

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

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January 14, 2022

Gina Gibson-Williams, Director  
Community Development Department  
City of Eastvale  
12363 Limonite Ave. Suite 910  
Eastvale, CA 91752

Dear Gina Gibson-Williams:

**RE: City of Eastvale's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element**

Thank you for submitting the City of Eastvale's (City) draft housing element received for review on November 16, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on January 11, 2022 with you, Gustavo Gonzalez, Planning Manager; and consultants Mark Teague, Karen Gulloy and Cynthia Walsh.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:

[http://opr.ca.gov/docs/OPR\\_Appendix\\_C\\_final.pdf](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and  
[http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

HCD appreciates the diligent efforts you, Gustavo Gonzalez, Planning Manager; and consultants Mark Teague, Karen Gulloy and Cynthia Walsh provided during our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jamillah Williams, of our staff, at [Jamillah.Williams@hcd.ca.gov](mailto:Jamillah.Williams@hcd.ca.gov).

Sincerely,

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

Paul McDougall

Senior Program Manager

Enclosure

## APPENDIX CITY OF EASTVALE

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

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

### A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Outreach: Outreach specifically related to affirmatively furthering fair housing (AFFH) is foundational to a complete analysis and formulating appropriate goals and actions to overcome patterns of segregation and foster more inclusive communities. While the element generally describes the housing element outreach process and some community input, it should also summarize and relate this input to all components of the AFFH analysis and modify or add goals and actions as appropriate.

Enforcement: The element mentions local capacity for fair housing education and outreach, but it should also address compliance with existing fair housing laws as well as any past or current fair housing lawsuits, findings, settlements, judgements, or complaints. Based on the outcomes of this evaluation, the element should summarize issues, identify contributing factors and formulate meaningful goals and actions.

Integration and Segregation: The element includes some data on integration and segregation (pp. 66 and 69) at the regional and local level; however, the comparison of segregation levels at the regional and local level must be complemented by analysis. The element indicates that there are no concentrations of people by race, but then says there may be a concentration of African Americans in the southern "four-group mix" part of the City. This must be revised for clarity. Additionally, based on the information provided in the element, the City should target developing senior housing in addition to providing information to residents on the City's reasonable accommodation procedure. The element must provide a complete analysis of segregation and integration by familial status, income, and persons with disabilities locally and regionally complemented by data and conclude with a summary of issues.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Concentrated Areas of Affluence (RCAA): The element includes information relative to R/ECAP, but the analysis

must be complemented by quantitative evidence for the local and regional comparison. The element should define Group Mix 3 and 4 in Figure HE-8 (p. 69) and provide a percentage of the racial mix within each group to strengthen the analysis. In addition, the City should analyze the racial concentrations as it relates to areas of affluence as the element concluded that the City does not have areas of concentrated poverty. While there are no RECAPs within the City, the element should emphasize the regional analysis. The element indicated that the entire City was a concentrated area of affluence (CAA), but then concluded on page 66 that there were no CAAs based on the standard definition where 80 percent or more of the population is White and makes over \$125,000 annually. However, since 40 percent of the population is Hispanic, they should assess if there is another racial group that could fit those criteria as well. Additionally, the element should analyze whether the City is considered a concentrated area of affluence compared to the surrounding area and as well as patterns within the City. The combination in the R/ECAP and areas of affluence analyses will help guide goals and actions to address fair housing issues. The analysis should evaluate the patterns and changes over time and consider other relevant factors, such as public participation, past policies, practices, and investments and demographic trends.

Disparities in Access to Opportunity: The element provides qualitative information (p. 71) on the access to opportunity but must include quantitative evidence to support its conclusions for education. Additionally, the element should include additional data to strengthen the local analysis, such as identifying what contributes to the City's high economic scores as well as specific examples from neighboring cities in the Western Riverside Council of Governments (WRCOG) region for the regional analysis. A complete analysis should include the local and regional disparities of the educational, environmental, and economic scores through local, federal, and/or state data.

Disproportionate Housing Needs including Displacement Risk: While the element reports some data on overcrowded households, cost burden, substandard housing, homelessness and displacement, it must also include analysis, particularly at the local level for overcrowding and at the regional level for cost-burdened households. This analysis should also address disproportionate impacts relative to housing conditions within the City and on protected characteristics for persons experiencing homelessness, including disparities in access to opportunity. Additionally, the element must provide a local and regional analysis for all disproportionate housing needs and analyze the data including looking at patterns, trends, other local knowledge, and conclude with a summary of fair housing issues.

Site Inventory: The element must include an analysis demonstrating whether sites identified to meet the regional housing needs allocation (RHNA) are distributed throughout the community in a manner that affirmatively furthers fair housing. A full analysis should address the income categories of identified sites with respect to location, the number of sites and units by all income groups, and how that effects the existing patterns for all components of the assessment of fair housing (e.g., segregation and integration, access to opportunity). The element should also discuss whether the distribution of sites improves or exacerbates conditions. For example, 1,400 lower-income units are identified in one area of the City on only two sites. Since the City is mostly single-family housing, the element should clarify if multifamily housing is concentrated in certain areas/neighborhoods and whether the identified sites would concentrate future multifamily

housing. If sites exacerbate conditions, the element should identify further program actions that will be taken to mitigate this (e.g. anti-displacement strategies).

Contributing Factors to Fair Housing Issues: While the element lists contributing factors, it must also reassess contributing factors based on a complete analysis and prioritize them to ensure meaningful action.

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies Strategy HE-5A (Affirmatively Furthering Fair Housing) to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change related to AFFH requirements. Given that most of the City is considered a high resource community, the element could focus on programs that enhance housing mobility and encourage development of more housing choices and affordable housing. Programs also should be based on identified contributing factors, be significant and meaningful. The element must add, and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Extremely Low-Income (ELI) Households: While the element quantifies the existing housing needs of ELI households, it must still quantify projected ELI housing needs. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of very low-income households qualify as ELI households.

Employment Trends: While the element includes some data on employment trends within the City to better formulate policies and programs, it could also describe major employers as well as the unemployment rate. The element could utilize data available through Local Housing Data prepared by the Southern California Association of Governments (SCAG) at <https://scag.ca.gov/local-housing-data>.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The City has a RHNA of 3,028 housing units, of which 1,817 are for lower-income households. To address this need, the element relies on vacant and nonvacant sites, including sites in Specific Plan Areas and Master Plan areas. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Realistic Capacity: While the element provides assumptions of 80 percent of maximum allowable densities for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. For example, while the element lists a few recent examples, the listing should also include information on the zone, allowable density, year built and affordability. In addition, only one project listed to support realistic capacity assumptions was in Eastvale; the element should include additional examples, if possible.

Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The analysis must consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. While the element includes a footnote for a few sites, additional analysis is needed. For example, sites 14 and 15 appear to be nonvacant. The element should clarify and include analysis of the extent existing impede additional development if necessary. For Site 16, the parcel number for the footnote does not match the parcel number in the inventory and the element should provide clarity and analysis if necessary. Finally, the element lists candidate sites for rezoning with existing uses of a single-family home and parking lots. The element should include analysis as described above to demonstrate whether these sites have potential for additional development in the planning period.

Large Sites: Sites greater than ten acres (large sites) cannot be utilized toward the RHNA for lower-income households unless the element demonstrates sites of equivalent size and affordability were successfully developed during the prior planning period or provides other evidence sufficient to demonstrate the appropriateness of large sites. Table HE-23 in the element (p. 98) identifies two large sites are designated to accommodate 1,400 of the City's lower-income RHNA of 1,817 units (77 percent). Additional analysis, as described above, is necessary to demonstrate the appropriateness of these sites. Developments with units affordable to lower-income households typically range in size from 50 to 150 units. The two identified sites go well beyond this range and do not appear suitable or appropriate to accommodate 100 percent affordability to lower-income households, including implications related to AFFH. For example, instead, the City could take a mixed-income approach to these sites, utilizing 30 to 40 percent of the total capacity toward the lower-income RHNA. If utilizing these sites toward the RHNA for lower-income households, the element should scale back assumption or include additional analysis and add or modify programs as appropriate.

Environmental Constraints: The element generally describes a few environmental conditions and notes constraints were considered when calculating residential capacity. However, the element must relate those conditions (pp. 126 to 127) to identified sites and

describe any other known environmental or other conditions that could impact or preclude housing development on identified sites in the planning period.

Accessory Dwelling Units (ADUs): The element calculates accessory dwelling unit (ADU) potential for the planning period by considering a rate of six ADUs per year. As part of the affordability analysis, the element refers to a local knowledge adjustment. While the assumption of six ADUs per year is acceptable, the element should describe the local knowledge adjustment. Additionally, the element indicates that the City issued building permits for three ADUs in 2018, nine in 2019 and five in 2020, but HCD data shows zero for 2018 and 2019, and four for 2020. The element should verify the accuracy of the information and update the APRs and calculations if necessary.

Availability of Infrastructure: While the element discusses the availability of infrastructure on vacant residential sites (p. 127), it must clarify access and availability for candidate sites for rezoning and nonvacant sites.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: While the element describes many land use controls, it must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). The analysis must also evaluate the cumulative impacts of land use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. The element must identify minimum lot sizes, widths, and depths for the PRD (Planned Residential), R-5 (Open Space Combined Zone - Residential Developments), and R-T (Mobile Home Subdivision and Mobile Home Park) zones. In addition, the element should identify the setback requirements in the PRD and R-T zones as well as analyze the requirement of a 50-foot setback in the R-5 zone and add a program as appropriate. The element should also clarify whether three story multifamily developments are allowed in the Very High Density Residential (VHDR) zone, and whether there is a three-story limit on development in the R-3 (General Residential) and any story limit in the R-5 zones. In addition, the element must address whether single family and/or multifamily housing is allowed in the R-5 zone and if the Mixed-Use planning Area (MUPA) allows for 100 percent residential or commercial development in that zone. Table HE-26 (Residential Zoning Districts) should describe the density associated with each zone. Lastly, the element must revise Table HE-27 (Residential Zoning Criteria) to include the R-6 zone.

Parking Requirements: The element must analyze the parking requirements (p. 109) of more than one space for a studio or one bedroom unit and more than two spaces for two bedrooms for single-family and multifamily residential dwellings as well as one space for every staff member for a multifamily development for its impact as a potential constraint on housing. Should the analysis determine the parking standards or permit procedures are a

constraint on residential development, it must include a program to address or remove any identified constraints.

Leal Master Plan: The housing element identifies the Leal Master Plan are to accommodate a portion of the City's regional housing need for lower-income households. To determine the adequacy of the master plan area, the element must address the current minimum and maximum number of units allowed and at what density in the current plan. In addition, the element must describe whether the zoning and infrastructure is currently in place, as well as when development is anticipated to occur for the second two phases of development. Lastly, the description must clarify whether the identified sites can be built within the current allowed number of units, or if the element is relying on the revision to the allowed number of units and density.

Local Ordinances: The element must specifically analyze locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances that directly impact the cost and supply of residential development. The analysis should demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters.

Fees and Exaction: While the element includes Table HE-33 (Housing Development Fees), it only lists "deposit" as the fee for many of the single family development categories. The element must clarify required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. The element should also include all planning costs such as variances, site plans, and Environmental Impact Reports (EIR).

Processing and Permit Procedures: The element mentions three general procedures: zoning clearance, minor development review and major development review and describes various aspects such as approval authority and findings. However, the element should also analyze the approval findings for impacts on approval certainty. For example, some standards appear subjective, but the element also explains a pre-application process. The element could describe how the City promotes approval certainty for subjective findings such as "enhance the character of the neighborhood and community" and "quality of the design" or evaluate potential uncertainties and include programs as appropriate.

Zoning and Fees Transparency: While the element states that development standards are posted on the City's website, it must clarify its compliance with new transparency requirements for posting all zoning standards for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1, subdivision (a)(1).

On/Off-Site Improvements: While the element generally describes costs associated with site improvements, it must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of*



*households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Large Households: While the element quantifies the number of large households in the City, it should analyze their needs. For example, the element could examine trends related to tenure and housing types and whether there are housing units available to support larger households by number of bedrooms due to the large percentage of large households.

Farmworkers: The element indicates 149 farmworkers according to the American Community Survey (ACS) 2014-2018 5-year estimate. However, the ACS likely undercounts the needs of farmworkers, especially seasonal farmworkers. Further, farmworkers from the broader area and those employed seasonally may have housing needs, including within the City's boundaries. As a result, the element should acknowledge the housing needs of permanent and seasonal farmworkers at a county-level (e.g., using USDA county-level farmworker data) and include programs as appropriate.

## **B. Housing Programs**

- 1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Gov. Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines (e.g., month and year); (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

- Strategy HE-2H (Objective Design Standard) must be revised to include objectives. In addition, the element must clarify when the zoning code update will be adopted and the design standards will be implemented.
  - Strategy HE-2I (Land Management and Permit Expediting), Strategy HE-3H (Regional Homeless Issues), Strategy HE-7B (Parks and Open Space), and Strategy HE-7C (Provision of Infrastructure to Serve Housing) should include objectives.
- 2. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for*

*each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

3. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Lower-Income Households: To address the housing needs of extremely low-, very low-, and moderate-income households, the element should be revised as follows:

- Strategy HE-1E (Multifamily Development) should go beyond “considering” reduced parking and commit to the action and clarify whether the strategies listed are already in place. If the strategies need to be adopted, the program should include a timeframe.
- Strategy HE-1F (Encouraging Housing in Mixed-Use Projects) should describe when incentives will be created and if developer outreach will be provided.
- Strategy HE-1H (Homeownership Opportunities) should go beyond “exploring” and include an implementation component.
- Strategy HE-3E (Extremely Low-Income Households) should describe how often the City will reach out to local developers.
- Strategy HE-3G (Support Housing for Residents with Developmental Disabilities) should describe when the outreach program will be implemented and when the brochure will be created.
- Strategy HE-3H (Regional Homeless Issues) should describe what the City plans to implement after the coordinated discussions occur.
- Strategy HE-3I (Transitional and Supportive Housing) should indicate how often the City will coordinate with service providers.

Overcrowding/Large Family Needs: As noted in Findings A3, the element identifies a need to address large family rental units with three or more bedrooms (p. 58). The element must include programs to address the identified need. For example, programs could include fee waivers and deferrals, modifying development standards and granting concessions and incentives for projects that provided housing with three or more bedrooms affordable to lower-income households. Also, a program could commit to use CDBG rehabilitation funds for owners to add additional bedrooms or consider prioritizing use of other funds for rental housing developments providing units with three or more bedrooms.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Finding A4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:

- Strategy HE-2B (Development Review and Processing Procedures) should commit to reducing fees if they are found to be a constraint on development.
  - Strategy HE-2C (Building Code) should indicate how often the City will review building codes.
  - Strategy HE-3B (Residential Care Housing) must commit to allowing group homes for seven or more residents in additional residential zones and should include specific commitment to amend zoning and procedures regardless of whether it is subsequently found to not be needed.
  - Strategy HE-3F (Reasonable Accommodations) should be revised to remove fees for reasonable accommodation requests and should clarify which findings will be removed.
  - Strategy HE-7A (Community Design) should describe how often the City will review the design guidelines to check if updates are needed.
  - While Strategy HE-7B (Parks and Open Space) addresses environmental concerns through the use of open space and parks, it must go beyond exploring options and commit to an action.
5. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

### **C. Quantified Objectives**

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

The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these objectives by low-, moderate-, and above-moderate income groups, the element must also distinguish the extremely low-, very low-, and low-income categories and include objectives for each of them.

### **D. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd. (c)(8).)*

While the element includes a general summary of the public participation process (pp. 5-6), it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. The element should clarify the availability of translation services and additional language availability during the workshops and lectures and describe the community champions.

In addition, HCD understands the City made the element available to the public two weeks prior to its submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.