

Exhibit C  
Public Comment

**Exhibit C - Part 1:  
Summary of Written Comments Received on January 2016  
Public Draft**

*Note: Comment Letters are contained in Appendix A of March 2016 Revised  
Public Draft*

The City of Fresno has made a diligent effort to engage the public and has carefully considered each comment. The comments are not verbatim but are summarized from letters received by the commentators. The Response column directs the reader to the appropriate section in the Revised Public Draft of the Housing Element. The redline version has been referenced for ease of use in discerning the changes.						
#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
1	2	Add a bicycle parking element to your multi-family discussion so that folks have a place to park their bicycles if they live in the units or visit someone living in apartment units. Bike storage would also be appropriate. See <a href="http://www.appb.org">www.appb.org</a> for bike rack types and placement.	J. Cinatl	1.13.16	The Housing Element does not cover site specific design standards such as bicycle parking, however the City's newly adopted Development Code requires 1 space per 15 multifamily units. The city is currently updating its Active Transportation Plan and additional bicycle parking and storage requirements may be a recommendation of that plan.	N
2	4	The text states, "There is sufficient annexed and zoned land within the City to accommodate immediate housing needs and the housing needs for this Housing Element planning period." Question: Does the City state anywhere in the document that there is no need to rezone or annex additional land or is the City proposing to restrict annexations?	J. Roberts	1.19.16	The Housing Element is required to show that the city has enough zoned land within city limits to accommodate it's Regional Housing Needs Allocation for the current Housing Element cycle, which is eight years (2015-2023). This Housing Element accomplishes that goal, as described in Chapter 3, Land for Housing. The Housing Element is not proposing to restrict annexation.	N
3	4	There is a heading called "Excessive Land Value in Select Areas". The text states that this is an "unmanageable constraint" yet says that "The City is addressing excessive land value and its implications on affordability through the recent General Plan and development Code updates". From reading this text, it sounds as though the City IS trying to manage the value of land. Question: Please tell me how and where ( in the text of the General Plan and Development Code ) the words exist that address excessive land value?	J. Roberts	1.19.16	This section was deleted from Chapter 4 - Constraints to Housing Production, as it was no longer relevant.	Y

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
4	4	<p>There is a reference to the 2008 Housing Element entitled "Program 2.1.18 – Inclusionary and Alternative Housing Policy Programs". It states, "Also, the RDA, as required by California Redevelopment Law, shall utilize mandated inclusionary housing policies to assist in the production of low to moderate income housing units". The column next to this one explains what has happened since 2008 and what will occur during the life of the 2015 Housing Element. The text in this column states, "the RDA source is removed from the 2015 Housing Element. The intent of the program will be folded into a general affordable housing program". Question: Does the Housing Element contain a program, policy, or requirement for either "inclusionary" housing or an affordable housing program that does the same thing as an inclusionary housing policy?</p>	<p>J. Roberts</p>	<p>1.19.16</p>	<p>The Housing Element does not contain a program, policy or requirement for either "inclusionary" housing or inclusionary zoning. However, the city is facilitating mixed-income housing through several programs in the Housing Element. For example, to facilitate production of housing for lower income households, 3,516 additional units of capacity affordable to lower income households were added to the sites inventory in the revised public draft. In addition, Program 4 provides TOD Height and Density bonuses to developments proposed near public transit services. Programs 5, 6, and 7 will assist in identifying funding assistance for development of mixed-income neighborhoods and developments accommodating persons with special housing needs, and partnering with affordable housing developers to attract affordable housing developments. These are some, but not all of the ways the City seeks to encourage mixed-income housing.</p>	<p>N</p>

#	Ch. Comment	Name	Date	Response	HE Change (Y/N)
5	<p>2, 4, 6</p> <p>Not any thing in Housing Element that speaks to Housing Discrimination as a barrier to housing choice of Fresno residents. There is mention of our organization--but the City is not using the data in terms of equitable neighborhood/housing planning. Please note that pretty much all low income/subsidized housing is developed in low-income, minority neighborhoods. Fresno needs to examine how such planning coincides with HUD's new AFFH rule. The Housing Element should not be about how hard it is for these developer's to develop with all these zoning and land-use rules! It should be about the ability of all Fresno residents--regardless of race, color, national origin, religion, gender, disability, family status, source-of-income et al--to live in decent housing in the neighborhood of their choice. Deep in the heart of northeast Fresno neighborhoods, you would be hard-pressed to find a Seven-11, but in 93705, 93701-02-03-25-27-22, not only can you find mini-marts and gas stations, but Payday lenders by the gross. What rarefied atmospheres must exist in these predominately white neighborhoods...</p>	M. Borelli	1.13.16	<p>Government Code Section 65583(a)(5) requires an analysis of government constraints to housing production, so the discussion about development rules and processing in Chapter 4 - Constraints to Housing Production, is required.</p> <p>See Figure 3-1 on page 3-18 and maps on pages 3-23 and 3-25 for a bar chart of housing densities by development areas and mapping of the sites inventory by zoning/density and racially/ethnically concentrated areas of poverty. The figure and maps show housing affordable to lower income households is distributed across most areas of the city.</p> <p>In addition, even though the housing element is a planning document and not a housing production document per Government Code Sections 65580-65581, the Housing Element includes several programs to ensure that the city is facilitating the production of housing for lower income households throughout the city. For instance, Program 4 provides TOD Height and Density bonuses to developments proposed near public transit services. In addition, Programs 5, 6, and 7 will assist in identifying funding assistance for development of mixed-income neighborhoods and developments accommodating persons with special housing needs, and partnering with affordable housing developers to attract affordable housing developments. These are some, but not all of the ways the City seeks to encourage production of affordable housing.</p>	Y

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
6	2, 6	<p>Also, the Housing Element absolutely excludes design and construction provisions mandated under the Fair Housing Act for any multi-unit complexes with first occupancy after March 21 of 1991. These design accessibility requirements apply to such housing units (unless otherwise exempted--such as pretty much all "loft" townhouse multi-unit developments by Granville/Assemi downtown; Mr. Assemi should be obliged to develop ACCESSIBLE housing, for a change). ADA is about public access (outside the front door and off property), whereas FHA design and construction is applicable (and the law) to all multi-unit housing from 1991 on forward. One of the City's HOME fund recipients, Arbor Court Apartments--a HUD 811, no less, was sued by us on behalf of their disabled residents for violations of FHA (their first occupancy was in January of 2010!) and had to retrofit certain common areas on the property--just one of many examples that our office seeks to remedy. Once gain--review the new AFFH rule.</p>	M. Borelli	1.13.16	<p>The City's Certified Access Specialist has clarified that the city does not review plans for compliance with, nor does it have the authority to enforce, Federal accessibility legislation (ADA, FHA). This is the responsibility of the designer to ensure compliance. The City does review plans for and enforce the California Building Code Chapter 11A as it addresses privately funded multi-family projects and 11B for publicly funded multi-family projects. Regarding the Assemi projects, several of them were designed as triplex condominium developments and as such are not considered "covered multi-family dwelling units" for the purpose of applying adaptability requirements per 1102A.1. See Chapter 6 - Housing Plan, Program 7 - Special Needs Housing, and Program 20 - Neighborhood Infrastructure Program for accessibility-related programs.</p>	Y

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
7	1,6	The city should enhance it's outreach efforts to inform community about affordable housing planning processes and resources available by 1) passing out flyers at residences; 2)attending school parent coffee hours and other community events; 3) post information about all available resources and requirements with respect to affordable housing on a city web page in English, Spanish and other languages spoken by residents.	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	Government Code Section 65583(c)(8) requires that the city make a diligent effort to encourage public participation. See Chapter 1, pages 1-5 - 1-9 for a complete description of the outreach process and methods employed, which included trilingual (Spanish, Hmong and English) flyers distributed to the 8 schools where workshops were held, to the Fresno Bee, and to a list of approximately 500 advocates, stakeholders and interested persons. Spanish and Hmong interpreters were also provided at all community workshops held. In addition, through January and February of 2016, the city also provided for public comment on the draft Element at 19 meetings of various city commissions, such as the city council and planning commission. Future public comment opportunities will be available in March and April at commission meetings, such as the planning commission's March 30, 2016 meeting.	N
8	6	Expand financing available to help first-time home buyers.	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	See Chapter 6 - Housing Plan, Program 8: Home Buyer Assistance	N
9	6	Expand financing available to support remodeling for old delapidated homes	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	See Chapter 6 - Housing Plan, Program 21: Housing Rehabilitation, and Program 12: Home Energy Tune-Up Program. This program was added to the Revised Draft and provides free energy inspections to residents and possible financing programs to help pay for energy upgrades.	Y
10	6	Create an inspection & [sic] code enforcement programs for second units. The units are often unpermitted and in dangerous condition.	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	See Chapter 6 - Housing Plan, Program 19: Comprehensive Code Enforcement. This program was updated to include the city's most recent efforts in this area.	Y
11	6	Create an expanded rental assistance program for low income residents, especially to support seasonal workers.	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	See Chapter 6, Housing Plan, Program 16, related to Farmworker Housing.	N

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12	6	Need protection for undocumented residents: landlords often overcharge undocumented residents. Proof of legal status should not be a requirement to receive housing assistance.	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	Pending further state or federal legislation, the Housing Element is not required to contain programs addressing this issue.	N
13	6	All housing programs should be available to undocumented residents	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	Pending further state or federal legislation, the Housing Element is not required to contain programs addressing this issue.	N
14	6	Create a program to assist residents with payment for houses that have decreased in value due to the housing market crash to prevent foreclosure and to assist in paying all past-due housing debt for low income residents.	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	The city does not currently have such a program, however the Community Housing Council of Fresno at (559) 221-6919 may be able to help, as they assist families with foreclosure and default counseling and may be able to refer to other agencies that would provide financial assistance.	N
15	6	Enforce habitability laws against landlords to address unsafe living conditions.	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	See Chapter 6 - Housing Plan, Program 19: Comprehensive Code Enforcement. This program was updated to include the city's most recent efforts in this area.	Y
16	6	Enact a law to prohibit smoking in rental apartments and other areas where children live and play (including parks).	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	Per Government Code § 65580, the Housing Element is intended to ensure the availability of affordable housing. While exposure to secondhand smoke is an important health consideration, a program to prohibit smoking in rental apartments is not targeted to further the goal and objective of the Housing Element to facilitate the availability of housing.	N
17	6	Invest in our neighborhood (Jane Addams) and other low income neighborhoods to ensure access to basic infrastructure like sidewalks, street lights, and stormwater drainage.	A. Bravo, et al, residents of Jane Addams neighborhood	1.29.16	See Chapter 6 - Housing Plan, Program 20: Neighborhood Infrastructure Program, which funds approximately 5 infrastructure projects annually.	N



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18	3	Required Carry Over Analysis: The Draft HE does not include the required carry-over analysis required under Government Code Section 65584.09.	A. Werner on behalf of Familias Addams	2.5.16	The revised draft includes the carry-over analysis. See Chapter 3 - Land for Housing.	Y
19	3	Applicable Zoning: The Draft includes an inventory of sites that have not yet been zoned to permit the residential densities identified in the draft.	A. Werner on behalf of Familias Addams	2.5.16	The zoning on all sites identified in the housing element sites inventory was approved by the City Council as part of the citywide rezoning on February 4, 2016.	Y
20	3	Realistic Development Potential of Non-Vacant Sites: The city must analyze whether the non-vacant parcels included in its site inventory have a realistic development potential during this planning period.	A. Werner on behalf of Familias Addams	2.5.16	Analysis is included in Chapter 3 - Land for Housing.	Y
21	3	Development Capacity: inventory includes commercial sites with no minimum density for residential development; the inventory assumed 75% of the allowable density for these sites - need to show recent development trends to support this.	A. Werner on behalf of Familias Addams	2.5.16	The various types of sites included in the inventory and the justification for including them in is Chapter 3 - Land for Housing. See discussion under subheading "Realistic Capacity" on pages 3-7 though 3-9.	Y
22	3,6	Compliance with Fair Housing and Civil Rights Statutes: the HE must include analysis, policies and program actions demonstrating that the HE, including its sites inventory, will reduce--and not fortify--barriers to fair housing for protected classes in Fresno.	A. Werner on behalf of Familias Addams	2.5.16	See Figure 3-1 on page 3-18 and maps on pages 3-23 and 3-25 for a bar chart of housing densities by development areas and mapping of the sites inventory by zoning/density and racially/ethnically concentrated areas of poverty. The figure and maps show housing affordable to lower income households is distributed across most areas of the city.	Y

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23	1	Compliance with Public Participation Requirements: the City has submitted the Draft to HCD for review during the same time period the City is receiving public comment on the Draft, thereby rendering the public's comment without any impact on the development of the element in direct violation of what the law requires.	A. Werner on behalf of Familias Addams	2.5.16	Government Code Section 65583(c)(8) requires that the city make a diligent effort to encourage public participation. See Chapter 1, pages 1-5 - 1-9 for a complete description of the outreach process and methods employed. Comments from all of the community workshops and written comments received during the public comment period (January 7 - February 29, 2016) have been carefully considered and where appropriate, changes have been made. This Revised Draft incorporates the input received during the public comment period and this Revised Draft is now being considered by the State Department of Housing and Community Development.	N
24	2	Correct language related to individuals with disabilities, ie disabled people = individuals with disabilities; households supporting disabled persons = households that included individuals with disabilities; elderly = seniors or older adults; mental retardation or developmentally disabled persons = intellectual or developmental disability	Shannon Mullhall, on behalf of DAC & self	2.16.16	Changes were made to reflect the correct terms throughout the document. See Chapter 2, pages 2-10 through 2-24.	Y
25	2, 6	Developmental Centers: there are only 3 and they are in the process of closing. More people will be housed in the community	Shannon Mullhall, on behalf of DAC & self	2.16.16	Changes were made on page 2-14 to correct this information.	Y
26	2	Update statistics for local and statewide number of individuals with disabilities. CVRC can assist.	Shannon Mullhall, on behalf of DAC & self	2.16.16	Changes were made on pages 2-14 and 2-15 to correct this information.	Y
27	2,4, 6	CVRC is the process of approving several new kinds of housing and supportive living licensing options for their vendors and clients, which may impact the Housing Element and/or have zoning implications.	Shannon Mullhall, on behalf of DAC & self	2.16.16	Comment noted.	N

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28	4	Residential care facilities - number of allowable beds/individuals serviced has reduced from 6 to 4. Check with CVRC on the specifics for limited versus general care facilities.	Shannon Mullhall, on behalf of DAC & self	2.16.16	Comment noted. The change from 6 to 4 beds/individuals services would still be accommodated as group housing and allowed by right in several residential zone districts.	N
29	2	CIL changed its name to Resources for Independence, Central Valley (RICV)	Shannon Mullhall, on behalf of DAC & self	2.16.16	Revision made on page 2-16.	Y
30	2	Add Deaf and Hard of Hearing Service Center, Inc (DHHSC) and Exceptional Parents Unlimited (EPU)	Shannon Mullhall, on behalf of DAC & self	2.16.16	Revision made on page 2-16.	Y
31	4, 6	How is inclusionary housing built and what are the annual reporting requirements?	Shannon Mullhall, on behalf of DAC & self	2.16.16	<p>Pursuant to Government Code Sections 65580-65581, the housing element is a planning document, not a housing production document. However, the city is facilitating mixed-income housing through several programs in the Housing Element. For example, to facilitate production of housing for lower income households, 3,516 additional units of capacity affordable to lower income households were added to the sites inventory in the revised public draft. In addition, Program 4 provides TOD Height and Density bonuses to developments proposed near public transit services. Programs 5, 6, and 7 will assist in identifying funding assistance for development of mixed-income neighborhoods and developments accommodating persons with special housing needs, and partnering with affordable housing developers to attract affordable housing developments. These are some, but not all of the ways the City seeks to encourage mixed-income housing.</p> <p>The annual reporting requirement is an HCD requirement. Each jurisdiction with a housing element must submit an annual progress report updating HCD on the jurisdiction's progress in implementing the housing element. These annual progress reports are available on the City of Fresno's website.</p>	N

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#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
32	6	How exactly does this program (Adequate Sites) encourage development of housing for persons with disabilities? Suggest that local disability consultants be utilized more frequently on the developer teams to advise on needs for people with disabilities and older adults.	Shannon Mullhall, on behalf of DAC & self	2.16.16	3,516 dwelling units of additional capacity affordable to lower income households were added to the sites inventory (Chapter 3 - Land for Housing, pg 3-6). Chapter 6 - Housing Plan, Program 7 - Special Needs Housing was modified to include the requirements of the city's Universal Design Ordinance (see page 6-7).	Y
33	6	This program covers special needs housing and calls out that it includes people with disabilities in its intro, but there are no bullet points addressing how people with disabilities or universal design will be addressed or implemented.	Shannon Mullhall, on behalf of DAC & self	2.16.16	Chapter 6 - Housing Plan, Program 7 - Special Needs Housing was modified to include the requirements of the city's Universal Design Ordinance (see page 6-7).	Y
34	6	Suggest development incentives for universal design and accessible housing	Shannon Mullhall, on behalf of DAC & self	2.16.16	Chapter 6 - Housing Plan, Program 7 - Special Needs Housing was modified to include the requirements of the city's Universal Design Ordinance (see page 6-7), however no specific incentives have been added for universal design.	N
35	6	On 2/25 our updated ADA Plan for the Right of Way will be going before council, which could be integrated in this section. The term "wheelchair ramp" should be replaced with "curb ramp." The ADA Advisory Council should be replaced with the Disability Advisory Commission (have the consultant double-check the whole doc for this – the ADAAC was dissolved in 2008 and replaced with DAC).	Shannon Mullhall, on behalf of DAC & self	2.16.16	Chapter 6 - Land for Housing, Program 20: Neighborhood Infrastructure, was modified to include the proper terminology and reference the ADA Transition Plan for the Public Right of Way, page 6-15.	Y
36	6	Should Objective H-5 include "disability" in the heading?	Shannon Mullhall, on behalf of DAC & self	2.16.16	Revision made. See Chapter 6 - Housing Plan, page 6-18.	Y

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37	4	I applaud the inclusion of the section on "Access to Mobility Options." This is a frequent complaint I and FAX both receive in regards to the areas that have developed on the fringe of the city. I notice the use of "should" in this section... are the specific regulations or policies, or is this only a best practice suggestion?	Shannon Mullhall, on behalf of DAC & self	2.16.16	It is a best practice that has been incorporated into Chapter 4 of the city's General Plan, Mobility and Transportation. Several Goals, Objectives and Policies address mobility options. See the policies that support Objective MT-9: Provide public transit opportunities to the maximum number and diversity of people practicable in balance with providing service that is high in quality convenient, frequent, reliable, cost-effective and financially feasible.	N
38	6	Encourage more universal design in development so that people can age in place. This could, over the long term, reduce some of the need for specialized homes for when older adults can no longer use their home for accessibility reasons. I see a benefit to building low-income senior communities, yet at the same time I also frequently hear of seniors who have to leave their home because it is no longer accessible (whether this occurs gradually from a reduction in mobility or due to a sudden illness/injury).	Shannon Mullhall, on behalf of DAC & self	2.16.16	Chapter 6 - Housing Plan, Program 7 - Special Needs Housing was modified to include the requirements of the city's Universal Design Ordinance (see page 6-7).	Y

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#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
39	6	I regularly get calls from individuals who experience a sudden disability and find that they need to make costly adaptations to their home or try to move (also a challenge on a fixed income). They frequently ask if the city has a program that provides individual grants that would support the adaptation of an existing home. Something like this might be a program worth exploring. (I know of one non-profit that does renovations for low-income individuals who are suddenly disabled, but it greatly depends on donations)	Shannon Mullhall, on behalf of DAC & self	2.16.16	The city does not currently have a program specifically for adaptation retrofits, but it is committed to exploring more ways to provide special needs housing for seniors. See Chapter 6 - Housing Plan, Program 7: Special Needs Housing (page 6-7). Also see Program 20: Housing Rehabilitation (page 6-15).	N
40	3	The Housing Element failed to demonstrate the feasibility of development sites because it lacks analysis demonstrating the feasibility of developing lower-income housing on small sites.	Leadership Counsel for Justice and Accountability	2.26.16	Chapter 3 - Land for Housing, pages 3-11 and 3-12 includes new sections that demonstrate the feasibility of developing lower-income housing on small sites. In summary, the city has several recent low income developments that have occurred on small sites, and additionally, the city is facilitating lot consolidation by significantly lowering the fees for Voluntary Parcel Mergers. See Chapter 6 - Housing Plan, Program 15: Large and Small Lot Development.	Y
41	3	The Housing Element failed to demonstrate the feasibility of development sites because it lacks analysis demonstrating the feasibility of developing lower-income housing on large sites of 20 acres or more.	Leadership Counsel for Justice and Accountability	2.26.16	Chapter 3 - Land for Housing, pages 3-11 and 3-12 includes new sections that demonstrate the feasibility of developing lower-income housing on large sites. In summary, the city allows phasing on larger sites and also can address planning on those sites through the specific plan process, where applicable. See Chapter 6 - Housing Plan, Program 15: Large and Small Lot Development.	Y
42	3	The Housing Element failed to account for substantial residential downzoning in the 2008 Housing Element Planning Period	Leadership Counsel for Justice and Accountability	2.26.16	Downzoning of 2008 Housing Element sites did not occur. Rezones occurred on only 25 sites in the previous inventory out of a total 888 sites and resulted in a residential unit capacity gain of approximately 249 dwelling units.	N

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#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
43	3	The Housing Element fails to demonstrate compliance with fair housing law with respect to site location - the draft provides no analysis demonstrating distribution of sites by income category.	Leadership Counsel for Justice and Accountability	2.26.16	See Figure 3-1 on page 3-18 and maps on pages 3-23 and 3-25 for a bar chart of housing densities by development areas and mapping of the sites inventory by zoning/density and racially/ethnically concentrated areas of poverty. The figure and maps show housing affordable to lower income households is distributed across most areas of the city.	Y
44		The City should include a program in the HE to rezone industrial land located in proximity to and in conflict with residential neighborhoods to residential and mixed use zone districts at appropriate densities to meet the city's need for affordable housing as well as other zone districts that create opportunity to allow development of needed services and amenities.	Leadership Counsel for Justice and Accountability	2.26.16	The city already approved such land use and zone changes with its recent general plan and zoning map updates. The city has also authorized the Southwest Specific Plan process, currently underway. Any additional land use changes desired by the community will be proposed as part of that process.	N
45	1	The City failed to make a diligent effort to achieve participation of low-income residents and other stakeholders. The City should use culturally sensitive and language-appropriate communication tools to reach its target audience. City staff and elected officials should develop and sustain long-term relationships with community leaders throughout Fresno and from Fresno's low-income neighborhoods of color and immigrant population who can convey pertinent information to their networks.	Leadership Counsel for Justice and Accountability	2.26.16	Government Code Section 65583(c)(8) requires that the city make a diligent effort to encourage public participation. See Chapter 1, Introduction pages 1-5 - 1-9 for a complete description of the outreach process and methods employed, which included trilingual (Spanish, Hmong and English) flyers distributed to the 8 schools where workshops were held, to the Fresno Bee, and to a list of approximately 500 advocates, stakeholders and interested persons. Spanish and Hmong interpreters were also provided at all community workshops held. In addition, through January and February of 2016, the city also provided for public comment on the draft Element at 19 meetings of various city commissions, such as the city council and planning commission. Future public comment opportunities will be available in March and April at commission meetings, such as the Housing and Community Development Commission's March 23 meeting and the Planning Commission's March 30, 2016 meeting.	N
46	1,6	The HE Draft fails to incorporate public comments, The Draft HE does not indicate whether or how any of the comments, concerns or solutions raised by participants were incorporated into the Draft HE.	Leadership Counsel for Justice and Accountability	2.26.16	The Revised Public Draft has made significant changes in response to public comment. See this matrix and redline version of the draft for responses. A summary response to the public comments received at the community workshops held in October and November of 2015 is on page 1-8 of the revised draft.	Y

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47	6	The Final HE must commit to actions that the city will take to expand stakeholder participation in implementation	Leadership Counsel for Justice and Accountability	2.26.16	Program 3: Annual Reporting Program, has been added in Chapter 6 - Housing Plan, to encourage an annual report to the Housing and Community Development Commission and input from stakeholders and residents on the progress of Housing Element implementation.	Y
48	5	The Draft HE fails to adequately analyze and respond to effectiveness of past performance, specifically in reference to the following programs:	Leadership Counsel for Justice and Accountability			
49	5	Program 1.1.2 - One Stop Processing (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	In general, the Business Friendly Fresno development processing program has reduced processing times for all applications, including affordable housing projects. Program 13 on pages 6-11 and 6-12 includes an Expedited Processing/BFF program that will continue to prioritize housing affordable to low income households, and requires a review every two years.	Y
50	5	Program 1.1.4 - Institutional Barriers (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 5 - 2008-2013 Program Accomplishments, page 5-3. In addition, the city adopted mixed use provisions into the zoning code in 2008 which allowed flexible development standards and density, thus removing many zoning related barriers to the development of affordable and market rate housing.	Y
51	5	Program 1.1.7 - Fresno Green (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	Parc Grove Commons, a City and Housing Authority partnership project that included 363 apartment units, met green building standards. Bridges at Florence, Cityview Apartments, and Renaissance at Santa Clara were certified Build It Green, a Fresno Green equivalent. All of these projects included affordable housing. See Chapter 5 - 2008-2013 Program Accomplishments, page 5-4.	Y
52	5	Program 2.1.1 - Land Demand (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 5 - 2008-2013 Program Accomplishments, page 5-5. During the 2008 Housing Element period, rezones occurred on only 25 sites in the previous inventory out of a total 888 sites and resulted in a residential unit capacity gain of approximately 249 dwelling units. A carry-over of 3,516 units of capacity affordable to low income households from the 2008 Housing Element period was carried over to the current period to ensure adequate capacity.	Y



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53	5	Program 2.1.4 - Inner City Residential Development (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 5 - 2008-2013 Program Accomplishments, page 5-6. 240 inner city units were approved. The goal was not achieved, possibly due to economic factors beyond the city's control, however new development incentives and planning initiatives should stimulate further inner city residential development during the current cycle. See Chapter 6 - Housing Plan, Programs 11: Downtown Development Standards, and Program 14: Development Incentives.	Y
54	5	Program 2.1.5 - Other Infill Housing (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 5 - 2008-2013 Program Accomplishments, page 5-6.	Y
55	5	Program 2.1.7 - Multi-family land supply (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 5 - 2008-2013 Program Accomplishments, page 5-7, 5-8.	Y
56	5	Programs 2.1.13 through 16 - Production of transitional, large family and low-income senior housing units (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 5 - 2008-2013 Program Accomplishments, page 5-11, 5-12.	Y
57	5	Program 4.1.2 - Preventing and Alleviating Foreclosure (see letter for details)	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 5 - 2008-2013 Program Accomplishments, page 5-16, 5-17. The City adopted the Vacant Blighted Building Ordinance in 2015 which includes property owner reporting responsibilities and increased fines for non-compliance.	Y
58		The Draft HE fails to adopt satisfactory program actions, specifically:				
59	6	Program 5 - Special Needs Housing - clearer goal	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, pages 6-7, 6-8. The goal was clarified to include serving 500 households over the planning period, equivalent to 62.5 households per year.	Y

City of Fresno Housing Element Comment Matrix

March 16, 2016

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
60	6	Program 8 - Fresno Green - must not only monitor but pursue grant funding; and clarify which parts of the Fresno Green Strategy are applicable	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, pages 6-9, 6-10. Several aspects of the Fresno Green strategy have been incorporated into the new General Plan, Development Code and Rezone. The focus for the housing element are fee reductions and zoning standard flexibility for Fresno Green certified projects. Reporting on progress of Fresno Green strategy implementation will occur as part of the Annual Reporting Program established in new Program 2.	Y
61	6	Program 9 - Expedited Processing - need clear timeline and trigger	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, pages 6-11, 6-12. Annual reporting on implementation of this program will occur as part of the Annual Reporting Program 2; additional timeframe parameters were added.	Y
62	6	Program 10 - Development Incentives - Need timeline with specific actions and how the city will assess funding availability	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, Program 10: Development Incentives, pages 6-7, 6-8. Specifics were added about the city's new impact fee waiver programs. In addition, Program 5, Housing Funding Sources on page 6-5, has been expanded to include additional innovative funding mechanisms to support affordable housing. Timing provisions have been added.	Y
63	6	Program 11 - Agricultural Employees - the city should commit to revising the Development Code if necessary	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, Program 16, 6-13. The commitment was added.	Y
64	6	Program 14 - Comprehensive Code Enforcement - City must commit not only to inspections but resolution of cases.	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, Program 19, pages 6-14, 6-15. Commitment added.	Y

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
65	6	The Draft HE fails to adequately identify or mitigate drought-related barriers to housing opportunity. The Final HE should include a program committing the City to review and revise City regulations, including the Development Code, to ensure appropriate management of the City's water resources to ensure that housing needs are met for all income groups. Currently the Development Code requires a water assessment for projects consisting of 500 or more dwelling units, but does not include a similar requirement for smaller subdivisions or multifamily and affordable housing units.	Leadership Counsel for Justice and Accountability	2.26.16	The Fresno General Plan Master EIR analyzed the water needs for Fresno for the horizon year of 2035 and beyond. A host of general plan policies and mitigation measures assure that adequate water supply will be available to accommodate the City's projected growth. In addition, all proposed developments, whether for 1 dwelling unit or 500, are reviewed by the City's Public Utilities Department to ensure that the project can be adequately served.	N
66	6	The Draft HE fails to address habitability barriers to housing opportunity. Program 14 commits the City only to completing inspections without any promise of enforcement and to the development of recommendations by a Code Enforcement Task Force without any promise of adoption of those recommendations.	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, Program 19, pages 6-14, 6-15. Commitment added with regard to resolving cases. With regard to adoption of future code enforcement provisions, city staff cannot commit the City Council to actions that would require it's approval. Staff can only present items for Council's consideration.	Y
67	6	The City's Task Force must include current and/or past rental housing tenants and must work with local CBOs to identify resident leaders interesting in serving and provide the technical support and /or translation services for non-English speakers to meaningfully participate in the decision-making processes. Public notice of the Task Force meeting should also be provided.	Leadership Counsel for Justice and Accountability	2.26.16	The task force was convened by the Mayor and is not subject to the Brown Act.	N

City of Fresno Housing Element Comment Matrix

March 16, 2016

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
68	6	The Draft should include a program to revise the City's municipal code to allow the public to enforce habitability provisions.	Leadership Counsel for Justice and Accountability	2.26.16	State law already allows this.	N
69	6	Program 17 does not include any commitment to specific actions by the City that will result in a beneficial impact in the planning period. Program 17 commits the City only to "investigate participation" in the Franchise Tax Board Building Code Program as a tool to reduce the number of standard units in the City. Program should have a date by which the City will make a formal determination as to whether it will participate in the program and must also commit to proactive code enforcement as opposed to a complaint-based system.	Leadership Counsel for Justice and Accountability	2.26.16	As the Program notes (now Program 22 on page 6-16) the city will investigate participation in this program by January 2017.	
70	6	The HE Draft analysis of Special Needs Populations Housing is inadequate, specifically.	Leadership Counsel for Justice and Accountability	2.26.16		N
71	6	The Draft does not adequately identify and respond to the housing needs of large households	Leadership Counsel for Justice and Accountability	2.26.16	Chapter 6 - Housing Plan, Programs 5: Housing Funding Sources, 6: Strengthening Partnerships with Affordable Housing Developers; and 7: Special Needs Housing, together define the city's strategy for facilitating more affordable housing in a holistic way for special needs groups.	
72	6	The Draft fails to respond to the needs of female-headed households	Leadership Counsel for Justice and Accountability	2.26.16	Chapter 6 - Housing Plan, Programs 5: Housing Funding Sources, 6: Strengthening Partnerships with Affordable Housing Developers; and 7: Special Needs Housing, together define the city's strategy for facilitating more affordable housing in a holistic way for special needs groups.	Y

City of Fresno Housing Element Comment Matrix

March 16, 2016

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
73	6	The Draft fails to provide housing assistance opportunities for undocumented families	Leadership Counsel for Justice and Accountability	2.26.16	Chapter 6 - Housing Plan, Programs 5: Housing Funding Sources, 6: Strengthening Partnerships with Affordable Housing Developers; and 7: Special Needs Housing, together define the city's strategy for facilitating more affordable housing in a holistic way for special needs groups.	Y
74	6	The Draft fails to identify or respond to linguistic, cultural and residency status barriers to affordable housing	Leadership Counsel for Justice and Accountability	2.26.16	Chapter 6 - Housing Plan, Programs 5: Housing Funding Sources, 6: Strengthening Partnerships with Affordable Housing Developers; and 7: Special Needs Housing, together define the city's strategy for facilitating more affordable housing in a holistic way for special needs groups.	Y
75	6	The Draft fails to examine or address the housing needs of residents of mobile homes	Leadership Counsel for Justice and Accountability	2.26.16	No specific housing needs of mobile home residents have been brought forward in the Housing Element process aside from the cost of land and possible sewage issue. The cost of land is beyond the scope of local government to control. Any code enforcement issues related to fixed items on the site under local building permit control would be addressed by code enforcement. Most issues however, including a sewage issue, are controlled by the State of California Department of Housing and Community Development for Mobile Home Parks. Contact 800-952-5275, 916-255-2501 for more information.	N
76	6	The city must evaluate barriers to affordable housing and fair housing associated with the Development Code, specifically the provision in Article 15-2201 (D) in which the adoption of any inclusionary zoning is conditioned upon an update of the General Plan	Leadership Counsel for Justice and Accountability	2.26.16	The city's housing plan, as set out in Chapter 6 of the Housing Element, currently does not include an inclusionary zoning provision. However, the city is facilitating mixed-income housing through several programs in the Housing Element. For example, to facilitate production of housing for lower income households, 3,516 additional units of capacity affordable to lower income households were added to the sites inventory in the revised public draft. In addition, Program 4 provides TOD Height and Density bonuses to developments proposed near public transit services. Programs 5, 6, and 7 will assist in identifying funding assistance for development of mixed-income neighborhoods and developments accommodating persons with special housing needs, and partnering with affordable housing developers to attract affordable housing developments. These are some, but not all of the ways the City seeks to encourage mixed-income housing.	N

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
77	6	The Draft fails to affirmatively further fair housing, which is to take "...meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics..." The Final Housing Element must include an analysis of patterns of racial and ethnic segregation, concentrated poverty, disparities in access to resources and amenities across the City and adopt policies and programs to promote housing opportunities and access to opportunity ...regardless of protected status.	Leadership Counsel for Justice and Accountability	2.26.16	See Figure 3-1 on page 3-18 and maps on pages 3-23 and 3-25 for a bar chart of housing densities by development areas and mapping of the sites inventory by zoning/density and racially/ethnically concentrated areas of poverty. The figure and maps show housing affordable to lower income households is distributed across most areas of the city including in north Fresno and growth areas.	Y
78		The City is currently updating its 1996 Analysis of Impediments to Fair Housing; the analysis, findings and program recommendations for the update should be incorporated into the Final Housing Element. Programs that the city should consider to that end include:	Leadership Counsel for Justice and Accountability	2.26.16		

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
79		1. Programs requiring the examination and/or adoption of possible inclusionary housing policies requiring that new development reserve a set percentage of units for housing affordable to low-income populations;	Leadership Counsel for Justice and Accountability	2.26.16	Comment noted. No Programs call for inclusionary zoning, however they do emphasize the creation of mixed income neighborhoods. The city is facilitating mixed-income housing through several programs in the Housing Element. For example, to facilitate production of housing for lower income households, 3,516 additional units of capacity affordable to lower income households were added to the sites inventory in the revised public draft. In addition, Program 4 provides TOD Height and Density bonuses to developments proposed near public transit services. Programs 5, 6, and 7 will assist in identifying funding assistance for development of mixed-income neighborhoods and developments accommodating persons with special housing needs, and partnering with affordable housing developers to attract affordable housing developments. These are some, but not all of the ways the City seeks to encourage mixed-income housing.	Y
80		2. A program for the location of development including affordable housing subsidized by state and federal funds received by the city in higher-income areas in North Fresno and in growth areas;	Leadership Counsel for Justice and Accountability	2.26.16	See Figure 3-1 on page 3-18 and maps on pages 3-23 and 3-25 for a bar chart of housing densities by development areas and mapping of the sites inventory by zoning/density and racially/ethnically concentrated areas of poverty. The figure and maps show housing affordable to lower income households is distributed across most areas of the city including north Fresno and growth areas.	Y
81		3. The creation of a local or regional source of funding for affordable housing through mechanisms such as a commercial linkage fee;	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, Program 5: Housing Funding Sources.	Y
82		4. Assessment of city land use policies and practices, including its 2015 Development Code, as they pertain to the City's duty to AFFH; and	Leadership Counsel for Justice and Accountability	2.26.16	This falls within the scope of the Analysis of Impediments, currently underway. Also see Chapter 6 - Program 25, Fair Housing Services, which states that the city's Analysis of Impediments will be updated by 2017.	Y
83		5. policies and programs to address disparities in access to essential infrastructure, services, amenities and opportunities between low-income and higher-income neighborhoods in Fresno.	Leadership Counsel for Justice and Accountability	2.26.16	See Chapter 6 - Housing Plan, Program 17: Infrastructure Priority Program, and Program 20, Neighborhood Infrastructure.	Y

City of Fresno Housing Element Comment Matrix

March 16, 2016

#	Ch. Comment	Name	Date	Response	HE Change (Y/N)
84	The Draft fails to complete required SB 244 analysis and General Plan Revisions.	Leadership Counsel for Justice and Accountability	2.26.16	All general plan revisions that are triggered by Housing Element adoption are being proposed as part of the Housing Element plan amendment, however they are not part of the Housing Element itself.	N
85	The Housing Element perpetuates underproduction of affordable housing (refers to last annual report); above-moderate-income housing has been overproduced and housing for lower and moderate income households has been underproduced.	P. Milrod	2.29.16	Pursuant to Government Code Sections 65580-65581, the housing element is a planning document, not a housing production document. However, to ensure that the city is facilitating the production of housing for lower income households, 3,516 additional units of capacity affordable to lower income households were added to the sites inventory in the revised public draft. Further, Program 4 provides TOD Height and Density bonuses to developments proposed near public transit services. In addition, Programs 5, 6, and 7 will assist in identifying funding assistance for development of mixed-income neighborhoods and developments accommodating persons with special housing needs, and partnering with affordable housing developers to attract affordable housing developments. These are some, but not all of the ways the City seeks to encourage production of affordable housing.	Y
86	The Housing Element perpetuates existing patterns of racial segregation. Suggests that maximum capacity downtown has been assumed for all housing types, but that housing affordable to low and very low income households have not been distributed into "Neighborhoods of Opportunity."	P. Milrod	2.29.16	Page 3-18 of the Revised Public Draft redline states that housing units in Downtown only comprise 8% of the sites inventory. Minimum densities for the allowed zoning have been assumed. See Figure 3-1 on page 3-18 and maps on pages 3-23 and 3-25 for a bar chart of housing densities by development areas and mapping of the sites inventory by zoning/density and racially/ethnically concentrated areas of poverty. The figure and maps show housing affordable to lower income households is distributed across most areas of the city.	Y



#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)
87	3	The City must improve its public participation process. Needs to create a multi-lingual meaningful message campaign using multiple media: radio, television, community-based newsletters	P. Milrod	2.29.16	Government Code Section 65583(c)(8) requires that the city make a diligent effort to encourage public participation. See Chapter 1, Introduction pages 1-5 - 1-9 for a complete description of the outreach process and methods employed, which included trilingual (Spanish, Hmong and English) flyers distributed to the 8 schools where workshops were held, to the Fresno Bee, and to a list of approximately 500 advocates, stakeholders and interested persons. Spanish and Hmong interpreters were also provided at all community workshops held. In addition, through January and February of 2016, the city also provided for public comment on the draft Element at 19 meetings of various city commissions, such as the city council and planning commission. Future public comment opportunities will be available in March and April at commission meetings, such as the planning commission's March 30, 2016 meeting.	N
88	3	Zoned densities which effectively ensure new housing will exacerbate the already-existing racial and ethnic segregation that defines the landscape of this city - Data in Appendix B needs to be sorted and mapped by affordability/density.	P. Milrod	2.29.16	Page 3-18 of the Revised Public Draft redline states that housing units in Downtown only comprise 8% of the sites inventory. See Figure 3-1 on page 3-18 and maps on pages 3-23 and 3-25 for a bar chart of housing densities by development areas and mapping of the sites inventory by zoning/density and racially/ethnically concentrated areas of poverty. The figure and maps show housing affordable to lower income households is distributed across most areas of the city.	Y
89	3	Use information from the Industrial Compatibility study to analyze land use codes and zoning for the AI.	P. Milrod	2.29.16	Study findings not available at time of preparation of the housing element.	N
<b>Comments may be added to this matrix as additional comments are received.</b>						

City of Fresno Housing Element Comment Matrix

March 16, 2016

#	Ch. Comment	Name	Date	Response	HE Change (Y/N)
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Exhibit C - Part 2:  
Summary of Written Comments Received on March 2016  
Public Draft

Exhibit C - Part 2:  
Summary of Written Comments Received on March 2016 Public Draft

Each letter received on the March 2016 Revised Public Draft is attached and summarized below, with a response from staff. When staff response refers to the Housing Element, the redline version of the March 2016 Revised Public Draft will be referenced.

**March 30, 2016 Letter from Ashley Werner, Attorney, Leadership Counsel for Justice and Accountability**

This letter raises issues that were previously raised in letters dated February 5 and 26, 2016. All of the issues were addressed in detail in the comment matrix in Exhibit C – Part 1.

1. Inadequate Efforts to Achieve Participation of All Economic Segments of the Community.

Response: State law requires that a diligent effort be made to achieve public engagement. See Public Participation Section of Chapter 1, pages 1-5 – 1-10, and Appendix A, Outreach Materials.

2. Provide for Ongoing Public Participation to Facilitate Implementation of Housing Related Policies.

Response: Program 3: Annual Reporting Program, Chapter 6, pg 6-4, is designed for this purpose.

3. Inadequate Information & Analysis in Support of Carry-Over Calculations and Sites Inventory

Response: See Chapter 3: Land for Housing. The sites inventory is thoroughly explained.

4. Inadequate Analysis of the City's Past Performance in Implementing Program 2.1.6a

Response: The city's analysis on this topic is included in Chapter 3, Land for Housing.

5. The Final Housing Element Must Include Programs with Definitive Timelines That will Remove Identified Constraints on Affordable Housing Production

Response: Timelines are identified in Chapter 6: Housing Plan

6. Inadequate Analysis and Programs to Address the Housing Needs of Special Needs Households

Response: These are addressed in Chapter 2: Housing Needs (pgs 2-10 – 2-24) and -Chapter 6: Housing Plan, Programs 5, 6 and 7 (Pgs 6-5 - 6-8).

7. Failure to Address the Housing Needs of Residents of Mobile Homes

Response: No specific housing needs of mobile home residents have been brought forward in the Housing Element process aside from the cost of land and possible sewage issue. The cost of land is beyond the scope of local government to control. Any code enforcement issues related to fixed items on the site under local building permit control would be addressed by code enforcement. Most issues however, including a sewage issue, are controlled by the State of California –Department of Housing and Community Development (HCD) for Mobile Home Parks. A new state program is available through HCD that finances the preservation of affordable mobile home parks by conversion to ownership or control by resident organizations, nonprofit housing sponsors, or local public agencies. More information is available at the following link: <http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/>

8. Failure to Analyze Barriers to Affordable and Fair Housing Associated with the 2015 Development Code

Chapter 4: Constraints to Housing Production, analyzes potential barriers to the production of affordable housing. In general, the City's new Development Code removes barriers, compared to the previous zoning code.

9. Inadequate Sites and Programs to Affirmatively Further Fair Housing

Response: Chapter 6, Program 25 – Fair Housing Services, includes a commitment to update the City of Fresno Analysis of Impediments to Fair Housing Choice by 2017. The City is working with HCD to ensure the Housing Element is legally adequate.

**March 31, 2016 Letter from Darius Assemi, President of Granville Homes**

The comments in this letter were reviewed by staff and the ones listed below merit minor corrections to the text of the March 2016 Revised Public Draft of the Housing Element to add clarity on background information. Note that the page numbers in comments and responses refer to the redline version of the March 2016 Draft.

Correction of Typographical Errors: Such errors are noted in comments 10, 13, 22, 33, 38, 44, and 66 and are recommended to be made by staff as authorized in the resolution in Exhibit J allowing the DARM Director to correct typographical errors.

4. Page 2-18: Paragraph one, states that the Housing Choice Voucher program is not currently accepting new applicants, though it WAS accepting applicants the week of 3/21/16. A more correct statement would be "...and accepts applicants periodically during the year, as funds are available." Additionally the paragraph states that the program is closed due to an overwhelming amount of callers requesting assistance, when in reality, the program only accepts applications on-line via their web portal. The City should make sure a representative from the Housing Authority has reviewed this paragraphs, and others where they are mentioned, to ensure factual information is provided.

Proposed Change:

One important housing resource for female-headed households is the Housing Choice Voucher Program. The Housing Authority of the City and County of Fresno is extremely oversubscribed for the Voucher Program ~~and currently is not accepting new applicants. The Program is opened for applicants typically once a year and closes within 1-2 days with an overwhelming amount of callers requesting assistance.~~ but is accepting new applicants and has moved to a lottery system to try and accommodate the large number of applicants.

7. Page 2-22: Paragraph two states "Although there are affordable housing programs available, the funding continues to decrease annually." This is not the case these past two years with Cap and Trade funding. This new program should be used to re-write this paragraph.

Proposed Change:

The State Housing and Community Development administers more than 20 programs that award loans and grants to local public agencies, private non-profit and for-profit housing developers, and service providers every year. This money supports the construction, acquisition, rehabilitation and preservation of affordable rental and ownership housing, childcare facilities, homeless shelters and transitional housing, public facilities and infrastructure, and the development of jobs for low-income workers. Many of these programs and funding sources can be utilized to provide housing for farmworkers. ~~Although there are affordable housing programs available, the funding continues to decrease annually.~~

14. Page 2-30: Paragraph two state that the City's housing rehabilitation program came about as a result of the Housing Quality Survey. This is incorrect, as the program was pre-existing for many years before that. Staff should share this paragraph, along with other paragraphs regarding the Housing Division, with Housing Division staff to ensure accuracy.

Proposed Change:

~~As a result of the survey and Rr~~recognizing the need for housing rehabilitation, the City began operating a Rehabilitation Program to assist owner-occupants with their housing



rehabilitation needs. Funding for the program is provided by the HOME Investment Partnerships (HOME) Program and Community Development Block Grant (CDBG) Program and varies annually.

28. Page 3-16: The City failed to adequately identify the number of proposed units at 1743 and 1752 L Street. The correct amount is 20 units total for these projects. Blackstone/Clinton can also be considered potential infill here at 48 development units per acre.

Proposed Change:

The 1743 and 1752 L Street potential infill project is estimated to provide ~~10-20~~ multifamily units on 0.34 acres at a density of ~~29-58~~ units per acre. The site allows densities of 30 to 45 units per acre and is vacant. The minimum capacity for the site based on minimum allowed density is 10 units.

43. Page 4-17: Paragraph one states that the City initiated "pre-zoning" as a result of Business Friendly Fresno. That is incorrect, the City would not pre-zone properties in conformance with the Plan, and the statement should be deleted.

Proposed Change:

***Business-Friendly Fresno***

The City of Fresno has replaced former planning and development "red tape" with an easy to follow, customer-focused approval process, known as Business-Friendly Fresno. The new straightforward approach identifies projects based on their complexity. The City of Fresno has developed Business Friendly Fresno to establish accountability and clear protocols and authority for decision-making that align with the General Plan ~~and the~~ Development Code, ~~and pre-zoning~~.

48. Page 4-34: Reference to NOAH – Staff should identify the relevance of this agency, particularly if they have not been active in the Fresno area in the last several years, and the reference should be deleted if applicable.

Proposed Change:

~~Neighborhood Opportunities for Affordable Housing (NOAH). This nonprofit corporation was established for the purpose of constructing new residential affordable owner-occupied housing units for lower income households within the community. NOAH constructs new homes and provides housing rehabilitation to income-eligible residents.~~

50. Page 4-34: Staff should delete the reference to West Fresno Coalition for Economic Development, as they may no longer be active in Fresno.

Proposed Change:

Of these agencies, the Housing Authority, CURE, SHE and BOB are regularly involved in the construction, management and oversight of multi- and single-family housing developments and could manage “at-risk” units in order to preserve the units if the need existed. Other agencies that are involved in acquisition and management include the Fresno County Economic Opportunities Commission, ~~West Fresno Coalition for Economic Development~~, One by One Leadership, EAH, Inc., and the Be Group.

51. Page 4-36: The reference to Proposition 1C funds, is outdated, and should be deleted if the State no longer utilized this funding mechanism. It should be replaced with a paragraph identify AHSC/Cap and Trade Funds).

Proposed Change:

~~Proposition 1C (Prop 1C) — State of California Prop 1C extended the nation’s largest state-funded affordable housing assistance effort. The State’s voters approved the measure by a substantial margin, authorizing \$2.85 billion in State General Obligations bonds to continue several housing assistance programs, and to begin new programs to improve infrastructure to support housing. There may be limited funding balance; however, the City continues to respond to all applicable notices of funding availability.~~

Affordable Housing and Sustainable Communities (AHSC) Program. The Budget Act of 2014 appropriated \$130 million from the Greenhouse Gas Reduction Fund (GGRF) to develop and implement the Affordable Housing and Sustainable Communities (AHSC) Program. Accompanying legislation (SB 862) apportions 20 percent of GGRF annual proceeds to the AHSC beginning in FY 2015-16. The GGRF is sometimes referred to as the “Cap and Trade Fund.” The AHSC funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduces greenhouse gas (“GHG”) emissions. These projects facilitate the reduction of the emissions of GHGs by improving mobility options and increasing infill development, which decrease vehicle miles traveled and associated greenhouse gas and other emissions, and by reducing land conversion, which would result in emissions of greenhouse gases. The programs awards are determined with a points formula and 0.25 points are awarded to projects that directly implement a policy in a long range planning document (General Plan/Specific Plan, etc.), including new development on sites contained within the housing element’s sites inventory

62. Page 6-4: Program 3: Annual Reporting Program. The “Objectives” state that the City will partner with housing advocates and organization to provide annual information...” The City should clearly identify that applicants and developers, and property owners as interested parties, and they should make it a point to have these groups as partners.



Proposed Change:

Objectives: Partner with housing advocates, ~~and~~ organizations, and developers to provide annual information to the community on housing density and affordable housing. Reach out to the community regarding these topics annually as part of a Housing Element Annual Report on annual progress. Notify and invite interested community members to attend and discuss housing production progress at a public hearing.

69. Page 6-11: Program 13 – Expedited Processing/Business Friendly Fresno, states that the City’s BFF program aligns with “pre-zoning” done by the City. This is not true, the City has not done any pre-zoning, and the narrative should be deleted.

Proposed Change:

***Program 13 – Expedited Processing/Business Friendly Fresno***

The City’s Business Friendly Fresno program presents prospective developers with an easy to follow and customer-focused approval process. The program has established accountability and clear protocols and authority for decision-making that align with the General Plan and the Development Code, ~~and pre-zoning~~. The City will continue to implement the Business Friendly Fresno program as it applies to residential development projects and also continue to provide fast track or one-stop permit processing for housing developments affordable to lower-income households or other priority housing needs (i.e., extremely low-income, large families, persons with disabilities, farmworkers). As needed, the City will assess the incentives needed to facilitate the development of affordable housing.

70. Page 6-12: Program 14 – Development Incentives refers to Ordinance 2015-44 for Fee Waivers, but it has titled the Ordinance wrong. It should be corrected as follows: “Exemption of Development Impact Fees for Certain Projects in Economically Disadvantaged Neighborhoods”, as this is the correct heading/name on the ordinance. Additionally, the narrative should include a map of “economically disadvantaged neighborhoods” to clearly show the impact on meeting RHNA numbers.

Proposed Change:

***Program 14 – Development Incentives***

The City will continue to provide priority processing for the construction of new housing in the Downtown Planning Area by processing completed plans, consistent rezoning, and Development Permit review and Conditional Use Permit applications for permitting within an average of 75 working days. The City will continue to provide reduced application fees and priority processing for single- and multi-family projects within the Inner City Fee Program area, as referenced in the Municipal Code, to create housing units. In addition, impact fee waivers are available for qualifying infill projects in priority areas of the City pursuant to Ordinances 2013-21 (The Build Act), and 2015-44 Fresno Municipal Code Article 4.14 (Fee Waivers for ~~Mixed-Use Certain~~ Projects in

Economically Disadvantaged Areas)- As funding is available, the city will reduce, or subsidize development and impact fees for affordable housing.

**April 7, 2016 Memo to Members of the District 1 Implementation Committee and Planning Staff from Patience Milrod**

1. Public participation. The City of Fresno cannot expect better participation (average 6 community members at each of the public meetings) if it expects planning staff to work so far outside their professional wheelhouse, and without necessary specialized resources: messaging targeted to the interests of the multiple “publics” in our diverse Fresno, and delivered through multiple media (e.g.—among many others—radio and television, in English, Spanish and Hmong; print media; notices in community based organizations’ newsletters).

Response: State law requires that a diligent effort be made to achieve public engagement. See Public Participation Section of Chapter 1, pages 1-5 – 1-10, and Appendix A, Outreach Materials.

2. Fair housing

It would help to see separate map for each development area—it’s impossible to tell with any certainty what units are going where, except in locations where a particular density/affordability type is highly concentrated.

Response: Larger maps may be incorporated into the final version of the Housing Element or made available by staff to supplement the Housing Element.

Even without more-readable maps, it’s apparent that this Housing Element is a mechanism for perpetuating and reinforcing racially segregated housing patterns in the City of Fresno. In particular, it places the City’s Housing Element at odds with its HUD-required Analysis of Impediments to Fair Housing (“AI”).

Response: See Figure 3-1 on page 3-18 and maps on pages 3-23 and 3-25 for a bar chart of housing densities by development areas and mapping of the sites inventory by zoning/density and racially/ethnically concentrated areas of poverty. Sites to meet the RHNA are distributed across most areas of the city.

3. Carryover analysis (pages 3-2 to 3-5):

Problem 1: Does not include shortfall in moderate income housing

Response: HCD has interpreted the statute to indicate that the required “roll-over” is limited to the very low- and low-income RHNA, and does not include the moderate-income RHNA.

Problem 2: The numbers make no sense

Response: Table 3-3 explains where the 3,515 carryover comes from and how it was calculated. Moderate income RHNA is not required to be carried over (see above).

Problem 3: No reduction in above-moderate units in carryover analysis

Response: Housing Element law and process does not provide for or require overproduction of above-moderate units to be carried over to a future housing element period.

## Sophia Pagoulatos

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**From:** Shaunt Yemenjian <shaunty@halajianarch.com>  
**Sent:** Friday, March 18, 2016 1:24 PM  
**To:** Sophia Pagoulatos  
**Cc:** Jennifer Clark  
**Subject:** RE: Housing Element Revised Draft

Hi Sophia,

Thanks. I read through this pretty carefully last week. Although the window for any constructive or critical feedback has passed, honestly I was pretty impressed with this and wouldn't have had much to offer other than it's a good document that guides the right kind of growth in several of the areas of greatest need for a healthier city. Specifically delighted about the push for higher density and incentivizing of high density and affordable/market rate housing. Nice work to all who contributed.

It's a great and I have already begun sharing some of its contents with colleague, friends and developers. I will circulate this others to encourage support for the upcoming three meetings.

Question about the "Programs" starting on pp125: to gauge the feasibility of pursuing any of these for downtown projects, who would the discussion start with? DRM? As I mentioned, I have already shared this with others and have received interest in finding out more about how these can be actualized.

Thanks,  
shaunt

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**From:** Sophia Pagoulatos [mailto:Sophia.Pagoulatos@fresno.gov]  
**Sent:** Thursday, March 17, 2016 1:06 PM  
**To:** HousingElement  
**Cc:** Jennifer Clark; Daniel Zack; Talia Kolluri; Michelle Zumwalt; Casey Lauderdale; genevieves@migcom.com; Diana Gonzalez; Mike Sanchez; Bonique Emerson; Ashley Swearengin; Bonnie Christian; Jose Trujillo; Richard Salinas; John Turnipseed; Bruce Rudd; Wilma Quan-Schecter; Andrew Benelli; Thomas Esqueda; Israel Trejo; Phillip Siegrist; Bruce Barnes; Ralph Kachadourian; McKencie Contreras; Will Tackett; Lauren Filice; Chris Lang; Sandra Brock; Sophia Pagoulatos  
**Subject:** Housing Element Revised Draft

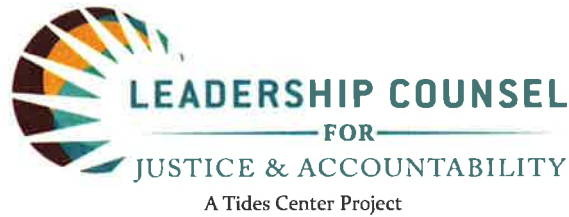
Hello Housing Element Stakeholders:

This email is to inform you that a Revised Public Draft of the Housing Element is now available on line at [www.fresno.gov/housingelement](http://www.fresno.gov/housingelement). Both a clean copy and a redline version have been posted to facilitate comparison of the January 2016 draft with this new March 2016 version. Hard copies are available upon request.

The revised draft is scheduled for consideration by the following public bodies:

### FRESNO HOUSING AND COMMUNITY DEVELOPMENT COMMISSION

**Date: Wednesday, March 23, 2016**



March 30, 2016

Sophia Pagoulatos, Planning Manager, DARM  
Jennifer Clark, Director, DARM  
Fresno City Hall  
2600 Fresno St., Rm. 2031  
Fresno, CA 93721

*Sent via Email*

**RE: City of Fresno's Revised Public Review Draft 2015-2023 Housing Element**

Dear Ms. Pagoulatos and Ms. Clark:

We are writing to you on behalf of our clients, Familias Addams por un Mejor Futuro, Rosalina Carson and Rosalba Cardenás (collectively, "Familias Addams"), to provide comments on the City of Fresno's ("City") Revised Public Review Draft 2015-2023 Housing Element ("Revised Draft Housing Element" or "Revised Draft"). These comments supplement comments we previously submitted on behalf of Familias Addams and other residents of Fresno's Jane Addams neighborhood regarding the City's original Draft Housing Element released in January 2016 on February 5, 26, and 29, 2016 respectively ("February 5th", "February 26th", and "February 29th" Letters or collectively, "previous comment letters").

Thank you for your consideration of our comments. We look forward to the opportunity to discuss them with you in person.

**1. Inadequate Efforts to Achieve Participation of All Economic Segments of the Community**

Despite a documented history of excluding public input on the prior draft, the City has again submitted a revised draft housing element to the State Department of Housing and Community Development ("HCD") for approval prior to releasing that revised draft to the public, thus continuing to deprive the public of opportunity for input in express contradiction of HCD's directive to the City.

Our previous comment letters notified the City that it had failed to make a diligent effort to achieve the public participation of all economic segments of the community in developing the Draft Housing Element as required by Government Code section 65583(c)(8) and provided several recommendations regarding actions the City could take

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in order to satisfy that requirement. The HCD also notified the City through written correspondence dated March 7, 2016 ("HCD's Letter"), that the City's failure to make the Draft available for public review prior to submittal to HCD "deprived the public an important opportunity for public input" and that the City must make further efforts to achieve public participation, including by low- and moderate-income households and/or representation organizations, prior to its adoption of the final housing element.

After submitting the draft to HCD without public input, the City further scheduled a hearing by the Housing and Community Development Commission (HCDC) just four working days after public release of the revision. As we and several residents stated during public comment at the HCDC hearing on March 23, 2016, that timeline denied the public a meaningful opportunity to learn of, review, understand, and form opinions regarding the revised draft housing element and provide that input to the City prior to the public hearing. It further disproportionately adversely impacts the City's significant population of residents who speak only limited or no English, who are disproportionately low-income compared to City's population as a whole and who must learn of the contents of the multiple housing element drafts through bilingual English-speakers due to the lack of translated drafts.

HCDC agreed that the City's process did not allow adequate opportunity for public input and on that basis, voted unanimously (5-0) to recommend denial of the revised draft housing element and to direct staff to create additional opportunities for public participation. Nevertheless, staff present at the HCDC hearing told the commissioners that its vote would not affect the City's timeline for approval of the document.

The City must comply with Government Code section 65583(c)(8) by making a diligent effort to obtain the participation of all economic segments of the community, especially low and moderate income populations, prior to the adoption. To do so, the City must take additional steps obtain the input of low- and moderate-income and special needs populations as outlined in our previous comment letters and must establish a public hearing schedule that allows for sufficient time to review the revised draft housing element, including translation for non-English speaking residents. The City must be prepared to make substantial amendments to the draft housing element, which continues to ignore the needs of low income communities, as documented in previous comment letters and herein.

## **2. Provide for Ongoing Public Participation to Facilitate Implementation of Housing-Related Policies**

We appreciate the City's addition of Program 3: Annual Reporting Program to the revised draft. This program should be modified to clarify that it entails not only the distribution of information by the City to residents and other stakeholders but also allow residents and stakeholders the opportunity to discuss and provide information and

feedback to the City. As stated in our previous comment letters and oral comments, the City must prioritize developing direct relationships with community leaders, with focus on leaders in low-income neighborhoods and neighborhoods of color which are most impacted by affordable and fair housing issues. The City should incorporate the prioritization of such efforts into its Final Housing Element and specify that it will seek to draw upon its relationships with community leaders in order to achieve robust resident participation and meaningful dialogue pursuant to this program. We recommend that the City convene a meeting at HCDC to do so not once but at least twice per year in order to foster participation and obtain feedback throughout the year.

In addition, we recommend that topics covered pursuant to Program 3 specifically include implementation of the housing element's policies and programs, as well as other housing and fair housing-related programs and policies maintained by the City, including but not limited to those contained in the Analysis of Impediments to Fair Housing Choice (or Assessment of Fair Housing) and relevant General Plan policies and Development Code provisions.

### **3. Inadequate Information & Analysis in Support of Carry-Over Calculations and Sites Inventory**

#### **a. *Inadequate Carry-Over Analysis***

The City's last housing element included a program to re-zone 700 acres of land to provide an adequate supply of land at densities that could facilitate the development of housing affordable to lower income households. This program was necessary because of the dearth of sites zoned for high density residential development in the City limits. The City failed to implement that program prior to the end of the 2008-2013 planning period and therefore is required in its 2015-2021 Housing Element to provide an adequate inventory of sites for the housing the City refused to accommodate in the last planning period - the carry-over - and the 2013-2021 Regional Housing Need Allocation (RHNA).

There are multiple steps to analyzing how many sites the City needs to make available to meet its carry-over. The first step is to determine the Regional Housing Need Allocation (RHNA) for the last planning period. In the City's Revised Draft Housing Element ("Revised Draft"), the first step is flawed. The City's 2008 Housing Element and its 2009 Housing Element Amendment identify the RHNA for lower income households at 8,534 units.<sup>1</sup> Yet, in the recently submitted 2016 Revised Draft, the calculation for the un-accommodated need states the 2008 RHNA for lower income units is 8, 216 units, several hundred units less than then RHNA assigned in 2008. See 2016 Revised Draft Housing Element, Table 3-3. There is no explanation or analysis to account for the reduced RHNA and thus the 2008 RHNA of 8,534 units should be the starting point of the carry-over analysis.

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<sup>1</sup> This number may also be too low as the 2008 Housing Element refers to a previous unmet need of 273 units which should be added to the 2008-2013 RHNA assigned to the City. See 2008 Housing Element, p. 3-3. There is no indication of what income category these 273 units represent.

The second step of the carry-over analysis is to determine how much land was available and suitable to meet the 2008 RHNA for 8,534 units. A review of the 2008 housing element and the 2009 Housing Element Amendment reveals that the City identified 44 acres of land to accommodate 747 lower income units, of the 8,534 needed, at densities of 29 du/ac (R-3) and 43 du/ac (R-4). The City's Revised Draft asserts that in 2008 City actually had land to support 1,211 additional lower income units by right at 29 units/acre and could also accommodate an additional 877 units that conditionally allowed residential development at 29 units/acre. The revisions lack any information to perform the required analysis to demonstrate the availability of these additional sites. There is no indication of where these sites are, how large or small they are, what their development capacity would be, whether they were included in the City's 2008 inventory, and if they were included in the City's inventory were they included in the City's original calculation of 747 units. The City cannot reduce the un-accommodated need by 2,088 units without this necessary information and analysis.

The Revised Draft also reduces the number of un-accommodated units by 903 units on the basis of its identification of increased development potential at high densities in the Central Area and 137 units of affordable housing in the South Stadium development. Again, more information and analysis is required before it can be determined whether these sites can be relied on to reduce the City's carry-over obligation. For instance, the 137 South Stadium units were based on the expected development of affordable units because of requirements under the state Community Redevelopment Law ("CRL"), but there is no evidence that the project complied with the CRL requirements to include affordable units or what level of affordability the units, if constructed, obtained.

And lastly, the City's Revised Draft reduces the carry-over obligation by taking a credit for the affordable housing constructed during the last planning period without providing any information about the levels of affordability of those units or how their affordability was provided.

In summary, the City's rush to submit the Revised Draft without any input from the public resulted in a failure to supply any of the necessary information required to determine the City's accurate carry-over obligation and thus the City's carry-over obligation remains unchanged by the City's Revised Draft.

*b. Inadequate Support for Sites Contained in Sites Inventory*

The City's Revised Draft also fails to address some of the issues highlighted in our comment February 5th Letter regarding the Sites Inventory. For example, the inventory of sites includes parcels with proposed projects. The City responds that it has only included these sites at their minimum allowed density as opposed to the proposed project density in case the proposed projects fail to come to fruition. This is inadequate. Parcels with proposed projects -- projects that have already received entitlements for market rate (moderate affordability) development -- cannot be included in an inventory of sites to meet the needs of low- and very low-income residents. A parcel entitled for a moderate income development, by its very definition, cannot be available for affordable housing development. And while the entitlements are in place, the site is not available for any other development. If the project proposals change and the owners seek funding to make the units affordable, then the City can credit their RHNA in its next housing element but as of now these sites, despite their density, cannot be included in the inventory to meet the needs of lower income households.



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The Revised Draft does not include a site specific analysis explaining why the underutilized sites identified in the inventory have redevelopment potential in this planning period. A generic paragraph stating that there is redevelopment potential without further analysis is not adequate to meet the requirements of Government Code section 65583.2(g).

As the Revised Draft indicates, one of the primary sources of funding for affordable housing is the Tax Credit Program. The Tax Credit Program is one of the only financing mechanisms that can effectively support the development of housing affordable for very low and extremely low-income households. Yet, the City continues to rely on sites in the inventory that cannot compete for this scarce and competitive funding source, because the sites in the inventory are too small to meet the minimum threshold of 50 units or are too large to meet the maximum size of 150 units. Including these very small and very large parcels in the inventory constrains the production of affordable housing. The Final Housing Element should contain additional moderately-sized sites that are suitable for development in order to reduce reliance in the Sites Inventory on small and large lots which are not feasible for development.

Finally, while the Sites Inventory indicates that no sites identified therein have any infrastructure constraints, the City has failed to demonstrate that sites contained in the inventory are served by infrastructure and services that can support development at the densities identified. This includes high density sites located in the City center and along major corridors which were not originally planned for high density development as well as sites located West of Highway 99, including between Shaw Avenue and Barstow Avenue adjacent to Highway 99 and by Shaw Avenue between Grantland Avenue and Bryan Avenue which, to our knowledge, are not served by or located in proximity to sewer, water, or other infrastructure and services necessary to support development at all. The Final Housing Element must show how infrastructure and services may be provided on these and other sites so as to make development of affordable housing at the identified densities feasible in the planning period. Alternatively, the City may include additional sites that it can demonstrate are currently served by necessary infrastructure.

These issues must be addressed before the City's element can be found in compliance with the state's Housing Element Law.

#### **4. Inadequate Analysis of the City's Past Performance in Implementing Program 2.1.6a**

The Revised Draft analysis of the City's performance with respect to its implementation of 2008-2013 Housing Element Program 2.1.6a erroneously claims that the program "is no longer needed" and is therefore removed from the 2015 Housing Element. As demonstrated in section three of this letter above, the Revised Draft's analysis of the City's ability to satisfy its 2015 RHNA and 2008-2013 carry-over requirement is wholly inadequate.

In addition, the Revised Draft's analysis of the City's performance in implementing Program 2.1.6a, without providing sufficient supporting information, relies on the City's adoption of the Development Code in December 2015 as a primary basis for its conclusion that Program 2.1.6a is no longer necessary. The analysis claims that the City's adoption of the Development Code Update resulted in a city-wide vacant land

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inventory capacity of 33,000 units in appropriate income categories and additional capacity on underutilized sites and that “These figures meet both the City’s 2008 unaccommodated need and the current RHNA”. Yet nowhere does the Revised Draft provide support for this figure.

Program 2.1.6a’s commitment to rezone 700 acres of land for development of multi-family residential units by right is far superior to the ambiguous and unsubstantiated approach proposed by the Revised Draft to make sites available to meet its RHNA and Carry-Over.

In addition, as explained in Section 9 below, the Revised Draft fails to show that the sites inventory satisfies the City’s duty to affirmatively further fair housing by making sites available for affordable housing development outside of areas of racially and ethnically concentrated poverty.

**5. The Final Housing Element Must Include Programs with Definitive Timelines That Will Remove Identified Constraints on Affordable Housing Production**

**a. Program 1: Adequate Sites**

As explained in Sections 3 and 4 above, the Revised Draft provides insufficient documentation to show that the increased densities on sites through the Development Code Update and Rezone Map satisfy the City’s carry over requirement to rezone sites in the first year.

In addition, the statement contained in Revised Draft Program 1 that “the rezoning was completed at the end of the previous planning period” is inaccurate. As mentioned in our previous comment letters, the Development Code Update itself did not rezone any parcels and the City took no action during the 4th Cycle Planning Period to complete the required rezoning. The Revised Draft contains no programmatic commitment to do so. Even if the program is under way, it is not complete as neither the Development Code nor the Rezone Map addresses the downtown area capacity. That will only be addressed through the adoption of a subsequent Downtown Specific Development Code and rezoning which has yet to occur.

The Final Draft Housing Element must provide sufficient information to demonstrate that the City has sufficient land available now that is suitable for the development of affordable housing to meet its carry-over requirement and 5th Cycle RHNA or it must include a program to rezone sites within one year.

**b. Program 5: Housing Funding Sources**

Revised Draft Program 5 includes commitments to “assess and explore” “new funding programs” and certain specified funding sources for affordable housing and mixed-income development. The Revised Draft omits reference to several funding sources, identified in our previous comments letters which we recommended that the City consider adopting. These sources which are omitted from the Revised Draft include but are not limited to commercial linkage fees and inclusionary zoning program. The Revised Draft also indicates that the City will “support” legislation that increases support for and reduces regulatory barriers for affordable housing but provides no information about specific actions the City will take to do so.

The Final Housing Element should expand the local housing funding programs assessed as part of the annual reporting process and shall include commercial linkage fee and inclusionary zoning programs and must commit the City to take specific actions to support the legislative and regulatory efforts to expand affordable housing options and to achieve beneficial outcomes in the planning period.

**c. Program 16: Farmworker Housing**

The Revised Draft provides that the City shall “Review Development Code by January 2017 and amend or revised the Development Code if needed to comply with the Employee Housing Act following the review.” The Final Housing Element must state a date certain by which the City will revise the Development Code if needed pursuant to the Employee Housing Act following review.

**d. Program 19: Comprehensive Code Enforcement**

In response to comments contained in our February 26th Letter, the City revised the narrative for Program 19, Comprehensive Code Enforcement, to state that the City will pursue resolution of cases identified through the inspection process, including enforcement actions against landlords if necessary. In order to avoid ambiguity and to ensure that the program results in beneficial impacts within the planning period, the Final Housing Element must revise the commitment identified following “Timeframe/Objective” under Program 19 accordingly to specify that the City will “Complete 8,000 inspections annually, *pursue resolution of cases identified through the inspection process*, and develop Task Force recommendations by the end of 2016.” (italics indicate proposed additional text).

In addition, our February 26th Letter discussed the importance of ensuring that the Mayor’s Code Enforcement Task Force is inclusive in its membership, with seats in particular for low-income, non-English speaking, and undocumented residents, and that its meetings are open to the public in order to allow input from interested stakeholders in

the development of the Task Force's recommendations. The City declined to incorporate these recommendations into the Revised Draft. We continue to assert that their incorporation is critical to ensuring adequate and representative public process with respect to the Task Force's activities and to the development of recommendations that address the substandard housing issues impacting Fresno residents.

## **6. Inadequate Analysis and Programs to Address the Housing Needs of Special Needs Households**

Our February 26th and February 29th Letters advised the City that the draft housing element failed to include adequate analysis of and policies and programs to address the housing needs of special needs households, including but not limited to large households, female-headed households and undocumented families as well as households that face barriers to housing based on language or cultural factors. The Revised Draft also fails to include further analysis or contain policies or programs that address the specific needs of special needs households.

With respect to undocumented households, the "City of Fresno Housing Element Comment Matrix" ("Comment Matrix"), dated March 16, 2016, states the City's opinion that, "Pending further state or federal legislation, the Housing Element is not required to contain programs addressing this issue." p. 6. On the contrary, state housing element law requires jurisdictions to analyze "any special housing needs" of the population and provides non-exclusive examples of populations with special housing needs. Gov. Code § 65583(a)(7). State housing element law does not exempt jurisdictions from considering the special housing needs that specifically effect undocumented residents.

The Revised Draft, census data, and other sources of information indicate that special needs populations, including large households, female-headed households, immigrant households, undocumented families, farmworker families, non-English speaking and Limited English Proficient (LEP) households, constitute significant portions of Fresno's population and are disproportionately compromised of low-income people and people of color.<sup>2</sup> The Revised Draft's failure to adequately analyze and include programs to

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<sup>2</sup>. As mentioned in our February 26th Letter, the Draft indicates that 20% of households in Fresno are large households with more than five people and 19.2% of households are female-headed households. 2015 ACS data indicates that 61% of single-parent households in Fresno County that are headed by females are under the poverty line and that the unwed birth rate for Native Hawaiian, Black, and Latino mothers in Fresno respectively was 100%, 71% and 42% compared to 31% for whites. 2012 ACS data indicates that 22.8% of Fresno residents are LEP. See Jill Wilson, Investing in English Skills: The Limited English Proficient Workforce in U.S. Metropolitan Areas, Sept. 2014, available at <http://www.brookings.edu/research/reports/2014/09/english-skills#/M10580>. Approximately 86,000 undocumented persons reside in Fresno County, according to the Migration Policy Institute. See data available at <http://www.migrationpolicy.org/programs/data-hub/charts/unauthorized-immigrant-populations-country-and-region-top-state-and-county>. The Revised Draft indicates that about 56,500

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address the housing needs of these and other special needs populations renders the Revised Draft inadequate and at odds with State Housing Element Law, including Government Code Sections 65583(a)(7) and 65565583(c)(5).

The Final Draft Housing Element must analyze and respond to the special needs of households in Fresno as discussed above and in our previous comment letters.

### **7. Failure to Address the Housing Needs of Residents of Mobile Homes**

Like the initial draft housing element, the Revised Draft includes no analysis of the housing issues impacting residents of mobile homes. The Comment Matrix states that, “No specific housing needs of mobile home residents have been brought forward in the Housing Element process aside from the cost of land and possible sewage issue”. The Comment Matrix indicates both the “cost of land” and possible sewage issues are “beyond the scope of local government control,” and the Revised Housing Element includes no policies or programs to address these issues. We disagree that there are no actions the City can take to mitigate housing impacts associated with land costs for low-income mobile home residents and with the City’s assertion that malfunctioning sewage systems impacting residents of mobile home parks which landlords refuse to repair is beyond the City’s control

Our February 26th and 29th Letters describe specific housing needs faced by residents living mobile homes in Fresno and proposes policies and programs to address those needs, including the cost of utilities charged to renters of land at mobile home parks and the desire of residents to have the option to own the land on which the trailers are located as specific problems facing residents of mobile homes. The Housing Element fails to analyze these and other housing issues specifically impacting residents of mobile home parks or potential solutions to those issues. HCD in fact notified the City in its March 7th letter of the release of a Notice of Funding Availability for the Mobilehome Park Rehabilitation and Ownership Program (MPRRP), with applications accepted from March 2, 2016 through March 1, 2017, which would provide funds to directly address concerns raised in our comment letters.

The Final Housing Element must respond to and incorporate all public comments pertaining to housing issues effecting residents of mobile homes in Fresno, analyze the housing issues associated with mobile home residency, and identify and adopt appropriate policies and programs to address barriers to affordable housing and a suitable living environment for residents of mobile homes. Such policies and programs may include but are not limited to the following:

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farmworkers resided in Fresno County as of approximately 2010. According to 2011 ACS data, over 80% of farmworkers in California are Latino

- establishment of a policy to conduct proactive and targeted code enforcement to address substandard housing conditions in rental mobile home units, including malfunctioning sewage systems;
- development of an inventory and needs assessment documenting and identifying solutions to the housing needs of residents of mobile homes;
- establishing a source of funding and fund to assist low-income mobile home owners with maintenance costs and utility payments; and
- establishment of a program to facilitate the conversion of mobilehome parks to ownership by residents, local non-profit housing sponsors, the Fresno Housing Authorities, and/or the City of Fresno, such as through funding provided by MPRROP;

#### **8. Failure to Analyze Barriers to Affordable and Fair Housing Associated with the 2015 Development Code**

Our February 26th Letter identifies two critical government-created barriers to affordable housing and fair housing associated with the City's 2015 Development Code: (1) Article 15-2201(D) which prohibits adoption of an inclusionary zoning policy without a comprehensive update of the 2014 General Plan, and (2) loopholes in provisions calling for a variety of housing types in the City's growth areas. Neither the Comment Matrix nor the Revised Draft analyzes these government-created barriers to affordable and fair housing nor identifies any policies or programs to remedy them<sup>3</sup>. The Final Housing Element must do so.

#### **9. Inadequate Sites and Programs to Affirmatively Further Fair Housing**

As explained in our comment letters, the initial draft housing element failed to satisfy the City's duty to affirmatively further fair housing in compliance with state and federal affordable and fair housing laws. HCD's Housing Element Review Letter to the City additionally included a directive to the City to use the San Joaquin Valley Fair Housing and Equity Assessment (SJV FHEA) as part of the housing element update. In response, the Revised Draft provides additional information and analysis, including mapping, regarding the location of sites included in the sites inventory, including in areas of racially and ethnically concentrated poverty. We thank the City for including this additional information. However, the Revised Draft still fails to demonstrate that the sites contained in the sites inventory and the programs contained in the Housing Plan satisfactorily further fair housing and do not further entrench patterns of racially and ethnically concentrated poverty and disparate access to opportunity and resources based on protected class status in Fresno.

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<sup>3</sup> The Comment Matrix states the Development Code does not *include* an inclusionary zoning policy but does not acknowledge or analyze the effect of Article 15-2201(D)'s *prohibition* on the adoption of such a policy.

a. *Sites Inventory Fails to Affirmatively Furthers Fair Housing*

The map provided on Revised Draft page 3-25 shows that high density (30-45 du/ac) sites contained in the sites inventory are predominately located in Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs), including Downtown, West Fresno, and Pinedale. Other high density sites are primarily located in and around Highway City, an economically disadvantaged “Inner City” area as designated by the City of Fresno located around the intersection of Shaw Avenue and Highway 99 which lacks various basic infrastructure and services.

Importantly, the map indicates that the Sites Inventory contains no high density sites north of Herndon Avenue – the Northern boundary of the “neighborhoods that are the most distressed in the City and among the most distressed in the nation” according to the City’s 2014 General Plan<sup>4</sup> - which are not either located within or immediately adjacent to an R/ECAP. Yet, the map shows significant anticipated development of low density sites (0-16 du/ac) throughout the existing neighborhoods North of Herndon Avenue, including a large cluster of sites from Copper Avenue North. These areas include the wealthiest neighborhoods in Fresno, are disproportionately comprised of white residents and have disproportionately lower shares of Latinos, Blacks, Asians and other populations of color compared to Fresno as a whole, and almost entirely lacks affordable housing options for lower-income families, a fact recognized by the 2014 General Plan<sup>5</sup>.

The Revised Draft’s “Housing Site Distribution” discussion acknowledges – but immediately dismisses – the fact that higher density sites identified in the Sites Inventory are concentrated in R/ECAP neighborhoods in the City’s inner core, stating that the distribution is constituent with General Plan policy to encourage transit oriented development and revitalization in these areas. 3-24.<sup>6</sup> The City’s revitalization goals do not constitute a justification for concentrating higher density sites for low-income housing in neighborhoods that are currently characterized by racially and ethnically concentrated poverty and for failing to provide opportunities for higher density affordable housing in more affluent and whiter neighborhoods.

In order to comply with state housing element and state and federal fair housing laws, the Final Housing Element Sites Inventory must include an equitable distribution of sites

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<sup>4</sup> p. 12-11.

<sup>5</sup> “Growth patterns have also exacerbated the concentration of poverty. Housing in the northern part of the city caters to upper-income families, while affordable housing investment has occurred in more distressed neighborhoods.” pp. 10:11-12.

<sup>6</sup> “For the most part, the R/ECAPs are in more centralized parts of the City with more public transportation options. The concentration of higher density sites in the City’s core areas corresponds with General Plan policy to encourage transit oriented, compact development and revitalization efforts in older parts of the City. The City’s General Plan (2014) has established land use policies and programs to create a balanced city with an appropriate proportion of its growth and reinvestment focused in the central core, Downtown, established neighborhoods, and along Bus Rapid Transit (BRT) corridors.”

throughout the City, including additional high density sites in higher-income and higher opportunity North Fresno neighborhoods which lack opportunities for affordable housing. The Final Housing Element must include supportive information and analysis to demonstrate this.

*b. Lack of Protection for Low-Income Residents of Neighborhoods Targeted for Revitalization*

As the Revised Draft indicates, the City has targeted the Downtown and Blackstone Corridor for its neighborhood revitalization initiatives. Data indicates that “gentrification” is occurring in certain core neighborhoods targeted for revitalization, with measurable increases in property values and median education levels.<sup>7</sup> While the Revised Draft Sites Inventory includes many high density sites indicated for very low-income housing development Downtown, as discussed in section immediately above, many higher density sites recently developed downtown are priced at levels affordable only to moderate and above-moderate income households.

The Final Housing Element must ensure that existing low-income residents in neighborhoods targeted for revitalization are able to reap the benefits of revitalization by including programs that prevent displacement due to rising housing costs and ensure that new development in these neighborhoods includes options for low-income residents. Programs that Final Housing Element could incorporate to this end include but are not limited to the following: (1) develop and implement a system to monitor and publically report on housing affordability for residents of all income levels in neighborhoods targeted for revitalization and displacement effects associated with rising rents and development activities; (2) examine rent control ordinance options to provide protections to existing low-income residents against excessive rent increases; and (3) study and adopt an inclusionary housing policy to require all new development of a certain size in areas targeted for revitalization include a minimum percentage of units affordable to low-income residents.

*c. Inadequate Programs to Address Barriers to Opportunity Based on Protected Class Status*

The Revised Draft fails to include programs that satisfy the City’s obligation to affirmatively further fair housing by taking steps to remedy the basic infrastructure, service, public investment, and quality of life deficiencies and inequities that impact Fresno’s low-income neighborhoods of color.

Low-income neighborhoods of color in Fresno disproportionately lack access to basic infrastructure improvements, including curbs, gutters, sidewalks, well-paved roads, and

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<sup>7</sup> Governing, Fresno Gentrification Maps and Data, available at <http://www.governing.com/gov-data/fresno-gentrification-maps-demographic-data.html>.



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street lights, as well as to other essential services and amenities, such as commercial retail and green space, compared to more affluent neighborhoods. The deficiencies constitute barriers to fair housing disparately impacting residents on the basis of protected class status. The Revised Draft does not adopt adequate programs to address these disparities and deficiencies. The City's duty to affirmatively further fair housing not only encompass its use of federal HOME and CDBG funds but also extend to all City land use planning decisions and provision of services.

In particular, Program 20: Neighborhood Infrastructure states the City Public Works Department will 'commit its best efforts to provide households' with basic neighborhood infrastructure and will complete 5 infrastructure projects annually. This program as written does not acknowledge or address disparate infrastructure conditions and access to services and amenities across Fresno's neighborhoods on the basis of income and race of the residents of those neighborhoods. The program further contains no real commitment on the City's part, as it is a given that Public Works will "complete 5 infrastructure projects" and many more each year. The Final Housing Element must include program commitments to specifically identify and address the infrastructure, service, and amenity deficiencies disproportionately impacting low-income neighborhoods of color in Fresno, including by implementing General Plan policies prioritizing the needs of neighborhoods with the greatest deficiencies and commitments to pursue available funding, such as State Active Transportation Program funds, to address those needs in partnership with residents and stakeholders.

While the Revised Draft briefly references the SJV FHEA in its Housing Site Distribution discussion, it does not incorporate the data contained therein into its analyses or consider or adopt any of the program proposals contained within the SJV FHEA. The SJV FHEA's program proposals (contained on pages 48 through 52) were developed collaboratively by planners from participating jurisdictions and affordable and fair housing advocates and are aimed at mitigating and eliminating identified barriers to fair housing in Central Valley jurisdictions, including the City of Fresno. In accordance with the direction provided in HCD's March 7th Letter, the Final Draft Housing Element should consider and incorporate as appropriate the data and programs contained in the FHEA.

Our previous comment letters identify several other actions the City could take to address fair housing issues impacting residents on the basis of protected class in Fresno but which are not addressed in the Revised Draft. These actions include the implementation of a policy or program for the use of state and federal for the development of affordable housing in higher income, higher opportunity, and growth areas as well as the examination of local funding sources that could allow for a broader distribution of affordable housing throughout the City. Barring an articulated and justifiable reason not to do so, the Final Housing Element should incorporate these actions as programs.

Sophia Pagoulatos, Planning Manager, DARM  
Jennifer Clark, Director, DARM  
March 31, 2016  
Page 14

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Thank you for your consideration of our comments. We look forward to discussing them with you in person.

Sincerely,



Attorney  
Leadership Counsel for Justice and Accountability



Attorney  
Public Interest Law Project



March 31, 2016

Jennifer Clark, Director  
Development and Resource Management Department  
City of Fresno  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

Subject: City of Fresno 2015 Housing Element, Comments

Dear Ms. Clark,

We are truly appreciative of the opportunity to comment on the City's 2015 Housing Element Draft. We understand this proposed amendment to the General Plan will meet the City's housing needs, including housing for all income levels and special needs groups, within the City's Sphere of Influence.

Our comments as attached are made on the City's red-line document made available in March 2016, and we would request these be made a part of the public record.

If you have any questions please feel free to call me, or Jeffrey T. Roberts at (559) 436-0900.

Best regards,

A handwritten signature in blue ink, appearing to read "Darius Assemi".

Darius Assemi, President  
Granville Homes, Inc.

Comments on City of Fresno 2015-2023 Housing Element  
Redline Version March 2016  
March 31, 2016

1. Page 1-2: First Paragraph states that the Housing Element programs is limited to the City of Fresno and the areas annexed into the City within the plan period, but the Public Notice Map as promulgated in the Fresno Bee and on the City website identifies the area of applicability as all areas within the Sphere of Influence. There should not be a discrepancy of this magnitude.
2. Page 1-8: We are very supportive of the following statement: "The Housing Element sites inventory shows that the distribution of residential sites at various densities is evenly distributed throughout the City."
3. Page 1-10: It is unclear if any comments were received by the City from the State Housing and Community Development. If so, the comments should be available for public review.
4. Page 2-18: Paragraph one, states that the Housing Choice Voucher program is not currently accepting new applicants, though it WAS accepting applicants the week of 3/21/16. A more correct statement would be "...and accepts applicants periodically during the year, as funds are available." Additionally the paragraph states that the program is closed due to an overwhelming amount of callers requesting assistance, when in reality, the program only accepts applications on-line via their web portal. The City should make sure a representative from the Housing Authority has reviewed this paragraphs, and others where they are mentioned, to ensure factual information is provided.
5. Page 2-19: It is unclear how the City encourages development of subsidized and private multi-family rental units city wide for large families.
6. Page 2-21: Paragraph four states that the City supports application for new farmworker housing within the City. City should provide data on how many applications have been submitted in the previous planning period, and which ones they have supported.
7. Page 2-22: Paragraph two states "Although there are affordable housing programs available, the funding continues to decrease annually." This is not the case these past two years with Cap and Trade funding. This new program should be used to re-write this paragraph.
8. Page 2-22: Last paragraph states that emergency shelters can be located in approximately 14,674 acres of RMX, CG, IL and PI zoned districts. The City should clearly identify the acreage that is available for immediate development, for a more meaningful and factual statement.
9. Page 2-23: Paragraph two, Please explain how the discrepancy between the statement that in 2014 Fresno Unified School district reported over 2,400 homeless schoolchildren, yet the 2015 Point in Time Survey only counted \_\_\_\_ homeless. The discrepancy will call for additional programs and adjustments in this document.
10. Page 2-23: Paragraph six, misspells "First Fresno Steps Home", should say "Fresno First Steps Homes". Also data on this paragraph is 3 years old. Please provide the most current actions taken by this "non-profit", otherwise it is irrelevant for the future planning period, and should be deleted.
11. Page 2-24: "Housing Characteristics". The introductory paragraph in this section is fairly confusing and should be written to clarify the statements, and make them relevant to the Fresno area. Additionally, sentence #2 states "Past housing crises created a huge inventory of

- single-family houses, most of which have been purchased by investors to rent out” – this is an unqualified statement with no data or research to support it, and should be deleted.
12. Page 2-26: Paragraph one states “When the overall vacancy rate decreases, population mobility within an area becomes limited.” This statement should also include the fact that this drives prices up as well.
  13. Page 2-27: Paragraph one states that the City “periodically” operates a housing rehabilitation program. This statement is not true, as the housing rehabilitation program is a permanent annual program. Staff should share this paragraph, along with other paragraphs regarding the Housing Division, with Housing Division staff to ensure accuracy.
  14. Page 2-30: Paragraph two state that the City’s housing rehabilitation program came about as a result of the Housing Quality Survey. This is incorrect, as the program was pre-existing for many years before that. Staff should share this paragraph, along with other paragraphs regarding the Housing Division, with Housing Division staff to ensure accuracy.
  15. Page 2-32: We are very supportive of the following statement, and believe it is good to include it here: “Housing is generally very affordable in Fresno County, relative to the rest of the state.”
  16. Page 3-6: Table 3-3 identifies the South Stadium project will provide 137 extremely and very low-income units, but it is unclear why this project is being used to meet previous plan period RHNA numbers if this project is new and hasn’t been constructed yet.
  17. Page 3-7: “Residential Land Inventory” identifies “Cap and Trade sites”, but these are not identifiable on the Housing Element Sites Maps page located on pages 3-22, nor 3-23.
  18. Page 3-8: Last paragraph, states “For the mixed use designations, residential stand-alone uses are allowed by right...”, this is not true, as a commercial component is demanded on the ground floor of new developments. The City should delete this reference, or amend the Development Code to accurately reflect this statement’s intention.
  19. Page 3-9: Paragraph two states that for downtown and inner city projects, the City will process projects for permitting within an average of 75 working days. This is not an incentive unless set timelines are provided. Citing an undefined “average” will not entice development downtown. How long does the process actually take?
  20. Page 3-10: “Downtown Sites” references densities and planning scenarios for the Downtown Planning area. It also states “In fact, because there will be no density limits for Downtown properties once the new standards are in place, the ....”, it should be made extremely clear that the Downtown Plans have not been approved by Council, nor received public input, nor reviewed by an environmental impact report, therefore there are no facts that can be taken for granted on a non-existing plan. Staff should edit or delete these references.
  21. Page 3-10: Paragraph two states that the City is preparing an environmental impact report for the Downtown Planning Area and New Code development. It is unclear what report is being prepared, as this planning program has not recently included the public in any processes.
  22. Page 3-11: Typo in last paragraph, add “one” as follows: “In Fresno, residential developments on sites of less than [one] acre in size are comment.”
  23. Page 3-11. The last paragraph states the CityView project as achieving 118 units per acres (45 total units). It should be clearly identified as a publicly funded project, which is what made this project work financially.
  24. Page 3-12: Table 3-6 identifies “Cap and Trade Fund Sites” but these are not included in Housing Element Sites Maps located on page 3-22, nor 3-23.

25. Page 3-13: In reference to the "Underutilized Sites" paragraph. It would be more useful to have these sites (53 acres – with potential for 1,526 units) also identified separately on their own map, so that potential applicants can clearly identify them.
26. Page 3-14: The "Fancher Multifamily and Fancher Senior Housing" project incorrectly states that the developer may consider seeking Cap and Trade Funds. This project applied for these funds in 2015.
27. Page 3-14: The City failed to also identify the Blackstone/Clinton Project as a project to potentially seek Cap and Trade Funds. The project should be removed from Infill Project list (Page 3-15), and added here.
28. Page 3-16: The City failed to adequately identify the number of proposed units at 1743 and 1752 L Street. The correct amount is 20 units total for these projects. Blackstone/Clinton can also be considered potential infill here at 48 development units per acre.
29. Page 3-18: DA-4 East is SEGA, but there are no numbers shown for this area.
30. Page 3-28: In regards to the "No Net Loss Provision": How will this program work? Who will determine what is adequate and available"?
31. Page 3-28: The last paragraph states "Full urban-level services are available throughout the City and specifically to each site in the inventory. Such sites are more than adequate for the potential unit yield on this site." Yet the City continuously requires applicants to enlarge roadways, enlarge and repair utilities, add park space. This paragraph is misleading, and should be heavily edited.
32. Page 3-32: Paragraph two states "The City also works closely with other private and non-profit developers to expand affordable housing opportunities in Fresno." This paragraph needs to identify private development that the City has assisted, otherwise delete.
33. Page 4-1: Graphic – Misspelling on the name of the project. Correct spelling is Parc Grove Commons.
34. Page 4-1: The last paragraph was crossed out. It references the government's role in land cost as it relates to Market Constraints. The paragraph should be left in as it correctly establishes these links. By taking it out, the narrative seems to place all "blame" on land costs, when in reality all costs are to blame (City fees, schools, fire stations, streets, etc.)
35. Page 4-3: Paragraph three states that the City is in the process of updating the Analysis of Impediments to Fair Housing Choice. The information on this process has not been available to the general public, and will be impactful on this Housing Element. The City should identify here how the public will be involved, timelines, and goals of this Analysis.
36. Page 4-4: Annexation Paragraph. The entire paragraph is obscure and unclear, and should be rewritten. In addition, the last sentence referencing a "balance" is unclear as to what is needing balancing.
37. Page 4-7: Paragraph three identifies a 2 to 3 month processing timeline for Development Permits, but these haven't been processed before to identify a typical timeline. This sentence needs to be rewritten to clearly identify past timelines, or future timing goals.
38. Page 4-8: Table 4-3 – Tract Maps are subject to appeal, therefore a "1" should be added as a superscript.
39. Page 4-9: The Urban Growth Management paragraph states UGM processes "limits disorganized growth". This statement is subjective, derogatory, subject to personal interpretation and should be deleted.

40. Page 4-12: In regards to “Special permit and Related Planning Application Fees”, Table 4-6. These fees should be compared side by side to fees in place in 2008, and the impact of any increases discussed in this narrative as a disincentive or impediment.
41. Page 4-15: Paragraph one states “The City of Fresno has recently adopted a fee waiver program that applies to mixed use project in economically disadvantaged areas.” What is the name of this program? Does this refer to the program that has been in effect for several years in the downtown neighborhoods?
  - a. Additionally, the narrative should include a map of “economically disadvantaged neighborhoods” to clearly show the impact on meeting RHNA numbers.
42. Page 4-16: We strongly disagree with the statement that Business-Friendly Fresno is easy to follow, customer-focused and straightforward.
43. Page 4-17: Paragraph one states that the City initiated “pre-zoning” as a result of Business Friendly Fresno. That is incorrect, the City would not pre-zone properties in conformance with the Plan, and the statement should be deleted.
44. Page 4-19: Paragraph 3 and 4, typo, repeated the following statement twice “zoning standards for three Downtown districts are in the process of being established and will be in place by mid-2016.” One of these references should be deleted.
45. Page 4-19: The last paragraph references densities and planning scenarios for the Downtown Planning area. It also states “The Downtown zoning standards will contain a residential capacity limit for the area of 9,000 units with unlimited density on Downtown properties” and “There will be no density limits for Downtown properties...”, it should be made extremely clear that the Downtown Plans have not been approved by Council, nor received public input, nor reviewed by an environmental impact report, therefore these statements cannot be made on a non-existing plan. Staff should edit or delete these references.
46. Page 4-20: Paragraph three, again states, that downtown planning areas have a high density. Again, since this area has not been updated via the planning or zoning, this statement should be deleted.
47. Page 4-32: Paragraph two identifies the total cost for replacement of an “at risk” housing unit is estimated to average about \$200,000. The dollar amount is extremely high and should be replaced with a more realistic and Fresno-based amount.
48. Page 4-34: Reference to NOAH – Staff should identify the relevance of this agency, particularly if they have not been active in the Fresno area in the last several years, and the reference should be deleted if applicable.
49. Page 4-34: Staff should include Habitat for Humanity as a viable and important partner in affordable housing development.
50. Page 4-34: Staff should delete the reference to West Fresno Coalition for Economic Development, as they may no longer be active in Fresno.
51. Page 4-36: The reference to Proposition 1C funds, is outdated, and should be deleted if the State no longer utilized this funding mechanism. It should be replaced with a paragraph identify AHSC/Cap and Trade Funds).
52. Page 5-2: Program 1.1.1.c in regards to SEGA – the narrative states that SEGA was implemented, but that is not factual, as it was not included in the General Plan.
53. Page 5-5: Program 2.1.1 in regards to Land Demand – the program identified the need to monitor available land every year. The program performance column should clearly state that

- the City failed to annually monitor this program, as the General Plan was not updated until 6 years later in 2014.
54. Page 5-6: Program 2.1.3 in regards to Housing in the Central Community Plan Area – the program performance states that during the reporting period 9 project were processed. That is incorrect, and should be corrected to include projects that were developed, and units that were built.
  55. Page 5-7: Program 2.1.6 Multi-Family Land Supply and Program 2.6.1a Facilitate the Development of Multi-family Housing Affordable to Lower Income Households – neither of these programs were implemented as stated in the goals. The narrative should clearly state this, and identify why a different program was implemented.
  56. Page 5-9: Program 2.1.8 states “In mixed use districts, residential stand-alone uses are now allowed by right...”, this is not true, as a commercial component is demanded on the ground floor of new developments. The City should delete this reference, or amend the Development Code to accurately reflect this statement’s intention.
  57. Page 5-11: Program 2.1.14, typo should say “...the siting of ~~an~~ single room occupancy...”
  58. Page 5-12: Program 2.1.16 states that six senior housing development received City funding. The narrative should clearly state which of the projects listed in the Program Performance are senior housing projects funded by the city.
  59. Page 5-13: Program 2.1.18 in regards to Inclusionary and Alternative Housing Program from 2008 – the program performance narrative states that the “intent of the program will be folded into a general affordable housing program”. The statement should clearly identify where this “idea” is being folded into, who is drafting this program and when the program will be drafted and implemented.
  60. Page 6-3: Continuation of Program 1 – the narrative has red line changes stating that the total acres of vacant land is changed from 2,942, to the correct number of 4,526, and new units yield changed from 22,698, to the correct number of 36,337, without an explanation as to drastic increase in acreage and units available. Staff should provide some level of explanation as to the increase.
  61. Page 6-3: Program 2 Residential Densities on Identified Sites – “If a proposed reduction of residential density will potentially result in the residential sites inventory failing to accommodate the RHNA, the City will consider an amendment to the Housing Element in order to restore capacity to the sites inventory, before acting on a density reduction.” If there is a program to be developed it should be developed in conjunction with all affected parties so that no applicant is blindsided. So far, the City has not provided any public input into this new “program”. We would like to be included in the development of this process.
  62. Page 6-4: Program 3: Annual Reporting Program. The “Objectives” state that the City will partner with housing advocates and organization to provide annual information...” The City should clearly identify that applicants and developers, and property owners as interested parties, and they should make it a point to have these groups as partners.
  63. Page 6-5: Program 4, Density Bonus Program, states that the City will encourage the use of the State Affordable Housing Density Bonus. The new development code, codifies an Affordable Housing Density Program, and this City program should be referenced here.
  64. Page 6-5: Program 5: Housing Funding Sources, states “The City will also continue to assist Low Income Housing Tax Credit (LIHTC) applications and Affordable Housing and Sustainable



- Communities (AHSC/Cap and Trade applications. While this is commendable, it is unclear what criteria is used by City staff to determine what projects are assisted, thus making it impossible to gauge whether or not an application will be supported.
65. Page 6-5: Program 5: Housing Funding Sources, states that the City is exploring the “development of a Transit Oriented Affordable Housing Loan Fund” but this program has not been discussed with the public, and there has been no information posted in any public meetings. The reference here should be deleted if it is a hypothetical program that has not received public input.
  66. Page 6-7: typo on second bullet point should be edited as follows “Emergency Solutions Shelter Grant”
  67. Page 6-8: Program 8, Homebuyer Assistance, the deletion of “HOME Program”, under funding source seems to be incorrect. It should be re-inserted if it is still a viable funding source, particular as it is listed as a funding source in the PY 2016 Annual Action Plan.
  68. Page 6-8: Program 9, Homeless Assistance, states that here is a 40% decrease in the homeless population. It would be useful to identify what year this is a decrease from. For example, there was a 40% decrease from 2014 count of \_\_\_\_\_.
  69. Page 6-11: Program 13 – Expedited Processing/Business Friendly Fresno, states that the City’s BFF program aligns with “pre-zoning” done by the City. This is not true, the City has not done any pre-zoning, and the narrative should be deleted.
  70. Page 6-12: Program 14 – Development Incentives refers to Ordinance 2015-44 for Fee Waivers, but it has titled the Ordinance wrong. It should be corrected as follows: “Exemption of Development Impact Fees for Certain Projects in Economically Disadvantaged Neighborhoods”, as this is the correct heading/name on the ordinance. Additionally, the narrative should include a map of “economically disadvantaged neighborhoods” to clearly show the impact on meeting RHNA numbers.
  71. Page 6-12: Program 15 – Large and Small Lot Development, states that a Voluntary Parcel Merger Program will go into effect in 2016. This “program” has not been discussed with the public, and there has been no information posted in any public meetings. The reference here should be deleted if it is a hypothetical program that has not received public input.
  72. Page 6-14: Program 18, Policy H-4-f states “Facilitate the removal of existing housing, including illegal, nonconforming, and blighted properties, that poses serious health and safety hazards to residents and adjacent structures.” The City should also “facilitate the removal” of hazardous older/historic homes to facilitate public safety.

**TO: Members of the District 1 Implementation Committee  
Planning Staff: Phillip Siegrist, Sophia Pagoulatos**

**FROM: Patience Milrod**

**DATE: April 7, 2016**

**RE: Comments on Draft Housing Element**

### **Public participation**

The City of Fresno cannot expect better participation (average 6 community members at each of the public meetings) if it expects planning staff to work so far outside their professional wheelhouse, and without necessary specialized resources: messaging targeted to the interests of the multiple “publics” in our diverse Fresno, and delivered through multiple media (e.g. – among many others – radio and television, in English, Spanish and Hmong; print media; notices in community based organizations’ newsletters).

Add to this the lack of a Citizen Advisory Committee (due to time constraints, apparently?), and the public participation effort is inadequate even to inform the citizenry, let alone generate substantive input.

### **Fair housing**

Maps: It would help to see separate map for each development area – it’s impossible to tell with any certainty what units are going where, except in locations where a particular density/affordability type is highly concentrated.

Even without more-readable maps, it’s apparent that this Housing Element is a mechanism for perpetuating and reinforcing racially segregated housing patterns in the City of Fresno. In particular, it places the City’s Housing Element at odds with its HUD-required Analysis of Impediments to Fair Housing (“AI”).

The City could use the AI and its Housing Element, in tandem, to create a coherent fair housing policy that furthers the City’s goals of providing safe and decent housing to all residents, of all income levels, in all areas of the City. This Housing Element fails to acknowledge this challenge, setting up yet another barrier to all residents’ access to neighborhoods of opportunity.

### **Carryover analysis (pages 3-2 to 3-5):**

#### **Problem 1: Does not include shortfall in moderate income housing**

Govt Code § 65584.09, subd. (a) says:

“if a city or county in the prior planning period failed to identify or make available adequate sites to accommodate that portion of the regional housing need allocated pursuant to Section 65584, then the city or county shall, within the first year of the planning period of the new housing element, zone or rezone *adequate sites to accommodate the unaccommodated portion* of the regional housing need allocation from the prior planning period.”

Govt Code § 65584, subd. (a)(1), requires HCD to “determine the existing and projected need for housing” for each region, and to calculate a city’s or county’s fair share of the regional housing need to “include that share of the housing need of persons at *all income levels* within the area significantly affected by the general plan of the city or county.”

The Housing Element (p.3-4) misstates the statutory requirement:

“If a jurisdiction failed to make adequate sites available to accommodate the RHNA in the previous planning period, AB 1233 (Government Code Section 65584.09) requires the jurisdiction to identify and if necessary rezone sites in the first year of the current planning period to address the unaccommodated *lower-income* RHNA from the previous planning period.”

Nowhere does the Government Code suggest that the only carryover would be for “lower-income RHNA” units. In fact, Fresno’s Housing Element fails entirely to address the shortfall of moderate income housing units permitted over the past 8 years. What this number is supposed to be is unclear to me – see Problem 2.

**Problem 2: The numbers make no sense**

Table 3-1 sets out the *current* RHNA; Table 3-2 deducts credits for units developed during 2013, with a “Remaining RHNA” figure for each income level at the bottom of the table. Measurement is in *units*.

Then, on pages 3-3 to 3-5, the Housing Element calculates previous RHNA obligations (Table 3-3) and what’s left over (“Unaccommodated 2008 RHNA Obligation.”)

Conclusion is that there are 3,515 unaccommodated units for “lower income” families

BUT –

First – not clear where the 3,515 number comes from

Second – there was a shortfall of 3,574 units for moderate-income families, completely ignored in the unaccommodated units calculation – which means the Total RHNA is that many units short

**Problem 3: No reduction in above-moderate units in carryover analysis**

Between 2006 and 2014 the City entitled 17,680 above-moderate income units, 192% of those actually needed. However the carryover analysis does not reduce the number of above-moderate income units required for this Housing Element period. At some point, the City’s consistently disproportionate approval of above-moderate projects, without incorporating any kind of inclusionary housing requirement, creates unlawful inconsistency with the Housing Element/General Plan, and becomes a structural barrier to all residents’ access to neighborhoods of opportunity.