

HCD Comment	Response	Page
<b>A. Review and Revision</b>		
<i>A1. Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)</i>		
While the element includes analysis of past programs' accomplishments over the previous planning period (Appendix C), it should also evaluate the cumulative effectiveness of the previous housing element's programs to address the housing needs of special needs populations.	Section 1.15.1 was added to discuss the cumulative impact of housing programs on special needs populations throughout the previous planning period.	Section 1.15.1
<b>B. Housing Needs, Resources, and Constraints</b>		
<i>B1. Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)</i>		
<u>Outreach and Enforcement:</u> While the element includes some broad discussion of fair housing laws and some County measures to promote affordable housing, it should discuss how the County complies with fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgements, or complaints. For additional information, please see HCD's Affirmatively Furthering Fair Housing (AFFH) Guidance Memo (Starting on p. 29) at <a href="https://www.hcd.ca.gov/planning-and-communitydevelopment/affirmatively-furthering-fair-housing">https://www.hcd.ca.gov/planning-and-communitydevelopment/affirmatively-furthering-fair-housing</a>	Section 4.5.2 now clarifies that the County complies with all applicable fair housing laws. Information about the current fair housing lawsuit was also added.	Section 4.5.2
<u>Segregation and Integration:</u> The element includes some brief discussion of income patterns within the County, however, the analysis should utilize median income data available on HCD's Data Viewer available at <a href="https://www.hcd.ca.gov/planning-andcommunity-development/affirmatively-furthering-fair-housing">https://www.hcd.ca.gov/planning-andcommunity-development/affirmatively-furthering-fair-housing</a> . The analysis should examine patterns and trends, coincidence with other AFFH factors (e.g., concentrated areas of affluence, access to opportunity, displacement) and complement the data and maps with other relevant factors and local data and knowledge.	Map and discussion of median income added within Section 4.5.3, including a geographic analysis of the lowest and highest ranges of median household income expressed.	Section 4.5.3
<u>Racially Concentrated Areas of Affluence (RCAA):</u> The element mentions some RCAs in the County but should also examine these areas, including complementing the data and mapping with other relevant factors and local data and knowledge.	Section 4.5.3 expanded to talk about historical land use controls constraints, and related issues that contributed to the RCAA patterns.	Section 4.5.3
<u>Disproportionate Housing Needs, including Displacement Risk:</u> The element should expand the discussion of persons experiencing homelessness to better formulate an appropriate programmatic response. For persons experiencing homelessness, in addition to reporting data on characteristics (e.g., race, disability), the element should evaluate the disproportionate impacts on protected	Section 4.5.5 was expanded to include further analysis of persons experiencing homelessness, including location, access to services, and access to transportation. The discussion identifies the disproportionate impact of homelessness on racial and ethnic groups, LGBTQ youth,	Section 4.5.5

<p>characteristics. Also, while the element discusses patterns of persons experiencing homelessness, it should also address access to services, transportation and other opportunities. This analysis should also incorporate local data and knowledge and other relevant factors such as commenters on this review and the impacts of encampment and other policies. For displacement,</p>	<p>people who have been in the foster care system, and people with disabilities.</p>	
<p><u>Local Data and Knowledge and Other Relevant Factors:</u> While the element describes some outreach; past zoning and redevelopment areas; it should relate this and other information to the data and mapping to better understand the fair housing issues and formulate policies and program. For example, the element mentions the County's inclusionary requirement and housing trust fund. The element could also discuss the application of that requirement in higher income areas and racially concentrated areas of affluence. From there, programs could be modified to better target resources and promote inclusive communities</p>	<p>Section 4.5.6 on Other Relevant Factors expanded to connect issues discussed to other sections of analysis.</p> <p>Analysis includes reference to a variety of programs that address development constraints in higher income areas and racially concentrated areas of affluence.</p>	<p>Section 4.5.6</p>
<p><u>Contributing Factors to Fair Housing Issues:</u> Based on the outcomes of a complete analysis, the element should re-assess and prioritize contributing factors to fair housing issues and add or modify programs.</p>	<p>Section 4.5.7 reassessed, with associated programs retained. Programs comprehensively bolstered to address fair housing issues in consistency with Finding C4.</p>	<p>Section 4.5.7</p>
<p><i>B2. Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).) Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)</i></p>		
<p><u>Extremely Low-Income (ELI) Households:</u> While the element includes some information on ELI households relative to race, it should also evaluate tenure, overpayment, resources and strategies available and the gap and magnitude of housing needs to better formulate policies and programs.</p>	<p>Analysis on Extremely Low-Income Households in Section 4.2.2 expanded. Policies and programs identified within the analysis.</p>	<p>Section 4.2.2</p>
<p><u>Special Housing Needs:</u> While the element quantifies (pp. A-28 to 38) the County's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability of senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.</p>	<p>Section 4.2.2 discusses and analyzes the County's special needs populations, including a discussion of challenges, resources, an assessment of gaps in resources, and the proposed actions to address gaps.</p>	<p>Section 4.2.2</p>
<p><u>Special Housing Needs:</u> In addition, the element should include specific analysis of farmworkers and persons experiencing homelessness. For farmworkers, the element should examine the magnitude of the</p>	<p>Within the Section 4.2.2 analysis, the discussion on farmworkers was expanded and discusses cost and availability of housing, proximity to jobs, schools, and</p>	<p>Section 4.2.2</p>

<p>housing needs, household characteristics (e.g., income, tenure), other relevant factors such as transportation, health and other costs of living and should add or modify programs as appropriate. For persons experiencing homelessness, the element should consider comments on this review and supplement the analysis as appropriate.</p>	<p>services accessed by the entirety of the household, and identifies relevant programs.</p> <p>Section 4.5.5 within the fair housing analysis includes more in-depth analysis on the distribution of people experiencing homelessness in the unincorporated County, and a geographic overview of needs including access to transportation resources and subregional distribution of comprehensive homeless service providers.</p>	<p>Section 4.5.5</p>
<p><i>B3. 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).)</i></p>		
<p><u>Progress toward the Regional Housing Need Allocation (RHNA)</u>: The element may use pending, approved, permitted, under construction and constructed units toward the RHNA since June 30, 2022. However, the element must demonstrate their affordability and availability in the planning period. While the element demonstrates the affordability of various projects, it should also address their availability in the planning period. The element lists anticipated completion dates but should also discuss anticipated schedules, potential for projects not continuing toward completion and any known barriers to development in the planning period.</p>	<p>Appendix D discusses Entitled and Proposed Developments. This discussion was expanded to update timelines and project statuses, identify any known barriers, identify dropout rates.</p>	<p>Appendix D</p>
<p><u>Parcel Inventory</u>: While a significant majority of sites are proposed for rezoning and listed in the element, the element indicates some sites are being used toward the RHNA based on existing zoning (p. 70, Table 11). As a result, the element should list these sites by the various factors such as parcel number, acreage, general plan, zoning, realistic capacity and affordability level.</p>	<p>Table 14 contains a list of the inventory sites being used under existing zoning, including parcel number, acreage, land use designation, zoning, and realistic capacity by affordability level.</p>	<p>Appendix D</p>
<p><u>Realistic Capacity</u>: The element assumes sites will be built at 85 percent of maximum allowable density based on projects routinely developing at levels higher than 90 percent of maximum allowable densities. However, the element should support this conclusion. For example, the element should list recent projects by zone, size, allowable density, built density and affordability. In addition, if utilizing zones that allow 100 percent nonresidential uses, the calculations should account for the likelihood that residential may not occur. For example, the element could explain recent trends for all development in the pertinent zones and discuss how often 100 percent non-residential uses occur. Based on the outcomes of a complete analysis, the element should adjust</p>	<p>Table 5 in Appendix D analyzes all new multifamily projects that have been developed in Unincorporated Sonoma County over the last 15 years and connects these characteristics to the sites inventory. Analysis was included on redevelopment trends from commercial to residential uses.</p> <p>Does not include the quantitative analysis about all development on sites in pertinent zones and how often 100 percent nonresidential uses occur.</p>	<p>Appendix D</p>

<p>residential capacity assumptions and add or modify programs, if appropriate.</p>		
<p><u>Nonvacant Sites</u>: The element describes various factors utilized to identify nonvacant sites and the potential for redevelopment such as improvement to land ratio, existing versus allow floor area and structural age. The element also discusses recent trends in redevelopment. However, the element should support the utilized factors based on recent redevelopment trends. For example, the element mentions the Boyes Food Center but could also discuss the improvement to land ratio, existing versus allow floor area and structural age of the prior use. In addition, HCD commends the County’s approach to engage the development community in the identification of sites. The element should utilize this valuable process to discuss the development community’s perspective on the extent existing uses impede additional development.</p>	<p>Table 12 in Appendix D identifies the factors of recent residential projects developed on nonvacant sites, followed by descriptions of the projects that developed.</p> <p>The “Developer Input” section of Appendix D was expanded to provide additional feedback from the development community on development potential of nonvacant sites.</p>	<p>Appendix D</p>
<p><u>Sites Identified in Prior Planning Periods</u>: 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. The element indicates sites from prior planning periods are identified toward the lower-income RHNA and a program is not necessary since the County already allows multifamily by-right. However, the element must demonstrate all by-right requirements are met, including appropriate densities (i.e., at least allowing 20 units per acre), permitting multifamily without discretionary action and requiring 20 percent affordability to lower-income households</p>	<p>Program 4d addresses this need, and it is referenced within the analysis in Appendix D.</p>	<p>Program 4d</p>
<p><u>Environmental Constraints</u>: The element generally describes environmental conditions within the County and their relationship to identified sites. However, the element should also discuss any other known environmental or other conditions (e.g., shape, easements, relocation, <del>parking replacement</del>) that could impact or preclude housing development in the planning period.</p>	<p>All parcels in inventory were analyzed for physical constraints to development. Where portions of a site would not be suitable for construction of housing, that constrained acreage was removed. This includes constraints related to floodways, floodplains, utility easements, access easements, and freeway setbacks.</p> <p>These parcels were identified in Tables 14 and 15 of Appendix D.</p>	<p>Appendix D</p>
<p><u>Infrastructure</u>: The element generally describes water and sewer capacity available but should also evaluate the availability of existing and planned capacity to accommodate the RHNA. Given the varying planning areas and districts, this analysis should be conducted at a</p>	<p>Appendix D has been expanded to address infrastructure availability and adequacy by District. A discussion of infrastructure available by Planning Area was added to the Technical Background Report. A Table was added at the end</p>	<p>Appendix D &amp; TBR</p>

<p>community plan, planning area, district or other level instead of County-Wide</p>	<p>of Appendix D to reflect suitability of sites by District, including infrastructure availability and TCAC resource area.</p>	
<p><u>Infrastructure</u>: In addition, the element indicates the County is a water and sewer provider. If so, the element should describe whether the County has a written procedure to grant priority service to developments with units affordable to lower-income households and if not, add or modify programs as appropriate.</p>	<p>The County is a wholesaler and not a retail provider. Its written procedure to grant priority service was updated in 2023. Information on the County’s practices is included in Section 1.3.</p> <p>Requirement for retail providers to prioritize service is Included in Program 14.</p>	<p>Section 1.3</p> <p>Program 14</p>
<p><u>Electronic Copy of the Sites Inventory</u>: For your information, pursuant to Government Code section 65583.3, the County must submit an electronic sites inventory with its adopted housing element. The County must utilize standards, forms, and definitions adopted by HCD. Please see HCD’s housing element webpage at <a href="https://www.hcd.ca.gov/planning-and-community-development/housing-elements">https://www.hcd.ca.gov/planning-and-community-development/housing-elements</a> for additional information.</p>	<p>Will be resubmitted.</p>	<p>N/A</p>
<p><u>Zoning for a Variety of Housing Types - Emergency Shelters</u>: The element identifies a zone to permit emergency shelters by right, lists development standards and discuss available capacity. However, the element must clarify which zone permits larger emergency shelters without discretionary action. In addition, while the element includes a program to modify separation and parking requirements, the element should evaluate additional development standards and add or revise programs as appropriate. For example, use permit requirements may constrain capacity and bed limits may be a constraint if larger shelters are not permitted without discretionary action.</p> <p>Please be aware Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD’s memo at <a href="https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf">https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf</a></p>	<p>Section 4.3.3 updated to clarify which zones allows larger shelters and includes sites from this zone in the capacity analysis (Table 15).</p> <p>Program 15b and 15n address potential constraints.</p> <p>The County is not yet subject to AB 2339 provisions as the Draft Housing Element was submitted prior to April 2023.</p>	<p>Section 4.3.3</p> <p>Programs 15b and 15n</p>
<p><u>Zoning for a Variety of Housing Types - By-right Permanent Supportive Housing</u>: Supportive housing shall be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential</p>	<p>Program 15b was included to clarify compliance with this requirement.</p>	<p>Section 4.3.3</p> <p>Program 15b</p>

<p>zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate</p>		
<p><i>B4. 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. The analysis should address setbacks and parking requirements for multifamily development. For example, guest parking requirements and setbacks based on height appear to be a constraint. The analysis should address impacts on cost, supply (number of units), feasibility and ability to achieve maximum densities and may engage the development community.</p>	<p>Developers questioned further as to whether height limits and guest parking requirements of ½ space per unit posed a constraint. Limited feedback indicated no constraint for height limits, and no constraint with guest parking if those spaces are not required to be reserved for guests (they are not). Further analysis and a program added to address and clarify guest parking requirements.</p> <p>Setbacks based on height only apply to commercial projects. The element clarifies that Projects within the AH and WH Overlays are allowed at densities of between 16 and 24 units per acre (without concessions, bonuses, or waivers) and are subject to the provisions of Articles 59 and 75 of the Zoning Code and the development standards of the R3 Zone, not the standards of the underlying commercial zoning.</p>	<p>Section 4.2.2</p>
<p>Constraints on Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation procedures. However, the element should also describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.</p>	<p>Analyzed within Section 4.4.2.</p>	<p>Section 4.4.2</p>
<p><i>B5. An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. (Gov. Code, § 65583, subd. (a)(9).)</i></p>		
<p>The element lists two developments at-risk of conversion to market rate uses in the ten year period. However, based on HCD records, there may be additional development at risk of conversion. Namely, the Sonoma Valley Apartments and Sonoma Village Apartments appear to be at-risk of conversion. The element should reconcile these differences and add or modify programs, as appropriate. HCD will send records under separate cover.</p>	<p>Discussion clarifies: One project, Sonoma Valley Apartments, was recently approaching the end of its affordability agreement. This project, owned by the nonprofit organization Burbank Housing, extended the affordability agreement for another 55-year period in December 2022. State records indicate that the Sonoma Village Apartments appear to be at risk of conversion. Local records show that this project had a density bonus agreement with the</p>	<p>Section 4.3.2</p>

	Community Development Commission/Sonoma County Housing Authority with an affordability term of 15 years, which expired in 2004.	
<b>C. Housing Programs</b>		
<i>C1. 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).)</i>		
As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the County 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, to address the RHNA, the element includes this Program 4 (Actions to meet RHNA) to rezone sites. However, the Program states the County "intends" to rezone sites. To clarify, the County must rezone sites. In addition, while the Program mentions by-right requirements pursuant to Government Code section 65583.2, subdivision (i), the Program must also address Government Code section 65583.2, subdivision (h) which includes various provisions such as minimum densities and residential performance standards. In addition, the Program should clarify the shortfall of sites, minimum acreage for all income groups, including lower-income RHNA, appropriate development standards to facilitate maximum densities and availability and accessibility of infrastructure.	Program 4 clarifies that sites will be rezoned with standards that meet requirements set forth in Government Code § 65583.2, including subsections (i) and (h).  The program and analysis clarify the need and the suitability of sites to meet the need.	Program 4
<i>C2. The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate income households. (Gov. Code, § 65583, subd. (c)(2).)</i>		
While the element includes some actions to assist in the development of housing for lower-income households, including special needs households, actions should be added or modified based on a complete analysis of extremely low-income and special needs households, including farmworkers and persons experiencing homelessness. For example, the element must include specific actions, beyond bunk houses and community land trust, to assist in the development of housing for farmworkers.	Programs are discussed in Section 4.2.2.	Section 4.2.2
<i>C3. 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</i>		

<i>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>		
As noted in Finding B4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, Program 15 (Review and Update Zoning Code) commits to amend zoning to permit group homes for seven or more persons the same as other residential dwellings of the same form. In addition, these amendments should not be limited to licensed group homes and the Program should clarify these uses will be permitted in all zones allowing residential uses.	Program 15 amended, including the addition of Program 15m to identify the most appropriate guest parking ratio and identify any constraints posed by the County's current requirements.	Program 15
<i>C4. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)</i>		
As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Programs should go beyond status quo actions, include specific commitment, discrete timing, geographic targeting and metrics or numerical targets and should, as appropriate, address housing mobility, encourage new housing choices in higher resource areas, improve place-based strategies toward community revitalization and protect existing residents from displacement.	Programs amended to include specific commitment, discrete timing, geographic targeting and metrics or numerical targets.	Section 2
<i>C5. Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)</i>		
The element includes Program 25 (Incentivize and Promote Accessory Dwelling Unit (ADU) and Junior ADU (JADU) Development) which commits to monitor ADU production and affordability every two years. However, the Program should commit to when alternative actions will be taken beyond once in the planning period (e.g., within six months of review) and alternative actions should be expanded (e.g., additional incentives, rezoning).	Changed timeline for alternative action to apply beyond the first review.  Added additional alternative action (rezone or identify additional sites) with a timeline.	Program 25
<b>D. General Plan Consistency</b>		
<i>D1. 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).)</i>		
While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.	Section 1.3 expanded to identify how internal consistency will be maintained.	Section 1.3

E. Public Participation		
<i>E1. Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)</i>		
<p>The County made diligent efforts to include the public through various methods, and summarized public comments received and identified how public concerns were addressed. However, HCD received comments on this review that should be addressed, including considering and incorporating comments as appropriate. Example of issues include the various comments related to persons experiencing homelessness. Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government’s website and to email a link to all individuals and organizations that have previously requested notices relating to the local government’s housing element at least seven days before submitting to HCD.</p>	<p>HAC members included those with lived experience of homelessness and their input was integrated throughout the update process. The integration of comments specific to special needs populations is included in Appendix A.</p>	<p>Appendix A</p>