

City Council Special Meeting Agenda



June 3, 2025

5:30 PM

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

Mayor
Amy Bublak

Council Members

Kevin Bixel
Cassandra Abram*

Erika Phillips
Rebecka Monez
(Vice Mayor)

Interim City Manager
Sue Borrego
City Clerk
Nichole Fiez
City Attorney
George A. Petrulakis

*via telephone: Hilton Los Angeles, Room 1259
555 Universal Hollywood Drive,
Universal City, CA 91608

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item. Members of the public will be allowed three (3) minutes for comments.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. **CALL TO ORDER**
2. **SALUTE TO THE FLAG**
3. **ROLL CALL AND DECLARATION OF CONFLICTS**
4. **PUBLIC PARTICIPATION - LIMITED TO ITEMS LISTED ON THE AGENDA**

Pursuant to Government Code Section 54954.3(a), public participation at a special meeting is for

**CITY OF TURLOCK
CITY COUNCIL
SPECIAL MEETING AGENDA
Tuesday, June 3, 2025**

Next City Council Resolution: 2025-XXX

Next Ordinance: 13XX-CS

the “public to directly address” the City Council concerning any item that has been described in the notice for the special meeting. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter. Pursuant to California Government Code Section 54954.2(a)(3), no action or discussion may be undertaken on any item not appearing on the posted agenda, except that the City Council, or its staff, may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda.

5. CLOSED SESSION

A. Conference with Legal Counsel – Anticipated Litigation, Cal. Gov’t Code §54956.9(d)(2) & (e)(2)

“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.” Pursuant to subsection (e)(2) of Cal. Gov’t Code §54956.9, the facts and circumstances are publicly stated on the agenda in the documents attached to Special Meeting Notice.
Potential Case(s): (1 case)

6. REPORTS FROM CLOSED SESSION

7. ADJOURNMENT



OFFICE OF THE GOVERNOR

May 9, 2025

The Honorable Amy Bublak
Mayor of the City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380

RE: City of Turlock's Inaction on Emergency Shelter

Dear Mayor Bublak and Members of the City Council:

Last month, the City Council took a vote on providing \$1 to support Stanislaus County's use of state funding to operate the We Care shelter, the only low-barrier, publicly accessible emergency shelter in Turlock. The moment called for local leadership and a willingness to protect vulnerable residents. Instead, the City voted to refuse that \$1 and to rebuff the County's request for partnership. The We Care shelter is now on the brink of closure due to lack of local support.

Mayor Bublak defended that decision by stating that the City needs to "start changing the way we do homelessness." I write to express my concern that the "change" the City seems to be making is to do nothing about homelessness at all.

The Council's decision to withhold funding from the We Care shelter is part of a troubling pattern of shifting priorities. The City of Turlock had previously indicated it would dedicate the bulk of its flexible state funding from the Permanent Local Housing Allocation Program to address homelessness — yet late last year, it redirected every dollar elsewhere. While the City has discretion in the use of these funds, the City's decision to pull dollars from direct assistance to persons experiencing homelessness calls into question the City's commitment to confronting the crisis and underscores a larger, unacceptable trend Californians are seeing across the state: even as the State delivers unprecedented

resources, some local governments continue to abdicate their responsibilities in the face of a humanitarian emergency on our streets.

The City cannot ignore its obligation to support its most vulnerable populations. Last week, the Department of Housing and Community Development (HCD) sent the City a letter reminding the City that state law requires a plan for addressing the housing needs of persons experiencing homelessness. The City's draft Housing Element – which is more than a year overdue – states that the City will provide financial assistance to non-profit groups providing shelter for homeless individuals, including the We Care Shelter, as part of its plan to meet the requirements of state law. As HCD's letter indicates, if the City does not fund the We Care shelter, it will have to specify alternative actions to assist people experiencing homelessness.

I write to request that the City explain whether or not it will take action to support ongoing operation of the We Care shelter, and if not, to inform the State what alternative actions it will take to address the needs of people experiencing homelessness in its community by May 30, 2025. It is imperative that the City reconsider its priorities and demonstrate the kind of collaborative, accountable, and solution-oriented leadership this crisis demands. Enough. Do your job.

The State remains committed to supporting communities that align with these values and will continue to prioritize resources for jurisdictions taking meaningful, results-driven action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gavin Newsom', with a long horizontal line extending to the right.

GAVIN NEWSOM
Governor of California

From: Andrew Hill <andrew@dnettandbhatia.com>
Sent: Tuesday, May 13, 2025 10:42 AM
To: Grant, Andrea@HCD
Cc: Katie Quintero; Adrienne Werner; Karen Chavez; McDougall, Paul@HCD
Subject: Re: City of Turlock Housing Element Letter
Attachments: Pages from Appendix D - Assessment of Fair Housing.pdf; Turlock-HCD Comment Matrix (050125) - for HCD.docx

Hi Andrea

Thanks for taking the time to speak with us to review HCD comments on the Draft Housing Element. Reviewing the letter, we have a couple of points to follow up on, detailed below:

- Comment B.1.a in the attached Word file requests discussion of how the City complies with fair housing laws and include a discussion of any findings, lawsuits, consent decrees, judgments, and any other legal matters regarding fair housing. This is included on pp. D-5 and D-6 (see attached). Doesn't this provide the information needed?
- Comment B.1.c As noted on p. D-25 there are no R/ECAPs in Turlock. P. D-26 includes a discussion of actions to environmental quality and infrastructure in the one tract in the City that is High Segregation/Poverty. Please clarify what more is needed.
- Comment B.4.a The City received two public comments on the Draft which will be summarized and discussed in the next revision. Sometimes individuals or groups submit comments directly to HCD as well. Did HCD receive any public comments on the Draft Housing Element from interested parties directly? If yes, please share them with us.
- Comment B.2.d Please send the sample farmworker housing programs referenced.

We are making good progress in addressing HCD comments and expect to have revisions ready to share for informal review by HCD at the end of the month. We very much appreciate the offer of technical assistance and informal review so that we can confirm revisions are moving in the right direction prior to public release of a revised Draft Housing Element.

Best regards,

Andrew

--
Andrew Hill, MUP
Principal
[415.702.8246](tel:415.702.8246)

DYETT & BHATIA
Urban and Regional Planners
4501 Howe Street
Oakland, CA 94611
dnettandbhatia.com

On Apr 30, 2025, at 4:13 PM, Grant, Andrea@HCD <Andrea.Grant@hcd.ca.gov> wrote:

Hello City of Turlock Team-

Please see the attached letter for the City's 6th Cycle Initial Draft Housing Element.
If there are any further questions, please feel free to reach out.

Thank you and have a great afternoon!

Best,
Andrea

<image001.png>

Andrea Grant (she/her)

Housing Policy Analyst, Housing Policy Development Division
Department of Housing and Community Development
651 Bannon Street | Sacramento, CA 95811

<sta-turlock-draft-out-043025.pdf>

Impediments (AI) reports that between 2014 and 2019 complaints regarding housing in Turlock included 30 related to disability, five complaints related to race, and five related to familial status with fewer than five complaints filed in cases related to national origin, gender/sex, arbitrary reasons, and age. Relative to Stanislaus County, Modesto had a significant number of complaints (165) compared to other jurisdictions in the County. This may be because Project Sentinel has a physical office in Modesto but could also be due to the amount of outreach or advertising to the public in Modesto, partnerships with other organizations, or the number of fair housing violations occurring. The larger number may therefore reflect successful community outreach as opposed to a greater prevalence of housing discrimination.

The 2020 AI reported that as of 2016, though many people who speak a language other than English at home are bilingual, there are also residents who report speaking English “less than very well” in all parts of the County. More than 20 percent of residents in Waterford, Newman, Ceres, and the Unincorporated County report speaking English less than “very well”. While Spanish is the predominant language of these residents, Turlock also has at least five percent of residents who speak another language and speak English less than “very well”. Linguistically isolated households are located in areas of Turlock west of SR99, southwest of downtown, both west and south of CSU Stanislaus. Communication regarding fair housing issues and solutions to closing any findings should consider there might be language barrier.

FAIR HOUSING COMPLIANCE

California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2) FEHA Regulations (California Code of Regulations (CCR), title 2, sections 12005-12271) Government Code section 65008 covers actions a city, county, city and county, or other local government agency, and makes those actions null and void if the action denies an individual or group of individuals the enjoyment of residence, landownership, tenancy, or other land use in the state because of membership in a protected class, the method of financing, and/or the intended occupancy.

HCD guidance on Affirmatively Furthering Fair Housing requires an analysis of compliance with existing fair housing laws and regulations. Examples of State fair housing laws include the California Fair Employment and Housing Act (“FEHA,” Gov. Code, Section 12900 – 12996) and FEHA Regulations (CCR, Section 12005 – 12271). Government Code section 65008 covers actions of a city, county, city and county, or other local government agency, and makes those actions null and void if the action denies an individual or group of individuals the enjoyment of residence, landownership, tenancy, or other land use in the state because of membership in a protected class, the method of financing, and/or the intended occupancy.

The City of Turlock complies with all applicable with State and Federal civil rights and fair housing laws, including but not limited to the following:

- California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with section 12900) of Division 3 of Title 2)
- California Government Code section 8899.50, which requires all public agencies to administer programs and activities relating to housing and community development in a manner to affirmatively further fair housing and avoid any action that is materially inconsistent with its obligation to affirmatively further fair housing.
- Government Code section 11135 et seq., which requires full and equal access to all programs and activities operated, administered, or funded with financial assistance from the State, regardless of one’s membership or perceived membership in a protected class.
- Density Bonus Law (Gov. Code, Section 65915.)

- Housing Accountability Act (Gov. Code, Section 65589.5.)
- No-Net-Loss Law (Gov. Code, Section 65863)
- Least Cost Zoning Law (Gov. Code, Section 65913.1)
- Excessive subdivision standards (Gov. Code, Section 65913.2.)
- Limits on growth controls (Gov. Code, Section 65302.8.)
- Housing Element Law (Gov. Code, Section 65583, esp. subds. (c)(5), (c)(10).)

FEHA Regulations; and Government Code sections 65008, 8899.50, and 11135 et seq. Starting in June 2023, the County will act as the administrative jurisdiction for funds that are available to support various services and activities, including housing related activities, that would benefit residents of urbanized areas. As mentioned above, Turlock, as a recipient of CDBG and HOME funds, is required to maintain Affirmatively Furthering Fair Housing (AFFH) certification and to demonstrate compliance through its Consolidated Plan and Annual Action Plans, which are submitted to HUD for approval prior to receipt of the CDBG and HOME funds. To the extent that funds are federal or State funds are directed to Turlock in the future, compliance will be demonstrated and maintained through that mechanism. From May 20th to May 24th, 2024, HUD conducted remote monitoring of the City's CDBG-CV program in order to assess the City's performance and compliance with applicable Federal program requirements. HUD's review of the City's program performance resulted in the identification of zero findings and zero concerns, as communicated in the FY2024 Monitoring Report. Additionally, the Federal Fiscal Year 2024 Turlock monitoring review provided an opportunity to address open findings from previous HUD monitoring reviews. The city provided its most recent responses to HUD open findings from prior years. All findings are now closed, and no further response is needed.

The City of Turlock complies with State Density Bonus Law (Gov. Code, Section 65915.), the Housing Accountability Act (Gov. Code, Section 65589.5.), and the No-Net-Loss Law (Gov. Code, Section 65863). Section 9-2-103 of the Turlock Zoning Ordinance includes a short summary of the purpose and requirements for affordable housing density bonuses with a cross-reference to the most current State requirements in California Government Code Section 65915. Turlock has not established any additional bonuses or incentives for affordable housing or childcare facilities, nor has the City enacted any local ordinances, such as rent control or rent freezes, inclusionary regulations, or eviction protection ordinances. Turlock has not denied any affordable housing project in its jurisdiction, and through this Housing Element, commits to implementing a plan to ensure adequate sites to accommodate its RHNA obligations during the planning period, and to comply with other legal requirements. In preparing this Housing Element, Turlock has reviewed its Zoning Code to identify regulations that create potential constraints to housing development some of which also interfere with efforts to further fair housing. The Action Plan in Chapter 4 of this Housing Element includes programs intended to reduce constraints to residential development that will also help Turlock further fair housing.

LENDING PRACTICES

Discrimination in lending practices can be a major contributor to fair housing issues in a community because it limits the ability of individuals to live in a location of their choosing. The Home Mortgage Disclosure Act (HMDA) requires financial institutions, including banks, savings associations, credit unions, and other lenders, to annually disclose mortgage data to the public. HMDA financial data by itself is insufficient to conclusively identify instances of discrimination in lending but analysis of HMDA data is useful for exploring discrepancies in lending outcomes and identifying areas of concern.

Number	Comment
A.1	<p><u>General</u>: While the element includes some information on the progress in implementation, in some cases, the progress does not appear related to the program objectives, or the element does not evaluate the effectiveness of the program in achieving the program objectives or intended outcomes. For example, Program HE.1.3.2.C was intended to provide financial assistance to non-profit groups in establishing shelter for persons experiencing homelessness. The element then explains the City has acquired and transferred affordable housing to non-profits with a target of 14 households annually – apparently unrelated to establishing shelter for persons experiencing homelessness.</p> <p>Instead, the element should discuss any progress related to financial assistance to non- profits in establishing shelters and an evaluation of effectiveness should address whether the program was effective in achieving the objectives and intended outcomes. Based on the analysis, the element should add or modify programs as appropriate to reflect the results or lack of results.</p>
A.2	<p><u>Special Housing Needs</u>: As part of the evaluation of programs in the past cycle, the element must also provide an explanation of the cumulative impact and effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness). While the element briefly describes the goals of a few past programs for housing for persons with special needs (p. E-1), a complete analysis must provide an evaluation of the cumulative effectiveness of these strategies in meeting the housing needs of all special needs populations. Programs should be revised as appropriate to reflect the results of this evaluation.</p>
B.1.a	<p><u>Enforcement and Outreach</u>: The element includes a summary of fair housing enforcement and outreach capacity and some information about fair housing complaints. However, the element must also discuss how the City complies with fair housing laws and include a discussion of any findings, lawsuits, consent decrees, judgments, and any other legal matters regarding fair housing. For additional information, please see pages 28-30 on HCD’s Affirmatively Furthering Fair Housing (AFFH) Guidance Memo at https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.</p>
B.1.b	<p><u>Integration and Segregation</u>: The element includes a map (Map D-1) displaying neighborhood segregation by census tracts but should also discuss and analyze trends over time and local patterns across census tracts for race within the City.</p>
B.1.c	<p><u>Racial/Ethnic Areas of Concentration of Poverty (R/ECAP)</u>: While the element includes general discussion about</p>

Number	Comment
	<p>R/ECAPs, it should specifically analyze these areas including patterns and changes over time, neighborhood characteristics and conditions, comparisons to other neighborhoods in terms of quality of life (e.g., infrastructure, housing, parks, community facilities), past efforts and effectiveness, and other relevant factors.</p>
B.1.d	<p><u>Disproportionate Housing Need</u>: The element generally discusses homelessness and substandard housing but should also analyze local patterns and disparities in access to opportunity. For housing conditions, the element should discuss any differences between areas or neighborhoods in terms of the number of units in need of rehabilitation or replacement. For persons experiencing homelessness, the element should discuss (1) any areas or neighborhoods where there are more or less persons experiencing homelessness such as concentrations of encampments; (2) disproportionate impacts on protected characteristics (e.g., race, disability) and (3) access to transportation, services, and programs. This analysis should incorporate local data and knowledge and other relevant factors (See below) to better formulate appropriate policies and programs.</p>
B.1.e	<p><u>Identified Sites and AFFH</u>: The element should map, quantify, and analyze the identified sites by income group according to all factors of the AFFH analysis. This analysis should discuss patterns of identified sites by income group within geographic sub-areas, census tracts, quadrants, or at the neighborhood level. The analysis must identify whether sites are isolated by income group and discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., housing mobility, anti-displacement, place-based community revitalization strategies).</p>
B.1.f	<p><u>Local Data and Knowledge and Other Relevant Factors</u>: The element should incorporate local data and knowledge of the jurisdiction into the AFFH section. To assist in meeting this requirement, the element should provide local data not captured in regional, state, or federal data analysis. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices or other information and demographic trends. Including this information will help clarify the patterns and trends of socioeconomic concentrations and disparities in access to opportunities, particularly within community plan areas. 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</p>

Number	Comment
	local and regional advocates and service providers. The element should adjust the analysis and revise or add to programs as appropriate. HCD will provide guidance under separate cover.
B.1.g	<u>Contributing Factors to Fair Housing Issues</u> : The element identifies many contributing factors to fair housing issues. While the element prioritizes these factors to better formulate policies and programs and carry out meaningful actions to AFFH, it should also re-assess contributing factors upon completion of analysis and make revisions as appropriate.
B.2.a	<u>Housing Conditions</u> : The element identifies the age of the housing stock (p. B-31) but should also 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 non-profit housing developers or organizations. For additional information, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/housing-stock-characteristics .
B.2.b	<p><u>Extremely Low-Income (ELI) Households</u>: The element includes a brief description of ELI households but must identify the projected housing need for ELI households. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the regional housing need allocation (RHNA) for very low-income households qualify as ELI households.</p> <p>Additionally, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element should analyze characteristics (e.g., tenure, overpayment, overcrowding), disproportionate housing needs, compare housing needs and characteristics to other income groups, the magnitude of housing needs and other household characteristics then examine the availability of resources to determine gaps and appropriate policies and programs. For additional information, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs.</p>
B.2.c	<u>Special Housing Needs (Farmworkers)</u> : While the element includes a general discussion (p. B-20) of the housing needs of farmworkers, it must include an analysis of their housing needs. The analysis should address trends, permanent and

Number	Comment
	<p>seasonal dynamics, the magnitude of needs, household characteristics, challenges or disproportionate housing needs faced by farmworkers. The analysis could consider and expand upon past studies conducted in the region and statewide. Additionally, the element should discuss resources and programs available for farmworker households, the effectiveness of past strategies, and add or modify programs based on a complete analysis.</p>
B.3.a	<p><u>Pipeline Projects</u>: The element includes projects (p. 3-5) that have either been approved or are currently under review but should also demonstrate the availability or likelihood of pipeline projects being built in the planning period. For example, the element should address remaining steps and known barriers or conditions that preclude development in the planning period. In addition, the element must demonstrate the affordability of pipeline projects based on anticipated or actual sale prices or rent levels for moderate income households, or other mechanisms ensuring affordability (e.g., deed restrictions) for lower-income households.</p>
B.3.b	<p><u>Parcel Listing</u>: The element lists various parcels by factors such as size and zoning but should also describe the existing uses (e.g., religious institutional sites) sufficiently to facilitate an analysis of the potential for redevelopment in the planning period.</p> <p>Additionally, the element lists 450 units on two parcels (APNs 044-025-007-000 and 044-025-006-000) and capacity assumptions appear to far exceed maximum allowable densities. Based on our meeting, these parcels are part of a larger planning area, but the element should further explain the anticipated future parceling or site planning and buildable areas and other relevant factors to support the calculations of residential capacity and affordability.</p>
B.3.c	<p><u>Realistic Development Capacity</u>: The element (p. 3-4) mentions an assumption of 80 percent of maximum allowable densities to calculate residential capacity based on recent trends in the City and nearby cities. However, the analysis should exclude assisted living facilities which appears to be a significant outlier and typically represents a different housing product.</p> <p>In addition, the element appears to assume residential development on sites with zoning that allows 100 percent nonresidential uses, but to support this assumption, the element must analyze the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. The analysis should be based on evaluation of all development in the pertinent zones, occurrence of development with a residential component and accounting for</p>

Number	Comment
	that likelihood in capacity assumptions.
B.3.d	<p><u>Suitability of Nonvacant Sites</u>: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element describes in general the existing use of each nonvacant site (e.g., agriculture, industrial, commercial, etc.) but should also discuss the characteristics of opportunity areas relative to redevelopment potential. The element should also utilize representative sites for each of the areas and address the extent that existing uses may impede additional residential development. For example, the analysis should address past experiences converting existing uses to residential development, current market demand for the existing use, any conditions that would perpetuate the existing use or prevent additional residential development and relate those circumstances to the sites identified, whether uses are operating, and analysis of lease or other contracts that impede redevelopment and incentives that encourage development. Additionally, the element should also provide additional supporting information for factor assumptions, as the current sample is too small to demonstrate validity, and selected sites should meet at least three factors.</p> <p>Lastly, specific analysis and actions are necessary if 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 RHNA.</p>
B.3.e	<p><u>Accessory Dwelling Units (ADU)</u>: The element projects 80 ADUs to be constructed over the planning period, averaging 10 units per year. This projection was based on past ADU annual permit figures of 4, 4, 2, 5, 12, and 8 for 2018, 2019, 2020, 2021, 2022, and 2023 respectively. However, based on HCD data, ADU annual permit figures are 2, 3, 2, 5, 5, and 8 for 2018, 2019, 2020, 2021, 2022, and 2023 respectively. The element should reconcile these figures and adjust assumptions as appropriate.</p>
B.3.f	<p><u>Accessibility and Availability of Infrastructure</u>: The element must demonstrate the accessibility of infrastructure to identified sites and whether there is sufficient total water and sewer capacity to accommodate the RHNA. Programs should be modified as appropriate following a complete analysis.</p>

Number	Comment
	<p>In addition, water and sewer service providers must establish written 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 whether the City has established written procedures to grant priority and, if not, add or modify programs to establish a written procedure by a date early in the planning period.</p>
B.3.g	<p><u>Small Sites</u>: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites of equivalent size and affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of these sites. Based on our meeting, the City is assuming some sites will be consolidated to appropriate sizes to facilitate development of affordable housing. As a result, the element should demonstrate the potential for consolidation and discuss characteristics such as common ownership, common access, parcels necessitating consolidation or other factors potentially leading to consolidation. Based on a complete analysis, the City should consider adding or revising programs to include incentives for facilitating consolidation of smaller sites.</p>
B.3.h	<p><u>Environmental Constraints</u>: While the element generally describes some environmental conditions within the City (Table C-14), it must describe how these conditions relate to identified sites. In addition, the element should discuss any other known environmental constraints or other conditions that could preclude housing development in the planning period. Examples of other conditions or constraints include access, shape, Williamson land contracts, conservation easements, urban growth boundaries, contamination, airport and military compatibility. For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-sites-and-zoning.</p>
B.3.i	<p><u>Specific Plans and Master Plans</u>: The element may utilize residential capacity in specific plans to accommodate the RHNA but should clarify if master plans and specific plans are counted as pipeline projects or identified sites. If units within these plans are considered pipeline projects, the element should demonstrate availability and affordability as described above. However, if the units within the adopted specific and master plans are on identified sites, the element should list the sites and analyze suitability, including size, zoning, environmental constraints, and any other known conditions that may preclude residential development in the planning period.</p>

Number	Comment
B.3.j	<p><u>Electronic Sites Inventory:</u> 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 and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.</p>
B.3.k.i	<p><u>Zoning for a Variety of Housing Types:</u></p> <ul style="list-style-type: none"> • Emergency Shelters: Chapter 654, Statutes of 2022 (AB 2339), adds additional specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Among other changes, these amendments to Government Code section 65583, subdivision (a)(4) expands the definition of “emergency shelters,” specifies the type of zoning designations that must be identified to allow emergency shelters as a permitted use without a conditional use or other discretionary permit and requires jurisdictions to demonstrate the appropriateness of sites to accommodate emergency shelters. To address these requirements, the element must (1) define what is considered an emergency shelter; (2) identify at least one zone which allows residential uses to permit emergency shelters without discretionary action; (3) establish appropriate development standards for emergency shelters, including parking requirements, that do not exceed those allowed in statute; (4) demonstrate adequate and suitable capacity to meet the need for emergency shelters, including proximity to transportation and services; and (5) add or modify programs as appropriate based on a complete analysis. For additional information, please see HCD’s memo at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339notice.pdf.
B.3.k.ii	<ul style="list-style-type: none"> • Employee Housing: The housing element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5, 17021.6. and 17021.8. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. Section 17021.8 requires that a development is subject to a streamlined, ministerial approval process and is not subject to a conditional use permit (CUP) if

Number	Comment
	<p>the development is an eligible agricultural employee housing development. The element must either demonstrate consistency and compliance with the requirements of the Employee Housing Act or include programs to amend zoning as appropriate. For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/farmworkers.</p>
B.3.k.iii	<ul style="list-style-type: none"> • Permanent Supportive Housing: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including non-residential zones permitting multifamily uses, without discretionary action, pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement or add or modify programs as appropriate.
B.4.a	<p><u>Local Processing and Permit Procedures:</u> While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development that are consistent with zoning. The analysis should address the approval body, the number of public hearings if any, approval findings and any other relevant information. The analysis should address impacts on housing cost and supply (number of units), timing and approval certainty. For example, the element should identify and analyze approval findings for impacts on approval certainty and discuss the presence of processes or guidelines to promote certainty.</p> <p>In addition, the element should also expand discussion of the Planned Development process, including whether the process is optional or required. If required, the element should explain if fixed development standards are available and analyze the impacts on housing cost and supply (number of units), timing and approval certainty.</p> <p>Lastly, the element should address public comments on this initial draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations.</p>
B.4.b	<p><u>On/Off-Site Improvements:</u> The element must identify typical subdivision level improvement requirements beyond street widths and analyze their impact as potential constraints on housing cost and supply. For additional information and a sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards.</p>
B.4.c	<p>Codes and their Enforcement: The element provides an overview of the building code implementation in Turlock but</p>

Number	Comment
	<p>should also identify any local amendments to the building code and analyze impacts on the cost and supply of housing. Additionally, the element states that the City provides code enforcement through its police department. The element should provide further analysis on how code enforcement is conducted for existing housing stock, including whether enforcement is conducted independently from law enforcement and potential impacts on lower-income and special needs households.</p>
B.4.d.i	<p><u>Constraints on Housing for Persons with Disabilities:</u></p> <ul style="list-style-type: none"> • Reasonable Accommodation: The element does not describe the City's procedure for requesting and granting reasonable accommodation to zoning and land use requirements for persons with disabilities. The element must describe and analyze the reasonable accommodation procedure and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities. The element must add or revise programs based on a complete analysis.
B.4.d.ii	<ul style="list-style-type: none"> • Group Homes: The element excludes group homes for seven or more persons from some residential zones and subjects the use to CUP and minor discretionary permits (MDP), unlike other similar residential uses. The element should specifically analyze exclusion from residential zones (e.g., Residential Estate and Low-Density Residential zones), the CUP and MDP processes, and parking requirements as constraints for impacts on housing for persons with disabilities, including impacts on housing supply and choices, approval certainty and objectivity for housing for persons with disabilities. The element should add or modify programs to amend the zoning and procedures to permit group homes for seven or more persons in all zones allowing residential uses similar to other residential uses of the same type in the same zone, regardless of licensing.
B.5	<p>Approval Time and Requests for Lower Densities: The element must include analysis of requests to develop housing at densities below those identified in the sites inventory (e.g., 80 percent of maximum allowable density) and the length of time between receiving approval for housing development and submittal of an application for building permits. The element must address any hindrance to the construction of the RHNA and include programs as appropriate.</p>
B.1.a	<p>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 City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a</p>

Number	Comment
	<p>variety of housing types. In addition, the element should be revised as follows:</p> <ul style="list-style-type: none"> • <i>Programs 1-B (Workforce Housing Overlay) and 1-F (Congregational Overlay):</i> The Program commits to a by-right maximum base density of 20 units per acre but should clarify requiring a minimum density of 20 units per acre and maximum allowable density of 35 units per acre. In addition, instead of committing to incorporate development standards to "...accommodate higher density development...", the Program should commit to establish development standards that facilitate achieving maximum densities.
B.1.b	<p>Finally, please be aware, the recent California appellate decision in <i>Martinez v. City of Clovis</i> found that while overlays can be used in a rezone, when the base zone allows residential development, both the base zone and the overlay zone must comply with the minimum density requirements of Government Code section 65583.2, subdivision (h). The City may need to adjust its rezoning strategy if the underlying zoning for sites that will be rezoned allows minimum densities less than 20 dwelling units per acre. <i>Martinez v. City of Clovis</i> (2023) 90 Cal.App.5th 193, 307 Cal.Rptr.3d 64.</p>
B.1.c	<ul style="list-style-type: none"> • <i>Program 2-J (Transitional and Supportive Housing):</i> Based on the analysis of transitional and supportive housing (p. C-15), the Program appears to conflate group homes and transitional and supportive housing. While these residential uses might overlap, transitional and supportive housing should not be subject to any distinctions based on the number of persons. Further, transitional and supportive housing should be allowed in all zones allowing residential uses, including non-residential zones. This Program should remove limits to the number of persons and distinguishing between existing and new structures and clearly commit to permit transitional and supportive housing in all zones allowing residential uses and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.
B.2.a	<p><u>General:</u> Depending on a complete analysis of housing needs (Finding B2) and review of past programs (Finding A1), the element should add or modify programs as appropriate. Further, programs to assist in development should be proactive. For example, programs should proactively and annually reach out to affordable housing developers to identify development opportunities and provide assistance such as funding, incentives, and priority processing.</p>
B.2.b	<p><u>Density Bonus:</u> The element must include a program to amend the zoning ordinance and comply with</p>

Number	Comment
	<p>current State Density Bonus Law (SDBL) pursuant to Government Code section 65915. The City's ordinance may reference SDBL but should at least have procedures such as application and submittal requirements, review parameters, approval authority and processing timelines.</p>
B.2.c	<p><u>ELI Households</u>: While the element includes Programs 4-A (Housing for ELI and Special Needs), the Programs should proactively and annually reach out to developers and service providers to provide assistance instead of "upon request".</p>
B.2.d	<p><u>Farmworkers</u>: Given the importance of farmworkers and the regional needs, the element should expand actions to specifically address the needs of farmworkers. For example, the element could commit to including new construction for farmworker housing, addressing existing housing needs, such as rehabilitation, providing technical assistance to developers, creating informational materials, or other proactive actions to facilitate the development and conservation of housing for farmworkers. HCD will send sample programs under separate cover.</p>
B.3.a	<p>As noted in Findings B4 and B5, 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 or add programs and address and remove or mitigate any identified constraints.</p> <p>In addition, Program 2-H (Zoning for People with Disabilities) commits to incorporate and define the term household. However, the proposed definition has potential constraints on housing for persons with disabilities. Instead, the Program should commit to incorporate a definition such as <i>"one or more persons living together as a single housekeeping unit in a dwelling unit"</i>.</p>
B.4.a	<p>As noted in Finding B1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add 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, geographic targeting, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in relatively higher opportunity and income areas, place-based strategies for community revitalization and displacement protection.</p>

Number	Comment
D.1	<p>The element must include quantified objectives to establish an estimate of housing units by income category, including ELI, that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group for new construction, the element must also include objectives for rehabilitation and conservation/preservation units by income category, especially for very low-income and ELI households. In addition, conservation objectives may include broader efforts to conserve the existing housing stock such as code enforcement, housing choice vouchers and weatherization.</p>
E.1	<p>While the element includes a general summary of the public participation process (p. G-1), it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. Specifically, the element could describe how language access was promoted or add actions to do so moving forward with commitments throughout the planning period. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element, especially for stakeholder interviews and surveys. For additional information, see the <i>Building Blocks</i> at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/public-participation.</p>

George Petrulakis

From: Grant, Andrea@HCD <Andrea.Grant@hcd.ca.gov>
Sent: Tuesday, May 13, 2025 4:25 PM
To: Andrew Hill
Cc: Katie Quintero; Adrienne Werner; Karen Chavez; McDougall, Paul@HCD
Subject: RE: City of Turlock Housing Element Letter
Attachments: AFFH SM Outreach & Enforcement compliance with FH laws.pdf; Public Comment on Housing Element; lodi-6th-adopted-032724 farmworker program.pdf; shafter-adopted-030724 farmworker program.pdf; Waterford-6th-draft-10.11.24 farmworker program.pdf

Hi Andrew,

Thank you for the updates, looking forward to seeing the progress on the element and revisions. Please note the following about the findings letter:

Comment B.1.a (Enforcement and Outreach): While the element includes the list of fair housing laws, we also hope to see how the City complies with each. Sometimes jurisdictions will include current actions taken to comply, references to the analysis throughout the element related to the law, and the program that addresses potential constraints (if applicable). Please see the attached sample from Santa Maria.

Comment B.1.c (R/ECAP): Because there are no R/ECAPs within the City and just the one census tract that is considered an HSP, the element should expand the discussion to analyze patterns/ changes over time and census tract/ neighborhood characteristics and conditions in comparison to the other non-HSP tracts in the city (related to housing, infrastructure, parks, community facilities).

Comment B.4.a (Local Processing and Permit Procedures): We received a separate comment previously about the City complying with the Permit Streamlining Act. Please see the attached Outlook item.

Comment B2.d (Farmworkers): Please see the attached program examples from Waterford (Program 5.2), Lodi (Program 1.5), and Shafter (Program 3.2.3).

If there are any other questions, please reach out. We will also be in touch here if there are any other updates and check in to schedule a discussion about the informal review and TA in the future.

Thank you and have a great afternoon!

Best,
Andrea

From: Andrew Hill andrew@dyyettandbhatia.com
Sent: Tuesday, May 13, 2025 10:42 AM
To: Grant, Andrea@HCD Andrea.Grant@hcd.ca.gov
Cc: Katie Quintero kquintero@turlock.ca.us; awerner@turlock.ca.us; Karen Chavez karen@dyyettandbhatia.com; McDougall, Paul@HCD Paul.McDougall@hcd.ca.gov
Subject: Re: City of Turlock Housing Element Letter

Hi Andrea

Thanks for taking the time to speak with us to review HCD comments on the Draft Housing Element. Reviewing the letter, we have a couple of points to follow up on, detailed below:

- Comment B.1.a in the attached Word file requests discussion of how the City complies with fair housing laws and include a discussion of any findings, lawsuits, consent decrees, judgments, and any other legal matters regarding fair housing. This is included on pp. D-5 and D-6 (see attached). Doesn't this provide the information needed?
- Comment B.1.c As noted on p. D-25 there are no R/ECAPs in Turlock. P. D-26 includes a discussion of actions to environmental quality and infrastructure in the one tract in the City that is High Segregation/Poverty. Please clarify what more is needed.
- Comment B.4.a The City received two public comments on the Draft which will be summarized and discussed in the next revision. Sometimes individuals or groups submit comments directly to HCD as well. Did HCD receive any public comments on the Draft Housing Element from interested parties directly? If yes, please share them with us.
- Comment B.2.d Please send the sample farmworker housing programs referenced.

We are making good progress in addressing HCD comments and expect to have revisions ready to share for informal review by HCD at the end of the month. We very much appreciate the offer of technical assistance and informal review so that we can confirm revisions are moving in the right direction prior to public release of a revised Draft Housing Element.

Best regards,

Andrew

--

Andrew Hill, MUP

Principal

415.702.8246

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On Apr 30, 2025, at 4:13 PM, Grant, Andrea@HCD <Andrea.Grant@hcd.ca.gov> wrote:

Hello City of Turlock Team-

Please see the attached letter for the City's 6th Cycle Initial Draft Housing Element. If there are any further questions, please feel free to reach out.

Thank you and have a great afternoon!

Best,
Andrea

<image001.png>

Andrea Grant (she/her)

Housing Policy Analyst, Housing Policy Development Division
Department of Housing and Community Development
651 Bannon Street | Sacramento, CA 95811

<sta-turlock-draft-out-043025.pdf>

implementation of the Ordinance. The trainings included an overview of Federal and State fair housing laws, sex and gender discrimination, administration complaints, and disability discrimination and reasonable accommodations. A fair housing training/symposium will be conducted annually for the duration of the VCA.

F.2.2 Fair Housing Outreach and Enforcement

Fair housing complaints can be an indicator of current housing discrimination in Santa Maria. Fair housing issues can arise through discrimination against an individual based on disability, race, national origin, familial status, disability, religion, or sex when renting or selling a dwelling unit.

The U.S. Department of Housing and Urban Development's (HUD) Office of Fair Housing and Equal Opportunity (FHEO) is the federal agency responsible for eliminating housing discrimination, promoting economic opportunity, and achieving diverse, inclusive communities. FHEO services and activities include investigating fair housing complaints, conducting compliance reviews, ensuring civil rights in HUD programs, and managing fair housing grants.

The Legal Aid Foundation of Santa Barbara County (LAFSBC) provides fair housing services to urban and unincorporated areas of Santa Barbara County. They provide information and services on tenants' rights, fair housing, and local tenant protections. LAFSBC has worked with the City to help verify compliance with fair housing laws within the community.

The 2020 Analysis of Impediments to Fair Housing Choice by the Santa Barbara County HOME Consortium presented fair housing complaint data from HUD's Office of Fair Housing Enforcement for the period from 2015 to 2019. The number of cases were listed by protected class for the consortium member cities of Buellton, Carpinteria, Goleta, Lompoc, and Santa Maria. Santa Maria had five total cases during the period. Santa Maria fair housing complaints were based on the protected classes of disability and there was one familial status, one national origin, one gender, and one retaliation complaint. Lompoc had the most total cases during the period with 10. Goleta had nine cases while Buellton and Carpinteria had one each.

According to the HCD Data Viewer, Fair Housing and Equal Opportunity (FHEO) inquiries in Santa Maria during 2013-2021, represent fewer than 0.25 inquiries for every 1,000 persons. This rate was less than the nearby cities of Grover Beach (less than 0.5 inquiries per 1,000 persons), Guadalupe (less than 0.5 inquiries per 1,000 persons), and Lompoc (less than 1 inquiries per 1,000 persons) and the same as the reported rate for Arroyo Grande.

The City does not have any pending lawsuits, enforcement actions, judgments, settlements, or findings related to fair housing and civil rights. While the City does not currently have any local fair housing laws, in 2022 the City implemented a program to address any complaints of alleged housing discrimination and complaints about the quality and safety of occupied Employee Housing. Housing discrimination complaints are to be submitted to the EHRO for review. If a complaint is received regarding a City program or organization, the EHRO works with the complainant directly to address the complaint. If complaints are received regarding private

organizations or properties, the EHRO directs complainants to file their complaint with the United States Department of Housing and Urban Development (HUD) Fair Housing and Equal Opportunity.

The City complies with State and federal housing laws as follows:

- **Fair Housing Act; Title VI of the Civil Rights Act of 1964** – the City complies by ensuring its actions related to housing are not discriminatory through City protocols, decision-making procedures, and adhering to non-discrimination requirements of federal funding programs.
- **Rehabilitation Act of 1973** – see Fair Housing Act; also, the City complies through its accessibility protocols, administered and enforced by the City’s ADA/504 Coordinator and Building Official.
- **American Disabilities Act** – the City complies with the ADA through building permit review and issuance and as described in Appendix C (Housing Constraints, Section C.2.2, Housing for Persons with Disabilities).
- **California Fair Employment and Housing Act (FEHA) and FEHA Regulations** – the City complies with FEHA and its regulations through established City protocols decision making, legal counsel and advisement.
- **Government Code Section 65008** – the City Zoning Code is written to ensure that the City’s actions regarding the development of housing for persons and families of very low, low, moderate, and middle incomes, or emergency shelters for the homeless, are not discriminatory. Programs are included in this Housing Element to facilitate housing for all households, including protected classes (e.g., programs regarding residential care facilities, emergency shelters, and reasonable accommodations).
- **Government Code Section 8899.50** – Appendix F of this Housing Element documents compliance with Affirmatively Furthering Fair Housing requirements.
- **Government Code Section 11135 et. seq.** – the City complies with anti-discrimination requirements through the City’s Human Resources programs and the City’s procurement protocols.
- **Density Bonus Law (Government Code Section 65915)** – the City implements density bonus provisions in compliance with the Density Bonus Law as described in Appendix C (Housing Constraints).
- **Housing Accountability Act (Government Code Section 65589.5)** – the City has documented compliance with the HAA as described in Appendix C (Housing Constraints).
- **No-Net-Loss Law (Government Code Section 65863)** – the City has documented compliance with sufficient capacity for RHNA and will ensure compliance with no-net-loss via required annual reporting to HCD.

- **Least Cost Zoning Law (Government Code Section 65913.1)** – the City includes programs in this Housing Element to ensure that sufficient land is zoned with appropriate standards to accommodate its RHNA.
- **Excessive subdivision standards (Government Code Section 65913.2)** – the City’s subdivision standards are typical or not excessive in compliance with the Government Code (see Appendix C, Section C.2.5).
- **Limits on growth control (Government Code Section 65302.8)** – the City complies as it has no growth control measures.
- **Housing Element Law (Government Code Section 65583)** – this Housing Element documents compliance with Housing Element Law.

Program 3.2.2: Emergency Shelters

The City shall ensure compliance with Gov. Code §65583(a)(4) to plan to shelter people experiencing homelessness (five and zero unsheltered people at the most recent point-in-time counts) with at least one of the following:

- a) Ensure that the Kern County Homeless Collaborative multi-jurisdictional agreement is compliant with the provisions of Gov. Code §65583(d), including adequate shelter to be developed by December 2025, and revise the Development Code to specify an additional appropriate zone that allows emergency shelters with approval of a conditional use permit, or,
- b) Establish an Emergency Shelter (ES) overlay zone at a compliant location in the City, with the potential addition of development standards compliant with Gov. Code §65583(a)(4). (As described in more detail in the cited statute, a compliant location is usually vacant, sized to accommodate the need for emergency shelter identified in this Housing Program, including at least one year-round emergency shelter, located in a residential zone, or in a nonresidential zone that allows residential use near transportation, amenities and homelessness services.)

The City will also amend the definition of emergency shelters to be consistent with Gov. Code §65583(a)(4)(C) and ensure appropriate parking requirements limited to employees.

Responsible Agency: Planning Department

Implementation Schedule: Within 1 year of the date of the adoption of this Housing Program, per Gov. Code §65583(a)(4)(A).

Non-Quantified Objective: Ensure that the City is compliant with Gov. Code §65583(a)(4) regarding emergency shelters.

Funding Source: General Fund

Program 3.2.3: Housing Opportunities for Farm Workers and Special Needs Groups

Provide housing opportunities to meet the special housing needs of farm workers, elderly, disabled, large families, and the homeless. The City will:

- Make a specific and at least annual effort to assist in the development of housing for farmworkers and conserve and improve the existing housing stock for farmworkers, including but not limited to:
 - Contacting nonprofit developers at least every other year to identify opportunities for the development or improvement of housing for farmworkers.
 - Coordinating and participating with regional organizations, including non-profit, academic and employers, to raise awareness, share and employ strategies, and identify or target new resources.
 - Providing incentives and other strategies beyond state density bonus law to encourage housing for farmworkers, including setting aside housing for farmworkers within developments, supporting funding applications, prioritizing entitlements and establishing appropriate zoning and development standards.
 - Targeting code enforcement and other resources to the existing housing stock with the most need for rehabilitation and sanitary conditions that could be more likely to house farmworkers and work with regional or other organizations to improve living conditions for farmworkers.

- Give priority funding to development projects that include a component for special needs groups in addition to other lower-income households, to ensure adequate housing for all residents within special needs groups. Give first priority to projects that serve farm workers, the largest special needs group in the region.
- Seek state and federal monies, as funding becomes available, in support of special needs groups including housing construction and rehabilitation targeted for farm workers and persons with disabilities, including developmental disabilities. Give the highest priority to seeking funding that serves farm workers, the largest special needs group in the region.
- Coordinate with the County of Kern and reach out to organizations serving special needs groups and developers of housing for special needs groups as funding becomes available (i.e., Kern Regional Center, Self-Help Enterprises, Housing Assistance Council, etc.). Coordinate annually with organizations that serve farm workers (Kern County and non-profits, such as Cesar Chavez Foundation, Self-Help Enterprises, Farm workers Institute of Education and Leadership, and the Housing Assistance Council).
- Offer technical assistance and regulatory incentives, as appropriate, for projects serving special needs groups.

Responsible Agency: Planning Department

Implementation Schedule: Ongoing, annually starting by 2025.

Non-Quantified Objective: Maximize opportunities to address the housing needs of special needs groups within the City.

Funding Source: General Fund; federal and state housing funds; and CDBG

Program 3.2.4: Coordination with Agencies Serving the Homeless

The City will cooperate with public and private agencies, such as the Kern County Homeless Collaborative to develop housing (including transitional housing), family counseling, and employment programs/job referrals for the homeless.

Responsible Agency: Planning Department

Implementation Schedule: Ongoing

Non-Quantified Objective: Develop housing self-sufficiency for those who are currently homeless by working with appropriate agencies to implement housing and employment programs. Facilitate development of emergency shelters and transitional housing within Shafter.

Funding Source: FEMA, HUD, HCD, CDBG, and private funds

Program 3.2.5: Deed-Restricted Affordable Units for Large Households

Because overcrowding is an issue in Shafter, the City, when appropriate, will ensure that at least 25% of new affordable units in a deed-restricted affordable housing project have three or more bedrooms to accommodate large families by:

- Using incentives such as density bonus, fast track processing, waiving of specific development standards, etc.

From: David Kellogg <david.kellogg@gmail.com>
Sent: Friday, November 18, 2022 5:28 PM
To: Housing Elements@HCD
Subject: Public Comment on Housing Element

Nov 18, 2022

On behalf of David Kellogg (a Contra Costa County resident), 350 Contra Costa, Greenbelt Alliance, CaRLA, Scott O’Neil (a resident of Palo Alto), Watson Ladd (a resident of Berkeley), Marven Normal (a resident of San Bernadino), Dara Dadachanji (a resident of San Francisco), and George Grohwin (a resident of San Francisco), we provide the following comment on the Housing Element from TURLOCK.



Issue

- The Housing Element from TURLOCK fails to adequately analyze compliance with one of the state’s fundamental streamlining laws.
- Under PRC 21080.1 & 21080.2, a lead agency must determine if a housing development is exempt from CEQA within 30 days of completeness, or if an EIR or other CEQA document will be required.
- For CEQA-exempt housing, this CEQA determination then triggers a 60-day approval clock (with deemed approved remedies) under the Permit Streamlining Act. Thus, if state housing laws were followed, CEQA-exempt housing projects should generally receive approvals in about 120 days.
 1. 30 days to determine completeness
 2. 30 days for CEQA review
 3. 60 days for approval.
- TURLOCK does not appear to issue determinations of CEQA-exemption within 30 days of completeness. As a result, **builders and the public are denied the right to the timely approval of housing.** Additionally, the builders are forced into an unreasonable bargaining position, as they lack the “deemed approved” options they should have. This improperly empowers jurisdictions to treat builders arbitrarily in the entitlement process.
- Moreover, TURLOCK has no apparent good-faith basis for delaying CEQA-exemption determinations beyond the allowance of Public Resources Code 21080.1 & 21080.2. In the vast majority of instances, these exemptions are uncontested and straightforward.

Recommendation

- The Housing Element from TURLOCK should include an analysis of compliance in its approval process with PRC 21080.1 & 21080.2.
- The Housing Element from TURLOCK should add a program to specify (i) who is responsible for making the CEQA determination of PRC 21080.1, specify (ii) that their decision will be made within the timeframe permitted by PRC 21080.2, and specify that (iii), when they determine a project is exempt

from CEQA, their determination triggers the Permit Streamlining Act (PSA) 60-day deadline (Gov. Code 65950(a)(5)). If existing local practices or regulations are incompatible with these state laws, the program should commit to enacting reforms necessary to achieve compliance within a reasonable and definite timeline.

HCD Technical Assistance Letter

- The CEQA issues mentioned herein are discussed in the June 3, 2022 Technical Assistance letter sent to Berkeley by Shannan West, Housing Accountability Unit Chief (copy included below).
- In the letter, HCD notes that Berkeley had been issuing “recommendations” of CEQA-exemption and that the actual “determinations” were made more than 30 days beyond the completeness date. HCD notes that such practice was in violation of PRC 21080.1 & 21080.2 and “may act as a governmental constraint on housing.”

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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June 3, 2022

Sharon Gong, Senior Planner
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Dear Sharon Gong:

RE: Berkeley – Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the City of Berkeley (City). The California Department of Housing and Community Development (HCD) has become aware of potential conflicts between the practices of the City's Zoning Adjustments Board (ZAB) concerning determinations for projects determined to be exempt from the California Environmental Quality Act (CEQA) and timelines pursuant to Public Resources Code section 21080.1, subdivision (a), and Public Resources Code section 21080.2. HCD is concerned that these actions may act as a governmental constraint on housing development and requests the City review the CEQA determination process in Berkeley's 6th Cycle Housing Element and include programs to mitigate or remove constraints as necessary.

Obligations Under Public Resources Code sections 21080.1 & 21080.2

HCD has been made aware of at least five development applications where the final ZAB determination was made more than 30 days after the relevant permit was determined to be complete. As the City is aware, under the Public Resources Code, a lead agency must make a determination under CEQA for projects exempt from environmental review within 30 days of a project application being deemed complete. These provisions are critical to meeting the Permit Streamlining Act requirement set in Government Code section 65950, subdivision (a) (5), and generally facilitate the processing of housing developments.

6th Cycle Housing Element

As Berkeley is updating its 6th Cycle Housing Element, the City must describe and analyze the permit process from application to approvals, including a discussion on timeframes for each step in the process, impediments, and how it addresses the

application of state law on application processing pursuant to Government Code section 65583, subdivision (a)(5). In addition, the element must also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and include program actions to remove or mitigate identified constraints pursuant to Government Code section 65583, subdivision (c)(3). Excessive CEQA review timeframes can delay project approval and pose a constraint to the development of housing and should be reviewed as part of the City's housing element update.

Conclusion

HCD understands that the City is currently reviewing its compliance with these provisions and is looking at strategies to transparently document the process to ensure timely approval of CEQA determinations and provide additional transparency. HCD supports these efforts and encourages the City to take meaningful steps to ensure that its processes comply with provisions of state housing law.

If you have questions or need additional information, please contact Kevin Hefner at Kevin.Hefner@hcd.ca.gov

Sincerely,



Shannan West
Housing Accountability Unit Chief



Many of the following programs will require land designated for development at a density/intensity greater than that of single family. As noted elsewhere in this element, the City currently has a need for additional sites suitable for medium and high-density residential development. As part of the General Plan review process, sites within the existing City limits will be evaluated for their ability to support an increased density. The designation of new sites, particularly for land outside of the City limits, will require subsequent environmental review and policy discussion on the part of the Planning Commission and City Council. Recommendation for redesignation of sites within the City limits for increases density will be based on the ability of existing infrastructure to accommodate higher demands, public input, and the normal General Plan amendment and rezoning process.

Program 5.1: Encourage Nonprofit Application for HUD Section 202 Allocations

The City of Waterford will encourage nonprofit sponsors to make application for HUD Section 202 allocations for construction of rental housing for seniors and disabled and will consider all actions needed to expedite processing and approval of such projects.

In addition, should the funding become available, the City will facilitate the project by assisting in locating appropriate sites and will consider the use of the Community Development Block Grant (CDBG) allocation and/or other available resources to either mark down the cost of the site or fund infrastructure improvements.

Year: Annually Contact Developers Semi-Annually and Utilize List of Developers Prepared with Program 3.3

Responsible Agency: City of Waterford, Planning Department, Nonprofit Sponsor

Funding Source: Federal Department of Housing and Urban Development

Program 5.2: Farmworker Housing

The City, in cooperation with Stanislaus County, will apply to the State Department of Housing and Community Development for an HCD Farm Worker Housing Grant. To be funded with CDBG and with a State HCD Farm Worker Housing Grant, the homes will be sold at a subsidized cost to eligible farm workers. In conjunction with cooperation with Stanislaus County, the City will take measures to encourage and facilitate the production of housing for permanent and migrant farmworkers, such as funding development, developer identification, maintaining an inventory of suitable sites, site development, etc. and ensure zoning and development standards facilitate a variety of housing types for farmworker housing needs. The City will make a specific and at least annual effort to assist in the development of housing for farmworkers and conserve and improve the existing housing stock for farmworkers, including but not limited to:

- Contacting nonprofit developers at least every other year to identify opportunities for the development or improvement of housing for farmworkers.





- Coordinating and participating with regional organizations, including non-profit, academic, and employers, to raise awareness, share and employ strategies, or target new resources.
- Coordinating annually with organizations that represent or serve farmworkers.
- Providing incentives and other strategies beyond state density bonus law to encourage housing for farmworkers, including setting aside housing for farmworkers within developments, supporting funding applications, prioritizing entitlements and establishing appropriate zoning and development standards.
- Targeting code enforcement and other resources to the existing housing stock with the most need for rehabilitation and sanitary conditions that could be more likely to house farmworkers and work with regional or other organizations to improve living conditions for farmworkers.

~~The ability to achieve this goal is dependent upon the availability of County staff and funds from HCD.~~

Year: Annually apply for State funding Annually; adopt incentives by 2026.

Responsible Agency: City of Waterford, Planning Department; Stanislaus County Department of Community Development

Funding Source: Community Development Block Grant, State Farm Worker Housing Grant

Program 5.3: Rural Housing Allocations

The City of Waterford will encourage nonprofit sponsors and/or the Housing Authority to make application for Rural Housing Services 514/516 allocations for rentals which provide a combination of grants and loans to finance the construction of migrant farm worker rental housing. Public and private nonprofit corporations, including State agencies and political subdivisions, are eligible for both grants and loans.

The ability to achieve this goal is dependent upon the availability of County staff, interested profit and nonprofit corporations and the availability of funds from RHS.

Year: Contact Nonprofit Sponsors and/or the Housing Authority to coordinate the Rural Housing Services 514/516 allocations yearly, 2023-2031

Responsible Agency: Housing Authorities of the City and County of Stanislaus, Stanislaus County Department of Community Development, or a nonprofit sponsor

Funding Source: Farmers Home Administration

Program 5.4: Farmworker Housing Support

In conjunction with Program 5.2, the City will support the County in undertaking a program of data analysis to define the need for farm worker housing. Existing Census data, EDD data, and Self-Help Enterprises and County Planning Department studies will be used to determine the amount, location, and type of housing need in all parts of the County. The ability to achieve this goal is dependent upon the availability of County staff.



Objective: Increase the potential for infill development, thereby reducing the need to prematurely annex land and convert agricultural land to urban use.

[Source: Existing Program 1.4, revised]

Program 1.5: Pursue State and Federal Funds in Support of Housing Construction

The City will continue to pursue available and appropriate State and Federal funding sources to support efforts to construct housing meeting the needs of extremely low-, low-, and moderate-income households, permanent and migrant farmworker housing, to assist persons with rent payments required for existing housing units, to provide supportive services, and to provide on- and off-site improvements and public facilities, in support of affordable housing projects. The City takes the following actions in pursuit of State and Federal funding:

- a. Meet annually with private nonprofit and for-profit affordable housing providers and public agencies that are interested in constructing affordable housing, and permanent and migrant farmworker housing (and keep in contact with them throughout the year), providing special needs housing or shelter, and/or providing supportive services for low-income and special needs residents. The purpose of the annual meetings will be to discuss priorities for lending City support for funding requests for affordable housing projects and programs during the subsequent 12 to 24 months. The City will promote these annual meetings through direct notices to private and public entities that have provided housing or supportive services in Lodi or that expressed an interest in doing so in the past.
- b. Provide support to other entities (nonprofit organizations, for-profit affordable housing providers, and public agencies) that apply directly for state or federal funds. Examples of support to be provided by the City include: (1) expedited processing of planning permits that are needed before an applicant can submit a state or federal funding request or receive funds; (2) providing information to complete a funding request (such as demographic, housing, or economic statistics in support of an application); and (3) letters of support for projects or programs that the City has approved (including preliminary or conceptual approval). This can help support organizations such as the Central Valley Low Income Housing Corporation and the LOEL Foundation which provide services to extremely low-income households.
- c. Apply directly for State and Federal funding under programs in which the City must be the applicant, with a goal of securing \$1 million by 2028 and \$2 million by 2031.

In pursuing State and Federal funding, and working with other private and public entities to provide affordable housing, the City seeks to increase the availability of housing and supportive services to the most vulnerable population groups and those with the greatest unmet needs, such as very low-income and frail seniors, persons with disabilities who cannot live independently, persons with developmental disabilities, farmworkers and their families, low-income large families, and single-parent households, particularly those with small children.

Responsibility: Community Development Department

Time Frame: For Action a., annual meetings, 2023-2031; for Action b., quarterly each year, depending on funding deadlines for specific state and federal programs, 2023-2031; for Action c. semi-annual review and assessment of funding opportunities based on (1) funding cycles and eligible activities for various state and federal programs, (2) projects and programs proposed to the City for state or federal funding, and (3) City staff capacity to prepare funding requests.

- Funding:** California Multi-family Housing Program, California Housing Finance Agency Affordable Housing Partnership Program, Low-Income Housing Tax Credits (State and federal), CalHome Program, Federal Home Loan Bank-Affordable Housing Program, Enterprise Community Partners, Federal Department of Housing and Urban Development Programs-Section 221(d) (low-income), Section 202 (elderly), Section 811 (persons with disabilities), National Stabilization Program, and Joe Serna Jr. Farmworker Housing Fund
- Objective:** 40 extremely low-, 100 very low-, and 100 low-income housing units, with a target of 50 percent in RCAAs and higher resource areas.
[Source: Existing Program 1.5, revised]

Program 1.6: Encourage Efficient Use of Land for Residential Development

The City encourages the efficient use of land for residential development while reducing the premature conversion of agricultural land to urban use. The City uses the following approaches:

- The General Plan Growth Management and Infrastructure Element guides contiguous development through the identification of three expansion phases. The third phase includes Urban Reserve designations that define future growth areas if initial phases are built out. (See the Growth Management and Infrastructure Element for details.)
- In response to the City's dual goals of preserving agricultural land/open space and supporting employment in the agriculture industry, the City will continue to implement an agricultural conservation program that requires a mitigation fee to protect and conserve agricultural lands. The fee is assessed for acreage converted from agricultural to urban use, and used for conservation easements, fee title acquisition, research, education, and capital improvement projects that benefit agriculture. (Program details and priority areas are described in the Conservation Element, Policy C-P7.) Notably, all conservation areas are outside the City's current Sphere of Influence and future growth areas as delineated in the current Land Use Element and therefore would not affect any housing sites listed in the inventory herein.
- The City will maintain a citywide inventory of potential residential infill sites. The sites will consist of vacant and underutilized lots that allow residential or mixed uses. To ensure that developers are aware of all potential multifamily residential sites, the inventory will identify nonresidential land use designations that allow multifamily residential uses. The City shall make this information available to the public by posting the inventory on the City's website and providing the inventory at the Community Development Department counter.
- The City will provide one or more incentives for high density (20 units/acre or greater) housing on infill sites such as: credits for required parking stalls; fee waivers, reductions and/or deferrals (when financially feasible); provision of priority reviews and processing; and/or abbreviated or modified processing (where permissible by law). These incentives will be in addition to those incentives available through the State density bonus laws. The City will engage regional multifamily developers and non-profit affordable housing providers annually to provide information on available incentives.



ADRIENNE WERNER
DIRECTOR
awerner@turlock.ca.us

DEVELOPMENT SERVICES
PLANNING DIVISION

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January 31, 2025

Mr. Brandon Estes
Housing Policy Analyst | Proactive Enforcement
Department of Housing and Community Development
Division of Housing Policy Development
651 Bannon Street, 10th Floor, Sacramento, CA 95811

Re: HCD Review of the City of Turlock 2023-31 Housing Element

Dear Mr. Estes:

We are pleased to submit the City of Turlock's Draft Sixth Cycle Housing Element for the planning period of December 15, 2023 to January 15, 2031. The Draft Housing Element was made available for public review between October 3 and November 4, 2024. A Planning Commission meeting was held during that timeframe to introduce the Draft Element to the community and receive comments. Following the close of the comment period, the Planning Commission met on November 7, 2024 and the City Council met on January 28, 2025 to review public input and receive direction to submit the Draft Element for State review.

This is to formally request review by Department of Housing and Community Development (HCD) pursuant to Government Code Section 65553(b)(3). In prior consultation, HCD staff has expressed willingness to continue to meet with the City and its consultant and offer assistance in addressing all statutory requirements of State Housing Element Law. I would like to reiterate that the City welcomes this opportunity for collaboration and is committed to achieving certification of its Sixth Cycle Housing Element and adopting related zoning amendments as expeditiously as possible.

Please do not hesitate to contact me if you have any questions. We look forward to receiving HCD's comments.

Sincerely,

Adrienne Werner
Development Services Director
City of Turlock- Planning Division
156 S Broadway Ste 120, Turlock, CA 95380

Tel. (209) 668-5640

Email. AWerner@turlock.ca.us

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

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April 30, 2025

Katie Quintero, Planning Manager
Planning Division
City of Turlock
156 South Broadway, Suite 120
Turlock, CA 95380-5456

Dear Katie Quintero:

RE: City of Turlock's 6th Cycle (2023-2031) Initial Draft Housing Element

Thank you for submitting the City of Turlock's (City) draft housing element received for review on January 31, 2025. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. The review was assisted by a meeting with you and the housing element update team on April 24, 2025. In addition, HCD considered comments from David Kellogg pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes revisions needed to substantially comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due December 31, 2023. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

A jurisdiction that did not adopt a compliant housing element within 120 days from the statutory deadline must rezone sites within one year of the statutory deadline and meet requirements pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivision (c). As this year has passed and Programs 1-B (Workforce Housing Overlay) and 1-F (Congregational Overlay) have not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning has been completed. Once the City completes the rezoning, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence identifying the updated status of the City housing element compliance.

Katie Quintero, Planning Manager
Page 2

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.

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 Affordable Housing and Sustainable Communities program, 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 Land Use and Climate Innovation at: <https://www.lci.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the commitment and hard work of the City staff during the housing element update and review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Andrea Grant, of our staff, at andrea.grant@hcd.ca.gov.

Sincerely,

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

Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF TURLOCK

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

A. Review and Revision

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).)

General: While the element includes some information on the progress in implementation, in some cases, the progress does not appear related to the program objectives, or the element does not evaluate the effectiveness of the program in achieving the program objectives or intended outcomes. For example, Program HE.1.3.2.C was intended to provide financial assistance to non-profit groups in establishing shelter for persons experiencing homelessness. The element then explains the City has acquired and transferred affordable housing to non-profits with a target of 14 households annually – apparently unrelated to establishing shelter for persons experiencing homelessness. Instead, the element should discuss any progress related to financial assistance to non-profits in establishing shelters and an evaluation of effectiveness should address whether the program was effective in achieving the objectives and intended outcomes. Based on the analysis, the element should add or modify programs as appropriate to reflect the results or lack of results.

Additionally, the element includes Program 4-E (Homelessness and Related Services) with specific actions to remain a stakeholder in the Continuum of Care (CoC) and Stanislaus Homeless Alliance (SHA), publish a resource guide, and provide financial assistance to non-profit groups providing shelter for homeless individuals, including the Turlock Gospel Mission and the We Care Program. Should the City cease to assist the We Care Shelter, the element should be revised to reflect these circumstances and conditions, including evaluating effectiveness of programs and adding or modifying programs with specific actions and discrete timelines to assist people experiencing homelessness throughout the planning period.

Special Housing Needs: As part of the evaluation of programs in the past cycle, the element must also provide an explanation of the cumulative impact and effectiveness of

goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness). While the element briefly describes the goals of a few past programs for housing for persons with special needs (p. E-1), a complete analysis must provide an evaluation of the cumulative effectiveness of these strategies in meeting the housing needs of all special needs populations. Programs should be revised as appropriate to reflect the results of this evaluation.

B. Housing Needs, Resources, and Constraints

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).)*

Enforcement and Outreach: The element includes a summary of fair housing enforcement and outreach capacity and some information about fair housing complaints. However, the element must also discuss how the City complies with fair housing laws and include a discussion of any findings, lawsuits, consent decrees, judgments, and any other legal matters regarding fair housing. For additional information, please see pages 28-30 on HCD's Affirmatively Furthering Fair Housing (AFFH) Guidance Memo at https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.

Integration and Segregation: The element includes a map (Map D-1) displaying neighborhood segregation by census tracts but should also discuss and analyze trends over time and local patterns across census tracts for race within the City.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP): While the element includes general discussion about R/ECAPs, it should specifically analyze these areas including patterns and changes over time, neighborhood characteristics and conditions, comparisons to other neighborhoods in terms of quality of life (e.g., infrastructure, housing, parks, community facilities), past efforts and effectiveness, and other relevant factors.

Disproportionate Housing Need: The element generally discusses homelessness and substandard housing but should also analyze local patterns and disparities in access to opportunity. For housing conditions, the element should discuss any differences between areas or neighborhoods in terms of the number of units in need of rehabilitation or replacement. For persons experiencing homelessness, the element should discuss (1) any areas or neighborhoods where there are more or less persons experiencing homelessness such as concentrations of encampments; (2) disproportionate impacts on protected characteristics (e.g., race, disability) and (3) access to transportation, services, and programs. This analysis should incorporate local data and knowledge and other relevant factors (See below) to better formulate appropriate policies and programs.

Identified Sites and AFFH: The element should map, quantify, and analyze the identified sites by income group according to all factors of the AFFH analysis. This analysis should discuss patterns of identified sites by income group within geographic sub-areas, census tracts, quadrants, or at the neighborhood level. The analysis must identify whether sites are isolated by income group and discuss whether the distribution of sites improves or exacerbates conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., housing mobility, anti-displacement, place-based community revitalization strategies).

Local Data and Knowledge and Other Relevant Factors: The element should incorporate local data and knowledge of the jurisdiction into the AFFH section. To assist in meeting this requirement, the element should provide local data not captured in regional, state, or federal data analysis. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices or other information and demographic trends. Including this information will help clarify the patterns and trends of socioeconomic concentrations and disparities in access to opportunities, particularly within community plan areas. 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. The element should adjust the analysis and revise or add to programs as appropriate. HCD will provide guidance under separate cover.

Contributing Factors to Fair Housing Issues: The element identifies many contributing factors to fair housing issues. While the element prioritizes these factors to better formulate policies and programs and carry out meaningful actions to AFFH, it should also re-assess contributing factors upon completion of analysis and make revisions as appropriate.

2. *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).)*

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).)

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).)

Housing Conditions: The element identifies the age of the housing stock (p. B-31) but should also 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 non-profit housing developers or organizations. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/housing-stock-characteristics>.

Extremely Low-Income (ELI) Households: The element includes a brief description of ELI households but must identify the projected housing need for ELI households. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the regional housing need allocation (RHNA) for very low-income households qualify as ELI households.

Additionally, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element should analyze characteristics (e.g., tenure, overpayment, overcrowding), disproportionate housing needs, compare housing needs and characteristics to other income groups, the magnitude of housing needs and other household characteristics then examine the availability of resources to determine gaps and appropriate policies and programs. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

Special Housing Needs (Farmworkers): While the element includes a general discussion (p. B-20) of the housing needs of farmworkers, it must include an analysis of their housing needs. The analysis should address trends, permanent and seasonal dynamics, the magnitude of needs, household characteristics, challenges or disproportionate housing needs faced by farmworkers. The analysis could consider and expand upon past studies conducted in the region and statewide. Additionally, the element should discuss resources and programs available for farmworker households, the effectiveness of past strategies, and add or modify programs based on a complete analysis.

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).)*

Pipeline Projects: The element includes projects (p. 3-5) that have either been approved or are currently under review but should also demonstrate the availability or likelihood of pipeline projects being built in the planning period. For example, the element should address remaining steps and known barriers or conditions that preclude development in the planning period. In addition, the element must demonstrate the affordability of

pipeline projects based on anticipated or actual sale prices or rent levels for moderate income households, or other mechanisms ensuring affordability (e.g., deed restrictions) for lower-income households.

Parcel Listing: The element lists various parcels by factors such as size and zoning but should also describe the existing uses (e.g., religious institutional sites) sufficiently to facilitate an analysis of the potential for redevelopment in the planning period.

Additionally, the element lists 450 units on two parcels (APNs 044-025-007-000 and 044-025-006-000) and capacity assumptions appear to far exceed maximum allowable densities. Based on our meeting, these parcels are part of a larger planning area, but the element should further explain the anticipated future parceling or site planning and buildable areas and other relevant factors to support the calculations of residential capacity and affordability.

Realistic Development Capacity: The element (p. 3-4) mentions an assumption of 80 percent of maximum allowable densities to calculate residential capacity based on recent trends in the City and nearby cities. However, the analysis should exclude assisted living facilities which appears to be a significant outlier and typically represents a different housing product.

In addition, the element appears to assume residential development on sites with zoning that allows 100 percent nonresidential uses, but to support this assumption, the element must analyze the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. The analysis should be based on evaluation of all development in the pertinent zones, occurrence of development with a residential component and accounting for that likelihood in capacity assumptions.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element describes in general the existing use of each nonvacant site (e.g., agriculture, industrial, commercial, etc.) but should also discuss the characteristics of opportunity areas relative to redevelopment potential. The element should also utilize representative sites for each of the areas and address the extent that existing uses may impede additional residential development. For example, the analysis should address past experiences converting existing uses to residential development, current market demand for the existing use, any conditions that would perpetuate the existing use or prevent additional residential development and relate those circumstances to the sites identified, whether uses are operating, and analysis of lease or other contracts that impede redevelopment and incentives that encourage development.

Additionally, the element should also provide additional supporting information for factor assumptions, as the current sample is too small to demonstrate validity, and selected sites should meet at least three factors.

Lastly, specific analysis and actions are necessary if 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 RHNA.

Accessory Dwelling Units (ADU): The element projects 80 ADUs to be constructed over the planning period, averaging 10 units per year. This projection was based on past ADU annual permit figures of 4, 4, 2, 5, 12, and 8 for 2018, 2019, 2020, 2021, 2022, and 2023 respectively. However, based on HCD data, ADU annual permit figures are 2, 3, 2, 5, 5, and 8 for 2018, 2019, 2020, 2021, 2022, and 2023 respectively. The element should reconcile these figures and adjust assumptions as appropriate.

Accessibility and Availability of Infrastructure: The element must demonstrate the accessibility of infrastructure to identified sites and whether there is sufficient total water and sewer capacity to accommodate the RHNA. Programs should be modified as appropriate following a complete analysis.

In addition, water and sewer service providers must establish written 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 whether the City has established written procedures to grant priority and, if not, add or modify programs to establish a written procedure by a date early in the planning period.

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites of equivalent size and affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of these sites. Based on our meeting, the City is assuming some sites will be consolidated to appropriate sizes to facilitate development of affordable housing. As a result, the element should demonstrate the potential for consolidation and discuss characteristics such as common ownership, common access, parcels necessitating consolidation or other factors potentially leading to consolidation. Based on a complete analysis, the City should consider adding or revising programs to include incentives for facilitating consolidation of smaller sites.

Environmental Constraints: While the element generally describes some environmental conditions within the City (Table C-14), it must describe how these conditions relate to identified sites. In addition, the element should discuss any other known environmental constraints or other conditions that could preclude housing development in the planning period. Examples of other conditions or constraints include access, shape, Williamson land contracts, conservation easements, urban growth boundaries, contamination, airport and military compatibility. For additional information and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-sites-and-zoning>.

Specific Plans and Master Plans: The element may utilize residential capacity in specific plans to accommodate the RHNA but should clarify if master plans and specific plans

are counted as pipeline projects or identified sites. If units within these plans are considered pipeline projects, the element should demonstrate availability and affordability as described above. However, if the units within the adopted specific and master plans are on identified sites, the element should list the sites and analyze suitability, including size, zoning, environmental constraints, and any other known conditions that may preclude residential development in the planning period.

Electronic Sites Inventory: 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 and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* Chapter 654, Statutes of 2022 (AB 2339), adds additional specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Among other changes, these amendments to Government Code section 65583, subdivision (a)(4) expands the definition of “emergency shelters,” specifies the type of zoning designations that must be identified to allow emergency shelters as a permitted use without a conditional use or other discretionary permit and requires jurisdictions to demonstrate the appropriateness of sites to accommodate emergency shelters. To address these requirements, the element must (1) define what is considered an emergency shelter; (2) identify at least one zone which allows residential uses to permit emergency shelters without discretionary action; (3) establish appropriate development standards for emergency shelters, including parking requirements, that do not exceed those allowed in statute; (4) demonstrate adequate and suitable capacity to meet the need for emergency shelters, including proximity to transportation and services; and (5) add or modify programs as appropriate based on a complete analysis. For additional information, please see HCD’s memo at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339notice.pdf>.
- *Employee Housing:* The housing element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5, 17021.6. and 17021.8. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. Section 17021.8 requires that a development is subject to a streamlined, ministerial approval process and is not subject to a conditional use permit (CUP) if the development is an eligible agricultural employee housing development. The element must either demonstrate consistency and compliance with the requirements of the Employee Housing Act or include programs to amend zoning as appropriate. For additional information

and sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/farmworkers>.

- *Permanent Supportive Housing*: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including non-residential zones permitting multifamily uses, without discretionary action, pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement or 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).)*

Local Processing and Permit Procedures: While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development that are consistent with zoning. The analysis should address the approval body, the number of public hearings if any, approval findings and any other relevant information. The analysis should address impacts on housing cost and supply (number of units), timing and approval certainty. For example, the element should identify and analyze approval findings for impacts on approval certainty and discuss the presence of processes or guidelines to promote certainty.

In addition, the element should also expand discussion of the Planned Development process, including whether the process is optional or required. If required, the element should explain if fixed development standards are available and analyze the impacts on housing cost and supply (number of units), timing and approval certainty.

Lastly, the element should address public comments on this initial draft submittal and discuss compliance with the Permit Streamlining Act and intersections with CEQA and timing requirements, including streamlining determinations.

On/Off-Site Improvements: The element must identify typical subdivision level improvement requirements beyond street widths and analyze their impact as potential constraints on housing cost and supply. For additional information and a sample analysis, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards>.

Codes and their Enforcement: The element provides an overview of the building code implementation in Turlock but should also identify any local amendments to the building code and analyze impacts on the cost and supply of housing. Additionally, the element states that the City provides code enforcement through its police department. The element should provide further analysis on how code enforcement is conducted for

existing housing stock, including whether enforcement is conducted independently from law enforcement and potential impacts on lower-income and special needs households.

Constraints on Housing for Persons with Disabilities:

- *Reasonable Accommodation:* The element does not describe the City's procedure for requesting and granting reasonable accommodation to zoning and land use requirements for persons with disabilities. The element must describe and analyze the reasonable accommodation procedure and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities. The element must add or revise programs based on a complete analysis.
 - *Group Homes:* The element excludes group homes for seven or more persons from some residential zones and subjects the use to CUP and minor discretionary permits (MDP), unlike other similar residential uses. The element should specifically analyze exclusion from residential zones (e.g., Residential Estate and Low-Density Residential zones), the CUP and MDP processes, and parking requirements as constraints for impacts on housing for persons with disabilities, including impacts on housing supply and choices, approval certainty and objectivity for housing for persons with disabilities. The element should add or modify programs to amend the zoning and procedures to permit group homes for seven or more persons in all zones allowing residential uses similar to other residential uses of the same type in the same zone, regardless of licensing.
5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ..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).)*

Approval Time and Requests for Lower Densities: The element must include analysis of requests to develop housing at densities below those identified in the sites inventory (e.g., 80 percent of maximum allowable density) and the length of time between receiving approval for housing development and submittal of an application for building permits. The element must address any hindrance to the construction of the RHNA and include programs as appropriate.

C. Housing Programs

1. *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 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 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 should be revised as follows:

- *Programs 1-B (Workforce Housing Overlay) and 1-F (Congregational Overlay):* The Program commits to a by-right maximum base density of 20 units per acre but should clarify requiring a minimum density of 20 units per acre and maximum allowable density of 35 units per acre. In addition, instead of committing to incorporate development standards to "...accommodate higher density development...", the Program should commit to establish development standards that facilitate achieving maximum densities.

Finally, please be aware, the recent California appellate decision in *Martinez v. City of Clovis* found that while overlays can be used in a rezone, when the base zone allows residential development, both the base zone and the overlay zone must comply with the minimum density requirements of Government Code section 65583.2, subdivision (h). The City may need to adjust its rezoning strategy if the underlying zoning for sites that will be rezoned allows minimum densities less than 20 dwelling units per acre. *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 307 Cal.Rptr.3d 64.

- *Program 2-J (Transitional and Supportive Housing):* Based on the analysis of transitional and supportive housing (p. C-15), the Program appears to conflate group homes and transitional and supportive housing. While these residential uses might overlap, transitional and supportive housing should not be subject to any distinctions based on the number of persons. Further, transitional and supportive housing should be allowed in all zones allowing residential uses, including non-residential zones. This Program should remove limits to the number of persons and distinguishing between existing and new structures and clearly commit to permit transitional and supportive housing in all zones allowing residential uses and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

2. *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).)*

General: Depending on a complete analysis of housing needs (Finding B2) and review of past programs (Finding A1), the element should add or modify programs as

appropriate. Further, programs to assist in development should be proactive. For example, programs should proactively and annually reach out to affordable housing developers to identify development opportunities and provide assistance such as funding, incentives, and priority processing.

Density Bonus: The element must include a program to amend the zoning ordinance and comply with current State Density Bonus Law (SDBL) pursuant to Government Code section 65915. The City's ordinance may reference SDBL but should at least have procedures such as application and submittal requirements, review parameters, approval authority and processing timelines.

ELI Households: While the element includes Programs 4-A (Housing for ELI and Special Needs), the Programs should proactively and annually reach out to developers and service providers to provide assistance instead of "upon request".

Farmworkers: Given the importance of farmworkers and the regional needs, the element should expand actions to specifically address the needs of farmworkers. For example, the element could commit to including new construction for farmworker housing, addressing existing housing needs, such as rehabilitation, providing technical assistance to developers, creating informational materials, or other proactive actions to facilitate the development and conservation of housing for farmworkers. HCD will send sample programs under separate cover.

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 Findings B4 and B5, 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 or add programs and address and remove or mitigate any identified constraints.

In addition, Program 2-H (Zoning for People with Disabilities) commits to incorporate and define the term household. However, the proposed definitions has potential constraints on housing for persons with disabilities. Instead, the Program should commit to incorporate a definition such as "one or more persons living together as a single housekeeping unit in a dwelling unit".

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... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add 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, geographic targeting, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in relatively higher opportunity and income areas, place-based strategies for community revitalization and displacement protection.

D. Quantified Objectives

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 must include quantified objectives to establish an estimate of housing units by income category, including ELI, that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by income group for new construction, the element must also include objectives for rehabilitation and conservation/preservation units by income category, especially for very low-income and ELI households. In addition, conservation objectives may include broader efforts to conserve the existing housing stock such as code enforcement, housing choice vouchers and weatherization.

E. 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)(9).)

While the element includes a general summary of the public participation process (p. G-1), it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. Specifically, the element could describe how language access was promoted or add actions to do so moving forward with commitments throughout the planning period. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element, especially for stakeholder interviews and surveys. For additional information, see the *Building Blocks* at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/public-participation>.



ADRIENNE WERNER
DIRECTOR
awerner@turlock.ca.us

DEVELOPMENT SERVICES
PLANNING DIVISION

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January 31, 2025

Mr. Brandon Estes
Housing Policy Analyst | Proactive Enforcement
Department of Housing and Community Development
Division of Housing Policy Development
651 Bannon Street, 10th Floor, Sacramento, CA 95811

Re: HCD Review of the City of Turlock 2023-31 Housing Element

Dear Mr. Estes:

We are pleased to submit the City of Turlock's Draft Sixth Cycle Housing Element for the planning period of December 15, 2023 to January 15, 2031. The Draft Housing Element was made available for public review between October 3 and November 4, 2024. A Planning Commission meeting was held during that timeframe to introduce the Draft Element to the community and receive comments. Following the close of the comment period, the Planning Commission met on November 7, 2024 and the City Council met on January 28, 2025 to review public input and receive direction to submit the Draft Element for State review.

This is to formally request review by Department of Housing and Community Development (HCD) pursuant to Government Code Section 65553(b)(3). In prior consultation, HCD staff has expressed willingness to continue to meet with the City and its consultant and offer assistance in addressing all statutory requirements of State Housing Element Law. I would like to reiterate that the City welcomes this opportunity for collaboration and is committed to achieving certification of its Sixth Cycle Housing Element and adopting related zoning amendments as expeditiously as possible.

Please do not hesitate to contact me if you have any questions. We look forward to receiving HCD's comments.

Sincerely,

Adrienne Werner
Development Services Director
City of Turlock- Planning Division
156 S Broadway Ste 120, Turlock, CA 95380

Tel. (209) 668-5640

Email. AWerner@turlock.ca.us



REAGAN M. WILSON
CITY MANAGER

OFFICE OF THE CITY MANAGER
RWILSON@TURLOCK.CA.US

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December 13, 2024

Ms. Melinda Coy
Proactive Housing Accountability Chief
Local Government Relations and Accountability
California Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

Dear Ms. Coy:

I am writing to provide an update on the status of Turlock Housing Element. The public review draft was released on October 3 and the 30-day comment period ended on November 2. On November 7, the Planning Commission reviewed the public review draft and recommended that the City Council direct staff to formally submit the Element to HCD to start the initial 90-day review process; however, on November 12 the City Council decided not to submit the Housing Element at this time. The Council requested more time to familiarize themselves with content of the Draft Element, particularly as there is a new Council member being seated in December.

Following seating of the new Council member a 1-on-1 briefing will be held and a study session with the new City Council has been scheduled for January 28, 2025 to provide a more in-depth overview of the content of the Element and answer questions. On the basis of the additional meetings and briefings, I anticipate that the City Council will approve submittal of the Draft Housing Element to HCD on January 28 and that the Element will be formally submitted by January 31, 2025. Accordingly, the timeline for finalization of the Housing Element has been updated as shown below.

As before, to expedite the timeline for obtaining compliance with Housing Element Law, the schedule assumes collaboration with HCD staff during the initial 90-day review period with the intent of making necessary revisions to the Draft Housing Element and providing for public review of the revisions prior to formal adoption hearings. Related zoning amendments would be prepared in parallel with the revised Draft Housing Element and come before City decision-makers for adoption hearings together with the Housing Element.

Schedule

Draft Housing Element

City Council Review of Draft Housing Element

28-Jan

Submittal of Draft Housing Element to HCD 31-Jan

Revisions to Housing Element

Mid-point check in meeting with HCD staff	17-Mar
Prepare and vet revisions in response to HCD feedback	17-Mar to 14-Apr
Post Revised Draft Housing Element for Public Comment Period	15-Apr to 22-Apr
Resubmittal to HCD	23-Apr
90-day HCD review period ends/findings letter issued	30-Apr

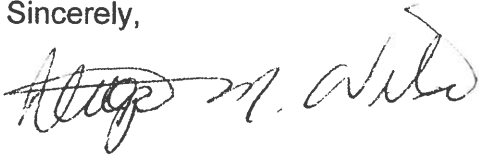
Adoption/Finalization

CEQA Addendum preparation	1-Feb to 1-Apr
Preparation of draft zoning amendments	29-Jan to 19-Mar
Planning Commission study session on draft zoning amendments	6-Mar
Planning Commission hearing	15-May
City Council hearing	27-May
Second reading of zoning amendments at City Council	10-Jun

Thank you for your patience as we work to ensure that Turlock decision-makers are fully informed of the legal requirements for the Housing Element and the content of the draft document.

In prior consultation, HCD staff has expressed willingness to continue to meet with the City and its consultant and offer assistance in addressing all statutory requirements of State Housing Element Law. I would like to reiterate that the City welcomes this opportunity for collaboration and is committed to achieving certification of its Sixth Cycle Housing Element and adopting related zoning amendments as expeditiously as possible.

Sincerely,



Reagan Wilson, City Manager
City of Turlock

Attachment: City of Turlock response to HCD request for additional schedule information
(July 1, 2024)



REAGAN M. WILSON
CITY MANAGER

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RWILSON@TURLOCK.CA.US

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July 19, 2024

Ms. Melinda Coy
Proactive Housing Accountability Chief
Local Government Relations and Accountability
California Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833

Dear Ms. Coy:

Further to our letter of June 4, 2024 regarding the status of the City of Turlock Sixth Cycle Housing Element, this is to provide additional information regarding the timeline for obtaining compliance with Housing Element Law, as requested by way of an email from HCD dated June 27, 2024. Specifically, HCD has requested milestones and dates subsequent to submittal of the Draft Housing Element for an initial 90-day review by HCD.

The schedule outlined in our letter of June 4 was developed in consideration of the statutorily required timeframe for completion of rezoning needed to accommodate the City's assessed share of the regional housing need for the planning period. Given that the City had not adopted a compliant housing element on May 15, 2024, any such rezoning must be completed by December 15, 2024. Environmental review pursuant to the California Environmental Quality Act (CEQA) must also be completed before the City Council can adopt the Housing Element and any related rezoning. Accordingly, to expedite the timeline for obtaining compliance with Housing Element Law, the schedule assumes collaboration with HCD staff during the initial 90-day review period with the intent of making necessary revisions to the Draft Housing Element and providing for public review of the revisions prior to formal adoption hearings. Related zoning amendments would be prepared in parallel with the revised Draft Housing Element and come before City decision-makers for adoption hearings together with the Housing Element.

Schedule

Draft Housing Element

Planning Commission Study Session on Inventory and Key Strategies	18-Jul
Release of Public Review Draft Housing Element	31-Jul
30-Day Public Review Period Ends	30-Aug
Planning Commission Review of Draft Housing Element	5-Sep
City Council Review of Draft Housing Element	10-Sep
Submittal of Draft Housing Element to HCD	17-Sep

Revisions to Housing Element


Mid-point check in meeting with HCD staff	1-Nov
Prepare and vet revisions in response to HCD feedback	4-Nov to 2-Dec
Post Revised Draft Housing Element for Public Comment Period	3-Dec to 10-Dec
Resubmittal to HCD	11-Dec
90-day HCD review period ends/findings letter issued	16-Dec

Adoption/Finalization

CEQA Addendum preparation	18-Sep to 17-Nov
Preparation of draft zoning amendments	11-Sep to 10-Nov
Planning Commission study session on draft zoning amendments	7-Nov
Planning Commission hearing	5-Dec
City Council hearing	14-Jan
Second reading of zoning amendments at City Council	28-Jan

In prior consultation, HCD staff has expressed willingness to continue to meet with the City and its consultant and offer assistance in addressing all statutory requirements of State Housing Element Law. I would like to reiterate that the City welcomes this opportunity for collaboration and is committed to achieving certification of its Sixth Cycle Housing Element and adopting related zoning amendments as expeditiously as possible.

Sincerely,



Reagan Wilson, City Manager
City of Turlock

Attachment: City of Turlock response to HCD request for an update on the status of the City of Turlock 2023-31 Housing Element (June 4, 2024)

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

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May 13, 2024

Reagan Wilson, City Manager
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380

Dear Reagan Wilson:

**RE: City of Turlock Failure to Submit a Timely 6th Cycle Housing Element Update
– Letter of Inquiry**

The purpose of this letter is to inquire about the status of the City of Turlock's 6th cycle planning period housing element pursuant to Government Code section 65588, subdivision (e). The 6th cycle update was due December 31, 2023. As of the date of this letter, HCD has not received a draft housing element submittal from the City. Therefore, the City no longer complies with Housing Element Law (Article 10.6 (commencing with section 65580) of Chapter 3 of the Government Code). HCD is requesting the City provide a specific timeline for (1) submitting its draft housing element and (2) obtaining compliance with Housing Element Law no later than June 13, 2024.

Rezoning Requirements

In addition, pursuant to Government Code section 65588, subdivision (e)(4)(C)(i), any local government that fails to adopt a compliant housing element within 120 days of the statutory deadline must complete any rezoning needed to accommodate the jurisdiction's regional housing needs allocation (RHNA), including for lower-income households, within one year of the planning period. This 120-day period ended on April 29, 2024.

Please be aware, pursuant to Government Code section 65588, subdivision (e)(4)(C)(iii), a local government that fails to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until any rezones necessary to accommodate a shortfall of sites pursuant to Government Code sections 65583, subdivision (c)(1)(A), and 65583.2, subdivision (c), are completed.

Consequences of Noncompliance

Various consequences may apply if the City does not have a housing element in compliance with State Housing Element Law. First, noncompliance will result in ineligibility or delay in receiving state funds that require a compliant housing element as a prerequisite, including, but not limited to, the following:

- Permanent Local Housing Allocation Program
- Local Housing Trust Fund Program
- Infill Infrastructure Grant Program
- SB 1 Caltrans Sustainable Communities Grants
- Affordable Housing and Sustainable Communities Program

Second, jurisdictions that do not meet their housing element requirements may face additional financial and legal ramifications. HCD may notify the California Office of the Attorney General, which may bring suit for violations of Housing Element Law. Further, state law provides for court-imposed penalties for persistent noncompliance, including financial penalties. For example, Government Code section 65585, subdivision (l)(1), establishes a minimum fine of \$10,000 per month, up to \$100,000 per month. If a jurisdiction remains noncompliant, a court can multiply those penalties by a factor of six. Other potential ramifications could include the loss of local land use authority to a court-appointed agent.

In addition to these legal remedies available in the courts, under the Housing Accountability Act, jurisdictions without a substantially compliant housing element cannot rely on inconsistency with zoning and general plan standards as a basis for denial of a housing project for very low-, low-, or moderate-income households (Gov. Code, § 65589.5, subd. (d)(5)).¹

Conclusion

HCD recognizes that, ultimately, state housing laws are effective only with the cooperation of local governments and understands staffing and resource constraints that may hinder efforts to gain compliance. However, housing elements are essential to developing a blueprint for growth and are a vital tool to address California's prolonged housing crisis. Accordingly, state law has established clear disincentives for local jurisdictions that fail to comply with Housing Element Law. To meet the 6th cycle update requirements for a substantially compliant housing element, the City must submit a draft housing element to HCD for review, consider HCD's written findings, adopt the housing element, and submit it to HCD for review and certification. (Gov. Code, § 65585.)

¹ For purposes of the Housing Accountability Act, housing for very low-, low-, or moderate-income households is defined as having at least 20 percent of units set aside for low-income residents or 100 percent of units set aside for middle-income residents. (Gov. Code § 65589.5, subd. (h)(3).)

Reagan Wilson, City Manager
Page 3

HCD will consider any written response before taking further action authorized by Government Code section 65585, subdivision (j), including referral to the California Office of the Attorney General.

If you have any questions or would like to discuss the content of this letter, please contact Junius Barrie of our staff at Junius.Barrie@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Coy", with a long horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Accountability Chief
Local Government Relations and Accountability