

Additional Revisions Necessary to Substantially Comply with State Housing Element Law

CITY OF GUADALUPE

Per HCD – June 28, 2024

Text in green – represents response from the current round of HCD comments

Text in purple – represents response from the previous round of HCD comments

Text in red – represents revisions from earlier rounds OR issues for discussion

<p>1. <i>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).)</i></p> <p><i>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).)</i></p>		
	<p>Identified Sites and Affirmatively Furthering Fair Housing (AFFH): In response to HCD’s prior review, the element includes some general conclusions on how the distribution of sites improves or exacerbates conditions. However, the element should include analysis to support these conclusions. For example, the element identifies sites for lower-income households as being concentrated in the central areas of the City and sites for above-moderate income households as being entirely located in the southern portion of the City through the DJ Farms Specific Plan where incomes are relatively higher (p. 147). The element should explain the reasoning for apparently isolating the regional housing needs allocation (RHNA). Further, if the inventory</p>	<p>Additional text added to sec 7.2.0.1 as follows . . .</p> <p>Implications for Affirmatively Furthering Fair Housing (AFFH): The locations and distribution of the key pipeline projects contributing to the 6th Cycle RHNA have implications for Affirmatively Furthering Fair Housing (AFFH). There is a potential to look at the sites and wonder initially if there is integration by income since lower income housing units seem concentrated in the north while moderate income housing seems</p>

continues to isolate the RHNA for lower-income households in central areas, the element must have commensurate programs with place-based strategies for community revitalization and new opportunities in relatively higher opportunity or income areas (beyond the RHNA) to promote more inclusive and equitable neighborhoods and AFFH throughout the City.

concentrated in the DJ Farms area to the south. The answer is affirmative in terms of AFFH integration. The central city already has mixed income housing which combines lower-income and moderate-income units. Additionally, the following is notable:

- Pipeline projects counting toward 6th Cycle RHNA include moderate income apartments on East 11th St, which are currently under construction. These moderate units are right next door to the low and very low-income housing in Escalante Meadows.
- Together with the units at DJ Farms to the south the moderate units that are existing or under construction occur from north to south across the City, interspersed with the lower income units also spread across the City.
- Furthermore, recent ADU construction is also spread through the central city and are largely moderate units intermixed with housing for the range of income levels.

		<p>Figure B-1 (+ related text) updated with additional details on pipeline projects</p> <p>Prg 6.8 added to promote upper income housing as well in downtown with the following:</p> <p>Encourage the development of higher-income housing in the downtown as a way of fostering mixed-income housing in the downtown area by offering incentives in the form of density bonuses, regulatory concessions, and fast-tracking of development applications, which have at least 50 percent mixed-income levels to property owners and developers for the re-development of non-vacant sites downtown. Also, conduct outreach annually to inform developers of the opportunity.</p>
	<p>Local Data, Knowledge, and Other Relevant Factors: The element must consider local data and knowledge and other relevant factors to evaluate fair housing conditions. This is important given census tract and data may overlap with areas outside of the City. This</p>	<p>Refer to end of Sec 7.3.2.1 and 7.3.2.3 based on local knowledge OK</p>

	<p>analysis must consider information that is unique to the City. Examples of local data and knowledge include information from City officials (e.g., planners, code enforcement, civil engineers, local legislators), past surveys and assessments, infrastructure investments to inform capital improvement plans, data used for applications for funding, service providers, developers, school representatives, regional planners, service districts and other sources. Examples of other relevant factors include land use, zoning, development patterns, state, and federal investment, physical or social barriers and access to schools (e.g., safe routes to school), community amenities, facilities and programs. For example, the element could discuss access to public transportation, parks and any differences in the built environment such as socio-economic patterns that might have been influenced by highways or major roads.</p>	
	<p>Contributing Factors: Based on the outcome of a complete analysis, the element should reassess and prioritize contributing factors to fair housing issues and prioritize those factors and then formulate appropriate policies and programs.</p>	<p>??no fair housing issues identified in the City</p> <p>OK</p>
	<p>Goals, Priorities, Metrics, and Milestones: The element must be revised to add or modify goals and actions to AFFH based on the outcomes of a complete analysis. In addition, goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. While the element identified a suite of additional AFFH strategies in Table 6-3, some of these actions do not appear to directly correspond to the City. As an</p>	<p>Notes on reduction of AFFH Matrix:</p> <ol style="list-style-type: none"> 1. Many AFFH programs and commitments are aspirational 2. Some are legacy programs that would always be necessary 3. Few (if any) can be specific to any one cycle only <p>Updates to Table 6-3:</p> <ul style="list-style-type: none"> • Prepare an air rights ordinance for the Downtown that prioritizes housing for extremely low income and special needs households, and partner with

	<p>example, the element includes AFFH actions including funding for a mental health liaison position and crisis intervention teams to address homelessness in the City, but the element presents contradicting information that suggests there is little to no prevalence of homelessness in the City (pp. 34 and 208). As another example, the relevance of a Downtown Air Rights Specific Plan (p. 109) does not appear relevant, given the City’s context and the trends and patterns identified in its AFFH analysis.</p>	<p>non-profits and affordable housing developers.</p> <ul style="list-style-type: none"> • Reach out to the owners of large private parking lots and commercial properties in Downtown who may be interested in joint development.
<p><i>2. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities... (Gov. Code, § 65583, subd. (c)(1).)</i></p>		
	<p>Progress in Meeting the RHNA: The element relies entirely on pipeline projects to meet its RHNA. Specifically, the element has identified 603 units that are either approved, or under construction (pipeline projects). First, to count pipeline projects towards the RHNA, the element should demonstrate their availability or likelihood of development in the planning period. The element partially addresses this requirement by describing some projects are under construction (pp. 146-147). However, for other projects, the element should describe remaining steps to construction and any known barriers to development in the planning period. In addition, the element must</p>	<p>Subsection added to end of sec 7.2.0.1 Projects are already under construction as evidenced by issuance of building permits.</p> <p>For Pasadera, hold-ups with the rail line have recently been resolved which will allow construction to resume. Development already has recorded lots therefore only remaining action is issuance of building permits.</p>

	<p>demonstrate anticipated affordability for these units based on actual or anticipated rents or sales prices or other mechanisms ensuring affordability such as inclusionary requirements or deed-restrictions.</p> <p>Depending on the outcomes of a complete analysis, the element should add or modify programs to insure development in the planning period. Further, if the element does not demonstrate the availability and affordability of pipeline projects in the planning period, it must address various analyses to demonstrate the suitability of identified sites and add or modify programs as appropriate. Examples of analyses include the listing of parcels, realistic capacity, potential for redevelopment on nonvacant sites, sites identified in prior planning periods, small sites and accessory dwelling units (ADU). Please see HCD's prior review for additional information.</p>	<p>Figure B-1 and related text updated</p>
	<p>Electronic Site Inventory: For your information, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.</p>	<p>NA</p>
	<p><u>Zoning for a Variety of Housing Types</u></p> <ul style="list-style-type: none"> • <i>Emergency Shelters:</i> While the element includes Program 1.8 (Emergency Shelters), the Program should specifically commit to amend the definition of emergency 	<p>Emergency Shelters: Program 1.8 amended</p> <p>OK</p>

	<p>shelters and establish appropriate development standards.</p> <ul style="list-style-type: none"> • <i>Employee Housing Act:</i> The element explains housing for seven or more persons is treated similar to multifamily uses, but it must still address compliance with Health and Safety Code section 17021.6 or add or modify programs to address statutory requirements. Specifically, Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses (not multifamily) in zones that allow agricultural uses. Further, the element should address compliance with Health and Safety Code section 17021.8 or add or modify programs to address statutory requirements. Section 17021.8 requires that a development be subject to a streamlined, ministerial approval process and is not subject to a conditional use permit (CUP) if the development is an eligible agricultural employee housing development. 	<p>Employee Housing Act:</p> <p>Additional text added to sec 4.1.1.3.4 and a new Prg 4.8 added:</p> <p>Prg-4.8. Update the City’s municipal code by 2025 to address and comply with key statutory requirements of the Health and Safety Code: (a) Section 17021.6 of the Code requires that <u>employee housing consisting of no more than 12 units or 36 beds</u> are permitted in the same manner as other agricultural uses (not multifamily) in zones that allow agricultural uses. (b) Section 17021.8 of the Code requires that eligible <u>agricultural employee housing development</u> be subject to a streamlined, ministerial approval process and not be subject to a conditional use permit (CUP).</p>
	<p><u>Programs:</u> As noted above, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established . Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to</p>	<p>Refer to Table B-1</p> <p>Complete site analysis? Shortfall of sites? Not applicable</p> <p>OK</p>

	address a shortfall of sites or zoning available to encourage a variety of housing types.	
<p>3. <i>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... ..land use controls...(Gov. Code, § 65583, subd. (a)(5).)</i></p> <p><i>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... (Gov. Code, § 65583, subd. (c)(3).)</i></p>		
	<p><u>Land-Use Controls</u>: The element was not revised to address this finding. Please see HCD’s prior review for additional information.</p>	<p>Sec 4.1.1 and its subsections include a comprehensive discussion of various Land-Use Controls (refer to 4.1.1.1 through 4.1.1.5.3)</p>
	<p>Group Homes: The element now generally explains that providing reasonable accommodation is a means to demonstrate appropriate zoning and permit procedures for group homes for seven or more persons. However, these residential uses should not be universally subject to an exception process. Instead, zoning, development standards and permit procedures should not constrain these housing types. The element should explain which zones allow group homes for seven or more persons and what standards</p>	<p>Additional text added at end of Sec 4.1.1.3.3: Local ordinance requires group homes of seven or more persons to receive a conditional use permit (CUP) and be treated like “employee housing”. According to Table 4-4, employee housing (including farmworker housing) is permitted in multiple districts which include R-2, R-3, PD, MIX, G-C, and C-N zones. Thus,</p>

	<p>and procedures are utilized. Then, the element should analyze potential constraints and add or modify programs as appropriate. In addition, the element references constraints for group homes serving six or fewer persons (pp. 62-63) but corresponding actions (Programs 1.3 and 4.7) do not include specific commitment to address this constraint. To address these requirements, the element could modify Program 1.3 (New Zoning Ordinance) with specific commitment to amend zoning and permit procedures to permit group homes for six or fewer persons (regardless of licensing) as single family uses and permit group homes for seven or more persons (regardless of licensing) in all zones allowing residential uses only subject to requirements of other residential uses of the same type in the same zone.</p>	<p>housing for group homes of seven or more people in a unit is treated as any other multifamily housing unit in the City.</p> <p>Program 1.3 is modified to address group homes of 7 or more people. Program 4.7 requires the City to offer reasonable accommodations in its permitting processes for group homes of 7 or more people.</p> <p>Modified language in prg 1.3 and 4.7</p> <p>OK</p>
<p><i>4. 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).)</i></p>		
	<p>While the City made efforts to include the public through workshops, moving forward, the City should employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. Please see</p>	<p>NA</p>

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