

Attachment D
Public Comments

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 commentors. The far right column directs the reader to the appropriate section in the Revised Public Draft of the Housing Element Amendment. Redline text indicates changes made after public comment period in January 2017; redline text with yellow highlighting indicates additional revisions made in March 2017.

#	Ch.	Comment	Name	Date	Response	HE Change (Y/N)	HOUSING ELEMENT AMENDMENT REVISIONS/NEW LANGUAGE PROPOSED
1	6	Program 1: More parcels throughout the city should be rezoned to meet the requirements of the carryover so that affordable housing isn't concentrated downtown, but diffused throughout the city.	Ashley Werner, Leadership Counsel for Justice and Accountability	12/6/2016	<p>The City's sites inventory includes available housing sites throughout the City. The sites inventory identifies vacant and underutilized land -- due to the availability of vacant or underutilized land in specific portions of the City, some neighborhoods or areas may have more or less housing sites.</p> <p>The 2008-2013 (roll over) sites inventory identified capacity for 5,541 units, 5,491 of which are on sites suitable for development of lower-income housing, located within the Downtown area. The 2013-2023 sites inventory indicates a capacity for 34,983 units, 15,648 of which occur on sites suitable for development of lower-income housing, almost entirely located outside of downtown. The City has identified parcels throughout the city at higher densities to meet the RHNA -- the sites located outside of downtown largely accommodate the 2016-2014 cycle sites due to both restrictions placed on the "rollover" sites and General Plan goals for revitalizing downtown (including increasing housing opportunities downtown). Additionally, higher-density sites in the core areas and along transit routes corresponds with General Plan policy to encourage transit-oriented, compact development and revitalization efforts in older parts of the City. Incentivizing new residential development, expanding transit options, stimulating economic development, and business and job creation will contribute to a higher-quality of life for existing and future residents of the City's core areas.</p>	N	
2	6	Program 27: The City should explore best practices for how to target areas for voucher education. Consider areas with high performing schools, or areas with high Area Median Income	Ashley Werner, Leadership Counsel for Justice and Accountability	12/6/2016	See Chapter 6 - Housing Plan, Program 27. This program was modified in the Revised Draft Housing Element Amendment and increases efforts to target areas for voucher education.	Y	<p>Add to last bullet of Program 27:</p> <ul style="list-style-type: none"> Work with the Fresno Housing Authority to assist households in using vouchers to rent in higher-opportunity areas and to identify landlords who are willing to accept vouchers in communities where vouchers are infrequently used. <u>Develop a recommendation of best practices to target areas for voucher education, such as areas with high-performing schools or areas with high Area Median Income, as well as areas near jobs and transit.</u>
3		How do Tiny Houses fit into the discussion of affordable housing?	Paul Jackson, Fresno Homeless Advocates	12/6/2016	Tiny Houses are allowed by the Development Code (Tiny House Development Code 15-2754 E.2., 15-6802 Definitions). They are discussed in the Housing Element under Secondary Dwelling Units (on pages 4-21 and 4-22). Only one tiny house, second unit, backyard cottage or accessory living quarters may be permitted on any one lot.	N	
4		We should maintain rooming houses as a housing option Downtown	Paul Jackson, Fresno Homeless Advocates	12/6/2016	Rooming houses are addressed in Chapter 4 (page 4-23) of the Housing Element. Rooming houses are a permitted use Downtown, and remain a viable housing option in Downtown.	N	

5		The City has not done enough to advertise secondary dwelling units (mother-in-law or granny flats) as viable option. The City of Reedley could be a good model for this.	Paul Jackson, Fresno Homeless Advocates	12/6/2016	Secondary dwelling units (also called second dwelling units, accessory dwelling units) are allowed as an accessory use to single-unit dwellings in Fresno, consistent with the Government Code Section 65852.2., and are discussed in the Housing Element (pages 4-21- 22). A new program has been added pertaining to second units. See Chapter 6 - Housing Plan, Program 16A. This new program ensures compliance with new state laws and encourages second units.	Y	<p><i>(New Program)</i></p> <p><u>Program 16A: State Laws Related to Housing Development</u> <u>As part of an ongoing effort to ensure compliance with emerging state laws, the City will identify appropriate revisions to the City's Development Code and present them for consideration consistent with FMC procedures. As part of this effort, the City will also work to increase awareness of standards that allow second dwelling units, backyard cottages, tiny houses and accessory living quarters by providing written information at the City's planning counter and on the City's website.</u></p> <p><u>Responsibility: Development and Resources Management Department, Planning Division</u> <u>Funding Source: General Fund</u></p> <p><u>Timeframe/Objective: Review Development Code for compliance with State laws by May, 2017. If needed, present to the City Council for consideration of any amendments or revisions required by September 2017. Provide written information on the City's development standards related to second dwelling units at the City's Planning and Land Use Division counter and on the City's website by January 2018.</u></p>
6	6	Program 10A: The best way to reach mobile home communities would be best done by going to mobile home clubhouses	Paul Jackson, Fresno Homeless Advocates	12/6/2016	See Chapter 6 - Housing Plan, Program 10A, which was modified to increase outreach to mobile home park communities.	Y	<p><u>Add to second bullet of Program 10A:</u></p> <p><u>Conduct outreach to mobile home residents and park owners regarding potential funding sources, including the State's Mobilehome Park Rehabilitation and Ownership Program. Outreach may be facilitated by going to mobile home clubhouses and posting information in readily visible locations. Conduct and publish an assessment of housing-related needs in mobile home parks through communications with residents and owners, identifying city, state, federal, and private resources available to address those needs.</u></p>
7	6	Program 27: The City should focus on voucher education in areas near commercial centers, so that young people in households that use vouchers can have access to retail jobs.	Paul Jackson, Fresno Homeless Advocates	12/6/2016	See Chapter 6 - Housing Plan, Program 27, which was modified to increase voucher education efforts. See also response to Comment #2 above.	Y	(See Comment #2)

8		The public participation process for the Housing Element Amendment is insufficient. Information about public participation events was not sent with enough notice, used technical terms that the general public would not understand, and was only in email format. In order to comply with the Government Code, the City must modify and supplement its efforts to inform the public about potential public input opportunities. The city should use local foreign language media (ex. Univision, Hmong Radio, Radio Bilingue), reach out to local stakeholders, and hold public meeting in conjunction with other school events to encourage participation.	Ashley Werner, Leadership Counsel for Justice and Accountability	12/7/2016	Government Code Section 65583(c)(8) requires that the city make a diligent effort to encourage public participation. See Chapter 1, Introduction pages 1-10 - 1-11 (redline) and Appendix A for a complete description of the outreach process and methods employed for the Housing Element Amendment, which included trilingual (Spanish, Hmong and English) flyers distributed to 8 schools in lower income neighborhoods, notice to the Fresno Bee and Vida en el Valle newspapers, on the City's website and social media page, all public libraries, on foreign language radio stations (Hmong Radio and Radio Bilingue) and presented at the City's Housing and Community Development Commission and Planning Commission. The notice was also emailed to approximately 500 advocates, stakeholders and interested persons, and stakeholders were called to advise them of the meeting. The draft Amendment was available for 30 days for public review between December and January. Future public comment opportunities will be available at a Planning Commission Workshop (February 1, 2017) and a Housing and Community Development Commission Workshop (February 8, 2017) to address revisions based on the City's public outreach efforts. Additionally future hearings are anticipated following HCD's review of the Draft Amendment. The City's public participation activities associated with the Housing Element update process and amendment are presented in detail in Chapter 1: Introduction of the Housing Element (which includes updated information) and in Appendix A in the Housing Element.	Y	Workshop notices were published in the Fresno Bee in three languages and in the Vida en el Valle weekly newspaper in Spanish. Additionally, the meeting flyer was distributed to eight schools in lower-income neighborhoods, emailed to 500 stakeholders, posted on the City's webpage (www.fresno.gov/housingelement) and social media page, posted at all Fresno public libraries. The City used local foreign language media (Hmong Radio and Radio Bilingue) to further advertise the workshops and encourage participation from local stakeholders. Information about the amendment was presented at the City's Housing & Community Development Commission, Planning Commission, and City Council. Subsequent to local review and receipt of public comments, the Housing Element was further refined. The revised Amendment will be reviewed at a February 1, 2017 Planning Commission Workshop and a February 8, 2017 Housing & Community Development Commission Workshop. The draft Housing Element Amendment will be submitted to HCD for that agency's review and comment. Public hearings on the Housing Element Amendment are anticipated in spring 2017.
9		The Housing Element Amendment should allow public comment and input in all areas of the 2015-2023 Housing Element.	Ashley Werner, Leadership Counsel for Justice and Accountability	12/7/2016	The State HCD has reviewed the City's adopted Housing Element and provided comments and recommended revisions relevant to State housing element law. The Amendment is formulated to follow the recommendations from HCD; however, all public comments are considered as part of this process. Comments on topics outside of the scope of the Housing Element will be considered as public comment, and forwarded to relevant stakeholders/departments.	N	
10		Letter on the Housing Element Law adequate sites requirements and the Downtown Development Code	Ashley Werner, Leadership Counsel for Justice and Accountability	10/19/2016	Comments in this 10-19-16 letter were previously addressed during the Downtown Development Code adoption process.	N	
11		Letter on the adoption of the 2015-2023 Housing Element	Ashley Werner, Leadership Counsel for Justice and Accountability	7/7/2016	Comments in this 7-7-16 letter were previously addressed during the Housing Element adoption process.	N	
12		The community was not able to give meaningful input both in the Housing Element Amendment and the Housing Element itself. Planning the Southwest should be better integrated in the neighborhood, that community members be given more input, and that plans connect to the people within the planning area. Federal statute says the community must be involved in the planning process, however this amendment is already developed and staff is asking for input after the fact. When will the City come out to the community and plan with them?	Brunette Harris, Southwest Fresno H.E.A.T.	12/14/2016	See response to Comment #8 above.	Y	(See Comment #8)
13	6	Program 27: Will the proposed General Plan Implementation Task Force be given the authority to assess whether or not specific projects are meeting the intent of the General Plan?	Jeff Roberts, Granville Homes	12/14/2016	The General Plan Implementation Task Force will oversee the implementation of policies and programs in the General Plan. It will not make recommendations on individual entitlement requests. Review of individual entitlement requests will remain under the purview of the Development and Resource Management Department and will follow current procedures.	N	

14	3	Figure 3.1 says that this amendment does not propose any zoning changes, please clarify this language so that it cannot be interpreted to read that no one can change the zoning in these sites	Jeff Roberts, Granville Homes	12/14/2016	There are no required rezonings as part of the Housing Element Amendment. For clarification, see Figure 3-1 revised language.	Y	Revised language on Figure 3.1: No land use or zoning changes are proposed as part of the 2015-2023 Housing Element update. Sites inventory does not propose zone changes or land use changes as part of the inventory represented on this map (i.e. existing zoning is reflected).
15		What happens if we run into a situation where a plan amendment is necessary to avoid the city being in a net loss for their housing? Who would pay for the plan amendment?	Jeff Roberts, Granville Homes	12/14/2016	The Housing Element site inventory (for 2013-2023) includes a surplus of 11,736 units above the assigned RHNA units across various affordability categories. Program 2 in the Housing Plan directs the City of Fresno to evaluate residential development proposals for consistency with goals and policies of the General Plan and both (2008-2013 and 2013-2023) Housing Element Sites Inventories, and make written findings that any density reduction is consistent with the General Plan and that the remaining sites identified in the Housing Element are adequate to accommodate the RHNA. So long as the residential sites inventory continues to exceed the City's RHNA, the City will make the necessary written findings regarding an individual project or site's reduction and consistency with the General Plan. Overall, Fresno has the ability to adequately accommodate, and significantly exceed, the current 2013-2023 RHNA. In the event that the City no longer has a surplus of RHNA units, any developer that submits a plan that causes the City to have a net loss of RHNA units would be responsible for funding a Housing Element amendment to ensure that the City can continue to accommodate the remaining RHNA.	N	
16	6	Program 1: Why is the Downtown the only area for the Rollover?	Debra McKenzie, HCDC	12/14/2016	See Response to Comment #1 above.	N	
17	6	Program 1: Concerned that the rollover sites would negatively impact areas of concentrated poverty in the downtown.	Barbara Fiske, HCDC	12/14/2016	The General Plan, Development Code, and Housing Element represent a strong commitment to Downtown and major corridor revitalization. Revitalization will be largely facilitated by increased opportunities to develop new vibrant uses and housing in underutilized spaces. The Housing Element identifies sites that would allow 6,058 units in downtown, in addition to the 15,081 units outside of downtown (throughout the remainder of the City) to accommodate the lower-income RHNA for both the 2008 and 2013 planning periods. In 2016, the City of Fresno adopted the Downtown Neighborhoods Community Plan which establishes a vision for revitalization of the Downtown based on input from property owners and residents, addresses conflicting issues in the City's land use plans and codes to make that vision possible, and prioritizes the City's actions for implementing the plan. It is a visionary document that lays out the community's long-term goals for the Community Plan Area and provides detailed policies concerning a wide range of topics, including land use and development, transportation, the public realm of streets and parks, infrastructure, historic resources, and health and wellness. The Plan's implementation chapter includes a list of Implementation Projects, which are the critical physical improvements and City-sponsored programs for prioritizing public investment in the Downtown Community Plan Area. The Housing Element proposes no changes to the Downtown Neighborhoods Community Plan nor any land use changes in the Downtown or other areas -- the sites inventory simply identifies sites that are vacant or underutilized and may be (re)developed based on adopted land use and development policies.	N	
18	6	Program 10A: What exactly would the city be doing in the Mobile Home Conservation Program? The City should look at what the city of Clovis is doing.	Marina Harutyunyan, HCDC	12/14/2016	The City recognizes that mobile home parks represent a source of unsubsidized affordable housing in the city. The role of the City is to act as an information bridge, as possible, between park owners, residents, managers and the state, which enforces the Mobilehome Parks Act and the Special Occupancy Parks Act. The City of Clovis runs a Mobile Home Rehabilitation and Replacement Loan Program for owner-occupied mobile homes that is funded through CalHome grant money. The City of Fresno will continue to support outreach efforts and encourages mobile home park preservation efforts. (See also response to comment #6).	N	

19	2	Special Housing Needs: In the analysis of Housing needs, Leadership Counsel would like the City to address more than the examples provided by the state but to include undocumented workers as a population with unique needs/challenges	Ashley Werner, Leadership Counsel for Justice and Accountability	12/14/2016	<p>Consistent with State Housing Element law, the Housing Element addresses the needs of lower income residents, homeless persons, and farmworkers, which may include some undocumented persons within these special needs groups. Quantification and identification of undocumented residents is a challenging task (undocumented residents are hard to count as persons who are not legally documented are understandably reluctant to disclose their status to officials), and largely beyond the scope of the Housing Element. In 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. The City recognizes that many special needs residents, which may also include undocumented residents, may also be non-English speakers. The City endeavors to reach all special needs groups through increased use of multilingual advertising for all housing-related issues. Program 3 (Annual Reporting Program) is modified to clarify the City's intent to include multilingual outreach efforts for housing planning. (See also response to comment #8).</p>	Y	<p>Add to Program 3 Objectives:</p> <p>Utilize multiple methods of outreach to engage all members of the Fresno community, including multilingual notices and media outlets.</p>
20	6	Program 27: Leadership Counsel is concerned that a strong element was eliminated from the Housing Element ("Establish written priorities and procedures that ensure that infrastructure and public services provisions and code enforcement activities are prioritized for high need areas. Prioritize basic infrastructure improvements like water, sewer, and street lights in high need communities. Create a list of infrastructure and public service needs in high need areas and potential strategies for addressing those needs")	Ashley Werner, Leadership Counsel for Justice and Accountability	12/14/2016	<p>The City of Fresno has been active in addressing infrastructure in high need areas. The City of Fresno Department of Public Utilities has established procedures that ensure water and sewer services are to be provided as a priority for developments that include units affordable to lower-income households.</p> <p>Through the CDBG funded efforts, the City of Fresno funds infrastructure improvements and public facility needs. Overall, the CDBG program for 2015-2019 estimates that \$11.9 million will be used on public facility or infrastructure activities in low and moderate income areas (City of Fresno 2015-2019 Consolidated Plan).</p> <p>In 2016, the City of Fresno adopted the Downtown Neighborhoods Community Plan, which establishes a vision for revitalization of the Community Plan Area based on input from property owners and residents, addresses conflicting issues in the City's land use plans and codes to make that vision possible, and prioritizes the City's actions for implementing the plan. The Plan's implementation chapter includes a list of Implementation Projects, which are the critical physical improvements and City-sponsored programs for prioritizing public investment in the Downtown Community Plan Area.</p> <p>The Fresno Department of Public Works is also establishing procedures and criteria for prioritization of bike and pedestrian infrastructure improvements as part of their Active Transportation Program. Included in the plan is priority for areas with disadvantaged census tracts and areas with high population density.</p> <p>Program 27 indicates that the City will actively seek resources for disadvantaged communities throughout the City and directs the City to continue implementing the written policies and procedures that the City of Fresno Department of Public Utilities has established that ensure water and sewer services are to be provided as a priority for developments that include units affordable to lower-income households. The Program also proposes strategies to address infrastructure deficiencies in disadvantaged communities, including establishing a General Plan Implementation Committee to continue to refine and review City policy and practice to ensure investments and policies are furthering the goals of the General Plan. Additional information has also been added to Program 27 to clarify objectives pertaining to infrastructure prioritization.</p>	Y	<p>Add to Program 27 Objectives and Timeframe:</p> <p>Track infrastructure projects in the City to assess the distribution of projects in the different areas of the City. Seek out funding to address infrastructure and public service deficiencies in high-need areas. As funding sources allow, prioritize basic infrastructure improvements including water, sewer, and street lights in high-need communities.</p> <p>Timeframe/Objective: Review location of infrastructure projects annually and identify high need, deficient areas for infrastructure prioritization by December 2017.</p>

21	Concerned about rising poverty in areas of the city, and that people are being left out because they sometimes do not qualify as "low income." It is tough to have the necessary paperwork to participate in aid programs.	Adela Rodriguez	12/14/2016	Comment noted. Housing aid programs are under the jurisdiction of the Housing Authority; this comment will be forwarded to them for consideration.	N	
22	Asked the city to honor its promise to provide safe communities. Make parking lots in apartment complexes include green areas and make them safe for children.	Adela Rodriguez	12/14/2016	Comment noted. The Development Code requires onsite open space areas for all multi-family developments. The comment will also be forwarded to the City of Fresno Police Department for consideration. (See also response to Comment #23 below, which discusses the City's forthcoming rental inspection program).	N	
23	Poor communities suffer from expensive housing in poor conditions. If people complain about conditions, landlords increase the rent.	Estela Ortega	12/14/2016	<p>The City launched a Mayor/City Council Code Enforcement Task Force in September 2014 to review existing codes in relation to the Fresno General Plan; evaluate current Code Enforcement processes and procedures; and make specific recommendations for improvements, including division structure, case prioritization, technological and legal tools, and fee structures that the City can implement.</p> <p>Through this Task Force, the City is also in the process of considering a residential rental inspection program to proactively ensure rental housing units in the City of Fresno meet minimum health and safety standards and are safe to occupy. The City is considering this proactive approach to comprehensively and systematically improve the quality of rental housing stock in the City of Fresno. Mayor Swearingin's proposal was considered by the City Council on December 8, 2016 and was continued to February of 2017, under the direction of newly elected Mayor Brand.</p> <p>Furthermore, the City has recently adopted a new Blighted Vacant Building Ordinance that include a number of changes that will improve the quality of housing stock available to rent and/or own by low income residents. The Blighted Vacant Building Ordinance is intended to compliment other recently adopted programs such as the City's Code Lien Waiver Program, which incentivizes reinvestment in older neighborhoods by waiving code liens for developers who agree to correct the deficiencies within a specified period of time.</p>	Y	<p><i>Add to Programs 20 and 27 Objectives and Timeframe:</i></p> <p><u>As recommended by the Mayor/City Council Task Force, consider a residential rental inspection program to proactively ensure rental housing units in the City of Fresno meet minimum health and safety standards and are safe to occupy.</u></p> <p><u>Timeframe/Objective: Establish a residential rental inspection program by December 2017.</u></p>
24	The Addams community is the most neglected, people in the neighborhood feel discriminated against. There are many basic needs they do not have. Please make sure new affordable houses are done better than current ones. Would like the city to not mix uses, businesses next to houses.	Maria Guzman	12/14/2016	New development is required to comply with the City's Development Code and California Building Codes to ensure health and safety is maintained. The City of Fresno Development Code includes mixed use zoning districts where a variety of land uses are allowed, with the intent of building a comprehensive neighborhood environment where residents can meet their daily shopping and service needs nearby residences. The allowable land uses within mixed use districts have been chosen intentionally to ensure compatibility. Furthermore, Article 25 of the Development Code establishes performance standards to limit any dangerous, injurious, or noxious conditions, chemical fires, explosive, blight, or other hazards that could adversely affect the surrounding area.	N	
25	The Addams neighborhood needs better infrastructure. The neighborhood lack sidewalks, and people with disabilities and children are walking in the street. The neighborhood needs more lighting and drainage. Unhappy that residents are being asked to pay for new drainage.	Maria Guzman	12/14/2016	See Response to Comment #20 and #23.	Y	(See Comment #20 and #23)

26		The Addams neighborhood also needs parks and a library.	Maria Guzman	12/14/2016	Comment noted. This issue is under the jurisdiction of Parks, After School, Recreation and Community Services Department and will be forwarded to them for consideration as part of the Parks Master Plan process currently underway. More details about parkland provision and distribution can be found in the City's General Plan. One of the goals of the City of Fresno General Plan Parks, Open Space, and Schools Element is to "provide an expanded, high quality and diversified park system, allowing for varied recreational opportunities for the entire Fresno community". The Element outlines strategies to meet both future and existing needs for parks particularly in deficient areas.	N	
27		There is only one school in the Addams neighborhood. 900 students are served by a cafeteria that can only hold 250 people. Would like the City to step in about the overcrowding. Additionally truck traffic in front of the school is a concern.	Maria Guzman		Comment noted. This issue is under the jurisdiction of the Fresno Unified School District and will be forwarded to them for consideration.	N	
28		The City should extend the public comment period because most of the comment period was over the holidays.	Letter signed by 27 residents	1/13/2017	See Response to Comment #8 above.	Y	(See Comment #8)
29		The City should reach out to parents who participate in school councils and coffee hours to solicit information from the public.	Letter signed by 27 residents	1/13/2017			
30	2	Special Housing Needs: The Housing Element does not recognize barriers that non-legal immigrants (undocumented immigrants) have. The Housing Element should analyze the needs of undocumented people.	Letter signed by 27 residents	1/13/2017	See Response to Comment #19 above.	Y	(See Comment #19)
31	2	Special Housing Needs: To the extent possible, the city should open all housing assistance programs to undocumented persons. People who lack citizenship or a social security number cannot benefit from almost all the housing assistance programs that exist in Fresno	Letter signed by 27 residents	1/13/2017	Housing aid programs are under the jurisdiction of the Housing Authority; this comment will be forwarded to them for consideration. See also response to Comment #19 above.	N	
32	2	Special Housing Needs: Create an assistance program to help people with[out] documentation purchase homes; including help with the down payment and low interest loans. Previously, there was a program like this for people with an ITIN number, but it was eliminated.	Letter signed by 27 residents	1/13/2017	Housing aid programs are under the jurisdiction of the Housing Authority; this comment will be forwarded to them for consideration. See also response to Comment #19 above.	N	
33	2	Special Housing Needs: Eliminate the City of Fresno's requirement that people without a social security card pay a deposit to receive water service.	Letter signed by 27 residents	1/13/2017	Comment noted. This issue is under the jurisdiction of the Department of Public Utilities and will be forwarded to them for consideration.	N	
34		We recommend that <i>clear</i> commitments should be included to create opportunities for housing at affordable prices on all sides of the city.	Letter signed by 27 residents	1/13/2017	The Housing Element includes clear goals, policies, and objectives to assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households (See Chapter 6, Housing Plan). The Housing Element also identifies sites that would allow for the development of 41,524 units all over the City (in both the current and roll over sites inventory). The sites identified provide for a range of densities that can accommodate housing at all price levels. Program 27 calls for expanded affordable housing opportunities and seeks resources for disadvantaged communities throughout the City. This includes, but is not limited to, Development and Resource Management Department facilitation and streamlining of owner-initiated zoning and General Plan land use amendments that expand affordable housing opportunities outside of low- and moderate-income areas, for Council consideration, consistent with FMC procedures.	Y	<p><i>Program 27 is clarified as follows:</i></p> <ul style="list-style-type: none"> Expand affordable housing opportunities that prevent the concentration of single-family and multifamily dwelling units affordable to low- and moderate-income households. This includes, but is not limited to, Development and Resource Management Department facilitation and streamlining owner-initiated zoning and General Plan land use amendments that expand affordable housing opportunities outside of low- and moderate-income areas, for Council consideration, consistent with FMC procedures.
35	6	Program 27: Re-introduce the program that analyzes and prioritizes eliminating barriers to infrastructure that was removed from Program 27.	Letter signed by 27 residents	1/13/2017	See Response to Comments #20 and #23.	Y	(See Comment #20 and #23)

36		The City should not allow or place businesses that do harm within neighborhoods, including recycling facilities that emit pollution and generate truck traffic. There are many facilities already in neighborhoods in South Fresno that harm the quality of life. Zoning should be changed to not allow more of these facilities to be located in our neighborhoods.	Letter signed by 27 residents	1/13/2017	New development is required to comply with the City's Development Code and California Building Codes to ensure health and safety is maintained. New recycling facilities are not allowed in residential zone districts.	N	
37		The City should make and implement the industrial compatibility study it promised to make as soon as possible to make a plan to eliminate industrial facilities conflicting with neighborhoods and the wellbeing of the community. The Housing Element should include a commitment to do this study within a year and implement it immediately.	Letter signed by 27 residents	1/13/2017	The City has allocated funding for an Industrial Compatibility Assessment to identify industrial and residential adjacencies and ways to buffer such uses. The City plans to release an RFP to begin the study process in Spring 2017.	N	
38	6	Program 10A: The Housing Element should include clear commitments from the City that it will take action to help with maintenance of the rent and utilities for the mobile homes. Program 10A only contains commitments from the City to give information to others about resources that exist.	Letter signed by 27 residents	1/13/2017	The City has a Mobilehome Park Rent Review and Stabilization Ordinance (Chapter 12, Article 20) to protect mobilehome park residents from excessive rent increases while at the same time providing mobilehome park owners a level of rent sufficient to provide a just, fair and reasonable return on their investment in mobilehome park property and to cover increased costs of repairs, maintenance, rehabilitation, capital improvements, services, amenities, upkeep and insurance.	N	
39	6	Program 10A: The Housing Element should include policies to protect tenants from mobile homes and/or the land under their mobile home against rent price increases, including a rent control program.	Letter signed by 27 residents	1/13/2017		N	
40	6	Program 10A: The Housing Element should include programs to help with the remodeling of mobile homes and help with the purchase of land where mobile homes are parked.	Letter signed by 27 residents	1/13/2017	See also Response to Comment #6.	N	
41		The City's public process is insufficient. There was insufficient notice before the public workshops and the public material used technical language	Familias Addams	1/13/2017	See response to Comment #8 above.	Y	(See Comment #8)
42		The City's previous public outreach for the adoption of the Housing Element cannot be counted as part of the public outreach for the Housing Element Amendment	Familias Addams	1/13/2017	See response to Comment #8 above.	Y	(See Comment #8)
43		The City fell short of state law by releasing a draft housing element amendment prior to the completion of public workshops for the amendment	Familias Addams	1/13/2017	See response to Comment #8 above.	Y	(See Comment #8)
44		The City impeded public participation by releasing the Draft for 30-day public comment during the holidays, December 13 to January 13. When asked by HCDC Commissioner Barbara Fiske if staff could extend the public comment, staff indicated that they would not but that public hearings would be held in March. The City's actions and statements directly conflict with the direction provided by the HCD that the City must make "meaningful opportunities for input, beyond testimony at a public hearing" available for residents.	Familias Addams	1/13/2017	See response to Comment #8 above.	Y	(See Comment #8)
45	6	Program 1: The City reduced the HCD carry-over calculation by taking credit for affordable housing permitted or constructed during the last planning period without identifying the development projects by name or location. For approximately 738 units of affordable housing the City provides no information about the projects. Simply referring to the Annual Progress Reports for the years indicated on Table 3-4 does not provide adequate information for the public or HCD to verify these units can be credited against the City's carry-over obligation.	Familias Addams	1/13/2017	The roll over inventory has been corrected after further review by staff of these calculations.	Y	Table 3-4: Credit Towards the Unaccommodated 2008-2013 RHNA in Chapter 3: Land for Housing has been edited.

46		<p>There are errors in the number of units the City takes credit for (for the years 2013-2015), including Fultonia West. For 2013 the draft element includes Fultonia West as having 34 units affordable for extremely-low or very-low income and 10 units available for low income household and one unit affordable to moderate income households. The corresponding 2013 Annual Progress Report lists Fultonia West as including 13 units affordable for low-income and 19 units affordable for moderate income households. This error and any others must be corrected in order to determine whether the City can reduce its carry-over from HCD's 6,476.</p>	Familias Addams	1/13/2017	<p>The discrepancies between the HCD Annual Reports and the income categories reported in Table 3-4 of the Housing Element Amendment are due to a change in the project scope. The developer of Fultonia West (541-545 N. Fulton St) originally proposed the number of affordable units listed in the 2013 Annual Report (32 units, with 13 Low-Income and 19 Moderate-Income units). However, since the project was still not fully funded, the developer brought on a partner to fund the project shortfall. The partner funded the balance and decided to increase the scope of the project to a two-site scattered site project (Fultonia West and Cedar Heights), resulting in an increase in the number of affordable units. The income categories reported in Table 3-4 of the Housing Element Amendment for Fultonia West/Cedar Heights (45 units, of which 34 are Very Low-Income units, 10 are Low Income units, and 1 is a Moderate-Income unit) reflect the accurate project income categories.</p>	N	
47	B	<p>A review of Appendix B-3 indicates that there are at least 7 parcels in the carry-over inventory that have a capacity for less than 16 units per acre, no site with a capacity of less than 16 units per acre can be used to accommodate the unmet housing need from the prior planning period. No exceptions exist in the statute to including sites with a smaller capacity.</p>	Familias Addams	1/13/2017	<p>Pursuant to HCD guidance, in the Housing Element, a "site" can be a stand-alone parcel or a group of contiguous lots considered together. However, Housing Element law requires that a <i>parcel specific</i> listing be included in the Housing Element (Appendix B). Seven parcels in the sites inventory have a <i>stand-alone parcel</i> capacity of fewer than 16 units. The parcels were only included because they are adjacent to other parcels in the sites inventory and together comprise one contiguous "site". Sites with a capacity of less than 16 units as stand-alone parcels were not included in the inventory. Furthermore, the roll over sites inventory (2008-2013) includes a surplus of 832 units.</p>	N	
48		<p>Government Code Section 65583.2(h) requires that the City identify sites to meet its carry-over need where <i>only</i> projects meeting the requirement established by that section are permitted. The Downtown Development Code does not meet this standard because it does not <i>require</i> development projects to satisfy the standards contained in section 65583.2(h) on the sites identified but <i>allows</i> them to proceed with zone clearance if they do. The distinction is significant: the Government Code requires that the City identify sites where projects must meet the minimum density and development standards and may proceed only subject to a zone clearance in order to ensure that projects that proceed on those sites in fact address the city's unmet need for housing for lower-income residents from the prior planning period.</p>	Familias Addams	1/13/2017	<p>As part of the amendment drafting process, the City reviewed the approach to addressing the roll over RHNA in the Downtown area with HCD staff who indicated that the zone clearance process and locating roll over sites in Downtown was a reasonable approach. The General Plan envisions Downtown as a complete neighborhood, offering job opportunities, services, and retail, as well as residential uses. The Downtown Development Code aims to revitalize the City's Downtown with residential development and employment generating uses. The zone clearance process allows for ministerial review of residential developments, an incentive that is not afforded to commercial developments. This ministerial review is not subject to CEQA and therefore removes a constraint to residential development, thus offering a further incentive for the development of affordable housing. A review of development trends in Downtown indicates that there is a high demand for residential development, which has resulted in developments that emphasize residential development over exclusively non-residential developments. The roll over site inventory (for 2008) includes a surplus of 832 units that allows the City to maintain adequate sites for the roll over.</p> <p>The City has included a monitoring program (Program 2: Residential Densities on Identified Sites) that further ensures adequate sites are maintained. Program 2 directs the City to evaluate residential development proposals for consistency with goals and policies of the General Plan and both (2008-2013 and 2013-2023) Housing Element Sites Inventories, and make written findings that any density reduction is consistent with the General Plan and that the remaining sites identified in the Housing Element are adequate to accommodate the RHNA. If a proposed reduction of residential density on a site identified in either of the above Housing Element Sites Inventories will result in that residential sites inventory failing to accommodate its respective RHNA, the City shall approve an amendment to the corresponding inventory in the Housing Element in order to restore capacity to the sites inventory, before acting on a density reduction.</p>	N	

49	<p>The City's recent modifications increasing permitted densities and height limits in the downtown area are a recent change and there is no development pattern for the City to rely on to support the estimated capacity included for the sites on the carry-over inventory (Appendix B-2). Table 3-9 (on page 3-24 and 3-25) gives examples of affordable housing in the past that has a build out averaging 18.9 units to a floor in a 2 to 3 story development, but there is no equivalent track record for the new height limits. Assuming that all projects that -can-build out at 10 to 15 stories will do is speculative and not an adequate analysis to support the capacity included in the inventory.</p>	Familias Addams	1/13/2017	<p>Consistent with State HCD Guidelines, the Housing Element included a methodology for determining realistic capacity on Downtown sites based on the new Downtown Development Code (DDC). To establish a realistic capacity for the Downtown sites, the City analyzed development trends within Downtown Fresno for residential projects over the past eight years, as well as currently proposed projects. The development trends presented in the Housing Element show that there is interest in redevelopment and revitalization, with a high demand for residential development, which has resulted in developments that emphasize residential development over exclusively non-residential developments. The development standards in the Downtown area are new and allow a substantial increase in height limits and development capacities, and thus development assumptions are conservative.</p> <p>Prior to release of the draft Housing Element Amendment, the realistic capacity methodology was discussed with the California Department of Housing and Community Development (HCD). Based on the notable development history in Downtown Fresno and given the significant increase in building height and the unlimited densities established allowed by the newly adopted DDC, it was determined that the assumption that new development may occur at densities listed in the Housing Element represents a realistic and reasonable assumption.</p>	N	
50	<p>Non-vacant parcels are included in the carry-over inventory, which is permitted if the housing element includes a comprehensive analysis of the development potential during the planning period on the non-vacant sites. The Draft Amendment inventories identify the current use of non-vacant parcels, but this falls short of the analysis required by law. The City must complete the analysis of the specific sites and their realistic development potential and not simply identify what current use is on the site.</p>	Familias Addams	1/13/2017	<p>Table 3-9 shows that the City can meet its current (2013-2023) RHNA strictly with capacity on vacant land. Capacity on non-vacant land is included to expand opportunities for development throughout the City. State Housing Element law (and HCD guidance documents) requires that the sites inventory include a description of existing uses of any non-vacant sites. In Appendix B, the sites inventory tables include a column that describes current uses on non-vacant sites. The existing uses on identified sites represent marginal uses with minimal property investment on site. Chapter 3 in the Housing Element also outlines existing conditions and provides context for underutilized sites, with detailed information provided for cap and trade sites and pending infill project sites.</p>	N	
51	<p>As stated in previous letters the capacity of the City's identified sites to accommodate housing affordable to lower income households is greatly overstated on large sites of over 10 acres in size. Available funding sources and past development patterns do not support affordable residential projects developing at 30 units/acre on 30 acres resulting in 913 affordable units on one site. The City uses the Fancher project as an example of affordable residential development on a large site, however the Fancher project will support 440 affordable units on 91 acres (page 3-15), which is less than 20 units to the acres. The capacity calculation for large sites (more than 10 acres) overstates the actual development capacity because of the available financing for affordable housing. On the City's list of TCAC funded projects (4-28), only 2 of 34 developments have more than 250 units. The lack of availability of tax credit financing for developments of 250+ units poses a limit on the development of large sites for affordable housing. By including such large sites, the City has created a constraint on the production of affordable housing.</p>	Familias Addams	1/13/2017	<p>The Housing Element includes Program 16: Large and Small Lot Development in the Housing Plan and is intended to facilitate phasing in order to incentivize and/or streamline large lot development. Program 16 establishes a monitoring program with a biennial review of development on large and small lots, and will seek input from developers and property owners on regulatory barriers to development of these lots. Program 16 has also been edited to clarify additional actions that will facilitate large lot development.</p>	Y	<p><i>Add to Program 16 Objectives:</i></p> <p><u>The City will assist interested developers/property owners in identifying opportunities for lot consolidation or lot splitting. The City will continue to streamline the processing of requests for lot consolidation and lot splitting concurrent with other development reviews. The City will also facilitate splitting of large lots to promote the efficient use of land for residential development in compliance with the Subdivision Map Act, when an applicant submits an application. Currently, the City utilizes tools such as ministerial processing and other streamlining tools, as appropriate, to facilitate lot merging and parcelization.</u></p>

52	<p>The Draft Amendment identifies a specifics' [sic] that would allow some of the mixed use sites to allow commercial-only development (page 3-9), projects less than 20,000 sq ft, beyond a certain distance to a BRT route and for projects with a development permit application before 2019. These sites do not belong in the inventory identified to meet residential housing needs. Although the parcels that meet the first two criteria should be somewhat easy to isolate and remove from B-1 and B-2 inventories, it is unclear how to identify the sites that may submit a development application between now and 2019.</p>	Familias Addams	1/13/2017	<p>The Housing Element Sites inventories include land designated for mixed uses consistent with State law. Mixed-use sites in the 2013-2023 Sites Inventory account for only 29 percent of all residential capacity identified. In mixed-use zone districts, residential stand-alone uses are allowed by right, and minimum densities are established. The standards for the NMX, CMX, and RMX mixed use zones <i>require</i> residential uses on these sites; the 5-year grace period for the mandatory residential component was included in the development code to ease the transition for property owners and developers into a more modern mixed use approach. Nonetheless, recent development trends in Fresno reflect a high demand for residential development, which has resulted in developments that emphasize residential development over exclusively non-residential developments. Most mixed-use projects that have been approved or are in the development process are primarily residential, with just enough ground-floor retail to provide ground-floor uses that enhance the pedestrian environment and serve to support the residential uses and surrounding market demands.</p> <p>To ensure that an appropriate inventory of sites is available, the City has identified sites in excess of what is required by law to ensure that if a site develops without a residential component, sufficient sites are still available to accommodate the required RHNA. Through Program 2: Residential Densities on Identified Sites, the City has created a mechanism to track both the 2008-2013 and the 2013-2020 sites inventories to ensure retention of adequate sites.</p>	N	
53	<p>The site inventory for the Draft Amendment includes numerous parcels identified to meet the housing needs of lower income households that are 10 acres or greater in size, including parcels over 20 acres. This is a constrain on the development of affordable housing. Because the City is required to identify any governmental constraints on development, the City must either remove the constraint by identifying parcels that can compete for tax credit financing or adopt a program to commit City funds to develop these sites for affordable housing. A phasing plan to help large size parcels develop for affordable housing limits the development potential during the current planning period and is an inadequate mitigation to this self-imposed constraint on development.</p>	Familias Addams	1/13/2017	See response to Comment #51 above.	Y	(See Comment #51)

54		<p>As noted in our previous letters, the high-density sites identified in the Housing Element Sites Inventory are located almost entirely in, or immediately adjacent to, racially and ethnically concentrated areas of poverty (R/ECAPs) and economically distressed neighborhoods that lack access to essential infrastructure, services, and amenities and that are disproportionately exposed to multiple sources of pollution, and that a revised housing element must include programmatic commitments to rezone sites to higher densities in high income and high opportunity areas. HCD's August 11th letter also states that a revised housing element should include a "specific commitment to rezone more housing choices in high opportunity areas." Nevertheless the Draft Amendment does nothing to identify or commit the City to rezone sites for affordable housing in high opportunity areas.</p>	Familias Addams	1/13/2017	<p>See Response to Comment #1 regarding distribution of Housing Element sites throughout the City.</p> <p>HCD's August 11, 2016 letter states that the revised housing element "could include a specific commitment to rezone more housing choices in high opportunity areas." <i>[emphasis added]</i> The City has identified ample sites to satisfy and exceed the City's housing needs assessment (RHNA) and no rezoning is required.</p> <p>The City of Fresno has recently completed a comprehensive General Plan update, which attempts to reverse land use trends that have led to sprawl and neglected neighborhoods. In particular, the General Plan notes that "infill opportunities in and around the center of Fresno, particularly in underutilized areas, hold great promise for recasting Fresno as a city of vibrant and Complete Neighborhoods. This can be done by creating a land use pattern and implementing policies that envision the revitalization of established neighborhoods and development of complete communities in growth areas, connected by multi-use corridors served by Bus Rapid Transit (BRT) and enhanced bus service." The General Plan identifies Priority Areas for Development, including Downtown, BRT corridors, and Infill Opportunity Zones (established neighborhoods south of Herndon Avenue). The Housing Element is consistent with the General Plan land use policies. While sites are identified throughout the City, those sites with superior access to transit, services, and every-day needs provide residents with enhanced quality of life, especially for those low-income residents that are transit-dependent. The City's efforts in revitalizing Downtown will facilitate development of housing in an area with a strong infrastructure system (utilities and streets), access to expanded transit options (Bus Rapid Transit [BRT] and High Speed Rail [HSP]) and access to the largest employment center in Fresno.</p> <p>See also Program 27: Equitable Communities which includes the following actions: "Expand affordable housing opportunities that prevent the concentration of single-family and multifamily dwelling units affordable to low- and moderate-income households. This includes, but is not limited to, Development and Resource Management Department facilitation and streamlining of owner-initiated zoning and General Plan land use amendments that expand affordable housing opportunities outside of low- and moderate-income areas for Council consideration, consistent with FMC procedures."</p>	N	
55		<p>The City proposes to meet 100% of its carry-over need with sites located in an R/ECAP, the Downtown. The City's persistence in refusing to make sites available to meet the need for housing affordable to lower income residents outside of R/ECAP and low income neighborhoods lacking critical infrastructure and services violates the Housing Element Law's requirement that jurisdictions "[p]rovide housing opportunities for all persons" regardless of protected class status § 65583(c)(5) and other state and federal laws prohibiting housing discrimination. 42 U.S.C. §2000d; U.S.C. 3601, et seq.; Gov. Code §§ 11135, 12900, 65008</p>	Familias Addams	1/13/2017	<p>Higher density sites for the current RHNA (2013-2023) are located in areas outside of Downtown, and are distributed throughout the City based on the locations of vacant and underutilized properties. The roll over (2008-2013) sites inventory is made up of specifically chosen sites in Downtown Fresno that meet the rollover site criteria established by State law (Government Code 65583.2[h]). See Response to Comment #1.</p> <p>Housing Element sites are identified in Downtown due to the availability of existing infrastructure, City policies to encourage housing near job centers and services, and implementing key policies of the Fresno General Plan oriented toward revitalizing downtown, encouraging infill development, and reducing vehicle miles traveled (VMTs). The roll over sites' location in Downtown does not preclude or prohibit higher density development in other areas of the City (where allowed by the General Plan and Development Code). Housing Element sites located outside the Downtown area are included in a separate inventory to comply with State law, and will be subject to the standard processing procedures to allow for project conditions related to infrastructure needs, as necessary.</p>	N	

56	<p>The Draft Amendment's only analysis of racially and ethnically concentrated areas of poverty is to determine that these concentrations of poverty occur in certain areas because of the proximity of these areas to transportation (page 3-31). Although this response is insufficient and fails to assess Fresno's status as the most segregated city in America, the next logical step would be to identify a program, including specific actions, to zone sites and provide incentives for affordable housing development and increase the access to transportation in other areas of the City in order to de-concentrate poverty. The City could include a program in a revised Draft Amendment that includes a commitment to analyze the impact of the transportation network on affordable housing opportunities and extend or modify the network as necessary to eliminate transit-related barriers to fair housing identified</p>	Familias Addams	1/13/2017	<p>To encourage better coordination between development of housing and transportation access, the City of Fresno offers a Transit-Oriented Development (TOD) Height and Density Bonus. The purpose of the TOD Height and Density Bonus is to provide flexibility for projects that promote walkability, livability, and transit ridership near stations for Bus Rapid Transit and other enhanced transit service. The TOD Height and Density Bonus may be used in combination with an Affordable Housing Density Bonus. The City also allows a project to exceed the maximum height and/or the maximum residential density of the Base District if specific criteria are met.</p> <p>Development in Downtown and transportation access are also closely tied. The General Plan policies for Downtown emphasize infill development and a revitalized central core area as the primary activity center for Fresno and the region by locating substantial growth in the Downtown and along the corridors leading to the Downtown. Planning is nearly complete for the area of Downtown within one-quarter mile of the planned High Speed Rail Station, located at Mariposa and H Streets. Together, the Fulton Street and High Speed Rail Station area projects are expected to serve as catalysts for Downtown revitalization.</p> <p>In the past years, the State has also tied together development of Regional Transportation Plans (RTP) and the RHNA. Senate Bill 375 requires local jurisdictions to include sustainable communities strategies as outlined in their regional transportation plans. These requirements help to reduce greenhouse gas emissions, align transportation and housing, and create incentives for implementing these strategies. The State of California Affordable Housing and Sustainable Communities (AHSC) Program administered by the Strategic Growth Council provides grants and affordable housing loans for compact transit oriented development and related infrastructure to reduce greenhouse gas emissions. AHSC is funded through the State's Cap and Trade Program and has provided more than \$444 million in funding to housing and transportation projects since the program was established in 2014 (two rounds).</p> <p>According to a Brown University data website, Fresno ranks 70th in the country in segregation between whites and Hispanics and ranks 93rd in segregation between whites and Blacks. (https://s4.ad.brown.edu/Projects/Diversity/SegCitySorting/Default.aspx)</p>	N	<p>Add to Program 27 Objectives and Timeframe:</p> <p>Assess the interaction between transportation network pathways and</p> <p><u>Timeframe: Conduct an affordable housing/ transportation access study in 2018.</u></p>
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57	<p>The Housing Element indicates that lower-income residents face extremely high levels of housing cost burden. Thus residents in the Downtown subject to revitalization efforts are extremely vulnerable to price increases resulting from sustained investment in the area by the City. the City's revitalization efforts therefore may give rise to a governmental barrier to affordable housing and must be accompanied by program in the housing element to prevent the displacement of existing residents and to maintain the existing stock of housing in these neighborhoods. These include (but not limited to) the Anti-Displacement Task Force identified in the Downtown Neighborhood Communities Plan; requirements that City property sold for private development include housing affordable to ELI, VLI and LI residents, inclusionary zoning requirements, rent control, and/or other mechanisms to ensure long-term affordability for existing lower-income residents.</p>	Familias Addams	1/13/2017	<p>Displacement and gentrification is a complicated process. Investment and revitalization in and of itself is not the sole driver of displacement and/or gentrification. In areas where displacement and/or gentrification have occurred, other physical and regulatory factors have also been present. Specifically, those areas have been 1) very densely developed prior to revitalization; 2) had very low vacancy rates (residential and/or commercial), and 3) had very strict zoning that made the addition of new housing or commercial uses difficult. These conditions do not exist in Fresno. The City of Fresno has large areas of vacant or underused land and extremely generous zoning regulations that aim to accommodate future demand for both residential and non-residential uses. While the conditions for displacement and gentrification are not present, the Downtown Neighborhoods Community Plan (Policy 7.12.1) calls for a task force to identify any potential signs of displacement or gentrification.</p> <p>The intent of the displacement task force is to establish measurements and collect data on those measurements that can identify gentrification and/or displacement of residents or businesses in Downtown. The data gathering measures are intended to establish baseline conditions which will be used to compare to future conditions as the Downtown area redevelops. The following action items are included in the Plan:</p> <ul style="list-style-type: none"> • Convening a displacement task force to explore ways to provide opportunities for low-income residents and merchants to remain in their neighborhoods if displacement is • Annually gathering data on lease rates, vacancy rates, rent burden, rental rates, restricted affordable housing covenant expirations, and, if applicable, displacement for use by the task force. An annual report on data gathered shall be released for public review and input. • Identifying a set of actions that give displaced persons or businesses the opportunity to remain in the area if they wish to do so. • Seeking funding for mixed income and affordable housing within the plan area, including potential set-asides for affordable housing for tax increment generated within any future Enhanced Infrastructure Financing Districts formed or a future citywide affordable housing trust fund. • Working with the owners of affordable housing properties to ensure that affordability is maintained over the • Creating and maintaining a webpage to post information provided by staff to the task force, task force minutes, reports issued by the task force, and other relevant materials. 	Y	<p>Add New Program 12-A:</p> <p><u>The City will also implement Policy 7.12.1 of the Downtown Neighborhoods Community Plan which directs the Mayor and City Council to convene a displacement task force to explore ways to provide opportunities for low income residents and merchants to remain in their neighborhoods if displacement is observed due to substantial and sustained increases in rent. The task force should work in conjunction with low income residents, community organizations serving low income residents, experts on displacement, low income business owners, and property owners in the plan area.</u></p>
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58	6	Program 10A: The revision to this program represent a positive but insufficient step towards compliance with the Housing Element Law's beneficial impact requirement. The City's commitment to provide assistance with funding applications should specify a target number of applications. In addition, instead of simply making a list of organizations that "can assist in the preservation of mobile home units" the City should commit to take specific action itself to facilitate the preservation of those units. This may, for example, take the form of conducting an assessment of housing-related needs in mobile home parks through communications with residents and owners, identifying city, state, federal, and private resources available to address those needs, and identifying actions the City will take to use the resources and policy-options available to address those needs	Familias Addams	1/13/2017	See response to Comment #6 above.	Y	(See Comment #6)
59	6	Program 16: The City does not identify any action or commitment that that the City will take based on the outcome of the survey. It is an important step to monitor the actual development of these sites, however the housing element must also identify an action the City will take if survey results show that challenges exist to the development of these sites as affordable housing.	Familias Addams	1/13/2017	Program 16: Large and Small Lot Development directs the City to establish a program to monitor development trends on small and large lots and adjust incentives and/or development standards accordingly based on the outcome of the monitoring program. See also Response to Comment #51.	Y	(See Comment #51)
60		The Draft Element described the comprehensive plans the City is taking to encourage new development in the downtown area (pages 3-23 to 3-28), these efforts towards revitalization in the downtown area must be paired with efforts to prevent the displacement of existing housing in and around the downtown area not only as a direct result of identifying non-vacant sites in the City's inventory, but also due to increased housing costs associated in the surrounding area.	Familias Addams	1/13/2017	See response to Comment #57 above.	N	
61	6	Program 27: The Draft Housing Element Amendment's modifications relating to public and private investment priorities do not include specific action steps necessary to result in a beneficial impact on the City's goal of investment in older neighborhoods but rather consist of broadly worded proposals not tied to a clear outcome and the elimination of Program 27's strongest commitments	Familias Addams	1/13/2017	See Response to Comment #20 and #23.	Y	(See Comment #20 and #23)
62		Program 27: The Draft Housing Element Amendment's proposal to provide information about the location of investment does not act to achieve the stated goal of equitable distribution of housing and investment during the planning period. Gathering information to inform a further action would be relevant, but only gathering information does not result in equitable distribution.	Familias Addams	1/13/2017	See Response to Comment #20 and #23.	Y	(See Comment #20 and #23)
63		Program 27: The formation of a General Plan Implementation Committee, which will have "opportunities to provide recommendations" recommendations which the City may or may not adopt- does not move toward the attainment of any impact on the city's housing and investment goals at all.	Familias Addams	1/13/2017	See Response to Comment #20 and #23.	Y	(See Comment #20 and #23)
64	6	Program 27: The Draft Housing Element Amendment would delete the following commitment: identify areas of high need and target an integrated approach to service provision in those neighborhoods, establish written policies and procedures that ensure that infrastructure and public services provisions and code enforcement activities are prioritized for high need areas." The deletion of these commitments coupled with the addition of broadly worded commitments to provide information about the location of investments and form a committee do not assure that Program 27 will result in a beneficial impact on Fresno's housing goals, but in fact make it less likely to do so.	Familias Addams	1/13/2017	See Response to Comment #20 and #23.	Y	(See Comment #20 and #23)

65		The Draft Amendment does not include a specific commitment to rezone more housing choices in high opportunity areas (per HCD's August 11th letter), and in fact <i>further exacerbates</i> the nearly complete concentration of sites included in the Sites Inventory for affordable housing in R/ECAPs and economically distressed neighborhoods. The City must revise the Draft Amendment to include a commitment to rezone sites for multi-family housing affordable to low and very-low income residents outside of low and moderate income and in higher income/opportunity neighborhoods.	Familias Addams	1/13/2017	See Response to Comments #1, #20, #23, #54, and #55.	Y	(See Comment #1, #20, and #23)
66		The Draft Amendment states that the steps the City will take to expand affordable housing [include' but [are] not limited to, supporting owner-initiated zoning and General Plan land use amendments that expand affordable housing opportunities outside of low- and moderate-income areas." The Draft Amendment provides no information about what "support" the City will provide or any indication that that "support" will result in a beneficial impact on the distribution of affordable housing and abdicates the City's duty to affirmatively further fair housing to developers. Additionally, this statement "include[e], but [are] not limited to" indicates that there are additional but unspecified actions the City may take. The City cannot rely on vague commitments to take unspecified actions to expand affordable housing opportunity, but must state the "specific actions" it will take to achieve them.	Familias Addams	1/13/2017	The Housing Element Amendment states that the City will "expand affordable housing opportunities that prevent the concentration of single-family and multifamily dwelling units affordable to low- and moderate-income households." To that end, City of Fresno staff will work with developers to facilitate consideration of proposals that increase density on residential land and are consistent with General Plan policy consistent with Section 15-5812 of the Fresno Municipal Code This section which requires that any proposed Rezone or Plan Amendment meet the following criteria: A. The change is consistent with the General Plan goals and policies, any operative plan, or adopted policy; B. The change is consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare; and C. The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses, consistent with the General Plan, any applicable operative plan, or adopted policy; and to increase the inventory of land within a given zoning district to meet market demand.	N	
67	6	Program 5: The Draft Amendment includes provisions to pursue funding to assist the development and preservation of housing with an "emphasis on the development of mixed-income residential neighborhoods and the expansion of affordable housing opportunities outside of the City's low-and moderate-income areas" but does not identify any objective for the number of units that will be constructed in those areas or timeline to assure that the revision will result in a beneficial impact on the expansion of affordable housing opportunities in the City. The Draft Amendment must be revised to identify specific objectives and timelines for the City's attainment of funding to facilitate the development and preservation of affordable housing in higher income areas.	Familias Addams	1/13/2017	The sites inventory for the current RHNA (2013-2023) includes sites throughout the City. Higher density sites are located along transportation corridors and in Downtown (in the case of the roll over RHNA). While some of these areas are considered lower income, they also include a concentration of transportation options, services, and job opportunities. Development in Downtown and transportation access are also closely tied. The General Plan policies for Downtown emphasize infill development and a revitalized central core area as the primary activity center for Fresno and the region by locating substantial growth in the Downtown and along the transit corridors leading to the Downtown. The City's Density Bonus Ordinance encourages projects to include a portion of affordable housing in individual private developments, facilitating mixed-income residential neighborhoods. In terms of funding, most funding sources require yearly applications and the resultant funding may vary based on regional, State, or national budget changes. Program 5 commits the City to annual assessment of funding opportunities and status of housing sites inventory as part of the annual reporting process.	N	

68	6	Program 8: This program includes modifications that program regulations for Home Buyer Assistance limit homebuyers to purchase housing in low and moderate income census tracts in Fresno but that the City will work with HUD to "explore" the potential for homebuyers to purchase homes outside of those areas. The Housing Element does not indicate what - if any-potential exists for the City to bypass state funding regulations with respect to the CalHome program and therefore whether the program in fact has the potential to result in a beneficial impact on the expansion of affordable housing opportunities in Fresno. To address this deficiency, the City could revise the Draft Amendment to state that the City will pursue funding to support the purchase of a certain number of homes per year in high opportunity census tracts if permitted by HCD regulations and that the City will identify and pursue alternative sources of local, state, and federal funding to meet the objective if not.	Familias Addams	1/13/2017	The City's First Time Homebuyers program is funded by the California Department of Housing and Community Development (HCD)'s CalHome program. That program includes specific criteria about the location of homes purchased. The City does not have the authority to change the criteria of this program. This comment will be forwarded to HCD for consideration.	N	
69	3	The Revised Draft Amendment carry-over calculation is flawed because it includes units with no indication of how the City determined the affordability of the units for low income households and on two occasions the City takes credit for units attributed to a single project on two different dates (Sierra Gateway II and Parc Grove Commons NW).	Familias Addams	3/6/2017	See Chapter 3 – Land for Housing, under heading "Progress Towards the 2008-2013 RHNA. This section was modified after further review by staff of calculations and building records.	Y	From January 1, 2006 to December 31, 2015, 4,847 1,603 lower-income units were approved or permitted (Table 3-4). See revisions to Table 3-4 (Credit Towards the Unaccommodated 2008-2013 RHNA), which removes typos and modifies a footnote to clarify that all units that are being presented as affordable are in fact deed restricted. Supporting text and tables in Chapter 3 have also been updated to reflect these changes.
70	3	There is no exception to Government Code 65583.2(h) for sites that that can accommodate less than 16 units if they are adjacent to other small sites. The sites in Appendix B-2 that cannot accommodate at least 16 units must be removed from the sites identified to accommodate the carry-over from the prior planning period.	Familias Addams	3/6/2017	Consistent with State law and HCD guidance, Housing Element sites inventories are not limited to individual parcels; a housing "site" can consist of groups of contiguous parcels. Individual parcels in the rollover inventory (those identified to meet the 2008 RHNA and listed in Appendix B-2) with a capacity of less than 16 units are included <i>only</i> if they are contiguous to other parcels and that consolidated "site" can accommodate at least 16 units.	N	
71	3	The Inventory in Appendix B-2 includes numerous non-vacant parcels, some with existing business located on the parcels (such as parcel 20 on Appendix B-2 which is a thriving granite supplier on P St), but the City does not conduct any of the development potential analysis required pursuant to Government Code Section 65583.2(g) for any of these sites.	Familias Addams	3/6/2017	The identified non-vacant (underutilized) sites are located in areas where General Plan policy and zoning standards allow for high-density development, yet the sites are developed with single-family homes, or older and vacant commercial or industrial buildings. As indicated in the Housing Element, the sites included in the inventory have been specifically selected due to their high potential for redevelopment based on current uses, improvement to land ratios, allowed densities, and local development trends.	N	

72	3	<p>The Downtown Development Code does not meet the standard in Government Code Section 65583.2(h) because the law requires the City to identify sites to address the carry-over where projects must meet the minimum density and development standards and may proceed with discretionary review, the DDC does not require projects to meet the requirements of 65583.2(h) but if they do comply those projects would be allowed to proceed with a zone clearance.</p>	Familias Addams	3/6/2017	<p>The Downtown Development Code DDC establishes procedures for conducting a streamlined, ministerial process known as a Zone Clearance (rather than a Development Permit) for higher density residential and mixed-use projects. The Zone Clearance process confirms that construction is permitted as a matter of right and that such a project is being proposed in a manner compliant with, and without any deviations from, all applicable development standards prior to securing a Building Permit. Established criteria are consistent with Government Code Section 65583.2(h).</p> <p>Text in Chapter 3, Section II: Residential Land Inventory 2008-2013 has been edited to clarify the zone clearance process.</p>	Y	<p>The DDC establishes procedures for conducting a streamlined, ministerial process known as a Zone Clearance rather than (rather than a Development Permit) for projects meeting specific criteria. A Zone Clearance is used to verify that each new or expanded use or structure <u>is consistent with the base zoning for DTC, DTG, and DTN, complies with all applicable requirements in the DDC and complies with</u> complies with all of the applicable requirements of the DDC and with any applicable policies or standards of the General Plan and any operative plans. Specifically, Downtown projects that meet all of the following criteria <u>are considered consistent with the base zoning and</u> can use the Zone Clearance process to confirm that construction is permitted as a matter of right and that such a project is being proposed in a manner compliant with, and without any deviations from, all applicable development standards prior to securing a Building Permit:</p> <ul style="list-style-type: none"> • Located within a Downtown District; • Has a minimum of 16 total dwelling units in the project; • Has a residential density of no less than 20 du/ac; • Residential uses occupy 50 percent or more of the total floor area; <p>and</p> <ul style="list-style-type: none"> • Has no historic resources or potential historic resources located on the site. <p>The new DDC standards allow for the development of fully residential projects and establish unlimited residential densities and intensity (floor-to-area ratio) in the three Downtown districts. Building heights up to 15 floors are allowed. Based on these new criteria, the 37.6 acres of land included in the 2008-2013 unaccommodated RHNA sites inventory meet the requirements of Housing Element law outlined in Government Code 65583.2(h). <u>Projects that do not meet the criteria set forth above are considered exceptions to the base zoning and cannot be processed with a ministerial Zone Clearance. Instead, they will require a Development Permit, which is discretionary.</u></p>
73	3	<p>The City's recent modifications increasing permitted densities and height limits in the downtown area are a recent change and there is no development pattern for the City to rely on to support the estimated capacity included for the sites on the carry-over...the new height limits have no track record and assuming that all projects that can build out at 10 or 15 stories will do so is speculative and not an adequate analysis to support the capacity included in the inventory</p>	Familias Addams	3/6/2017	<p>Recent development patterns in Downtown Fresno were used to calculate potential capacity under the new DDC. Based on project densities and number of residential floors, the City conducted a housing capacity analysis to calculate the average units per acre per floor. Using this figure and the number of residential floors allowed in the Downtown districts, the potential density for each district and the realistic density used to calculate the capacity for the Downtown sites was calculated. Based on the notable development history in Downtown Fresno and given the significant increase in building height and the unlimited densities allowed by the newly adopted DDC, the assumption that new development may occur at densities listed in the Housing Element represents a realistic and reasonable assumption.</p>	N	

74	3	Further analysis is necessary for sites in both the carry-over and current RHNA inventories to determine whether re-development of these non-vacant sites is realistic during the remaining time in the planning period. The City's inventory include[s] non-vacant parcels that include operating businesses and the City must complete the analysis of the specific sites and their realistic development potential and not simply identify what the current use is on the site.	Familias Addams	3/6/2017	See Response to Comment #71.	N	
75	3	Assuming high density development on sites larger than 10 acres is problematic because there is no development pattern to support the capacity assumptions the City makes in developing its inventory.	Familias Addams	3/6/2017	<p>To encourage a strategic approach to the development of large sites and to facilitate the development of housing, the City will encourage the development of large sites through an allowance of phasing of development and off-site improvements, and, where applicable, through the Specific Plan process. As indicated in Chapter 6, Program 16: Large and Small Lot Development, the City will also establish a program to monitor development trends on small and large lots, identify regulatory barriers, and adjust incentives and/or development standards accordingly.</p> <p>Additional information has also been added to Program 16 to clarify these objectives, including more specific timelines and details of a monitoring program that includes an affordability threshold that would trigger an evaluation of development incentives and the Housing Element sites inventory.</p>	Y	<p>Add to Program 16:</p> <p>The City will also establish a program to monitor development trends on small and large lots, identify regulatory barriers, and adjust incentives and/or development standards accordingly. The monitoring program will include a threshold defining small and large lots and may vary by neighborhood, community plan area, or zoning districts. <u>The monitoring program will include a biennial review of development on large and small lots, and will seek input from developers and property owners on regulatory barriers to development of these lots. The monitoring program will further track the percentage of affordable units developed on large lots on an annual basis and after the first year of monitoring, will identify a minimum threshold of affordable units for the total number of large lots. Monitoring will begin upon receipt of the first application for development on a large lot included within the sites inventory. If the total number of affordable units being developed on large lots does not reach the identified minimum threshold beginning in the second year of monitoring, then the City may develop and apply incentives in order to encourage development of affordable units. If development on large lots will lead to the need for an amendment to the sites inventory, such analysis will consider any necessary rezoning consistent with Program 2.</u></p> <p>Timeframe/Objective: Establish a monitoring program by June, 2017 and include a biennial review process for development on large and small lots, <u>include an annual review process for monitoring the percentage of affordable units developed on large lots, and create an incentive program for affordable units on those sites after the first year of monitoring.</u></p>
76	3	Assuming high density development on sites larger than 10 acres is problematic because the City can only point to one example of affordable housing development on a large site Fancher Ranch. Although the site for Fancher Ranch indicates a minimum density of 10 units per acre it is developing at a much, much lower density - about 4.5 units/acre.	Familias Addams	3/6/2017	See Response to Comment #75.	N	

77	3	Assuming high density development on sites larger than 10 acres is problematic because the City's own track record of tax credit financing has never supported developments with the projected capacity on the large sites identified for affordable housing in the City's inventory. On the City's list of TCAC funded projects only two of the 34 developments built with tax credits had more than 250 units. The lack of tax availability of tax credit financing for developments of over 250 units poses limit on the development of large sites for affordable housing. And by including such large sites, which cannot compete [with] the available funding for affordable housing in the inventory, the City has created a constraint on the production of affordable housing.	Familias Addams	3/6/2017	See Response to Comment #75.	N	
78	3	The Revised Draft Amendment identifies a specific exception that would allow some of the mixed use sites to allow commercial-only development on p.3-9 (projects less than 20,000 sq ft, beyond a certain distance to a BRT route, and for projects with a development permit application before 2019). These sites do not belong in the inventory identified to meet residential housing needs, and although the parcels that meet the first two criteria should be somewhat easy to isolate and remove from the B-1 and B-2 inventories, it is unclear how to identify the sites that may submit a development application between now and 2019.	Familias Addams	3/6/2017	See Response on Comment #52.	N	
79	3	Because the City is required to identify any governmental constraints on development and remove those constraints, the City must either remove the constraint by identifying parcels for affordable housing that can compete for tax credit financing, or adopt a program to commit City funds to develop these sites for affordable housing.	Familias Addams	3/6/2017	See Response to Comment #51 and #75.	N	
80	4	The City Council was scheduled on March 2, 2017 to consider a text amendment to the Development Code that would require a conditional use permit ("CUP") for all multi-family developments in the City in all zoning designations outside of the Downtown Development Area. Apparently the item was pulled from the Council's agenda on March 2, 2017, but a CUP requirement on multi-family development could impose significant costs on multi-family development, delay project processing time, and add layers of additional review and hearings. The City must consider the potential constraint on development this type of requirement would impose and carefully review whether imposing such a requirement would be consistent with the goals and policies the City includes in this Revised Draft Amendment	Familias Addams	3/6/2017	The proposed text amendment was introduced by a City Council member, who later withdrew the item from Council consideration. There are no existing proposals to reintroduce the text amendment.	N	
81	6	The Revised Draft fails to meaningfully respond to or incorporate comments regarding deficiencies in the Draft Amendment and the Adopted Element that we and other members of the public have previously submitted.	Familias Addams	3/6/2017	All submitted public comments have been itemized in this comment matrix, indicating a response to each individual comment. The comment matrix was submitted to HCD, emailed to stakeholders who commented on the Housing Element, and it was included in the HCDC, Planning Commission and City Council packets for the adoption hearings and posted on the City's website.	N	

82	6	<p>Program 10A: We strongly support the inclusion of a commitment by the City to "Conduct and publish an assessment of housing-related needs in mobile home parks through communications with residents and owners, identifying city, state, federal and private resources to address those needs" The Revised Draft, however, fails to identify a timeline pursuant to which the assessment will be completed as required. Accordingly, we recommend that the City provide a timeline for completion of the assessment by December 2018, the third year of the housing element planning period, in order to allow the development and adoption of policies and pursuit of funding identified with sufficient time to actually address housing needs of mobile home park residents during the planning period. The Housing Element should commit to share the assessment with the public, city committees and commissions, and the City Council to take feedback and allow adoption and implementation of the assessment and recommendations</p>	Familias Addams	3/6/2017	<p>Program 10A was modified in the January 2017 Public Review Draft Housing Element Amendment to add actions with timelines toward the conservation of mobile home parks and more specific objectives regarding public outreach methods and conducting a needs assessment. See Response to Comment #6.</p>	N	
83	6	<p>Program 12A: We support the Revised Draft's inclusion of Program 12-A as a positive step to identify the occurrence of and potential policy responses to economic and physical displacement in the Downtown. The collection of data in and of itself will not support the ability of existing residents and small businesses to remain in Downtown as rents rise and the Program includes no other action steps tied to timelines. The City must prepare a further revised housing element that incorporates the activities set forth in Downtown Neighborhoods Community Plan Policy 7.12.1 in a manner that ensures that a beneficial impact will be achieved by those actions and tie those actions to specific timelines</p>	Familias Addams	3/6/2017	<p>Program 12A has been modified to include a more specific timeline for task force activities and details related to the process for assisting displaced persons or businesses.</p>	Y	<p><i>Program 12A is modified as follows:</i></p> <ul style="list-style-type: none"> • Convening a displacement task force to explore ways to provide opportunities for low-income residents and merchants to remain in their neighborhoods if displacement is observed. <u>The Task Force shall be convened in 2018, within 3 months of the release of the</u> • Annually gathering data on lease rates, vacancy rates, rent burden, rental rates, restricted affordable housing covenant expirations, and, if applicable, <u>direct</u> displacement for use by the task force. An annual report on data gathered shall be released for public review and • Identifying a set of actions that give displaced persons or businesses the opportunity to remain in the area if they wish to do so <u>within 6 months of the Task Force finding that direct displacement is occurring, which will be carried out within one year of identifying the</u> • Seeking funding for mixed income and affordable housing within the plan area, including potential set-asides for affordable housing for tax increment generated within any future Enhanced Infrastructure Financing Districts formed or a future citywide affordable housing • Working with the owners of affordable housing properties to ensure that affordability is maintained over the long term. • Creating and maintaining a webpage to post information provided by staff to the task force, task force minutes, reports issued by the task force, and other relevant materials. <p><i>Timeframe/Objective:</i> Annually gather data on lease rates, vacancy rates, rent burden, rental rates, restricted affordable housing covenant expirations, and if applicable, displacement as part of the annual reporting process, starting in 2018. <u>Convene Task Force within 3 months of release of first annual report on displacement in 2018. If direct displacement is observed, within 6 months identify a set of actions that give displaced persons or businesses the opportunity to remain in the area if desired.</u></p>

84	6	<p>Program 16A: Revised Draft Program 16A states that the City will "Review Development Code for compliance with State Laws by May, 2017" and, "[i]f needed, present findings to the City Council for consideration of any amendments or revisions required by September 2017." The Housing Element should clarify that the City will provide the public with ample opportunity to provide input on and incorporate said input into the Review, and that the results of the Review are shared with the public. Further, as state laws relating to housing development are consistently developing, we advise that the City commit to review the Development Code for legal compliance on an annual basis. In addition the City should use its review of the Development Code not just to ensure compliance with emerging state law but also to take public input on and assess opportunities to implement the Housing Element and General Plan goals relating to housing and community-development</p>	Familias Addams	3/6/2017	<p>Program 16A was added to the January 2017 Public Review Draft Housing Element Amendment to add actions pertaining to new state laws and to encourage development of second/accessory units. The program indicates ongoing efforts to ensure compliance with emerging state laws. See Response to Comment #5.</p>	N	
85	6	<p>Program 20: Revised Draft Program 20 states that the City will "develop Task Force recommendations" to improve property conditions, which "includes consideration of a residential inspection program..." The City Council adopted a rental inspection program in January. For this commitment to have meaning, a further revised draft should state that the City will implement the residential inspection program and report on the outcomes of implementation in its Annual Housing Element Report to determine the Program's efficacy and if changes are needed.</p>	Familias Addams	3/6/2017	<p>Program 20 was edited in the January 2017 Public Review Draft Housing Element Amendment and Program 27 was added to include consideration of a residential rental inspection program, based on Task Force recommendations. As part of the Annual Housing Element Report, the City will report on the status of the Housing Element programs and specific actions included in the Housing Element, including these action items. See also Response to Comment #23.</p>	N	
86		<p>Program 8: The Revised Draft inexplicably eliminates language included in the December Draft Amendment committing the City to working with HCD to explore the potential for low-income homebuyers to purchase homes outside of low and moderate income census tracts in Fresno. Absent this language, the Revised Draft includes no programmatic commitments to expand homeownership opportunities for lower-income residents and residents of protected classes outside of high poverty neighborhoods and R/ECAPS. The City must prepare and circulate a revised draft amendment that complies with the City's duty to affirmatively further fair housing opportunities through its programs by including specific programmatic commitments to expand homeownership opportunities for low-income residents of color, with limited English language abilities, immigrants, female-headed households and/or other protected classes.</p> <p>As stated in our January Letter, the City could address this deficiency by including a commitment to "pursue funding to support the purchase of a certain number of homes per year in high opportunity census tracts I permitted by HCD regulations" and "Identify and pursue alternative sources of local, state and federal funding to meet the objective if not." p. 11. In addition, the Housing Element could commit to collaborating with affordable housing and non-profit developers to encourage and facilitate financing acquisition.</p>	Familias Addams	3/6/2017	<p>Additional information has also been added to Program 8 to clarify objectives and timeframes pertaining to homebuyer assistance. See also Response to Comment #68.</p>	N	<p><i>Program 8 is modified as follows:</i></p> <p>The City also converts new single-family housing development loans to first-time homebuyer assistance loans upon transfer of the property to the homebuyer. The City will continue to pursue funds for the first-time homebuyer program to assist City households during the planning period. <u>The City will also conduct targeted marketing to real estate professionals, lenders and eligible homebuyers as part of the program and will include high opportunity areas in the marketing plan.</u></p> <p><i>Timeframe/Objective:</i> <u>Contingent on state funding availability</u>, assist 10 households annually and complete annual reporting throughout the planning period. <u>Develop and implement a marketing program to target the resources to eligible homebuyers within 4 months of receipt of Calhome Program funds from HCD. Marketing shall occur on an ongoing basis, and at least annually from receipt of funds.</u></p>

87	<p>Program 10B: The Revised Draft Amendment includes a statement that the City will "[d]evelop a recommendation of best practices to target areas for voucher education, such as areas with high performing schools or areas with high Area Median Income as well as near jobs and transit." It is unclear whether this language means that the City will develop best practices for expanding voucher use in certain areas or that the City will develop best practices for how to select the target areas themselves. The City must circulate a further revised draft housing element which clarifies the City's commitment and identifies a clear timeline pursuant to which it shall be completed. As the expansion of HCV use in high opportunity areas in Fresno requires both an effective plan for achieving expansion as well as the identification of "high opportunity" areas to which expansion shall be targeted, the further revised draft element should specify that the City will examine and provide a recommendation as to best practices for both</p>	Familias Addams	3/6/2017	<p>The objective in Program 10B was edited in the January 2017 Public Review Draft Housing Element Amendment to develop a recommendation of best practices to target areas for voucher education, and the timeline is adjusted to allow staff time for implementation. In addition, new edits (reflected in red strikethrough with yellow highlights) also add a commitment to collaborate with and support the Housing Authority's programs on an annual and ongoing basis. The edits also clarify the City's role in assisting in the geographic analysis necessary to target the outreach.</p>	<p><i>Program 10B is modified as follows:</i></p> <p>To facilitate access to the Housing Authority's program, the City will <u>collaborate with and support the Housing Authority's program on an annual and ongoing basis by:</u></p> <ul style="list-style-type: none"> ▪ <u>Providing</u> information about Housing Choice Vouchers at the planning counter, on the City/ website and in other public places to increase awareness. ▪ <u>Assisting the Housing Authority in Obtain or maintaining</u> a list of multifamily rental developments that accept vouchers and hold regular discussions with potential new landlords to expand the number of developments that accept HCV tenants. ▪ <u>Collaborating with the Housing Authority to conduct</u> outreach to developments in high opportunity areas about participation in the Housing Choice Voucher program <u>by exploring</u> best practices to target areas for voucher education, such as areas with high-performing schools or areas with high area median income, as well as areas near jobs and transit. <u>The City's role will be to assist in the geographic analysis necessary to target the outreach. The outreach will be performed on an annual and ongoing basis.</u> <p><i>Timeframe/Objective:</i> Ongoing implementation and annual reporting throughout the planning period; Provide information on the Housing Choice Voucher program and list of developments that accept vouchers at City counters and website by November <u>2017</u>; Identify properties in high opportunity areas for outreach efforts by June, 2017 <u>and support the Housing Authority's outreach to those areas on an annual and ongoing basis.</u></p>
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88	<p>Program 27: The current Housing Element contains a commitment to "Establish written policies "[e]stablish written policies and procedures that ensure that infrastructure and public service provisions and code enforcement activities are prioritized for high need areas. Prioritize basic infrastructure improvements like water, sewer, and street lights in high need communities. Create a list of infrastructure and public service needs in high need areas and potential strategies for addressing those needs." The Revised Draft Element continues to exclude this commitment contained in the current Housing Element. The formulation and adoption of policies and procedures is necessary to ensure that City resources for infrastructure and services target high need areas. The City should circulate a further revised draft amendment which allows the commitment to remain in the Housing Element as a targeted and systemic approach to address infrastructure allocation disparities in Fresno.</p>	Familias Addams	3/6/2017	See Responses to Comments #20, #23, and #90.	Y	
89	<p>Program 27: While not a substitute for the commitment to establish policies and procedures to prioritize infrastructure and service provision in high need areas referenced above, we support the inclusion of language in Program 27 stating that the City will annually review the location of infrastructure projects in the City to assess project distribution and that it will identify high need deficient areas by 21. The Revised Draft does not indicate how it will identify infrastructure investments and whether it will include specific information on the location of those investments or if it will only indicate the inclusion of projects in designated Priority Areas included in General Plan Implementation Chapter, Figure IM-1. Figure IM-1's Priority Areas, such as the "Established Neighborhoods South of Shaw") include large swaths of the City with dramatic variations in poverty levels, demographics, and infrastructure availability. To serve as an effective tool to address infrastructure deficiencies in high need areas, the City should pinpoint the location of investments in its review and indicate the type and amount of investment made.</p>	Familias Addams	3/6/2017	See Responses to Comments #20, #23, and #90.	Y	

90	<p>Program 27: We appreciate the City's response to our comment on Program 27. However, by limiting the study to an assessment of the relationship between affordable housing and employment, the commitment fails to respond to the fair housing objective of the comment which seeks the elimination of a City-identified barrier to housing choice outside of high poverty neighborhoods and in areas of opportunity. In order to AFFH in accordance with the City's duty under Housing Element Law and other state and federal laws and not serve as a tool to further entrench existing patterns of racial and economic segregation, a further revised draft should specify that the study will assess interactions between the transportation network and affordable sites with the aim of identifying barriers to fair housing choice, including the availability of housing affordable to lower-income residents in high opportunity neighborhoods (i.e., neighborhoods with high performing schools and comparatively high graduation rates, relatively low-poverty rates, and lower percentages of residents of color, immigrants, non-English language speakers, and other protected classes.)</p>	Familias Addams	3/6/2017	<p>Program 27 has been modified to add additional information pertaining to exploring zoning opportunities with respect to a variety of housing types in several areas within the City, including high opportunity areas. In addition, it calls for an assessment of the interaction between transportation network pathways and affordable housing sites and the identification of any barriers to affordable housing and employment access, and includes timelines to complete these actions.</p> <p>In addition, the City will be updating the City of Fresno Analysis of Impediments to Fair Housing Choice in 2020 As required by HUD, the document will "describe any disparities in access to transportation related to costs and access to public transit in the jurisdiction and region for the protected class groups HUD has provided data".</p>	Y	<p><i>Program 27 is modified as follows:</i></p> <ul style="list-style-type: none"> ▪ Publish a General Plan Annual Report every December which will detail the location of public investments as they relate to Figure IM-1 and Figure IM-2 in the Plan, in addition to the location of building permit activity by sector as a metric of private investment. <u>This report would be for use by the public and by the Implementation Committee described below as a basis for making recommendations on General Plan implementation.</u> ▪ Assess the interaction between transportation network pathways and affordable housing sites to identify any barriers to affordable housing and employment access <u>by July 2018. An action plan to address identified barriers will be developed within one year of completing the</u> ▪ Continue to actively seek resources for disadvantaged communities throughout the City, including sources such as Affordable Housing and Sustainable Communities, Urban Greening, Housing Related Parks, Active Transportation Program, Transit and Intercity Rail Capital Program, Fresno COG Active Transportation and TOD Funds, EPA Brownfields Planning and Cleanup Programs, Highway Safety Improvement Program, and other funds. <u>The City will actively seek resources annually and on an ongoing basis.</u> <p>Wherever possible, the City will partner with local community-based organizations and local affordable housing developers to build additional local capacity to seek funding and implement programs. <u>As part of the partnership with community-based organizations, the City will explore zoning opportunities with respect to a variety of housing types, such as multi-family housing, in several areas within the City, including high opportunity areas. Beginning in 2019 and every two years thereafter, the City will present rezoning options for vacant land in high opportunity areas for Council consideration in order to provide opportunities for higher density development in all areas of the City. Rezoning option presentations should include at least five sites, between one and ten acres in size. These rezoning option presentations are not part of a program described by Government Code Section 65583(c)(1)(A). Finally, specific planning efforts should emphasize incentivizing multi-family</u></p> <ul style="list-style-type: none"> ▪ Expand affordable housing opportunities that prevent the concentration of single family and multifamily dwelling units affordable to low- and moderate-income households. This includes, but is not limited to Development and Resource Management Department facilitation and streamlining of owner-initiated zoning and General Plan land use amendments that expand affordable housing opportunities outside of low- and moderate-income areas, for Council consideration, consistent with FMC procedures. <u>It also includes the City's monitoring program (Program 2) to ensure maintenance of adequate housing sites with capacity to accommodate lower income housing, and the inclusion of affordable housing options in the zoning code, such as tiny houses, which are currently allowed as accessory buildings.</u> <p><i>Timeframe/Objective: <u>Implement the actions described in bullet #7 above.</u></i></p>
Comments may be added to this matrix as additional comments are received.						



March 6, 2017

Sophia Pagoulatos
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2600 Fresno Street
Fresno, CA 93721

**RE: City of Fresno January 2017 Revised Public Review Draft 2015-2023
Housing Element Amendment**

Dear Ms. Pagoulatos:

We submit these comments on the City of Fresno's January 2017 Revised Public Review Draft 2015-2023 Housing Element Amendment ("Revised Draft Amendment" or "Revised Draft") on behalf of our clients, Familias Addams por un Mejor Futuro. We provide these comments in order to help the City develop a 2015-2023 Housing Element that substantially complies with state Housing Element Law and other applicable state and federal laws and that expands housing opportunity for all Fresnoans. These comments build upon and supplement previous comment letters we have submitted to the City on its Housing Element and Housing Element Amendment, including but not limited to our comments on the December Draft Amendment dated January 13, 2017 ("January Letter"), enclosed here as, Attachment A, without Exhibits, and July 2016, and should be read in conjunction therewith.

**1. THE INVENTORY REMAINS INADEQUATE TO ACCOMMODATE THE 2015-2023
RHNA AND THE CARRY-OVER.**

a. Carry-over Calculation

The Revised Draft Amendment carry-over calculation begins with the carry-over calculation that HCD included in its corrected findings letter dated November 1, 2016: 6,476 units for low, very-low and extremely low income households. The City then reduces the carry-over by taking credit for affordable housing permitted or constructed during the last planning period as described in HCD's June 3, 2010 memo. The City's final calculation of the remaining carry-over is flawed for two reasons: 1) it includes units with no indication of how the City determined the affordability of the unit for lower income households; and 2) on two occasions the City takes credit for units attributed to a single project on two different dates.

First, the City takes credit against the carry-over for various single family homes approved, permitted or constructed from 2006-2015 without any analysis or indication of the affordability of these homes to lower income households. Therefore, the various single family homes identified in Table 3-4 in the Draft Amendment cannot be used to decrease the remaining carry-over calculation.

Second, some of the units credited against the remaining carry-over total have been double counted. For instance, the Sierra Gateway II development project is listed on Table 3-4 in 2011 with a total of 67 very -low income units and 1 above-moderate income unit. The Sierra Gateway II development project is listed again on Table 3-4 for the year 2013 with 33 very-low income units and 34 low income units. Although there may have been a change in the affordability level of the units in the Sierra Gateway II development, there were not two separate Sierra Gateway II developments each with 67 affordable units. Another example of double counting is the Parc Grove Commons NW project listed on Table 3-4 for 2011 including 75 units affordable to very-low income households and 72 units affordable to low income households. Then, Parc Grove NW is listed on Table 3-4 for 2013 with 121 units affordable to very-low income households and 26 units affordable to low income households. Although there may have been a re-distribution of units based on the level of affordability, the City cannot take credit for the overall number of units twice for a single development.

After removing these units and the single family "affordable" units from Table 3-4 the City can apply a credit of 20 units accommodating very-low income housing needs and 807 units for accommodating low income housing needs to unmet housing need from the prior planning period. The table below illustrates the number of units that the City can take credit for from 2006-2015 after the duplicate project units are subtracted as well as the single family homes without any evidence to demonstrate their affordability level.

		Very-Low	Low
Table 3-4 Total Credits		918	899
Subtract			
Parc Grove NW (2011)		-121	-26
Sierra Gateway II (2011)		-67	
Various Single Family 2006			-21
Various Single Family 2007		-1	-19
Various Single Family 2008		-1	-13
Various Single Family 2009		-8	-13
Corrected Credit Total		720	807

Using the adjusted number of unit credits **the correct remaining carry-over is 4,949 units** - 2,452 units for very-low income households and 2,497 units for low income households.

b. Inventory to Accommodate the Carry-Over

i. Parcels that Accommodate at Least 16 units.

The Revised Draft Amendment correctly re-states the law regarding the specific requirements of site re-zoned to accommodate the unmet need from the prior planning period: the site must allow development by right on a site that can accommodate at least 16 units and permits a density of at least 20 dwelling units to the acre. Fifty percent of the sites must allow only residential use, unless a mixed use site allows 100 percent residential and requires that residential use occupy at least 50 percent of the floor space. Government Code § 65583.2(h). There is no exception in the statute for sites that can accommodate less than 16 units if they are adjacent to other small sites and the sites in Appendix B-2 that cannot accommodate at least 16 units must be removed from the sites identified to accommodate the carry-over from the prior planning period. The statute is explicit and no exception applies.

ii. Development Potential of Under-Utilized sites

For non-vacant sites included in the inventory to met the City's housing needs Government Code Section 65583.2(g) requires that: the city or county shall specify the additional development potential **for each site** within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. Govt. Code Section 65583.2(g).

As HCD's Building Blocks explain, the analysis must assess whether non-vacant or underutilized sites can be realistically developed within the planning period. The inventory in Appendix B-2 includes numerous non-vacant parcels, some with existing business located on the parcels, such as parcel 20 on Appendix B-2 which is a thriving granite supplier on P Street, but the City does not conduct any of analysis required pursuant to Government Code Section 65583.2(g) for any of these sites let alone for each specific site as required by law.

The table below demonstrates that the available inventory to accommodate the unmet housing needs from the prior planning period are not sufficient as the carry-over is 4,949 units and the inventory identified to meet that need can only accommodate 4,071 units. In addition, as

explained in more detail below, the identified inventory in Appendix B-2 falls short because the overstates the capacity for these sites coupled with the lack of by-right development on these sites as required by Government Code Section 65583.2(h).

B-2 Inventory (units)			5541
subtract parcels >16 units			-143
subtract parcels on Underutilized sites w/out analysis			-1327
Available Inventory (units)			4071

iii. By-Right Development

As stated above, sites identified to accommodate the unmet housing need of the prior planning period must allow development by-right on a site that can accommodate at least 16 units and permits a density of at least 20 dwelling units to the acre. Fifty percent of the sites must allow only residential use, unless a mixed use site allows 100 percent residential and require that residential use occupy at least 50 percent of the floor space. Government Code § 65583.2(h). By right is typically defined as development that is not required to seek any discretionary approvals. Government Code Section 65583.2(i). The City's Downtown Development Code ("DDC") allows projects located in certain areas of the Downtown to obtain zone clearance approvals only if the project has a residential density of 20 units per acre, where at least 50% of the floor area is occupied by residential uses and which have no historic uses on site. The DDC does not meet the standard in Government Code Section 65583.2(h) because the law requires that the City identify sites to address the carry-over where projects must meet the minimum density and development standards and may proceed with discretionary review, the DDC does not require projects to meet the requirements of 65583.2(h) but if they do comply then those projects would be allowed to proceed with a zone clearance.

iv. Capacity

The City's recent modifications increasing permitted densities and height limits in the downtown area are a recent change and there is no development pattern for the City to rely on to support the estimated capacity included for the sites on the carry-over inventory (Appendix B-2). The City relies on the projected capacity of several proposed projects but cannot point to development patterns that support calculating future capacity on the downtown sites at 283 units/acre. Table 3-9, on page 3-24 and 3-25, gives examples of affordable housing in the past that had a build out averaging 18.9 units a floor in a 2 or 3 story development, the new height

limits have no track record and assuming that all projects that **can** build out at 10 or 15 stories **will do so** is speculative and not an adequate analysis to support the capacity included in the inventory.

a. Current RHNA Inventory

i. Underutilized Sites

As discussed above, in section 1.b.ii. and as HCD's Building Blocks explain non-vacant sites require an analysis that assesses whether non-vacant or underutilized sites can be realistically developed within the planning period. Further analysis is necessary for sites in both the carry-over and current RHNA inventories to determine whether re-development of these non-vacant sites is realistic during the remaining time in the planning period. The City's inventory include non-vacant parcels that include operating businesses and the City must **complete the analysis of the specific sites** and their realistic development potential and not simply identify what the current use is on the site.

ii. Site Capacity

As indicated in previous comment letters the capacity of the City's identified sites to accommodate housing affordable to lower income households is greatly overstated on large sites of over 10 acres in size. Assuming high density development on sites larger than 10 acres is problematic for several reasons: 1) there is no development pattern to support the capacity assumptions the City makes in developing its inventory; 2) the City can only point to one example of affordable housing development on a large site - Fancher Ranch - and that project's density is far below the minimum density for the site; 3) the funding available for affordable housing that is crucial to the successful development of affordable housing is not available for developments with the predicted capacity of the large sites in the inventory; and, 4) the City's own track record of tax credit financing has never supported developments with the projected capacity on the large sites identified for affordable housing in the City's inventory.

The City does not have pattern of development of affordable units on parcels larger than 10 acres, and yet it relies on these size parcels to meet the majority of the residential development affordable to very-low and low-income households. In fact, the City proposes meeting the housing needs of 8,728 lower income households on only 26 large size parcels. The entire inventory intended to meet the RHNA for 2015-2023 has 2,046 sites and the housing needs of 8,728 lower income households are going to be substantially met on 26 of those 2,046 parcels as shown on the table on the top of the next page.¹

¹ The chart below contains 27 sites, but one of the Fancher Ranch parcels is only 4 acres in size (A3).

Large parcels	Acres	Expected Capacity (Units)
Fancher Ranch (A3,A4,A5)	91	440
A1891	30.43	913
A27	28.06	842
A1889	25.35	406
A369	24.32	389
A1885	22.57	361
A1874	22.38	358
A385	20.71	331
A1870	20.31	325
A71	20.02	320
A70	19.1	306
A1884	18.79	300
A1893	16.52	496
A371	16.45	263
A1883	14.98	240
A1892	14.57	437
A382	14.57	233
A1872	14.37	229
A378	12.81	205
A1888	11.92	191
A442	11.16	335
A363	10.76	172
A1851	10.65	319
A428	10.57	317
Total		8728

The City points to the Fancher Ranch development as its lone example of affordable housing development for lower income households on a large site. The Fancher Ranch project is proposed to have 440 units on 91 acres of land (Appendix B-1, Sites A3, A4, and A5).

Although the site for Fancher Ranch indicates a minimum density of 12 units per acre it is developing at a much, much lower density - about 4.5 units/acre. This does not support the development on large parcels at the capacities stated in the Revised Draft Amendment.

Despite the very low density of the Fancher Ranch project, even if we were to give a more generous potential development capacity of 10 units/acre for the large parcels, the capacity of the 24 large sites, excluding Fancher Ranch sites, the total capacity would be reduced to 4,105 units on these 24 sites. Again, that is using a capacity of 10 units/acre which is indeed generous as

compared to the proposed capacity per acre in the Fancher Ranch project. The table below reflects the reduced capacity on large sites.

Large parcels	Acres	B-1 Expected Capacity (Units)	Reduced/Realistic Capacity
Fancher Ranch (A3,A4,A5)	91	440	
A1891	30.43	913	304
A27	28.06	842	280
A1889	25.35	406	250
A369	24.32	389	240
A1885	22.57	361	223
A1874	22.38	358	224
A385	20.71	331	207
A1870	20.31	325	203
A71	20.02	320	200
A70	19.1	306	191
A1884	18.79	300	188
A1893	16.52	496	165
A371	16.45	263	165
A1883	14.98	240	150
A1892	14.57	437	146
A382	14.57	233	146
A1872	14.37	229	143
A378	12.81	205	128
A1888	11.92	191	119
A442	11.16	335	112
A363	10.76	172	108
A1851	10.65	319	107
A428	10.57	317	106
Total		8728	4105

In addition, two of the sites included in this table, are non-vacant sites and yet the Revised Draft Amendment does not contain the required analysis under Government Code Section 65583.2(g) to justify including these sites in the inventory. The two sites that should be removed, even if a more realistic capacity is calculated for these sites, until an analysis can show that these specific sites have development potential before the end of the planning period are sites A27 (842 units) and A1851 (319 units) on Appendix B-1.

The City's efforts to isolate the majority of affordable housing development on 26 large parcels also greatly limits the available funding that will be available for these potential projects on these identified sites. On the City's list of TCAC funded projects on p. 4-28, only two of the 34 developments built with tax credits had more than 250 units. The lack of availability of tax credit financing for developments of over 250 units poses limit on the development of large sites for affordable housing. And by including such large sites, which cannot compete the available funding for affordable housing in the inventory, the City has created a constraint on the production of affordable housing.

iii. Mixed Use Sites

The Revised Draft Amendment identifies a specific exception that would allow some of the mixed use sites to allow commercial-only development on p. 3-9 (projects less than 20,000 sq. ft, beyond a certain distance to a BRT route, and for projects with a development permit application before 2019). These sites do not belong in the inventory identified to meet residential housing needs, and although the parcels that meet the first two criteria should be somewhat easy to isolate and remove from the B-1 and B-2 inventories, it is unclear how to identify the sites that may submit a development application between now and 2019.

2. GOVERNMENTAL CONSTRAINTS

a. Limiting Receipt of Scarce Available Funding

The site inventory for the draft element includes numerous parcels identified to meet the housing needs of lower income households that are ten acres or greater in size, including parcels over 20 acres in size. The decision to identify sites for affordable housing development that cannot compete for tax credit financing because of the size of the parcels and the number of units on one parcel. This is a constraint on the development of affordable housing that the City has chosen to impose. Because the City is required to identify any governmental constraints on development and remove those constraints, the City must either remove the constraint by identifying parcels for affordable housing that can compete for tax credit financing, or adopt a program to commit City funds to develop these sites for affordable housing. All of the sites in the inventory should be suitable and available for residential development within the current planning period, a phasing plan to help large size parcels develop for affordable housing limits the development potential during the current planning period and is an inadequate mitigation to this self-imposed constraint on development.

b. Conditional Use Permits for Multi-Family Development

In addition, during our review of the Revised Draft Amendment, the City Council was scheduled on March 2, 2017 to consider a text amendment to the Development Code that would require a conditional use permit ("CUP") for all multi-family developments in the City in all zoning designations outside of the Downtown Development Area. Apparently the item was pulled from the Council's agenda on March 2, 2017, but certainly a CUP requirement on multi-family development could impose significant costs on multi-family development, delay project processing time, and add layers of additional review and hearings. The City must consider the potential constraint on development this type of requirement would impose and carefully review whether imposing such a requirement would be consistent with the goals and policies the City includes in its Revised Draft Amendment.

3. THE REVISED DRAFT CONTINUES TO FAIL TO ADDRESS PREVIOUS COMMENTS

The Revised Draft fails to meaningfully respond to or incorporate comments regarding deficiencies in the Draft Amendment and the Adopted Element that we and other members of the public have previously submitted to the City. In addition, areas requiring improvement described in this letter, the Revised Draft must correct the following deficiencies raised in our January and July Letters and other correspondence to the City:

- Failure to identify and include a commitment to zone sites to meet the need for lower-income housing outside of racially and ethnically concentrated areas of poverty and economically distressed neighborhoods and in high opportunity neighborhoods.
- Failure to analyze or respond to the housing needs of households with special housing needs, including households including undocumented and Limited English Proficient residents,² large households, and single-parent households.
- Failure to demonstrate that the programs included in the housing element will achieve beneficial impacts within the planning period through the inclusion of specific action steps and time frames for implementation.
- Failure to address the findings of the 2016 Analysis of Impediments to Fair Housing or the San Joaquin Valley Fair Housing and Equity Assessment, as advised by HCD.

The City must prepare and circulate for public review a further revised draft housing element amendment that addresses the deficiencies raised in previous public comments in order to develop a final housing element that complies with state law.

² The Revised Drafts fails to specifically analyze the housing needs of undocumented residents as required by statute, despite the submission of a letter to the City on the Draft Amendment dated January 12, 2017 signed by approximately 27 residents discussing in detail the housing needs particular to the large undocumented population in Fresno and providing recommendations for actions the City can take to address those needs.

4. REVISED DRAFT PROGRAMS CONTINUE TO LACK CLEAR ACTION STEPS AND TIMELINES TO ENSURE A BENEFICIAL IMPACT

a. Program 10A - Mobile Home Parks

We strongly support the inclusion in Revised Draft Program 10A of a commitment by the City to, “Conduct and publish an assessment of housing-related needs in mobile home parks through communications with residents and owners, identifying city, state, federal and private resources to address those needs.” The Revised Draft, however, fails to identify a timeline pursuant to which the assessment will be completed as required. The City must circulate a further revised draft amendment that states a specific timeline for completion of the assessment that will allow the assessment to have a beneficial impact within the planning period through its implementation. § 65583(c). Accordingly, we recommend that the City provide a timeline for completion of the assessment by December 2018, the third year of the housing element planning period, in order to allow the development and adoption of policies and the pursuit of funding identified with sufficient time to actually address housing needs of mobile home park residents during the planning period.

In addition, to ensure that the assessment does not become a planning document that collects dust on city shelves but in fact facilitates a beneficial impact on the city’s housing goals, the Housing Element should commit to share the assessment with the public, city committees and commissions, and the City Council to take feedback and allow adoption and implementation of the assessment and its recommendations.

b. Program 12-A – Downtown Displacement Prevention

We support the Revised Draft’s inclusion of Program 12-A is a positive step to *identify* the occurrence of and potential policy responses to economic and physical displacement in the Downtown. However, the Program fails to take the crucial step of committing to specific actions that will lead to a beneficial outcome on displacement identified.

Program 12-A states that it will annually gather certain data relating to gentrification and displacement starting in 2018. The collection of data in and of itself will not support the ability of existing residents and small businesses to remain in the Downtown as rents rise, and the Program includes no other action steps tied to timelines. The City must prepare a further revised housing element that incorporates the activities set forth in Downtown Neighborhoods Community Plan Policy 7.12.1 in a manner that ensures that a beneficial impact will be achieved by those actions and tie those actions to specific timelines.

For example, Revised Draft Program 12-A states that Policy 7.12.1 includes an item to “[i]dentify...a set of actions that give displaced persons or businesses the opportunity to remain in the area if they wish to do so.” The Housing Element should include a commitment by the City to identify those actions by a certain deadline and also to adopt and *implement* them also pursuant to a timeline. In addition, the actions identified should aim to *prevent* displacement from occurring at all, rather than solely providing options for residents following displacement

from their homes and business locations. Likewise, the Revised Draft recites an item included in Policy 7.12.1 to “[s]eek...funding for mixed income and affordable housing within the plan area,” including through funding from “any future Enhanced Infrastructure Financing Districts (“EIFD”) formed or a future citywide affordable housing trust fund.” Program 12-A includes no commitment to seek funding from any particular sources or pursuant to any timeline nor does it include any commitment to actually pursue the creation of an EIFD or affordable housing trust fund³. Without such commitments with clear timelines and action steps designed to achieve beneficial outcomes, Program 12-A will not actually help ensure that existing residents and business owners may remain Downtown as the City pursues revitalization and the Program will not comply with the Housing Element Law.

c. Program 16A – State Laws Related to Housing Development

Revised Draft Program 16A states that the City will “Review Development Code for compliance with State laws by May, 2017” and, “[i]f needed, present findings to the City Council for consideration of any amendments or revisions required by September 2017.” The Housing Element should clarify that the City will provide the public with ample opportunity to provide input on and incorporate said input into the Review, and that the results of the Review shall be shared with the public. Further, as state laws relating to housing development are consistently developing, we advise that the City commit to review the Development Code for legal compliance on an annual basis.

In addition, the City should use its review of the Development Code not just to ensure compliance with emerging state law but also to take public input on and assess opportunities to implement the Housing Element and General Plan goals relating to housing and community-development.

d. Program 20 – Comprehensive Code Enforcement

Revised Draft Program 20 states that the City will “develop Task Force recommendations” to improve property conditions, which “includes consideration of a residential rental inspection program...” The City Council adopted a rental inspection program in January. For this commitment to have meaning then and actually have a beneficial impact on rental housing conditions in Fresno, a further revised draft should state that the City will *implement* the residential inspection program and report on the outcomes of implementation in its Annual Housing Element Report to determine the Program’s efficacy and if changes are needed.⁴

³ As we have previously informed the City, the City could fund the creation of an Affordable Housing Trust Fund in the short-term with the allocation all or part of the approximately four million dollars per year that it receives from the state as former RDA “boomerang” funds to an Affordable Housing Trust Fund, as do other cities throughout California, rather than funnel 100% of those funds to reserve per current City policy. During this time, the City could examine and pursue long-term funding streams for an AHTF.

⁴ Revised Draft Amendment Program 27, Equitable Communities, also includes states that the City will consider a residential rental inspection ordinance and must be revised as described herein.

5. THE REVISED DRAFT PROGRAMS CONTINUE TO FAIL TO AFFIRMATIVELY FURTHER FAIR HOUSING AS REQUIRED BY GOVERNMENT CODE SECTION 65583(C)(5)

a. Program 8 – Home Buyer Assistance

The Revised Draft inexplicably eliminates language included in the December Draft Amendment committing the City to working with HCD to explore the potential for low-income homebuyers to purchase homes outside of low and moderate income census tracts in Fresno. Absent this language, the Revised Draft includes *no* programmatic commitments to expand homeownership opportunities for lower-income residents and residents of protected classes outside of high poverty neighborhoods and R/ECAPs.

The City must prepare and circulate a revised draft amendment that complies with the City's duty to affirmatively further fair housing opportunities through its programs by including specific programmatic commitments to expand homeownership opportunities for low-income residents of color, with limited English language abilities, immigrants, female-headed households and/or other protected classes. As stated in our January Letter, the City could address this deficiency by including a commitment to "pursue funding to support the purchase of a certain number of homes per year in high opportunity census tracts I permitted by HCD regulations" and "Identify and pursue alternative sources of local, state and federal funding to meet the objective if not." p. 11. In addition, the Housing Element could commit to collaborating with affordable housing and non-profit developers to encourage and facilitate financing acquisition, plan approval and home development for this purpose.

b. Program 10B – Housing Choice Vouchers

The Revised Draft Amendment includes a statement that the City will "[d]evelop a recommendation of best practices to target areas for voucher education, such as areas with high-performing schools or areas with high Area Median Income as well as near jobs and transit." It is unclear whether this language means that the City will develop best practices for expanding voucher use in certain areas or that the City will develop best practices for how to select the target areas themselves. The City must circulate a further revised draft housing element which clarifies the City's commitment and identifies a clear timeline pursuant to which it shall be completed. As the expansion of HCV use in high opportunity areas in Fresno requires both an effective plan for achieving expansion as well as the identification of "high opportunity" areas to which expansion shall be targeted, the further revised draft element should specify that the City will examine and provide a recommendation as to best practices for both. In addition, the housing element should clarify that the public shall have the opportunity to review drafts and provide input into the recommendations adopted by the City for the implementation of this program.⁵

⁵ This comment applies to Revised Draft Program 27, which also calls for the City to "[d]evelop a recommendation of best practices to target areas for voucher education." p. 6:28.

c. Program 27 – Equitable Communities

i. Investment in Older Neighborhoods

Our January Letter explained that the Draft Amendment did not strengthen but actually proposed to weaken the Housing Element’s programmatic commitments to investment in older neighborhoods with the greatest need by eliminating, without explanation, its commitment to:

“[e]stablish written policies and procedures that ensure that infrastructure and public service provisions and code enforcement activities are prioritized for high need areas. Prioritize basic infrastructure improvements like water, sewer, and street lights in high need communities. Create a list of infrastructure and public service needs in high need areas and potential strategies for addressing those needs.”

Yet, the Revised Draft Amendment continues to exclude this commitment contained in the current Housing Element. The formulation and adoption of policies and procedures is necessary to ensure that City resources for infrastructure and services target high need areas. The City should circulate a further revised draft amendment which allows the commitment to remain in the housing element as a targeted and systemic approach to addressing infrastructure allocation disparities in Fresno.

While not a substitute for the commitment to establish policies and procedures to prioritize infrastructure and service provision in high need areas referenced above, we support the inclusion of language in Program 27 stating that the City will annually review the location of infrastructure projects in the City to assess project distribution and that it will identify high need deficient areas by 21. The Revised Draft does not indicate how it will identify infrastructure investments and whether it will include specific information on the location of those investments or if it will only indicate the inclusion of projects in designated Priority Areas included in General Plan Implementation Chapter, Figure IM-1. Figure IM-1’s Priority Areas, such as the “Established Neighborhoods South of Shaw”) include large swaths of the City with dramatic variations in poverty levels, demographics, and infrastructure availability. To serve as an effective tool to address infrastructure deficiencies in high need areas, the City should pinpoint the location of investments in its review and indicate the type and amount of investment made.

ii. Equitable Distribution of Housing Opportunity

As the City has cited the unavailability of public transit in higher income neighborhoods as a basis for its failure to zone sites for lower-income housing in high opportunity neighborhoods, our January Letter recommends that the Housing Element comply with its duty to AFFH in part by committing to analyze the impact of the transportation network on affordable housing opportunities and extending or modifying the network as necessary to eliminate transit-related barriers to fair housing identified. In response, the Revised Draft Amendment states that the City will “[a]ssess the interaction between transportation network pathways and affordable sites to identify any barriers to affordable housing and employment access” in 2018.

Sophia Pagoulatos

March 6, 2017

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We appreciate the City's response to our comment. However, by limiting the study to an assessment of the relationship between affordable housing and employment, the commitment fails to respond to the fair housing objective of the comment which seeks the elimination of a City-identified barrier to housing choice outside of high poverty neighborhoods and in areas of opportunity. In order to AFFH in accordance with the City's duty under Housing Element Law and other state and federal laws and not serve as a tool to further entrench existing patterns of racial and economic segregation, a further revised draft should specify that the study will assess interactions between the transportation network and affordable sites with the aim of identifying barriers to fair housing choice, including the availability of housing affordable to lower-income residents in high opportunity neighborhoods (i.e., neighborhoods with high performing schools and comparatively high graduation rates, relatively low-poverty rates, and lower percentages of residents of color, immigrants, non-English language speakers, and other protected classes.)

* * * * *

Thank you for your attention to these comments. Ashley Werner will be unavailable until March 15th. In her absence, please contact Valerie Feldman at (916) 457-7155 if you would like to find a time to discuss these comments.

Sincerely,



Ashley Werner
Senior Attorney
Leadership Counsel for Justice &
Accountability



Valerie Feldman
Staff Attorney
Public Interest Law Project

cc: Paul McDougall, California Department of Housing and Community Development

Attachment A

Attachment A

Sophia Pagoulatos, Planning Manager
Development and Resource Management Department
Long Range Planning Division
Fresno City Hall, Rm. 3065
2600 Fresno Street, Fresno, CA 93721

January 13, 2017

Re: City of Fresno 2015-2023 Housing Element Amendment December 2016 Public Review Draft

Dear Ms. Pagoulatos:

We are writing on behalf of our clients, Familias Addams por un Mejor Futuro, Rosalina Carson, and Rosalba Cardenas, with respect to the City of Fresno's 2015-2023 Housing Element Amendment December 2016 Public Review Draft (Draft Amendment). We provide these comments in order to assist the City in developing a final housing element that substantially complies with the requirements of state Housing Element Law and furthers the "early attainment of decent housing and a suitable living environment" for every Fresnan, as envisioned by the Legislature. Gov. Code § 65580(a).

1. The City Continues to Flout the Housing Element Statute's Public Process Requirements

After failing to meet the statutory deadline to adopt a valid housing element by December 31, 2015, the City's hurry to seek HCD's approval of its housing element, resulted in the City repeatedly failing to make a diligent effort to include the public in the housing element's development in violation of Government Code section 65583(c)(8). See HCD's March 7, April 7, and August 11, 2016; Leadership Counsel & Public Interest Law Project letters dated February 6 and 26, March 31, April 21, July 7, 2016. HCD's March 7th letter to the City found that the City "denied the public an important opportunity for public input" by submitting its January Draft Housing Element to the state prior to releasing a draft to the public for review and comment. Nevertheless, the City developed and submitted multiple additional draft housing element revisions to the state with little or no prior public review following HCD's issuance of its March 7th letter. HCD's August 11th letter on the City's adopted Housing Element emphasizes that the City "must engage the community" and "provide a variety of meaningful opportunities for input, beyond testimony at a public hearing."

Despite HCD's clear and repeated direction to the City to engage the public, the City has continued to demonstrate a lack of regard for the Housing Element Statute's public process requirements in the development of its Housing Element Amendment. The City noticed its three public workshops for the Draft Amendment just a few days before the first workshop. The email sent by the City to notify stakeholders used technical terminology (e.g., "Housing Need from Prior Housing Element Cycle (2015-2023)") not readily understandable to the general public.

Sophia Pagoulatos, Planning Manager

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January 11, 2017

We advised the City in written correspondence dated December 7, 2016 that notices from the City relating to the housing element update must use clear language that is accessible to residents and must modify its efforts to achieve public participation, particularly due to the City's poor track record of attaining public participation through email notices in the previous housing element workshops. Exhibit A, attached hereto.

The City's efforts to date to obtain public input into the Draft Amendment do not meet the Government Code's standard. The City's previous efforts related to the current Adopted Housing Element, including workshops hosted by the City last fall do not substitute for public engagement in the Housing Element Amendment process, as City staff suggested at the stakeholder workshop. We urge the City to undertake additional efforts to provide meaningful opportunities for public input into the preparation of the final Housing Element Amendment that reach a greater number and cross-section of residents and stakeholders, including low-income residents with the greatest housing needs. We have provided various recommendations in our December 7, 2016 comment letter and other comment letters we have issued to the City pertaining to the 2015-2023 Housing Element for free and low-cost efforts the City can make to engage the public. We encourage the City to consider and utilize those recommendations.

The City also fell short of state law's standards by releasing a draft housing element amendment prior to the completion of public workshops for the amendment. Several residents and commissioners expressed their concern at the City's stakeholder workshop over the City's release of the Draft Amendment before seeking any public input on it.¹ Staff indicated that the timing of the release was a response to requirements of the state to amend their housing element. Yet HCD clearly stated in its August 11th letter and in its previous letters that the City must make diligent efforts to include the public in the **development** of its housing element.

The City further impeded public participation in the development of the Draft Amendment by releasing the Draft for a 30-day comment period during the middle of the holidays, with a comment period of December 13, 2016 to January 13, 2017. HCDC Commissioner Barbara Fiske asked staff at the stakeholder workshop if it could extend the public comment period beyond this period, noting that it is an "unusual time to ask community members and non-profits to engage people on housing." Staff indicated that they would not extend the comment period, but that there would be "public hearings" in March when the public could comment further. The City's actions and statements directly conflict with the direction provided by HCD that the City must make "meaningful opportunities for input, beyond testimony at a public hearing" available for residents.

The City continues to fall short of meeting the law's requirement to make a diligent effort to engage residents of all income levels, preventing the City from developing a housing element that addresses the housing needs of *all* residents.

¹ As West Fresno resident Brunette Harris stated regarding the draft, "The City is supposed to get public input *before* making the plan. How is it that the City can come and plan things in a community, and they don't ask us what we want?"

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2. Draft Revisions Ignore Deficiencies Raised in Other Comment Letters.

The Draft Amendment ignores deficiencies in the Adopted Element raised in previous comment letters that we have submitted, including in letters dated February 6 and 26, March 31, April 21, July 7, 2016. In addition to the deficiencies discussed in this letter below, the deficiencies that the Draft Amendment does not address include but are not limited to the following:

- Failure to analyze and address the needs of household with special housing needs, including in particular large households, single-parents households, non-English and Limited English Proficient speakers, immigrants, and undocumented residents.
- Failure to analyze and address barriers to affordable housing.
- Failure to demonstrate that each of the programs will achieve beneficial impacts within the planning period through the inclusion of specific action steps and time frames for implementation.
- Failure to address governmental constraints on the maintenance and development of affordable housing.
- Failure to address the findings of the 2016 Analysis of Impediments to Fair Housing.

Despite repeated requests by the public for the City to address these deficiencies, the Draft Amendment does not. The City must prepare a revised draft amendment that addresses the deficiencies raised in previous public comment letters before it may be found in compliance with state Housing Element Law.

3. The Inventory Remains Inadequate to Meet the Housing Needs of the Current RHNA and Carry-over from the 2008-2013 RHNA.

a. Carry-over Calculation

The December Draft's carry-over calculation begins with the carry-over calculation² that HCD includes in its November letter regarding the City's Adopted Element - 6,476 units for low, very-low and extremely low income households. The City then reduces the carry-over by taking credit for affordable housing permitted or constructed during the last planning period without identifying the development projects by name or location. For approximately 738 units of affordable housing the City provides no information about the projects in order for the public to verify the project and the affordability of the sites. Simply referring to the Annual Progress Reports for the years indicated on Table 3-4 does not provide adequate information for the public or HCD to verify these units can be credited against the City's carry-over obligation. For

² The City refers to the calculation of the unmet need that must be accommodated in the current housing element with several different terms: the unmet need and the roll-over. We refer to the same with the term "carry-over." The calculation is completed by determining the RHNA for the applicable income levels for the past planning period, then subtracting the number of units approved or constructed by income level from the RHNA, then subtract the number of sites that could be accommodated on sites identified in the housing element for the previous planning period, then subtract any sites re-zoned to meet the housing needs during the last planning period. See HCD's Memorandum AB1233, Updated June 3, 2010.

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example, when HCD calculated the City's carry-over at 6,476 units, HCD gave the City credit for 1,740 units for the 2008-2013 planning period based on sites identified and available in an inventory in 2008 and 2009 Adopted Housing Elements and for units approved or constructed during the same time frame. It is unclear, and therefore problematic, whether the City is taking credit for some of the same units that HCD has already given the City credit for constructing or approving in its calculation of 6,476 carry-over units.

For the years 2013 to 2015, City takes credit for units approved or constructed and does identify the name of the project along with the number of units by income level. But there are errors in some of total units that indicates these numbers may not be reliable. For example, for 2013 the draft element includes a project called Fultonia West with 34 units affordable for extremely-low or very-low income and 10 units affordable for low income households and one unit affordable to moderate income households. The corresponding 2013 Annual Progress Report lists the Fultonia West development as including 13 units affordable for low income and 19 units affordable for moderate income households. This error, and any others, must be corrected in order to determine whether the City can reduce its carry-over from HCD's 6,476 units.

b. Carry-over site specifications

1.Size

The December draft element correctly re-states the law regarding the specific requirements of site re-zoned to accommodate the unmet need from the prior planning period: the site must allow development by right on a site that can accommodate at least 16 units and permits a density of at least 20 dwelling units to the acre. Fifty percent of the sites must allow only residential use, unless a mixed use site allows 100 percent residential and require that residential use occupy at least 50 percent of the floor space. Government Code § 65583.2(h). The draft element goes on to state on p. 3-27 that six parcels with a capacity of less than 16 units are included in the carry-over inventory. (Appendix B-2) On p. 6-17 of the draft element it states that 7 of the parcels in the carry-over inventory have a capacity for less than 16 units per acre. Notwithstanding the inconsistency between the statements, and a review of Appendix B-3 supports at least 7 parcels with a capacity of less than 16 units, no site with a capacity of less than 16 units per acre can be used to accommodate the unmet housing need from the prior planning period. No exceptions exist in the statute to include sites with a smaller capacity.

2.By Right

Excluding the parcels that do not meet the requirement that sites re-zoned to address the carry-over accommodate at least sixteen units can be accomplished when the draft housing element is modified to incorporate the public comments the City receives prior to submitting the draft to HCD. The more difficult challenge is to demonstrate that all of the carry-over sites allow by right development. By right is typically defined as development that is not required to seek any discretionary approvals. Gov. Code § 65583.2(i). The City's Development Code indicates zone clearance, a ministerial review to determine if a residential development meets all applicable standards, is available for single family homes and single duplexes and all other

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developments must seek a development permit. §15-5203. The development permit process is not a ministerial process and allows for discretionary review of a development.

The Draft Amendment contends in Chapter 3, page 24, that projects subject to the Downtown Development Code (“DDC”) are subject only to a zone clearance process. However, as we explained to the City prior to the City’s adoption of the DDC in correspondence dated October 19, 2016, attached hereto as Exhibit B, the DDC allows projects located in certain areas of the Downtown to obtain zone clearance approvals only if they have a residential density of 20 units per acre, where at least 50% of the floor area is occupied by residential uses and which have no historic uses on site. Government Code section 65583.2(h), however, requires that the City identify sites to meet its carry-over need where *only* projects meeting the requirements established by that section are permitted. The DDC does not meet this standard, because it does not *require* development projects to satisfy the standards contained in section 65583.2(h) on the sites identified but *allows* them to proceed with zone clearance if they do. The distinction between the Government Code’s requirements and the DDC’s provisions is significant: the Government Code requires that the City identify sites where projects must meet the minimum density and development standards and may proceed only subject to a zone clearance in order to ensure that projects that proceed on those sites in fact address the city’s unmet need for housing for lower-income residents from the prior planning period.

3.Capacity

The City's recent modifications increasing permitted densities and height limits in the downtown area are a recent change and there is no development pattern for the City to rely on to support the estimated capacity included for the sites on the carry-over inventory (Appendix B-2). The City relies on the projected capacity of several proposed projects but cannot point to development patterns that support calculating future capacity on the downtown sites at 283 units/acre - Table 3-9, on page 3-24 and 3-25, gives examples of affordable housing in the past that had a build out averaging 18.9 units a floor in a 2 or 3 story development, the new height limits have no track record and assuming that all projects that **can** build out at 10 or 15 stories **will do so** is speculative and not an adequate analysis to support the capacity included in the inventory.

c. Current RHNA Inventory

1.Underutilized Sites

Non-vacant parcels are included in both the carry-over inventory and 2013-2023 RHNA inventory as is permitted if the housing element includes a comprehensive analysis of the development potential during the planning period on the non-vacant sites. Gov. Code § 65583.2(g).³ In the Draft Amendment inventories, the current use of the non-vacant parcels is identified but this falls short of the analysis required by law. As HCD's building blocks explains the analysis must assess whether non-vacant or underutilized sites can be realistically developed

³ This analyses is required for all non-vacant sites whether the site is identified to meet the 2015-2023 RHNA or the unmet housing need from the last planning period.

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within the planning period. Further analysis is necessary for sites in both the carry-over and current RHNA inventories to determine whether re-development of these non-vacant sites is realistic during the remaining time in the planning period. The City's inventory include non-vacant parcels that include operating businesses, including a church, and the City must complete the analysis of the specific sites and their realistic development potential and not simply identify what the current use is on the site.

2.Site Capacity

As indicated in previous comment letters the capacity of the City's identified sites to accommodate housing affordable to lower income households is greatly overstated on large sites of over 10 acres in size. The available funding sources and past development patterns do not support affordable residential projects developing at 30 units/acre on thirty acres resulting in 913 affordable units on one site. See parcel 2027 in Inventory B-1, Appendix B. The City uses one example of an affordable residential development on a large site, the proposed Fracher project which will support 440 affordable units on 91 acres on p. 3-15. That results in a development of less than 20 units/acre and does not support the development predictions of other large sites at 30 units/acre and higher. The capacity calculation for large sites, more than 10 acres in size, overstates the actual development capacity because of available financing for affordable housing. On the City's list of TCAC funded projects on p. 4-28, only two of the 34 developments built with tax credits has more than 250 units. The lack of availability of tax credit financing for developments of over 250 units poses limit on the development of large sites for affordable housing. And by including such large sites, which cannot compete the available funding for affordable housing in the inventory, the City has created a constraint on the production of affordable housing.

3.Mixed Use Sites

The Draft Amendment identifies a specifics' that would allow some of the mixed use sites to allow commercial-only development on p. 3-9 (projects less than 20,000 sq. ft, beyond a certain distance to a BRT route, and for projects with a development permit application before 2019). These sites do not belong in the inventory identified to meet residential housing needs, and although the parcels that meet the first two criteria should be somewhat easy to isolate and remove from the B-1 and B-2 inventories, it is unclear how to identify the sites that may submit a development application between now and 2019.

4. Governmental Constraints

The site inventory for the Draft Amendment includes numerous parcels indentified to meet the housing needs of lower income households that are ten acres or greater in size, including parcels over 20 acres in size. The decision to identify sites for affordable housing development that cannot compete for tax credit financing because of the size of the parcels and the number of units on one parcel. This is a constraint on the development of affordable housing that the City has chosen to impose. Because the City is required to identify any governmental constraints on development and remove those constraints, the City must either remove the constraint by identifying parcels for affordable housing that can compete for tax credit financing,

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or adopt a program to commit City funds to develop these sites for affordable housing. All of the sites in the inventory should be suitable and available for residential development within the current planning period, a phasing plan to help large size parcels develop for affordable housing limits the development potential during the current planning period and is an inadequate mitigation to this self-imposed constraint on development.

5. The Draft Revisions Exacerbate the Unlawful Concentration of Sites for Affordable Housing in R/ECAPs and Economically Disadvantaged Neighborhoods

As noted in our previous letters, the high-density sites identified in the Housing Element Sites Inventory to meet the housing needs of lower income households are located almost entirely in, or immediately adjacent to, racially and ethnically concentrated areas of poverty (R/ECAPs) and economically distressed neighborhoods that lack access to essential infrastructure, services, and amenities and that are disproportionately exposed to multiple sources of pollution, and that a revised housing element must include programmatic commitments to rezone sites to higher densities in higher income and higher opportunity areas.. HCD's August 11th letter also states that a revised housing element should include a "specific commitment to rezone more housing choices in high opportunity areas."

Nevertheless, the Draft Amendment does nothing to identify or commit the City to rezone sites for affordable housing in high opportunity areas. In fact, the City proposes in the Draft Amendment to meet 100% of its carry-over need with sites located in an R/ECAP, the Downtown. p. 3-26. The City's persistence in refusing to make sites available to meet the need for housing affordable to lower income residents outside of R/ECAPs and low income neighborhoods lacking critical infrastructure and services violates the Housing Element Law's requirement that jurisdictions "[p]romote housing opportunities for all persons" regardless of protected class status. § 65583(c)(5) and other state and federal laws prohibiting housing discrimination. 42 U.S.C. § 2000d; 42 U.S.C. 3601, *et seq.*; Gov. Code §§ 11135, 12900, 65008.

In fact the Draft Amendment's only analysis of racially and ethnically concentrated areas of poverty is to determine that these concentrations of poverty occur in certain areas because of the proximity of these areas to transportation. p.3-31. Although this response is insufficient and fails to assess Fresno's status as the most segregated city in America, the next logical step would be to identify a program, including specific actions, to zone sites and provide incentives for affordable housing development and increase the access to transportation in other areas of the City in order to de-concentrate poverty. **Since the City is currently updating its transportation system network, the City could include a program in a revised Draft Amendment that includes a commitment to analyze the impact of the transportation network on affordable housing opportunities and extend or modify the network as necessary to eliminate transit-related barriers to fair housing identified.**

The City must identify sites or include a program to rezone sites to meet the need for housing affordable to lower-income residents outside of R/ECAPs and economically distressed neighborhoods and in higher income and higher opportunity neighborhoods that currently lack affordable housing options.

6. Additional Analysis is Required to Conserve the Existing Housing Stock

The City has identified numerous efforts to redevelop sites in the downtown area. As an R/ECAP, the Downtown is disproportionately comprised of low, very-low, and extremely-low income residents compared to the City as whole. The Housing Element indicates that lower-income residents face extremely high levels of housing cost burden, including 92.9% of ELI, 82.7% of VLI, and 59.5% of LI renter households. Thus, residents in the Downtown subject to revitalization efforts are extremely vulnerable to price increases resulting from sustained investment in the area by the City. The City's revitalization efforts therefore may give rise to a governmental barrier to affordable housing and must be accompanied by programs in the housing element to prevent the displacement of existing residents and to maintain the existing stock of housing in these neighborhoods. These include but are not limited to implementation of the Anti-Displacement Task Force identified in the Downtown Neighborhoods Communities Plans; requirements that City property sold for private development include housing affordable to ELI, VLI, and LI residents; inclusionary zoning requirements; rent control; and/or other mechanisms to ensure long-term affordability for existing lower-income residents.

7. The Draft Revisions Fail to Rectify the Housing Element's Programmatic Deficiencies

As we explained in previous comments, programs contained in the Housing Element and its various draft iterations lack the specificity and "specific action steps" necessary to demonstrate that those programs will result in beneficial impacts on the City's housing goals within the planning period as required by the Housing Element Law. § 65583(c); HCD's Building Blocks for Effective Housing Elements. HCD's August 11th letter states that the Housing Element must include "additional revisions to assure a beneficial impact towards Fresno's goals and objectives" and specifically identifies Program 10A (Mobile Home Parks) and Program 27 (Equitable Communities) as requiring revision. The City's proposed revisions fail to rectify these deficiencies.

a. Program 10A - Mobile Home Parks

The revisions to Program 10A represent a positive but insufficient step towards compliance with the Housing Element Law's beneficial impact requirement. The City's commitment to provide assistance with funding applications should specify a target number of applications with which the City will assist. In addition, instead of simply making a list of organizations that "can assist in the preservation of mobile home units," the City should commit to take specific action itself to facilitate the preservation of these units. This may, for example, take the form of conducting an assessment of housing-related needs in mobile home parks through communications with residents and owners, identifying city, state, federal, and private resources available to address those needs, and identifying actions the City will take to use the resources and policy-options available to it to address those needs.

b. Program 16 Requires Action in Response to Survey Results.

The Draft Amendment includes Program 16 to monitor development on sites identified in the inventory but does not identify any action or commitment that the City will take based on

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the outcome of the survey. For all of the reasons stated above regarding large parcels included in the inventory, it is an important step to monitor the actual development of these sites for affordable housing. However, the housing element must also identify an action the City will take if survey results show that challenges exist to the development of these sites as affordable housing.

c. Programs Needed to Prevent Displacement Activity.

The draft element described the comprehensive plans the City is taking to encourage new development in the downtown area. pp. 3-23 to 3-28. As discussed above, these efforts toward revitalization in the downtown area must be paired with efforts to prevent the displacement of existing housing in and around the downtown area not only as a direct result of identifying non-vacant sites in the City's inventory but also due to increased housing costs associated in the surrounding area.

a. Program 27 – Equitable Communities

The City's proposed revisions to Program 27 fail to include "specific action steps and timelines" that "assure a beneficial impact" on the City's housing goals, as HCD's August 11th letter directed, and in fact would undermine the program's goal of the equitable distribution of housing and investment by eliminating the program components which are most likely to result in a beneficial impact due to the specificity of the actions, outcomes and timelines of those programs. The City must modify its proposed revisions to Program 27 to assure that the program will result in a beneficial impact pursuant to section 65583(c).

i. The Draft Revisions Do Not Enhance but In Fact Weaken Program 27's Commitment to Facilitate Investment in Older Neighborhoods

The Draft Revision's modifications relating to public and private investment priorities do not include specific action steps necessary to result in a beneficial impact on the City's goal of investment in older neighborhoods but rather consist of broadly worded proposals not tied to a clear outcome and the elimination of Program 27's strongest commitments.

The first bullet point included under Program 27 in the Draft Revisions states that the City will:

"Publish a General Plan Annual Report every December which will detail the location of public investments...in addition to the location of building permit activity by sector as a metric of private investment."

The Draft Revision's proposal to provide information about the location of investment nor does not act to achieve the stated goal of equitable distribution of housing and investment during the planning period. Gathering information to inform a further action would be relevant, but only gathering information does not result in equitable distribution.

The second bullet point included under Draft Revision Program 27 proposes to, "Establish a General Plan Implementation Committee...to review progress on the priorities established in the General Plan" and states that the "committee will convene in early 2017 and have opportunities to provide recommendations to the City on prioritization of future investments." Again, this bullet point indicates no specific action the City will to achieve the goal of the equitable

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distribution of housing and investment: the formation of a committee which will have “opportunities to provide recommendations” – recommendations which the City may or may not adopt -- does not move toward the attainment of any impact on the city’s housing and investment goals at all.

At the same time, the Draft Revisions would delete the following commitments contained in Housing Element Program 27:

- “Identify areas of high need and target an integrated approach to service provision in those neighborhoods.”
- “Establish written policies and procedures that ensure that infrastructure and public services provisions and code enforcement activities are prioritized for high need areas. Prioritize basic infrastructure improvements like water, sewer, and street lights in high need communities and potential strategies for addressing those needs.”

The Draft Revisions would also eliminate the associated objective, that the City: “Identify high need areas and create a list of infrastructure and public service needs in high need areas and potential strategies by January 2017.”

Unlike other components of Program 27, the commitments and objectives which the Draft Revisions propose to delete identify specific actions and clear outcomes that will achieve a beneficial impact on the distribution of the investment of public resources in Fresno pursuant to an established timeline. The deletion of these commitments coupled with the addition of broadly worded commitments to provide information about the location of investments and form a committee do not assure that Program 27 will result in a beneficial impact on Fresno’s housing goals, but in fact make it less likely to do so.

ii. The Draft Revisions Do Not Identify Specific Actions that Will Result in a Beneficial Impact on the Equitable Distribution of Housing Opportunity

HCD’s August 11th letter states that Program 27 should “include specific commitment to rezone more housing choices in high opportunity areas.” The Draft Amendment includes no such commitment by the City and in fact, *further exacerbates* the nearly complete concentration of sites included in the Sites Inventory for affordable housing in R/ECAPs and economically distressed neighborhoods. See above. The City must revise the Draft Amendment to include a commitment rezone sites for multi-family housing affordable to low and very-low income residents outside of low and moderate income and in higher income / opportunity neighborhoods.

The Draft Amendment states that the steps the City will take to expand affordable housing opportunities “[include], but [are] not limited to, supporting owner-initiated zoning and General Plan land use amendments that expand affordable housing opportunities outside of low- and moderate-income areas.” Yet the Draft Revision provides no information about what “support” the City will provide for owner-initiated zoning or land use amendments or any indication that that “support” will result in a beneficial impact on the distribution of affordable housing

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opportunities in Fresno and abdicates the *City's* duty to affirmatively further fair housing to developers. The City itself must take action to create housing opportunities outside of R/ECAPs. Further, historical development patterns in Fresno indicate that market-driven zoning does not further fair housing but rather leads to the lack of diverse housing opportunities for residents across the income spectrum.

The Draft Revisions' statement that the actions the City will take to expand affordable housing opportunities "includ[e], but [are] not limited to" supporting owner-initiated zoning and land use amendments indicates that there are additional but unspecified actions the City may take to this end. The City cannot rely on vague commitments to take unspecified actions to expand affordable housing opportunity but must state the "specific actions" it will take achieve them.

The Draft Amendment include additions to Programs 5 and 8 to include language relating to the expansion of affordable housing opportunities outside of low and moderate income neighborhoods. While these proposed revisions represent a positive step by the City to address HCD's comments with respect to Program 27, they, like the revisions to Program 27, do not assure that they will result in a "beneficial impact" as drafted. Program 5 includes provisions to pursue funding to assist the development and preservation of housing, with an "emphasis on the development mixed-income residential neighborhoods and the expansion of affordable housing opportunities outside of the City's low- and moderate-income areas" but does not identify any objective for the number of units that will be constructed in those areas or timeline to assure that the revision will result in a beneficial impact on the expansion of affordable housing opportunities in the City. The Draft Amendment must be revised to identify specific objectives and timelines for the City's attainment of funding to facilitate the development and preservation of affordable housing in higher income areas.

Draft Amendment Program 8 includes modifications that indicate that program regulations for Home Buyer Assistance limit homebuyers to purchase housing in low and moderate income census tracts in Fresno but state that the City will work with HCD to "explore" the potential for homebuyers to purchase homes outside of those areas. While the addition represents a positive step by the City to consider options to expand affordable housing opportunities within its limits, the Housing Element does not indicate what – if any – potential exists for the City to bypass state funding regulations with respect to the CalHome program and therefore whether the program in fact has the potential to result in a beneficial impact on the expansion of affordable housing opportunities in Fresno. In addition, revised Program 8 does not identify any specific actions the City will take that will result in a beneficial impact on the expansion of affordable housing opportunities in the City, since "exploration" by the City of the possibilities for homebuyers to purchase homes outside of low and moderate income areas will not actually result in the purchase of any homes outside of those areas. To address this deficiency, the City could revise the Draft Amendment to state that the City will pursue funding to support the purchase of a certain number of homes per year in high opportunity census tracts if permitted by HCD regulations and that the City will identify and pursue alternative sources of local, state, and federal funding to meet the objective if not.

Sophia Pagoulatos, Planning Manager

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The City must modify its Draft Revisions to identify and include specific programmatic commitments that will result in the expansion of affordable housing opportunities outside of low and moderate income neighborhoods.

* * * * *

Thank you for your attention to our comments. Please contact Ashley Werner at awerner@leadershipcounsel.org or (559) 369-2786 if you would like to find a time to discuss them over the phone or in person.

Sincerely,



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