

Lompoc 2023-2031 Housing Element Update

HCD Comment Matrix
Response to August 9, 2023, Comment Letter

#	HCD Comment	Project Team Response
A1.1	Outreach and Enforcement: The element indicates that the City received a high number of fair housing complaints, particularly related to disability, but should include additional analysis of this data, if possible, to determine if any differences in geographies exist within the City. The analysis could also evaluate results from any fair housing testing or local knowledge from the fair housing service provider to obtain insight into local trends of fair housing complaints. If specific geographic information is not available, the element should revise Programs H-A.11 and H-A.18 to target areas of lower income and areas with relatively higher risk of displacement.	Geographic information on fair housing complaints and trends is not available for Lompoc. Programs H-A.1, H-A.11, and H-A.27 target housing resources to residents in Census Tracts 27.09 and 27.10 (formerly 27.02), which has a high concentration of low-income residents and households at risk of displacement. In addition, Program H-A.18 was revised to provide targeted fair housing services and outreach in these census tracts.
A1.2	In addition, while the element addresses compliance with some fair housing laws, it should address compliance with additional fair housing laws, including but not limited to Density Bonus Law, Housing Accountability Act and No-Net-Loss Law. HCD will send additional information under separate cover.	We have expanded the discussion of compliance with existing fair housing laws to include Density Bonus Law, Housing Accountability Act, and No-Net-Loss Law on page A-11.
A1.3	Disproportionate Housing Needs: While the element provides information on homelessness, including patterns of need and disproportionate impacts on race and disability, it should also provide analysis on access to opportunities, including services and transportation. Based on a complete analysis the element should add or modify programs and include geographic targeting to identified areas of higher need.	We have added additional information on access to services and transportation for homeless individuals on pages A-76 and A-77. In addition, we have expanded Program H-A.11 to identify opportunities to expand transportation services to homeless individuals in Lompoc.
A1.4	Contributing Factors: Upon a complete analysis of fair housing, the element should re-assess contributing factors and make revisions, as appropriate.	No revisions were made to contributing factors. While some of the AFFH analysis was refined, the previously identified contributing factors still apply and address the broad range of fair housing issues and trends in Lompoc.
A2.1	Progress in Meeting the Regional Housing Need Allocation (RHNA): The element may utilize constructed, approved and pending development toward the RHNA. However, the element must demonstrate the affordability and availability of these developments in the planning period, as follows: • Affordability: While the element correctly explains affordability should be based on actual or anticipated rents or sales prices and other mechanisms ensuring affordability (e.g., deed restrictions), it should list the actual mechanism for each of the listed developments with housing assumed to be affordable to lower- and moderate-income households. For example, the element lists 26 units in River Terrace affordable to lower-income households but should also list the actual or anticipated rent or sales prices or other mechanism that ensures affordability. Absent this information these units will be deemed inadequate to accommodate lower-and moderate-income households.	We have added the affordability mechanism on Page 2-117 for the affordable units in pending projects, which are covenants recorded pursuant to the City's inclusionary housing ordinance.
A2.2	Availability: The element lists developments by status and estimated building permit issuance but should also discuss any phasing, anticipated build-out horizons beyond the planning period and any known barriers to development in the planning period. This analysis should particularly address larger developments (e.g., greater than 100 units) that are pending or approved.	We have added phasing information for Burton Ranch and River Terrace on Page 2-117, both of which have project schedules within the planning period.

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A2.3	Monitoring and Alternative Actions: Given the degree of reliance on constructed, approved and pending projects to accommodate the RHNA, the element must include a program that commits to (1) facilitating development in the planning period (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals) and (2) monitoring of development progress, including rezoning or identification of additional sites, if necessary to maintain adequate sites to accommodate the RHNA, by a specified date.	We have added additional objectives in Program H-A.20 committing the City to monitor these pending projects and find additional sites as needed.
A2.4	Sites Inventory: While the sites inventory identifies sites used in the 5th cycle element, it should clarify which vacant sites, if any, were also used in the 4th cycle element.	We have provided this information within Table H-44.
A2.5	In addition, the element utilizes sites with existing residential uses. While the element states that none of the identified sites with existing residential uses currently include lower-income restricted units, it should clarify whether any of the sites with existing residential uses were subject to affordability agreements for lower-income households within 5 years preceding the beginning of the planning period. If so, the housing element must include a program to provide replacement housing. (Gov. Code, § 65583.2, subd. (g)(3).)	None of the identified sites with residential uses were subject to affordable agreements within the last 5 years.
A2.6	Realistic Capacity: When calculating realistic residential capacity, the element must account for various factors, including land use controls, site improvements and recent trends by affordability. While the element does list recent developments by affordability and built density, it also assumes 100 percent of maximum allowable densities in residential zones despite a small sample size of recent developments and some developments occurring at less than 100 percent maximum allowable densities. The element should adjust residential capacity assumptions to better reflect recent trends. Further, by adjusting assumptions, the City will be better positioned to manage No Net Loss law pursuant to Government Code section 65863.	We have expanded the capacity analysis based not only on current projects in the city, but projects completed over the last 8 years. In addition, we have reviewed regional trends within the County. The analysis had us revise capacity assumptions in each of the zones consistent with findings in the City as well as regionally. For mixed use sites, we reduced the on-site capacity to 50%. OTC sites remained at 75% as that was consistent with recent proposed projects and because the inventory did not include the proposed increases in density within Program H-A.16. Unit calculations were revised throughout.
A2.7	In addition, while the element states that half of the current projects in nonresidential zones are 100 percent residential, it must address whether 100 percent nonresidential are allowed in these zones (e.g., mixed-use, commercial, old town commercial), and if so, account for the likelihood of 100 percent nonresidential uses in this zone in the capacity assumptions. For example, the element could analyze all development activity in the pertinent zones, how often residential development occurs, and whether any incentives for residential development in these zones exist. Depending on the results of a complete analysis, the element may need to adjust residential capacity calculation, policies, and programs accordingly. The element should include an analysis based on factors such as development trends, performance standards, or other relevant factors.	For sites in nonresidential zones, the housing element states the residential use restrictions on Page 2-133. For the purposes of the Site Inventory, we reduced Mixed Use site capacity to 50% the allowed density and for sites within commercial zones in the H Street Overlay, we assumed only 50 percent of the allowed floor area. The City has seen a mix of 100% residential and a mix of uses within the mixed use zones as detailed in the Mixed Use trends on Page 2-128 and 2-129.

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A2.8	<p>Suitability of Nonvacant Sites: While the element describes recent development on nonvacant sites and lists sites by indicators of redevelopment potential (e.g., age of structure, improvement to land value ratio. However, the element should evaluate those trends relative to the indicators of redevelopment potential. For example, the descriptions of prior existing uses for recent development could include the age of structure, prior improvement to land value ratio and prior existing versus allowable floor area ratio (for nonresidential uses). In addition, the element should further discuss the extent existing uses impede additional development and likelihood uses will discontinue in the planning period. For example, the element could expand the discussion of parking lots, commercial and office and residential uses relative to identified sites. For example, for residential uses, the element could discuss how past trends have redevelopment ratios ranging from 1 to 2 and 1 to 5 for existing versus allowable residential uses and generally how identified sites far exceed those ratios. For parking lot and commercial and office uses, the element could engage the development community to assist the likelihood of turnover or expand the discussion of representative sites to better describe indicators of turnover of uses in the planning period.</p>	<p>We have expanded on the recent residential and mixed-use project trends 2-127 and 2-128 to show that recent projects are increasing the density as well as the overall buildout of sites, similar to the sites we identified. We have also conducted site visits of all nonvacant sites (Appendix D) to determine feasibility and confirm buildout potential and site conditions.</p> <p>We have removed 5 sites based on feasibility and based on public feedback, which were located at:</p> <ol style="list-style-type: none"> 1. 400 S. Avalon Street 2. 126 N. C Street 3. 1321 West Pine Avenue 4. 112 N. C Street 5. 928 and 936 N H Street <p>We have also added new sites based on site visits and community feedback.</p>
A2.9	<p>In addition, the element relies upon several sites with existing single-family residential uses. The element should describe anticipated development of Sites 46, 64, 68, and 79 and add a program to address potential displacement as a result of development on these sites. The program could commit to adopting relocation requirements, “just cause” protections, or first right of return for existing residents. For more displacement protection strategies, please refer to page 74 of the AFFH guidebook (link: https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf).</p>	<p>Appendix D includes anticipated development of these sites.</p> <p>Through Program H-A.11 the City has committed to adopt an anti-displacement strategy for underutilized Housing Element sites with existing residential uses; the strategy should include “just cause” eviction protections and first right of return for existing residents.</p>
A2.10	<p>Further, the element states that the school district has expressed an intent to develop workforce housing on Site 69. However, the City should add a program to provide incentives and outline a schedule of actions to facilitate housing development on this site. Actions should include outreach with developers, issuing requests for proposals, anticipated completion of entitlements and issuance of building permits and alternative actions if the sites do not progress toward completion as anticipated.</p>	<p>We have added objectives in Program H-A.23 committing the City to engage LUSD every six months throughout the planning period to facilitate the development of housing on the site and to assist with outreach to developers, creating and issuing requests for proposals (RFPs), and applying for grant funding.</p> <p>Additionally, should plans for the site not progress toward completion within the planning period, the Program commits the City to revising assumptions for the site and to rezone additional sites to ensure no-net-loss of lower income capacity, as required by State law.</p>
A2.11	<p>Finally, as noted in the housing element, the sites inventory relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower income households. As a result, the City must make findings, based on substantial evidence, that existing uses will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution), the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.</p>	<p>The City will include this provision in the adopting resolution</p>

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A2.12	<p>Small Sites: While the element includes Program H-A.12 to facilitate lot consolidation and mentions most sites necessitating consolidation are under common ownership, it also significantly relies on consolidation to accommodate lower-income RHNA. For example, almost 80 percent of the capacity identified to accommodate the lower-income RHNA is on sites necessitating consolidation. As a result, small sites are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households based on past trends and comparability of size and affordability or other evidence. To address this requirement, the element should list and evaluate past consolidations by the number of units, number of parcels, affordability, presence of common ownership and relate that listing to identified sites. Otherwise, the element must utilize other evidence such as an analysis of circumstances and conditions leading to potential for consolidation which may include common ownership, cohesive parcels, shared ingress and egress of a cohesive site, lack of ingress and egress or shape or size of an individual parcel that necessitates consolidation. Based on the outcomes of this analysis, the element must add or modify programs to promote consolidation, including significant incentives, monitoring, evaluation of effectiveness and adjustment, as appropriate.</p>	<p>We added additional discussion regarding lot consolidation of small sites and the feasibility of lot consolidation for sites that are not under common ownership on page 2-132.</p> <p>In addition, Program H-A.12 was expanded to include incentives for lot consolidation for affordable housing projects on adjoining parcels.</p> <p>Further, Program H-A.12 commits the City to adding a PD overlay to all sites included in the Housing Element. The purpose of the PD overlay is to provide flexibility in project design that works to overcome site-specific constraints and limitations for projects that wish to deviate from existing development standards, such as small or irregularly shaped sites and sites with environmental constraints.</p>
A2.13	<p>Infrastructure: The element includes some discussion on electrical and gas utility providers in the City. However, it must also demonstrate sufficient total dry utilities capacity (existing and planned) to accommodate the RHNA and include programs if necessary.</p>	<p>We added additional discussion on the capacity of dry utilities to accommodate future housing development on page 2-148 and 2-149.</p>
A2.14	<p>Environmental Constraints: The element states that the City evaluated identified sites and concluded that there are no overlays or known easements on the identified sites. However, the analysis should also address whether the City considered lot shape, property conditions, contamination or any other known conditions precluding development in the planning period.</p>	<p>We have added discussion on lot shape and property conditions for each nonvacant site in Appendix D. We also added discussion that none of the sites contain contamination that would preclude development on page 2-150.</p> <p>Program H-A.12 commits the City to adding a PD overlay to all sites included in the Housing Element. The purpose of the PD overlay is to provide flexibility in project design that works to overcome site-specific constraints and limitations for projects that wish to deviate from existing development standards, such as small or irregularly shaped sites and sites with environmental constraints.</p>
A2.15	<p>Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/planning-and-community-development/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.</p>	<p>Noted.</p>

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A2.16	<p>Emergency Shelters: The element states that the City does not have sufficient capacity, under current zoning, to accommodate the need for emergency shelters. However, the element must still identify adequate sites and demonstrate the appropriateness of these sites to accommodate emergency shelters. In addition, the element must provide analysis of any adopted written objective standards for potential governmental constraints.</p> <p>In addition, Program H-A.8 should specify actions necessary to comply with AB 2339 requirements, including rezoning and amending the City’s Emergency Shelter definition, and commit to rezoning within one year of adoption.</p>	<p>We have revised the emergency shelter analysis within the section “Zoning for a Variety of Housing Types” beginning on page 2-106.</p> <p>We have also revised Program H-A.8 to specify actions necessary to comply with AB 2339 and to require that these changes occur within one year of adoption.</p>
A2.17	<p>Single Room Occupancy (SRO) Units: While the element briefly states that the zoning code is not a constraint to the development of SROs, development is subject to a conditional use permit (CUP) permit process, which has not been fully analyzed. The element must still analyze the CUP permit process for its impact on housing supply and choice and approval certainty and objectivity in the development of SROs.</p>	<p>We have added an analysis of the CUP process related to SROs on page 2-110, including identification of constraints imposed by the process.</p> <p>We have added an action to Program H-A.8 committing the City to removing the CUP requirement for SROs in commercial and mixed use zones.</p>
A3.1	<p>Land Use Controls: The element includes a brief discussion of some of the development standards listed in Table C-3 and their effect as potential constraints on a variety of housing types. However, the analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to heights and open space requirements, and impacts on achieving maximum allowable densities.</p>	<p>We have added a cumulative analysis of land use controls beginning on page 2-84. The analysis identifies constraints to achieving maximum densities in multifamily and mixed use zones.</p> <p>We have added actions to Program H-A.16 to remove constraints to achieving maximum densities in the R-2, R-3, OTC, and MU zones.</p>
A3.2	<p>Fees and Exaction: The element lists required fees for development but must analyze all fees for their impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing and analyze surrounding jurisdictions’ total fees to better assess the impact of fees on residential development.</p>	<p>We have added an analysis of fees in comparison to total construction costs under the heading Fees and Exactions beginning on page 2-95, including additions to Table H-37.</p> <p>We have also added an action to Program H-A.21 based on the City’s recent fee deferral program efforts.</p>
B1.1	<p>As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised, as follows:</p> <ul style="list-style-type: none"> • Program H-A.20 (Available Sites Inventory): As noted above, since the City failed to adopt a compliant housing element within 120 of the statutory deadline, action (c) must commit to rezoning within one year of the statutory deadline. 	<p>We have revised the timing of Program H-A.20 to commit to completing action c within one year of the adoption deadline.</p>
B1.2	<ul style="list-style-type: none"> • Programs H-A.13 (Mixed-use Development), H-A.15 (Bailey Avenue Corridor), and H-A.19 (Missing Middle Housing): These Programs should be revised with more specific commitment toward housing outcomes and remove ambiguous commitment such as “if needed” and “as necessary.” 	<p>We have expanded each program with specific commitments and removed ambiguous language.</p>

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B1.3	<ul style="list-style-type: none"> Program H-A.14 (Accessory Dwelling Units (ADU)): The Program should commit to monitor production and affordability of ADUs at least two times in the planning period and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., 6 months). 	<p>We have added the following action to the program:</p> <p><i>e. Monitor production and affordability of ADUs and complete additional actions, such as completing additional engagement with homeowners or adopting additional incentives, if production does not match the objectives of this program (96 ADUs within the planning period).</i></p> <p><i>Timing: Twice within the planning period (2026 and 2029)</i></p> <p>Note to HCD staff: The sites inventory assumes ADU credits only in the above moderate-income category. Since no lower-income units are assumed through ADU production, “adjusting assumptions” or “rezoning” are not applicable. As noted above, if production is not keeping pace with our objectives, the City is committed to further encouraging development of ADU’s through targeted engagement and by providing additional incentives.</p>
B1.4	<p>In addition, the City’s ADU Ordinance will be evaluated by the ADU team, pursuant to Government Code section 65852, subdivision (h). HCD will provide findings on its review under separate cover. The Program should commit to update the ordinance, if necessary.</p>	<p>We have revised the program to include this information, as follows:</p> <p><i>The State Department of Housing and Community Development (HCD) will review the City’s ADU ordinance in conjunction with the Adopted Housing Element. The City shall update the ADU ordinance to respond to HCD’s findings, if necessary.</i></p> <p><i>Objective:</i> <i>f. Adopt revisions to the ADU ordinance within to ensure full compliance with State law.</i></p> <p><i>Timing:</i> <i>f: Within one year of receipt of HCD’s findings.</i></p>
B2.1	<p>As noted in Finding A3, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised, as follows:</p> <ul style="list-style-type: none"> Program H-A.8 (Municipal Code Updates): The Program commits to permit group homes for seven or more persons in all residential zones with objectivity and approval certainty. However, the Program should also commit to permit these uses similar to other residential uses of the same type in the same zone. 	<p>We have revised the program to include this specific text, as follows:</p> <p><i>“...the City shall amend the Municipal Code, to the extent required, to:</i></p> <p><i>... Permit residential care facilities with seven or more residents in all residential zones with objectivity and approval certainty similar to other residential uses of the same type in the same zone to remove constraints to housing for residents with a disability.</i></p>

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B2.2	<p>• Program H-A.5 (Development Review Process Monitoring): The Program should commit to revise review processes as appropriate based on monitoring to insure processes do not constrain development. In addition, the Program should specifically commit to conduct a mid-term evaluation of the Architectural Design and Site Development Review and Architectural Review Guidelines and revise the process as necessary to promote objectivity and approval certainty.</p>	<p>We have added the suggested actions to the program as follows:</p> <p><i>d. Conduct a mid-term evaluation of the Architectural Design and Site Development Review and Architectural Review Guidelines.</i></p> <p><i>e. Based on the results of actions a, b, and d, revise review processes to ensure processes do not constrain development and successfully promote objectivity and approval certainty.</i></p> <p><i>Timing:</i> <i>d: 2026</i> <i>e: 2027</i></p>
B3.1	<p>As noted in Finding A1, the element requires a complete analysis of affirmatively Furthering Fair Housing (AFFH). Depending upon the results of that analysis, the City may need to revise or add programs. In addition, goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in higher opportunity or relatively higher income areas, place-based strategies for community preservation and revitalization and displacement protection.</p>	<p>We have added an action to Program H-A.11 to respond to the revised AFFH analysis as follows:</p> <p><i>f. Annually meet with City of Lompoc Transit (COLT) staff to identify opportunities to provide free transit to necessary services for residents experiencing homelessness.</i></p>
C1.1	<p>While the City describes public participation efforts through workshops and surveys, the City should employ additional methods for public outreach efforts in future iterations of the housing element, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. City of Lompoc’s 6th Cycle Draft Housing Element For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. For additional information, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/public-participation.</p>	<p>The City completed stakeholder interviews with local developers, housing advocates, service providers, and non-profit agencies, several of which represent lower income communities. We have added a summary of the stakeholder interviews to the public input summary, under the heading “Stakeholder Interviews” beginning on page 2-25.</p> <p>The City increased public engagement efforts in future actions related to the Housing Element, including advertising Planning Commission and City Council Hearings and distribution of project information and documents.</p>