

## **2002 HOUSING ELEMENT 2002 ADDENDIUM (RESPONSES TO HCD LETTERS)**

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Italicized sub-numbering is used to assist with the responses provided to the comments in the HCD letters. The heading and numbering in the HCD's letter are kept. The HCD comments are italicized and/or indented.

### **A. Housing Needs, Resources and Constraints (HCD)**

1. *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 (Section 65583(a)(1)). Include the locality's share of regional housing need in accordance with Section 65584.*

*I(a).* The element (Table 45) indicates that building permits/certificates of occupancy for 1,352 new units were issued between 2000 and 2002. As you know, the City's Regional Housing Need Allocation (RHNA) obligation of 1,962 can be credited with the number of new units permitted and constructed since January 1, 2000. However, according to Table 44, it appears the City is proposing credit for both units built (Table 45) and "sites zoned, but not built" (Table 45A) as a means to reduce its RHNA. Without land-use entitlements in place and permits in hand, the City can not factor-in "sites zoned" to reduce its regional share need obligation. It is appropriate to include these zoned sites as part of the City's vacant land and/or infill site inventories listed in Tables 54 and 55.

### **City Response**

According HCD's "Housing Element Questions and Answers" publication, the

"purpose of the land inventory is to identify specific sites suitable for residential development in order to compare the locality's new construction need by affordability category with its residential development (total supply) capacity." ... "The analysis of the relationship of suitable sites to zoning provides a means for determining the realistic number of dwelling units that could actually be constructed on those sites within the current planning period of the housing element." ... "The housing element land inventory and analysis will allow the locality to determine whether current zoning and densities make sufficient residential land available to accommodate the new construction need in total and by income level." ... The locality's site are adequate if the land inventory (Section 65583(a)(3) demonstrates sufficient realistic capacity at appropriate densities and development standards to permit development of a range of housing types and prices to accommodate the community's share of the regional housing need by income level."

The October 3, 2003 letter from HCD states that "without land-use entitlements in place and permits in hand, the City cannot factor-in "sites zoned" to reduce its regional share need obligation." The city believes that the draft housing element complies with the state law cited. This is because of the following reasons:

- The above stated purpose of land use inventory.
- The parcels that the city identified in the draft housing element tables cited by HCD are appropriately entitled for residential development. The parcels in the tables are designated for residential development in both the city's General Plan and Zoning Ordinance land use maps. Also, residential developments are principally permitted on the parcels. Although some of the parcels may require quasi-judicial approvals, such as design review, final planned development, and/or building permits, these are normal in most jurisdictions and are consistent with state law.
- The city has capacity to meet and exceed its fair share allocation.

However, the city has revised the draft-housing element tables cited in the HCD letter. The revised tables still show that the city has adequate capacity to meet and exceed the city's fair share allocation for this planning period. Some units in Table 54 of the draft-housing element submitted to HCD were not included in the ability to meet fair share allocation tables. Those units are now included in the tables. The total units to meet the city's fair share allocation have increased due to this addition of these units.

The revised tables below were not updated to represent current conditions, such as to include information of potential infill or new projects under review. The purpose for not updating the tables to present conditions is to maintain a base time line for the draft housing element. Those approved infill projects would increase the number of potential units.

Details of the revised tables can be summarized as follows:

Revised Table 44 contains a summary of the city's ability to meet its regional fair share allocation. The units contained in this table are derived from certificates of occupancies issued from January 1, 2000 through February 14, 2002, units under construction from February 14, 2002 through March of 2003, and suitable available developable residential zoned parcels. This revised Table 44 shows that the city has capacity for 420 units more than its fair share allocation for the planning period. It shows that the city has capacity for a total of 2,382 units within this planning period as compared to 1,962 units allocated to the city by SACOG. The table further shows that the target income groups of very-low and low-income households will be provided 574 units as compared to 463 units of regional fair share. This is 111 units more than required under the fair share allocation. There is capacity for 233 more units for moderate-income households and 76 above moderate-income households than required by the fair share allocation.

Table 45 is not significantly revised. As HCD's October 3, 2003 letter states the units in this table can be "credited with the number of new units permitted and constructed". This table

shows that the city had constructed approximately 68.91 percent of its regional fair share allocation by February 14, 2002. This leaves approximately 31.09 percent of new construction to occur from February 14, 2002 to June 30, 2008, which is the end of this planning period.

Table 45A is revised. It now contains only units under construction from 2002 through March 2003 by income category based on specific parcels. It should be noted that some of the addresses in the revised table have now been issued certificates of occupancies. The vacant parcels in the old Table 45A were moved to Table 54. This is to maintain a base time line and to keep the data in the tables in the draft housing element submitted to HCD consistent. Similarly, parcels under construction that were previously shown in Table 54 were moved to Table 45A. This addressed in part the duplicative comments and concerns raised in the HCD's letter.

Table 54 is revised. It now contains vacant suitable available developable residential zoned parcels. It also contains data on the remaining vacant single-family lots as of January 1, 2002. Again, some of the data in this table was previously contained in Table 45A. The data is provided based on income levels. This table contains infill residential designated parcels ready for development with residential units. A detailed zoning analysis of each address is provided below.

It should be noted that the remaining units to be provided include 15 potential residential infill units. As of October 2003, about eight second units have gained city approval for construction. This leaves about seven units towards the remaining near five years of the planning period of this housing element. There are factors such as recent state law permitting second units and the continued lower mortgage and refinancing interest rates that will impact the number of infill units to be built during the planning period. Most of the potential units are not accounted for herein and would be difficult to be accounted for since there is no valid data on the history of infill developments. This conservative estimate is deliberately chosen because the city has adequate capacity to meet and exceed its regional fair share allocation. There are pending and recently approved infill residential projects that add to the city's housing stock and capacity. These projects, which include the Glacier Place (approved in December 2003) and Da Vinci Court Apartments, a 51-unit and 160 bedrooms project currently under review, are not included in the revised tables.

Below is a chart summarizing Tables 45, 45A and 54.

	<u>Very-low</u>	<u>Low</u>	<u>Moderate</u>	<u>Above Moderate</u>
Table 45 (units built):	212	64	423	653
Table 45A (units under construction):	9	30	270	8
Table 54 (available sites):	71	188	161	393
<b>Totals:</b>	<b>292</b>	<b>282</b>	<b>854</b>	<b>954</b>

The city has capacity for approximately 2,382 new housing units for this planning period as compared to the 1,962 regional fair share allocation. When compared by income levels, the city has capacity to provide 292 very-low income units as compared to 79 units of regional fair share allocation. The city has capacity for 282 low income units as compared to 384 fair share allocations. The city has capacity for 854 moderate-income units as compared to 621 fair share allocations.

Below is the revised Table 44.

<b>TABLE 44 Revised</b>				
<b>SUMMARY OF DAVIS FAIR SHARE ANALYSIS FOR 2002-08 PLANNING PERIOD (Ability to Meet Fair Share Allocation for 2002-07 Summarized)</b>				
		<b>Summary of City's Ability to Meet Fair Share Based on 1/2000 - 2/14/02 COs, Units Under Construction &amp; Available/Developable Zoned Specific Addresses/Sites/Parcels</b>		
<b>Income Groups</b>	<b>SACOG Fair Share Allocation City of Davis</b>	<b>City's Capacity 2002-07</b>	<b>SACOG and City #s Differences</b>	<b>Combined Numbers</b>
Very-Low Income	79	292	+213	<b>574</b> <i>463 RHNP</i>
Low-income	384	282	-102	
Moderate- income	621	854	+233	<b>1,808</b> <i>1,499 RHNP</i>
Above Moderate income	878	954	+97	
<b>Total Units:</b>	<b>1,962</b>	<b>2,382</b>	<b>+420</b>	
<u>Note:</u> Numbers in <i>italics</i> in the last column are the combined units' number for very-low plus low-income groups and moderate plus above-moderate-income groups allocated by SACOG.				
<u>Sources:</u> SACOG's RHNP; City of Davis Planning and Building Department				

**TABLE 45**

**BUILT / CERTIFICATES OF OCCUPANCIES FROM 1/1/00 THROUGH 2/14/02  
(City Of Davis Ability To Meet Its RHNP Allocations For 2002-07)**

<b>Built / Issued Certificates of Occupancies</b>	<b>Very-low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above-Moderate</b>
Single-family units Issued Certificates of Occupancy as of <b>1/1/00 - 2/14/02</b> , excludes affordable and apartment units	-	-	-	631
1501 & 1515 Shasta Dr - Shasta Point - Evergreen Senior	68	-	-	-
1800 Moore Blvd. - Terracina Apartment in Wildhorse	20	50	-	-
1677 Drew Avenue - Allegre Apartment	30	-	122	-
1500 Shasta Drive - Adobe Apartment - Evergreen	30	-	90	-
1752 Drew Ave. - Pacifico Phase I (84 beds/3 = 28 units)	28	-	-	-
4501 Alhambra - Seville Apartment in Mace Ranch	-	-	83	-
2029-2085 5 <sup>th</sup> Street Condos - Sequoia Villas	-	-	4	10
Cnr of Redbud & Cottonwood - Willowbank #9 for-sale	-	-	8	-
5512-5537 Marden St - El Macero Estate 2 for-sale units	-	-	8	-
Wildhorse For-sale Single Family units built by Morrison	-	-	52	-
40 Parkside Ave.; 801 Oeste Dr.; 326 I St.; 1307 Union Drive; 1930 Haussler - <b>2<sup>nd</sup> Units</b> as of February 28, 2003		5		
5503-5539 Tufts - Simmons Estates SF Affordable units			7	
2120+ Cowell Blvd. - Oakshade Commons Apartment	-	-	42	-
3023 Albany Avenue - Owendale (DMHA) Apartment	36	9	-	-
Covell/Catalina/Phoenix Place - 8 Single-family units	-	-	-	8
312 3rd Str. - 4 MF units & 119 E Street - 7 MF units	-	-	7	4
<b>Sub-total</b>	<b>212</b>	<b>64</b>	<b>423</b>	<b>653</b>
<b>Total</b>	<b>1,352</b>			

Notes:

January 1, 2000 to June 30, 2002 was deemed the Interim Planning Period for which local agencies could use to address their ability to meet their fair share allocation. The city has used data available on the number of certificates of occupancy (CO) issued between January 1, 2000 to February 14, 2002 in reporting its ability to meet its fair share allocation. **COs from January 1, 2000 to February 14, 2002** represent only the market-rate single-family units issued COs between January 1, 2000 and February 14, 2002. Affordable housing single-family units issued COs during this period were excluded for the ease of identifying very-low and low income units.

Source: City of Davis Planning and Building Department

**TABLE 45A -- Revised**

**UNITS UNDER CONSTRUCTION  
(Ability To Meet RHNP Allocations For 2002-07 Continued; From 2002 through 2003)**

<b>Under Construction</b>	<b>Very-low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above-Moderate</b>
3101 5 <sup>th</sup> Street - Walnut Terrace -- Affordable Housing -- <i>Mace Senior Housing now occupied</i>	-	30	-	-
1212 Alvarado – Almondwood Apartment; <i>Construction completed</i>	-	-	5	-
404 F Street Mixed-Use (8 Lofts)	-	-	-	8
312 and 316 D Street - 4 market-rate units; <i>Construction completed</i>	-	-	4	-
200 G Street - 4 multifamily units; <i>Construction completed</i>	-	-	4	-
301 7 <sup>th</sup> Street (2 Single-family units); <i>Construction completed</i>	-	-	2	-
1760 Drew Ave - Pacifico Coop Phase 2 (28 beds/3 = 9 units) -- <i>temporary occupancy permit issued</i>	9	-	-	-
Fifth & Second Street - Cantrill Drive Apartment project, <i>most units are now occupied</i>	-	-	132	-
1056 Olive Drive Apartment project, <i>most units are now occupied</i>	-	-	123	-
<b>Sub-total</b>	<b>9</b>	<b>30</b>	<b>270</b>	<b>8</b>
<b>Total combined Tables 45 &amp; 45A</b>	<b>221</b>	<b>94</b>	<b>693</b>	<b>661</b>
<b>Total</b>	<b>317</b>			
<b>Overall Total of combined Tables 45 &amp; 45A</b>	<b>1,669</b>			

Note:

1. **Under Construction** -- refers to zoned residential parcels that have obtained building permit and are under construction, near completion, or recently completed.
2. **Completed Construction** -- although temporary occupancy or final occupancy has been issued for some of the above addresses, in order to maintain the time line in the draft-housing element, these addresses were not moved to Table 45.
3. Most of these projects have completed construction, or are occupied now. However, to maintain a base time line for the Element, this table has been so annotated but not eliminated.

Source: City of Davis Planning and Building Department

**TABLE 54 -- Revised**

**SUITABLE / AVAILABLE / DEVELOPABLE RESIDENTIAL ZONED SITES  
(Ability To Meet RHNP Allocations For 2002-07 Continued)**

<b>Developable Residential Zoned Sites</b>	<b>Very-low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above-Mod.</b>
Jan. 1, 2002 Remaining vacant single-family lots	-	-	-	215
726 Drummond - Oasis Place Subdivision (#1 on Map 1)	-	5	-	18
El Macero Estates 2; effective allocation 1-1-04 (#2 on Map 1)	-	-	-	22
2990 5 <sup>th</sup> St. (Mace Land Ded.) & SF for-sale. (#3 on Map 1)	6	7	1	-
Willowcreek Commons Subdivision (#4 on Map 1)	-	2	3-	16
NE Cnr Cowell & Drummond, affordable land (#5 on Map 1)	-	15	-	-
1818 Moore Blvd - Apartment, (#6 on Map 1)	-	-	78	-
Willowbank 9 Unallocated (#7 on Map 1)	-	-	8	15
5663 Marden St. El Macero Estates 2 Land Ded. (#8 on Map 1)	-	36	-	-
4100 La Paz Drive - Woodbridge Land Ded. (#9 on Map 1)	-	16	-	-
2412 Sloan Str. Wildhorse Land Dedication(#10 on Map 1)	-	59	-	-
1617 Valdora St. - Oakshade - Avalon Apts. (#11 on Map 1)	-	-	8	-
2707 5 <sup>th</sup> St. - Long View Cottage(#12 on Map 1)	-	-	2	7
Fifth - Cantrill Drive affordable site (#13 on Map 1)	33	14	6	-
Callori / Olive Drive properties (#14 on Map 1)	-	15	34	-
1056 Olive Drive affordable site, (#15 on Map 1)	31	12	-	-
815 & 818 H Street - Boardwalk Apartment (#16 on Map 1)	1	2	11	-
Infill Opportunities, including second units, etc.	-	5	10	-
<b>Sub-total</b>	<b>71</b>	<b>188</b>	<b>161</b>	<b>293</b>
<b>Total of this table</b>	<b>713</b>			
<b>Totals, including total from Tables 45 &amp; 45A</b>	<b>292</b>	<b>282</b>	<b>855</b>	<b>954</b>
<b>Overall Total</b>	<b>2,382</b>			

**Notes:**

1. Sites identified above are available through appropriate zoning and development standards and with services and facilities, including sewage collection and treatment, and domestic water supply. No discretionary planning applications are required to build homes on the parcels in this table.
2. **Jan. 1, 2002 Remaining vacant single-family lots** - refers to vacant lots in subdivisions in the city that have allocations. Infill projects do not require allocations.
3. **Developable Residential Zoned Sites** - refers to vacant and underutilized residential zoned sites that can be improved with residential units. All sites are zoned with housing at the anticipated density as a principal permitted use.
4. **Affordable Sites** - Some sites are affordable housing parcels. Some sites have not obtained needed funds for development. Woodbridge, Oakshade and Mace land dedications await selection of a developer.
5. **Infill Developments:** A conservative 15 units is estimated for this planning period. There are several under developed sites in the older portion of the city that staff believes would see additional units ranging from second units to intensification based on the density for the districts. A conservative estimate of 15 units is used, however, to avoid the overestimation of units needed to meet the fair share allocation..
6. **Deleted parcels/addresses include those requiring CUP approval.**

**Source:** City of Davis Planning and Building Department

*I(b).* According to Mr. Njoku, many of the affordable units are a direct result of the land dedication provisions set forth in the City's 1990 Affordable Housing Ordinance (AHO). While the draft element includes a copy of the City's AHO (Appendix A), it is not clear how the 276 units listed in Table 45 are affordable to very low- and low-income households. The element should be revised to clearly describe the implementation framework of the AHO, along with the City's methodology for assigning those units with approved building permits to the appropriate income group, based on the actual sales price or rent level of the units. (HCD)

### **City Response**

Historically the city has implemented the housing element affordable housing requirement policies and the AHO requirements through conditions of approval, deed restrictions, and/or covenant agreements with the nonprofit developers. The affordable housing land dedication or donation sites have all been developed with rental housing. There have been occasions where affordable housing sites have been developed with special needs housing, such as Sexual Assault and Domestic Violence or Student Cooperative. Nonetheless, the General Plan policies and AHO require that only households at the extremely-very-low, very-low and low-income levels occupy the affordable rental units. Implementation is ensured through a recorded regulatory agreement or covenant on each site. Although the city has generally required an even split between low and very-low income units on land dedication sites, the actual developments have consistently provided housing at rents lower than these targeted levels, averaging 60 percent of area median income. See the housing element policies below for details.

The draft housing element contains the following policy and implementation framework for the Affordable Housing Ordinance (AHO):

**Policy HOUSING 4.1** Maintain and periodically review the Affordable Housing Ordinance to require the inclusion of affordable housing in all new development areas to the extent feasible.

### **Standards**

- a. Twenty-five percent of all proposed new for-sale residential units should be affordable to very low, low and moderate-income households. The units should be as affordable rental or ownership.
- b. Continue to administer an affordable housing ordinance, which accomplishes the following:

Rental housing developments containing between 5 and 19 units inclusive shall provide, to the maximum extent feasible, 15 percent of the units to be affordable to low-income households (50-80% of the median income) and 10 percent of the units to

be affordable to very low income households (less than 50% percent of median income) for a total requirement of 25 percent.

Rental housing developments containing 20 or more units shall provide, to the maximum extent feasible, 10 percent of the units to be affordable to low-income households and 25 percent of the units to be affordable to very-low-income households for a total requirement of 35 percent.

The city shall review the ordinance at least every five years to confirm its effectiveness.

Policy HOUSING 4.1 Standard "a" requires that twenty-five of all proposed new for-sale (i.e., ownership) units be affordable to very-low, low and moderate-income households. This level of specificity is appropriate and within the expectation of the housing element. Detailed implementation "framework" is best addressed in the AHO. The AHO is being reviewed currently by the Affordable Housing Task Force (AHTF).

Policy HOUSING 4.1 Standard "b" requires a multi-family project between 5 and 19 to provide 15 percent of the affordable units to low-income households and remaining 10 percent to very-low income households. In case of projects with 20 or more units the 35 percent requirement is assigned as follows: 1) 10 percent of the units to be affordable to low-income households and 2) 25 percent of the units to be affordable to very-low-income households. This is an acceptable detail for housing element policies.

The city's AHO contains adequate implementation guidelines, although certain areas have been targeted for densification. The city currently has embarked with the help of the Affordable Housing Task Force in reviewing and revising the AHO. As individual developments are approved, targeted income levels will be evaluated to ensure consistency with fair share requirements and any targeting requirements imposed by California Redevelopment law.

2. *Include an inventory of land suitable for residential development, including sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)).*

Tables 45A and 54 identify residentially zoned sites that have the potential to accommodate residential development. We note these tables provide duplicative information as many of the sites are listed in both tables. Table 55 (page 95) also lists 17 infill sites (requiring general plan and/or zoning amendments) that could potentially accommodate the development of 1,988 units.

However, the draft element is absent descriptive information and analysis of the basis for determining the development capacity of these sites. To demonstrate the adequacy of the identified sites, particularly those that have the potential to accommodate the housing

needs of lower-income households, the element must either clearly demonstrate the identified sites are currently available and appropriately zoned (with development standards and access to public services), are not subject to any significant development constraints, and will be available to accommodate the City's regional share need within the current planning period. Any shortfall in the current site capacity will require the element to include a program(s) (i.e., rezone) to make adequate sites available. The element should be expanded to include the following (HCD):

### **City Response**

The draft housing element submitted to HCD contains Tables 45A and 54, which identify residentially zoned sites. There was duplicative information in the tables because the tables were intended to show slightly different perspectives on the issue of available sites. To reduce confusion, the tables have been revised and the duplication eliminated.

Table 55 cited in the HCD letter is intended to show that had the city not been able to meet its fair share allocation, there are other non-residential zoned sites that have the potential for rezoning and/or possible general plan amendment to accommodate the regional fair share allocation. This table is provided in accordance with the requirement that the Element include an inventory of land "suitable for residential development." Although these parcels are not currently designated for residential use, it is possible that conversion may be proposed and determined to be appropriate.

A new Table 54A is added to address the acreage, density, zoning and infrastructure issues raised in the letter. Table 54A contains the same sites identified in Table 54. Table 54 and 54A contain suitable infill sites that will accommodate the city's fair share allocation. All the sites in the tables are designated residential in the General Plan and Zoning Ordinance land use maps. The sites are in residential subdivisions that are near build-out or under developed that are approved for residential development. All these parcels are infill parcels, and adequate infrastructure is in place. City General Plan policies and operational policies do not permit approval of residential development projects without assurance that there will be adequate infrastructure to accommodate the development, including roadway, sewer, water and drainage systems.

The vacant allocated single-family lots available for development as of January 1, 2002 are included in the table. Also, potential infill potential parcels identified are projected to generate a minimal number of units, which include second units. If potential infill developments are excluded from the table the city will still meet its regional fair share allocation. There have been infill units, such as secondary units built since the date of the tables; however, it is not believed that the count is needed at this time to meet the regional fair share.

Below is specific description of the sites.

**DESCRIPTION OF SUITABLE / AVAILABLE / DEVELOPABLE RESIDENTIAL ZONED SITES IN TABLE 54**

726 Drummond - Oasis Place Subdivision (#1 on Map 1)	The 2.0-acre Oasis Place project consists of 18 market-rate lots and 5 affordable housing lots. The 18 market-rate units range in sizes from 1,210 to 1,394 square feet. The 5 affordable units range from 892 to 1,096 square feet. The units are all two-story and are designed to emulate a traditional, craftsman style. The approved Affordable Housing Plan calls for three of the units to be sold to households at 90 percent of the area median income and the remaining two to households at 100 percent of the area median income. The units will be purchased by the Davis Area Cooperative Housing Association (DACHA) upon construction. DACHA will enter into affordability covenant agreement with the city as part of the site's development and occupancy. Outstanding ministerial permit is building permit. The site is P-D# 2-02(single-family)
El Macero Estates 2; effective allocation 1-1-04 (#2 on Map 1)	There are 22 lots in El Macero Estates Unit #2 with no allocations at the time of drafting this document. Their effective allocation will be January 1, 2004, and in keeping with the base time line, the lots are not included in the vacant single-family counts although we are in 2004 now. These are finished lots with all services and facilities in place. All zoning entitlements have been approved, and only building permit applications are needed to improve the lots. These are market-rate lots. Zoned Planned Development #4-90 (Single-family).
2990 5 <sup>th</sup> St. (Mace Land Ded.) & SF for-sale. (#3 on Map 1)	The 2.27-acre parcel is zoned for the development of up to 14 permanently affordable housing units. The site is owned by the City of Davis. Given the size and configuration of the parcel, the maximum single-family development on the lot is 13 units. It is likely that the site will be developed with more units at very-low and low affordability levels given its proximity to two affordable housing apartments. The development of the site will be subject affordability covenant agreement. No developer has been designated for the site. It is possible that the site will be rezoned to allow the development of affordable multi-family units. P-D #4-88 (SF).
Willowcreek Commons Subdivision (#4 on Map 1)	The approximately 1.9-acre site will be developed with 21 single-family units. The General Plan and Zoning designations for the site permit residential uses. Outstanding quasi-judicial applications are final planned development, affordable housing plan, tentative parcel map, design review and building permits. (PD# 2-02)
NE Cnr Cowell & Drummond, affordable Land (#5 on Map 1)	This 0.75-acre parcel is approved for the development of 15 permanent affordable units to very-low and low-income households. This site was an off-site land dedication for market-rate apartment project developed in Oakshade subdivision, P-D#12-87. The site is owned by the City of Davis. The development of the site will be subject affordability covenant agreement. Outstanding permits are final planned development, design review and building permit.
1818 Moore	The approved project is for an 78-unit complex, consisting of 11 buildings of 2 and 3

Blvd - Apartment, (#6 on Map 1)	story in height with a total of 198 bedrooms/dens comprised of 48 two-bedroom units, 12 two-bedroom w/dens units, 6 three-bedroom units, and 12 four-bedroom units. The project will provide at minimum: a 2,000 square-foot garden area, approximately 39,000 square-feet of common and private open space to contain a tot lot, pool and turf area on the common areas, 192 parking spaces with, 78 of the spaces being covered and the remainder open, and 171 bicycle parking spaces. This is a market-rate development, as its affordable housing component was provided with earlier phases of subdivision. Only building permit is needed to build the units.(PD# 3-89)
Willowbank 9 Unallocated (#7 on Map 1)	This site has approved phased tentative map. Phase one is almost built out. The subdivision consists of 56 lots of which 14 are affordable units. In Phase 1 the developer received a final map approval for 33 lots. 6 of the 33 are affordable lots that had been built and occupied consistent with the affordable housing plan. 23 remain to be developed. 8 of the 23 are affordable lots. Phase 2 development is pending. Potential quasi-judicial applications are revision to the tentative map and final planned development, and phased allocation. The site is zoned P-D#4-92(SF).
5663 Marden St - El Macero Estates 2 Land Ded. (#8 on Map 1)	The project is called Tremont Greens. The 36-multi-family affordable housing project is being developed by Davis Mutual Housing Association now known as Yolo County Mutual Housing Association. The development of the site will be subject to affordability covenant agreement with the city. Building permits are in review. The developer is waiting for the funds to start the buildings construction. (PD#4-90)
4100 La Paz Drive - Woodbridge Land Ded. (#9 on Map 1)	This is a dedicated affordable housing land. The site is owned by the City of Davis. The 1.08-acre parcel consists of 16 permanent affordable housing units for very-low and low income households. No developer has been selected for this site. Outstanding permits are final planned development, design review and building permit. P-D#1-93(R-3-M).
2412 Sloan Str. Wildhorse Land Dedication(#10 on Map 1)	This is an affordable housing land dedication project named Moore Village. The 3.89-acre parcel project consists of 59 permanently affordable apartment units. The make up of the units are 17 one-bedroom units, 17 two-bedroom units and 25 three-bedroom units. The one-bedroom units will be approximately 640 square feet, the two bedroom units will be 960 square feet and the three bedroom units will be 1,120 square feet. This project is being developed by Davis Mutual Housing Association. The only outstanding permit is building permits. (PD#3-89)
1617 Valdora St. - Oakshade - Avalon Apts. (#11 on Map 1)	The project is Avalon Apartments. This is an existing 52 unit complex of detached and attached apartment buildings that include parking lots, open space areas, landscaping, and accessory structures. An additional 8 units on top of the detached garages have been approved in the zoning and only needs a design review and building permit to be constructed. Zoning is P-D#12-87.
2707 5 <sup>th</sup> St. -	The 1.0-acre project consists of nine individual lots. All the dwelling units will be 2

<p>Long View Cottage(#12 on Map 1)</p>	<p>stories and ranging in height from 23 to 26 feet in height. There are three floor plans ranging in sizes from 1,400 square feet for the two-attached units (model #1), 1,600 square feet for the two-model #2 units and 2,100 square feet for the five-model #3 units. Models #1 and #2 are each 3 bedroom, two bathrooms, and model #3 has 4 bedrooms and 2 bathrooms. Models #2 and #3 each provide two covered and one open parking spaces, while model #1, provides one covered and two open spaces. Vehicular access and parking would be provided through a shared driveway of the west edge of the project. The attached units will be located at the project front while a mix of the other two models will be placed towards the rear of the existing property. Only building permits are needed for construction. (PD# 4-95)</p>
<p>Fifth - Cantrill Drive affordable site (#12 on Map 1)</p>	<p>This project is “Davis Senior Housing Cooperative” land donation on the northerly 2.31 acres Cantrill apartment project. The 2.31–acre Davis Senior Housing Cooperative site will be developed by Davis Senior Housing Cooperative, Inc. It consists of a minimum of 47 affordable housing units with up to 13 additional moderate income units for a total number of 60 units on the site. However, a conservative estimated 53 units are shown on the table as the number of units for this site. This is to address the fact that final planned development, design review and building permit applications have not been processed for this site. The site development will be subject to affordability covenant agreement with the city. (PD#2-99B)</p>
<p>Callori / Olive Drive properties (#13 on Map 1)</p>	<p>The Gateway / Olive Drive Specific Plan, which also consists of General Plan and Zoning designations of parcels in the district identified a number of parcels as “Callori” in the plan for intensification or development of up to “49 small-sized single-family cottage units and 8,000 square feet of commercial use.” The area is designated Residential Medium Density (RMD), which permits the density from 4.2 to 10.00 units per net acre. The applications needed for the development of the units are design review and building permit applications.</p>
<p>1056 Olive Drive affordable site, (#14 on Map 1)</p>	<p>The 2.15-acre property is a land denotation held by a consulting firm, Neighborhood Partners, for the development of 43 affordable units comprised of 31(25 percent) very low income units and 12 (10 percent) low income. The site development will be subject to affordability covenant agreement with the city. Outstanding permits are final planned development, design review and building permit. The zoning for the property is East Olive Multiple Use, which allows the proposed number of units.</p>
<p>815 &amp; 818 H Street - Boardwalk Apartment (#15 on Map 1)</p>	<p>The project is a 10 unit attached apartment complex, with four one-story units on the ground floor and 6 two-story units above. The site currently has two units. The pending Design Review application is for 16 units, and with credit for the existing two units, a net 14 new units will e created. There will be four affordable units provided as part of the project. R-3-M</p>

2(a). Clarify the number and locations of sites that are actually zoned and available for residential development. (HCD)

**City Response**

The parcels in Table 54 and Table 54A further clarify the number and locations of sites that are actually zoned and available for residential development. The project description provided for each parcel above further address the concern that these sites may not have appropriate zoning and are available for residential development. Both tables show that the sites have zoning designations permitting residential development on them, as a principal permitted use. As already addressed in this addendum, these parcels have all required off-site infrastructure in place, and in some cases on-site infrastructure is already in place. The development of these parcels with residential development has been accounted for in the General Plan EIR. Tables 54 and 54A show that the number and locations of sites that are actually zoned and available for residential development do support the city’s position that it has adequate capacity to meet its regional fair share.

<b>TABLE 54A New ACREAGE &amp; DENSITY OF SUITABLE / AVAILABLE / RESIDENTIAL ZONED SITES (Ability To Meet RHNP Allocations For 2002-07 Continued)</b>				
Developable Residential Zoned Sites	Acres	Density	Infrastructure	Zoning
Jan. 1, 2002 Remaining vacant single-family lots	N/A	N/A	Yes	Varies
726 Drummond - Oasis Place Subdivision	2.00	11.50	Yes	PD#2-02(SF)
El Macero Estates 2; <i>Allocation 1-1-04</i>	5.22	4.20	Yes	PD#4-90(SF)
2990 5 <sup>th</sup> St. - Mace SF for-sale & Land Ded.	2.27	6.60	Yes	PD#4-88(SF)
Willowcreek Commons (south of Oasis)	1.90	11.10	Yes	PD#2-02(SF)
NE Cnr Cowell & Drummond, Oakshade Affordable	0.75	20.00	Yes	PD#12-87(IR)
1818 Moore Blvd – Apartment	4.27	18.30	Yes	PD#3-89(MF)
Willowbank 9 Unallocated	6.02	4.00	Yes	PD#4-92(SF)
5663 Marden Street - El Macero Est. 2 affordable	2.48	14.50	Yes	PD#4-92(MF)
4100 La Paz Drive - Woodbridge Affordable	1.08	14.8	Yes	PD#1-93(MF)
2412 Sloan Str. Wildhorse Land Dedication	3.89	15.00	Yes	PD#3-89(MF)
1617 Valdora St. - Oakshade - Avalon Apartments	4.36	11.94	Yes	PD#12-87(MF)
2707 5 <sup>th</sup> St. - Longview Cottages	1.00	9.00	Yes	PD#4-95(SFA)
Cantrill Drive land donation	2.31	25.90	Yes	PD#2-99B(MF)
Callori -- Olive Drive properties	See notes		Yes	RMD
1056 Olive Drive affordable site	2.15	20.00	Yes	EOMU
815 & 875 H Street - Boardwalk Apartment	0.33	16.00	Yes	R-3-M
Infill Opportunities, including second units, etc.	N/A	N/A	Yes	Varies

Notes:

1. **Callori** – Table 1 in the Gateway / Olive Drive Specific Plan indicates that the acreage for the Callori property is “not applicable”. The table shows that there are 154 units in existence and additional/new units will be 49 units.
2. Planned Development or PD#\_\_(SF) refers to the zoning of a site. The numbers (#s) are the numbers assigned to the subject site application when filed. SF stands for single-family, which is the base use for the subject site. MF stands for multi-family, which is the base use for the majority of subject sites.
3. RMD stands for Residential Medium Density in the Gateway/Olive Drive Specific Plan.
4. EOMU stands for East Olive Multiple Use designation in the Gateway/Olive Drive Specific Plan.
5. Infill opportunities refer to potential infill projects, such as second units and densification of under developed parcels. A very conservative infill estimate is provided.
6. Callori, Olive Drive properties refers to a group of vacant and under developed parcels in East Olive Specific Plan that is zoned for the development of 49 units.
7. Infrastructure – adequate infrastructure is in place for all units identified in this table. This includes public streets and utilities to the site.

Source: City of Davis Planning and Building Department, October 27, 2003

2(b). A description of the zoning and general size of parcels (including an analysis of the adequacy of size), environmental characteristics, and general location (especially in relation to existing services and facilities), and the suitability of these sites to accommodate requisite densities (to meet the need for lower-income households). The element should also include an explanation of the City’s methodology for determining the realistic development capacity of the available sites at densities that will accommodate the housing needs of lower-income households. (HCD)

**City Response**

Table 54A summarizes the site specific information requested by HCD. It should be noted that the sites are within residential subdivisions near completion, or completed but are under developed. The environmental impacts of developing these sites with residential units have been analyzed as part of the General Plan EIR and any subsequent entitlement approvals.

2(c). Clarify the City’s public infrastructure capacity (i.e., water and sewer) is sufficient to serve the sites identified in the land inventory. (HCD)

**City Response**

There is adequate public infrastructure capacity to accommodate the units needed to meet the city’s fair share allocation. This is because all the units are infill units (see revised tables 54 and 54A). The 2001 General Plan EIR analyzed the city’s ability to accommodate these units and found that there is adequate infrastructure capacity for planned residential growth within the plan.

3. *Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels, including land use*

*controls and local processing and permit procedure, fees and exactions, and on- and off-site improvements. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 (Section 65583(a)(4)).*

3(a). Land-Use Controls:

The City's policies describe an average annual growth rate target (1.87 percent 1988-2010) of the City's general plan. The draft element should be revised to explain and analyze the assumptions and rationale used to plan how the City's policies and procedures, including Measure J and the phased allocation system, implement the objective to reduce the City's average annual population growth rate from the 2.39 percent rate of 1988-1999. The element should analyze how these assumptions relate to the implicit growth rate necessary to accommodate the City's regional housing need during the 2000-2008 planning period and how they relate to accommodating student and employment growth at the University of California, Davis. (HCD)

**City Response**

The HCD letter cites Section 65583(a)(4) as follows:

“Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels, including land use controls and local processing and permit procedure, fees and exactions, and on- and off-site improvements. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584.”

The draft housing element contains the city's analysis consistent with the above cited Government Code section. The potential and actual governmental constraints analysis is required to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584. Measure J and the Phased Allocation system have no numeric cap or limitation on the number of units that may be approved through the public process. The city has demonstrated, consistent with the requirements, that it has capacity to meet and exceed its regional fair share.

3(b). Measure J: Measure J requires that any applicant proposing to change the land use map designation to an urban land use designation or from an agricultural designation to an urban reserve designation submit the proposed project exhibits and plans for voter approval, and indicates that they “cannot be eliminated, significantly modified or reduced without subsequent voter approval.” The draft element further states that “Measure J may serve as a deterrent or barrier to inappropriate development being annexed to the City.” Measure J's provisions subjects a prospective land use proposal to an extremely high degree of inflexibility, which is contrary to the typical nature of the land use planning process necessary to accommodate residential development, including development

necessitating procurement of public subsidies to attain mandated affordability provisions in particular. The element must be revised to include a more detailed evaluation of the potential impacts Measure J would have on the development of housing. For example:

- i.* The element should explain how the Measure J provisions are implemented so as to establish what level of detail is required to be provided in the project exhibits and plans.
- ii.* Describe how it is determined which details are considered to represent the essential characteristics of the project or the baseline feature or requirement.
- iii.* Include and estimate of the length of time for which a project involving phased development over a number of years could be held to these requirements.
- iv.* While the element indicates that Measure J “encourages compatible infill development and explicitly excludes infill projects from the requirement for voter approval” (pg. 119), such provision is not readily apparent in Ordinance No. 2008. The element should explain the basis for this assumption, including the City’s definition of “infill development.”
- v.* While the element indicates units needed to meet fair share requirements are explicitly exempt from the provisions set forth in Measure J, according to Section 29-12.4.4.(e) of Ordinance No. 2008, this exemption is invoked only if additional circumstances also exist. Among these required additional circumstances, not more than five acres per year may be designated for residential development unless “the City Council finds that the acreage is necessary to meet the City’s legal fair share obligation based on maximum multifamily densities.” The element should also explain the methodology for imposing the 5-acre limitation and clarify what is meant by “maximum multifamily densities” (i.e., 20 dwelling units per as shown in Table 58). For example, identify the maximum number of housing units that could be developed on five acres within a year pursuant to this provision.
- vi.* Furthermore, according to subsection (e)(3), any units approved under the Measure J provisions are required to be permanently affordable to persons or families of moderate, low, and very low income. Therefore, the element should describe how this requirement is implemented (e.g., could all of the units be affordable to moderate income households, or is there a specified income mix required; are financial subsidies made available to such developments by the City), and the feasibility of such housing development, considering the general size (no. of units) of housing developments that would be possible.
- vii.* The draft element indicates an application for the Covell Village project has been received by the City and will be subject to the Measure J process. The element should describe the current land-use designations and zoning for this site, assess its residential development potential, and include an approximate timeline for placing this item on the ballot.
- viii.* The element should also describe how the election costs to be borne by an applicant for a development proposal requiring an election are determined, including an estimate of the prospective election costs for the pending Covell Village application, and compare the permit processing costs to those for comparable development applications not subject to an election. (HCD)

## City Response

- i. The Measure J process is briefly explained in the draft-housing element, page 118. The only dissimilarity with a Measure J type project as compared to a similar project prior to Measure J adoption is the required voter approval. The normal entitlement applications review will be done similarly for a Measure J and a pre-Measure J project depending on the types of applications involved. A copy of the Measure J Ordinance is attached as Appendix E of the draft housing element. The level of detail required for project exhibits and plans are those identified in Section 40.22.060 of the city's Zoning Ordinance for any planned development zoning application.
- ii. The General Plan and Zoning Ordinance prescribe policies and standards that apply to new residential projects. New residential projects must identify basic features meeting these requirements, such as neighborhood greenbelt, minimum open space, recreational facility (i.e., park land dedication), infrastructure standards, affordable housing, and a host of other features. A Measure J project also will be expected to show how these features will be met or addressed consistent with the city policies and codes just as would be the situation prior to the measure. There are also the components that must be adequately identified for a valid analysis of the potential impacts of a project, under CEQA (see CEQA Guidelines Section 15124).
- iii. Historically developers propose a phasing plan that works for their project. A proposed residential development phasing plan is analyzed by the city using a number of factors prior to approval. Some factors that affect city decisions on a phasing plan include: project size, economic viability of the project based on the phasing plan, identified city housing needs, outstanding allocations and the city's ability to meet its regional housing need allocation. Most subdivisions in the city have phasing plans, which in some cases were made part of the development agreement between the developer and the city. Measure J will not change this process. The Phased Allocation Plan establishes the policy that project buildout would be allowed within the general plan period or some other reasonable period. Previous projects were approved with buildout of three to four years (Evergreen subdivision), to eight to ten years (Mace Ranch subdivision) The process for review a developer proposed phasing plan remains the same notwithstanding Measure J, which is the right of voter participation in land use decision through voting.
- iv. The basis for the statement that Measure J encourages infill can be found in the stated purpose of Measure J. The goal of Measure J is "to establish a mechanism for direct citizen participation in land use decisions affecting city policies for compact urban form, agricultural land preservation and an adequate housing supply to meet the internal city needs, by providing the people of the City of Davis the right to vote, without having to evoke referenda, on general plan land use map amendments that would convert any agricultural, open space, or urban reserve lands, as designated on the Land Use Map of the City of Davis General Plan, dated August 1, 1999, to an

urban or urban reserve land use designation and on any development proposal on the Covell Center or Nishi properties.” The conversion of any agricultural, open space, or urban reserve lands, as designated on the Land Use Map of the City of Davis General Plan is what Measure J would impact. Infill projects are excluded from the Measure J requirements. Sections of the General Plan that encourage infill include the visions; General Plan Goal LU2, and its policies, standards and actions; and numerous Housing Element sections.

The General Plan defines “infill development” as urban development or redevelopment on vacant or “underutilized” urban designated land within a city’s boundaries, consistent with city policies, as an alternative to accommodating growth through expansions of city boundaries.

- v. As stated in the HCD comments, Measure J requirements exempt units needed to meet fair share allocation. The measure explicitly provides opportunity for five acres to be designated in the land use element of the General Plan for residential development if the city cannot meet its fair share allocation. It allows additional land to be exempted as necessary to meet fair share requirements. Given that the city will meet its fair share allocation there is no expectation in the law for the city to document how the five acres would be designated. The methodology for designating the sites will depend on a number of factors, which include the type of housing needed to meet the fair share allocation. The “maximum multifamily densities” provision cite by HCD is intended to ensure that any conversion of agricultural or open space land is permitted only to the extent necessary to meet fair share needs. On five acres, 150 units might be developed. Additional land would be exempt from Measure J if the unmet fair share requirement were greater than 150 units.
- vi. Affordability requirements will be included in a recorded deed restriction, as is currently the practice for land dedication and other affordable housing projects. Affordability levels will be as necessary to meet fair share requirements. The City of Davis has an extensive history of providing subsidies to affordable housing developments in order to make them feasible. Both local (Redevelopment) and federal (CDGD and HOME) funding programs are expected to be available for future projects, particularly if there is legal obligation that the units be constructed.
- vii. The General Plan Land Use designation for Covell Village is Agriculture. This site is not zoned or prezoned. It will require annexation to become part of the city. The time line for placing the Covell Village on the ballot depends on several factors, which include when the proposed project is fully defined, analyzed and reviewed by the city. Preliminary timelines estimate voter consideration around 2005, provided the planning and environmental reviews are complete and the project is approved by the City Council.
- viii. The cost associated with Measure J election will be borne by the developer. The actual cost will be based on the type of election held.

Type of Measure	Date/Election Type	Cost
Measure O – Open Space Protection	November 2000; General Election	\$27,995.63
Measure J – Right to Vote, Open Space and Ag land	March 2000; Primary Election	\$30,776.12
Measure M	June 1998; Primary Election	\$29,061.38
UDEL/School District Election	November 1997; UDEL/School District Election	\$37,336.55
Richards Boulevard Corridor Upgrade Project	March 1997; Special Election	\$46,512.95
Measure R – Wildhorse Development Agreement	May 9, 1995; Davis Referendum Election	\$44,305.40
<p><u>Notes:</u>  The type of election held has direct impact on the cost of the election. It would be speculative to state how much it will cost in the future for Covell Village, or any other Measure J project given that when the election is held and how many other issues/measures and jurisdictions involved directly affects the costs of the election.</p>		

In a special election that involves a Measure J project only, the applicant would pay the full cost. If there are other measures from the city or other jurisdictions, the cost will be shared. If a Measure J project participates in a general election, the developer will share the cost of the elections. The table above contains costs for past elections involving measures. As can be seen from the table the range is from \$27,995.63 to \$37,336.55. Speculation of potential election costs for a Measure J project would require knowledge of several variables, such as the type of election involved and how many other measures and jurisdictions are involved. The costs of the election are minimal compared to other project costs (EIR, planning processing and public outreach, public improvements and fees). There were referendums held on the last two major residential projects in the city, which amounts to a Measure J. Both projects were approved by the voters.

*April 2, 2004 Comment: The draft element supplemental revisions do not address how the provisions of Measure J requiring voter approval of proposed project exhibits and plans and subsequent modifications of such will be mitigated such that typical project modification can occur, particularly, over a multi-year phased development. ..*

*The element should include a program to mitigate the potential impacts of the Section 29-12.4.3(a) of Measure J (i.e., amendments to baseline project features must be returned to the voters). ...(HCD)*

Measure J permits project modifications to occur as a project is developed. Section 29-12.4.3(C) of Measure J reads:

“Once the voters have approved a land use map designation or land use entitlement for a property, additional voter approval shall not be required for:

(1) Subsequent entitlement requests that are consistent with the overall approved development project or land use designation and entitlements including the baseline project features and required provision of open space, recreational amenities, design features and public facilities, as specified in the exhibits and plans approved by the voters.

(2) Any requested modification to a land use designation or development project entitlement that does not increase the number of permitted dwellings or units or the intensity of commercial/industrial development and does not significantly modify or reduce the baseline project features and required provision of open space, recreational amenities, design features and public facilities, as specified in the exhibits and plans approved by the voters.”

Measure J defines “significantly” or “significantly changed or modified” to mean that the proposed change or modification of the Measure J project materially alters the essential characteristic of the project or the baseline feature or requirement. However, to further articulate what the characteristics of “significantly changed or modified” will mean for a Measure J project, a program policy is added as follows:

**Policy HOUSING 4.4** The City will develop procedures and criteria to clarify the types of modifications or changes that are and are not subject to additional voter approval. The procedures and criteria will be consistent with the general parameters contained in Measure J. The procedures will establish an expeditious process for changing or establishing project components such that any project and/or land use entitlement implementing the Measure J approval does not have to undergo additional approval by the local electorate. Features of such project not subject to additional voter approval will likely include, but are not limited to, building setbacks and height; building façade design including materials, colors and roof pitch; on-site landscaping layout, and on-site parking and internal circulation designs.

**Responsible Agencies:** Planning and Building Department, Planning Commission, City Council and voters.

**Quantified Objective:** Develop regulations and criteria to be used in determining what constitutes a significant modification or change to a Measure J approved project before the first Measure J presented for vote.

**Actions Needed:** Develop the set of standards and criteria and have the Planning Commission and City Council review for adoption by December of 2005.

Some final comments on Measure J. Measure J impacts can be speculated upon in a number of ways. The benefits of such an analysis are questionable. The reality is that the citizens of Davis adopted Measure J by vote. It is in place through 2010. The city has proven that it meets its fair share obligations for this period. We should have a clearer picture of Measure J's impacts by the next planning period. The disposition of the first major project under Measure J should be known. The net effect of all this will be very relevant for future planning and next planning period and will be a major consideration if or when the voters of Davis consider whether to extend Measure J beyond 2010. It is less clear what costs will be associated with an election campaign. Any large development proposal in Davis would likely involve a public relations effort at some level. So, the possible increase in costs due to a Measure J election would be difficult to determine.

- 3(c). Development Standards: Although the element lists the City's minimum lot area and parking requirements (pages 108-109), the description of applicable residential development standards is incomplete. The element should be expanded to describe how development conditions are determined for the City's Planned Development (PD) zoning, including an analysis of the applicable standards by (base) zone, including setbacks, building height limitations, open space, housing mix, and any other relevant standards that impact the supply and affordability of housing. The element should also indicate if the maximum allowable density in any zone, including PD zones, is limited to 20 dwelling per acre, exclusive of a density bonus. (HCD)

### **City Response**

The stated purpose of the planned development district in the city's Zoning Ordinance

“is to allow diversification in the relationship of various buildings, structures and open spaces in order to be relieved from the rigid standards of conventional zoning. A planned development district shall comply with the regulations and provisions of the general plan and any applicable specific plan and shall provide adequate standards to promote the public health, safety and general welfare without unduly inhibiting the advantages of modern building techniques and planning for residential, commercial or industrial purposes. The criteria upon which planned development districts shall be judged and approved will include the development of sound housing for persons of low, moderate and high income levels, residential developments which provide a mix of housing styles and costs, creative approaches in the development of land, more efficient and desirable use of open area, variety in the physical development pattern of the city and utilization of advances in technology which are innovative to land development.”

Below is excerpt of the Zoning Ordinance procedure for applying for the P-D district.

- a) Application for a planned development district (hereinafter sometimes referred to as P-D) shall be submitted as two separate applications as provided in this article. Such applications are described as the preliminary application and the final application. Except as otherwise provided in this article, an application for a P-D zone shall be treated as any other amendment to this chapter.
- b) When an application for a planned development district is initiated by the city council and/or the planning commission, the following criteria shall apply:
  - 1) The processing of zoning amendments by the city council and/or planning commission shall be treated as if the application has been filed with the planning department by the property owner.
  - 2) The preliminary development plan shall designate land use classifications, development densities and street circulation patterns. Other data required for a preliminary application hereinafter described may be included. Such data normally will be developed in cooperation with the landowner.
  - 3) No fee shall be charged for applications initiated by the city council or planning commission.

According to the Zoning Ordinance, “all uses in a P-D district shall conform to the height, area, lot and yard, parking, loading, and other standards normally required for such uses, except where the total development will be improved by deviation from these standards and such deviations are identified as previously set forth herein.”

The P-D zoning does not hinder the production of housing. It allows for creative ways to provide housing that would otherwise not be provided under conventional zoning standards. The city has effectively utilized this provision to integrate housing on difficult sites that might not even be possible in cities with more rigid zoning provisions. The General Plan established densities for various residential types apply to the planned development district. Also, as Table 58 of the draft-housing element shows, the High Density Residential designation in the General Plan can accommodate densities of up to 24 units per net acre exclusive of density bonus. The General Plan densities apply to all P-D districts. Ordinarily, the effect of the P-D zoning is to increase the variety and feasibility of development through reduction in setbacks, flexibility in parking requirements, and similar project benefits.

- 3(d). Processing and Permit Procedures: While the element provides a description of development application processing times for design review, minor modifications, and minor improvements, the element should also describe and analyze specific permit and application procedures, including the extent of the various levels of discretionary review (i.e., staff, Planning Commission, and/or City Council). The analysis should focus on the discretionary permit and entitlement review and approval processes for multifamily development, emergency shelters/transitional housing. In addition, the analysis should specifically describe the planned development (PD) permit requirements for multifamily

development. For example, the element should describe the typical application procedures for multifamily development, along with the development standards and/or special conditions of approval applied to multifamily development, and analyze whether the City's standards, design guidelines, or other mechanisms exist to impart predictability in the process to mitigate cost impacts of the regulation. The element should also describe how AHO criteria and Phased Allocation criteria relate and are coordinated (see Item A.1). (HCD)

### **City Response**

Historically multifamily discretionary review projects are submitted as part of a larger project. For example, the Wildhorse, Mace Ranch, Evergreen, or El Macero Estates 2 subdivisions contain multifamily General Plan and Zoning Ordinance designated parcels, which were established at the time of preliminary planned development stage. In most residential subdivision projects in the city, the General Plan and Zoning Ordinance land use designations for multifamily parcels are usually established at the preliminary planned development stage. Once this is done the level of entitlement review is far less cumbersome. There have been multifamily project applications requiring discretionary approvals, such as General Plan and Specific Plan amendments and rezoning applications.

The types of discretionary applications processed include:

- Annexation,
- General Plan Amendments,
- Specific Plan and Amendments,
- Preliminary Planned Development, Rezoning and Preliminary Planned Development, or Zoning Ordinance Amendments, and
- Phased Allocation.

There are several variables that influence the length of processing time for a discretionary project. The factors include

- the level of controversy associated with the project;
- the type of project proposed and its location;
- the time it takes the applicant to submit complete application materials;
- the number and nature of deviations requested from the conventional base zoning standards;
- the qualities of the proposed project, such as appealing, innovative, and compatibility with existing surrounding uses and structures; and
- The number of entitlements requested.

The timing of discretionary review can be quite variable depending on the level of public controversy. It is not uncommon for a non-controversial discretionary application to be acted upon within three to four months of the applications' filing. It should be noted that often the

developers enter into a development agreement with the city. This negotiated agreement may affect the length of time a project takes before a final action on it. It is also worth noting that even when a project involves multiple discretionary actions, the city attempts to process them concurrently to minimize processing times.

Once a multifamily site has been identified in the Preliminary Planned Development Zoning, it typically requires a Final Planned Development and Design Review. If processed concurrently, these applications typically require four to six months but timing will vary with the complexity of the project. At the time of these final applications, there is much predictability in the process, as the Planning Commission and City Council review projects using the specified zoning as the basis for their subsequent decisions.

The Phased Allocation Ordinance and its requirements are discussed on pages 120 through 124 of the draft-housing element. The Affordable Housing Ordinance is discussed on pages 124 through 125 of the draft housing element. Usually the Affordable Housing Plan and Phased Allocation Plan applications are filed concurrently with other discretionary applications like General Plan and Specific Plan amendments, and/or rezoning/rezoning/zoning amendments applications for a residential subdivision. There is no additional review process or time required for these applications.

*3(d)(1).* As indicated in our cover letter, we are in receipt of comments from Legal Services of Northern California. They have expressed concern regarding the conditions imposed on a recent project. These comments were received too late for our consideration in this review; we will, however, consider these comments in subsequent review of the City's housing element re-submittal, if so requested. (HCD)

### **City Response**

Comment noted.

*3(e).* Fees and Exactions: While the draft element includes a general description of development impact (page 111) and permit processing fees (page 112), it should be expanded to include a listing and analysis of the City's land-use entitlement (planning) application fees such as general plan amendments, community plan amendments, rezones, elections fees, use permits, and planned development permits, including how they were established and updated. (HCD)

### **City Response**

State law requires that local permit processing fees charged by local governments must not exceed the estimated actual cost of processing the permit. The land use entitlement (planning) application fees are discussed on page 112 of the draft-housing element. The table below contains excerpts of the current fees (effective August 12, 2002) for selected discretionary entitlement applications. As stated on page 112 of the draft housing element there are two types

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of fees associated with planning applications. They are fixed/flat and deposit fees. Detailed information on the fees can be found on page 112 of the draft-housing element.

<b>EXCERPT OF CITY OF DAVIS PLANNING DIVISION FEE SCHEDULE</b>		
<b>Application Type</b>	<b>Fee Amount</b>	<b>Type of Fee</b>
Annexation	\$3,000	Deposit
General Plan Amendment	\$4,000	Deposit
Specific Plan Amendment	\$3,000	Deposit
Development Agreement:		
• Preparation/Implementation	\$8,000	Deposit
• Annual Review	\$1,500	Deposit
• Amendment	\$2,000	Deposit
Prezoning/Rezoning/Preliminary Planned Development	\$5,000	Deposit
Zoning Ordinance Amendment	\$4,000	Deposit
Phased Allocation	\$2,000	Deposit
Affordable Housing Plan	\$900	Deposit
<b>Staff Hourly Rates</b>		
<ul style="list-style-type: none"> <li>▪ Technical Support: = \$47.50 / hr.</li> <li>▪ Planner: = \$77.00 / hr.</li> <li>▪ Management/Supervisor: = \$109.00 / hr.</li> </ul>		
<u>Source:</u>		
City of Davis Planning and Building Department		

The hourly rate in the schedule is applied to the deposit. The deposits were established based on the actual costs of processing using estimated number of hours plus overhead. Upon completion of a project applications review, any remaining amount on the deposit is refunded to the applicant. If there are outstanding balance to be paid the applicant is sent a bill. Fees charged by the Planning and Building Department are estimated to account for 72% of its total support operations. The remaining operations support funds are derived as follows: 22% from the City of Davis General Fund, and 6% from Construction Tax, Development Impact fees, Grants and Redevelopment funds.

Below is an excerpt of the Planning Division entitlement applications fees.

<b>City of Davis Planning Division Fee Schedule</b>		
<i>Effective August 12, 2002</i>		
<b>Application/Fee Type</b>	<b>Fee Amount</b>	<b>Fee Type</b>
<b>Hourly Rates</b>		
Technical Support	\$47.50	Per hour
Planner	\$77.00	Per hour
Management/Supervisor	\$109.00	Per hour

<b>Design Review</b>		
Administrative Approvals-Outside downtown and Traditional Residential Neighborhoods and Design Guidelines. Includes building additions and changes to existing site plans, but not new structures. Includes minor modifications and garage conversions. (Includes categorical exemption fee)	1,110	Fixed fee
Design Guideline Areas-Tier II or Tier III design reviews	2,000	Deposit
Minor Improvements/Design Guideline Areas-Tier I review	77	Fixed fee
Project <u>not</u> requiring a categorical exemption	231	Fixed fee
Projects requiring a categorical exemption		
New Projects –all new buildings	2,000	Deposit
Planning Commission –Additional deposit for referral to Planning Commission	1,000	Deposit
Sign Program	1,000	Deposit
Signs/Facades/Projections – Other than through an approved sign program	403	Fixed Fee
	Includes mailing costs, if fewer than 100 pieces.	
<b>Environmental Review</b>		
Categorical exemption	154	Fixed fee
Negative Declaration	500	Deposit
EIR Preparation	Full payment of cost estimate or contract + 20% administrative fee	
<b>Housing/Owner Occupancy</b>		
Affordable Housing Plans Review	900	Deposit
In-lieu Housing (Affordable units)	23,737	Per unit
Owner Occupancy		
Declaration	204.36	Fixed fee
Exemption	196.50	Fixed fee
Phased Allocation Plan	2,000	Deposit
<b>Map Applications</b>		
Tentative Map (5 or more parcels)	3,000	Deposit
Other Maps/Vacation of right of way/Lot Line Adjustment	1,000	Deposit
<b>Parking</b>		
In-lieu parking space	8,000	Per space, Resolution No. 8343, adopted April 22, 1998
<b>Zoning</b>		
Conditional Use Permit:		

Minor (Second unit, guest house, core area fast food)	1,200	Deposit
Major (all other)	3,000	Deposit
Final Planned Development & Revised Final Planned Development	2,000	Deposit
Home Occupation Permit (Includes categorical exemption fee)	231	Fixed Fee
Minor Modification		
Not referred to Planning Commission	1,100	Fixed Fee
Referred to Planning Commission	2,000	Deposit
Prezoning/Rezoning/Preliminary Planned Development	5,000	Deposit
Public Convenience or Necessity Determination	1,000	Deposit
Temporary Use Permit:		
Not requiring mailing or environmental review	77	Fixed Fee
Requiring mailing	1,100	Fixed Fee
Variance	1,600	Deposit
Zoning Letter/Determination of permitted use	77	Fixed Fee
Zoning Ordinance Amendment	4,000	Deposit
Zoning Verification (Planning Commission)	500	Deposit
<b>Other Applications</b>		
Annexations	3,000	Deposit
Appeals - A flat fixed fee to be paid by the Appellant. Hours will be charged against the project, all costs in excess of the initial \$200 shall be paid by the Applicant/ Developer	200	
Development Agreement:		
Preparation/Implementation	8,000	Deposit
Annual Review	1,500	Deposit
Amendment	2,000	Deposit
General Plan Amendment	4,000	Deposit
Specific Plan Amendment	3,000	Deposit
Grading Permit:		
Biological Survey	1,000	Deposit
No survey required	308	Fixed fee
Long-range Planning/Community Planning fee *Charged to new residential & commercial projects only	.001 of building permit valuation	Charged at building permit
Pre-application	1,500	Deposit
Pre-application meeting (1-one hour mtg)	150	Fixed fee
Research	500	Deposit
Yolo County Referrals:		
Less than 1 acre	500	Deposit
1 Acre or more	4,000	Deposit
All other applications	500	Deposit
<b>Plan Checking</b>		
Residential (Includes 1-field check): 0-3 units	300	Deposit

4-20 units	1,000	Deposit
21-50 units	1,200	Deposit
51 & over	1,600	Deposit
Additional checks	1,600	Deposit
<b>Commercial/Industrial:</b>		
Less than 6,500 sq. feet	1,000	Deposit
6,501 – 43,560 sq. feet	1,200	Deposit
43,561 & over	1,600	Deposit
Landscape Plans	770	Fixed Fee
Plot Plan Review (at building permit)	Actual hourly rate charged at building permit	
Sign Review	Actual hourly rate charged at building permit	
<b>Code/Zoning Enforcement</b>		
First Inspection	Permit Cost Only	
Second Inspection	150% of Permit Cost	
Third Inspection	200% of Permit Cost	
<b>Documents</b>		
Photo Copying:		
Pre-run - per page	0.30	Per page
Sepia Reproduction per copy	150% of actual cost	
Staff Report copying	0.30	Per page
Copies of scanned images (actual size or closest to):		
8 ½ x 11	0.30	Per page
8 ½ x 14	0.35	Per page
11 x 17	4.93	Per page
18 x 24	10.21	Per page
24 x 36	14.64	Per page
36 x 36	19.07	Per page
36 x 48	23.50	Per page
Agenda/Annual subscription mailed (without attachments)	50	Per year
All Documents/maps/etc	Actual cost plus 25%	
Postage for mailings which exceed 100 pieces each, or more than 3 mailings of 100 pieces each	Actual cost plus 25%	
Address Atlas (bound)	13	
Core Area Specific Plan (bound)	10	
Downtown Davis & Traditional Neighborhoods Design Guidelines (bound)	20	

General Plan (May 2001)	30	
Maps-other	7	
Subdivision Ordinance	7	
Zoning Atlas (bound)	13	
Zoning map (folded)	7	
Zoning Ordinance	12	
<b>Notes</b>		
<ol style="list-style-type: none"> <li>1) If the deposit exceeds the final actual cost, the balance will be refunded to the Applicant.</li> <li>2) The Planning &amp; Building Director may reduce deposits if deemed appropriate.</li> <li>3) A 1% interest fee will be implemented on past due bills, compounded monthly.</li> <li>4) Refund Policy: <ul style="list-style-type: none"> <li>• Refund requests must be submitted in writing.</li> <li>• Fixed fee applications: a refund will not be granted, if the project has been noticed for a public hearing. If the project has not been noticed for a public hearing, the refunded amount will be the original fee paid, less the cost of staff hours worked on the project, less a \$30 administrative processing fee.</li> <li>• Withdrawn applications: if staff has not completed any work on the project, a refund of the original fee paid, less a \$30 administrative processing fee will be made.</li> <li>• Deposit applications: any unused deposit fee, after project completion, shall be entirely refunded.</li> </ul> </li> </ol>		

3(f). On- and Off-Site Improvements: The element should be expanded to describe and analyze on-and off-site improvements associated with residential development, such as requirements for street widths, curbs, gutters, sidewalks, water and sewer connections and circulation improvements required of residential developments. In addition, the analysis should describe any generally applicable level of service standards and mitigation thresholds that might affect the City’s ability to meet its share of the regional housing need. (HCD)

**City Response**

The City of Davis as is typical in most jurisdictions in the state has various on- and off-site improvement requirements for residential developments. The city has established minimum standards required to assure orderly development similar to urban settings. The city has historically applied flexibility to the minimum standards in order to accommodate innovative residential projects or affordable housing projects as long as there are no public safety concerns. For instance, a local street right-of-way is a minimum of 50 feet. This width has been reduced in some cases to 36 feet or less in order to accommodate an affordable housing project, or an innovative residential subdivision. Examples where this flexibility standard has been applied include Village Homes, El Macero Estates 2, Southfield Park 2 and 3, and Woodbridge subdivisions. It should be noted that planning values and traffic calming values have often been used as justification for such reductions. The 2001 General Plan update included changes in the traffic congestion level of service standards. These will serve to facilitate infill development

projects and potentially reduce costs of mitigating traffic impacts when new development is approved.

The city believes that the on- and off-site standards do not constitute an unreasonable or unnecessary constraint on housing production. The provision of roadway, drainage, water and sewer and all underground utilities needed to deem a lot ready for residential development must be in place before the city accepts any public infrastructure. Also, no building permit will be issued for a lot that does not have infrastructure in place. The city does not approve subdivisions without adequate knowledge that there is sufficient public infrastructure capacity to accommodate the residential development.

4. *Analyze any special housing needs, such as those person with disabilities or in need of emergency shelter (Section 65583(a)(6)).*

4(a). Housing for Persons with Disabilities: The element includes some information regarding the statutory requirements of Chapter 671, Statutes of 2001 (pgs. 126-127). However, the element should describe whether the City's zoning and building code requirements pose an impediment to the development of housing for persons with disabilities, along with the City's role in providing reasonable accommodation. For example, indicate whether requests for reasonable accommodation are subject to a fee, (if so how much) and if such requests must be made by the person with the disability, or can also be made by family members, caregiver, and/or anyone acting on behalf of the person with the disability. (HCD)

### **City Response**

The draft housing element contains information on the types of building permit fees charged by the city (pages 110 and 111). As shown on the pages, there is no delineation of whether an improvement is for reasonable accommodation or visitability purposes (i.e., for or by persons with disabilities). Consistent with state law when a building permit application is filed with the city, the evaluation of fees is based on the type of improvements proposed and the hours of plan check involved. Other standard legislative fees are collected as applicable. Staff cannot identify any specific city zoning and/or building code requirements that pose an impediment to the development of housing for persons with disabilities.

The Zoning Ordinance allows deviations in parking requirements to increase dwelling accessibility for individuals with physical disabilities. An application may be submitted by any interested party with the consent of the property owner. The processing fee is that charged for all administrative design review applications. There is an administrative fixed fee of \$100 for requesting a determination from the Handicapped Access Standards Board of Appeals for building code issues.

The draft housing element contains new policies regarding visitability and reasonable accommodation in order to ensure that new residential subdivisions provide some units that serve

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persons with disabilities. The city is evaluating means to codify the requirements for reasonable accommodation and visitability consistent with the draft housing element policies. This new policy exceeds current federal and state requirements. Therefore, the city plans to adequately analyze the policy's implementation so as to not obstruct housing production.

The city adopted state building, electrical and plumbing codes. There are no requirements in the codes to the city's knowledge that will hinder housing production in Davis beyond their effects in other jurisdictions in the state.

4(b). Homelessness: According to the element, the results of a March 2000 survey revealed there has "been an increase in the number of unsheltered homeless in Davis" (page 74). While we commend Davis for its role in providing housing assistance services to the City's homeless population, it is unclear whether the existing facilities (as listed in Table 46) are adequately accommodating the need. As a result, the element should include more definitive information about the number, type, and needs of the homeless population in the City. For more information, please contact Bill Pride, Executive Director, Davis Community Meals at (530) 756-4008, or the organizations/providers described in the element could be contacted for more information. (HCD)

### **City Response**

The city believes that the many facilities available in Davis are adequately servicing the homeless population in Davis. As stated in the draft housing element, pages 74 through 79, there are two groups of homeless persons. The draft element also states that the homeless population in Davis may be increasing due to policies of nearby cities. For instance, City of Woodland's ordinance prohibiting public camping was cited as a potential reason for the then increase in the population of homeless persons in Davis. Similar public camping ordinances were adopted by other jurisdictions, such as West Sacramento, Sacramento City and County. Also the draft element states that during the summer of 2001 a significantly larger number of homeless people came to Davis but left as the seasons changed. Given the many factors already addressed in the draft element homeless population is difficult to predict. The city believes that it has devoted substantive resources to serve known homeless population within its boundary. As stated in the draft element, homelessness is not an issue that stops at the city limits. It is a regional problem.

As stated in the Yolo County 2002 Housing Element certified by HCD and the city's draft housing element, pages 74 through 79, it is very difficult to quantify the homeless population in a given community due to the lack of current data. The Yolo County 2002 Housing Element states that according to the Sacramento Area of Council of Government's Housing Market Report figures, 1,100 homeless persons are estimated countywide. This represents less than 1 percent of the total county population and 6 percent of the Sacramento regional homeless person total of an estimated 18,200 homeless persons. Also, Yolo County conducted a homeless census in the spring of 2000. The survey counted 297 homeless individuals: 214 adults and 83 children. The table below contains the distribution of the survey. Further, the Yolo County 2002 Housing Element states:

“To serve the needs of homeless in the County, the County participates in a regional Homeless Coordination Project funded by the County and four incorporated cities of Davis, Woodland, Winters, and West Sacramento. The Coordinator has estimated that the City of Woodland has about 40% of the County's total homeless population. This estimate is based upon the fact that the largest number of people served for homelessness are served in either Woodland, by the Yolo Wayfarer Center, or in West Sacramento, by the West Sacramento Resource Center. These agencies serve roughly the same number of clients, so that between the two cities, at least 80% of the homeless persons served in the County receive those services in either Woodland or West Sacramento. The Yolo Wayfarer Center also has a scattered Site Shelter and Cold Weather Shelter programs which provides shelter.

Motel Vouchers are also provided through STEAC, a non-profit agency located in Davis. In April of 1990, STEAC provided 150 persons in family units with motel vouchers.”

In 2000 the county survey estimated 35 homeless adults in Davis, and no homeless children. The city believes that reasonable efforts are being made to address the needs of its homeless population within its boundaries. The HCD desire to have a more definitive count is understandable, but that there can be no exact data on the homeless population.

	<b>West Sacramento</b>	<b>Woodland</b>	<b>Davis</b>	<b>Total</b>
Total Homeless Counted	145	117	35	297
Adults	108	71	35	214
Children	37	46	0	83
Median Age	--	--	--	42
Males	--	--	--	135
Females	--	--	--	79

Conclusions of the homeless survey revealed:

- The number of homeless persons in Yolo County has increased by 33 percent between 1995 and 2000.
- The rate of drug use among homeless persons declined from 64 percent to 55 percent between 1995 and 2000, although the number of drug using homeless individuals increased.
- Over half, (58%) of the homeless were in shelter programs.
- Males outnumbered females two-to-one among homeless persons.
- Over one-fourth (28%) of the homeless persons were children, which rose significantly by area.
- The homeless population is aging as measured by the median age of those counted.
- Geographic mobility among homeless persons declined. The average number of years of residency in Yolo County increased from three to over six years among the sheltered homeless persons.
- Between one-fourth and one-third of the adult homeless persons do not complete the 10<sup>th</sup> grade. Half do not complete high school.
- The proportion of homeless people that are military veterans declined from one-third to 20 percent.
- One-third of homeless people are mentally ill. One-fourth of homeless children accompany a mentally ill adult.

Source: Yolo County 2002 Housing Element - Homeless Census dated March 20, 2001

All providers of services to the homeless receive some form of assistance from the city. They provide annual needs information to the city for the financial assistance. The city has not obtained any new information that would lead to the conclusion that the city is not serving adequately, to the extent feasible, its homeless population. One barrier to the ability of the community to house homeless persons is the DCM shelter's requirement that participants not abuse alcohol or drugs while staying at the shelter. Some homeless persons in Davis like elsewhere, are unwilling to abide by this restriction and therefore choose to remain on the street.

Mr. Bill Pride was contacted regarding information on the population and needs of homeless persons population in Davis. Mr. Pride provided the following statements:

“The city of Davis and the non-profit organizations serving its various homeless populations have made substantial progress in providing more shelter beds, transitional housing and affordable housing for the homeless population in the city of Davis.

In 2000, Davis Community Meals (DCM) was providing emergency shelter and transitional housing services to 16 adult individuals and 1 family in the city of Davis. As of the current date, it continues to serve 16 adult individuals but is now capable of housing 8 homeless families in the city of Davis. The total bed capacity of both programs is 50 and is currently occupied by 16 adult individuals, 8 parents and 19 children.

In addition to this number, the Sexual Assault and Domestic Violence shelter in the city of Davis is able to house up to a maximum of 25 individuals (adults and children) in the city of Davis.

The city of Davis, through Davis Community Meals, has applied to the US Department of Housing and Urban Development to develop a Safe Haven program in the city of Davis to serve the chronically homeless. The program would serve 6 adult individuals.

The Short Term Emergency Aid Committee (STEAC) provides emergency shelter for families in the city of Davis through motel vouchers.

Additionally, several individuals in the local homeless population have been able to transition from homelessness to housing as several local affordable housing complexes have opened that served very-low-income populations. These individuals were on fixed incomes, (i.e. SSI, SSDI) that severely limited their housing choices.

The local homeless population is comprised of several distinct subpopulations; the chronic homeless, victims of domestic violence, and individuals/families who are homeless due to economic issues. It would be our estimate the local homeless population is between 90-100. This number includes all homeless individuals and family members currently residing in shelter or transitional housing programs (43 in DCM, 25 in SADVC) and the balance being unsheltered and living on the streets, 22-32. Of the number of unsheltered, the majority 20-25 is chronically homeless according to HUD definitions; homeless 4 or more times during the past 3 years and suffering from mental illness, chronic substance abuse, or dually diagnosed.

Most of these individuals are served by the local day shelter operated by Davis Community Meals, a local religious outreach program, Grace in Action, the Street Outreach Program; a collaboration between Davis Community Meals and the Davis Police Department, and by local soup kitchens and church organizations. Due to the nature and severity of their mental illness and substance abuse issues, these individuals are resistive to sheltering services and are in need of inpatient treatment at either a psychiatric facility or substance abuse facility, both of which are in severely short supply due to budgetary constraints and cutbacks. This population would be the primary target population of the Safe Haven program, if funded.”

4(b)(1). The element should also identify which zoning designations allow the development of emergency shelters (permitted or conditional use) and demonstrate the supply of available sites, appropriately located (i.e., near transit and public assistance services), is adequate to facilitate the development of emergency shelters. The element should describe the City’s review and approval process (i.e., permitted by right or use permit) and analyze how these processes encourage and facilitate the development of facilities for the homeless. For example, the element could describe the typical application processing timelines along with the type(s) of development standards and/or conditions of approval the City imposes on these facilities.

### **City Response**

Emergency shelters are conditionally allowed in all residential and commercial districts within the city. The review and approval of a conditional use permit (CUP) takes from four to eight weeks. The process involves the filing of a complete application, the staff review and report writing for the Planning Commission review and determination on the application. Decisions of the Planning Commission may be appealed to the City Council. Thus far, CUPs for current and former locations of the Davis Community Meals shelter were approved in the Core Residential Infill, Mixed Use, and Residential Garden Apartments zoning districts.

Transitional housing is considered a residential use and therefore permitted in any residential district. Davis Community Meals currently has seven transitional housing units in single-family and multifamily zoned areas. All were allowed by right with no city planning review.

*April 2, 2004 Comment: ... The element still needs to identify those zones that permit or conditionally permit emergency shelters and transitional housing, along with a description of the typical review and approval process (from start to finish), including who serves as the final hearing body (e.g., Planning Commission or City Council). Lastly, describe the City’s development standards and/or typical conditions of approval and indicate how these standards/conditions encourage and facilitate the development of emergency shelters and transitional housing. (HCD)*

As noted previously, emergency shelters are conditionally permitted in all residential and commercial districts within the city. The review processes for emergency housing projects are no different from any other conditional use permit review processes. Pages 112 and 113 provide

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additional information on the city's entitlement applications processing and permit procedures, which include conditional use permits. The city has approved all three conditional use permit applications submitted for emergency shelters. Conditions of approval placed have required neighborhood notice of changes in operations and policies to reduce loitering and inappropriate behavior within the neighborhood, and measures to ensure that the premises are healthy and well-maintained.

The typical conditions of approval that the city places on most conditional use permit applications include the following:

- Obtaining building permit prior to occupancy,
- Ensure that the developed project is in substantial compliance with the approved plans,
- The use will not constitute a nuisance and be detrimental to adjacent properties, and
- Other site/project specific conditions may apply to address issues raised due to the project, such as adequate on-site parking, open space and landscaping being provided.

All conditional use permit applications are reviewed subject to the standard of the city Zoning Ordinance, which states:

40.30.030 Considerations in issuing. In considering an application for a conditional use or nonconforming use, the planning commission or city council shall give due regard to the nature and condition of the proposed or existing use and all adjacent uses and structures. The planning commission or city council may deny an application for a conditional use. In authorizing a conditional use, the planning commission or city council may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this chapter for the particular use, as the planning commission or city council may deem necessary for the protection of adjacent properties and the public interest.

40.30.080 Issuance. (a) The planning commission or city council shall issue a conditional use permit provided the planning commission or city council is satisfied that the proposed structure or use conforms to the requirements and intent of this chapter and the city master plan, that any additional conditions and requirements stipulated by the planning commission or city council have been or will be met, and that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the community.

(b) The planning and building director shall ensure that the development and use is undertaken and completed in compliance with such permit.

All conditional use permit applications, including those for emergency shelter housing projects are evaluated based on the above listed Zoning Ordinance criteria.

As explained previously, transitional housing is a residential use and therefore permitted in any residential district. Transitional housing is allowed in all residential districts, subject to the same development standards of the residential districts.

**B. Quantified Objectives**

*The element should establish the maximum number of housing units that can be constructed, rehabilitated and conserved by income level, over a five-year time frame(Section 65583(b)(1 & 2)). (HCD)*

The element should contain overall quantified objectives for housing development, rehabilitation, and conservation for each income group. This requirement may be addressed by using a matrix like the following sample:

<b>Income Levels</b>	<b>Construction</b>	<b>Rehabilitation</b>	<b>Conservation/Preservation</b>
<b>Very Low</b>			
<b>Low</b>			
<b>Moderate</b>			
<b>Above Moderate</b>			
<b>Total</b>			

To assist in formulating conservation objectives, conservation is an action that conserves the affordability of an existing unit, in general. The conservation objective could include units projected to be weatherized, local participation in the tenant-based certificate/voucher program. The preservation objective should estimate number of federal, State and locally assisted at-risk units to be preserved (please see the Department’s *Qs & As* publication (pgs. 47-48)). (HCD)

**City Response**

The Government Code section cited by HCD’s letter address the assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. Section 65583(b) (1 & 2) of Government Code reads:

“A statement of community’s goal, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.  
 It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community’s ability to satisfy this need within the content of the general plan requirements outlines in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period.”

A greater emphasis would have been placed in the draft housing element to address the maximum number of housing units that can be constructed, rehabilitated and conserved by income level, over the five-year time period (Section 65583(b)(1 & 2)) if the city did not have capacity to meet and exceed its regional fair share. As stated earlier in this document, the city has constructed, using the base time line, 68% of the very-low and low income groups units relative to the fair share allocation. Also, the city approved all entitlements including building permit for 95 of the 148 remaining very-low and low income groups allocated units. The remaining 53 units to be constructed in the five-year plan can easily be accommodated through the construction of one or more of the pending affordable dedicated or donated lands (i.e., Cantrill Drive Affordable site, 53 units; or 4100 La Paz Drive/Woodbridge land dedication, 16 units plus 1056 Olive Drive affordable site, 43 units), for instance. It should be noted that city has constructed and has under construction more units than allocated by the regional fair share for moderate-income group. The total units already built or under construction for the moderate-income group are 693. The regional fair share allocation for the moderate-income group is 621 units. 72 units more than allocated are already in place for this income category.

However, as stated in the draft housing element (page 31) the city’s housing stock are relatively new. Consequently, the city’s housing stock is generally in good shape. The city’s on-going Resale/Retrofit Program has worked to keep the existing housing stock in good condition as well. The city has no records of rehabilitation work on any housing stock. The Chief Building Official has stated that the city is unaware of any housing units that are so badly deteriorated as to require replacement.

Notwithstanding all of the above, the city has goals and policies that encourage construction of units for all ages, incomes, and lifestyles. Table 52 of the draft housing element has the policies and the number of units for the various special needs group identified. It should be noted that Goal 1 of the draft housing element is to “promote an adequate supply of housing for people of all ages, income, lifestyles and types of households consistent with General Plan policies and goals.”

The city’s housing goals and policies will provide for the total number of units in the table below for each income group. It should be noted that the units below are as of the base time of the draft housing element and do not include recently approved infill units or potential infill units due to pending entitlement requests.

<b>Income Levels</b>	<b>Construction</b>	<b>Rehabilitation</b>	<b>Conservation/Preservation</b>
Very Low	292	0	476 Section 8 units
Low	282	0	
Moderate	854	0	
Above Moderate	954	0	0
<b>Total</b>	<b>2,382</b>	<b>0</b>	<b>476</b>

**Notes:**

- 1) The 476 section 8 housing units cab attributed to very-low, low and moderate income households. In compliance with Policy Housing 2.1 Action I, the city support the continued preservation of Section 8 housing units. Given that these units are managed by

Yolo County Housing Authority, the city's ability to conserve or preserve these units are limited to some extent.

- 2) There are no records available on housing units in the city needing rehabilitation. Also, there are no known site where rehabilitation will be required.
- 3) The construction column contains the summary of units by income-level that the city has capacity to provide during this planning period. See the revised Table 44.
- 4) The housing goals, standards, policies and action encourage the provision of housing for all income levels and special needs group.

### **C. Housing Programs**

1. *Include a program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land-use and development controls, and provision of regulatory concessions and incentives. The housing element shall contain programs, which assist in the development of adequate housing to meet the needs of low- and moderate-income households (Section 65583(c)).*

*1(a).* The element includes a list of 5 overarching housing strategies, along with numerous accompanying programmatic actions. The correlation between the "standards" and the individual program actions could be clarified to improve the City's long-term implementation efforts. Many of the actions do not describe the City's specific role in implementation, indicate how certain programs will be promoted to the community, nor do they include specific timelines. (HCD)

### **City Response**

The structure for Housing Element standards, policies, and actions parallel that for the City of Davis General Plan. Section 9 of the draft housing element contains responsible agencies, quantified objective, actions needed and financing. Policy actions include the responsible entity for implementation, quantified goals and the types of actions needed to implement, and the financing.

There is not always a direct one-to-one correlation between policy standards and policy actions. The means of implementing the policy standards and actions are adequately documented in Section 9 of the draft housing element. It should be noted that when a policy is implemented through its standards and actions, the responsible entities and other attributes are identified for the standard or action and not duplicated in the policy.

*1(b).* To fully address the program requirements of Government Code Section 65583(c)(1-6), and in order for the City's proposed housing development and assistance strategies to be effective during the next planning period, programs and corresponding actions should be expanded to include: (1) a description of the City's specific role in implementation,

and (2) definitive implementation timelines. The City may wish to refer to the Department's *Qs & As* publication, (pages 25-46) for additional guidance. Those programs that should be revised/strengthened to firmly commit the City to specific actions together with discrete dates for program implementation include, but are not limited to, the following (HCD):

### **City Response**

The "responsible agencies" and "actions needed" describe the specific roles in the implementation of the policies and specify reasonable time to accomplish the programs outlined. **The specific roles of the city for each policy are outlined in Section 9.** The time lines chosen for accomplishing the programs are tailored to and reasonable for each program. It should be noted that the times were chosen to address several factors, such as the studies and ordinance amendments needed, the complexity of the policy relative to affordability of units and constraints to housing, which, of course, is not the intent of the policies.

#### ***I(c).* Affordable Housing:**

Policy 1.4 (Actions a, b, c, d): We commend the City of Davis for its commitment to implement actions that will more effectively address the housing needs of the disabled. However, to affect the desired result, the proposed zoning ordinance amendments and creation of the basic access ordinance should be initiated as soon as possible rather than at the end of planning period (2008). (HCD)

### **City Response**

The goal of the city is not to initiate any specific zoning ordinance amendment but to effectively evaluate and craft an amendment that would not hinder the production of housing, while meeting the policy goal. As the proposed policies are aggressive in nature compared to state and federal laws, working with developers and builders becomes a necessity in order to craft an amendment that would be acceptable and feasible. It is appropriate to allow a reasonable time line to craft and adopt the amendment. The city has already begun the preliminary analysis of how best to this amendment and its standards. It should be noted that the 2007 goal of having this amendment adopted speaks to the city's goal of adopting an ordinance that actually addresses the policy and will be successful in its implementation. The key is to adopt a basic access ordinance that does not hinder the production of housing. To meet these two important policy goals, the proposed ordinance will need to be carefully evaluated, and input from all impacted groups considered prior to a formal adoption.

*I(d).* Policy 2.1 (Action a): Increasing the availability of affordable housing opportunities is dependant on the City's successful procurement of local, State, and federal funding, particularly in light of the City's mandatory inclusionary policies. Therefore, the element should: (1) describe the City's specific role in applying and securing the requisite funding, (2) provide more specific application timelines, and (3) describe how the City will promote the availability of the fiscal resources to the development community (e.g.,

newsletter, brochure, or web page). If promotional materials need to be prepared, provide a timeline as to when they will be completed and made available to those in need. (HCD)

### **City Response**

Historically, the city has proactively applied for both federal and state funds to assist nonprofit affordable housing providers in the development of affordable housing land. Often the affordable housing land is a land dedication or donations resulting from the city's inclusionary requirements. Two recent state funds that the city has applied or will apply for are: 1) CalHome Program, a first-time homebuyer mortgage assistance program applied for on October 8, 2003; and 2) the Local Housing Trust Fund Program, which the city will submit an application for by November 14, 2003. The funds are for \$500,000 and \$2,000,000 respectively. Unfortunately, HCD's decision not to certify the previously submitted draft Housing Element may serve as a barrier to the city's ability to secure this important subsidy financing.

The nonprofit providers of affordable housing are well educated and knowledgeable regarding these funds. Should the city secure any of these funds, these agencies are ready with request applications for them. For instance, should the city succeed in its grants application for the two million dollars, most of the money would go to the land dedication sites already with all approved entitlements, except for adequate funds to commence construction; Tremont Green and Moore Village. Additionally, the city posts notices in the local newspaper regarding affordable opportunities and funds. Recently, the city created the housing coordinator position who would oversee among other things, appropriate news release of availability of funds. We are embarking on an effort to provide additional information on housing program and resources on the city's Web page. It may be useful to point out that historically, the city has no issues with dissemination of information on the funds or affordable housing.

*1(e).* Policy 2.1 (Action d): In addition to providing flexible development standards (as provided for in Government Code Section 65915) describe other incentives the City will provide to encourage and facilitate affordable housing Also, indicate when within the planning period the City will initiate and amend its density bonus ordinance. To affect the desired result, amendments should occur early within the planning period.

### **City Response**

The Affordable Housing Task Force is currently reviewing for update the Affordable Housing Ordinance (AHO). One the goals of the Task Force is to provide incentives in the ordinance beyond density bonuses for innovative affordable housing developments that serve the greatest needs in the city, which is the very-low, low and moderate-income households. The process is already underway. The HCD's suggestion to begin this process early in the planning period is shared by the city. Given that the city currently requires a greater percent of a residential development project to be designated for affordable housing development than many jurisdictions in the state, the incentives to be provided will need to be carefully evaluated to assure that they are effective. Again, this process is underway.

*April 2, 2004 Comment: ... However, the element still must include an approximate timeline when the AFTF's evaluation will be completed and proposed amendments forwarded to the City Council. (HCD)*

The AFHT will complete the Affordable Housing Ordinance amendment by July 2004, and the Planning Commission and City Council will complete their reviews and actions by December 2004.

*I(f). Policy 2.1 (Action e): Indicate when revisions to the existing loan and grant program will be completed. (HCD)*

**City Response**

The requested time line by HCD has been added as shown below in italics and underline.

- e. Revise the existing program to provide loans or grants to very low-income households for the purpose of making deposits on rental housing.

**Responsible Agencies:** Planning and Building Department, Parks and Community Services Department, City Council, and CHOC.

**Quantified Objective:** Revise the program by 2004 and assist 5 households per year.

**Actions Needed:** Revise the program before the end of 2004. Continue to assist very low-income households for the purpose of making deposits on rental housing. CHOC, in conjunction with the city staff to revise the existing program to attract participants.

**Financing:** CDBG.

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*I(g). Policy 2.1 (Action o): Indicate when the written materials will be completed. (HCD)*

**City Response**

There are written handouts already. However, maintenance and update of the handouts are necessary. So, statements to that effect have been added below (in italics and underline).

- o. Provide written handouts and work with developers to provide signs to disclose the locations of sites approved for future affordable housing development to low and moderate income persons. In written materials, disclose that affordable housing sites may be developed with affordable housing as envisioned in the General Plan.

<b>Responsible Agencies:</b>	Planning and Building Department, Public Works Department, Planning Commission, and City Council.
<b>Quantified Objective:</b>	Continue maintenance and update of handouts. 100 percent Affordable Housing sites have signs and accurate written materials.
<b>Actions Needed:</b>	Continue maintenance and update of handouts. Upon completion of the Affordable Housing Ordinance update in 2004, evaluate and update handouts to reflect changes made in the ordinance. Continue to maintain written handouts on affordable housing sites. Continue to condition project applications approval to be subject to notification of prospective buyers about the location of affordable housing projects in the subdivision or area. Continue to condition zoning and map approval entitlement for posting and notification of pending affordable housing projects in a subdivision, or a location in an area.
<b>Financing:</b>	Private developer for disclosure of affordable housing sites to prospective buyers, and General Fund for staff time maintenance and update of handouts.

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**Access to Housing:**

*I(h).* Policy 3.2 (Actions c & d): In addition to enforcing the City’s AFH, the element should describe what else the City will do to increase the supply of rental and ownership housing for lower-income households. It should indicate what types of incentives the City will offer to encourage residential development in downtown commercial buildings. (HCD)

**City Response**

Policy Housing 3.2 Action “a” requires that rental affordable units remain permanently affordable. This policy is addressing existing practice that is not as well documented as it could be. All rental affordable housing units owned and operated by nonprofit entities are permanently affordable. This policy assures that the update to the AHO will continue to require permanent affordability. The documents that effect the transfer between the city and nonprofits of property, or other financial, or zoning requirements will reflect this requirement. Where the units are provided by a for-profit as part of market-rate rental units, the city has also historically required the permanent affordability restriction. Again, this policy and the update to the AHO will codify the requirement.

Policy Housing 3.2 Action “d” will involve project by project specific evaluation. However, a report that looks at existing potential sites and appropriate incentives to be considered for the site is proposed to be crafted and presented to the City Council by 2005. The types of incentives are

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to be analyzed. Identification of specific incentive might result in exclusion of an acceptable incentive to a property owner. Flexibility is critical to the success of this policy. The city is in the process of evaluating parking requirements downtown. It is likely that required parking spaces will be significantly reduced to provide an incentive for more residential and commercial infill developments.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities, including sewer collection and treatment, domestic water supply, and septic tanks and wells, needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, housing for emergency shelters and transitional housing (Section 65583(c)(1)).*

2(a). Absent a complete land inventory analysis as required in A.2, it is not possible to evaluate the adequacy of the City's sites program. However, the following programs should be expanded to describe the City's specific role in implementation, definitive timelines (early within the planning period). (HCD)

### **City Response**

As stated above and in the tables provided, the city has adequate capacity to meet and exceed its regional fair share allocation for this planning period. The tables have been revised to reflect HCD's preferred format.

#### **Housing Supply:**

- 2(b). Policy 1.9 (Actions a & b): In addition to "supporting" and "encouraging", the element should describe the specific role the City will play in working with local non-profit and service agencies to increase new housing opportunities for its farmworker population. Also, given the existence of the City's agricultural protection policies coupled with the draft element's acknowledgement that farming activities in the surrounding area are prominent, Actions a and b should be expanded to describe those zones that allow farmworker housing, along with a description of the development standards and incentives the City will provide to facilitate and encourage farmworker housing. This should include policies and procedures that promote housing. for very low-income seasonal farmworkers. (HCD)

### **City Response**

As stated in the draft housing element, the types of agricultural farming within the city's sphere of influence do not lend themselves to such a need for farmworkers within the area. See pages 79 through 82 of the draft housing element.

The city has policies encouraging and supporting the provision of farmworker housing. The policies are structured to be flexible in order to encourage developers to provide farmworker housing should there be evidence of the need in the future. The city is aware of this fact. The flexible policies encourage developers to provide farmworker housing should it be found to become necessary. Because discrimination based on source of income is unlawful, farmworkers are eligible to secure any housing in the community that meets their needs and corresponds with family income. Most Yolo County agricultural workers remain here year round, so they do not need the seasonal housing that may be required in other agricultural areas.

The Yolo County 2002 Housing Element aptly addresses this issue when it concluded that “it is difficult to determine the full extent of unmet needs for farmworker housing.”

It should be recognized that provision of farmworker housing in Davis when there is no identified need in the city would take away this needed resource from other households that do need the units. Should farmworker housing be built within the City of Davis it may mean that the farmworkers would have to commute from Davis to the agricultural areas of the county in order to work. There are numerous difficulties associated with such a proposal. Housing for farmworkers would be best provided near the farms they attend for many reasons and benefits, which include reduction in adverse air quality impacts associated with long commute.

Additionally, all agricultural land within the city’s sphere of influence is in the county. The Yolo County 2002 Housing Element states the following:

“..., the Planning and Public Works Department has substantially revised the agriculturally designated zones to allow by right, farmworker units (ancillary dwelling units) on parcels in excess of twenty acres...”

The city has a pass-through agreement with the county relative to development projects occurring within its sphere of influence. If farmworker housing were to be proposed on a parcel within the city’s sphere of influence, the city would be expected to encourage and support such a housing project.

*April 2, 2004 Comment: ... Housing element law requires a jurisdiction to identify sites with appropriate zoning and development standards to adequately address the housing needs of agricultural employees. The City’s draft response (page 42 of addendum), does not adequately address this statutory requirement. (HCD)*

Again, pages 79 through 82 of the draft housing element further address farmworker housing in the city and Yolo County. Census 2000 indicates that there were 63 persons in “Farming, fishing, and forestry occupations” in Davis. This number would include employees of the California State Forestry Department and UC Davis School of Agriculture.

The City of Davis is within Yolo County. The city cannot address farmworker housing in isolation of the county. Farmworkers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agriculture labor. The county’s most recent

data on farmworkers is from 1995. It revealed that there are four categories of farmworkers in Yolo County, which are:

- Permanent workers (i.e., permanent employees working more than 10 months in Yolo County or the vicinity, 29%),
- Local seasonal workers (i.e., permanent residents of Yolo County working less than 10 months, 39%), and
- Migrant workers (i.e., workers that travel 50 miles to find work in agriculture, 21%).
- Seasonal migrant workers, which is about 11% and were not found to fall under any of the above categories.

The City of Davis is surrounded by farming activities that range from tomatoes, grapes, corns and sunflowers (i.e., fruit and vegetable farming activities). Generally the characteristics of fruit and vegetable farming labors include settling in the community and finding work there throughout the year. Resident farmworkers need year-round housing. The seasonal farmworkers usually have permanent housing elsewhere but need seasonal housing. Therefore, it is likely that the types of farmworkers that could work in the area would fall under permanent worker, local seasonal worker, or migrant worker category. It is not anticipated that there will be seasonal migrant workers coming to the city for these types of farming activities. However, there are presently two State Migrant Centers in Yolo County, (i.e., housing units that are constructed and managed by the State, through the County Housing Authority, to house migrant farmworker families, or being subject to interruptions in income due to work availability). One of these facilities is located near the City of Davis and contains 75 units and houses 350 to 380 persons annually. This Davis Migrant Center is currently being remodeled, and is scheduled for occupancy by April 16, 2004. In the event that there are seasonal migrant workers in the area, this facility is available to serve them. While the city's surrounding land uses predominantly is citrus and vegetable farming, the economy of the city is not based on agriculture.

Farmworkers are generally considered to have special housing needs because of their limited income and the often unstable nature of their employment (i.e., having to move throughout the year from one harvest to the next). Given this limited income situations of farmworkers, it stands to reason that farmworkers would qualify for the city's affordable housing. Also, given the higher percentage of the city's inclusionary zoning standards, which incidentally provides housing for the special needs group based on household incomes, agricultural workers would easily qualify for the city's affordable housing. The city has strong policies and fair housing program to reduce discrimination on the basis of ethnic, status or source of income. For instance, the city has historically allowed the construction of special needs group housing on dedicated affordable land. Table 54 of the addendum to the draft element and the summary table on page 11 detail suitable residential sites that include land dedication sites. Should it be found in the future that there is immediate farmworker housing need in the city during this planning period and there is funding for its development, it is possible that it could be built on one of the land dedication that currently do not have a developer identified.

The draft housing element policies and actions include encouragement of construction of housing to meet the needs of farmworkers; support of efforts by the USDA Rural Housing Services and Yolo County Housing Authority to provide housing for farmworkers and their families; and encouragement of developers to seek funding from sources such as USDA Rural Housing Services for construction of additional housing within Davis Planning Area. An additional policy below is recommended for adoption to further ensure that the city pro-actively facilitates the supply of housing for farmworkers and their families should the opportunity arise.

**Policy HOUSING 1.9 Action c.** Work with Yolo County Housing Authority and housing developers to explore and provide housing in new developments for farmworkers and their families.

**Responsible Agencies:** Community Development Department, Planning Commission and City Council.

**Quantified Objective:** At the initial review of new development projects, encourage developers to include farmworker housing as part of their project proposal.

**Actions Needed:** Work with Yolo County Housing Authority and housing developers to identify the type of farmworker housing that a new residential development project could accommodate. The consultation with Yolo County Housing Authority will occur at the initial stage of application's review, and the developer will be encouraged to pursue construction of farmworker housing recommended.

**Financing:** General fund and private developer entitlement fees

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The city also recognizes that farmworker households may have incomes below the very-low income level that is generally targeted in affordable rental projects. TO address this concern, the following policy is recommended for adoption:

**Policy HOUSING 1.9 Action d.** As part of funding and targeting decisions for subsidized rental projects, explore the feasibility of developing units for households at or below 35% of area median income (extremely-very-low-income households).

**Responsible Agencies:** Social Service Commission, Parks and Community Service Department, City Council

**Quantified Objective:** 10 extremely-very-low-income family units developed.

**Actions Needed:** Work with nonprofit developers to determine feasibility and additional subsidy required to reduce rents and required tenant incomes to a level affordable to farmworker households.

**Financing:**

CDBG and Redevelopment funds for staff time; CDBG, HOME, Redevelopment and Housing Trust funds for housing subsidies

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3. *Include program actions to address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for all income levels (Section 65583(c)(3)).*

As noted previously (A.3), the City of Davis' element requires a more thorough description and analysis of the City's potential governmental constraints to assess mitigation options. Specifically, Measure J presents a formidable deterrent to applications for development in general by imposing a high degree of uncertainty and risk on permit processing and development costs than those already high costs impacting residential development. As a result, the element needs to be expanded and revised to include programs to remove or mitigate constraints on housing development. (HCD)

**City Response**

The potential impacts of Measure J cannot fully be analyzed at this time. It is speculative to state with certainty that Measure J alone would hinder production of housing in the city. It is reasonable to state that any regulation, such as Measure J, that appears to impose a new step in the development process could be perceived as hindering housing production to a certain extent. However, Measure J thus far has not proven to constrict housing supply of the city to the extent that it would not meet its regional fair share allocation for this planning period. It is questionable that the presence of Measure J does act as a deterrent – the city is actively processing one application that would require a Measure J (Covell Village) and has recently received preliminary applications for three other projects that would be subject to the process (Signature, Shriners and Binning). From a practical perspective, the Measure J process may be no greater an obstacle than a state-sanctioned process for referendum of any land-use determination. It should also be noted that the only two development proposals to be taken to the Davis voters (Mace Ranch and Wildhorse) were approved.

Even if the concern over Measure J is more perception than reality, the relief valve within the ordinance ensures that it will not prohibit development of units required to meet Davis's share of regional housing needs.

4. *The housing program shall promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability (Section 65583(c)(5)).*

**Fair Housing:**

Diversity 1.1 (Action d): Describe efforts the City will employ to promote fair housing and other housing assistance opportunities to those in need (i.e., newsletter, brochure, or web)

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page). Also, provide a timeline as to when the referenced outreach materials will be prepared and made available. For further guidance, please refer to the Department's *Qs & As* publication (pages 42-44). (HCD)

### **City Response**

The quantified objective and actions needed are revised as shown in italics and underline below to address the HCD comment.

**DIVERSITY 1.1 Action d.** Continue to promulgate non-discrimination laws and the City's Fair Housing Program.

**Responsible Agencies:** Parks and Community Services Department, City Attorney..

**Quantified Objective:** Provide fair housing information by 2004 on the City of Davis Web page.

**Actions Needed:** Hold fair housing seminars for property owners and managers each year beginning in 2004.

**Financing:** Staff time - Community Development Block Grant.

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### **C. 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 (Section 65583(c)).*

The element indicates the City has relied on a series of Affordable Housing Task Force (AHTF) meetings and "kitchen" conferences to solicit input from a host of community stakeholders and the general public. However, due to the importance of the public participation process, it is critical that the element describe the City's specific role in soliciting input from all economic groups during the development of its draft housing element, especially low- and moderate-income households, their representatives, or advocates. For example, describe how the meeting dates, times, and locations were publicized (i.e., City-wide mailings, newspaper, or web page). Also, indicate if the City has plans to continue their public outreach efforts to lower income households and their representatives throughout the draft review and adoption process. For further guidance on generating public participation, refer to the Department's *Qs & As* publication (pages 1-4). (HCD)

### **City Response**

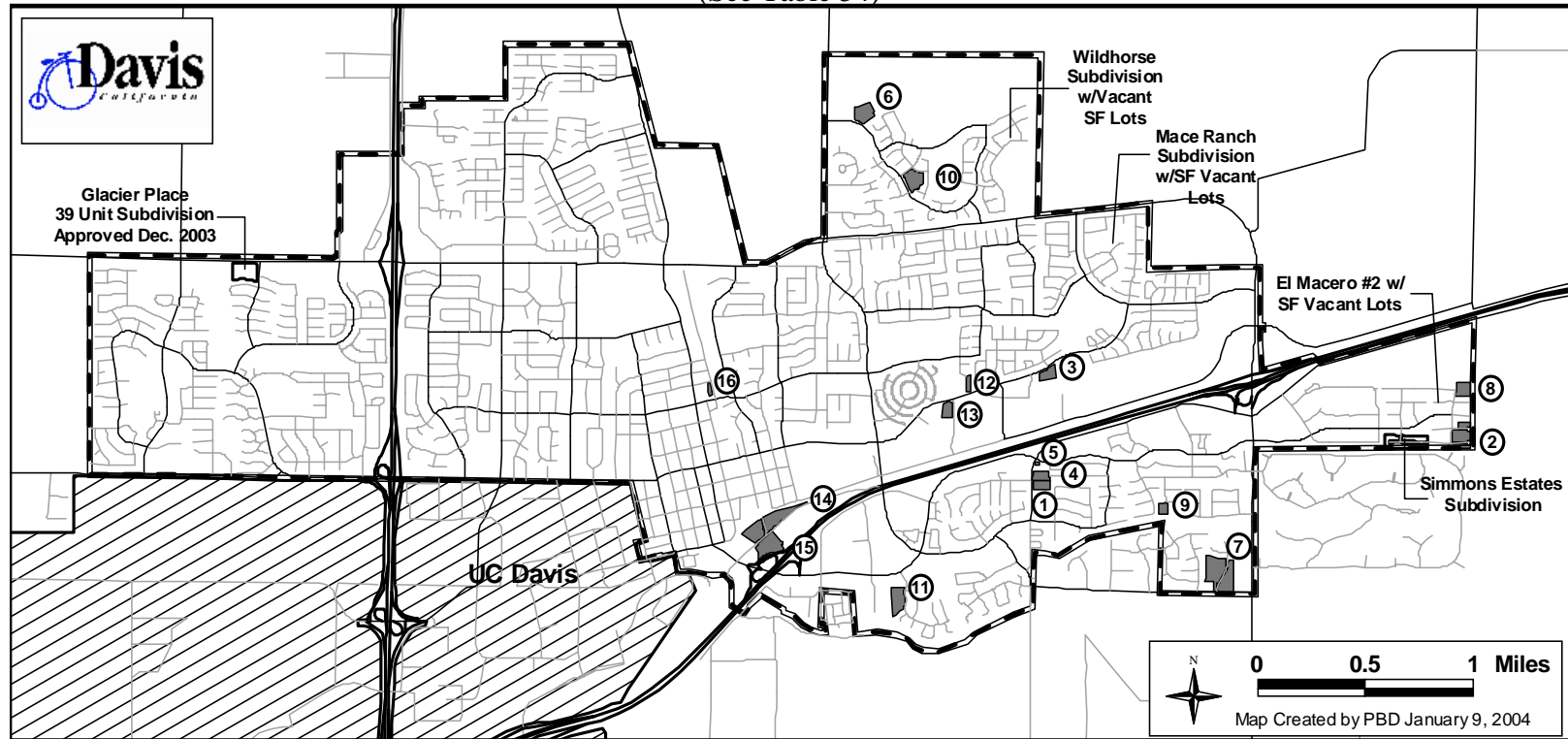
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The public participation process for this draft-housing element is fully addressed on pages 12 through 14 of the submitted draft element to HCD. As already stated, this draft housing element is an update to the city's 2001 General Plan update. Given factors outlined in the draft housing element (page 6), this update is initiated by the city. The Affordable Housing Task Force (AHTF) was charged with the initial review of the 2001 General Plan Housing Element and updating the element where necessary. The AHTF has worked with staff since its creation in September of 2001 to recommend the changes that were made. As already stated, the Planning Commission held public meetings to review staff and the AHTF changes as well and make its own recommendations to the City Council. The City Council in turn held several public meetings to make final decision on the policies and programs contained in this draft housing element. The AHTF held public meetings at 2600 Fifth Street. Again, the meetings notices are posted on the city Web page and mailed to interested entities and persons. Agendas for the meeting are mailed to interested entities and individuals who requested them. Some issues of concerns to various interest groups discussed by the AHTF generated local newspaper publication and a greater number of people attending the AHTF meetings for those issues. The Planning Commission and City Council public hearing meetings are posted on the city Web and published on the local newspaper.

The AHTF meetings were posted at City Hall and published on the city Web-page. The City Council held public meetings on the establishment of the AHTF. The meetings generated awareness amongst for-profit, nonprofits, citizens and housing advocates. The City Council carefully chose members of the AHTF to include all special interest groups and interested citizens. The AHTF consists of the following (see page 12):

- Planning Commission representatives (two members),
- Social Services Commission representatives (two members),
- Human Relations Commission (one member),
- City-UCD Student Liaison Commission (one student member),
- Senior Citizens Commission (one member),
- ASUCD Senate (one student member),
- For-profit affordable housing provider (two members, representing very-low, low and moderate-income household; one nonprofit member lives in an affordable housing unit),
- Non-profit affordable housing provider (two members),
- Public at-large, with focused outreach to residents and neighbors of affordable housing developments (three members).
- Ex Officio, UCD Representative
- Ex Officio, Yolo County Housing Authority
- Legal Services of Northern California (current Chairperson)

**Revised Map 1 – Vacant and Under-utilized Sites  
Adequate/Suitable/Available Residential Zoned Sites  
(See Table 54)**



Notes:

1. Wildhorse, El Macero Estates 2, Simmons Estates and Glacier Place are subdivisions containing vacant residential single-family lots.
2. Glacier Place Subdivision is recently approved 35-single-family lot subdivision with four second units and potential for addition second units to be constructed in this subdivision.
3. All sites identified are suitable for residential development; will not require discretionary review for residential homes to be constructed on them; and there are adequate city facilities and services for them.