

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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Sacramento, CA 95833
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November 8, 2021

*****Corrected Copy*****

Sol Blumenfield, Director
Community Development Department
City of Culver City
9770 Culver Blvd.
Culver City, CA 90232

Dear Sol Blumenfield:

RE: Culver City's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Culver City's (City) draft housing element update received for review on September 9, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on November 3, 2021 with Lauren Marsiglia, Associate Planner and your consultant, Veronica Tam. In addition, HCD considered comments from several stakeholders and members of the community (listed in Appendix B), pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes revisions needed to comply with State Housing Element Law.

The City's statutory deadline to adopt a housing element was October 15, 2021. For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly

available while considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and dedication of Lauren Marsiglia and Veronica Tam in preparation of the City's housing element. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at shawn.danino@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougal", with a stylized flourish at the end.

Paul McDougal
Senior Program Manager

APPENDIX A CITY OF CULVER CITY

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively furthering fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Racial/Ethnic Areas of Concentration of Affluence (R/ECAP): While the element reports no block groups where racial/ethnic minorities make up less than 20 percent of the population, it does report several block groups with median income over \$125,000 and should include analysis of these areas relative to other block groups in the City and relative to the region. This analysis should also address identified sites by income group in these areas and whether sites affirmatively further fair housing.

Local Data and Knowledge: The element should consider other local data and knowledge to complete the affirmatively furthering fair housing (AFFH) analysis. Examples include input from neighborhoods such as the identified R/E CAP, knowledge from local planners and city administrators and city records and reports.

Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues. For instance, the element can analyze historical land use, zoning and investment practices, presence of redlining, restrictive covenants, neighborhood investment or disinvestment, federal investment such as transportation infrastructure, demographic trends or any other information that supplements the reported data and assists in a complete analysis.

Contributing Factors: Upon a full analysis of the AFFH section, the element should re-evaluate contributing factors to fair housing issues. In addition, the element lists several contributing factors, but it should also prioritize those contributing factors.

Goals, Actions, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Housing Conditions: The element quantifies the age of the housing stock and some enforcement activities. However, it must estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including nonprofit housing developers or organizations. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

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

Progress in Meeting the RHNA: The City's RHNA may be reduced by the number of new units pending, approved, permitted or built since July 1, 2021 by demonstrating availability of the projects in the planning period and affordability based on rents, sale prices or other mechanisms ensuring affordability (e.g., deed restrictions). The element notes units affordable to lower and moderate-income households, but it must also demonstrate affordability. In addition, the element should demonstrate how all pipeline, proposed entitled and plan check units will be available in the planning period.

Sites Inventory: The element lists several sites including single unit homes that were requested for removal by members of the public. While strategies such as the incremental infill strategy may be successful in increasing access to opportunity in high resource areas, the inventory and its figures should appropriately adjust for households requesting removal from the sites inventory.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. The element lists some recent projects by factors such as actual density and the number of units, but it should also list the projects by affordability, zone and allowable density.

In addition, the element appears to assume residential development on sites with zoning that allow 100 percent nonresidential uses. While the element mentions most of recent residential construction has occurred as part of mixed-use developments, it must still account for the likelihood of nonresidential uses. The element should include analysis based on factors such as development trends, performance standards or other relevant factors. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

Suitability of Nonvacant Sites: While the element includes basic information on some recent trends (pp. B6-B8), it does not explain how these trends support factors utilized to demonstrate the potential for additional development. The analysis must also consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. For example, public comments indicate that many nonvacant sites have newly established leases, new commercial development, and several environmental constraints.

In addition, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.

Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must describe any known environmental constraints or other conditions that could impact housing development in the planning period on identified sites.

Small Sites: The element identifies many sites at less than a half-acre. These sites are not eligible absent a demonstration that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless other evidence is provided. If the inventory indicates some sites can be consolidated it should also provide analysis demonstrating the potential for consolidation. For example, the analysis could describe the City's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for lot consolidation, or information from the owners of each aggregated site.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. While the element includes a program to address this requirement, the inventory should clarify which sites were identified in prior planning periods. For more information on program requirements, please see HCD's Housing Element Sites Inventory Guidebook at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

Infrastructure: The element generally describes infrastructure. However, it must also demonstrate sufficient total water and sewer capacity (existing and planned) to accommodate the regional housing need by community plan area.

In addition, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) The element should discuss compliance with this requirement and if necessary, add or modify programs to establish a written procedure by a date early in the planning period.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Accessory Dwelling Units (ADU): The element describes the City's 'incremental infill' strategy to increase access to opportunity in neighborhoods zoned for lower densities, such as R1 (pp. B-3 and B-4) and concludes that each of these units can be increased in capacity to three or four total units. However, the City also concludes that 400 ADU's and Junior ADU's will be completed during the planning period. For your information, the City may not 'double count' these units and, if appropriate, should adjust its ADU projections or incremental infill projections accordingly.

Zoning for a Variety of Housing Types (Emergency Shelters): The element mentions emergency shelters are permitted by-right in parts of the IG zone and the East Washington Boulevard Overlay zone. The element should also clarify shelters are permitted without discretionary action, discuss typical parcel sizes and the presence of reuse opportunities and any conditions inappropriate for human habitability. In addition, the element should list and evaluate the actual development standards for compliance with statutory requirements and add or modify programs as appropriate.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as*

identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). While the element does provide information on residential development standards including lot coverage, minimum unit sizes, height limits, minimum lot sizes, guest parking requirements, parking minimums, setback requirements, and maximum densities (Table 36), it must still analyze those standards as described above, specifically address minimum unit size requirements and parking provisions for live/work units and add or modify programs as appropriate.

Fees and Exactions: The element describes planning fees and the cumulative effect of fees on a mixed-use development, but it should also include specific analysis of planning fees such as conditional use permit fees and the impact of the mobility improvement fee on ADUs.

Processing and Permit Procedures: The element notes the application of the Site Plan Review, including identifying findings of approval, but it should also evaluate those findings of approval. For example, the element should evaluate findings of compatibility with the character of surrounding development, including a discussion of design guidelines. The analysis should specifically address housing cost, timing and approval certainty. In addition, the element lists approval times, but it should also evaluate those times, for example, for compliance with the Permit Streamlining Act.

Persons with Disabilities: The element mentions the City has adopted a reasonable accommodation procedure but should also describe and analyze the process, including approval findings. In addition, group homes for seven or more persons appears to be subject to a conditional use permit and a minimum lot size requirement of 5 acres. The element should evaluate these requirements as constraints and include programs as appropriate.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards on the City's website and include programs if appropriate.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

The element includes data and analysis for persons with special needs. However, to better formulate policies and programs, it should also identify and analyze elderly households by tenure (renters and owners) and permanent and seasonal farmworkers at a county level (e.g., USDA Agricultural Census).

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific and clear commitment to outcomes. Programs to be revised with discrete timelines (e.g., annually, Spring 2022) include Measures 1F (Affordable Housing Development Assistance) and 4G (Hotel/Motel Conversion). Measures to be revised with specific and clear commitment to outcomes include:

- *Program 2A (Homeless and Special Needs Housing)* should be revised with a schedule of actions to facilitate development. Action could include zoning, outreach with developers, incentives, fee waivers, priority processing and financial assistance.
 - *Measure 4D (ADU Ordinance)* should be revised to include additional actions beyond incentives and removing constraints if ADU and Incremental Infill assumptions are significantly mis-aligned with assumptions (e.g., rezoning) and include a completion date for alternative actions.
 - *Measure 4F (Affordable Housing Tools and Best Practices)* should be revised with actions beyond “explore” with a commitment to an actual housing outcome in the planning period.
 - *Measure 6E (Homebuyer Assistance)* should be revised with actions beyond “explore” with a commitment to an outcome in the planning period.
2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning was not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

In addition, Measure 4A (Adequate Sites for RHNA) should be revised to meet all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i). For example, at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or meet other specified standards related to mixed-use development. In addition, the Measure should identify a minimum acreage to be rezoned in the planning period and commit to establish development standards that encourage achieving maximum densities and do not constrain development.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

C. General Plan Consistency

The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)

The element describes how internal consistency within the general plan will be maintained throughout the planning period, but it should also demonstrate how internal consistency was achieved as part of the housing element update.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the City made efforts through various workshops, moving forward, the City should employ additional methods for public outreach, particularly including lower-income and special needs households and neighborhoods with higher concentrations of lower-income and special needs households. For example, the City could conduct targeted stakeholder interviews. In addition, the element generally describes some themes from outreach efforts, but it must describe what comments were received and how they were incorporated. Particularly, HCD received many valuable comments related to the housing element review and encourages the City to re-evaluate these comments and incorporate revisions where appropriate.

Finally, many commenters describe the lack of transparency regarding the availability of the draft element for public comment. The element should specifically address this issue in future versions of the housing element. If applicable, if the City did not provide an opportunity for the public to review and comment on the draft submitted to HCD in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element. The lack of transparent availability reduces HCD's ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.

APPENDIX B CITY OF CULVER CITY

The following list comprises the names of individuals and entities who submitted public comments to HCD for the Culver City 6th Cycle Draft Housing.

- Amy Agzarian
- Anita Agzarian
- Mark Akita
- Ampí Alamina
- Crystal Alexander
- Leslie Althaus
- Joe Alvarez
- John Amador
- Becky Amparan
- Mark Amparan
- Bryan & Yolanda Arenas
- Ray Atianzar
- Therese Attias
- Michael Bachman
- Marta Ruvalcaba Baker, Rick Baker
- Carol A Ball
- Charles Barlow
- Mike Barry
- Ed Baughan
- Marci Baun
- Leslie Beard
- Marla Berk
- Richard Bina
- Julia Bischoff
- Carolyn Bosil
- Jeff Bossin
- Sharon Pelton Bowman
- Randy Bratton
- Robert Brauch
- Terry Brockett
- Anne Pinsker-Brown
- Matt Brown
- Ben Burud
- Steve Butts
- Ligia Caribello
- Leonora Camner
- Constance Carlson
- Lindsay Carlson
- Robert & Delores Castaneda
- Janet Chabola
- LuAbne Chang
- Donald F. Chee
- Chak Chie
- Frank Chiu
- Jeanette Randen Chun
- Rene Franz Chun
- Louis Cioffi
- Kelly Clark
- John & Joie Cluff
- Kathryn Cody
- Jeff Cooper
- Albert Courey
- Dave Crotwell
- Terry Cunningham
- Carole Curtin
- Laura D'Auri
- Erica Davidson
- J Davidson
- Joan Davidson
- Pat Davis
- Steve Davis
- Tracy Davis
- Suzanne De Benedittis
- Anthony Dedousis
- Janine Dezarn
- Danny Dimitroff
- Bill Doumar
- Tower Dougherty
- Marlene & Eric Driscoll
- Jini Durr
- Britta Eriksson
- Kelli Estes
- Claudia Fajardo
- Eric Faul
- Doug Felts
- Kimberly Ferguson
- Evan Fisher
- Lois Galper
- Gwendoline Gansky
- Paul Gansky
- Steve Gardner
- Scott Garland
- Gary Gegan
- Shirley Gentilini
- Emelie Gerard
- Patricia Graf
- Concezio Di Gregorio
- Iain M. Gulin
- Raul Gutierrez
- Dan Haley
- Dave Hall
- Lin Hall
- Sharon Hall-Johnson
- Robert J. Handley
- Elizabeth Hansburg
- Lee Hanson
- Jacob Harper
- Shannon or Mary Harris
- Michael Harwood
- Diane Haun
- Mark Herscowitz
- Bill Hiatt
- Cassie Hoeprich
- Kimberly Holiver
- Kvin Hoover
- Lorri Horn
- David Hoyt
- Carole Inge
- Betty and Jerry Isono

- itisarah
- Cynthia Johnson
- Mei Jones
- Stephen Jones
- Mariam Karson
- Nathan Keibler
- David Kellogg
- Linda Kelley
- Biana Kerendian
- Dean R. Kingsley
- Greg Kinsey
- Kevin Kitchel
- Chris Knight
- Leonard Koss
- Paul & Luda Kram
- Kevin Lachoff
- Frances Lafferman
- Rose Lan
- Judy Langston
- George Lasse
- Michael Lasse
- Kathy Leckie
- Debi Lee
- Joy Lee
- Lisa Lee
- Annie Lefton
- Pierre Leloup
- Phil Lelyveld
- Jennifer Lenz
- Tomasz and Vivian Lesny
- Iris Levine
- Carolyn Libuser
- Shantan Lu
- Fedor Georgievich Malikov
- Staci Malone
- Richard A. Marcus
- Betsy Marumoto
- Robert Matsunaga
- Daniel Mayeda
- Bradley C. McAfee
- Yulia S. McAfee
- Patrick McDermott
- Peggy McDermott
- Scott McKinlay
- Jose U. Mejia
- Jennifer Merlis
- Sean Miller
- Paavo Monkkonen
- Daniel Moses
- Maureen Muranaka
- Deanna Newell
- Cindy Yang Nguyen
- Jane Niles
- Kathy Oike
- Joanne Oriba
- Beth Osterberg
- Leslie Ostrin
- Ron Ostrin
- Lucille Ouyang
- Keith Owings
- Dennis & Marcia Page
- Amy Palmer
- Darcy Parsons
- David Parsons
- Robert Pastel Jr
- Amy Loftus Penchansky
- Oliver Penchansky
- Lydia Pogorzelski
- Nick Pooleon
- Protect Culver City
- Laila Ramji
- Vicki Daly Redholtz
- Assaf Rees
- Jody Reichel
- Gus Rendon
- Jadie Rendon
- Alan Resnick
- Rene and Dora Rivas
- Anthony Rizzo
- Janet Rodriguez
- Sharon Ruckman
- Hector Saucedo
- Mark Salkin
- Joan Salvaterra
- Judy Sam
- Bryan Sanders
- Anubhav Savant
- Neil Schwartz
- Stuart Sheldon
- Andrea Ashwood Shikler
- Terry Silberman
- Alan Silva
- Julie N. Sisk
- Snarky7
- Barbara Solomon
- Lynn Sonderegger
- Jeannine Wisnosky Stehlin
- Margo Stekkinger
- Peter Stern
- Coco Stewart
- David Stout
- Gabriel Szekely
- Marisa Szem-Safford
- Neal Tabachnick
- Vikram Thakur
- Bogdan Tomalevski
- Patric Tomcheck & Keith Bickford
- Joan Torfeh
- Anne Tower
- Barbara Townsley
- Yi Tsau
- Martha Valdez
- Sean Veder
- Dimitri Velis
- Darcy Vernier
- Jill Vesci
- Bonnie Wacker
- Jamie Wallace
- Pasy Wang
- Patricia Ward
- Joel Weinberg
- Christopher Wenger
- Linda Wheelehon
- Byron Wilson
- Robin Winston

- Cheng-Chin Wu & Shu-Yi Wu
- Jo Ellen Young
- Hayley Babcock
- Dani Zandel
- Brett Barker
- Marla Koosed & Ron Smoiree
- Michael Corzel
- Marlene Verny
- Ronna Magy

HCD Pre-Submittal Letter Responses

The table below outlines the City's edits and responses to the 2021-2029 Housing Element as of **November 17, 2021**. Any outstanding HCD comments to be addressed are noted and will be resolved in the Final Draft.

HCD Comment	Response
A. Housing Needs, Resources, and Constraints	
<i>1. Affirmatively furthering fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)</i>	
<p>Racial/Ethnic Areas of Concentration of Affluence (R/ECAP): While the element reports no block groups where racial/ethnic minorities make up less than 20 percent of the population, it does report several block groups with median income over \$125,000 and should include analysis of these areas relative to other block groups in the City and relative to the region. This analysis should also address identified sites by income group in these areas and whether sites affirmatively further fair housing.</p>	<p>Completed edits</p> <p>Revised Appendix E "Fair Housing Assessment" to include analysis on block groups with median incomes exceeding \$125,000 and discuss the median income levels in these block groups relative to the race.</p> <p>Outstanding edits</p> <p>Elaborate on the analysis of the sites affirmatively furthering fair housing</p>
<p>Local Data and Knowledge: The element should consider other local data and knowledge to complete the affirmatively furthering fair housing (AFFH) analysis. Examples include input from neighborhoods such as the identified R/E CAP, knowledge from local planners and city administrators and city records and reports.</p>	<p>Completed edits</p> <p>Revised the "Housing Programs" section in the Housing Element to describe programs meant to affirmatively further fair housing. Those programs include the Landlord Incentive Program, the inter-agency agreement with the Housing Authority of the City of Los Angeles to deconcentrate poverty, the landlord fair to inform</p>

	landlords of the City's housing programs, and community conversations on affordable housing.
<p>Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues. For instance, the element can analyze historical land use, zoning and investment practices, presence of redlining, restrictive covenants, neighborhood investment or disinvestment, federal investment such as transportation infrastructure, demographic trends or any other information that supplements the reported data and assists in a complete analysis.</p>	<p>Completed edits</p> <p>Revised Appendix E "Fair Housing Assessment" to include a section on "Historical Trends and Other Relevant Factors." This section describes historical fair housing issues, such as redlining, restrictive covenants, and Culver City's past as a Sundown Town.</p>
<p>Contributing Factors: Upon a full analysis of the AFFH section, the element should re-evaluate contributing factors to fair housing issues. In addition, the element lists several contributing factors, but it should also prioritize those contributing factors.</p>	<p>Outstanding edits</p> <p>Review and analyze contributing factors to fair housing issues after considering the AFFH comments from HCD and the public.</p>
<p>Goals, Actions, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.</p>	<p>Outstanding edits</p> <p>Tie programs in the "Housing Programs" to the AFFH analysis after completing the edits outlined under "Contributing Factors."</p>

2. Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

Housing Conditions: The element quantifies the age of the housing stock and some enforcement activities. However, it must estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including nonprofit housing developers or organizations. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

Completed edits

Elaborated on the City's estimate of the number of units in need of rehabilitation and replacement (around 100 units), described in the Housing Needs Assessment Section IV 'Housing Stock Characteristics,' subsection 'Housing Conditions.'

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

Progress in Meeting the RHNA: The City's RHNA may be reduced by the number of new units pending, approved, permitted or built since July 1, 2021 by demonstrating availability of the projects in the planning period and affordability based on rents, sale prices or other mechanisms ensuring affordability (e.g., deed restrictions). The element notes units affordable to lower and moderate-income households, but it must also demonstrate affordability. In addition, the element should demonstrate

Completed edits

- Revised Appendix B "Residential Sites Inventory" to estimate when plan check, entitled, proposed, and pipeline projects are expected to be available during the 6th cycle eight-year timeframe.
- Added the affordability of the anticipated units by project.

<p>how all pipeline, proposed entitled and plan check units will be available in the planning period.</p>	
<p>Sites Inventory: The element lists several sites including single unit homes that were requested for removal by members of the public. While strategies such as the incremental infill strategy may be successful in increasing access to opportunity in high resource areas, the inventory and its figures should appropriately adjust for households requesting removal from the sites inventory.</p>	<p>Completed edits</p> <ul style="list-style-type: none"> • Removed properties from Appendix B “Residential Sites Inventory” based on requests in public comments. • Removed properties in neighborhoods that currently prohibit accessory dwelling units due to high fire hazards and topological constraints from the Incremental Infill designation. <p>Outstanding edits</p> <p>Continue reviewing public comments and remove additional addresses, as requested.</p>
<p>Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. The element lists some recent projects by factors such as actual density and the number of units, but it should also list the projects by affordability, zone and allowable density.</p> <p>In addition, the element appears to assume residential development on sites with zoning that allow 100 percent nonresidential uses. While the element mentions most of recent residential construction has occurred as part of mixed-use developments, it must still account for the likelihood of nonresidential uses. The element should include analysis based on factors such as development trends, performance standards or other relevant factors. For example, the element could analyze all development</p>	<p>Completed edits</p> <p>Appendix B “Residential Sites Inventory” reflects the edits outlined below.</p> <ul style="list-style-type: none"> • Removed sites in Appendix B based on public comments and updated the assumptions used to evaluate realistic capacity to show that property owner feedback was considered. • Revised Table B-4 on Recent Residential and Mixed Use Projects to include information on affordability. • Refined the estimated potential in the Incremental Infill areas based on a study of the recycling trend in single-family neighborhoods <p>Outstanding edits</p>

<p>activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.</p>	<ul style="list-style-type: none"> • Provide additional supporting information on assumptions of buildout for sites in the inventory. • Add information on zoning and allowable density in Table B-4 on Recent Residential and Mixed Use Projects. • Add information on the likelihood of nonresidential uses.
<p>Suitability of Nonvacant Sites: While the element includes basic information on some recent trends (pp. B6-B8), it does not explain how these trends support factors utilized to demonstrate the potential for additional development. The analysis must also consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. For example, public comments indicate that many nonvacant sites have newly established leases, new commercial development, and several environmental constraints.</p> <p>In addition, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, §</p>	<p>Completed edits</p> <ul style="list-style-type: none"> • Elaborated on factors that may affect additional residential development, including the condition and placement of existing units on the site and the property owners' interest in redevelopment or infill development, in the "Redevelopment Scenario" section in Appendix B "Residential Sites Inventory." • Added information on "Conditions of Existing Nonresidential Uses," citing the Socio-Economic Profile and Market Analysis of Culver City's baseline conditions as of 2019. Some updated language discusses the feasibility of redeveloping existing nonresidential uses into residential or mixed use development. <p>Outstanding edits</p> <ul style="list-style-type: none"> • Elaborate on analysis on likelihood of additional residential development by explaining Culver City's trends with converting uses to higher density residential, current market demand • Continue reviewing public comments that identify nonvacant sites for additional consideration. • Demonstrate that existing uses are not an impediment to additional residential development and will likely discontinue in the planning period.

<p>65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.</p>	
<p>Environmental Constraints: While the element generally describes a few environmental conditions within the City, it must describe any known environmental constraints or other conditions that could impact housing development in the planning period on identified sites.</p>	<p>Completed edits Added the “Environmental Constraints” section in Appendix B “Residential Sites Inventory,” which indicates that: sites in the inventory are within urbanized neighborhoods that have been developed already and no environmental constraints will preclude these sites from development.</p>
<p>Small Sites: The element identifies many sites at less than a half-acre. These sites are not eligible absent a demonstration that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless other evidence is provided. If the inventory indicates some sites can be consolidated it should also provide analysis demonstrating the potential for consolidation. For example, the analysis could describe the City’s role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for lot consolidation, or information from the owners of each aggregated site.</p>	<p>Completed edits Included proposal for lot consolidation in the “Housing Programs” Section.</p> <p>Outstanding edits Discuss and analyze the City’s track record in facilitating small-lot consolidation</p>
<p>Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income</p>	<p>Completed edits Revised Appendix B “Residential Sites Inventory” to indicate that none of previous sites are being reused in 6th</p>

<p>households unless a program, meeting statutory requirements, requires rezoning within three years. While the element includes a program to address this requirement, the inventory should clarify which sites were identified in prior planning periods. For more information on program requirements, please see HCD's Housing Element Sites Inventory Guidebook at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml.</p>	<p>cycle and that current assessor data show that these sites are not vacant.</p>
<p>Infrastructure: The element generally describes infrastructure. However, it must also demonstrate sufficient total water and sewer capacity (existing and planned) to accommodate the regional housing need by community plan area.</p> <p>In addition, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) The element should discuss compliance with this requirement and if necessary, add or modify programs to establish a written procedure by a date early in the planning period.</p>	<p>Completed edits</p> <ul style="list-style-type: none"> • Revised the "Availability of Infrastructure and Water and Sewer Services" in Appendix B "Residential Sites Inventory" to demonstrate sufficient total water and sewer capacity to accommodate the regional housing need. • Explained how Culver City is not a water or sewer service provider and the City will provide a copy of the adopted Housing Element to its water and sewer service providers.
<p>Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element for a copy of the form and instructions. The City can reach out</p>	<p>Outstanding edits</p> <p>Add language acknowledging that the City will submit an electronic sites inventory with its adopted Housing Element.</p>

<p>to HCD at sitesinventory@hcd.ca.gov for technical assistance.</p>	
<p>Accessory Dwelling Units (ADU): The element describes the City's 'incremental infill' strategy to increase access to opportunity in neighborhoods zoned for lower densities, such as R1 (pp. B-3 and B-4) and concludes that each of these units can be increased in capacity to three or four total units. However, the City also concludes that 400 ADU's and Junior ADU's will be completed during the planning period. For your information, the City may not 'double count' these units and, if appropriate, should adjust its ADU projections or incremental infill projections accordingly.</p>	<p>Completed edits Revised Appendix B "Residential Sites Inventory" to clarify that the two development scenarios, "Conversion/Addition," which applies to ADUs/JADUs, and "Redevelopment," do not duplicate the estimated units.</p>
<p>Zoning for a Variety of Housing Types (Emergency Shelters): The element mentions emergency shelters are permitted by-right in parts of the IG zone and the East Washington Boulevard Overlay zone. The element should also clarify shelters are permitted without discretionary action, discuss typical parcel sizes and the presence of reuse opportunities and any conditions inappropriate for human habitability. In addition, the element should list and evaluate the actual development standards for compliance with statutory requirements and add or modify programs as appropriate.</p>	<p>Completed edits Explained that the types of industrial uses typical in Culver City are mainly light industrial and creative technology, not manufacturing uses in the "Emergency Shelters" subsection under "Governmental Constraints" in the Housing Element. The sites used for emergency shelters do not pose environmental hazard issues that would make the area unsuitable for human habitation. The section also elaborates on the Zoning Code's requirements for emergency shelters and how they comply with State law.</p>
<p><i>4. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)</i></p>	

<p>Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). While the element does provide information on residential development standards including lot coverage, minimum unit sizes, height limits, minimum lot sizes, guest parking requirements, parking minimums, setback requirements, and maximum densities (Table 36), it must still analyze those standards as described above, specifically address minimum unit size requirements and parking provisions for live/work units and add or modify programs as appropriate.</p>	<p>Completed edits</p> <ul style="list-style-type: none"> Expanded the 'Constraints' section to discuss how the Zoning Code will be revised to address constraints related to development standards, including height, parking, minimum density requirements for residential projects in multi-family neighborhoods. The "Off-Street Parking Requirements" discuss how the parking code update that the City is working on will consider residential density and analyze the requirements for live/work units. Reflected these zoning-related changes in the "Housing Programs" section (Measure 4J "Zoning Code Review and Amendments to Address Constraints to Housing Production"). Measure 4J also discusses minimum density requirements for development in multifamily neighborhoods and encouraging lot consolidation. Expanded the 'On- and Off-Site Improvements' Section to describe when they are required and how the Conditions of Approval indicate the fees and standard improvements.
<p>Fees and Exactions: The element describes planning fees and the cumulative effect of fees on a mixed-use development, but it should also include specific analysis of planning fees such as conditional use permit fees and the impact of the mobility improvement fee on ADUs.</p>	<p>Completed edits</p> <ul style="list-style-type: none"> Revised the 'Resources and Opportunities' section to discuss the effects of the City's Commercial Linkage Fee. Added language in the 'Planning and Development Fees' Section describing the City's comprehensive fee update to reduce entitlement fees and how it is considering fee incentives. The section also describes how the City conducted a nexus study to compare how Culver City's impact

	<p>fees compare to other jurisdictions and what the findings were from that.</p> <ul style="list-style-type: none"> • Clarified that affordable housing and ADUs are exempt from Mobility Improvement Fees in the 'Mobility Improvement Fee' Section.
<p>Processing and Permit Procedures: The element notes the application of the Site Plan Review, including identifying findings of approval, but it should also evaluate those findings of approval. For example, the element should evaluate findings of compatibility with the character of surrounding development, including a discussion of design guidelines. The analysis should specifically address housing cost, timing and approval certainty. In addition, the element lists approval times, but it should also evaluate those times, for example, for compliance with the Permit Streamlining Act.</p>	<p>Completed edits</p> <ul style="list-style-type: none"> • Explained that the "compatibility with character of surrounding development" finding has never been used to deny a housing project in the "Development Processing Procedures" subsection in the "Constraints" Section in the Housing Element. • Described the typical permit processing timeline based on recent development projects in the 'Timing and Density' Section in the Housing Element. <p>Outstanding edits</p> <ul style="list-style-type: none"> • Expand on analysis on housing cost, approval certainty, and approval time relative to Permit Streamlining Act.
<p>Persons with Disabilities: The element mentions the City has adopted a reasonable accommodation procedure but should also describe and analyze the process, including approval findings. In addition, group homes for seven or more persons appears to be subject to a conditional use permit and a minimum lot size requirement of 5 acres. The element should evaluate these requirements as constraints and include programs as appropriate.</p>	<p>Completed edits</p> <ul style="list-style-type: none"> • Explained how the City will evaluate requirements for residential care facility in residential zones during the Zoning Code Update process in the 'Housing Programs' section. <p>Outstanding edits</p> <ul style="list-style-type: none"> • Include information on the City's reasonable accommodation procedure outlined in the Zoning Code.

<p>Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards on the City's website and include programs if appropriate.</p>	<p>Completed edits Outlined the information on zoning and development standards available on the City website in the "Transparency in Development Regulations" subsection in the "Constraints" Section in the Housing Element.</p>
<p><i>5. Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)</i></p>	
<p>The element includes data and analysis for persons with special needs. However, to better formulate policies and programs, it should also identify and analyze elderly households by tenure (renters and owners) and permanent and seasonal farmworkers at a county level (e.g., USDA Agricultural Census).</p>	<p>Completed edits Elaborated on Culver City's senior and farmworker households in the 'Housing Needs Assessment' Section VI 'Housing Assistance Needs.'</p>
<p>B. Housing Programs</p>	
<p><i>1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)</i></p>	
<p>To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific and clear commitment to outcomes. Programs to be revised with discrete timelines (e.g., annually, Spring 2022) include</p>	<p>Completed edits</p> <ul style="list-style-type: none"> • Increased commitments to quantified objectives for constructing new housing • Included more details on the schedule for Program 2A in the 'Housing Programs' section.

Measures 1F (Affordable Housing Development Assistance) and 4G (Hotel/Motel Conversion). Measures to be revised with specific and clear commitment to outcomes include:

- **Program 2A (Homeless and Special Needs Housing)** should be revised with a schedule of actions to facilitate development. Action could include zoning, outreach with developers, incentives, fee waivers, priority processing and financial assistance.
- **Measure 4D (ADU Ordinance)** should be revised to include additional actions beyond incentives and removing constraints if ADU and Incremental Infill assumptions are significantly mis-aligned with assumptions (e.g., rezoning) and include a completion date for alternative actions.
- **Measure 4F (Affordable Housing Tools and Best Practices)** should be revised with actions beyond “explore” with a commitment to an actual housing outcome in the planning period.
- **Measure 6E (Homebuyer Assistance)** should be revised with actions beyond “explore” with a commitment to an outcome in the planning period.

- Measure 4F. Described additional City efforts the City will commit to during the planning period, including ADU pre-approved standard plans and a Right to Return program, the Permit Streamlining and Monitoring program that will increase the unit threshold that triggers discretionary site plan review, the Property Acquisition and Rehabilitation Program, and a program to explore the feasibility of establishing a Community Land. The programs outline timelines and actions for implementation.

Outstanding edits

- Expand on Measure 4D.
- Clarify the City's efforts on Measure 6E.
- Review the other Housing Programs and Measures listed and ensure they outline clear timelines and commitments to outcomes.

2. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

As noted in Finding A3, the element does not include a complete site analysis, therefore, the adequacy of sites

Completed edits

<p>and zoning was not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.</p> <p>In addition, Measure 4A (Adequate Sites for RHNA) should be revised to meet all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i). For example, at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or meet other specified standards related to mixed-use development. In addition, the Measure should identify a minimum acreage to be rezoned in the planning period and commit to establish development standards that encourage achieving maximum densities and do not constrain development.</p>	<ul style="list-style-type: none"> Expanded the sites inventory to include additional opportunities in mixed use areas and multi-family areas <p>Outstanding edits</p> <ul style="list-style-type: none"> Address this after revising the sites inventory based on comments received. Address the comments related to Measure 4A.
<p><i>3. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)</i></p>	
<p>As noted in Finding A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.</p>	<p>Completed edits</p> <p>Discussed additional governmental constraints in the 'Constraints' section, such as how the Zoning Code will be revised to address constraints related to development standards, including height, parking, minimum density requirements for residential projects in multi-family neighborhoods.</p> <p>Outstanding edits</p> <p>Continue to revise this section and consider programs necessary to remove the constraints.</p>

4. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

Completed edits

- Included more information in Appendix E "Fair Housing Assessment."
- Described the City's efforts to partner with nonprofit housing developers to develop and preserve affordable housing, including low income housing projects that are at-risk of converting to market-rate housing in the "Public/Private Partnerships" subsection in the "Resources and Opportunities" Section.

Outstanding edits

Review what programs should be added or modified to address the issues analyzed in Appendix E.

C. General Plan Consistency

The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)

The element describes how internal consistency within the general plan will be maintained throughout the planning period, but it should also demonstrate how internal consistency was achieved as part of the housing element update.

Outstanding edits

Explain how other elements are connected and how the GPU will ensure consistency across the elements in the "Consistency with Other Elements of the General Plan" section in the Housing Element.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the City made efforts through various workshops, moving forward, the City should employ additional methods for public outreach, particularly including lower-income and special needs households and neighborhoods with higher concentrations of lower-income and special needs households. For example, the City could conduct targeted stakeholder interviews. In addition, the element generally describes some themes from outreach efforts, but it must describe what comments were received and how they were incorporated. Particularly, HCD received many valuable comments related to the housing element review and encourages the City to re-evaluate these comments and incorporate revisions where appropriate.

Finally, many commenters describe the lack of transparency regarding the availability of the draft element for public comment. The element should specifically address this issue in future versions of the housing element. If applicable, if the City did not provide an opportunity for the public to review and comment on the draft submitted to HCD in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element. The lack of transparent availability reduces HCD's ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and

Completed edits

Included more information on the public participation process in the 'Public Participation' section in the Housing Element Appendix D "Public Participation." Some of the revisions include elaborating on:

- The public noticing process, including how it was conducted and how the City made an effort to reach all economic segments of the community;
- The public comments received and how the Housing Element responds to them; and
- The opportunities the public had to review and provide input on the Housing Element.

Outstanding edits

- Continue reviewing the public comments submitted to HCD. After reviewing them, summarize the input shared and the City's responses, and revise the Housing Element, where feasible.
- Elaborate on the public engagement process, including the efforts to reach lower-income, special needs households, and neighborhoods with higher concentrations of lower-income and special needs households throughout the process
- Include information on what the public participation process will look like through the end of the Update process.

HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.