 indicates that the County is accounting for 904 lower-income units, 2180 moderate-income and 813 above moderate-income units; however, reflects the total as 7,183 units for Mountain House Specific Plans. Additionally, tables in section 7.4 (Site Inventory) should be reviewed for accuracy and revised where appropriate. For example, Table 7-60 should account for 904 units of lower-income housing in the County's Mountain House Specific Plan but instead accounts for 0 units	Page 7-160, 7-167
<u>Realistic Capacity</u> : The element is generally assuming 70 percent of maximum densities on residential only sites. This assumption is based on development trends generally related to single family development as noted on Table 7-55. Additionally, the element did include some additional examples within the City of Stockton in Table 7-56. However, the element should be revised with additional trends to support this capacity assumption. For example, the element could reference other examples from incorporated cities, areas outside of incorporated cities, or in unincorporated neighborhoods. In addition, the element should discuss how land use controls and site improvements were calculated and incorporated into realistic capacity assumptions.	Page 7-149 to 7-150, 7-152 to 156

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Lastly, the element appears to assume residential development on sites with zoning in commercial and mixed-use zones and allow for non-residential uses. The element must analyze the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. The analysis should be based on factors such as development trends including nonresidential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs.	
<u>Manufactured Housing:</u> The element is projecting 303 manufactured homes to accommodate the RHNA including 182 units for lower-income households. The element includes some information about the cost of a manufactured housing, including factors that affect affordability (e.g., land and financing costs). However, for a complete analysis the element should reflect typical land costs in San Joaquin County as part of the estimated total costs of manufactured homes noted on Table 7-50. Additionally, the element notes development costs based on Fresno County. However, the analysis should be supplemented with more local data and knowledge about typical costs within the County. The element must include strong actions that incentivize and facilitate the development and affordability of this housing type. Examples include establishing funding sources, modifying development standards and reducing fees, increasing awareness, pre-approved plans and homeowner/applicant assistance tools. In addition, given the current assumptions, the element should commit to more frequent monitoring (e.g., monitoring permits and affordability every other year) and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., 6 months).	Analysis: Page 7-141 to 7-145 Program 2-2: Page 7-255 to 256
Mountain House Specific Plans: The housing element relies upon various specific plans in Mountain House to accommodate a portion of the County's RHNA. The element indicated the estimated residential capacity and number of units by income group are based on the remaining capacity in these specific plans. However, to address estimated capacity assumptions, the element should discuss past and current development trends, phasing and timing requirements, and any potential constraints to future development. The element must further address the necessary approvals for development and demonstrate the suitability for development in the planning period including support for affordability assumptions. To utilize residential capacity in Specific Plans, the element must:	Page 7-159 to 7-164
Identify the plans' approval and expiration date.	Page 7-159
Identify approved or pending projects within these plans that are anticipated in the planning period, including anticipated affordability based on the actual or projected sale prices, rent	Page 7-159 to 7-161

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levels, or other mechanisms establishing affordability in the planning period.	
Describe any development agreements, and conditions or requirements such as phasing or timing requirements, that impact development in the planning period.	Page 7-159 - 7-160
Current or remaining Infrastructure needs.	Page 7-159 - 7-160
Information on subdivisions including future parceling, acreage of sub-areas, future parcels sizes, etc.	Page 7-159 - 7-160
Based on a complete analysis, the element must include programs and actions to encourage and facilitate development during the planning period including monitoring.	Program 1-6: Page 7-251
<u>Employee Housing:</u> - Affordability – The element anticipates 492 units of employee housing will accommodate a portion of the County's lower-income RHNA obligation during the planning period. While the element includes some information on costs for employee housing, the element must demonstrate the affordability of these units in the planning period based on actual sales price, rent level, or other mechanisms ensuring affordability (e.g., deed restrictions). - Zoning for Lower-Income Households – The element identified a portion of the lower-income RHNA on sites zoned for agricultural uses that allow 1-5 units per acre. The element must demonstrate densities appropriate to accommodate housing for lower income households. For communities with densities that meet specific standards (at least 20 units per acre for San Joaquin County), no analysis is required. (Gov. Code, § 65583.2, subd. (c)(3).) Otherwise, an analysis must demonstrate appropriate densities based on factors such as market demand, financial feasibility, and development experience within identified zones.	Page 7-165 to 7-167
<u>Environmental Constraints:</u> While the element generally describes potential environmental constraints, it must still describe any other known environmental or other conditions that could impact housing development on identified sites in the planning period (e.g., shape, access, contamination, easements, conditions, compatibility).	Page 7-169

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<u>Water and Sewer Capacity:</u> The element must demonstrate sufficient existing or planned water, and sewer capacity to accommodate the County’s regional housing need. (Gov. Code, § 65583.2, subd. (b).) The element must also identify infrastructure capacity by community area or service district relative to identified sites. However, for sites identified for housing for above moderate-income households not served by public sewer systems, the required information need not be listed on a parcel-by-parcel basis.	Page 7-215 to 7-221
For your information, water and sewer service providers must establish specific procedures to 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. HCD recommends including a cover memo describing the County’s housing element, including the County’s housing needs and regional housing need.	Program 2-12: Page 7-260 and 2-261
<u>Electronic Sites Inventory:</u> For your information, pursuant to Government Code section 65583.3, the County must submit an electronic sites inventory with its adopted housing element. The County must utilize standards, forms, and definitions adopted by HCD.	Noted
<u>Zoning for a Variety of Housing Types:</u> • Accessory Dwelling Units (ADU) – The County must allow ADUs in all zones that allow residential uses including mixed-use zones and nonresidential zones. The element does not address this requirement. Table 7-68 notes that ADUs may not be permitted in several commercial zones that allow residential. The element must specifically address whether the County complies with this requirement. Based on a complete analysis, the element may need to include a specific commitment to addressing this requirement. • Manufactured Housing – Manufactured housing built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling would be subject to. While the element notes that the County allows manufactured housing consistent with state law (7-179), Tables 7-69 does not reflect whether the County allows manufactured housing. The element must demonstrate <u>consistency with this requirement or add or modify programs as appropriate.</u>	Program 2-3: Page 7-255 – 7-256, Program 2-2: Page 7-255

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<u>Land Use Controls:</u> The element must identify and analyze the impact of all relevant land use controls as potential constraints on a variety of housing types in all zones that allow residential uses, including commercial zones and mixed-use zones. The analysis should address any impacts on cost, supply, housing choice, feasibility, timing, approval certainty, and ability to achieve maximum densities and include programs to address identified constraints. Specifically, the analysis must identify and analyze the density ranges and minimum lot sizes for the commercial zones (Table 7-65). Additionally, the element should note the minimum lot requirements and maximum heights for development in the agricultural zones. Lastly, the element should analyze parking standards for Multifamily Housing, Accessory Dwelling Units, and Single Room Occupancy Units. Based on a complete analysis, the element may need to add or modify programs to address any actual or potential constraints on development.	Page 7-179 to 184
General – While the element outlines a general overview of processing timeframes, it should describe and analyze processing times and procedures for a typical single-family and multifamily development. The analysis should address the approval body, the number of public hearings, if any, approval findings, and any other relevant information. In addition, the analysis should address impacts on housing cost, supply, timing, and approval certainty.	Page 7-196 to 7-201
Multifamily Housing – The element notes that multifamily housing is allowed with an administrative use permit in the high-density zones e.g., R-M and R-MH. Further the element indicated that an administrative use permit is considered a discretionary review (p. 7-186). The element must analyze this requirement for potential constraints on housing development. The analysis should address the timing, approval body, number of public hearings, if any, approval findings, and any other relevant information. In addition, the analysis should address impacts on housing cost, supply, timing, and approval certainty.	Page 7-188 and 7-196
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. 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.	Page 7-199

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<u>Local Processing and Permit Procedures:</u> Finally, the element should discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.	Page 7-199 and 7-200
<u>Fees and Exaction:</u> While the element includes a listing of planning fees, it should also analyze these fees for impacts on housing costs including costs for a conditional use permit. In addition, the element describes the total impact of fees on single-family and multifamily development, but the analysis appears limited to certain building, planning, and impact fees. The element must provide the County's full fee schedule to provide a complete analysis. The element should enhance existing policies and programs based on a complete fee analysis.	Page 7-203 to 7-206
<u>Zoning and Fees Transparency:</u> The element must clarify its compliance with new transparency requirements for posting all zoning, development standards, and fees for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1)((A) and (B)).	Page 7-171, 7-202 to 7-206
<u>Constraints on Housing for Persons with Disabilities:</u> The element briefly describes its reasonable accommodation procedures. However, the element should also describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.	Page 7-190
<u>Permit Times:</u> The element must analyze the length of time between receiving approval for a housing development and the submittal of an application for building permits.	Page 7-195 to 7-197
C. Housing Programs	
To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs must have discrete timing (e.g., at least annually or by 2025), specific commitment to housing outcomes and refrain from language such as "explore". Several programs noted below must be revised with updated timelines and commitments including:	
Program 1-5 – Use of Sites In Previous Cycles	Page 7-251
Program 2-3 – Promote The Development of Accessory Dwelling Units.	Page 7-255 and 7-256
Program 3-1 – Support For Existing Homeless Shelters and Persons Experiencing Homelessness.	Page 7-262 and 7-263

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Program 3-2 – Publicizing Reasonable Accommodation.	Page 7-263 to 7-264
Program 3-3 – Facilitate Development of Housing for Farmworkers.	Page 7-264 to 7-265
Program 3-4 – Maintain Farmworkers Housing Inventory.	Page 7-266
Program 3-5 – Development Title Updates to Address Special-Needs Housing.	Page 7-267 to 7-268
Program 3-6 – Persons with Developmental Disabilities.	Page 7-268 to 269
Program 3-7 – Extremely Low-Income Households.	Page 7-269
Program 4-4 – Code Enforcement.	Page 7-274
<i>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... (Gov. Code, § 65583, subd. (c)(1).)</i>	
As noted in Finding B3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the County may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.	Noted
The element must revise programs focused on assisting lower-income and special needs households with specific commitment, outcomes and include discrete timing. Additionally, given the needs for seniors and female-headed households, the element must have specific programs and actions to assist in the development of housing. Program actions could include proactive outreach and assistance to non-profit service providers and developers, prioritizing some funding for housing developments affordable to special needs households and offering financial incentives or regulatory concessions to encourage a variety of housing types	Page 7-253 and 7-254 Page 7-269 to 7-270
As noted in Finding B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.	Noted

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<u>Program 4-3 (Additional Rehabilitation Programs)</u> – The element notes that the County has not a conducted a housing conditions survey since 2004. Additionally, the analysis noted a significant need for strong rehab programs. While this program commits to conducting a study by 2027, given the needs and current conditions, the county should commit to completing this effort earlier in the planning period (e.g., 2025). Lastly, given the significant needs and disparities for housing conditions, based on a completed study, the element should commit to additional efforts.	Page 7-273 and 7-274
As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues.	Noted
<u>Goals, Priorities, Metrics, and Milestones:</u> As a reminder, goals and actions must significantly seek to overcome contributing factors to fair housing issues and must include quantifiable metrics and milestones for evaluating progress on programs, actions, and fair housing results. 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, milestones, geographic targeting and metrics or numeric objectives and, as appropriate, 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.	--
Promote Housing Mobility and Increasing Housing Choices in Higher Resourced Areas – The analysis demonstrates that the unincorporated areas of the County include several neighborhoods that are relatively higher-income, higher resourced, high, and highest opportunity and defined as a racially concentrated area of affluence. Additionally, the element disproportionately concentrates the lower income (RHNA) in Mountain House. While Mountain House is predominantly a higher resource area in the County, the over-concentration of RHNA limits housing choices. The element must include actions to promote housing mobility within the City and relative to the region to promote an overall inclusive community. Examples include homesharing, promoting a county-wide affordable rental registry, expanding outreach efforts, enhancing zoning strategies, incentivizing ADUs, requiring with affirmative marketing outside of the County and coordinating with regional entities. Additionally, as mentioned, quantifiable metrics should be meaningful to reflect the needs of the community.	Page 7-259 to 7-261

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• Place-Based Strategies for Revitalization and Preservation – The analysis notes several areas that are considered concentrated areas of poverty and lower resourced relative to other parts of the County. In addition to addressing the program requirements mentioned above, the element must establish strong programs and policies that implement place-based actions to conserve and revitalize communities. The County can incorporate relevant policies and actions from other general plan elements such as the environmental justice and safety element. For your information, place-based programs include actions that improve one’s quality of life related to housing, transportation, safety, education, recreation, infrastructure, etc. Furthermore, the element must include metrics and milestones for targeting meaningful change and evaluating progress on programs, actions, and fair housing results.	Page 7-274 to 7-276