

~~STATE OF CALIFORNIA BUSINESS TRANSPORTATION AND HOUSING AGENCY~~
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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ARNOLD SCHWARZENEGGER Governor



July 3, 2009

Mr. Josh Hart, Senior Planner
County of Inyo Planning Department
168 N. Edwards Street
Independence, CA 93526

Dear Mr. Hart:

RE: Review of the County of Inyo's Draft Housing Element

Thank you for submitting Inyo County's draft housing element received for review on May 5, 2009. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65535(b). A telephone conversation with you, Ms. Michaela Jennings and Ms. Jennifer Gastelum, the County's consultants, facilitated the review.

The Department commends Inyo County for its efforts to establish a Housing Task Force to work with developers, affordable housing providers and finance experts to assist in the preparation of the housing element. The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element must demonstrate the adequacy of the sites to accommodate the County's regional housing need for lower-income households. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

The Department is committed to assist Inyo County in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Cecelia Golden, of our staff, at (916) 327-2646.

Sincerely,

A handwritten signature in cursive script that reads "Cathy E. Creswell".

Cathy E. Creswell
Deputy Director

Enclosure

cc: Michaela Jennings, Consultant, PMC

APPENDIX COUNTY OF INYO

The following changes would bring Artesia'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 the Department's website at www.hcd.ca.gov/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element2/index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 6583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

The County has a remaining regional housing need allocation (RHNA) of 423 housing units, of which 186 units are for lower-income households. To accommodate this need, the element (page 36) indicates the County is relying primarily on the release of 75 acres of land owned by the Los Angeles Department of Water and Power (LADWP) and indicates the majority of that land is vacant and zoned for residential development. For example, Sites 13 and 14 with an estimated total capacity for 32 units were included in the Final Agreement and are scheduled for release in the next couple of months and will be available for development at densities appropriate to facilitate housing affordable to lower-income households.

The County, however, is heavily reliant on Site 11 to accommodate its regional need for lower-income households. The element states the site is currently not identified for LADWP release in the Long Term Water Agreement. The Department understands the County is pursuing actions necessary to facilitate the availability of the site in the planning period. Given the uncertain status of the site as suitable and available for residential development, the element should identify alternative sites and strategies suitable to demonstrate capacity to accommodate the County's remaining need for lower-income households.

For example, the element could include information on sites pending release as part of the original Final Agreement with potential for residential development which are currently not included in the inventory. In addition, the element could list non-residentially zoned or non-vacant sites. For example, based on conversations with staff, the County may have some opportunities for mixed-use infill development within the communities of Lone Pine and Independence. In addition, the element could utilize the realistic capacity for second units in the planning period. For further assistance, refer to the *Building Blocks*' website and sample analysis at http://www.hcd.ca.gov/hpd/housing_element2/SIA_home.php.

Sites with Zoning for a Variety of Housing Types (Emergency Shelters): The element includes Program 2.2.1 to evaluate a zone(s) where emergency shelters will be allowed, by-right, without discretionary action. However, pursuant to Chapter 633, Statutes of 2007 (SB 2), the element must identify the zone(s) being considered and demonstrate adequate capacity within that zone(s) for at least one shelter within the planning period.

2. *Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels, 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 Section 65584 (Section 65583(a)(5)).*

Processing and Permit Procedures: Table 34 of the element indicates multifamily development of 15 or more units in the R-3 zone requires a conditional use permit (CUP). The element should describe this requirement including typical findings of approval and analyze this requirement for its impact on the timing approval certainty and the supply and affordability of housing.

B. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels.*

As noted in finding A3, the element does not include a complete sites inventory and analysis; therefore, the adequacy of sites was not established. Based on the results of a complete sites inventory and analysis, the City may need to add or strengthen programs and address any shortfall of residential development capacity.

Release of Additional LADWP Sites: Based on conversations, the County continues to be optimistic that much needed developable sites, specifically Site 11, could be made available for development from LADWP. The element, however, must revise or add specific actions to request amendment of the Long Term Water Agreement to facilitate release of the site. In addition as mentioned in finding A1, the element should be revised to identify alternative sites and strategies suitable to demonstrate capacity to accommodate the County's remaining need for lower-income households.

Program 2.2.1: Amend the emergency shelters program to:

- identify the specific zone(s) considered to permit emergency shelters (see finding A2); and,
- ensure development standards will encourage and facilitate the use and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zone.

Program 3.3.1: When will the County amend its code to allow second units ministerially in single-family residential zones?

Program 5.4.1: When will the County Code be amended to allow residential care facilities serving six or fewer by-right in all residential zones.

2. *Address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities (Section 65:83(c)(3)).*

As noted in finding A2, the element requires a more detailed analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to add or expand programs to address and remove or mitigate any identified constraints.

For Your Information

The element includes numerous programs to assist in the development and rehabilitation of housing affordable to lower-income households which are reliant on the successful application for State or federal funding programs. To assist the County with these efforts, the Department's *Financial Assistance Program Directory* is available at http://www.hcd.ca.gov/fa/LG_program_directory.pdf. In addition, The County should periodically review the Department's website at <http://www.hcd.ca.gov/fa/> for updated Notices of Funding Availability.