

**Attachment: Response to HCD Comments on City of Clovis Draft Housing Element  
SUBMITTAL DATE**

On August 14, 2023, Clovis 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 May 16, 2023. The City reviewed these comments and revised the document. This latest version of the Housing Element shows all revisions in track changes. To help the reader track the revisions, this attachment to the Housing Element outlines the comments from HCD'S August 14, 2023, 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). Programs should be revised as appropriate to reflect the results of this evaluation.

**Response 1:** Expanded Section 8.1 starting on page 8-1 and Section 8.3 starting on page 8-3 to describe the cumulative effectiveness of Housing Element programs and policies in meeting the housing needs of special needs populations.

**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 explains a recent court case but 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:** Expanded Section 4.3, Fair Housing Enforcement and Outreach starting on page 4-2. Added a summary of local organizations that conduct outreach and activities in Fresno County and list of fair housing laws and other related laws that City is compliant with. Additional information was added on page 4-6 to describe recent actions in the court case.

**HCD Comment 3: 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 the meaningful programs based on the outcomes of this analysis, including actions to improve housing mobility within the City.

**Response 3:** Added a summary of contributing factors to residential segregation on page 4-31 and added new analysis of historical context, land use and zoning practices, and growth patterns on pages 4-67 through 4-71 to discuss how land use policies have affected patterns of segregation.

**HCD Comment 4: 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 and code enforcement officials 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 4:** Updated analysis in Chapter 3 (Needs Assessment) and Chapter 4 (Fair Housing) to evaluate local trends in homelessness using newly released 2023 PIT Count data and reported concentrations of homelessness in the city starting on pages 3-21 and 4-60. Added discussion of 2022 Estimated Displacement Risk Model and increased risk of displacement in Central/Old Town Clovis (page 4-65).

**HCD Comment 5: Identified Sites and AFFH:** The element analyzed the identified sites for various fair housing components including race, income, access to opportunity, and disproportionate housing needs. However, the element must also conclude whether the location of sites improves or exacerbates current fair housing conditions. The analysis indicates the City is generally higher resourced with one area of the City considered moderately resourced. While the City is generally higher resourced, the element identifies a majority of its lower-income regional housing needs allocation (RHNA) in Master Plan areas, away from the developed core of the City. The element must include stronger 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. Examples of programs include addressing missing middle housing and

additional zoning strategies to create additional housing choices, beyond compliance with state housing laws and meeting the RHNA.

**Response 5:** The fair housing analysis of identified sites was updated to reflect changes made to the sites inventory starting on page 4-80. Changes to the sites inventory did not affect the conclusions of the fair housing analysis.

**HCD Comment 6: Local Data and Knowledge and Other Relevant Factors:** While the element reports state and federal data on patterns and trends of socio-economic characteristics, the analysis of patterns and trends is minimal or absent. The element must supplement the state and federal data with local data and knowledge and other relevant factors to complete an analysis and better evaluate patterns and trends. For example, local data and knowledge can include information from City staff such as code enforcement officials, city engineers. This information can also include service providers, past planning documents, past assessments of need in funding applications, analysis of impediments and, particularly, could be based on focused outreach on fair housing issues. Other relevant factors can include demographics, coincidence with other AFFH factors, governmental and nongovernmental actions, historical land use and zoning practices (e.g., past redlining/Greenlining, restrictive covenants, planning documents, etc.), disparities in investment to specific communities including transportation investments, seeking investment or lack thereof to promote affordability and inclusion, local initiatives, or other information that may have impeded housing choices and mobility. For example, as part of other relevant factors, the element should integrate the recent court case and past planning practices such as annexations and master planning processes and impacts on patterns and trends of socio-economic characteristics to better understand the impacts and formulate appropriate policies and programs.

**Response 6:** The analysis of Other Relevant Factors (Section 4.7) was updated starting on page 4-67 to include a local history of Clovis, an analysis of land use and growth patterns, and a summary of public investments and priorities for the Community Development Block Grant and the Community Investment Program. Local data and knowledge from City staff, the Analysis of Impediments, the Annual Action Plan, and other planning documents were incorporated into the evaluation.

**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:** Added prioritization levels to contribution factors/meaningful actions to Table 4-16 starting on page 4-104.

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, sub. (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, 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 starting on page 3-15 to describe disproportionate housing needs, magnitude of need, and resources available for ELI households in Clovis.

**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:** Expanded analysis of special housing needs (Section 3.4) starting on page 3-15 to include qualitative analysis of needs and available resources for special housing needs groups.

**HCD Comment 10: Farmworker Housing Needs:** 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, effectiveness of resources and strategies, 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\\_2.2383.pdf](https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fwhs_report_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 3.4 (starting on page 3-24) address regional trends and characteristics, including the results of Fresno County’s Farmworker Survey, as well as available resources for farmworkers. Expanded analysis of farmworker housing needs in Section 4.6 (starting on page 4-61) to evaluate disproportionate housing needs and fair housing issues related to farmworkers. Based on the outcomes of the analysis, Program H26 was added to Chapter 2 (page 2-15) to address farmworker housing needs.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, 65583, subd. (a)(3).)*

**HCD Comment 11:** Progress toward the RHNA: While the element demonstrates the affordability of approved and pipeline developments, it must also demonstrate the likelihood of their availability in the planning period. Specifically, the element should discuss the status, remaining steps, any barriers to development and other relevant factors to demonstrate their likelihood of availability in the planning period.

**Response 11:** Additional information on the status and remaining steps of approved projects was added to Table 5-3 on page 5-21.

**HCD Comment 12:** Realistic Capacity: The element discusses assumptions for calculating residential realistic capacity (80 percent of maximum) and briefly mentions the calculation accounts for the likelihood of 100 percent nonresidential uses and base zoning in overlay zoning. However, the element should include supporting information for these assumptions. For sites with zoning that allows 100 percent nonresidential uses, the element should discuss all recent development trends (residential and nonresidential), how often 100 percent nonresidential uses occur or is anticipated to occur and how those trends are incorporated into the calculation of residential capacity. For the overlay, the element should discuss the likelihood of development utilizing the overlay based on recent trends and adjust assumptions as appropriate.

**Response 12:** Additional information was provided starting on page 5-12 of the Sites Inventory Chapter to describe that the assumptions on mixed-use designated sites account for non-residential uses, consistent with development programming from the master plans and specific plans where the mixed use designated areas are located. The discussion of RHN Overlay sites was expanded starting on page 5-17 with recent trends and examples of development on RHN overlay sites.

**HCD Comment 13:** 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 comparable developments or provide other evidence for assuming the development of housing for lower-income households. For example, the element could discuss the timing for Master Plan 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 13:** Revisions to the sites inventory were made to better reflect legal parcels, planning areas identified specific plans and master plans, and applicable base zoning. This resulted in many large sites being broken up to reflect areas that are developable for lower income housing. There are only 6 sites that have a capacity for lower income units that are larger than 10 acres. Five of these sites are within the Heritage Grove Development Co. Specific Plan and are included as mixed-income sites and only assume 60 percent of the capacity is lower-income with the remaining capacity counted as moderate or above-moderate income units. One site outside of any plan area (Site 869) only assumes that 25 percent of the site capacity would be counted toward the lower income RHNA, with the remaining capacity counted as moderate or above-moderate income units. Assumptions for large sites and further details are provided on Page 5-10.

**HCD Comment 14: Suitability of Nonvacant Sites:** The element does not address this requirement. The element must include an analysis to demonstrate the potential for redevelopment. The analysis shall consider factors including, but not limited to, the extent existing uses constitute an impediment, recent developments, development trends, and market conditions. For example, the element briefly describes the site selection process but does not list or describe factors used to select sites.

In addition, the element lists several sites with existing agricultural uses but does not provide a description of redevelopment trends. Given the region's status as a strong agricultural producer, the element should describe the likelihood of agricultural uses discontinuing to facilitate residential development. For example, the element lists some recent trends and should describe any similarities to the identified sites.

**Response 14:** The analysis of non-vacant sites was expanded starting on page 5-6 to describe recent development trends in Clovis, including several examples of rural residential and agricultural lands developed with residential development. The example sites are very similar in characteristics to the non-vacant sites included in the sites inventory.

**HCD Comment 15: Zoning Appropriate for Lower-Income Households and Annexations:** The element explains the R-3 zone will be modified to allow 30 units per acre which is deemed appropriate to accommodate housing for lower-income households. The element also explains that annexations will be complete prior to the beginning of the planning period. Please be aware, if these actions do not occur prior to the beginning of the planning period, including the availability of zoning at appropriate densities for annexations, specific statutory requirements could be triggered. For example, the element may need to demonstrate existing zoning is appropriate, address by-right requirements pursuant to Government Code Section 65583.2, subdivision (h) and (i) or identify other sites with appropriate densities.

**Response 15:** The City Council approved the density increase of the R-3 zone to 30 units per acre on September 18, 2023. The Willow Corridor RHNA Annexation and Prezone was also completed in 2023. The City Council approved the annexation and rezoning in May 2023 and LAFCO approved the annexation in August 2023. The sites included in the inventory within the Willow Corridor RHNA Annexation area have appropriate zoning in place prior to the start of the planning period (i.e., December 31, 2023). The Homeplace project annexation was also completed in early 2023, with approval by LAFCO on March 8, 2023. The Housing Element has been updated to reflect the status of these annexations and zoning amendments.

**HCD Comment 16: Annexations and Specific Plans:** To demonstrate the availability of sites within annexation and specific plan areas, the element must discuss any known barriers to development or other relevant factors that may impact availability in the planning period. For example, the element should discuss anticipated phasing and build-out horizons relative to the eight-year planning period. Further, the element should discuss the anticipated parceling and timing for the availability of zoning and add or modify programs, as appropriate.

**Response 16:** The zoning is already in place for all sites within annexation areas included in the sites inventory. The Sites Inventory chapter was updated in several places to provide more details on the annexation status of each annexation areas. Since the Public Review Draft Housing Element was published, some of the annexations have since been completed. Specifically, the Willow Corridor annexation (included in sites inventory) and Homeplace annexation (included in pending projects). The other annexation areas are all proceeding on the schedule described in the Housing Element. The sites included in the inventory for the Heritage Grove Specific Plan are based on the proposed phasing of development of that plan area.

**HCD Comment 17: Availability of Infrastructure:** The element includes some discussion on water and sewer providers in the City by Plan Area. However, it must also clarify whether sufficient total water and sewer capacity (existing and planned) can accommodate the RHNA and include programs, if necessary.

**Response 17:** Provided additional information clarifying how existing and planned infrastructure capacity will accommodate the 6<sup>th</sup> Cycle RHNA starting on page 5-84 of the Sites Inventory chapter.

**HCD Comment 18: Availability of Infrastructure (cont.):** Water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should discuss compliance with these requirements and if necessary, add or modify programs to establish a written procedure by a date early in the planning period.

**Response 18:** On March 18, 2019, the City adopted a policy granting priority water and sewer service to developments with units affordable to lower-income households, in compliance with Government Code Section 65589.7. This information was added on page 5-84 of the Sites Inventory chapter to clarify compliance with State law.

**HCD Comment 19: Environmental Constraints:** While the element generally describes a few environmental conditions within the City, it must relate those conditions to identified sites and 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, contamination, property conditions, easements, Williamson Act contracts, conservation easements, overlays and airport and military compatibility.

**Response 19:** An analysis of environmental constraints was added to the Sites Inventory Chapter starting on page 5-84.

**HCD Comment 20: 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 H3 (Surplus Public Land).

**Response 20:** The sites inventory has been revised and the one City-owned site that had been included in the previous draft has been removed and no other City-owned sites are included in the sites inventory.

**HCD Comment 21: 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 21:** Appendix B of the Housing Element includes a PDF version of the electronic sites inventory form. The City will submit the adopted sites inventory using the provided electronic form with its adopted housing element.

**HCD Comment 22: Zoning for a Variety of Housing Types (SRO Units):** While the element explains the R4 zone allows SROs and includes a program to permit the use, it should also discuss realistic opportunities and development standards and, if necessary, add or modify programs to identify additional zones or modify development standards to encourage and facilitate the use.

**Response 22:** Program H24 (now H25) was expanded to commit to adopting development standards specific to SRO housing and additional discussion was added to the constraints analysis (page 6-51).



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 23: Land Uses 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 densities and include programs to address identified constraints.

**Response 23:** The analysis of development standards (i.e., land use controls) was expanded on page 6-11 to both individually and cumulatively analyze standards. The analysis shows that parking and open space requirements can be a barrier to achieving maximum densities in the R-3 and R-4 zones. Program H8 was modified to commit to reducing the parking requirement for studio and one-bedroom units and the open space requirement in the R-3 and R-4 zones.

**HCD Comment 24: Fees and Exactions:** While the element describes the jurisdiction's total development fees and as a proportion to the overall development cost, the element concludes the City's fees are higher in comparison to other jurisdictions in Fresno County. The element should provide additional analysis on its fee structure, including any post-development dedication, and add programs to reduce fees, as appropriate.

**Response 24:** The analysis of development impact fees was expanded on page 6-48 to compare impact fees to the City of Fresno. The analysis indicates that impact fees per-unit in Clovis are higher than the City of Fresno for single-family subdivisions, but comparable for multi-family projects. This is due to higher rates charged for street, sewer, and water infrastructure.

**HCD Comment 25: 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 25:** The analysis of on/off site improvements on page 6-33 was expanded to include an analysis of cost impacts as well as analysis of street width requirements based on stakeholder feedback. The analysis indicates that improvement costs represent a small fraction of total development costs.

**HCD Comment 26: Constraints on Housing for Persons with Disabilities:** The element lists the City's definition of family but should also analyze that definition for impacts on housing for persons with disabilities. For example, the element should analyze provisions such as requiring common access, established ties and familiarity and control over who becomes a family member. In addition, the element should analyze parking requirements for group homes 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. For example, Program H24 (Zoning Code Amendments) should specifically commit to reduce parking requirements for group homes.

**Response 26:** The analysis of the definition of "family" in the Constraints chapter (page 6-55) was expanded to consider provisions related to established ties between residents and control over who becomes a family member as potential barriers to placing group homes in single-family zones. Program H24 (now H25) was amended to commit to amending the definition of "family" to remove those provisions. The constraints analysis was amended to consider parking requirements for group homes (page 6-32) and Program H24 (now H25) was revised to specifically commit to reducing parking req. for group homes.

### **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, mobile homes, 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 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:

**HCD Comment 27: Pending Rezoning:** As noted in Finding B1, if rezoning does not occur prior to the beginning of the planning period, the element may need to include specific commitments to accommodate a shortfall of capacity with appropriate zoning to accommodate the RHNA, including addressing by-right requirements pursuant to Government Code section 65586.2, subdivision (h) and (i).

**Response 27:** The Willow Corridor RHNA Annexation and Prezone was completed in 2023. The City Council approved the annexation and prezone in May 2023 and LAFCO approved the annexation in August 2023. The sites included in the inventory within the Willow Corridor RHNA Annexation area have appropriate zoning in place prior to the start of the planning period (i.e., December 31, 2023).

**HCD Comment 28:** *Program H1 (Annexation Program)*: While the program generally commits to approval of annexations by a specified date, it should also commit to necessary steps to complete annexations, including the availability of zoning and alternative actions by a specified date, if annexations are not complete by a specified date. Please be aware, if appropriate zoning is not available prior to the beginning of the planning period, specific requirements may be triggered as described above.

**Response 28:** Program H1 (Near Term Annexation) and the Sites Inventory chapter (page 5-66) was updated to identify more specific timelines, steps, and targets for each of the near-term annexation areas. The program and text were also updated to clarify that the Willow Corridor RHNA Annexation and Homeplace Annexation were both completed in 2023 and are now within city limits and have zoning in place.

**HCD Comment 29:** *Program H8 (Development Standards and Zoning Consistency)*: The Program should commit to specific parking requirements and heights or minimum parking requirements and heights for amendment. For example, the Program should commit to amend heights to at least three stories in the R3 zone or a minimum parking requirement of one space for a one-bedroom unit. This is particularly important given the lack of implementation from the previous planning period.

**Response 29:** In September 2023, the City Council approved an increase to the maximum allowed density in the R3 zone from 25 to 30 units per acre. This action also included increasing the maximum height in the R3 zone to 45 feet or 3 stories. This information has been added to the Constraints Chapter (pages 6-10 and 6-11). Program H8 has been modified to include a commitment to establishing a parking standard of no more than one parking space for studio and one-bedroom units as well as a commitment to reducing open space requirements for multifamily housing in the R-3 and R-4 zones.

**HCD Comment 30:** *Program H24 (Zoning Code Amendments for Special Needs Housing)*: The Program should commit to sufficient capacity to meet the need for emergency shelters, appropriate parking requirements limited to employees, proximity of capacity near transportation, amenities, and homelessness services and amending the definition of emergency shelters.

**Response 30:** Program H24 (now Program H25) has been modified to commit to permitting emergency shelters by right in the R4 zone or another zone allowing residential, and to ensure that the definition and requirements for emergency shelters complies with state law.

**HCD Comment 31:** *Program 3 (Surplus Public Land)*: Based on the outcomes of a complete analysis, the Program should commit to a numerical target, schedule of actions to facilitate development (e.g., coordination, assisting with funding, facilitating entitlements, issuing building permits) and alternative actions if development does not occur by a specified date.

**Response 31:** After further consideration, one City-owned site was removed from the sites inventory. Program H3 objective was amended to identify a future opportunity for a surplus site within 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).)*

**HCD Comment 32:** The element should add or modify actions to assist in development of housing and shelters, as follows:

- *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 and to identify specific development opportunities.
- *Program 22 (Address Homelessness):* The Program should commit to actions beyond coordination including steps that will be taken and when to facilitate development of shelters or housing for persons experiencing homelessness.
- *Program 23 (Neighborhood Revitalization):* The Program should go beyond reviewing capital improvement projects and commit to how often the City will fund or pursue projects.

**Response 32:** New Program H26 was added to the housing element to address housing needs for farmworker housing. Program H22 (now H23) was modified to include a more specific commitment to work with local service providers on the identification of a site for shelter or housing for persons experiencing homelessness. Program H23 (now H24) was modified to provide more specific commitments to investing in older residential neighborhoods.

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 33:** 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. In addition, while Program H24 (Zoning Code Amendments for Special Needs Housing) commits to removing constraining factors for the approval of a reasonable accommodation request, the program must also remove the requirement consider the “potential impact on surrounding uses”.

**Response 33:** As described above, several programs were modified in response to an expanded analysis of potential constraints. In addition, Program H24 (now H25) was modified to remove the requirement noted by HCD in this comment.

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 34:** 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 34:** The analysis of fair housing was expanded and the following programs were modified that address AFFH:

- Program H6 (Missing Middle Housing Tools and Resources)
- Program H24 (Neighborhood Revitalization)

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 35:** While Program H9 (Preserve 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 35:** Program H9 (now H10) has been modified to address notification and tenant education and support.

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 36:** While Program 6 (Missing Middle Housing Tools) commits to various actions to incentivize accessory dwelling units (ADUs), it should also monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., six months) by a specified date.

**Response 36:** Program H6 was modified to include an ADU monitoring requirement.

#### **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 37:** While the element includes quantified objectives for new construction and rehabilitation by income group (Table 2-1), quantified objectives for conservation should not be limited to at-risk preservation and should be increased to better reflect the identified needs. Examples of other programs that can be

incorporated include tenant stability, housing choice vouchers, code enforcement, weatherization, and mobile home park conservation.

**Response 37:** The quantified objectives for conservation and preservation in Table 2-1 were expanded to include housing choice vouchers and existing mobile home units.

**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 38:** While the element includes a general summary of the public participation process, including comments and responses, HCD encourages the City to continue engaging commenters and other organizations representing lower-income and special needs households and make adjustments to better address the housing needs of the community.

**Response 38:** Comment noted. The City will continue to engage with the community and seek feedback on revisions made to the Housing Element.