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**April 27, 2023, HCD Housing Element  
Compliance Letter**

**Revisions to the Housing Element  
Amendment of the Napa County General  
Plan for the Sixth Cycle Planning Period**

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

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April 27, 2023

Brian Bordona, Interim Director  
Planning, Building, and Environmental Services Department  
County of Napa  
1195 Third Street, 2<sup>nd</sup> Floor  
Napa, CA 94559

Dear Brian Bordona:

**RE: County of Napa's 6<sup>th</sup> Cycle (2023-2031) Adopted Housing Element (Update)**

Thank you for submitting the County of Napa's (County) housing element adopted January 24, 2023 and received for review on March 1, 2023. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. HCD considered comments from Kellie Anderson, David Kellogg, and Ron Rhyno, pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses most statutory requirements described in HCD's November 7, 2022 review; however, additional revisions are necessary to substantially comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

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).)*

*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).)*

**Assessment of Fair Housing:** HCD's prior review found the assessment of fair housing should add data and analysis that compares the County to the broader Bay Area region. The element generally describes broader Bay Area regional patterns and trends for concentrated areas of affluence and displacement (p. 142). However, it must still analyze the County relative to the rest of the Bay Area region for other components of the assessment of fair housing such as

segregation and integration (e.g., income, race, disability, familial status), disparities in access to opportunity and disproportionate housing needs (e.g., overpayment and overcrowding).

Disproportionate Housing Needs and Displacement Risk: In response to HCD's prior review, the element now includes some general discussion on homelessness (pp. 63 and 125) and additional analysis on fire hazards (p. 213) but must still include data, spatial analysis, and conclusions on patterns related to housing conditions and homelessness. As an example, the element identifies persons camping or sleeping in cars during the summer, with most individuals thought to be farmworkers. The element could identify locations in the unincorporated areas of the County where this is often observed and target outreach and additional services to support farmworkers and other persons experiencing homelessness in these areas.

Sites Inventory: In response to HCD's prior review, the element now includes a discussion of identified sites relative to concentrated areas of affluence and poverty but should include similar discussion, including quantification of the regional housing needs allocation (RHNA) by income group and location, for median income, disability, familial status, disparities in access to opportunity, overpayment and overcrowding.

Other Relevant Factors and Local Data and Knowledge: The element generally was not revised to address this finding. Please see HCD's prior review for additional information.

Contributing Factors to Fair Housing Issues: Upon a complete analysis, the element should re-assess and prioritize contributing factors to fair housing issues.

Programs: As noted above, 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, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community preservation and revitalization and displacement protection, including disaster-driven displacement.

- Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Farmworkers: HCD's prior review found, given the significant need in the County, it should specifically evaluate trends, characteristics, disproportionate needs, effectiveness of resources and strategies, magnitude of the housing need, including disproportionate housing needs. In response, the element now explains the County's farmworker study is not complete but includes a program to complete the study. However, the element must still include an analysis of the housing needs of farmworkers. The analysis may utilize past farmworker housing studies and other studies generally applicable to their special housing needs. For example, the element could utilize a recent study conducted by University California at Merced that is available at [https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs\\_report\\_2.2.2383.pdf](https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_2.2.2383.pdf). Please see HCD's prior review for additional information. Based on the outcomes of the analysis, the element should add or modify programs to address this significant special housing need in the region.

3. *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).)*

*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... (Gov. Code, § 65583, subd. (c)(1).)*

Environmental Constraints: While the element now discusses potential environmental constraints on identified sites, it should still address any other known conditions or impacts on identified sites (e.g., topological features, shape, contamination, easements, conditions, and compatibility). This is especially relevant to the Spanish Flat, given that this area has been identified in prior housing element cycles.

Electronic Sites Inventory: Although the County has submitted the electronic sites inventory as described in the prior review, if any changes occur, the County should submit revisions as part of any future re-adoption or submittal. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for additional information.

Zoning for a Variety of Housing Types (Emergency Shelters): Please be aware Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD's memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf>.

Programs: As noted above, 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 County 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 H-4g (Large Sites):* While the Program commits to assist property owners with subdivision, it should also establish incentives, clearly commit to parceling for all sites at appropriate sites (e.g., 1 to 10 acres) and should include alternative actions if parceling is not completed as anticipated by a date early in the planning period.
  - *State-Owned Sites:* As noted in the prior review, the element should include a program with specific commitment and a schedule of actions with discrete timelines and numerical objectives to facilitate development on the identified state-owned site. Examples of actions include coordination with the State, rezoning, facilitating entitlements, including environmental review, infrastructure, assisting with funding and alternative actions if development does not occur as anticipated.
  - *Annexation:* In response to HCD's prior review, the element includes additional information on the Foster Road site (p. 289) that indicates the County is in discussion with the City of Napa to determine the details and timing of the annexation. These revisions do not address HCD's finding. Please see HCD's prior review for additional information.
4. *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... ..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. 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).)*

Local Processing and Permit Procedures: The element now includes additional information on the PD district (pp. 242-243). However, the element was not revised to address higher density projects being subjected to a conditional use permit (CUP) in the affordable housing combining district (AHCD). Please see

HCD's prior review for additional information. Further, the element should address public comments on this revised draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations and add or modify programs as appropriate.

Constraints on Housing for Persons with Disabilities: In response to HCD's prior review, the element now includes additional information on its procedures, specifically for fees and appeals (pp. 251-252). However, the element must still evaluate the reasonable accommodation decision-making criteria such as approval findings for any potential constraints on housing for persons with disabilities.

Programs: As noted above, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the County may need to add or modify programs and address and remove or mitigate any identified constraints.

- *Program H-5f (Zoning Amendments – Group Homes):* The Program should specifically commit to allow group homes for seven or more persons in all zones allowing residential uses in addition to permitting the use the same as other residential structures of the same type in the same zone.
- *Program H-5f (Zoning Amendments – Land Use Controls):* In response to HCD's prior review, the element now includes revisions to Program H-5f (Update County Code to Align with State Housing Laws) that address constraints on parking requirements. However, Program H-5f should include a timeline and commitments to conduct the outreach described and remove identified constraints, if necessary.

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

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 (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the RHNA shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). 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). Please be aware, if the County fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

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 County 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. 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.

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 County will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication that your team provided throughout the housing element update and review. We are committed to assisting the County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Chelsea Lee, of our staff, at [Chelsea.Lee@hcd.ca.gov](mailto:Chelsea.Lee@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager