

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

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May 2, 2025

Bryan Stice, Director  
Community Development Department  
City of Patterson  
1 Plaza, P.O. Box 667  
Patterson, CA 95363

Dear Bryan Stice:

**RE: City of Patterson's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Patterson's (City) draft housing element received for review on February 3, 2025, along with revisions received on April 29, 2025. The revisions were posted and made available to the public for seven days prior to review. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on April 2, 2025 with you and your consultant. In addition, HCD considered comments from David Kellogg, the Building Industry Association of the Greater Valley, and Rutan and Tucker, LLP on behalf of Keystone Ranch, LLC, pursuant to Government Code section 65585, subdivision (c).

The draft element, including revisions, addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due December 31, 2023. 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, 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 does not adopt a compliant housing element within 120 days of the statutory deadline (December 31, 2023), then any rezoning to make prior identified sites available or accommodate the Regional Housing Needs Allocation (RHNA) pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c), shall be completed no later than one year from the statutory deadline. As this year has passed and Programs 1.11 (Land Use and Zoning Amendments to Achieve the RHNA) and 1.12 (By-Right Approval of Previously Identified Housing Sites) have not been

completed, the housing element will remain out of compliance until all necessary rezoning has been completed.

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. 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 Affordable Housing and Sustainable Communities program, 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.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City 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 Land Use and Climate Innovation at: <https://www.lci.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the efforts the housing element update team provided during the update and review of the housing element. We are 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 Emily Hovda, of our staff, at [Emily.Hovda@hcd.ca.gov](mailto:Emily.Hovda@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF PATTERSON

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 <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> and includes the Government Code addressing State Housing Element Law and other resources.

### **A. Review and Revision**

*Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)*

To demonstrate adequate sites from the prior planning period, the prior housing element included Program H-1.A to rezone sites to accommodate the regional housing needs allocation (RHNA) for lower-income households. The element (p. B-3) notes 13 acres were rezoned with a capacity for approximately 300 units. However, the element should also demonstrate those rezones meet by-right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i). Specifically, the element should demonstrate the (1) sites were zoned in addition to being designated; (2) sites were zoned to require a minimum density of 20 units per acre; and (3) permit multifamily development without discretionary review. Otherwise, the element should either carry over the 300 units to the 6<sup>th</sup> cycle RHNA or, in some other manner, address any requirements that were not met.

### **B. Housing Needs, Resources, and Constraints**

1. *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).)*

Progress toward the RHNA: The element identifies 341 units that are either pending, approved, or under construction. If utilizing pending development toward the RHNA, the element must demonstrate the affordability and availability of these units during the planning period. Affordability should be demonstrated based on actual or anticipated rents or sales prices or other mechanisms ensuring affordability (e.g., deed restrictions).

To demonstrate the availability of units within the planning period, the element should evaluate status, remaining steps to construction, any known barriers to development and the likelihood of development in the planning period. To evaluate likelihood, the element could analyze infrastructure schedules, past completion rates on pipeline projects, outreach with developers, and any expiration dates on entitlements. The element must also include a program to monitor the development of the pipeline projects and identify alternative actions, such as rezoning or identification of additional sites, should the projects not make sufficient progress to be constructed within the planning period.

Realistic Capacity: The element appears to assume residential development on sites with zoning that allows 100 percent nonresidential uses. While no additional analysis is necessary for Sites 12, 13 and 14, the element should analyze the likelihood of a residential component on Site 11. The analysis could be based on factors such as development trends, performance standards, expressed interest from developers or property owners or other relevant factors. For example, the element could analyze all development activity in the pertinent nonresidential zone (DC Zone), how often a residential development occurs and adjust residential capacity calculations, policies, and programs accordingly. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-sites-and-zoning>.

Environmental Constraints: While the element discusses environmental constraints like parcel shape, access, easements, and site contamination, it should also describe any other known constraints or conditions relative to identified sites (e.g., Williamson Act contracts, infrastructure, financial barriers, military and other compatibility) that could impact housing development on identified sites in the planning period. Additionally, the element should also discuss any environmental or other constraints or conditions that could impact the likelihood of housing development in the Master Plan Areas in the planning period. These analyses include any constraints that would result in the denial of approval or imposition of conditions on a development project within the master plan area that would significantly impact project feasibility or otherwise impede the ability to obtain building permits within the current planning cycle (e.g., due to costs associated with providing the necessary infrastructure without fair share or phasing requirements).

Suitability of Nonvacant Sites: While the element discusses past development trends and factors such as improvement-to-land value ratio and age of structure to demonstrate the suitability of nonvacant sites, it should also discuss the extent to which existing uses may impede housing development as well as market demand for existing uses. For example, the element includes sites identified as being occupied by a truck company, a parking lot, and a special event center, but analysis should be provided to demonstrate whether these existing uses would impede additional development of these sites within the planning period.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

- 2. 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).)*

On/Off-Site Improvements: While the element discusses on- and off-site improvement requirements, it should also analyze their impact as potential constraints on housing supply and cost, particularly their impact on total development costs.

Housing for Persons with Disabilities: The element subjects residential care facilities for seven or more persons to a conditional use permit (CUP), unlike other similar uses. The element states the CUP process is objective but based on the information in the element, the process does not appear to be objective. Further, residential care facilities for seven or more persons are excluded from some zones allowing residential uses, particularly lower density zones, creating barriers to housing choices for persons with disabilities. The element should specifically analyze the exclusion of these residential uses from some zones and the CUP for impacts on housing supply and choice and objectivity for housing for persons with disabilities and add or modify program(s) to address identified constraints.

## **C. 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 completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B1, 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 1.14 (Zacharias and Baldwin Ranch Master Plan Areas)*: While the Program commits to monitor permits and targets for multifamily and accessory dwelling units (ADU) and take appropriate action, the Program should also: (1) monitor project approvals and denials and post-entitlement steps necessary to construct housing; (2) monitor a target for all units anticipated to be constructed in Master Plan Areas in the planning period; (3) add a check point for subsequent action at least twice in the planning period and earlier than 2029; (4) specifically commit to discrete timing for all actions, including alternative actions; (5) specifically commit to alternative actions in stride with the evaluation, including but not limited to rezoning or identifying alternative sites with appropriate densities consistent with assumptions in the element; (6) applying for funding or assisting with infrastructure availability; (7) allowing phasing of infrastructure and other improvements necessary to facilitate development; (8) committing to allow fair share payments as part of larger needed improvements; (9) parameters for a mid-cycle review of infrastructure; and (10) discrete timing for alternative strategies related to infrastructure.
- *Program 1.15 (Water Supply to Support Development)*: The Program should commit to (1) applying for funding or assisting with improvement as necessary; (2) flexibility with permit timing relative to needed infrastructure and other improvements or facilities; (3) fair share payments as part of necessary improvements to facilitate development; (4) allowing phasing of infrastructure and other improvements necessary to facilitate development; (5) coordinating and collaborating with property owners and developers on at least an annual basis to accelerate housing development; and (6) identifying alternative sites, with adequate infrastructure to support development, with discrete timing (e.g., within six months) if sufficient progress in infrastructure development is not made available by mid-cycle.
- *Program 3.1 (Water and Energy Conservation Opportunities)*: The Program should include discrete timing to implement the listed strategies if found to be feasible.
- *Program 5.7 (Capital Improvement Program)*: The Program should include metrics to target the number of Capital Improvement Program projects to be completed during the planning period.

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).)*

Special Housing Needs: While the element includes Program 4.14 (Housing for Extremely Low-Income (ELI) Residents), the Program should include additional specific actions and timelines to assist in the development of housing for ELI households. For

example, the Program could commit identifying housing opportunities at least annually, adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to ELI households; assisting, supporting or pursuing funding applications; prioritizing funding and outreach and coordination with affordable housing developers and service providers.

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 B3, the element requires a complete analysis of potential 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.

Additionally, Program 4.3 (Residential Care Facilities) should be revised based on a complete analysis as noted in Finding B3 to permit residential care facilities, regardless of licensing, in all zones that allow residential uses, subject only to provisions for residential uses of the same type in the same zone.

4. *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).)*

The element should expand actions related to improving housing mobility and place-based strategies toward community revitalization. Housing mobility actions should be targeted in relatively higher-income and resource areas such as new growth areas and can include actions such as promoting missing middle housing types, prioritizing funding and resources, housing near religious institutional uses, publicly owned lands and strategies above state ADU law. Place-based strategies toward community revitalization should be targeted in relatively lower-income and resource area and should be broader community development issues such as parks, neighborhood revitalization, streetscapes, safe routes to school, community facilities and pollution burdens.

In addition, the element recognizes a higher concentration of housing units in need of rehabilitation or replacement in the eastern and downtown areas of the City (p. A-28, A-44). As a result, Program 2.1 (Property Inspection/Code Enforcement) should be revised to target rehabilitation resources in these areas.

#### **D. 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).)*

While the City made efforts to include the public through workshops and surveys, moving forward, 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. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts.