

## **Response to HCD Comments – City of Fresno HCD Comment Letter Received on February 1, 2024**

On February 1, 2024, the City of Fresno received a comment letter from the California Department of Housing and Community Development (HCD) on the HCD Review Draft Housing element, which was submitted to HCD on November 3, 2023. The City reviewed these comments and revised the document, with all revisions shown in track changes. To help the reader track the revisions made, this attachment to the Housing Element outlines the comments from the February 2024 letter with responses from the City describing how and where comments were addressed in the Revised HCD Draft Housing Element.

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

1. *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).)*

**HCD Comment 1:** As part of the evaluation of programs in the past cycle, the element must also describe the cumulative effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness). While the element provides an overview of outcomes supporting special needs populations, the element should evaluate the cumulative effectiveness of programs in addressing the objectives of the programs and programs should be revised as appropriate to reflect the results of this evaluation.

**Response 1:** The evaluation of programs in the past cycle was expanded, starting on page 1E-5-3, to further discuss the effectiveness of programs in addressing the housing needs of special needs populations including seniors, people with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness.

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

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).)*

**HCD Comment 2: Enforcement and Outreach:** While the element discusses the City's referral process for fair housing complaints, it should discuss the effectiveness of that process, including outreach. Further, the element should also discuss how the City complies with fair housing laws and any other fair housing legal matters such as consent decrees. For more information on fair housing laws, please see HCD's Affirmatively Furthering Fair Housing (AFFH) Guidance (starting on page 29) at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

**Response 2:** Table 1E-3.16 (City of Fresno Compliance with Fair Housing Laws) was added on page 1E-3-113 to support the discussion in the “Compliance with Fair Housing Laws” section. The table lists fair housing laws and other related laws that the City is compliant with. Additional description of fair housing outreach and effectiveness was added to the “Fair Housing Complaints” section, starting on page 1E-3-116.

**HCD Comment 3: Concentrated Areas of Poverty:** The element includes information relative to areas of High Segregation and Poverty but should evaluate the characteristics of these areas, changes over time, comparisons to other neighborhoods in terms of equitable quality of life and consider other relevant factors, such as public participation, past policies, practices, and investments and demographic trends. The analysis should utilize local data and knowledge and other relevant factors to complement the data and analysis. Given most of the Southern portion of the City is an area of High Segregation and Poverty, and based on a complete analysis, the element should have significant and beneficial actions, including place-based strategies toward community revitalization, that are targeted towards these areas.

**Response 3:** Expanded the analysis of concentrated areas of poverty, starting on page 1E-3.25, to further describe the characteristics of these areas including comparisons to other neighborhoods and other relevant factors. The analysis incorporates local knowledge and other relevant factors to complement the data. The following programs have been added/revised in the Housing Element to improve quality of life in concentrated areas of poverty.

- Program 27 (Environmental Justice)
- Program 28 (Equitable Community Investments)
- Program 29 (Equitable Engagement)
- Program 30 (Workforce Development)

**HCD Comment 4: Racially Concentrated Areas of Affluence (RCAA):** While the element briefly mentions the presence of RCAAs, it should also include a specific analysis of patterns and trends for RCAAs within the City. The analysis should at least address trends, conditions, comparisons to other neighborhoods, effectiveness or absence of past strategies, local data and knowledge and other relevant factors related to equitable quality of life. The element must add or modify meaningful programs based on the outcomes of this analysis, including actions to improve housing mobility within the City.

**Response 4:** Expanded the analysis of concentrated areas of affluence, starting on page 1E-3.29, to further describe the characteristics of these areas as well as other relevant factors. The Housing Element includes several programs to help promote inclusivity, affordability, and diversity in RCAAs. In response to the additional analysis, the quantified objectives in Program 2 (Variety of Housing Opportunities in High Resource Areas) were increased from 750 new units in high resources areas to 1,250 units.

**HCD Comment 5: Disproportionate Housing Needs, Including Displacement Risk:** The element includes some general information on persons experiencing homelessness but should also evaluate that information. Specifically, the element should examine disproportionate impacts on people with protected characteristics and services available and patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services. The element should utilize local data and knowledge such as service providers to assist this analysis.

In addition, to better evaluate displacement risks, the element could utilize new data available for displacement risk on HCD's AFFH Data Viewer available at <https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing>.

**Response 5:** Expanded the discussion of homelessness to include a description of areas with higher concentrations of persons experiencing homelessness on page 1E-3-75. Added new displacement data and analysis, beginning on page 1E-3.81.

**HCD Comment 6: Identified Sites and AFFH:** The element analyzed the identified sites by income group for various fair housing components including race, income, access to opportunity, and disproportionate housing needs. However, the element should also evaluate whether the location of sites improves or exacerbates current fair housing conditions. The analysis should utilize local data and knowledge and other relevant factors to complement the data. The analysis indicates the City is primarily high- and higher- resource in the Northern portion of the City, while the Southern portion of the City is low- resource and has areas of High Segregation and Poverty. However, the analysis provided is limited to the West Area Neighborhood Specific Plan (WANSP) and the West Shaw Avenue Town Center, with no analysis describing the developed core of the City. The element must include analysis and reasoning about the location of sites and their impact on current fair housing conditions. As noted below, upon a complete analysis the City must add or modify goals and actions, specifically increasing housing mobility options and housing opportunities in high-opportunity areas.

**Response 6:** Revised the analysis of the sites inventory relative to fair housing indicators beginning on page 1E-3-122. The discussion was expanded to describe current fair housing conditions in the plan areas and how the location of the inventory could impact these conditions. It also discusses the distribution of sites by each community plan/specific plan area. As noted above, the element was revised to include new programs aiming to increase quality of life in concentrated areas of poverty and the element has increased targets for lower income housing in high resource areas to increase opportunities and improve mobility options.

**HCD Comment 7: Contributing Factors to Fair Housing Issues:** The element identifies many contributing factors to fair housing issues. In addition, the element should re-assess the contributing factors to fair housing issues and consider prioritizing these factors to better formulate policies and programs and carry out meaningful actions to AFFH.

**Response 7:** The revisions made to the Assessment of Fair Housing did not result in any changes to the prioritization of contributing factors, so no changes were made to the Housing Element in response to this comment.

- 2. Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

*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).)*

**HCD Comment 8: Extremely Low-Income (ELI) Households:** While the element quantifies existing ELI housing needs, it must still analyze their housing needs – beyond quantification. The analysis of ELI housing needs should analyze the disproportionate housing needs of ELI households, resources, the effectiveness of strategies and the magnitude of needs. For additional information, please see HCD's Building Blocks.

**Response 8:** The analysis of ELI housing needs was expanded on page 1E-0-6 to describe disproportionate housing needs, magnitude of need, and resources available for ELI households locally and regionally.

**HCD Comment 9: Special Housing Needs:** While the element generally quantifies special housing needs, it should also analyze those needs. The analysis should include, but is not limited to, factors such as household income, tenure, housing types, zoning, and available resources. Local officials, special needs service providers, or City/County social and health service providers may be able to assist with information to complete the analysis.

**Response 9:** The analysis of special housing needs groups was expanded in Section 1E-0 (Summary of Needs and Conditions) to include a qualitative analysis of needs and available resources for each special housing needs group both locally and regionally.

**HCD Comment 10:** In addition, while the element includes data on farmworkers, it should analyze their housing needs to better formulate policies and programs. The analysis should address trends, characteristics, disproportionate needs, the effectiveness of resources and strategies, the magnitude of the housing need, including disproportionate housing need and the effectiveness of past policies, programs, and

funding to help address those gaps. 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). Based on the outcomes of the analysis, the element should add or modify programs to address this special housing need in the region.

**Response 10:** Expanded analysis of farmworker housing needs in Section 1E-0 (Summary of Needs and Conditions), starting on page 1E-0-5, to address regional trends and characteristics as well as available resources for farmworkers. Added new discussion on farmworkers to Section 1E-3 (Assessment of Fair Housing), starting on page 1E-3-88, to quantify farmworker presence in the city, evaluate housing needs, and fair housing issues related to farmworkers including the results of Fresno County’s Farmworker Survey. Based on the outcomes of analysis, Program 24 (Special Needs Housing) was revised in Section 1E-1 (Action Plan) to better address farmworker housing needs.

- 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).)*

**HCD Comment 11: Progress in Meeting the Regional Housing Needs Allocation**

**(RHNA):** The element may utilize constructed, approved, and pending development (pipeline) toward the RHNA. However, the element must demonstrate the affordability and availability of these developments in the planning period, as follows:

- **Availability:** The element lists developments by status and anticipated number of units, but should also discuss any phasing, anticipated build-out horizons beyond the planning period, and any known barriers to development in the planning period. Additionally, the element includes sites that have been submitted for review, but have not received entitlements, approvals, or been constructed.
- **Monitoring and Alternative Actions:** Given the degree of reliance on pipeline projects to accommodate the RHNA, the element should include a program that commits to (1) facilitating development in the planning period (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals) and (2) monitoring development progress toward completion and, if necessary, by a specified date (e.g., December 31, 2027), take alternative action such as rezoning or identification of additional sites by a specified date.

**Response 11:** The inventory of planned and approved projects being counted toward the RHNA, summarized in Table 1E-2.3 (Planned or Approved Projects, City of Fresno, February 2024) on page 1E-2-5, was updated to describe known

phasing, anticipated build out, and known barriers to development. Information on projected rents for market rate projects has been included as available. In addition, Program 1 (Maintain Adequate Sites) of the Action Plan was modified to commit to working to facilitate development of pipeline projects, monitoring progress, and taking alternative actions as necessary.

**HCD Comment 12:** In addition, while the element relies on the monthly rent levels of previously built developments, the element must also, to the extent feasible, base the affordability of approved and pending developments on the actual or projected sales, prices, rent levels, or other mechanisms establishing affordability in the planning period. This analysis should particularly address whether it is appropriate to assume new development will be affordable to moderate-income households, as noted in the element. For additional information, please see the HCD Housing Element Sites Inventory Guidebook at [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf).

**Response 12:** Table 1E-2.2 (Analysis of Market-Rate Rental Affordability) was revised on page 1E-2-3 to provide information on the affordability of recent market rate projects.

**HCD Comment 13: Realistic Capacity:** The element notes in place of a density standard, it relies on an analysis of development standards in the respective zones and then applies a factor using projects from 2018 to 2020 to establish a capacity assumption for the planning period. However, the capacity assumptions for the planning period should go beyond this sample size and incorporate more recent projects, such as those listed in Table 1E-2.3, to establish more appropriate capacity assumptions for the planning period.

In addition, the element should account for the likelihood of 100 percent nonresidential development in zones that allow 100 percent nonresidential development. The element notes recent development activity reflect a high demand for residential development and appears to use a conservative assumption for residential development, however, the element should support these assumptions. The element should clearly describe which zones allow 100 percent nonresidential use. The element should discuss the trends in these zones for all development and how often development includes a residential component to support the residential assumption or make adjustments to account for the likelihood of residential in the calculation of capacity.

**Response 13:** Development projects approved after 2020 were added to the analysis and the realistic capacity section, beginning on page 1E-2-16, which was updated to reflect development trends for projects from 2018-2023. Information was added to the Sites Inventory Chapter, starting on page 1E-2-18, describing commercial trends on mixed use sites and clarifying that the 50% of realistic capacity is reflective of the 48% commercial on mixed use sites.

**HCD Comment 14: Large Sites:** Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The element identifies several large sites and briefly describes anticipated developable areas were identified but should also discuss recent developments of equivalent size and affordability or provide other evidence for assuming the development of housing for lower-income households. For example, the element could discuss the timing for the West Area Neighborhood Specific Plan and West Shaw Avenue Town Center process, parceling, site planning, or other methods and how the City can facilitate appropriately sized lot sizes. Absent sufficient evidence that sites of equivalent size with affordability were successfully developed during the prior planning period or other evidence that demonstrates the suitability of these sites, the large sites are deemed inadequate to accommodate housing for lower-income households. Based on the outcomes of this analysis, the element must add or modify programs.

**Response 14:** The element was revised to include an expanded discussion of large site examples beginning on page 1E-2-54. Table 1E-2.11 (Summary of Recent Development on Large Sites) was added to the discussion. This table summarizes these recent developments on large sites that include deed-restricted affordable housing as well as market rate units. The West Area Neighborhood Specific Plan is scheduled to be considered for adoption in the first quarter of 2025; this was added to the element. In addition, the element was revised to include density assumptions for large sites in the West Shaw Avenue Town Center to show that the inventoried capacity in the element is conservative in comparison to the total capacity that could be assumed on each site using the maximum allowable density. Program 5 (Large and Small Lot Development) was also strengthened to include language that the City will consider incentives for development of low-income high-density residential on large sites.

**HCD Comment 15: Suitability of Nonvacant Sites:** The element describes several categories of nonvacant sites (e.g., agricultural uses planned for residential, largely vacant, parking lots) that are assumed to have redevelopment potential in the planning period and lists a few examples of sites. However, the element should support these assumptions with an analysis of additional representative sites from the sites inventory and analyze recent development trends to support assuming these categories will redevelop in the planning period. An analysis of representative sites should evaluate the extent existing uses impede additional development, past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts or other conditions that would perpetuate the existing use or prevent additional residential development.

**Response 15:** The discussion of the non-vacant site methodology was expanded, beginning on page 1E-2-21, to discuss site examples and recent project examples for each of the non-vacant site categories. Additionally, each of the non-vacant sites in the inventory was assigned to a category. On page 1E-2-35 is a summary of the unit capacity by income level by type of site, including vacant and the five types of non-vacant sites: A) agricultural uses planned for residential, B) largely

vacant residential land, C) mostly vacant land with paving or minor improvements, D) existing non-residential uses on large lots with infill potential, and E) parking lots.

**HCD Comment 16: Environmental Constraints:** While the element generally describes a few environmental conditions within the City, it should also describe any other known environmental or other constraints that could impact housing development on identified sites in the planning period. Examples of other known conditions include shape, access, contamination, property conditions, easements, Williamson Act contracts, conservation easements, overlays and airport and military compatibility. Specifically, the element should describe any process delays within the Military Training Flight Route and provide a schedule for when sites subject to the Airport Land Use Commission (ALUC) will be updated per the amended Airport Influence Area (AIA) decision.

In addition, based on public comments received, the element must also evaluate the suitability of sites for residential development, particularly sites located in South Fresno adjacent to industrial and agricultural uses.

**Response 16:** Known environmental constraints that could impact housing development on identified sites in the planning period were reviewed and sites within Zones 1-4 of the new Airport Influence Area for Fresno-Chandler Executive Airport were removed from the inventory. No other constraints were found to significantly impact development on identified sites in the planning period. In addition, the analysis of the sites inventory in the fair housing assessment (pages 1E-3-132 through 1E-3-133) evaluates the suitability of sites in the inventory relative to environmental health conditions.

**HCD Comment 17: Publicly-Owned Sites:** If the element is utilizing publicly-owned sites to accommodate a portion of the RHNA, it should include analysis to demonstrate their suitability and availability in the planning period. For example, the element should discuss the status, remaining steps to be available for development and any known barriers to development in the planning period including leases for existing uses or relocation of existing uses. Based on the outcome of this analysis, the element should add or modify Program 17 (Surplus Public Lands), if applicable, target numerical objectives consistent with the inventory and commit to a schedule of actions to facilitate development, including alternative actions, if necessary, by a specified date.

**Response 17:** The element was revised to include an analysis of publicly owned sites, starting on page 1E-2-36. Table 1E-2.8 (Publicly-Owned Sites) was added and provides details for each of the publicly owned sites in the inventory, including status, remaining steps to be available for development, known barriers, existing leases, or need to relocate existing uses.

**HCD Comment 18: 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.

**Response 18:** Comment noted. The final inventory will be provided in HCD's electronic sites inventory spreadsheet.

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 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).)*

**HCD Comment 19: Land Use Controls:** The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should address any impacts on cost, supply (number of units) and ability to achieve maximum allowable densities and include programs to address identified constraints. The analysis could seek input from development community.

**Response 19:** The discussion of the cumulative impacts of the City's land use controls was expanded to include calculations for prototypical projects in each of the City's multifamily zones (RM-1, RM-2, and RM-3). The analysis, added to page 1E-4-15, evaluates development standards individually and cumulatively and shows that the City's development standards do not limit the ability to achieve maximum densities.

**HCD Comment 20: Local Processing and Permit Procedures:** The element generally concludes that processing and permit procedures do not unduly constrain housing development. However, the element must still provide analysis to support this conclusion. An analysis should identify and analyze the permit procedure (e.g., Development Permit) for a typical development conforming to zoning, including decision-making body, number of public hearings and approval findings. The analysis should address potential impacts on housing cost, supply (number of units) and approval findings. The analysis could seek input from the development community.

**Response 20:** Table 1E-4.11 (Approvals and Processing Times for Typical Developments) on page 1E-4-40 was updated to identify the approval body, typical number of public hearings, and approval findings.

**HCD Comment 21: On/Off-Site Improvements:** The element generally describes typical on- and off-site improvements such as street widths, street lighting and rights of way. However, the element should analyze the cost impacts on a typical development, including specifically addressing public comments and add or modify programs if necessary.

**Response 21:** The City solicited information regarding on- and off-site improvements from local developers and added more information to the analysis on page 1E-4-17.

**HCD Comment 22: Constraints on Housing for Persons with Disabilities:**

- *Residential Care Facilities (Seven or More Persons):* While the element includes a program to permit large residential care facilities in all zones where other residential uses are permitted, the element should clarify whether this use will be permitted in a similar manner to other residential uses, or subject to a Conditional Use Permit (CUP). The element must also analyze the CUP approval findings for the impacts on approval certainty relative to the approval of large residential care facilities.
- *Land Use Controls:* The element should analyze parking requirements for residential care facilities for impacts on housing cost and feasibility. Based on the outcomes of this analysis, the element should add or modify programs to address the constraints on housing for persons with disabilities.
- *Reasonable Accommodation Appeals:* While the element provides information regarding the reasonable accommodation process, the element should further clarify the appeals process for reasonable accommodations. Specifically, the element should describe whether a third-party can contest a reasonable accommodation approval and the applicant's appeal process for a denial of a reasonable accommodation request.

**Response 22:**

- The discussion of residential care facilities on page 1E-4-20 was expanded to describe the findings required for a conditional use permit. Program 25 (Development Code Amendments for Compliance with State Law and to Reduce Barriers to Housing Development) was revised as a result. The Program states that the City will permit residential care facilities for more than six persons in all zones where other residential uses are permitted. The City will also review the findings for conditional use permits to ensure they are objective. If determined to be a barrier or subjective then the City will amend CUP findings for residential care facilities.
- Parking requirements for residential care facilities were found to be high (see page parking requirements discussion on pages 1E-4-9 through 1E-4-12) so Program 25 (Development Code Amendments for Compliance with State Law and to Reduce Barriers to Housing Development) was revised to include an action to reduce the parking standard for residential care facilities.
- More information was added to page 1E-4-60 about the appeals process for reasonable accommodations.

## **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).)*

**HCD Comment 23:** As noted in Finding B3, 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 5 (Large and Small Lot Development):* Given the City's reliance on large sites to accommodate the RHNA, the Program should include additional and proactive actions to facilitate affordable development on lots larger than ten acres. Examples include establishing incentives or other strategies to promote affordability, priority processing, assisting with funding and fee waivers.
- *Program 25 (Development Code Amendments):* While the Program commits to revising emergency shelter standards, it should also commit to amending the definition of emergency shelters in compliance with new statutory requirements (AB 2339).

### **Response 23:**

- Program 5 (Large and Small Lot Development) was revised to note that the City will consider providing additional incentives for development of low-income high-density residential on large sites. This includes concessions to development standards beyond state density bonus law, assistance with on and off-site improvement, parking reductions, funding, and fee deferrals or reductions.
- Program 25 (Development Code Amendments) was revised to address the updated definition for emergency shelters.

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).)*

**HCD Comment 24:** Farmworkers: While the element briefly mentions farmworkers in a few programs, it must have specific efforts based on the outcomes of a complete analysis. For example, the element could commit to proactive actions to coordinate with nonprofit developers, employers, and other related organizations, to explore funding and incentives, annually identify specific development opportunities, pursuing strategies to integrate affordable housing and targeting rehabilitation and conservation and improvement programs toward farmworkers.

**Response 24:** Program 24 (Special Needs Housing) was revised to address farmworker housing needs. Through Program 24, the City will identify development opportunities for farmworker housing and meet with farmworker housing developers and advocates on a biannual basis to discuss their needs and offer assistance in the form of letters of recommendation for grant applications and discuss incentives for constructing farmworker housing. The City will also offer incentives such as density bonuses, streamlined processing, and the minor deviation process to facilitate development of farmworker housing.

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).)*

**HCD Comment 25:** As noted in Finding B4, 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.

**Response 25:** As described above, the City made several revisions and additions to programs to address and remove/mitigate constraints to housing production.

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).)*

**HCD Comment 26:** As noted in Finding B1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. In addition, goals and actions must specifically respond to the analysis and 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, metrics or numeric targets, geographic targeting, and

milestones and must address, as appropriate, housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization, and displacement protection.

**Response 26:**

- Modified Program 2 (Variety of Housing in High Resource Areas) to increase the capacity target for lower income housing in high resource areas.
  - Modified Program 26 (Fair Housing Services) to provide targeted outreach and support to disproportionately burdened groups and areas of the city. The City removed conducting periodic fair housing testing from Program 26 because the City is not a certified testing agency. Fair housing services are currently funded by CDBG; however, HUD does not allow “testing” under the City’s current agreement. The City will still aim to improve fair housing complaint tracking and response; allowing trusted nonprofit counselors to be added to tracking systems to aide their clients in receiving and understanding notifications on the complaint process.
  - Added Program 27 (Environmental Justice) to prepare an Environmental Justice Element with actions to improve public health and quality of life in disproportionately impacted neighborhoods
  - Modified Program 28 (Equitable Community Investments) to transparently track investment for the public to see what and where investment is taking place.
  - Added Program 29 (Equitable Engagement) to expand outreach and public education strategies to increase engagement amongst historically underrepresented populations and residents with the greatest need.
  - Added Program 30 (Workforce Development) to provide job training programs to improve economic opportunities, reduce poverty, and increase financial stability.
5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)... (Gov. Code, § 65583, subd. (c)(6).)*

**HCD Comment 27:** While Program 34 (At-Risk Housing) commits to various actions to preserve at-risk units, actions, particularly noticing, appear dependent on the event that the units are not preserved. These actions should occur regardless and before the conversion of at-risk properties. In addition, the Program should commit to provide support and education to tenants early in the process.

**Response 27:** Program 37 (At-Risk Housing) was revised to state that the City will contact the property owners of units at risk housing within one year of affordability expiration to discuss the opportunity to preserve complexes as affordable housing.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

**HCD Comment 28:** While Program 3 (Encourage and Facilitate Accessory Dwelling Units) includes various actions to incentivize accessory dwelling units (ADUs.), it should also monitor permitted ADUs and affordability every other year and take appropriate actions such as adjusting assumptions or rezoning within a specified time (e.g., six months).

**Response 28:** A monitoring component was added to Program 3 (Encourage and Facilitate Accessory Dwelling Units) in response to this comment.

#### **D. Quantified Objectives**

1. *Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

**HCD Comment 29:** The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group for very low-, low-, moderate- and above-moderate income, and folds objectives for ELI households into the very low-income category, the element must separate out objectives for ELI households to accurately measure the success of programs.

**Response 29:** The quantified objectives on Page 1E-1-47 were revised to separate objectives for ELI households from the very low-income category.

#### **E. Public Participation**

1. *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).)*

**HCD Comment 30:** While the element provides an overview of public comments recently received, it must also describe how prior comments are incorporated into the housing element. In addition, the discussion of public participation should not be limited to comments received on the City's housing element and should incorporate comments received on the Multi-Jurisdictional Housing Element. Further, Self Help Enterprises has provided helpful comments to other Cities in the region that have meaningful application County-Wide. HCD encourages the City to consider these comments and will send the comments under separate cover.

Finally, 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 City 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.

**Response 30:** A summary of the public comments received during the HCD review process was added on page 1E-6-18. Revisions to the element will also be posted online for a seven-day public review prior to submittal to HCD.