

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

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May 27, 2022

Doug Robertson, Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Dear Doug Robertson:

RE: Town of Apple Valley's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the Town of Apple Valley's (Town) housing element adopted on March 8, 2022 and received for review on March 29, 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.

The adopted housing element addresses some statutory requirements described in HCD's December 13, 2021 review; however, the following revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code).

1. *Affirmatively further(ing) fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing... (Gov. Code, § 65583, subd. (c)(10)(A).)*

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

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Areas of Affluence (RCAA): The element now includes some discussion of a High Segregation and Poverty area, including coincidence with other components of the assessment of fair housing. However, the element should still discuss conditions and circumstances and the effectiveness of past and current strategies to promote inclusive and equitable communities. For example, the element could discuss the condition of infrastructure (e.g., water, sewer, sidewalks, routes to school), housing and community assets and amenities (e.g., parks, libraries, businesses, neighborhood shopping, schools) and any investments (e.g., capital improvement projects) or strategies. This analysis should be complemented by local data and knowledge and other relevant factors.

Site Inventory: While the element includes some general discussion of sites and fair housing issues, it should discuss the magnitude of the impact including the number of units by income group relative to locations or neighborhoods within the Town, including any isolation of the regional housing need allocation (RHNA) and then address whether sites exacerbate or improve segregation and integration.

Contributing Factors: The element should re-assess and prioritize contributing factors upon completion of analysis and make revisions as appropriate.

Goals, Actions, 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, revitalization, and displacement protection.

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).)*

Parcel Listing: The element now lists sites to accommodate the lower-income RHNA and notes the moderate-income RHNA will be accommodated by a surplus of capacity for the lower-income RHNA. However, the element must also address how the above moderate-income RHNA will be accommodated.

Electronic Site Inventory: As noted in the prior review, pursuant to Government Code section 65583.3, subdivision (b), the Town 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 Town 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. Further, the electronic inventory should list all sites included in the element and which sites will accommodate the moderate-income and above moderate-income RHNA.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or 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. (Gov. Code, § 65583, subd. (a)(5).)*

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... (Gov. Code, § 65583, subd. (c)(3).)

Land Use Controls: The element identifies multifamily parking requirements of 2 to 2.5 spaces per unit, including garage requirements, depending on the size of the development. The element then concludes these requirements are not constraints because the Town offers reductions for affordable and senior housing. However, the element must still analyze the impacts on costs for all housing, including market rate, particularly garage requirements and smaller bedroom types (e.g., studio and one bedroom) and add programs to address the constraints.

Processing and Permit Procedures: While the element describes the Development Plan review, it must analyze the findings of approval for impacts on approval certainty. For example, the Development Plan review includes the following approval finding:

That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes, and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings

The element should specifically analyze standards such as compatibility by describing how this finding is implemented, presence of subjectivity, potential effects on certainty, any approaches or tools to facilitate certainty and conclude whether the finding is a constraint. Based on the outcomes of this analysis, the element should add or modify programs.

4. *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 now includes quantified objectives for new construction and rehabilitation but should also include conservation objectives by income group.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-adopted to comply with the above requirements.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the Town must continue to engage the community, including organizations that

represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate.

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

Several federal, state, and regional funding programs consider housing element compliance as an eligibility criterion. 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 pursuant to Government Code section 65400. With a compliant housing element, the Town will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and dedication Town staff and consultant Nicole Criste provided throughout the housing element process. If you have any questions or need additional technical assistance, please contact Gerlinde Bernd, of our staff, at Gerlinde.Bernd@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager