

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

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December 9, 2022

Gabriel Perez, Assistant Director
Development Services Department
City of Coachella
53990 Enterprise Way
Coachella, CA 92236

Dear Gabriel Perez:

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

Thank you for submitting the City of Coachella's (City) draft housing element received for review on October 11, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The revised draft element addresses many statutory requirements described in HCD's November 24, 2021 review; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

1. *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))*

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).)

Outreach and Enforcement: While the housing element includes a summary of fair housing enforcement and outreach capacity, it must also quantify and evaluate complaints at the City level. In addition, the element should discuss how the City complies with existing fair housing laws and regulations, any past fair housing lawsuits, consent decrees or other related legal matters.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP): The element identifies R/ECAPs but should also analyze the R/ECAPs, such as evaluating trends, conditions of the neighborhood relative to quality of life (e.g., housing conditions, infrastructure, parks, community amenities, safe routes to school, environmental health), comparisons to other neighborhoods, coincidence with

other fair housing assessment factors (e.g., displacement, overpayment, disparities in access to opportunity) and effectiveness or absence of past strategies related to equitable quality of life. The element must add or modify programs based on the outcomes of this analysis.

Disparities in Access to Opportunity: The element should describe availability and access to transportation mobility geographically within the City and impacts on the various components of the assessment of fair housing (e.g., race, disability, income, overpayment).

Disproportionate Housing Needs: The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For homelessness, the element should examine disproportionate impacts on protected characteristics (e.g., race, disability) and patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element may utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.

Local Data and Knowledge: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers, City staff and related local and County planning documents.

Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the City. For instance, the element can analyze historical land use, zoning and barriers to housing choices, investment practices, seeking investment or lack of seeking investment to promote affordability and inclusion, information about redlining/greenlining, restrictive covenants and other discriminatory practices, land use related lawsuits, local initiatives, demographic trends, or other information that complements the state and federal data.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element must include data on the location of regional housing needs allocation (RHNA) sites by income group relative to all fair housing components. The analysis should address the number of units by income group and location, any isolation of the RHNA by income group, magnitude of the impact on existing concentrations of socio-economic characteristics and discuss how the sites improve fair housing conditions. The analysis should be supported by local data

and knowledge and other relevant factors and programs should be added or modified as appropriate to promote inclusive and equitable communities.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess contributing factors and particularly prioritize those factors then formulate appropriate policies and programs.

Programs: As noted above, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. 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, milestones, and geographic targeting, and must address place-based strategies for community revitalization and displacement protection.

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).)*

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... (Gov. Code, § 65583, subd. (c)(1).)

Realistic Capacity: As noted in the prior review, the calculation of residential capacity must account for the likelihood of 100 percent nonresidential uses. In response, the element notes the feasibility of affordable residential development in mixed use zones and includes a program to allow require residential uses on sites zoned for the lower-income RHNA. However, the element must still account for the likelihood of 100 percent nonresidential development on all sites, including the moderate and above-moderate income RHNA The element should clearly describe whether 100 percent residential uses are allowed in nonresidential zones, discuss how often 100 percent nonresidential uses occur, adjust residential capacity assumptions and add or modify programs as appropriate. The element may include a program that requires minimum densities or establishes residential performance standards on nonresidentially zoned sites to address this requirement.

Infrastructure: The element generally was not revised to address this finding. The element must still clarify whether sufficient total water and sewer capacity is available (existing and planned) to accommodate the RHNA and add or modify programs if necessary.

Zoning for a Variety of Housing Types (Emergency Shelters): The revised element states that emergency shelters are allowed in the M-S Manufacturing Service Zone by-right without discretionary review. However, the element must also analyze the suitability and capacity of the M-S zone to meet the need for emergency shelters. For example, the element should identify the number of parcels, typical parcel sizes, available acreage, whether sites are underutilized, and any potential for reusing existing buildings to emergency shelters. The element should also discuss proximity to transit and services and any known hazardous conditions unfit for human habitation.

The revised element states that the development standards for emergency shelters comply with Government Code Section 65583(a)(4). The element states that emergency shelters are required to be a minimum of 300 ft. apart from each other; however, state law only allows a maximum of 300 ft separation requirement. The element must further clarify compliance with Government Code section 65583, subdivision (a)(4). In addition, the element should discuss if the City complies with AB 139 (Statutes of 2019) related to parking requirements and quantification of the emergency shelter need. The element should describe compliance with these requirements or revise Program 1.9 Emergency Shelters to implement actions to comply with Government Code section 65583, subdivision (a)(4) and AB 139 (Statutes of 2019).

Sites Inventory Electronic Form: For your information, please note, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. The City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov. For more information and technical assistance, please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> or email the sites inventory team at sitesinventory@hcd.ca.gov.

Programs: As noted above, 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. In addition, the element must still be revised as follows:

- Shortfall of Sites: The element now includes Programs 1.1 (General Plan Implementation), 1.2 (Lower Income Site Rezoning), 1.3 (General Plan Text Amendment) and 1.13 (General Plan Amendments) to address a

shortfall of sites to accommodate the RHNA, including committing to meet all by-right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i). However, the programs must still commit to acreage, allowable densities, appropriate development standards and anticipated units.

- Program 5.8 (Group Homes): This Program (formerly Program 1.10)) commits to administrative approval for group homes (seven or more persons) in high density and mixed-use zones. However, the program should also commit to all lesser density residential zones (e.g., single family).

3. *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).)*

Program 1.10 (Farmworker Housing Support): As noted in the prior review, the element must include specific actions to assist in the development of housing for farmworkers. In response, the element now commits to prepare a brochure, meet with stakeholder once in the planning period and amend zoning as needed. In addition, the element should include specific commitment with discrete timing to at least annually and proactively reach out to developers of farmworker housing and identify and pursue development opportunities. This action should be coupled with commitment to assist with funding, support funding applications and provide incentives. The program should also commit to meet with farmworker advocacy and any other related groups at least every other year and make adjustments and pursue additional strategies within a specified time.

4. *Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

The element now includes quantified objectives by income group for new construction and rehabilitation but provides no quantified objectives for conservation. For your information, conservation objectives are not limited to at-risk preservation and may include a variety of activities that promote stability in housing. Examples of programs that may be used for conservation objectives include Programs 2.3 (Neighborhood Enhancement), 2.4 (Mobile Home Park Maintenance), 2.7 (Tenant Outreach), 3.4 (Energy Efficiency) and 7.1 (Housing Choice Vouchers)

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements.

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 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.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until rezones to make prior identified sites available and accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c) are completed. As this year has passed and Programs 1.1 (General Plan Implementation), 1.2 (Lower Income Site Rezoning), 1.3 (General Plan Text Amendment) and 1.13 (General Plan Amendments) have not been completed, the housing element will remain out of compliance until the rezonings have been completed.

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.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD is committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Molivann Phlong, of our staff, at Molivann.Phlong@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager