

HCD Comment	Response
<b>A. Housing Needs, Resources, and Constraints</b>	
1. <i>Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)</i>	
<p><u>Disparities in Access to Opportunity:</u> While the element includes some data on disparities in access to opportunity, it must provide additional information. Specifically, the element must analyze education access and whether there are policies, practices, or investments to promote access to proficient schools. For example, the element could evaluate educational opportunities relative to other components of the assessment of fair housing (e.g., segregation and integration, disproportionate housing needs).</p>	<p>The City augmented text under Section 4.2.6.2.2, Access to Opportunity, to analyze access to education and revised Program 2-2 to work with the local school district to increase housing options. The City also augmented Program 5-1 to work with the school district and ensure student performance is not impeded by housing issues. (See pages 4-80 through 4-81 and HE-9 and HE-29<sup>1</sup>)</p>
<p><u>Disproportionate Housing Needs including Displacement:</u> While the element provides some data on disproportionate need, additional analysis is needed. The element must include a local analysis on how overcrowding in the City is related to the other components of the assessment of fair housing. In addition, the element should include a regional analysis on overcrowding and substandard housing. The element could also tie data from the housing conditions survey, housing issues hotline and SRO and multifamily inspections to the analysis on housing conditions. The element should also include an analysis on how the need of persons experiencing homelessness relates to other affirmatively furthering fair housing (AFFH) findings and analyze the effect on protected groups. Furthermore, the element should include an analysis of displacement relative to the region and describe where existing affordable units are located within the City. The element should also describe whether there is disinvestment in areas identified as lower income and segregated. Lastly, the element should examine displacement relative to disaster and impacts on protected groups (e.g., fire and flooding).</p>	<ol style="list-style-type: none"> <li>1. The City augmented text under Section 4.2.6.2.3, Disproportionate Housing Need and Displacement Risk, to analyze overcrowding and substandard housing related to the other components of the assessment of fair housing in South Lake Tahoe and the larger region. Information about regional displacement risk was incorporated throughout the section on Displacement Risk. Analysis found that no program changes were needed. (See pages 4-82 through 4-87)</li> <li>2. The City augmented text under Section 4.2.4.7.6, Large Families/Households, to evaluate housing unit sizes within the local and regional housing stock. The text analyzes unit sizes compared household sizes and determined that the housing stock is sufficient to meet the needs of various household sizes in the community. Therefore, Program 4-2 was removed because the City found no demand for increased production of larger housing units in comparison to smaller housing units. (See pages 4-58 through 4-59 and page HE-25)</li> <li>3. The City added text under Section 4.2.6.1, Outreach, to clarify that El Dorado County Fair Housing does not track the number of complaints received, and they refer complaints to Legal Services of Northern California, the fair housing provider for the region, or El Dorado County Senior Legal Services. The City also refers calls and complaints related to fair housing issues to Legal Services of</li> </ol>

<sup>1</sup> Page numbers correspond to pages in the tracked change version of the Revised Housing Element

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	<p>Northern California, when received. The City also added text under Section 4.2.6.2.3, Disproportionate Housing Need and Displacement Risk, to include information about the complaints received annually by the Housing Issues Hotline and inspections conducted as part of the Multi-Family Inspection Program. Analysis found that no program changes were needed. (See pages 4-66 and 4-86 – 4-87)</p> <ol style="list-style-type: none"> <li>4. The City added text under Section 4.2.6.2.3, Disproportionate Housing Need and Displacement Risk, analyzing the needs of persons experiencing homelessness and how they relate to other affirmatively furthering fair housing findings and other protected classes, including persons with developmental disabilities. The City added text to Program 4-3 to meet with service providers to identify specific strategies to address displacement risk and homeless services. (See pages 4-90 through 4-91 and HE-26).</li> <li>5. The City added Figure 4-14 mapping how existing affordable properties are located in relation to the lower-income sites designated to meet the RHNA. The City also augmented text under Section 4.2.6.2.3, Disproportionate Housing Need and Displacement Risk, analyzing the risk of disinvestment in areas identified as lower income and segregated. Analysis found that no program changes were needed. (See pages 4-91 and 4-92).</li> <li>6. The City also added a new subsection, titled Investment Patterns, under Section 4.2.6.2.3, Disproportionate Housing Need and Displacement Risk, that analyzed the investment patterns in the city and surrounding region. The City also expanded Program 5-1 to ensure infrastructure projects needed to support housing and residents without vehicles will continue to be included in the City’s Capital Improvement Plan. (See pages 4-93 and HE-28)</li> <li>7. The City also added a new subsection, titled Environmental Disasters, under Section 4.2.6.2.3, Disproportionate Housing Need and Displacement Risk, to examine displacement relative to disaster and impacts on protected groups. The analysis resulted in additions to Program 5-1 to enable protection from identified natural hazard risks in the city. (See pages 4-95 and HE-28 – HE-29)</li> </ol>
<p><u>Sites Inventory</u>: While the element includes some discussion of sites by income group and area, it should include additional discussion to better</p>	<p>The City augmented Section 4.2.6.4.1, Potential Effect on Patterns of Integration and Segregation, to add maps and analysis that discuss sites by</p>

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<p>formulate policies and programs. For example, the element could address the lack of sites identified to accommodate housing for lower-income households in the central area. Also, the element should address the impact of identified sites on existing patterns such as examining sites relative to existing affordable housing developments. The element should also discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will promote more inclusive communities such as identifying new opportunities (regardless of regional housing needs allocation (RHNA)) for housing affordable to lower-income households in higher income areas.</p>	<p>income group and area. Figure 4-14 was added to map existing affordable housing in the city and its proximity to lower-income housing sites. The analysis also identified site locations relative to Town Centers, which are the most walkable areas of the city, and concluded that the sites are distributed effectively to best meet the needs of all economic segments of the community. The City did not add new programs, but rather called out existing programs that promote the development of lower-income housing throughout the community including Programs 2-9, 3-9 and 5-1. (See pages 4-91 through 4-100; pages HE-14, HE-22, and HE-28)</p>
<p><u>Contributing Factors:</u> While table 4-46 lists contributing factors based on the AFFH analysis, it should prioritize the contributing factors.</p>	<p>The City augmented Table 4-46 to prioritize the contributing factors. (See pages 4-104 through 4-107)</p>
<p><u>Goals, Actions, Metrics, and Milestones:</u> The element must add or modify programs based on a complete analysis, including metrics and milestones as appropriate. In addition, while many of the programs in the element include metrics, some programs should be revised to explicitly AFFH by targeting appropriate areas. For example, Programs 2-1 (Pursue State and Federal Funds), 2-2 (Partnerships for Workforce Housing) and 2-6 (Assist Nonprofit Housing Developers) could target areas or neighborhoods of higher need and higher resource areas. Other examples include Programs 3-1 (Rehabilitation Loans), 3-5 (Preservation of Housing Conditions) and 3-8 (Multifamily Acquisition and Rehabilitation). Finally, Program 5-1 (Fair Housing) should be revised with metrics.</p>	<p>The City added targeted affirmatively furthering fair housing language to the Programs 2-1 (Pursue State and Federal Funds), 2-2 (Partnerships for Workforce Housing), 2-6 (Assist Nonprofit Housing Developers), 3-1 (Rehabilitation Loans), 3-5 (Preservation of Housing Conditions), 3-8 (Multifamily Acquisition and Rehabilitation), 4-3 (Special Needs Housing), and 5-1 (Fair Housing). The City also revised Program 5-1 (Fair Housing) to include metrics.</p>
<p><i>2. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</i></p>	
<p><u>Sites Inventory:</u> In Appendix A, parcels 023-231-003, 023-381-001, and 031-290-12 list a higher number of units than the identified developable acreage would allow given the realistic capacity assumptions. The element must revise or clarify the calculation of unit capacity on the identified sites.</p>	<ol style="list-style-type: none"> <li>1. The City added clarifying text to the Sites Inventory noting that for parcels with a higher number of units than the identified developable acreage (given realistic capacity assumptions) have active development applications under review by the City at those identified unit counts.</li> <li>2. The City rounds the number of units allowed per site down to the nearest whole number unless the parcel would allow zero units if</li> </ol>

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<p>In addition, the sites analysis states that the number of units allowed per site are rounded down to the nearest whole number while the calculation in the sites inventory rounds up to the nearest whole number. The element must be revised to address these discrepancies related to unit capacity.</p> <p>Lastly, the element must clarify whether the identified developable acreage accounts for 30 percent lot coverage while calculating unit capacity of sites zoned for moderate income.</p>	<p>rounded down. Those sites are rounded up to allow one unit per parcel. City staff have examined these “rounded up” sites and confirmed they are still developable with one unit given each site’s conditions. The City has added language under the “Realistic Development Potential on Vacant and Underutilized Sites” heading to clarify the rounding methodology.</p> <p>3. The moderate-income sites in the Sites Inventory either have 30 percent or 70 percent lot coverage requirements, depending on their land use designation and zoning. The lot coverage requirement for each site is factored into developable acreage assumptions when calculating unit capacity on each site. The City has added text under the “Realistic Development Potential on Vacant and Underutilized Sites” heading to include this information and clarify that the identified developable acreage accounts for lot coverage allowances. (See pages 4-122 through 4-125)</p>
<p><u>Realistic Capacity:</u> While the element provides some description of realistic capacity assumptions, it must describe the realistic capacity assumptions for units allocated toward meeting the moderate income RHNA. The element must clarify whether the realistic capacity analysis for sites outside of the community plans apply to all income groups.</p> <p>While the element includes Table 4-48 with representative projects, many of the projects listed have lower buildout than what is assumed in the realistic capacity analysis, especially the projects that included units for lower-income households. The element must add additional projects to support realistic capacity assumptions or revise assumptions to meet recent development examples.</p> <p>In addition, the element includes sites with zoning that allows 100 percent nonresidential uses and indicates some residential projects have been built in these zones, but it should also evaluate the likelihood for residential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts.</p>	<p>1. The City revised text and added new language under the “Realistic Development Potential on Vacant and Underutilized Sites” heading to clarify that realistic capacity assumptions do not change by the site’s income level but rather by each site’s land use designation and zoning, which determine the lot coverage requirements. Lot coverage requirements are therefore used to determine realistic capacity assumptions. The City also revised Table 4-48 (now numbered Table 4-49) to include new rows that summarize the average density of lower-income sites and all sites on representative projects to demonstrate that development trends have a higher average density than the assumed development realistic capacity. (See pages 4-122 through 4-125)</p> <p>2. The City added language to under the “Realistic Development Potential on Vacant and Underutilized Sites” heading to clarify that the TCAP and TVAP areas allow 100 percent residential development and described the incentives in place to encourage residential development in those two areas. The City also added a column in Table 4-49 to indicate which representative projects developed in zones that allow 100 percent non-residential development. (See pages 4-123 through 4-125)</p>

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<p>Suitability of Nonvacant Sites: The element lists one site as underutilized but should also describe the use sufficiently to facilitate analysis and demonstrate redevelopment potential in the planning period based on factors such as indicators of use turnover (e.g., expiring lease, interest in development, age and condition of structure, allowable versus existing floor area ratio(FAR)).</p>	<p>The City had incorrectly listed a site that is vacant as underutilized, and that has now been corrected in the text under the “Analysis of Above Moderate-Income Housing Opportunities on Vacant or Underutilized Land” heading and in the Sites Inventory. (See page 4-128) The City also revised the Sites Inventory to clarify that the underutilized site in the lower-income category has a parking lot on part of the site. This information was already included in the Housing Element. (See page 4-129)</p>
<p><u>Accessory Dwelling Units (ADUs):</u> The element indicates the City modified its zoning code to ease barriers to the development of ADU’s. However, after a cursory review of the City’s ordinance, HCD discovered several areas which were not consistent with State ADU Law. This includes, but is not limited to, prescribing junior accessory dwelling units (JADUs) have to be a conversion of a bedroom, JADU deed restrictions, and limiting the number of bedrooms, among others. HCD will provide a complete listing of ADU noncompliance issues under a separate cover. As a result, the element should add a program to update the City’s ADU ordinance to comply with State law.</p>	<p>The City has adopted an ADU ordinance that is in compliance with State law and is able to issue ministerial permits for ADUs. However, in order for a property owner to construct an ADU they must also obtain a TRPA permit, and the TRPA regulations are more restrictive than State law allows. The City does not have the regulatory jurisdiction to require that TRPA update their ADU regulations to comply with State law because TRPA is the regulatory agency for ADUs in the Tahoe Region. TRPA is not held to State law requirements, which is described in Section 4.4.1.1, Background and Regional Authority – The Bi-State Compact. Therefore, TRPA may have ADU regulations that conflict with State regulations, and the City does not solely dictate changes to TRPA’s regulations. The City revised Program 2-8 (Mitigation of TRPA Regulations) to clarify how they will work with TRPA to update ADU regulations to comply with State law.</p>
<p><u>Zoning for a Variety of Housing Types (Emergency Shelters):</u> The housing element must demonstrate the permit processing, development, and management standards for emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters. In addition, emergency shelters must only be subject to the same development and management standards applicable to residential or commercial development within the same zone except for those standards prescribed by statute. The element must list out the findings and standards for emergency shelters and describe whether it complies with the parking requirements in AB 139. The element must analyze these requirements for constraints and add a program as appropriate.</p>	<p>The City added clarifying text under Section 4.4.2.7, Emergency Shelter, clarifying the definition for emergency shelters under TRPA regulations. The City also added information clarifying that neither TRPA nor local City law have adopted objective design and operational standards for emergency shelters. Program 2-8 (Mitigation of TRPA Regulations) has been augmented to require the City to work with TRPA to include the term and definition for “emergency shelter” in the City’s Zoning Code. The City also revised Program 2-8 (Mitigation of TRPA Regulations) to clarify how they will work with TRPA to update emergency shelter regulations to comply with State law.</p>
<p><i>3. 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>	

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<p><u>Fees and Exactions:</u> The element concluded that the total fees required for development are high, it must identify programs and actions to help mitigate the identified constraint. In addition, the element must describe the approval process and requirements for fee waivers for nonprofit developers.</p>	<ol style="list-style-type: none"> <li>1. The Housing Element determined that the City’s fees for development are not high. However, the Housing Element concluded that the total fees for development are high due to TRPA’s application fees. The City revised Program 2-8 (Mitigation of TRPA Regulations) to clarify how they will work with TRPA to reduce barriers to housing development.</li> <li>2. The Housing Element explains that the City is allowed to waive TRPA and City planning fees for nonprofit developers to develop affordable housing. There are no requirements for fee waivers for non-profit housing developers other than that they propose affordable housing, which is disclosed in Sections 4.4.1.14, Fees and Other Exactions, and 4.4.2.17, City Fees and Other Exactions (See pages 4-165 through 4-190). The City added information in Program 1-7 to clarify that the City will waive fees for affordable housing. (See page HE-6)</li> </ol>
<p><u>Local Processing and Permit Procedures:</u> While the element describes the processing and permit procedures for both the Tahoe Regional Planning Agency (TRPA) and the City, it should clarify whether approval of an “S” permit is required from both the City and TRPA. In addition, it should clarify whether the process of approval is separate and whether there are different requirements.</p> <p>The element must also describe whether there is other process or permit procedures that are required by the City in addition to the TRPA requirements. The element should describe the process to approve allowed and special uses. In addition, the element should describe the approval process for multifamily developments of more than four units including the review findings and procedures.</p> <p>Lastly, the element should estimate the time for typical single- and multi-family developments, including all steps listed in the element (neighbor notifications, public hearings, and issuing of permits). It should also clarify whether the estimated timing is for both single family and multifamily developments.</p>	<ol style="list-style-type: none"> <li>1. The City has further clarified processing and permit procedures for both TRPA and the City under Section 4.3.1.1, South Lake Tahoe’s Setting, Zoning, and Development Procedures, to address this comment. (See pages 4-109 through 4-114)</li> <li>2. The City has added text under Section 4.4.1.15, Project Processing and Permit Procedures, to add information about typical turnaround time between granting planning entitlements and the receipt of a building permit application. This section was also expanded to include information about the typical project timing for larger multi-family projects. (See page 4-167)</li> </ol>
<p><u>Design Review and Site Plans:</u> The element must describe and analyze the design review and site plan guidelines and process, including approval procedures and decision-making criteria, for their impact as</p>	<p>The City added text under Section 4.3.1.1, South Lake Tahoe’s Setting, Zoning, and Development Procedures, and Section (See pages 4-110 through 4-111) and Section 4.4.1.9, Design Standards (See pages 4-159</p>

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<p>potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate. In addition, the element must clarify whether by-right uses require TRPA approval and design review.</p>	<p>through 4-161) to describe and analyze the design review and site plan guidelines and process for constraints on housing supply and affordability. In the same sections, the City added text to clarify that TRPA does not have by-right uses and include the required findings for design review.</p>
<p><u>On/Off-Site Improvements:</u> The element must identify curbing requirements and circulation improvements and analyze their impact as potential constraints on housing supply and affordability.</p>	<p>The City added information about on- and off-sites requirements for housing in Section 4.4.2.13, On-/Off-Site Improvements. (See page 4-184)</p>
<p><u>Constraints on Housing for Persons with Disabilities:</u> The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. For example, the analysis must describe any zoning code definitions of family and any spacing or concentration requirements for housing for persons with disabilities.</p>	<p>The City added text in Section 4.4.2.19, Development, Maintenance, and Improvement of Housing for Persons with Disabilities, to define family and clarify that neither the City nor TRPA have adopted standards to regulate housing for persons with disabilities. The City added Program 4-5 (Definition of Family) to update the City’s definition of family to be compliant with State law. The City also augmented Program 4-3 (Special Needs Housing) to support services for persons with disabilities. The City also clarified in Program 4-1 (Reasonable Accommodation and Land Coverage how they will work with TRPA to update reasonable accommodation procedures to comply with State law.(See pages 4-191 and HE-24 through HE-27)</p>
<p><i>4. An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need... (Gov. Code, § 65583, subd. (a)(6).)</i></p>	
<p><u>Developed Densities and Permit Times:</u> The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality’s share of the regional housing need.</p>	<p>In Section 4.4.1.7, Density, the City added text analyzing the typical development densities in South Lake Tahoe. In Section 4.4.1.15, Project Processing and Permit Procedures, the City added to information about typical turnaround time between granting planning entitlements and the receipt of a building permit application. (See pages 4-158 and 4-167)</p>

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<b>B. Housing Programs</b>	
<p>1. <i>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 should have specific commitment and discrete timelines for implementation. Program that must be revised include:</p>	<p>The City added specific commitments and discrete timelines for all programs listed here to comply with HCD comments while acknowledging the City's limitations to require changes given TRPA's jurisdiction. Refer to pages HE-3 through HE-30.</p>
<p>Program 1-1 (Mixed-Use Development) should be revised with a discrete timeline for creating additional incentives.</p>	

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Program 1-2 (Development of Substandard/Underutilized Sites) should be revised with annual updates.	
Program 1-4 (Using Local Incentives) should be revised to include annual outreach to developers and provide timing of when basin wide regulations will be amended.	
Program 1-6 (Clarify How Residential-Care Facilities are Allowed Under State Law) should revise the timing of implementation to occur earlier in the planning period.	
Program 1-7 (Small Lot Consolidation) should include proactive outreach to developers as well as describe which incentives will be approved.	
Program 2-3 (Inter-Jurisdictional Cooperation for Housing) should commit to implement strategies with discrete timing based on the results from the interjurisdictional meetings and coordination.	
Program 2-4 (Analysis of Federal and State Lands) should be revised to include timing and outreach and coordination with federal and state agencies.	
Program 2-5 should explicitly commit to make appropriate adjustment to implement provisions consistent with State Density Bonus Law (Gov. Code, § 65915.) as noted on page 4-167.	
Program 2-7 (Homebuyer Assistance Program Administration Partnering) should take steps beyond “initiate” and commit to establish a program to provide homebuyer assistance.	
Program 2-8 (Mitigate of TRPA Regulations) should include discrete timing (e.g., by 2024) to complete amendments instead of “the goal of achieving some of them every year”.	
Program 2-12 (Inter-Agency Housing Program Coordination): The Program should include proactive outreach to developers once sites are identified.	
Program 3-1 (Rehabilitation Loan Program Administration Partnering) must clarify the specific timing of implementation after the program is established and consider higher numerical targets.	

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<p>Program 3-8 (Multifamily Acquisition and Rehabilitation Program) must provide a specific implementation date of when the program will be established.</p>	
<p>Program 4-1 (Reasonable Accommodation and Land Coverage) should include timing earlier in the planning period as it is a carryover program from the last housing element.</p>	
<p>Program 4-2 (Family Housing) should include proactive outreach with discrete timing (e.g., annually).</p>	
<p>Program 4-3 (Employee Housing Act Compliance) must be revised to move up the timing of the program as it is a carryover program from the last housing element cycle.</p>	
<p>Program 4-4 (Special Needs Housing) should include proactive outreach with developers and service providers to identify and pursue development opportunities with discrete timing (e.g., annually).</p>	
<p><i>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).)</i></p>	
<p>As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.</p>	<p>The City determined that additional revisions to sites were not needed to address all comments in this letter.</p>
<p><i>4. 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 Findings A3 and A4, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise</p>	<p>Additional revisions to Constraints-related programs were made as noted earlier in this matrix to address all comments in this letter.</p>

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or add programs and address and remove or mitigate any identified constraints.	
<p><i>5. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)</i></p>	
As noted in Finding A1, the element must include a complete analysis of AFFH. Based on the outcomes of that analysis, the element must add or modify programs as appropriate.	Additional revisions to AFFH-related programs were made as noted earlier in this matrix to address all comments in this letter.
<p><b>C. Public Participation</b></p>	
<p><i>Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)</i></p>	
<p>While the element includes a general summary of the public participation process, it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element.</p> <p>In addition, HCD understands the City made the element available to the public concurrent with its submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element 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 and it reduces HCD's ability to consider public comments in the course of 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 making revisions to 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</p>	<ol style="list-style-type: none"> <li>1. The City added text to Section 4.1.6, Public Participation, to explain the diligent efforts made to engage all economic segments of the community in the development of the housing element. (See pages 4-9 through 4-11)</li> <li>2. In future submittals to HCD, the City will make revised drafts available for public review ahead of submittal to HCD.</li> </ol>

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comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.	