

APPENDIX M - HCD REVIEW LETTER March 22, 2010

~~STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY~~

~~ARNOLD SCHWARZENEGGER, Governor~~

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

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



March 22, 2010

Mr. Joe Calabrigo
Town Manager
Town of Danville
510 La Gonda Way
Danville, CA 94526

Dear Mr. Calabrigo:

RE: Review of the Town of Danville's Adopted Housing Element

Thank you for submitting Danville's adopted housing element received for review on December 22, 2009. The Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h). Communications with Mr. Kevin Gailey, Chief of Planning, facilitated the review.

The adopted element addresses most of the findings from the Department's September 17, 2009 review. For example, the element now includes an analysis of potential constraints on housing for persons with disabilities. However, the following revisions are still necessary to comply with State housing element law (Article 10.6 of the Government Code):

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, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).

The program shall accommodate 100 percent of the need for housing for very low and low-income households on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of 20 units per acre (Section 65583.2(h)).

Adequate Sites: The element identifies a shortfall of sites to accommodate the City's housing needs for lower-income households (221 units). To address the shortfall, the element identifies several candidate sites for rezoning (Table 34) and Programs 1.7.1 to 1.7.4. However, the element was not revised to commit to rezone sites that provide a minimum capacity of 16 units per site and several sites permit commercial use. This is particularly important since many sites in Table 34 do not allow 16 units per site and appear to require assemblage. The program should also clarify when sites will be rezoned since it only mentions when sites will be re-designated as part of the General Plan update. Please see Government Code Section 65583.2(h) on the previous page and the Department's prior review available on the website at http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_letters/ccodanville09:709.pdf.

In addition, pursuant to Section 65583(c)(B), the element must include an analysis of the suitability and availability of candidate sites for rezoning with all components specified in Section 65583.2. For example, the element should list existing uses for non-vacant sites sufficiently to demonstrate their potential for redevelopment and evaluate the extent to which existing uses may impede additional residential development.

Emergency Shelters (Programs 3.2.3 and 3.2.4): While the element now clarifies emergency shelters will be permitted without discretionary action, Programs 3.2.3 and 3.2.4 must still be revised to commit to only subject shelters to the same development and management standards that apply to other allowed uses within the identified zone. Please see the Department's prior review.

Once the element has been revised to address these requirements, it will comply with State housing element law. The Department appreciates your continued cooperation and assistance throughout the course of the review. We are committed to assist Danville in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Jess Negrete, of our staff, at (916) 323-3185.

Sincerely,



Cathy E. Creswell
Deputy

cc: Kevin Gailey, Chief of Planning, City of Danville