

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

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November 17, 2022

Daniel Alcayaga, Planning Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Dear Daniel Alcayaga:

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

Thank you for submitting the Town of Apple Valley's (Town) revised draft housing element received for review on September 19, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The revised draft housing element addresses most statutory requirements described in HCD's May 27, 2022 review; however, the following revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code).

1. *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).)*

Goals, Actions, Metrics, and Milestones: While the element has been revised with specific commitment, milestones and metrics or numerical targets to affirmatively further fair housing, it must add actions for place-based strategies for community revitalization and displacement risk. HCD will send examples under separate cover.

2. *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: As found in the prior review, the element should analyze multifamily parking requirements of 2 to 2.5 spaces per unit and garage requirements. In response, the element generally mentions that covered parking (e.g., carports) requirements are not a constraint. However, the element should clearly state whether garages are required for multifamily developments and if so, evaluate impacts on housing costs and add or modify programs to address the constraint. Further, the element must still evaluate multifamily parking requirements of 2 to 2.5 spaces on housing costs, including market rate development, especially for smaller bedroom types (e.g., studio and one bedroom) and add programs to address the constraints.

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. Throughout the housing element process, the Town 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. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

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 Regional Housing Needs Allocation.

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 me at paul.mcdougall@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager