

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

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May 6, 2022

David Roberts, City Manager  
City of Carson  
701 E. Carson Street  
Carson, CA 90745

**RE: City of Carson's (City) 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Dear David Roberts:

Thank you for submitting the City of Carson's (City) housing element adopted on February 1, 2022 and received for review on March 7, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from the Public Interest Law Project as well as Californians for Home Ownership, pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses many statutory requirements described in HCD's December 10, 2021 review; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code). See enclosed Appendix.

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. Additionally, pursuant to Government Code section 65585, subdivision (b) (AB 215, Statutes of 2021), any subsequent draft revision, the local government must post the draft revisions on its website and email a link to all individuals and organizations that have previous requested notices related to local governments housing element at least seven days before resubmitting to HCD.

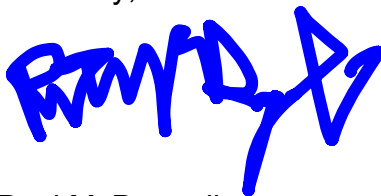
As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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.

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 Shawn Danino, of our staff, at [shawn.danino@hcd.ca.gov](mailto:shawn.danino@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF CARSON

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. 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).)*

Outreach and Enforcement: The element was revised to describe how the City conducted outreach. However, the element should also summarize the results of that outreach relative to the assessment of fair housing to inform the analysis and policies and programs.

Disproportionate Housing Needs, Including Displacement Risk: The element generally was not revised to address this requirement. Please see HCD's prior review for additional information.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element includes some discussion of sites and AFFH, including access to opportunities and units by income category relative to some socio-economic concentrations. However, the analysis should discuss the magnitude of the impact including the number of units by income group relative to locations or neighborhoods within the City, including any isolation of the regional housing need allocation (RHNA) and then address whether sites exacerbate or improve segregation and integration. HCD will send a sample table under separate cover.

Goals, Priorities, Metrics, and Milestones: While the element includes Program 14 (Affirmatively Furthering Fair Housing), this Program generally does not address the finding in HCD's prior review. As noted in the prior review, 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 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 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. HCD will send examples under separate cover.

2. *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).)*

Suitability of Nonvacant Sites: The element now discusses property owner interest on a few Tier 1 sites and some recent redevelopment trends. However, the element should still discuss the extent existing uses impede additional development, expand the discussion of redevelopment trends to support redevelopment assumptions (low AV ratio and low FAR) and adjust calculations or the inventory if appropriate. Please see HCD's prior review for additional information.

In addition, for your information, the element relies on nonvacant sites to accommodate 50 percent or more of the housing needs for lower-income households, which triggers requirements to make findings based on substantial evidence that the existing use is not an impediment and will likely discontinue in the planning period. The adoption resolution does not appear to make these findings and future re-adoption of the element must address this requirement to utilize nonvacant sites.

Mobilehome Park Preservation: The element includes some discussion of the status of mobilehome parks but it should also address the suitability and availability of these sites in the planning period. For example, the element notes an application for closure has been withdrawn and it remains likely the park will close in the planning period. However, the element should discuss how this site might allow for development in the planning period in consideration of recent laws (AB 2782). Based on the outcomes of this analysis, the element should revisit the inventory and add or modify programs as appropriate

Accessory Dwelling Units (ADU): The element now lists ADUs approved per year and assumes an average of 35 ADUs per year toward the RHNA. However, the analysis should be based on permitted units, instead of approvals. In addition, the City's records significantly differ from HCD's records (none reported in 2018, 46 in 2019 and none reported in 2020) and the City should take action to reconcile these records.

Electronic Sites Inventory: As noted in the prior review, 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 and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

3. *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 was revised to add some narrative regarding past development trends (pp.94-95) as well as some preliminary ranges for building heights in the General Plan Update (p.96). The analysis should address the impacts of proposed heights, including base line heights, on the ability to achieve maximum densities (without exceptions) and add or modify programs as appropriate. This analysis should also address open space requirements, which may be a constraint, as noted from stakeholder meetings (p. 109) and add or modify programs as appropriate.

Constraints on Housing for Persons with Disabilities: The element now provides examples of residential care facilities for seven or more persons (pp. 112-113). However, the element does not evaluate the conditional use permit (CUP) requirement and the exclusion of these uses from some residential zones as constraints on housing for persons with disabilities. For example, the element should evaluate the impacts of approval findings for CUP on approval certainty and the impacts of exclusion in some residential zones on housing choices and mobility for persons with disabilities. Based on the outcomes of this analysis, the element should include specific commitment in programs to amend procedures and zones to affirmatively encourage these uses through zoning and procedures, including with objectivity.

## **B. Housing Programs**

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory... (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A2, 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 4 (Affordable Housing Strategy):* The Program commits to comply with the Surplus Land Act, pursuing development at the District at South Bay and establishing zoning. However, for sites beyond the District at South Bay, the Program should include a schedule of actions. For example, the Program should commit to when or how often the City will make sites available, issue

requests for proposals and provide streamlined entitlement and incentives and funding. The Program should also commit to a quantified objective in the planning period commensurate with assumptions in the sites inventory.

2. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Program 14 (Special Needs Housing): The element now commits to proactive outreach to assist in the development of housing for extremely low-income (ELI) households. However, the Program should commit to how often the City will reach out to developers and service providers as well as identifying opportunities and should clarify these efforts including persons experiencing homelessness.

3. *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 Finding A3, 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.

4. *The Housing Element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)*

Program 11 (Mobilehome Park Maintenance and Preservation): The Program now explains the City has considered ways to preserve mobilehome parks and commits to prepare an ordinance. However, the Program should include specific and clear commitment to adopt an ordinance by a specified date, including its content. The Program should also commit to when and how often the City will reach park owners and tenants to pursue preservation opportunities and specific and clear commitment to comply with the various laws protecting mobilehome parks. Finally, the Program should commit to a quantified objective for the planning period.

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).)*

As noted in Finding A1, the element does not include a complete analysis to address AFFH requirements. Based on a complete analysis, the element must add or revise programs.

### **C. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd. (c)(9).)*

The element now explains the variety of methods to achieve public participation as part of the general plan update but should also describe the unique efforts of this housing element update. Specifically, as noted in the prior review, the City should employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households