

ATTACHMENT 2, EXHIBIT A – RESPONSE TO HCD FINDINGS

Comment	Response
<p>A thorough program-by-program review is necessary to evaluate City's performance in addressing housing goals. As part of this analysis, the element should describe the actual results of the prior element's programs, including quantification where appropriate and based on that information, re-evaluate program effectiveness and the appropriate modifications in the current planning period.</p>	<p>Analysis added to 1.14 to elaborate on program successes and failures.</p>
<p>In addition, as part of the review of programs in the past cycle, the element must also provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.</p>	<p>Analysis added to 1.14 to elaborate on program successes and failures.</p>
<p><u>Segregation and Integration</u>: While the element generally reports data on segregation and integration, it should also evaluate that data using local data and knowledge and other relevant factors. For example, the element should describe factors that influence the geographic concentration of higher and low-income residents within the City and describe the contributing factors to the concentration of higher income residents.</p>	<p>Neighborhood conditions have been detailed in section 4.5 to identify data points surrounding the westerly and easterly Census tracts of the City. These characteristics include activity outside City limits in all directions, including Rohnert Park (northwestern and L Section) and unincorporated communities extending from Wilfred Road to the community of Penngrove.</p>
<p><u>Disparities in Access to Opportunity</u>: The element should evaluate other relevant factors that contribute to the lower education scores within the City. In addition, the element should describe what contributes to the differences in employment scores throughout the City. Lastly, the element should describe the environmental scores geographically within the City and what contributes to the differences in scores.</p>	<p>Neighborhood conditions have been detailed with greater granularity pertaining to education, employment, and environmental scores. Data points include the concentration of various housing types and, as above, determinants for activity outside City limits.</p>

<p><u>Disproportionate Housing Needs Including Displacement</u>: While the element includes an analysis of overpayment, the element must also include a regional analysis of overcrowding (i.e., comparing the City to the region). Additionally, while the element identifies areas at risk of displacement due to flooding, the element must further describe the data used to support this and also include an analysis identifying areas at risk of displacement due to fire and earthquake especially since displacement was identified as a prioritized contributing factor to fair housing in the City.</p>	<p>Analysis added; displacement risk due to flooding, fire, and earthquake not identified.</p>
<p><u>Sites Inventory</u>: The analysis must identify whether sites improve or exacerbate conditions and whether sites are isolated by income group. 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 affects 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. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., anti-displacement and place-based community revitalization strategies).</p>	<p>Section 4.5.7 expanded to assess the sites with all components of the assessment of fair housing, including information by Census block group and the number of sites, total units, and lower-income units within each area. The analysis identifies improves and exacerbated conditions, and program actions to promote equitable quality of life.</p>
<p><u>Extremely Low-Income (ELI) Households</u>: The element includes analysis regarding ELI households such as the number of households and overpayment but must also identify projected 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 the regional housing need allocation (RHNA) for very low-income households qualify as ELI households.</p>	<p>Conclusory statement assuming 50% of VLI added to Section 1.13.</p>
<p><u>Housing Conditions</u>: The element identifies the age of the housing stock and the number of substandard housing units based on federal data. However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need</p>	<p>Code enforcement estimates of rehabilitation and demolition added to Section 1.10 (subsection: Age and Condition).</p>

<p>of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.</p>	
<p><u>Progress in Meeting the Regional Housing Need Allocation (RHNA):</u> As you know, the City’s RHNA may be reduced by the number of new units pending, approved, permitted or built since June 30, 2022 by demonstrating availability and affordability based on rents, sale prices or other mechanisms ensuring affordability (e.g., deed restrictions). While the element clarifies that units for lower-income households will be deed-restricted, it must describe affordability of the units for moderate-income households based on actual rents or sales prices, beyond the size of the unit. In addition, the element must demonstrate the availability of pending and approved projects within the planning period. This includes addressing the public comment regarding barriers to develop these projects such as scheduling public hearings. Availability should address the status, anticipated completion, any barriers to development and other relevant factors such as build out horizons, phasing, and dropout rates to demonstrate the availability or likelihood of development in the planning period.</p>	<p>Section 3.2.2: Planned, Approved, and Pending Projects was revised to include additional information on development projects, including the mechanisms ensuring affordability, and discussing next steps, any barriers to development, and demonstrating the availability of these projects within the planning period. Program 2-7 was added to support the development of these projects.</p>
<p><u>Realistic Capacity:</u> While the element states realistic capacity considers land use controls and projects typically develop above maximum allowed densities due to State Density Bonus Law, it must provide support for these assumptions. For example, the element should describe recent projects that support the assumptions, and typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction. The element also needs to analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of nonresidential development, performance</p>	<p>Table 11: Development Trends within Section 3.5: Development Trends and Realistic Capacity Analysis was updated, and clarifies that it includes all projects from 2018-2023 for each respective category. The sites analysis in Section 3.3 was updated to refer back to examples from the updated table.</p> <p>The analysis of Sites Allowing Non-Residential Uses within Section 3.3.3: Sites Suitability Analysis was updated to include more development trends. Zone-specific capacity factors were derived from this</p>

standards, and development trends supporting residential development	analysis and applied to sites in inventory that allow non-residential uses.
<p><u>Zoning for Lower-Income Households:</u> The element must demonstrate densities appropriate to accommodate housing for lower-income households. For communities with densities that meet specific standards (at least 20 units per acre for Cotati), no analysis is required. (Gov. Code, § 65583.2, subd. (c)(3).) Otherwise, an analysis must demonstrate appropriate densities based on factors such as market demand, financial feasibility, and development experience within identified zones. While the element states the City utilizes form based codes, it must include a complete analysis to demonstrate how the zoning encourages the development of units affordable for lower-income households. To estimate allowable densities within form-based codes, the element should describe the relationship between general plan land-use designation and the form-based code, development standards and achievable densities given typical unit sizes. The element could include additional examples of recently built projects and densities to support the analysis.</p>	<p>A Lower-Income Suitability Analysis was added to Section 3.3.3: Sites Suitability Analysis. This analysis confirms that the element is using the community's default density of 20 units per acre, and that the site used to accommodate the lower-income RHNA has the capacity to accommodate over 16 units.</p>
<p><u>Suitability of Nonvacant Sites:</u> The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the element should analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as single-family residents, religious institutions, and residential, but minimal analysis was provided to demonstrate whether these existing uses would impede development of these sites within the planning period. The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential</p>	<p>Small non-vacant sites requiring additional analysis in order to be included have been removed from the Housing Element.</p> <p>A Nonvacant Sites Analysis has been added within Section 3.3.3: Sites Suitability Analysis to discuss Site 2 and Site 3. This site-specific analysis addresses regional trends, developer interest, impediments to redevelopment, market demand for the existing uses, and other factors.</p>

<p>development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. The element could also consider indicators such as age and condition of the existing structure expressed developer interest, low improvement to land value ratio, and other factors.</p>	
<p><u>Adequate Sites Alternatives:</u> Please note, under limited circumstances, the City may credit up to 25 percent of its adequate sites requirement by income group, by counting existing units preserved through the provision of "committed assistance" to that income category's households at affordable housing costs or affordable rents. (Gov. Code, § 65583.1, subd. (c).) However, the housing element must demonstrate compliance with all the statutory requirements and must clarify whether the Windwood Apartments meets the Adequate Sites Program Alternative Checklist (Gov. Code, § 65583.1, subd. (c).) For example, the element must describe the public hearing process which found the units eligible and reasonably expected to convert to market-rate as well as the specific date in which the committed assistance will be in place. For additional information and an Alternative Adequate Sites Checklist, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/analysis-sites-and-zoning.</p>	<p>Due to timeframe required by the Adequate Alternative Sites process, Windwood Apartments is no longer included in the Housing Element to fulfill the 6th Cycle RHNA.</p>
<p><u>Zoning for a Variety of Housing Types (Emergency Shelters):</u> While the element was revised to describe development standards for emergency shelters, it must analyze whether the requirements in the management plan are consistent with statutory requirements per Government Code section 65583 (a)(4), a constraint to the development of emergency shelters, and add a program as appropriate. In addition, while the element states the City complies with AB 139 emergency shelter parking standards, the parking requirements listed require a greater number of parking spots than allowed and must be revised.</p>	<p>Analysis added, and Program 3-3: Zoning for A Variety of Housing Types amended to ensure adequate provisions for emergency shelters in the City's code by the end of 2023: "Allow emergency shelters to be a by-right use in zones consistent with statutory requirements per Government Code section 65583 (a)(4). Additionally, parking requirements listed currently require a greater number of parking spots than allowed for emergency shelters and will be amended to comply pursuant to AB 139."</p>
<p><u>Land Use Controls:</u> While the element describes land use controls, heights are limited to 35 feet in many commercial zones and specific</p>	<p>The Housing Element has been revised to reflect that the City has recently allowed 35ft or 3 stories in</p>

<p>plan areas that allow multifamily. The element must add a program to ensure three story developments are allowed in zones that allow multifamily. In addition, two parking spaces are required in the LP, NG, and CA zones regardless of the number of bedrooms per unit. The element must be revised to remove constraints on parking including but not limited to the number of spaces for studio and one-bedroom units, garage requirements for multifamily developments, and additional parking requirements for residential care homes. Lastly, the element should analyze whether maximum densities can be achieved in the NM and NU zones with required front and rear setbacks, a maximum lot coverage of 50 percent, and height restriction of 28 feet and add a program as needed.</p>	<p>NM/NU zones, and the City's code has not yet been updated to reflect that change.</p> <p>Programmatic language has also been added to ensure that the City takes a graduated approach to parking requirements in alignment with Density Bonus Law standards.</p>
<p><u>Fees and Exaction</u>: The element must describe all required fees for single-family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. While the element includes a table of development impact fees, it must include all building and permit fees for single-family and multifamily developments. In addition, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing.</p>	<p>Further analysis of the City's fees (beyond development impact fees) have been added to the Technical Background Report.</p>
<p><u>Local Processing and Permit Procedures</u>: While the element describes the permitting times, it must clarify whether it is for both single-family and multifamily developments. In addition, the element must analyze the conditional use permit (CUP) findings and procedures for multifamily developments. The element states that CUPs are required for all multifamily housing of more than four units unless it is in the NU zone if 25 percent of the units are affordable to lower-income and the development proposes more than ten units. The element must analyze the CUP requirements as a potential constraint on housing supply and affordability and demonstrate realistic opportunities for multifamily. The analysis should identify findings of approval for the CUP and their potential impact on development approval certainty, timing, feasibility and cost. The</p>	<p>TBR Section 4.3.4 (Local Processing and Permit Fees) revised to reflect that conditional use permits are not required for multifamily development in any zoning district except Low Density Residential.</p> <p>NM and NU zones have been updated, and the City's code itself is out of date.</p> <p>Conditional use permits are not required for multifamily development in any zoning district except Low Density Residential.</p>

<p>analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. If constraints are identified, programs should be included to address and remove or modify these constraints.</p>	<p>The City has not received any requests for lesser densities within the prior planning period. The City has minimum residential density requirements.</p>
<p><u>Building Codes and Enforcement</u>: The element must describe and analyze which building code is enforced, any local amendments to the building code and their enforcement for impacts on housing supply and affordability.</p>	<p>TBR Section 4.4.2 (Building Codes and Enforcement) revised to reflect that Cotati enforces the 2023 California Building Code, and CalGreen Tier 1 is the most applicable local amendment. The enforcement of the 2023 Building Code and CalGreen Tier 1 amendment have not been identified as having any impact on housing supply and affordability in Cotati. These standards are consistent across most North Bay communities and allow the future cost of home ownership/occupancy to be reduced through lower utility bills (electricity, gas and water), and resulting in a reduced long-term cost of living.</p>
<p><u>Approval Time and Requests Lesser Densities</u>: The element must include analysis of requests to develop housing at densities below those identified, the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially. The element must address any hinderance on the development of housing and include programs as appropriate.</p>	<p>The City has not received any requests for lesser densities within the prior planning period. The City has minimum residential density requirements.</p>
<p>C. Housing Programs</p>	
<p>To address the program requirements of Government Code section 65583, subdivision (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; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:</p>	<p>Programs have been comprehensively amended to provide definitive implementation timelines, objectives, and geographic scope.</p>
<p><u>Program 1-3 (Non-Profit and Agency Coordination - Existing Housing Needs)</u>: The program should be revised to include specific</p>	<p>Program 1-2 amended to reflect deliverable of presenting results of the annual Housing Fair to the City Council for direction.</p>

<p>implementation of what will result from the identified discussions and reporting results to council.</p>	
<p><u>Program 4-1 (Anti-Displacement Actions):</u> The program must include specific timing of when the replacement housing requirements will be implemented.</p>	<p>Amended language in Program 4-1: Anti-Displacement Actions to clarify outreach action and timeline: "The City will conduct outreach to residents of 100% of nonvacant sites within the City's Sites Inventory that may be replaced by new construction within 90 days of permit application on any given site(s)."</p>
<p><u>Program 4-2 (Housing Discrimination Complaints):</u> The program should be revised to include outreach beyond a brochure on the City's counter as well as specify what actions will result from participation in meetings.</p>	<p>Program 4-2 revised to detail the City's process for resolution of handling housing discrimination complaints.</p>
<p><u>Program 4-3 (Nondiscrimination & Fair Housing Information):</u> The program should be revised to include timing on how often information and the inventory will be updated.</p>	<p>Annual timeline clarified.</p>
<p>As noted in Finding B3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.</p>	<p>The City will submit a complete Sites Inventory with the Adopted Housing Element pursuant to State law.</p>
<p>As noted in Finding(s) B4 and B5, 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:</p>	<p>The City has completed an analysis of governmental and nongovernmental constraints. Between the time of the HCD letter and Housing Element adoption, further constraints were not identified to the point of identifying programmatic needs.</p>
<p><u>Program 3-1 (Zoning for a Variety of Housing Types):</u> While the element includes revisions to allowing group homes for more than seven residents, it limits the allowance of group homes to persons with disabilities. This language should be removed to ensure all group homes of seven or more residents are permitted in residential zones objectively with approval certainty similar to other residential</p>	<p>Definition expanded; timeline clarified.</p>

<p>uses, not just the ones who serve persons with disabilities. Additionally, the program should be revised to ensure approval certainty. Lastly, the timing of the rezone should be revised to be no later than February 2026.</p>	
<p><u>Program 3-5 (Review Processing Fees)</u>: The program should be revised to commit to making revisions to City fees depending on the results from the comprehensive review.</p>	<p>Added commitment “and complete beneficial revisions to City fees identified in the study by June 2026.”</p>
<p>The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. 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, address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.</p>	<p>Informed by the analysis of contributing factors to fair housing issues, the Housing Element has been revised through programmatic changes to assess geographic scope of each program. This analysis is informed by the City’s capacity to support housing programs with particular attention paid to the needs of special needs groups.</p>
<p>C. Public Participation</p>	
<p>While the element includes a description of its efforts to achieve public participation, it should 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.</p>	<p>Appendix C has been revised to connect stakeholder input directly to housing programs. In addition, detail has been added reflecting the City’s outreach conducted to mobile home parks and management of senior housing developments within the City in promotion of a series of bilingual Housing Element workshops conducted in May 2022.</p>