

APPENDIX F: COMMENTS ON THE HOUSING ELEMENT UPDATE

Public Workshops

April 16, 2015

Two individuals attended the workshops:

- Edgar Garibay, Catholic Charities
- John Beckman, Building Industry Association

How will the City and Housing Element address the proposed Urban Limit Line? Can we still meet the Regional Housing Needs Allocation?

The Housing Element will not address the Urban Limit Line scheduled on the November 2015 ballot. The ballot measure would essentially include the entire city plus its existing sphere of influence with some small differences. Staff is confident that the Regional Housing Needs Allocation can be accommodated with the existing city limits.

Update: Measure I, which would have established growth boundaries on three sides of Modesto, was defeated on the November, 2015 ballot.

Will new residential development be entirely single family housing or will there also be multi-family housing?

New development in the City is expected to be comprised of substantial new multi-family development. Each new specific plan area is required to include multi-family housing. Multi-family housing is also being built at various infill sites around the city. Additionally, Modesto's downtown form-based code [adopted May 2015] changed the commercial-only zoning in downtown to allow substantial mixed-use development.

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Mr Miguel Donoso

July 13, 2015

By email

I sent a letter in copia that I sent to the city manager of the city of Modesto in June 29, 2015 but I sent a letter we the root stampilla, was return to my address in July 8, I traied to sent a fax, but was rum # like fax 916)327-2643 and fax 916)263-7453 I call mr. Compura to explient this problem. Re: housing element 2015-2015- conseledated plan. In action 1.1: continue to provide assistance to preserve existen affordable housing and create new affordable housing. Are concern is: in Modesto have a few affordable housing for working families and no realistic assistance for affordable housing specially low-income areas. Action 1.3: continue to ensure the availability cities for development of affordable housing. Are concern is: in the zoning areas of Modesto the land use is not adequate to use for low-income and medium-income, specially the land cost, this are in different side for low-income and medium-income and also for mianorities. We recoment to have Inclusionary zone ordenence. Action 3.1: when selecting lending institutions for contractions and participation in local programs. Are concern is: that the city of Modesto do not have a ordenence like city of Los Angeles in community reinvestment act. That was in May 9, 2012 in was adopt the ordinance adding section 20.95.1 to chapter 5.1 And are last concern is: is the enviromental justice SB375 is not implemented

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in the polices or programs for the housing element and the land element. Very truly su amigo Miguel Donoso # 209 [REDACTED], 95354

Policy 1.1 of the Housing Element is “Establish and/or support programs to supply below-market housing for extremely low-, very low-, low- and moderate-income households, as well as market-rate housing.” This policy is implemented by nine (9) programs that, when coupled with federal, state, and local funding, will facilitate the provision of housing for extremely low-, very low-, and low-income individuals and households. Modesto has had significant accomplishments despite having limited resources, including the development of Bennett Place, Downey Place, Hope Village, 605 Coolidge, and part of Archway Commons. Funding is being sought for the completion of Archway Commons. Additionally, Tower Park is expected to be completed in early 2016.

Policy 1.3 of the Housing Element refers to foreclosure avoidance. The comment, however, refers to zoning, which is addressed in Policy 4.1, which reads, “Track changes in Housing Law to ensure that land use regulations, including zoning, subdivision, and permit processes, are consistent with and supportive of State and federal laws. Maintain an adequate supply of appropriately designated land for special needs housing, including seniors, disabled persons, large households, the homeless, and transitional persons. Review local regulations periodically for the ability to accommodate projected housing demands.”

The State Department of Housing and Community Development determined that adequate capacity existed during the last cycle of the Housing Element to meet the City’s Regional Housing Needs Allocation, 11,130 units. This cycle of the Housing Element requires that Modesto accommodate 6,361 dwelling units; the proposed land use inventory can accommodate 8,796 dwelling units. Modesto makes every effort to facilitate affordable housing. Recently, an affordable housing developer was interested in building an apartment complex on industrially-zoned land. Modesto approved the zone change and assisted the developer in securing the funding necessary to build Archway Commons. To date, 76 of 150 total units have been completed at Archway Commons.

Regarding Action 3.1 in the Consolidated Plan, it is correct that Modesto does not have a Community Reinvestment Act ordinance to use when selecting lending institutions for contracts and participation in local programs. However, this issue has been brought to the City’s attention and should be reviewed to determine whether such an ordinance could be beneficial for the City.

Modesto may again consider an inclusionary housing ordinance. Several cities, including San Jose, Los Angeles and Patterson, have been sued as a result of their inclusionary housing ordinances. Rather than risk a costly lawsuit, Modesto will involve the City Attorney and proceed cautiously before adopting any such ordinance.

SB 375 (2008) addresses the land use-transportation component of reducing greenhouse gas emissions as required by AB 32 (2006). This bill contains language to extend the planning period of the Housing Element from five to eight years under specified circumstances. SB 375 also includes language exempting from environmental review projects that meet certain criteria. Modesto is in the process of amending its General Plan to address SB 375 and other legislation that has passed since the last update in 2008.

Any changes to the land use and transportation chapters of the General Plan will be implemented following City Council action on the General Plan amendment. The Housing Element is a component of the General Plan but does not broadly address land use and transportation issues.

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Nevertheless, City Council has adopted the Crows Landing Road Corridor Study (2015) and the downtown form-based zoning code (2015), both of which address concerns related to SB 375.

CH&CDC meeting November 18, 2015

Mr Frank Ploof
November 16, 2015
By email

As you know I'm outta town until the 21st and the meeting referenced in this email is the 18th and I'll miss.

On the agenda is a review of the City of Modesto's draft Housing Element plan. I've looked over the Homeless section in detail and have issues with it: The statement below seemly implies we don't have a homeless housing need!

"The Housing Authority of Stanislaus County (personal communication with Lynnell Fuller, October 22, 2015) has provided Modesto with information on the number of beds available in Modesto to serve the 983 individuals identified on Modesto's streets during the January 29, 2015, point-in-time survey.

There are:

- 669 family beds;
- 369 adults-only beds;
- 64 children-only beds; and
- 111 seasonal beds.

This is a total of 1,213 beds, more than adequate to accommodate the people identified...."

Also of concern are the % shown for sub-populations..I don't have actual numbers for 2015 but comparing to 2014 they are much larger e.g. Substance abuse: 14-15% 15- 32.9%

The 2015 report used by the Focus Initiative shows there are 983 Homeless folks in Modesto. This number should be the base by which we calculate the need for Perm Housing...The Housing element needs to address this number and the fact that we have ES and transitional shelter is irrelevant to permanent housing needs. It also doesn't seem correct to use existing beds to offset the people currently homeless as when placed in PSH, then one is not homeless any longer.

Please review and correct as I think we need to have this one 100% accurate....

tx, frank

The State of California establishes the process by which the Regional Housing Needs Assessment is prepared. Government Code Sections 65584 and 65584.01 through 65584.07 are most relevant in describing the process by which regional housing needs are established. In brief overview, the State relies on population forecasts prepared by both the Department of Finance and the local council of governments to determine the allocation to each region. The local council of governments, in cooperation with its member agencies, distributes the regional unit allocation by income level among its member agencies.

The number of homeless persons in Modesto, their characteristics, and other data presented in the Draft Housing Element come from the annual Point in Time survey conducted for the Continuum of

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Care. This is the official source used in developing the Housing Element. Upon further review, the figures provided in Chapter 2 of the Draft Housing Element accurately reflect the results of the 2015 Point in Time survey.

Comparing the results of the Point in Time survey referred to in the Draft 2015 Housing Element (January 29, 2015) with the Point in Time survey used in the prior certified Housing Element (January 25, 2007) indicates a significant change in characteristics of the homeless population, as shown on the table below.

Selected Characteristics of the Homeless Population, 2007 and 2015		
	2007	2015
Veterans	2.6	11.1
Families / Households	37.2	6.7
Chronic Substance Abuse	7.2	32.9
HIV / AIDS	1.3	1.0
Severely Mentally Ill	2.6	42.3
Victims of Domestic Violence	2.5	31.3
Homeless One Year or More	43.0	44.2

The requirements established by the State of California are minimums. For example, an agency may accommodate dwelling units above the minimum specified. Modesto's total number of dwelling units accommodated is 8,766, although the City is only required to accommodate 6,361. Continuing the example, of these, 3,350 units for extremely low-, very low-, and low-income households are accommodated, in excess of the required 2,537 units.

When there is a surplus of sites for housing, the practical limitations on the provision of housing are funding and the market. Throughout California, as well as in Modesto, the demand for low-cost housing far outstrips the funding available to develop it.

Planning Commission workshop December 7, 2015

Two individuals attended the workshop, in addition to six Planning Commissioners:

- Edgar Garibay, Catholic Charities
- Marisol Aguilar, California Rural Legal Assistance

Is Johansen Comprehensive Planning District counted in the Housing Element or will it be?

Johansen Comprehensive Planning District was included in the 2008 Housing Element because staff determined there was interest in planning the area and annexing it to the city. Modesto made a commitment to the planning and annexation process for that area, but during the recession, interest in the area declined. Staff is not aware of any interest in planning Johansen Comprehensive Planning District and so did not include it in the housing inventory for the 2015 Housing Element.

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Why are developed sites in the housing inventory?

The housing inventory includes both vacant and underdeveloped residential sites. Underdeveloped sites have the capacity for additional development. Consistent with the 2008 Housing Element, an underdeveloped residential site is included only if it is developed to one-third or less of its minimum development capacity, as allowed by the zoning code, or if at least 11 dwelling units could be added to the site. Eleven units was the minimum development selected because the smallest institutional affordable development constructed in Modesto is 11 dwelling units (Downey Place, senior housing).

Are the undeveloped sites for affordable housing in Village One and residential units on the Naraghi site been included in the inventory?

Yes. The Stanislaus County Housing Authority owns 34 undeveloped lots for affordable units in Village One near Floyd and Roselle Avenues. Due to the size of the lots, these have been classified as R-2 density lots, affordable to moderate-income households. Should the units, when developed, be made affordable to low-income households, they will be reclassified and accounted for as such.

Will the 2015 Housing Element be used for eight years?

The fifth cycle of the Housing Element is eight years long, from 2015 to 2023.

Can Modesto eliminate Measure M?

Measure M is a 1997 voter initiative. It might be possible to repeal it, but that's a question for the City Attorney and a decision for City Council. Measure G on the November 2015 ballot was a "Measure M" vote for the developed county islands within Modesto's Sphere of Influence. Measure G received a positive vote, so "Measure M" now only applies to greenfield sites within Modesto's Sphere of Influence.

What would the impact of a growth boundary be on Modesto?

That would depend on the where the boundary is drawn. However, had the boundary on the November 2015 ballot been approved by the voters, it would have been several years before any effects were felt because Modesto has annexed more than 670 acres of developable land since 1996 which will take many years to develop, after which there would still be more than 2,000 acres in the Sphere of Influence to be planned and annexed. Additionally, the growth boundary, as proposed, was open on the northeast. Eventually, a growth boundary would likely result in increased land values, which would make single family dwellings less economically attractive, while making townhouses, condominiums, and apartments more economically attractive.

Considering the passage of Senate Bill 375 (2008), has Modesto considered any policies related to health and the built environment? Will the city prepare a new general plan with a health element?

Modesto is currently preparing an amendment to the general plan that focuses on updates to the land use and transportation policies. As part of this effort, the general plan amendment will include notations following specific land use and transportation policies that promote improved health and air quality in order to emphasize these concerns. When the general plan amendment has been

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adopted, staff expects to be directed to initiate a comprehensive general plan update that may include a separate health element.

Would passenger rail service downtown increase housing costs?

Most likely it would, as land values and the desirability of living downtown are expected to increase if a passenger rail station is built downtown. However, Modesto has a density bonus provision in the zoning code that is expected to result in affordable units in otherwise market rate multi-family residential projects. Additionally, there are areas near downtown that will be less affected by the expected increase in land values.

Has there been any increase in development activity as a result of the downtown form-based code?

Several people have called to ask about the new zoning, but as yet there have been no applications for substantial development entitlements. This reflects the current market conditions for development citywide.

Why is manufactured housing in Modesto typically mobile homes when there is high quality manufactured housing available that fits better into existing neighborhoods?

Modesto's zoning code allows manufactured housing consistent with State minimum standards, which is to say it must be on a permanent foundation and, be constructed in accordance with the National Manufactured Housing Construction and Safety Standards of June 15, 1976. There is a wide variety in the quality of manufactured housing. Most common in Modesto are mobile homes, but there is factory-built housing and small kit houses, similar to Sears Roebuck-type catalog houses from the early 20th century.

How does the city attract developers?

Modesto makes no special effort to attract developers, but relies on the market.

How does Modesto accommodate special needs housing?

Special needs housing includes transitional and supportive housing, emergency shelters, and group and residential care facilities. Modesto's zoning code accommodates all of these housing types by right in specified zones. Except for emergency shelters, all of these housing types are permitted in residential zones. One additional emergency shelter is permitted by right in the C-M, M-1, or M-2 zones.

Code Enforcement's efforts at addressing dangerous low-income housing fall short. What can be done to improve this housing?

Due to current staffing levels, Modesto evaluates complaints about substandard and dangerous conditions to determine how each complaint will be addressed. Some agencies are able to implement rental inspection programs, but such a program is beyond Modesto's means at this time.