SECTION 5

Housing Law and Policies

THE HOUSING ELEMENT 56

DENSITY BONUSES 58

SECOND DWELLING UNITS 58

LIMITED AUTHORITY TO DENY AFFORDABLE PROJECTS 59

OTHER AFFORDABLE HOUSING LAWS 59

GROUP HOMES 60

INCREASING HOUSING DENSITY 60

INCLUSIONARY HOUSING 60

MIXED-USE DEVELOPMENT 61

INFILL DEVELOPMENT 63

OVERCOMING LOCAL RESISTANCE 63

STREAMLINING PROCESSES 64

PRESERVING AFFORDABLE HOUSING 64

ARCHITECTURAL STANDARDS 65

SECTION 5

Housing Law and Policies

Housing production in California has not kept pace with population and job growth in either quantity or location. With demand for housing greatly outpacing supply, prices have skyrocketed. In fact, the state is home to several of the country's most expensive housing markets. The housing shortage has particularly affected low- and middle-income families. Many of our most essential community members—teachers, firefighters and police officers, service workers, retail clerks, etc.—simply cannot afford to rent units in the communities where they work, much less purchase a median-priced home. Increasingly, people must live far from work in order to find housing, which has implications both for quality of life and for the environment.

Housing is a critical community asset and a necessity for a healthy and well-balanced community. Communities should strive to provide ample housing in a variety of types and at a variety of prices to serve the needs of all residents. There are numerous reasons to ensure that your community has a diverse housing supply, including:

- The availability of diverse, high-quality housing choices for workers is a significant factor in retaining and attracting businesses.
- Providing quality housing for all segments of society helps achieve social equity.
- The largest portion of most family budgets goes to housing. When more affordable housing is available, people have more money for other necessities, such as health care. People also have more disposable income to spend in the community, which can have big economic payoffs.
- Providing high-quality infill housing ensures more effective use of land and protection of natural and agricultural resources.
- More affordable housing generally leads to higher home ownership rates, which in turn leads to community stability.

As a planning commissioner, you are on the front lines of solving the state's housing problems. Your role is to assure that individual projects further community housing production needs and goals. Moreover, you will likely be involved in the development of local policies that go beyond the minimum requirements imposed by state law. A thorough knowledge of both housing law and policy options—summarized in this section—will serve you well as you tackle housing issues at the local level.

THE HOUSING ELEMENT

The housing element of the general plan is subject to a number of statutory requirements.[1] The housing element must identify and describe how the agency will provide for the existing and projected housing needs of all economic segments of the community (see "Affordable Housing Income Categories" sidebar). The projected housing need includes the local agency's share of the regional housing need as assigned by the Council of Governments (see Regional Housing Needs and the Housing Element, next page). In addition, the housing element must be updated every five years and is subject to review by the state Department of Housing and Community Development (HCD).

Although they generally do not construct housing themselves, local agencies must identify potential sites for future housing and formulate goals, policies, and programs that will promote its development. In general, a housing element must include:

- **Housing Needs Assessment.** The needs assessment must address existing and projected needs. The existing needs assessment must include an analysis of the number of households that must spend over 30 percent of their income for housing, live in overcrowded and substandard conditions, or have special housing needs (including the disabled, senior citizens, and the homeless). Assisted housing units that are at risk of losing their public subsidy must also be identified. The projected needs assessment summarizes by income category the number of new units needed to accommodate the agency's share of the regional housing need.
- **Land Inventory.** The land inventory must identify sites that are zoned and suitable for housing development—including having access to roads, water, sewers and other infrastructure—within the planning period. The agency must demonstrate that it can accommodate its share of the regional housing need by income level, especially its share of housing affordable to low- and moderate-income households.
- **Constraints Analysis.** The constraints analysis reviews governmental and nongovernmental constraints to housing production. Governmental constraints include land use controls, fees and dedications, building codes and their enforcement, and permit and processing procedures. Nongovernmental constraints include the availability of financing, land costs, and construction costs.

AFFORDABLE HOUSING INCOME CATEGORIES

Affordable housing means housing for households of moderate, low, and very low income. These classifications are based on an individual's income in relation to the median income in the area. Calculations are made by the U.S. Department of Housing and Urban Development (HUD) and incorporated into state standards. There are four main classification that are usually addressed in the housing element:

- Very Low—below 50 percent of the area median income
- Low—50 percent to 80 percent of median income
- Moderate—80 percent to 120 percent of median income
- Above Moderate—above 120 percent of median income

[1] *See* Cal. Gov't Code §§ 65580 and following.

REGIONAL HOUSING NEEDS AND THE HOUSING ELEMENT

The housing element must reflect the local agency's share of the regional housing need, which is determined through the regional housing needs assessment (abbreviated "RHNA" but pronounced "reena") process. The RHNA process starts with an estimate of the state's housing needs across all income levels by the state Department of Finance. This number is then proportionately divided among the state's regions. The regional number is further divided and assigned to each city and county by regional councils of governments (referred to as "COGs"). Each housing element must include goals and policies for how the local agency will provide its fair share of the state's housing needs.

The Department of Housing and Community Development (HCD) monitors local implementation of the regional housing needs assessment. Each community must update its housing element every five years and submit it to HCD for approval (also know as "certification"). The element itself must include three main parts:

- **Assessment.** The goals and policies must reflect the agency's responsibility in contributing to the attainment of state housing goals. This includes an examination of available resources and possible constraints.
- **Objectives.** The element must state goals, objectives, and policies for the maintenance, improvement, and development of housing consistent with the agency's fair share for market rate, moderate-income, low-income, very low-income, transitional, and homeless housing needs.
- **Action Plan.** The element must identify the programs to be implemented and sites for the development of housing for all income levels. This section must also address any constraints identified in the assessment and show that the housing element is consistent with the other elements of the general plan.

A housing element is inadequate when it fails to contain a program to conserve the existing stock of affordable housing or fails to identify a sufficient number of sites to accommodate its housing goals. A defective housing element may prevent approval of tentative subdivision maps and other land use approvals because the local government cannot make meaningful consistency determinations.

- **Housing Programs.** The element must identify adequate sites to accommodate the agency's share of the regional housing need and must identify programs to assist in the development of low- and moderate-income housing; remove or mitigate governmental constraints; conserve and improve the existing affordable housing stock; promote equal housing opportunity; and preserve existing affordable housing units.
- **Quantified Objectives.** The element must estimate the maximum number of units, by income level, to be constructed, rehabilitated, and conserved over the planning period.

Your Leadership Role

This section summarizes the primary laws and policies that apply to local housing programs. In many respects, the law only serves as a minimum standard. Additional policies—such as increasing densities or implementing inclusionary housing programs—can help proactively address local housing needs. Your willingness to engage on this issue will be a signal to developers of your community's desire to get more units built.

- **Public Participation.** The element must include a description of how the agency has or will engage all economic segments of the community to develop the housing element.

Once a draft of the housing element is completed, it is submitted to HCD for review and approval.[2] An approved element is presumed valid, which deters legal challenges. Conversely, it is easier for opponents to challenge and delay projects in communities with unapproved elements.[3] In addition, certain state funding and other programs are contingent on having a valid housing element. If a local agency decides to adopt its housing element without revising it to address issues raised by HCD in its review, the city must include written findings in its resolution of adoption. The findings must explain why the city feels it has complied with the statute in spite of any issues raised by HCD.

DENSITY BONUSES

Local agencies must adopt a density bonus ordinance[4] describing how density bonuses will be provided. At a minimum, the state density bonus law requires a 25 percent increase (or "density bonus") over the number of units allowed under the zoning code when a developer guarantees that 20 percent of the units in a project will be affordable to low-income families. The same is true when the developer guarantees either that 10 percent of the units will be affordable to very low-income households or that 50 percent of the units will be reserved for seniors. For condominiums, the required minimum density bonus is 10 percent if 20 percent of the units will be affordable to moderate-income households.

If a developer agrees to provide enough affordable units to qualify for a density bonus, the local agency must either grant the bonus (and at least one other development concession or incentive) or provide other incentives of equivalent value, including:

- Reducing development standards.
- Modifying setbacks, square footage minimums, parking standards, or design requirements.
- Approving mixed-use projects if the other uses are compatible and will reduce the cost of the housing.

- Providing other incentives or concessions as proposed by the developer that will result in identifiable cost reductions.

The granting of a density bonus does not require, in and of itself, a general plan amendment, zone change, or other discretionary approval, even when the project conflicts with the general plan. A developer who receives a density bonus must agree, and the local agency must ensure, the continued affordability of the affordable units for at least 30 years (or 10 years for condominiums), or longer if required by financing or a subsidy. The use of redevelopment funds, for example, could entail a longer affordability period. Keep in mind that the standards in the state density bonus statute represent minimums. Local agencies may offer additional incentives or tailor guidelines to meet local circumstances.

SECOND DWELLING UNITS

State law encourages the development of second units—also called in-law units, granny flats, or accessory apartments—in residential neighborhoods.[5] Most local agencies have adopted an ordinance that authorizes second units when certain standards are met. Local ordinances cannot ban second units entirely within their jurisdiction except where such units could endanger the public's health and safety. However, they may impose reasonable limitations, such as designated locations, height limits, density controls, parking standards, and architectural review.

[2] See Cal. Gov't Code § 65585.

[3] *Buena Vista Gardens Apartments Assn. v. City of San Diego*, 175 Cal. App. 3d 289 (1985) (permit for a planned residential development could not be approved until the city demonstrated substantial compliance with requirement for housing development programs to conserve and improve the condition of existing affordable housing stock).

[4] Cal. Gov't Code § 65915(c).

[5] Cal. Gov't Code § 65852.2.

Once a second unit application meets the standards set in the local ordinance, the permit must be granted ministerially. There is no public hearing or environmental review. Second unit applications are also exempt from local growth control ordinances. Those local agencies that have not adopted their own second unit ordinance must approve projects according to a prescribed set of standards set out in state law.

LIMITED AUTHORITY TO DENY AFFORDABLE PROJECTS

State law prohibits a local agency from denying an affordable housing project—or conditioning it in a way that makes the project infeasible—unless one of the following findings can be made (and supported by substantial evidence):[6]

- The agency has a valid housing element and the project is not needed to meet the agency's share of the regional housing need.
- The project would have a specific adverse impact on the public health or safety that could not be mitigated without rendering the project unaffordable.
- The action is required under federal or state law and there is no feasible method to comply with that law without rendering the project unaffordable.
- The approval would increase the concentration of low-income households in an area that already has a disproportionate number of lower-income households.
- The project is proposed on land zoned for agriculture or resource preservation and is surrounded on two sides by land being used for such purposes.
- The application was inconsistent with both the zoning ordinance and general plan when it was deemed complete and the jurisdiction has a valid housing element.

This is sometimes referred to as the anti-NIMBY law because it is designed to limit local agency discretion to reject a project that may generate significant neighborhood opposition. The above findings are difficult to make, effectively limiting the ability of a local jurisdiction to deny a qualified project that complies with all general plan and zoning policies.[7]

OTHER AFFORDABLE HOUSING LAWS

The Legislature has adopted a number of other laws that limit local agency authority to deny or condition projects that include affordable units:

- **Least-Cost Zoning Law.** The least-cost zoning law requires local agencies to zone sufficient vacant land to meet the housing needs of all segments of the population, including low- and moderate-income households (some exceptions apply to urban or built-out communities).[8] The law also requires that the zoning standards adopted by local agencies allow for the production of housing at the lowest possible cost. There are penalties for noncompliance, including a court order to approve applications related to the zoning deficiency. In one case, a court found that a city had to approve all development applications for a certain type of development—homeless shelters—until it complied with the least-cost zoning law.[9]
- **Local Agency Bears Burden of Proof.** Typically, when local agencies deny a project, their denial is presumed valid and the applicant has the burden of proving otherwise. The opposite presumption applies for denials of affordable housing projects. The local agency bears the burden of proving that the action was reasonably related to the public health, safety, or welfare.[10] This makes it more difficult for the agency to prevail if it is challenged in court.
- **Limited Authority to Adopt Moratoria.** A local agency may generally adopt a temporary moratorium on certain types of development. That authority is limited when applied to development projects that devote one-third or more of the square footage to multifamily housing. An agency may adopt a 45-day moratorium on such projects on a four-fifths vote of the governing body, but any attempt to extend the moratorium requires the agency to make findings supported by substantial evidence that: (1) approval of such projects would have a specific, adverse effect on the health and safety of the community; (2) the moratorium is

6 Cal. Gov't Code § 65589.5.

7 Cal. Gov't Code § 65589.5(d); *Sequoyah Hills Homeowners Ass'n v. City of Oakland*, 23 Cal. App. 4th 704 (1993).

8 Cal. Gov't Code § 65913.1.

9 *Hoffmaster v. City of San Diego*, 55 Cal. App. 4th 1098 (1997).

10 *Hernandez v. City of Encinitas*, 28 Cal. App. 4th 1048 (1994); Cal. Evid. Code § 669.5.

necessary to avoid that impact; and (3) there is no other feasible alternative to mitigate the impact.[11]

GROUP HOMES

Local agencies have limited authority to regulate smaller group homes (those that serve six or fewer persons at a time). Group homes typically serve people with physical and mental disabilities, adolescents and children, and recovering addicts and alcoholics. Permit denials for smaller group homes will be judged under a stringent standard set by the Fair Employment and Housing Act. The local agency must show that it has a compelling interest in the regulation that denies the permit and that other less discriminatory means are unavailable.[12] Some questions still remain as to the extent to which a local agency may address conditions caused by larger group homes (those serving 7 or more people) and the over-concentration of group homes.

INCREASING HOUSING DENSITY

One of the most basic techniques for expanding the supply of affordable housing is to increase general plan and zoning densities for residential development. This often requires building more multifamily housing units. In jurisdictions that employ this strategy, medium-range densities are commonly around 18 units per acre and high-density ranges usually allow at least 30 units per acre. Increasing allowable densities to these levels reduces the cost per unit, making more units affordable to more people. The more compact development pattern that results provides the added benefit of lower infrastructure costs. Contrary to what you might hear about the market's preference for single-family detached homes, the success of many multifamily projects across the state indicates a strong demand for townhouses and other kinds of higher-density development.

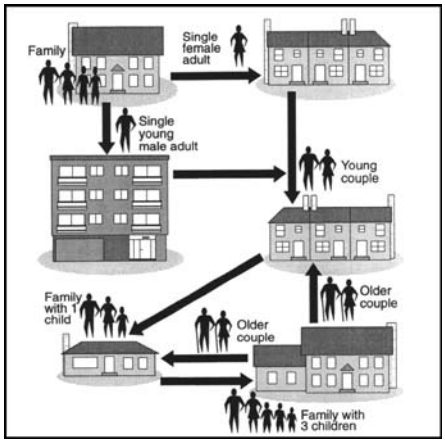
The quality of architectural design is an important consideration in higher-density projects. Many people who have qualms about such projects change their minds when they see high-quality designs. This is where a picture is really worth a thousand words or more. Strict (but clear and easy-to-understand) design guidelines can increase neighborhood acceptance of higher density standards (see page 65).

INCLUSIONARY HOUSING

Inclusionary housing, also known as inclusionary zoning, require new housing developments to include a certain percentage of affordable units. More than 100 local agencies throughout the state use this strategy. The typical inclusionary ordinance requires that between 10 and 20 percent of all new units be affordable to moderate-, low-, or very low-income families. Most ordinances will also offer developers incentives like streamlined permitting, funding from a housing trust fund, or density bonuses to offset the cost of providing affordable housing. In most cases the affordability requirements last for at least 30 years, although some are much longer. Local agencies must monitor the units while the affordability requirement is in effect to ensure that they are rented or resold at affordable rates.

Inclusionary ordinances are complex and can be controversial. A number of considerations should go into drafting an inclusionary ordinance, including:

- The percentage of the inclusionary requirement
- Income eligibility criteria for defining affordability
- Pricing criteria for affordable units
- Restrictions on resale and re-rental of affordable units



Compact housing meets people's needs at different points in their lives.

[11] Cal. Gov't Code § 65858(c).

[12] Cal. Gov't Code § 12955.8(b).

COMPACT HOUSING: THE NEW AMERICAN DREAM?

- Lower housing and transportation costs
- Living near town and neighborhood centers
- Living close to where the action is: restaurants, cafes, stores, culture, work, etc.
- Access to a greater variety of housing types.
- Developments sometimes include pools, daycare, and protected play areas
- Neighborhoods are more friendly to pedestrians and bicyclists
- Greater sense of community

- Provisions for alternatives to constructing the affordable units, such as in-lieu fees
- Incentives like permit streamlining
- How the program will be monitored and funded
- Design standards that make the affordable units blend in with the surrounding community but still allow the developer to trim some costs

For More Information

For more information on inclusionary housing, consult the *California Inclusionary Housing Reader*, available online at www.ilsg.org/inclusionary.

MIXED-USE DEVELOPMENT

Mixed-use developments combine residential, commercial, retail, and other uses in one project. They vary in size from a single building to an entire neighborhood. Mixed-use development can work in any community. A large city could add residences and shops to an office district, a small town could add second-story apartments above shops to revitalize main street, and a suburb could require that large new developments include more than just single-family homes.

Mixed-use development complements many other planning techniques, including compact design, historic preservation, infill, redevelopment, downtown revitalization, and transit-oriented development. It can reduce reliance on cars by locating jobs, shopping, and residences in one place. With so many amenities in one place, more people tend to be outside more often. Residents can thus get to know their neighbors, which fosters a sense of community and contributes to a safer neighborhood. Many communities have developed successful mixed-use "town centers" that fare very well on the real estate market and generate needed revenues for the local agency.

Things to consider in encouraging mixed-use development include:

- **Identify Areas.** Underused commercial districts and areas near transit stations are excellent locations for mixed-use development.
- **Amend Zoning and Building Codes.** Consider amending building codes and zoning ordinances that discourage mixed-use developments. For example, revising the zoning code to allow shared parking between residential and commercial uses and providing other flexible development standards can promote the feasibility of mixed uses.
- **Offer Incentives.** Consider offering incentives to encourage mixed-use development. This might include offering a density bonus, relaxing parking requirements, or expediting the processing of permit applications.

Housing Policy Matrix

POLICY	SUMMARY	BENEFITS	CONCERNS
Inclusionary Housing	New projects must include a percentage of affordable units	• Little initial cost to agency • Economic integration • Flexible design • Treats projects equally	• Shifts some costs to developers • Requires ongoing administration • Needs good market conditions
Density Bonus	Maximum density is increased in return for affordable units	• A good incentive to produce affordable units	• Additional incentives may be needed
Fee Exemptions	Fees are reduced or waived on affordable units or payment is deferred until occupancy	• Reduces cost of production	• Cost must be recovered (and cannot be shifted to other developments)
Up-Zoning	Densities are increased in selected neighborhood	• Small units are more affordable • Reduced per capita infrastructure costs	• Need to plan for transportation capacity • Design is very important
Second Units	Approval is ministerial in residential neighborhoods	• Uses existing infrastructure more efficiently • Uses surplus space • No government expenditure	• Addressing neighborhood concerns • Ministerial process may not allow agency to address special concerns
Rezoning	Unused commercial land is rezoned to residential	• Land is usually close to jobs	• Requires land inventory
Mixed-Use Development	Combines various uses in one building or area	• Savings from shared parking • Higher return on commercial use can offset low return on housing • Fiscal diversity	• Design is very important • Often requires changes to zoning code
Building Code Revisions	Allows flexibility for rehabilitation of existing structures	• Reduces costs • Revitalizes existing neighborhoods • Retains neighborhood character	• May raise disabled access issues, particularly when applied to rehabilitation of old buildings.
Adaptive Reuse	Old buildings are converted to new uses	• Places housing in new areas • Less expensive structure and infrastructure costs • Revitalizes existing communities • Can promote historic preservation	• Changing zoning and building codes • Previous use may have been hazardous • Property ownership issues • Financing may be difficult
Zero Lot Line Development	Allows homes to be sited on lot line (no setback)	• Works for single-family homes • More useful yard space • Lower development costs • Increases privacy	• Clear review criteria • Resistance in established areas • Parking and general design
Linkage Fees	Fees on commercial development pay for share of new affordable units	• Links housing issue to jobs • Creates new revenue source for affordable housing	• Makes development more expensive • Need for nexus study • Requires strong commercial market
Manufactured Housing & Mobilehomes	Prefabricated or mobile structures serve as housing	• New designs look like other housing • Substantially lower costs	• Lack of public acceptance • Zoning may need to be altered • Mobile homes not always mobile • "Pad" or site rental issues
Infill Development	Land is developed in existing neighborhoods	• Efficient use of infrastructure • Revitalizes older neighborhoods • Reduced development pressure on open space and agricultural lands	• Possibly higher land costs • Potential brownfield issues • Possible resistance from neighbors
Planned Unit Development	A comprehensive design and building plan	• Encourages efficient development • Often preserves open space • Allows high densities • Encourages a mix of uses	• Requires great attention to planning and detail at the beginning • Often a cumbersome process

- **Minimize Conflicts.** Design projects to minimize conflicts over problems like noise, traffic, and parking. A good architect can incorporate design components to address these issues, but project plans should still be studied closely during the design review process.
- **Avoid Displacement of Low-Income Residents.** Mixed-use developments can significantly increase property values in surrounding areas. Including new affordable units in the design will help offset any displacement of low-income residents.

INFILL DEVELOPMENT

Many communities have scattered empty or underused parcels. These are usually prime sites for infill development. Infill allows the local agency to take advantage of existing infrastructure (although sometimes it may need to be upgraded) to support new development. Infill sites are often particularly suited for affordable housing projects because of their proximity to existing jobs and services. Again, the architectural design will often be critical to gaining acceptance from neighboring property owners. In other cases, the neighborhood will welcome the project as part of a revitalization plan.

OVERCOMING LOCAL RESISTANCE

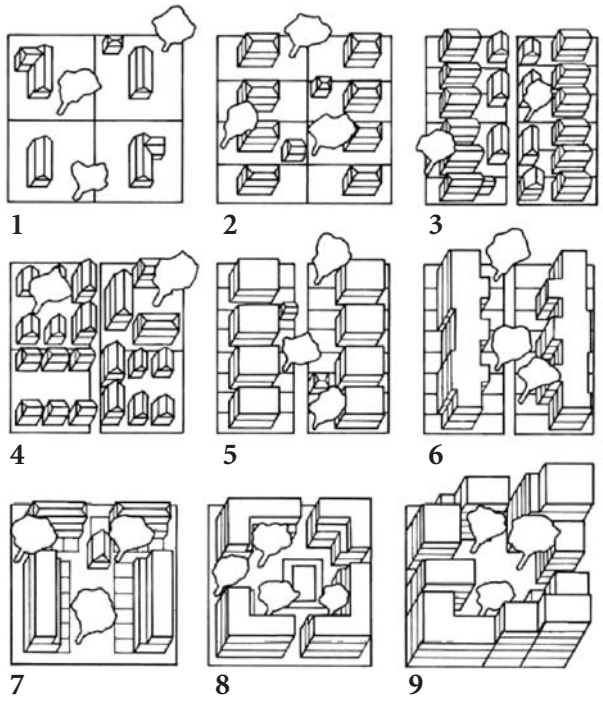
One of the most visible obstacles to affordable housing is community opposition. Indeed, you may face a situation where you want to make the "right" planning decision despite a large, vocal opposition. Such decisions are difficult to make, and are perhaps even more difficult for elected officials who must face those same opponents in the next election.

When resident sentiment is a big obstacle to a project, local agencies (or developers) can take a number of actions to engage the public up front. For example:

- **Don't Immediately Dismiss Opponents as NIMBYs.** It is easy fall into the trap of assuming that all opposition derives from a self-interested "not in my back yard" (NIMBY) attitude. This can be avoided by analyzing opponents' arguments. Individuals and neighborhood groups often raise legitimate concerns about projects that should be taken into account.

Nevertheless, there are some groups who just want to stop any kind of affordable housing project, regardless of the benefit to the community.

- **Consult with the Community in Advance.** Seek the community's views on the design of the project, both in the neighborhood in which the project will be built and in adjacent neighborhoods. There are a number of community outreach strategies summarized in Section 3.
- **Be Prepared to Educate.** People often have negative stereotypes of who will live in affordable housing and what it will look like. On some level, you can't really blame them—when was the last time you saw a "good" affordable housing project portrayed in the media? A quality education program can show what the design will look like and the typical occupations—such as teachers, public safety officers, retail clerks, and service workers—of the people who will occupy the units. The local agency should look for opportunities to educate residents well in advance of a proposed housing project. The revision and adoption of the housing element presents an excellent



1. Suburban Ranch: 4-6 units/acre,
2. Single-family Detached, 8-12 units/acre
3. Small-Lot Single-family w/ 2nd Unit, 16-24 units/acre
4. Cottage Courts, 16-24 units/acre
5. Duplexes/Fourplexes, 16-32 units/acre
6. Townhouses, 16-48 units/acre
7. Co-Housing Block, 20-50 units/acre
8. Garden Apartments, 20-60 units/acre
9. Mid-Rise Apartment Block 40/200 units/acre

Drawings by Stephen M. Wheeler, Greenbelt Alliance. Courtesy Local Government Commission.

opportunity to engage and educate residents about the need for and benefits of affordable housing. The agency could also organize or participate in housing tours and affordable housing events that showcase quality housing projects and include testimonials from the residents of the housing and from residents who previously opposed such projects.

- **Develop Networks.** Initiate and support partnerships among stakeholders. Connect project applicants with neighborhood groups during the planning process and encourage them to work through their concerns. Engage the business community in efforts to promote an adequate housing supply.

STREAMLINING PROCESSES

Long, complicated, overly subjective, or politically charged development procedures discourage the production of new housing. Planning officials can work with developers, the environmental community, and neighborhood interests to facilitate project approval without overlooking environmental issues and neighborhood concerns. Promoting one-stop permit processing centers, encouraging pre-application meetings, and expediting processing for affordable projects can reduce regulatory barriers to housing development.

PRESERVING AFFORDABLE HOUSING

Many local agencies face the added challenge of preserving their existing stock of affordable housing. In some cases, affordable housing units transition to market-rate units, convert to other uses, or disappear from the housing stock because of serious substandard conditions. Sometimes the loss of affordable units is market-driven. In other cases, it results from termination of the rent subsidy or prepayment of the mortgage assistance (most programs only impose affordability requirements for 20 to 55 years). In these circumstances—where local plans have to make up for lost units—local agencies feel even more pressure to increase production of affordable housing. To avoid this situation, many communities have started programs to keep units affordable. Typical methods include:

- Using affordable housing trust funds and other funds to purchase affordable units and turn them over to a land trust or authority to operate.
- Imposing conversion controls on mobilehome parks or single residency occupancy hotels (SROs) that provide important sources of affordable housing.
- Changing the zoning for mobilehome parks from a conditional use to a permitted use.
- Rehabilitating older or dilapidated housing.
- Monitoring assisted housing units at risk for conversion to to non-affordable uses; identifying funding resources to continue the affordable uses;

partnering with non-profit housing sponsors and assisting in their purchase of the housing; and in the event the units convert, assisting with tenant relocation and assistance.

ARCHITECTURAL STANDARDS

Design guidelines and design review assure better looking projects that fit with the neighborhood. Design review can supplement development regulations by addressing issues that cannot easily be quantified in an ordinance. It also offers more flexibility than a zoning ordinance might provide. The advantage of using design review to promote affordable housing is that it can address the concerns of neighbors who fear that a development will be ugly, too bulky, or out of character with the neighborhood. Good design is often the key to overcoming concerns about density.

Design review, however, can be a double-edged sword. Guidelines that are vague and cumbersome may discourage affordable housing projects. Additionally, the time required for review may also hinder projects from moving forward. To avoid this, the review process should ensure that developments will be reviewed in a timely manner and should restrict the scope of review. For example, the primary purpose of most design review processes is not to judge the specific design merits of a building, but rather to ensure that it reasonably fits within the context of the neighborhood. Many local agencies restrict the ability of design review to limit the size of the proposed project.

THE DESIGN ADVISOR (www.designadvisor.com)

The United States Department of Housing and Urban Development has developed an excellent website called the Design Advisor that is an excellent resource for design ideas. The following are some suggestions from the Design Advisor of questions to ask when reviewing a project's design:

- Do buildings relate to existing and planned buildings in terms of size, bulk, architecture, and use?
- Are there as many ground-level entries to individual units as possible?
- To the extent possible, do individual units have their own visual identity and individual addresses?
- Are buildings and landscaping situated to maximize sunlight and views?
- Is the project located near shops and schools and within 1/4 mile of a transit stop?
- Are parking lots located at the rear or on the side to allow a majority of units to front on the street?
- Are bicycle and pedestrian paths separated from vehicular traffic?
- Is open space provided as "outdoor rooms" for play, recreation, and social or cultural activities?
- Are play areas centrally located to allow for adult supervision from dwelling units?
- Is there sufficient energy-efficient lighting for safety?
- How does the first floor relate to the street? If close to the street, is it raised slightly to maintain privacy?
- Are height, color, setback, materials, texture, landscaping, trim, and roof shape varied to make the buildings visually and architecturally pleasing?
- Have porches, stairs, railings, fascia boards, and trim been incorporated to enhance the buildings' character?