

From: Flores, Robert <rflores@RIVCO.ORG>
Sent: Monday, September 27, 2021 12:26 PM
To: Ashley Werner <awerner@leadershipcounsel.org>
Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Melissa A. Morris <mmorris@pilpca.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>
Subject: RE: Community Letter on RivCo Housing and Safety Element Updates

Thank you Ms. Werner for your comments and the information. You've copied the Clerk of the Board, who will distribute your comments accordingly.

Kind regards,

Robert Flores | Principal Planner
Riverside County Planning Department | 4080 Lemon Street, 12th Floor, Riverside, CA 92501
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RIVERSIDE COUNTY
PLANNING DEPARTMENT

How are we doing? (Click the link and tell us)

From: Ashley Werner <awerner@leadershipcounsel.org>
Sent: Monday, September 27, 2021 12:12 PM
To: Flores, Robert <rflores@RIVCO.ORG>
Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Melissa A. Morris <mmorris@pilpca.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>
Subject: Re: Community Letter on RivCo Housing and Safety Element Updates

Dear Mr. Flores,

Please find attached additional comments submitted by Leadership Counsel regarding the revised draft housing element and three attachments referenced in the letter (the community letter on the housing element which you received from Omar Gastelum, a letter from LCJA and PILP previously submitted to the County on the Public Review Draft Housing Element, and Attachment 1, an image from HCD's AFFH Data Viewer).

I would like to reiterate the request made by Rebecca Zaragoza this morning, and the request contained in the letter attached here, that the County not proceed with a hearing before the Board of Supervisors on this item tomorrow, given the Planning Commission's lack of an opportunity to consider the item following substantial modifications to the draft housing element from the version presented to the Planning Commission and the County's failure to adequately engage the public regarding the draft and revised draft element. Gov. Code Sec. 65356.

Thank you,

Ashley Werner
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9/28/21

21.2

September 27, 2021

Sent Via Email [COB@RIVCO.ORG]

Riverside County Board of Supervisors
4080 Lemon Street, 1st. Floor
Riverside, CA. 92501

Re: Riverside County's 6th Cycle Update to Housing and Safety Elements

Dear Chairman K. Spiegel and Board of Supervisors:

The undersigned residents represent the Eastern Coachella Valley communities of Thermal, Mecca, North Shore, and Oasis and are writing to express concerns over Riverside County's 6th Cycle Housing and Safety Element updates. We also incorporate here by reference the letters submitted by Leadership Counsel for Justice and Accountability dated August 16, 2021.

Housing Element Update

As a community, we believe that the 6th Cycle Housing Element draft did not undergo a proper community outreach process and as a result, still lacks many urgent priorities for our residents. Most of us were unaware that these updates were taking place and much less knew the implications that this document has for housing development in our communities. Given the dire need for affordable housing and the inadequate conditions of much of the existing housing in the Eastern Coachella Valley, we believe the County should have taken a more active role in engaging our communities during the element's development process.

Much of our population consists of low-income, Latinx farmworkers who often are unaware of how to engage with the County on these topics. Many of us do not speak English and do not have access to the internet to stay up to date or attend the hearings. We rely heavily on community based organizations to keep us up to date on County initiatives and programs but this is often not enough. It is disappointing that our communities, which have some of the greatest and most unique housing needs in the County, did not have the opportunity to properly contribute during the element's development.

In addition to the issues surrounding public participation, the proposed Housing Element lacks many policies the community recommends to address the housing needs of the Eastern Coachella Valley. Namely, policies that promote the development of affordable housing within our region, facilitate the improvement or replacement of existing housing, and encourage the participation of community members in the housing development process. Among many other recommendations included in prior letters, we ask the County to establish:

1. An inclusionary housing ordinance to ensure that affordable housing is continuously being built in our unincorporated areas.
2. A Housing Element Oversight Advisory Committee that can assist the County in obtaining community feedback and assess the quality of future Housing Element updates.
3. A comprehensive Polanco Park Permitting program that includes a moratorium on fees and a Polanco Park directory
4. A Tenant/landlord mediation board accessible to polanco park park residents
5. A process for reviewing the effectiveness of the existing community councils in the ECV and potentially amending the structure to better represent the community.

Safety Element Update

Similarly to the Housing Element update, we believe our concerns are not properly represented in the draft Safety Element. Our rural and unincorporated communities have outdated and unreliable infrastructure, and in some cases, no infrastructure like paved roads, sewer, sidewalks, and other resources we really need. This lack of proper infrastructure really affects our health and safety, including our environment. Now more than ever are we seeing the constant and severe impacts of extreme weather events and climate change. Since our communities are already vulnerable, we feel those impacts much sooner and worse than others that have better supporting infrastructure. Given the recent power outages and damages to homes in the community of North Shore from extreme weather, we believe it is more important than ever that the County effectively plan for the safety of residents of Riverside County's unincorporated areas and take this as an opportunity to help our communities combat climate change and other environmental hazards. We ask the County to include:

1. An update to its hazard mitigation plan and policies to include an enhanced humanitarian response protocol to environmental hazards like fires, power outages, floods, among others.
2. A stronger collaboration and action-oriented process to upgrade the electrical infrastructure in rural communities to make it more climate resilient and reliable.
3. A process to implement water, wastewater, and drainage infrastructure projects to protect public health. Having this basic infrastructure in place will also pave the way for added benefits like increased development, more affordable housing, community centers, and other resources.
4. A stronger protocol for collaborating with Native American and indigenous tribes to respond to illegal dumping and burning that occurs near vulnerable communities and sensitive receptors.

5. A process to expand public lighting in rural communities. This will help keep residents safe when children are walking to and from bus stops, or taking walks during non daylight hours.
6. A process for reviewing and responding to complaints from rural communities regarding noise, dust and pollution caused by offroading near their homes.
7. Additional language on the implementation of the Safety Element and specific timelines and milestones to track its progress.
8. A review of the policies in the Safety Element to ensure alignment with the environmental justice policies included in other elements.

The Housing and Safety Elements have the potential to guide the County towards a more just, equitable, and safe future, but only if all members of our communities are properly represented in the development process. Due to the concerns expressed in this and prior letters, we believe this has not yet happened and strongly urge the Board to delay accepting these updates until our community concerns and recommendations have been properly considered and addressed.

In community,

Eliodora Romero
 Alicia Ramirez
 Andres Moran
 Gloria Mendoza
 Juan Ceia
 Albert Ayala
 Linda Espinoza
 Marisela Torres
 Maria Elenena Pozar
 Erasto Ramirez
 Salomon Martinez
 Intrica Zacarias
 Martina Zacarias
 Rutilo Martinez
 Hilario Martinez
 Salvado Zacarias
 Demetrio Rafael
 Andres Areivalo
 Eliana Ramirez
 Jose Vicente

Blanca Garcia
 Erika Cruz
 Vanessa Alvarez
 Virginia Mascareño
 Concepcion Cano
 Rosa Romero
 Maria Sanchez
 Tereso Chavez
 Teodocia Francisco
 Olga Espinoza
 Maria Sandoval
 Veronica Estrada
 Maria J Pozar
 Hilaria Santiago
 Araceli Gomez
 Ed Luna
 Manuela Ramirez
 Maria G Pozar
 Hermelinda Tejas
 Mariana Roman

Sandra Ramirez
Jeanet Gonzalez
Dora
Teresa
Irena Montano
Ramón Zaragoza
Karian Andalon
Silvia Romero
Pearla Badena
Vanessa Moreno
Sonia Baturoni
Rita Gutierrez
Cynthia A
Carmen Castillo
Brenda Ortiz
Livier Gonzalez



September 27, 2021

Robert Flores, Principal Planner
Riverside County Planning Department
4080 Lemon Street
Riverside, CA 92501

Submitted Via Email

RE: Riverside County's Revised Draft 2021-2029 Housing Element

Dear Mr. Flores,

We are writing to provide the County with comments on its Adoption Draft 2021-2029 Housing Element dated September 2021 ("Revised Draft Housing Element" or "Revised Draft"). Where applicable, these comments reiterate comments we have previously submitted to the County dated August 12, 2021 ("August 12th Letter") and August 16, 2021 ("August 16th Letter") regarding its Public Review Draft 2021-2029 Housing Element dated July 2021 ("Draft Element" or "Draft") and also point out aspects of the Department of Housing and Community Development's ("HCD's") letter to the County containing its findings on the Draft's compliance with state Housing Element Law and which were dated September 1, 2021 ("Findings").

Leadership Counsel had a limited time frame in which to review the Revised Draft as a result of the County's failure to provide our staff, as commenters on the Draft, with notice of its availability. Our comments below reflect our findings and input relating to the Revised Draft to date. We reserve the right to supplement our comments to the County based on further review and/or input from residents with whom we work alongside. Because of the time limitations on review and for efficiency-sake, we provide our comments to the County in bullet point format.

As discussed below, the Revised Draft fails to respond to and incorporate comments which we and other stakeholders submitted on the Draft Element and at other points during the 6th Cycle Housing Element Update. The Revised Draft fails to include analysis, sites, and programs as required by state Housing Element Law or to comply with its duties under civil rights and fair housing laws, including its duties to affirmatively further fair housing. e.g., Gov. Code Sec. 65580, et seq.; 11135; 65008; 12900, et seq.; 8899.50. This letter, the attached letter submitted by Leadership Counsel on behalf of numerous community-based organizations and residents of unincorporated East Coachella Valley, and resident and stakeholder comments to the County throughout the 6th Cycle Housing Element Update illustrate broad and deep concerns related to housing inadequacies in the region. The County must not ignore these concerns and must meaningfully respond to all public input received, especially input provided by protected class and lower-income households and civil rights and community-based organizations which work alongside protected classes and lower-income households.

As a result, we ask that the County: (1) rescind its submission of its Revised Draft to HCD for review, (2) prepare further revisions to its Revised Draft which meaningfully and comprehensively incorporate public comments provided to the County during the housing

Robert Flores, Principal Planner

September 27, 2021

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element update process, (3) release the new revised draft for public review and input at least 30 days in advance of submitting the new revised draft to HCD, and (4) conduct public outreach and engagement, including in particular to protected classes and lower-income households, to provide information on the new revised draft and accept and incorporate input, before submitting the element to HCD for review and the Planning Commission and Board of Supervisors for public hearing.

I. Government Code Section 65356 Requires That the County Provide a Revised Draft to the Planning Commission Before the Supervisors Vote on it

Government Code section 65356(a) provides that:

“The legislative body shall adopt or amend a general plan by resolution, which resolution shall be adopted by the affirmative vote of not less than a majority of the total membership of the legislative body. The legislative body may approve, modify, or disapprove the recommendation of the planning commission, if any. However, any substantial modification proposed by the legislative body not previously considered by the commission during its hearings, shall first be referred to the planning commission for its recommendation.” (underline added)

The Revised Draft contains substantial modifications to the Draft Element considered by the Planning Commission on September 1, 2021. Accordingly, pursuant to section 65356(a) the Board of Supervisors are prohibited from voting on the Revised Draft before consideration of the Revised Draft by the Planning Commission under section 65356(a). Given the substantial deficiencies of the Revised Draft, discussed in this letter below and the attached letter from Leadership Counsel and other organizations and residents, we recommend that the County prepare further revisions to the Revised Draft and provide a new revised draft for public comment and undertake a public process to solicit and incorporate input on a new revised draft before bringing a final draft to the Planning Commission and Board of Supervisors for consideration.

II. The County Has Repeated its Failings to Diligently Engage the Public In its Preparation of the Revised Draft

- A. Our August 12th Letter described significant inadequacies in Riverside County’s efforts to engage the public in the development of the County’s 6th Cycle Housing Element. These inadequacies included a failure to take effective steps to ensure participation by protected classes and lower-income households; a failure to incorporate input received; the County’s submission of its Draft Element to HCD before allowing the public to provide input on the draft; failure to align the County’s outreach for the development of related general plan elements, including the environmental justice element and the safety element, in accordance with SB 379. August 12th Letter, pp. 1-5. Rather than respond proactively to address its public process deficiencies, the County has replicated several of these deficiencies in its development of the Revised Draft, including but not limited to the following:

1. The County failed to provide notice of the availability of the Revised Draft to interested stakeholders, including by failing to notify stakeholders who previously submitted comments or otherwise engaged in the housing element update of the revised draft. Specifically, Leadership Counsel staff never received an email or other notification of the availability of the Revised Draft after the County submitted it to HCD and posted it to its website on September 14, 2021. As a result, Leadership Counsel learned of the Revised Draft's availability with limited time before the Board of Supervisors hearing on the housing element which the County has scheduled for September 28, 2021 and has had not had an adequate opportunity to ensure that residents of Mecca, Thermal, Oasis, North Shore and other lower-income, Latinx communities have access to information regarding the Revised Draft;
2. As discussed throughout this letter, the Revised Draft's revisions, including revisions to the Assessment of Fair Housing, Programs, and Sites Inventory, do not respond, or respond only minimally and insubstantially, to public input provided in our August 12th and 16th Letters and other public comments described in Appendix P-1. The overwhelming majority of the revisions in the Revised Draft appear to respond directly to HCD's Findings. Yet HCD's Findings advised the County that, "[t]he County's consideration of public comments must not be limited by HCD's findings in this review letter." HCD's Findings, p. 10.
3. HCD's Findings explained to the County that the County's failure to make the Draft Element available to the public for review prior to submitting the Draft to HCD results in a failure of the County to satisfy its duty to make a diligent effort to engage the public. Findings, P. 9. HCD's Findings stated that:

"[t]he 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 County 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."

Despite these clear comments by HCD regarding the appropriate process for provision of draft elements to the public and HCD, according to the County's website, the County submitted the Revised Draft to HCD on the same day it posted the Revised Draft to its website -- September 14, 2021.

III. Evaluation of Previous Housing Element

- A. The Revised Draft Continues to Fail to Evaluate the 5th Cycle Housing Element As Required by Law.** Our August 12th Letter discusses in detail the Draft Element's failures to comply with Housing Element statute and HCD

guidance requiring housing elements to review the effectiveness of the jurisdiction's previous housing element and the jurisdiction's implementation of the previous element in addressing community and state housing goals. We also informed the County of the significant role that public input provided during the housing element update should play in informing the evaluation of the previous housing element pursuant to HCD's AFFH Guidance and the Draft Element's failure to consider public input in this section. Despite our extensive input on these matters, the Adoption Draft does not include any substantive revisions to address them. *See* P-5-P-42.

IV. Assessment of Fair Housing

A. Overarching Comments

1. The Revised Draft continues to fail to incorporate public input. Leadership Counsel's August 12th Letter provided the County with extensive input regarding deficiencies in the Draft's AFH and to assist the County in developing a robust AFH that accurately reflects the fair housing issues that impact Riverside County residents. The County has also received input on these matters from Leadership Counsel, other community-based and civil rights organizations, and residents in other letters and public comments provided during workshops and hearings on the element, including input described in Appendix P-1 Public Participation. This conflicts with the County's duty to make a diligent effort to solicit public input by all economic segment of the community and to incorporate public input and knowledge. § 65583(c)(9); AFFH Guidance, p. 39, 62.

2. The AFH inappropriately mischaracterizes public comments received. In its discussion of Enforcement and Outreach Capacity, the AFH mentions that the County receives comments raising fair housing concerns by several organizations, including Leadership Counsel, and characterizes the comments as emphasizing the need for further investigation into fair housing issues "to understand the full extent of the issues." In response to this characterization of the comments it received, the AFH states that it will conduct a survey of farmworker conditions, work with local transit agencies to promote mobility and services for low-resource areas, and work with the Continuum of Care programs which were included in the Draft Element. PP. 95-96. Unfortunately, the Revised Draft mischaracterizes the nature of public comments submitted to the County on its Draft, which provided the County with specific details about existing fair housing disparities, requested that the County conduct further analysis where appropriate, and identified specific actions that commenters requested the County consider in response to the fair housing disparities identified. The County must include and analyze information available to it in the housing element relating to the topics set forth under the Housing Element Statute and may not ignore information or fail to analyze fair housing issues because the County received the information from the public. *See* HCD's AFFH Guidance (stating that the County must diligent outreach efforts for the entire housing element and identifying the AFH as a key component of the housing element requiring public input, p. 22) The housing

element's programs and meaningful actions must also reflect and respond to public comment received. *See* AFFH Guidance (stating that "actions must be formulated in a manner to address the full scope of outreach," p. 54). The three actions which the County states that it will take in its response to its characterization of public comments do not do so.

3. The AFH's Actions Fail to Address Housing Disparities Reflected in the AFH's Analysis and to Reflect Public Input.

- i. **AFH's Actions Fail to Reflect Public Input.** Our August 12th Letter and other written and verbal public comments provided to the County during the housing element update provided input to the County on fair housing issues and actions and programs needed to address those issues. The Revised Draft Element fails to contain revisions to reflect that input. In fact, the AFH includes no material changes to the actions identified in the Draft and continues to fail to consider specific actions and programs recommended in our previous comments.
- ii. **Lack of Actions Directed Towards R/ECAP of Mecca, Thermal, Oasis and North Shore.** The AFH identifies Mecca, Thermal, Oasis, North Shore and other areas around the Salton Sea as an R/ECAP and as highly impacted by environmental health disparities and overcrowded housing. Revised Draft, PP-81, 90. The Revised Draft also describes rural areas of Eastern Riverside County, where these communities are located, as impacted by stark disparities identified through the AFH. P. 81. The Revised Draft contains no programs specifically targeting resources towards addressing the housing needs impacting the disadvantaged unincorporated communities surrounding the Salton Sea. The County should consider revising the Revised Draft to do so.
- iii. **Goals, Metrics, and Milestones.** HCD's findings on the Draft Element state that "[T]he 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 the analysis...*and must be significant and meaningful enough to overcome* identified patterns and trends. Actions must have metrics and milestones as appropriate..." p. 2. The Revised Draft contains no revisions to the actions identified in response to the AFH and fails to respond to this finding. PP. 99-100.

B. Segregation and Integration Analysis

1. While the Revised Draft includes some additional analysis, the Revised Draft still falls far short of an adequate analysis.
2. **Lack of assessment of needs of Black, API, and Native American households.** The draft incorporates some information about segregation trends for Latinos, based on disability, single-parent household status. But the draft still fails to include any analysis of patterns of racial segregation and integration for black, Asian-Pacific Islander, and indigenous American residents. To comply with the Housing Element statute's requirement that the AFH include the needs of "protected classes," AFFH

Guidance provides that the AFH's segregation and integration analysis must discuss levels "levels of integration and segregation for race and ethnicity", among other factors. AFFH Guidance, p. 31.

3. **The AFH fails to discuss characteristics of each R/ECAP.** HCD's findings on the Draft Element state that the element should evaluate the characteristics of the RECAPs it identifies, changes over time, comparisons to other neighborhoods in terms of equitable quality of life and consider other relevant factors, such as public participation, past policies, practices, and investments and demographic trends." p. 1. HCD's AFFH Guidance affirms this requirement, stating that local jurisdictions should use the information about RECAPs "as a starting point." AFFH Guidance, p. 34. "A complete analysis will then address the trends, patterns, policies, practices, and conditions in combination with other relevant factors to summarize issues and better inform goals and actions." AFFH Guidance, p. 34. The AFH includes some information about trends in poverty, income, and housing composition in these areas and postulates that "the dominance of agriculture and limited transit opportunities" for each of the communities it identifies as a basis for its status as an R/ECAP. The analysis entirely fails to discuss any other factors relating to quality of life in these communities, public participation, policies, practices, and investments. Revised Draft, P-81, 82. The analysis of R/ECAPs remains incomplete.
4. **The AFH Fails to Evaluate Racial Segregation Using Indexes Recommended by HCD or Other Available Data Sources and Information.** HCD's AFFH Guidance provides two quantitative metrics that can be used to analyze the extent of racial and ethnic segregation: the dissimilarity index and the isolation index. pp. 31-32. The Revised Draft does not evaluate segregation and integration using either of these indexes and instead, only refers to a "Diversity Index," without providing a description of how the Revised Draft calculates the Diversity Index scores. The Revised Draft must be revised to evaluate racial and ethnic segregation using the dissimilarity and/or isolation indexes. To the extent it continues to rely on the Diversity Index, the housing element should describe how that index is calculated and how it compares to or differs from the dissimilarity and isolation indexes. In addition, the housing element should provide additional detail about its findings. The Revised Draft states that the County generally has high diversity scores and that areas with lower diversity indexes "are typically undevelopable mountainous areas". P-81. The revised draft element should clarify whether all areas with low diversity indexes are undevelopable or whether portions of the land are suitable for housing development.
5. **The Evaluation of Racially Concentrated Areas of Affluence Fails to Use Data Recommended by HCD or Consider Other Relevant Information**
 - i. The County's analysis of Racially Concentrated Areas of Affluence finds no census tracts or block groups within the County that qualify as such but fails to acknowledge or discuss the existence of wealthy enclaves which are segregated from majority Latino communities in the County. While the Revised Draft inclusion of any information on this topic is an improvement from the Draft Element, the analysis should include other information necessary to accurately evaluate this topic.

- ii. For instance, HCD's AFFH Data Viewer map of Riverside County for "Predominant Population – White Majority Census Tracts" shows significant swaths of Riverside County with the white population as the predominant group as well as portions of the county where there is a "sizeable gap" between the white and non-white population share. (Attachment 1 hereto). The County should consider this data and provide a more detailed analysis of areas of integration and segregation within the County.
- iii. In addition, Riverside County is home to various high-end residential developments, including developments approved pursuant to specific plans, which are accessible to only the highest income earners and wealthy households. The Thermal Club, for example, consists of 268 residential lots set next to a motorsport track. Thermal Club members pay \$1,200 a month to use the motorsport track and buy vacant land around the track for \$700,000 to \$900,000 a lot upon which they build vacation homes.¹ The Thermal Club is located behind an 18-foot high wall, making it completely inaccessible to Thermal residents, which the Revised Draft indicates is an R/ECAP.
- iv. In recent years, the County has continued to permit such development. For example, in 2020, the County approved Thermal Beach Club, which will include 326 luxury residences set around a man-made lagoon and wave pool with a spa and fitness center, sport courts, retail, pool, dining facilities and more.² The Thermal Beach Club website indicates two membership levels, Residence Club emphasizes the "private" and "exclusive".³ The project developer committed to paying \$749,800 into a community benefits fund. Any affordable housing built as a result of the project is not required to be built within Thermal Beach Club community itself.⁴
- v. The County must revise the Revised Draft to acknowledge and identify the presence of luxury and vacation developments in the County which serve very high income and wealthy households, analyze their implications with

¹ Amy DiPierro, Desert Sun, Behind the 18-foot wall of Thermal Club, an oasis for car lovers in a desert farming town, March 20, 2018, available at <https://www.desertsun.com/story/money/real-estate/2018/03/19/behind-18-foot-wall-thermal-club-oasis-car-lovers-desert-farming-town/432851002/>

² See CISION, Ocean Style Living in Coachella Valley Becomes a Reality as 20-Acre Surf Lagoon and Private Residential Community Gets Green Light," Nov. 13, 2020, available at https://www.prweb.com/releases/ocean_style_living_in_coachella_valley_becomes_a_reality_as_20_acre_surf_lago_on_and_private_residential_community_gets_green_light/prweb17544136.htm

³ In describing the Thermal Beach Club and its amenities, the website uses the terms "exquisite private development," and "private surf lagoon," among others; calls it a "personal desert retreat; states that founder memberships are "for a select group of qualified individuals"; and describes how members can travel directly from the local airport to the Club for day trips, thus necessitating no interaction with surrounding communities.

⁴See Riverside County Supervisor V. Manuel Perez's webpage, Fourth District News, "Riverside County Supervisors Unanimously Approve Thermal Beach Club with Unprecedented Community Benefits," Oct. 27, 2020, available at <https://rivco4.org/News/riverside-county-supervisors-unanimously-approve-thermal-beach-club-with-unprecedented-community-benefits-1>

respect to segregation and integration patterns and trends in the County, and include appropriate policies and actions to address their impacts, including those identified during the public process already.

C. Inadequate Displacement Analysis

1. **Failure to Evaluate Race and Other Protected Characteristics.** The Displacement analysis only discuss displacement risk based on income and geographic area of the County (western and eastern Riverside County). The displacement analysis fails to evaluate displacement based on race or ethnicity and in fact, does not even mention race or ethnicity or other protected class status. Revised Draft, PP.92, 93. The Revised Draft must be revised to include this evaluation. Gov. Code § 65583(c)(10); HCD AFFH Guidance, pp. 39 (“The housing element must include an assessment of disproportionate housing needs, including displacement risk, on people with protected characteristics and households with low incomes) (underline added).
2. **Failure to Evaluate Potential Displacement in Meadowbrook.** The AFH states that the rate of poverty in Meadowbrook decreased from 2014 to 2019 from 42.5% to 18.9%, but provides no explanation for this decrease. The Revised Draft indicates that wages have remained relatively stagnant in RC in recent years, so the poverty reduction is not likely attributable to increased wages. Revised Draft, P-92. The HE should examine whether displacement is occurring Meadowbrook, whether similar trends are occurring elsewhere in the County, and actions to prevent displacement.
3. **Failure to Consider Displacement-Risks Raised in our August 12th Letter, Including Disaster, Climate, and Disinvestment-Driven Displacement and Inadequate Tenant Protections.**
 - i. Our August 12th Letter provided the County with information about displacement-risks associated with several factors not addressed by the Draft Element. August 12th Letter, pp. 14-15. The Revised Draft’s Displacement analysis fails to consider any of these displacement risks other than housing price increases. HCD’s AFFH Guidance identifies public-sector and private-sector neighborhood disinvestment in infrastructure, amenities, and services, including financial services, and disaster-driven displacement as forms of displacement as displacement risks which must be considered. AFFH Guidance, pp. 41-42.
 - ii. Recent weather events in Riverside County highlight the importance and urgency of the inclusion of a sound analysis of disaster-driven displacement risks. For several days in August this year, hundreds of North Shore families lost power and went without electricity, internet, and air conditioning following severe storms that toppled Imperial Irrigation District power poles.⁵ During this event, extremely-low and very-low income households’ groceries spoiled and vulnerable residents endured

⁵ See Kamari Esquerra, North Shore Power Outage Declared a Local Emergency, Sept. 15, 2021, available at <https://nbcpalmsprings.com/2021/09/15/north-shore-power-outage-declared-a-local-emergency/>

extreme heat in their homes, which some residents described as “unbearable”. Additionally, the storm caused severe damage to several homes.

- iii. As mentioned in our August 12th Letter, inadequate and absent water and wastewater infrastructure and services are a displacement risk to lower-income communities of color in the Eastern Coachella Valley, particularly Mecca, Thermal, Oasis, and North Shore. The draft should analyze how Severe and Extreme Drought conditions in Riverside County might impact displacement risks in these and other communities.⁶
- iv. Figures P-15 and 16, Neighborhood Overview (East) and Neighborhood Overview (West) indicate that large portions of Riverside County are located within Very High, High, and Moderate Fire Hazard Severity Zones. The draft element does not discuss the risk of displacement to protected classes and low-income households as a result of fires or consider how fire-related displacement result in indirect displacement as a result of decreased housing supply and increasing housing costs.

4. Continued Lack of Analysis of Displacement Risks Impacting Tenants Despite Information and Data Showing Significant Displacement Threats.

- i. As discussed in our August 12 Letter, tenants face particular displacement threats as a result of formal and informal evictions; landlord harassment and retaliation, including based on a tenant’s protected-class status; limited local tenant protections, including a lack of local rent control policies, and a lack of affordable legal counsel. The Revised Draft’s displacement risk analysis fails to consider any of these displacement risks impacting tenants and includes no actual data specific to tenants.
- ii. The displacement analysis does recognize that increasing rental prices and low vacancy rates constitute displacement risks for renters. See PP. 92-93. But the Revised Draft fails to provide data showing the scale of risk. In June 2021, U.S. Today found that the /San Bernardino/Ontario metro area ranked first in the nation for largest rent year-on-year rent increases with a 19.2% increase in median monthly rent between 2020 and 2021.⁷ Apartment List data indicates that between January and October 2020, rents for vacant units jumped 6.9%.⁸ This data indicates a significant and urgent threat of displacement to Riverside County renters. The County must revise its draft element to include and evaluate this and other data relating to displacement risks to tenants, and protected classes and low-income households in particular, and identify actions the County will take to respond to severity and urgency of the risks.

⁶ See National Drought Mitigation Center at University of Nebraska-Lincoln, the USDA, and the NOAAH, U.S. Drought Monitor, West, available at <https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?West>

⁷USA Today, U.S. metro areas experiencing largest rent increases, June 17, 2021, available at <https://www.usatoday.com/picture-gallery/money/2021/06/17/top-10-us-metro-areas-experiencing-rent-increases/7736186002/>

⁸Andrew Khouri, Los Angeles Times, Nov. 23, 2020, available at <https://www.latimes.com/business/story/2020-11-23/rent-falling-los-angeles-rising-suburbs-inland-empire>

5. **Lack of Meaningful Actions to Address Displacement Threats in Riverside County.**

- i. While the Revised Draft recognizes the risks of displacement to Riverside County households as a result of low-vacancy rates, rising housing prices, overcrowded living conditions, and substandard housing, the Revised Draft fails to include new programs or actions or modify program or actions contained in Draft Element to respond to those displacement risks. The Revised Draft also fails to include programs or actions that respond to displacement risks identified in public comments but not analyzed in the Revised Draft. The County must revise the Revised Draft to include actions responsive to those displacement risks.
- ii. The actions identified in the Displacement analysis do nothing to prevent short-term displacement as a result of rising rent prices, despite available indicating sharp rental price increases in the area. While more affordable housing and providing assistance to lower-income households to secure affordable housing may reduce displacement risks to some degree over the long-term, those policies do nothing to prevent the short-term displacement of residents as a result of rapidly rising rents, a lack of local tenant protections, a lack of legal counsel available to lower-income renter households, and other displacement risks impacting tenants.

6. **Access to Opportunity**

- i. **Access to a Healthy Environment.** Our August 12th letter and public comments described in the Draft Element's Appendix provided significant input to Riverside County regarding disparities in access to a healthy environment that impacts residents on the basis of race, ethnicity, other protected class status, and income. August 12th Letter, pp. 15-16. The Revised Draft fails to incorporate any additional analysis as a result of these comments and HCD's findings requiring the County to supplement its analysis on this topic, except for one sentence stating that disadvantaged communities in Riverside County "are generally located in areas with heavy industrial facilities" and "have more limited access to healthy outdoor spaces such as parks and trails. Findings, p. 1; Revised Draft, P. 85. The Revised Draft completely ignores public input regarding various other topics related to serious disparities in access to environmental health in Riverside County. And while HCD's Findings indicate that the County's revisions must include analysis of "policies, practices, and investments that impact access to environmentally healthy neighborhoods," the Revised Draft does not include any information or analysis to this effect. Findings, p. 1; *See also* HCD's AFFH Guidance, p. 35. The Revised Draft's use of passive voice ("[t]hese communities are generally located in areas with heavy industrial activities") punctuates the County's refusal to assess how its own policies, practices, and investments contribute to environmental health disparities. Revised Draft, P-85. The County must revise its analysis of Environmental Health disparities to incorporate and respond to public input regarding those disparities and HCD's findings.

- iii. **The Housing Element Must Include Meaningful Actions to Address Environmental Health Disparities.** The Revised Draft fails to identify any meaningful actions the County will take to address environmental health disparities impacting residents on the basis of race, ethnicity, or other protected characteristic. The Revised Draft lists several policies which it indicates are contained in Riverside County's Healthy Communities Element. Yet policies contained in another general plan element are not a substitute for concrete and meaningful actions to address environmental health disparities identified as part of the Assessment of Fair Housing pursuant to Section 65583(c)(10), including through public input provided relating to the AFH. Similarly, the County's development of an environmental justice element does not absolve the County of its responsibility in the AFH to identify and include actions which respond to the AFH's analysis and public input and which meet the Housing Element statute's specific requirements for programs and actions. *See* Gov. Code §§ 65583(c)(3)&(10).

7. **Access to Employment Opportunities**

- i. **Failure to Conduct Minimum Required Analysis of Employment Opportunities.** HCD's AFFH Guidance states that, at a minimum, an AFH's employment opportunities analysis should (1) describe any disparities in access to jobs by protected groups, (2) address where protected groups live and how that affects their ability to obtain a job; and (3) evaluate employment trends by protected groups. p. 35. The Revised Draft employment opportunities analysis does none of this, as it does not include any analysis of employment opportunities with respect to protected classes. In fact, the Revised Draft does not even mention any protected classes in its analysis.
- ii. **Lack of Analysis of Employment Opportunities in Riverside County.** The Revised Draft's analysis of employment opportunities lacks any discussion of the types of employment opportunities that exist in Riverside County, protected classes proportionate representation as employees in those sectors, the quality of employment opportunities available to protected classes, and actions to address barriers to access to employment opportunities for protected classes based on that analysis. The County must revise and recirculate the Revised Draft to include this information and analysis. According to Riverside County's 2019-2024 Analysis of Impediments to Fair Housing, major employers in Riverside County include employers in the leisure and hospitality industry and the logistics industry. Riverside County 2019-2024 AIFH, p. II-28 (identifying Pechanga Resort and Casino and Amazon as among the County's top ten employers). Both of these industries typically pay low wages and fail to pay competitive employee benefits and the logistics sector, and Amazon in particular, is notorious for poor working conditions for employee.⁹ The

⁹ See Carolyn Said, San Francisco Chronicle, Does Amazon's need for speed hurt warehouse workers? A propose California law could help, Sept. 19, 2021, available at <https://www.sfchronicle.com/bayarea/article/Does-Amazon-s->

County should include a discussion of the jobs available through the major employers and industries in Riverside County, trends with respect to employment in those sectors, and representation of protected classes in those jobs.

- iii. **Lack of meaningful actions to improve the employment opportunities for farmworkers.** The draft element identifies the predominance of the agricultural industry as a reason for poverty in Eastern Riverside County, but does not consider opportunities to address poverty or improve economic opportunity among farmworkers by improving the conditions and terms of employment in agriculture. Making efforts to connect low-income rural households to CalWorks for assistance “to meet basic needs” is not an adequate response to the Draft’s recognition of the prevalence of a job sector in the County which results in the impoverishment of entire communities. See Revised Draft, P-88, 89. The County must prepare a housing element which considers and includes meaningful actions to improvement employment opportunities in Eastern Riverside County, including employment terms and conditions for farmworkers. These actions could include providing an universal year-round guaranteed basic income for farmworkers; providing support for oversight of labor laws for farmworkers; and adopting enhanced and oversight local protections for farmworkers from exposure to pesticides, wildfire smoke, and other environmental health hazards, among others.

8. Sites Inventory AFFH Analysis

- i. **Exclusive Luxury & Above-Moderate Income Development Next to Low-Resource Communities Does Not AFFH.** The Revised Draft’s AFFH analysis of the Sites Inventory refers to the location of sites for above-moderate income housing “in low resource and high segregation areas” and “near low-income sites”, including the Kohl Ranch Specific Plan, as a strategy to combat segregation. As discussed above, exclusive wealthy enclaves situated near but separate from lower-income Latinx communities in Eastern Riverside County are not appropriate or effective strategies to affirmatively further fair housing. In fact, the development of luxury vacation resorts like the Thermal Beach Club and Thermal Club next to the farmworker community of Thermal only creates a striking and unavoidable display of segregated and inequitable living conditions in Eastern Riverside County. Dozens of Mecca, Thermal, Oasis, North Shore and other residents from the Salton Sea area have opposed the development of projects like Thermal Beach Club at public hearings and workshops on this basis. While the County states that Travertine Pointe Specific Plan includes a requirement that 10% of its units be affordable to low and moderate income households, our August 12th letter explains how the provisions of the Specific Plan do not actually require the development

need-for-speed-hurt-warehouse-16468236.php Sam Levin, The Guardian, Revealed: Amazon told workers paid sick leave law doesn’t cover warehouses, May 7, 2020, available at <https://www.theguardian.com/technology/2020/may/07/amazon-warehouse-workers-coronavirus-time-off-california>

of units affordable to lower-income households and provide broad discretion to the developer to determine if and when market conditions warrant the development of units affordable to moderate income households. Notably, the Revised Draft's AFFH analysis of the Sites Inventory does not describe that any other higher-income residential developments proposed to be located in lower-income areas of the County include a set percentage of affordable units.

- ii. To the extent that the County wishes to rely on sites near lower-income areas to meet its above-moderate income RHNA, the County must include significant requirements for the inclusion of lower-income units to ensure that residents of nearby communities, especially those like Mecca, Thermal, Oasis, and North Shore which are impacted by high rates of overcrowding and rent burden, have the opportunity to access housing and amenities within these developments. The County should include a program in the Housing Element to develop and adopt an inclusionary zoning ordinance with community input by a certain date, no later than two years from adoption of the 6th Cycle Housing Element to ensure a beneficial impact from the creation of new affordable and inclusive housing units during the planning period.
- iii. **The Revised Draft Fails to Respond to Input Relating to Access to Opportunity, Including a Healthy Environment, at Lower-Income Sites.** Our August 12th Letter asked the County to revise its Draft Element to provide additional detail about access to opportunity near lower-income sites in or near census tracts designated as high resource areas in order to provide a realistic portrayal of the opportunities that would be available to lower-income households of housing developed on those sites. August 12th Letter, pp. 16-17. In addition, we identified a number of concerns relating to the location of lower-income sites in proximity to environmental health risks, including their location in disadvantaged communities pursuant to CalEnviroScreen; their proximity to highways; and their locations in fire risk zones and flood zones. Unfortunately, the Revised Draft fails to respond to or address any of our comments on these topics.

V. Household Characteristics

- A. **Atypically High Vacancy Rates in Eastern Riverside County.** The Revised Draft states that 36.9% of housing units in Eastern Riverside County are estimated to be used for recreational or seasonal use. This statement replaces a statement included in the Draft Element identifying a vacancy rate of 42% in unincorporated Eastern Riverside County. P-58. The County should clarify whether the 36.9% figure included in the Revised Draft also reflects vacancy rates or, as the draft states, only a percentage share of units. HCD's Findings state that a "vacancy rate of 42 percent is atypical even in areas with significant seasonal influences. The element should include analysis of this vacancy rate and add or modify policies and programs as appropriate." Findings, p. 3. The Revised Draft lacks the analysis requested by

HCD's Findings and does not modify or add policies and programs to address the County's atypical vacancy rates in Eastern Riverside County, such as the inclusionary zoning policy proposed in our August 12th Letter. p. 21. Significant concern by residents of lower-income Latinx communities in Eastern Riverside County has been raised over the prevalence of high-end vacation home development in the region, such as the Thermal Club and Thermal Beach Club at Kohl Ranch. Given the significant community concern relating to the impact of recreational and vacation dwellings on the perpetuation of patterns of segregation and on disparities in access to public and private infrastructure, services, and amenities in Riverside County, the County must revise the Revised Draft to analyze the basis for the high vacancy rates among "recreational or seasonal use" in the Eastern County and consider including appropriate policies and programs.

VI. Sites Inventory

- A. The Revised Draft Fails to Justify Its Reliance on the Travertine Point Specific Plan for 916 lower and very-low income units.** Leadership Counsel's August 12th comments included detail information from the Travertine Point Specific Plan demonstrating that the plan does not include a requirement for the development of lower-income units; that the area encompassed by the plan lacks basic infrastructure and services needed for development in the plan area to occur; that portions of the plan area are located within tribal land or in the Inland Empire outside of Riverside County control; that no development has been initiated within the plan area and no timeline has been provided for its initiation, among other factors. In response to our August 12th Letter and/or HCD's findings, the Revised Draft revises the number of lower-income units which it claims credit for as a result of the plan from 1,609 to 916 units. Yet, the Revised Draft fails to address the points raised in our August 12th Letter which indicate that the County cannot claim credit for any lower-income units based on the Travertine Point Specific Plan. With respect to the timing of development in the plan area, the Revised Draft states that "It is estimated that it would take approximately 15 months for this project to break ground once the plot plan is initiated." But the Revised Draft provides no information about when a plot plan may be initiated, if at all. The County must revise its analysis of the realistic residential development potential of lower-income units in the Travertine Pointe Specific Plan area during the 6th Cycle planning period to respond to the issues raised in our August 12th comments and must revise its reliance on these units accordingly.s
- B. Reliance on Sites Included in 5th Cycle Sites Inventory Without a Rezoning Program Required By Section 65583.2(c).** The Revised Draft, like the Draft Element, relies on nonvacant sites to accommodate approximately 171 units of the County's lower-income RHNA which were also included in its 5th Cycle Housing Element. The draft must eliminate the sites from the inventory or include a program in the housing element that requires rezoning the sites for by right residential use where at least 20% of the units are affordable to lower-income households pursuant to Section. 65583.2(c). p. 11. The Revised Draft also continues to lack any information on the extent to which its relies on sites, vacant

or nonvacant, which were included in both the 5th and 4th Cycle Housing Element sites inventories. The County must correct this omission.

- C. **Reliance on Tribal Land located in the Torres Martinez Desert Cahuilla Indian Reservation and Cabazon Town Center.** The Revised Draft appears not to respond to or address our August 12th comments relating the County's reliance on tribal land outside of its jurisdictional control to meet its lower-income RHNA.
- D. **Environmental Constraints.** Our August 12th Letter describes several significant deficiencies in the Draft Element's discussion of environmental constraints on sites included in the inventory to meet the County's RHNA. The Revised Draft includes no revisions to respond to or address our comments relating to environmental constraints.
- E. **Infrastructure Deficiencies.** As noted in this and previous correspondence, several sites identified for housing, and in particular housing to meet the need for lower income households, lack adequate infrastructure, including but not limited to water and wastewater infrastructure to support such housing. The Revised Draft fails to address this deficiency.

VII. The Revised Draft's Programs Fail to Respond to Deficiencies Identified and Recommendations Provided by the Public and HCD

- A. The Revised Element fails to respond to extensive input provided in our August 12th and August 16th Letters relating to deficiencies in the Draft Element's programs and recommendations relating to programs needed to address the housing needs of Riverside County residents. *See* August 12th Letter, pp. 18-22; August 16th Letter, pp. 2-6. The Draft Element's programs continue to contain vague language without identifying concrete actions the County will take with "timelines, discrete steps, and measurable outcomes to have a 'beneficial impact' during the planning period." *See* AFFH Guidance, p. 51. For example, Program H-2, Infrastructure Availability and Coordination, continues to state that the County will "coordinate" with service providers to "assess the need for infrastructure and services" and "discuss plans for expansion." The program does not reflect a complete analysis performed by Riverside County relating to infrastructure and service deficiencies, as recommended in HCD's Findings, and fails to incorporate requests and suggestions contained in our August 12th Letter and in HCD's Findings that the County modify the program to include specific actions, like committing to "developing a comprehensive analysis" of infrastructure and service needs and "prioritized schedule" to address those needs and to serve as the lead agency and take other specified actions to address those needs. Revised Draft, H-7; HCD's Findings, p. 7; August 12th Letter, p. 18. *See also, e.g., Action H-7 (Land Use (Zoning) Ordinance Amendments)* (continuing to fail to commit to amendments to ensure compliance with Health and Safety Code § 17021.6 to allow employee housing for up to 12 households or 36 beds where agriculture is allowed); **Action H-10 (Innovative Housing Options)** (no revisions made despite our comments describing vague language and lack of assurance of a beneficial outcome in the planning period) **Action H-12 (Inclusionary Housing Requirements)** (no revisions made despite our comments about the inadequacy of language committing the County to "promote" the inclusion of low-income units and

the need for the program based on community input relating to patterns of segregation in the County); **Action H-17 (Mobile Homes)** (only revising the Action to add “and assist with funding applications,” without addressing vague terms used throughout the action or including specific steps needed to address the housing conditions of mobile homes as described in our August 12th Letter); **Action H-18 (Polanco Parks Program)** (no revisions despite discussion in our August 12th Letter of statutorily inadequate language and specific recommendations contained in our February 2021 and August 16th Letters relating to Polanco Parks); **Action H-22 (Housing Choice Voucher Program)** (no revisions despite our August 12th Letter’s identification of a lack of concrete steps and proposed actions to further the use of HCVs in high opportunity areas).

- B. **Action H-3 (Large Lots)**. HCD’s Findings state that a program in the 5th Cycle Housing Element did not appear to be well-utilized to facilitate developments at appropriate sizes for housing for lower-income households, and that the Program should be adjusted to address the lack of effectiveness. Findings, pp. 7-8. As an example, the findings state that the program could be modified to provide that the County will “reach out to developers of affordable housing and incorporate necessary strategies such as ministerial lot splits or other incentives.” Findings, p. 8. The County appears to have adopted the modifications provided by way of example in HCD’s findings essentially verbatim, without demonstrating that the modification would actually address the program ineffectiveness in the 5th Cycle Housing Element. The 5th Cycle Element included a similar provision which stated that the County would provide an “expedited review process” for the subdivision of larger lots. Riverside County Housing Element, 2017-2021, p. H-151, Program 1.2e. The County should discuss how the commitment included in Revised Draft Program H-3 differs the commitments contained in the 5th Cycle Element, why it may expected to effectively facilitate the development of large lots contained in the sites inventory, or whether additional incentives are needed in order to justify housing element’s retention of the large sites included in the sites inventory.
- C. **Action H-9 (ADU)**. HCD’s Findings state that the housing element “should go beyond ‘exploring’ options for establishing an ADU loan program and commit to its implementation. p. 9. In response, the Revised Draft replaces the words “explore options” with “[a]ssess the feasibility of” establishing an ADU loan program. Revised Draft, H-11. This revision fails to respond to the direction in HCD’s Findings that the program should include language committing to its implementation. Action H-9 also lacks steps to implement the results of ongoing, periodic monitoring of the program’s effectiveness, despite HCD’s Findings direction that the program “back up” monitoring with “actions within a specified time.” Findings, p. 9.
- D. **Action H-13 (Code Enforcement)**. The Revised Draft’s additions to Action H-13 require further revision to ensure the effectiveness of this action. The Revised Draft’s timeframe for Action H-13 reads, “Develop a proactive code enforcement by 2024” and “annually apply for funding as NOFAs are released.” Action H-13 should be revised to state that the County will “Develop, *adopt, and begin to implement* a proactive code enforcement *program* by 2024.” Without these additional terms, Action H-13 only commits County staff to draft a hypothetical program on paper without formal adoption or implementation by the County. We recommend that

County further revise Action H-13 to state that the program will be developed and implemented with public input; provide that the County will prioritize the resolution of code violations without displacement of tenants where possible; and that the County will use local sources of funding for program implementation, rather than relying solely on grants, like many other housing element actions. These sources of funding could include a fee imposed on all rental units, fines charged to rental properties in violation of habitability standards, and general fund dollars.

- E. **Action H-18 (Farmworker Housing)**. The revisions to Program H-18 included in the Revised Draft do not adequately respond to HCD's findings or our previous comments. HCD Finding's call for the modification of the program based on a complete AFH and based on lessons learned from past actions and "should include steps to address needs upon completion of the survey." Findings, p. 8. As mentioned above, the AFH remains incomplete and the Revised Draft, like the Draft Element, does not evaluate the effectiveness of programs contained in the 5th Cycle Element, but rather lists a set of accomplishments contained in its Housing Element Annual Progress Reports without comparison to the needs, goals, policies, measurable objective set forth in the element. Program 18 also does not appear to contain revisions to respond to these aspects of HCD Findings. Program 18 also does not identify any steps the County will take "to address needs upon completion of the survey," pursuant to HCD's Findings.
1. The Revised Draft adds a commitment to Program H-18 that the County will "[C]omplete an update farmworker survey before the end of the planning period." Completion of a survey "before the end of the planning period", which could be any day up until the last day of the planning period, will not result in any beneficial impact on actual farmworker housing needs and leaves no time for the County to take any steps to address the needs identified through the survey.
 9. **Action H-20 (Persons with Disabilities)**. HCD's Findings and our August 12th comments noted a lack of concrete timelines and clear language ensuring that Action H-20 will result in a beneficial impact in the planning period. The Revised Draft fails to address these deficiencies. The additional commitment to "Reach out to non-profit agencies and coordinate with the Inland Regional Center at least twice during the planning period" provides no additional specificity regarding the specific outcomes that this Action will achieve *within* the planning period. H-16. In addition, the Revised Draft's AFH identifies that a disproportionate share of unincorporated county residents with disabilities live in Eastern Riverside County and surmises that the higher rates of disability in eastern RC is associated with residents' employment in higher-risk industries, like agriculture. P-84. The Revised Draft should include actions targeted to reduce the risk of disability to farmworkers and other residents in high-risk occupations and to ensure services are targeted effectively to disabled residents in Eastern Riverside County. H-16.
 10. **Action H-27 (Improve Low Resource Areas Access to Opportunities)**. Our August 12th Letter describes vague and unenforceable language used throughout Action H-27. However, Revised Draft Action H-27 includes just one change, an addition, which states that the County will "[meet] with developers to identify suitable sites for affordable housing in eastern unincorporated areas and provide

Robert Flores, Principal Planner
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technical assistance to prepare projects for funding applications.” The Revised Draft states that the goal of this revision is to “[a]lleviate overpayment by increasing the supply of housing.” Revised Draft, H-19. Revised Draft Action H-27 both fails to address vague language contained in the Draft Element Action H-18 and includes new language that is similarly unlikely to achieve its goal, because the Revised Draft lacks any timelines or measurable objectives associated with the new action to “meet with developers”. Further, as discussed above, overpayment and rising housing costs in Riverside County is a significant displacement threat to lower-income residents which requires immediate actions, such as the adoption of local rent control policies and the expansion of access to affordable legal counsel for all lower-income residents. While actions to expand the supply of affordable housing are necessary, they alone will not prevent short or long-term displacement.

* * * * *

Please let us know if you have any questions or if you would like to find a time to discuss the contents of this letter.

Sincerely,



Ashley Werner
Directing Attorney
Leadership Counsel for Justice and Accountability

cc: Jamillah Williams, HCD
Paul McDougall, HCD



**PUBLIC INTEREST
LAW PROJECT**
CELEBRATING 25 YEARS OF ADVANCING JUSTICE

August 12, 2021

Jamillah Williams
Housing Policy Analyst II
California Department of Housing & Community Development
2020 West El Camino Avenue
Sacramento, CA 95833

Sent Via Email

Re: Riverside County's Draft 6th Cycle Housing

Dear Ms. Williams,

We are writing to provide you with comments on Riverside County's 2021-2029 Draft Housing Element Revision for the 6th Cycle Housing Element Planning Period ("draft element" or "draft"). As our analysis details below, the draft fails to substantially comply with state Housing Element Law and fails to affirmatively further fair housing ("AFFH"). The draft element's deficiencies include a failure to adequately solicit public input, comply with requirements to demonstrate the feasibility and realistic capacity of the sites inventory, analyze disproportionate housing needs of classes protected by civil rights statutes, including displacement risk; ensure that the sites inventory complies with the County's duty to AFFH; and adopt programs that will result in a beneficial impact in the planning period. This letter strives to provide guidance to assist the County in developing a revised housing element and expanded public process to comply with state Housing Element Law and civil rights and fair housing mandates. We encourage HCD to use its authority to facilitate and ensure the County's compliance with these critical statutes for the benefit of Riverside County residents.

Leadership Counsel works alongside residents of disadvantaged communities in the Eastern Coachella Valley and the San Joaquin Valley to advocate for sound policy and eradicate injustice regardless of wealth, race, income or place. Leadership Counsel staff works with residents in the communities of Mecca, Thermal, Oasis, and North Shore to advance access to decent quality affordable housing, fair housing choice, safe and affordable drinking water, community sewer service, active transportation investments, parks and green space, a healthy environment, and equitable access to decision-making processes. The Public Interest Law Project (PILP) is a statewide organization that advances justice for low income people and communities by building the capacity of legal services organizations through impact litigation, trainings, and publications, and by advocating for low income community groups and individuals.

I. Failure to Demonstrate A Diligent Effort to Solicit and Incorporate Input from All Economic Segments of the Community and Protected Classes

Housing Element Law requires that cities and counties make a diligent effort to solicit public participation from all economic segments of the community. § 65583(c)(9); AFFH Guidance, p. 21. HCD's Affirmatively Furthering Fair Housing Guidance for All Public Entities and For Housing Elements ("AFFH Guidance") counsels that a variety of methods should be

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used to “assure access and participation” and that the housing element must describe “meaningful, frequent, and ongoing public participation with key stakeholders.” Italics added, AFFH Guidance, p. 21. These key stakeholders must include a range of stakeholders, including but not limited to community members who are lower income, persons and households with special needs, and members of protected classes. AFFH Guidance, pp. 21-22. The draft element fails to describe public participation efforts by the County that meet these and other requirements of the Housing Element statute and AFFH duty. The County must identify additional efforts it will make to engage the public, including lower-income households, residents with special housing needs, and classes protected by civil rights laws, and revise the draft element to meaningfully incorporate public input.

A. Failure to Adequately Engage the Public, Demonstrate Inclusion of Low-Income Populations, Groups with Special Housing Needs, and Protected Classes

Based on Leadership Counsel’s staff participation in the housing element update public process and information contained in the draft element, the public meetings for the update were generally poorly attended and public input provided was limited. For instance, the draft element description of housing element workshops that took place at the Municipal Advisory Committee (“MAC”) and Community Council (“CC”) Meetings indicates that committee and council members and the public provided no or few comments at several meetings. PP.174-177. Leadership Counsel has advised the County that Community Council Meetings have historically not served as effective spaces to solicit public input because community residents we work with in the East Coachella Valley do not perceive CC members as representative of the community.

In addition, the draft element provides limited information relating to participation by lower-income households, groups with special housing needs, such as farmworkers, single-parent households, extremely low-income individuals, and unsheltered individuals; and members of classes protected by civil rights statutes, including classes based on race, ethnicity, country of origin, legal status, language, disability or other protected status. The information that the draft element does provide on this topic consists of numbers of online surveys completed in Spanish (7 out of 125 total) and participants who participated in Spanish-language breakout rooms at public meeting (11 out of 65 participants). The draft element provides no description of input provided by low-income individuals, persons with special housing needs, or protected classes in particular and describes no particular efforts to obtain input relating to the Assessment of Fair Housing by these or other groups.

Taken together, the draft element fails to describe adequate efforts to “assure access and participation” to the housing element update process, both by the general public and groups identified in statute and HCD guidance. The draft also fails to include any discussion of “issues that contributed to lack of participation in the housing element process by all economic segments, *particularly people with protected characteristics*,” as provided by the AFFH Guidance. p. 22. The little information the draft does provide relating to the participation of Spanish-speakers indicates a lack of representation in the public process comparable to that group’s share of the County population. The County must revise the draft housing element to acknowledge the limitations in public participation achieved for the housing element update in these meetings, identify additional strategies to solicit input from the full range of stakeholders, and ensure input received is incorporated prior to adoption. We suggest that the County conduct

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extensive outreach in support of and hold in-person workshops within disadvantaged communities using robust COVID-19 safety practices to obtain more input from diverse stakeholders before finalization of the housing element.

B. Failure to Adequately Describe and Demonstrate Incorporation of Public Input Provided

HCD's AFFH Guidance states that the housing element must describe "a summary of [public] comments and how the comments are considered and incorporated (including comments that were not incorporated), particularly with changes to the housing element. p. 22. While the draft element provides some description of public input provided, its summary of public comments generally lacks sufficient detail for the reader to understand the nature of the issue raised or the solution proposed. In addition, the draft element fails to demonstrate incorporation of input provided and to identify input the County chose not to incorporate as required.

The draft element's repeatedly defaults to broad, ambiguous, and categorical descriptions of public input which do not provide the reader with a clear understanding of the nature of the public comment received. For example, with respect to MAC and CC meetings, the draft element states, "At these meetings, community members expressed concerns about the placement of affordable housing within certain neighborhoods," leaving it uncertain with respect to *which* neighborhoods commenters were concerned with the location of affordable housing (i.e., low-resource/lower-income neighborhoods, high resource/high opportunity neighborhoods, or other) P-1. With respect to the January 11, 2020 Stakeholder Meetings, the draft element states that stakeholders raised questions about "implications of the COVID-19 pandemic on housing and work conditions, displacement risk and environmental justice considerations, funding mechanisms, and additional outreach opportunities" and provides no further detail about the specific nature of the input provided relating to these topic categories. P-2. And in its description of input obtained at the February 16th public outreach meetings, the draft element states only that, "[t]he County also solicited input from participants on where they would like to see additional housing development" and fails to disclose participants' responses to the question. P-3. Finally, with respect to the February 18th public outreach meeting, the draft element fails to provide *any* information about specific issues and recommendations raised by participants, stating only that "[m]any of the same types of questions were raised during this meeting" as were raised during the February 16th meeting, and that "[p]articipants..raised concerns regarding barriers to securing housing and requested additional information on the requirement of the Housing Element." P-4. The lack of detail about the specific nature of public input received limits readers' ability to discern whether the County meaningfully incorporated public feedback into the draft element's analysis, policies, and programs.

Indeed, the draft element includes no description of how general and specific input received was used to inform the draft housing element's analysis, goals, policies, or programs. The "community profile" section states that various sources of information were used in preparing the draft and cites specifically to U.C. Census, ACS, Department of Finance, SCAG, and California EDD data as sources upon which the County relief. Notably, the element does not state that public input obtained through public outreach was used to inform the element. P-43. The draft element's analysis of housing needs and constraints to housing and the assessment of fair housing all rely on census or other data sources and general discussions of statutorily-

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mandated topic areas but almost entirely fail to include any information obtained through the public input process

The draft element also fails to acknowledge, discuss, or incorporate recommendations contained in the letter submitted to the County by Leadership Counsel and several other community-based organizations in February 2021 relating to the housing element update. Attachment 1, Leadership Counsel February 2021 Letter. The letter discusses documenting the policies and programs which the signatory organizations believe should be prioritized in the housing element update, based on our direct and daily work with low-income residents of color, farmworkers, residents of disadvantaged unincorporated communities, and other residents with special housing needs and members of protected classes. The County must revise the draft element to acknowledge this letter, summarize its contents, and revise goals, policies, and programs to incorporate its recommendations, in addition to other input it receives. The County must also revise the element to indicate what public input it chose not to incorporate, which the element currently fails to do.

C. The County's Submission of the Draft to HCD Before the End of the Public Comment Period Undermines Public Participation

HCD's AFFH Guidance states, "[d]rafts of the housing element should be made available to the public for review and comment with ample time before submission to the Department of Housing and Community Development (HCD) for review." AFFH Guidance, P. 10. Despite this, the County released the draft element for public for review on the same day it submitted the draft element to HCD for review – July 9, 2021. The County's submission of its draft element to HCD the same day as draft's release to the public undermines the public process by allowing the County to receive findings from HCD on the compliance of the draft with state Housing Element Law before the County or HCD has had the opportunity to consider and incorporate public input. Without first incorporating public input relating to housing needs and disparities, policies and programs best suited to address those needs and disparities, and suitability of sites in the sites inventory, the County's draft is incomplete and should not be subject to review by HCD pursuant to Section 65585(b). We encourage HCD to decline to find the housing element out of compliance with Housing Element Law, direct the County to make additional efforts to seek public input by all economic segments of the community and protected classes, and incorporate input into a revised draft element.

D. Failure to Align Outreach for Environmental Justice Element Development and Housing Element Update

Alongside its 6th cycle housing element update, the County is also developing an amendment to its General Plan pursuant to the environmental justice planning requirements set forth in Section 65302(h). HCD's AFFH Guidance states clearly that "housing element outreach should be aligned with the SB 1000 (2016) ("EJ Element") outreach to the extent possible, given the overlapping topic areas." Leadership Counsel and other organizations requested that the County align its development of both of these general plan element amendments, including by creating public participation opportunities that would provide the public with opportunities to obtain information about and provide input on both amendments at once. Despite our request, the County declined to do so, and we are unaware of the current status of the EJ Element.

The County should revise the draft housing element to identify additional public participation opportunities it will create which will allow for public input on topic areas relevant to both the housing element update and AFH and the County's SB 1000 compliance, including housing, environmental quality, and access to opportunity, to incorporate public input into the housing element update that was provided during the EJ Element development process, and ensure consistency between both amendments.

II. Failure to Evaluate the the 5th Cycle Housing Element Consistent with Section 65588(a)

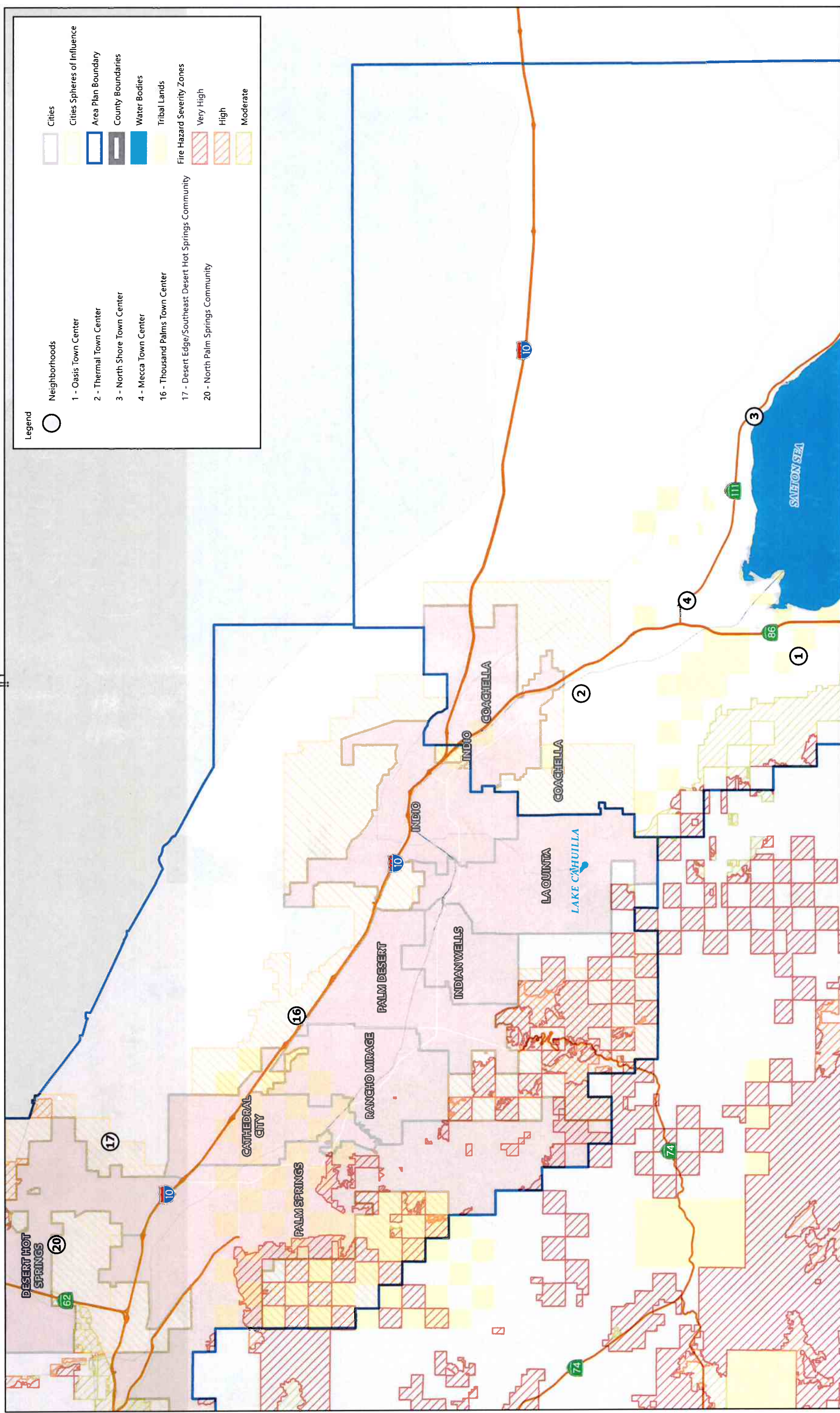
Section 65588(a) requires that local governments review their housing elements to evaluate four factors:

- (1) the appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.
- (2) the effectiveness of the housing element in attainment of the community's housing goals and objectives.
- (3) the progress of the city, county, or city and county in implementation of the housing element, and;
- (4) the effectiveness of the housing element goals, policies, and related actions to meet the community's needs, pursuant to the housing element needs analysis required by Section 65583(a)(7).

HCD's Building Blocks guidance makes clear that compliance with Section 65588(a) requires not only the provision of information about results achieved, but also analysis of how what was achieved compares to what was anticipated and to the community's needs, description of the jurisdiction's lessons learned based on that analysis, and the demonstration of a connection between modifications to the updated housing element and lessons learned.¹

The draft element fails to comply with Section 65588(a), because it entirely fails to include the analysis required by numerals (1), (2), and (3). In its "Evaluation of the Previous Housing Element" section, the draft element includes a matrix entitled "Progress in Implementing Programs and Objectives" ("Matrix"), which contains columns for "Program," "Implementation Status" and "Status" (i.e., status of the in the 6th Cycle Housing Element, including whether it is included, modified, or eliminated) and a section entitled "Efforts to Address Special Housing Needs," which describes certain results of housing element implementation with respect to various population groups, including groups identified as special needs in the 5th cycle housing element and other group. While the Matrix and Efforts to Address Special Housing Needs section contain certain information about results obtained from implementation of the 5th Cycle Housing Element, it contains none of the analysis required by Section 65588.

¹ See e.g., the Building Blocks description of the requirements of Sec. 65588(a)(1), which it describes in part as "[a] description of what has been learned based on the analysis of progress and effectiveness of the previous housing element. A description of how [the updated housing element is] being changed or adjusted to incorporated what has been learned from the results of the previous element," and with respect to Sec. 65588(a)(3), "[f]or each program, the analysis should compare significant differences between what was projected or planned in the earlier housing element and what was achieved. Analyze the differences to determined where the previous housing element met, exceeded, or fell short of what was anticipated."



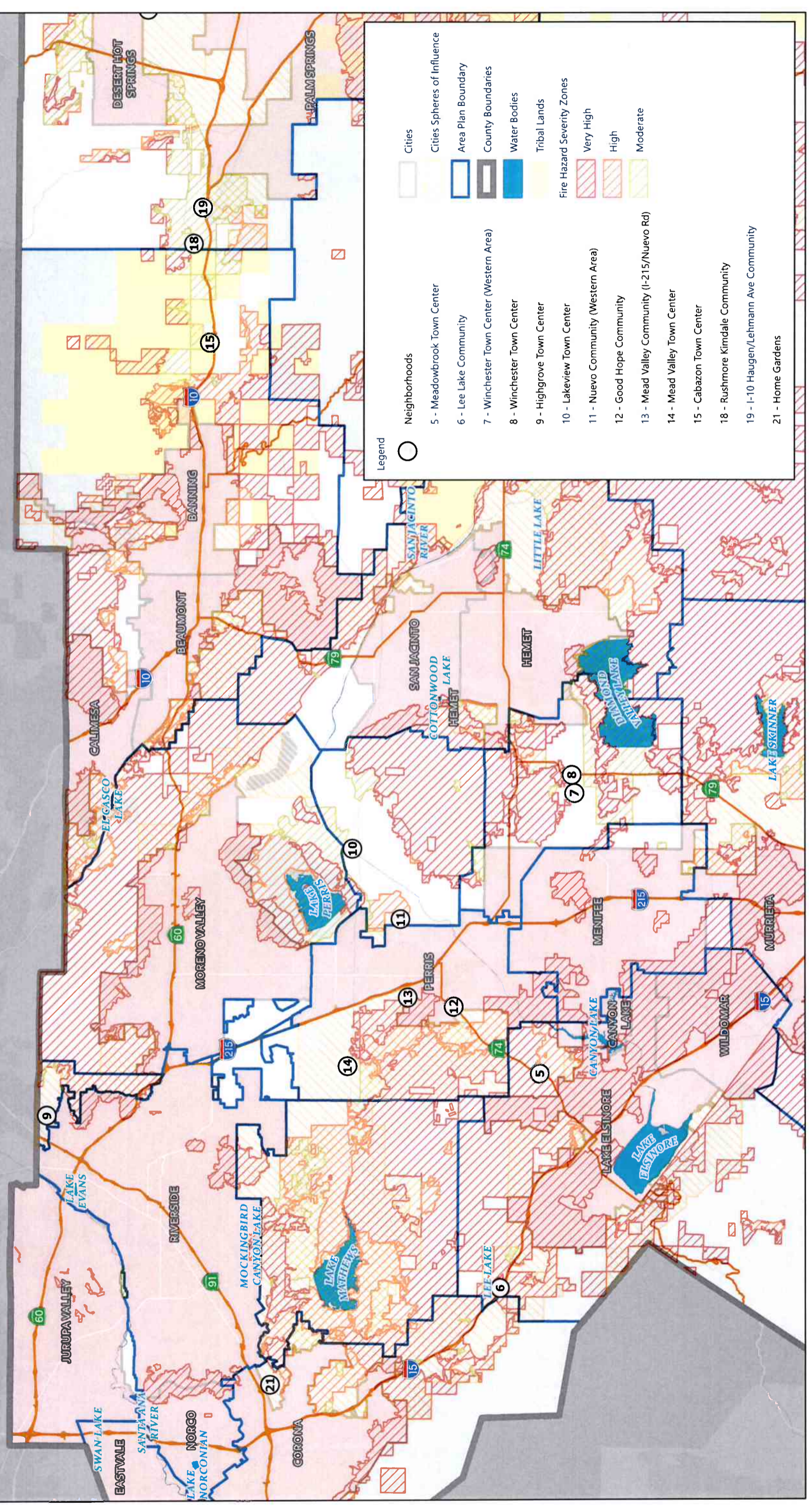
Legend

- Neighborhoods
 - 1 - Oasis Town Center
 - 2 - Thermal Town Center
 - 3 - North Shore Town Center
 - 4 - Mecca Town Center
 - 16 - Thousand Palms Town Center
 - 17 - Desert Edge/Southeast Desert Hot Springs Community
 - 20 - North Palm Springs Community
- Cities Spheres of Influence
 - Area Plan Boundary
 - County Boundaries
 - Water Bodies
 - Tribal Lands
- ▨ Fire Hazard Severity Zones
 - ▨ Very High
 - ▨ High
 - ▨ Moderate

Figure P-15: Neighborhood Overview (East)



Source: ESRI, Rivers of County



Legend

	Neighborhoods		Cities
5 - Meadowbrook Town Center			Cities Spheres of Influence
6 - Lee Lake Community			Area Plan Boundary
7 - Winchester Town Center (Western Area)			County Boundaries
8 - Winchester Town Center			Water Bodies
9 - Highgrove Town Center			Tribal Lands
10 - Lakeview Town Center			Fire Hazard Severity Zones
11 - Nuevo Community (Western Area)			Very High
12 - Good Hope Community			High
13 - Mead Valley Community (I-215/Nuevo Rd)			Moderate
14 - Mead Valley Town Center			
15 - Cabazon Town Center			
18 - Rushmore Kimdale Community			
19 - I-10 Haugen/Lehmann Ave Community			
21 - Home Gardens			

Figure P-16: Neighborhood Overview (West)



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With respect to Section 65583(a)(1) and (2), the Matrix notes whether programs have been “modified”, “deleted” or “continued” in the 6th Cycle draft element, but fails to evaluate the “appropriateness” of 5th cycle element goals, objectives, and policies “in contributing to attainment of the state housing goal” or the community’s housing goals and objectives nor describe any lessons learned based on implementation of the 5th cycle element or the basis for the County’s decisions to modify, delete, or continue various programs. The Evaluation of the Previous Housing Element does not even reference any of the 5th cycle element’s goals, objectives, or policies or compare the results to these goals.

With respect to Section 65583(a)(3), the Matrix and Efforts to Address Special Housing Needs section include information relating to the implementation of each program but fail to describe the implementation in terms of overall progress anticipated by the 5th Cycle Housing Element or analyze the differences between what was achieved and the 5th Cycle Housing Element’s projections, pursuant to HCD’s Building Blocks. In addition, while the Efforts to Address Special Housing Needs section mentions certain results relating to housing serving several different population groups, it does not include any information relating to outcomes that meet the specific needs of two special needs groups identified in the 5th Cycle Housing Element - large families and female heads of household. P-56; 5th Cycle Housing Element, H-57.

The Matrix and information contained in the special needs section in fact are largely identical to information contained in Annual Progress Reports submitted by the County to HCD on the 5th Cycle Housing Element. Section 65400’s APR requirements are aimed at ensuring that jurisdictions provide information to the public, elected officials, HCD, and OPR to allow these stakeholders to understand a jurisdiction’s progress in implementing its housing element and to take action if necessary to hold jurisdictions accountable to their obligations to do so. Section 65588 on the other hand aims to ensure that jurisdictions periodically evaluate the appropriateness and effectiveness of their housing element’s goals, policies, and programs in order to ensure that learning takes place that allows jurisdictions to modify programs as necessary to ensure that housing element implementation is effective. By simply replicating information provided by the County in its APRs in its evaluation of the 5th cycle housing element, the draft element fails to comply with Section 65588’s requirements and to achieve their fundamental purpose.

In addition, HCD’s AFFH Guidance states that, “[l]ocalities should make a specific effort to gather input from all segments of the community on the effectiveness of these programs and how to make adjustments moving forward.” p. 22. The Evaluation of the Previous Housing Element does not include any information about efforts by the County or analysis to comply with this provision. Neither do the “Efforts to Achieve Public Participation” or Appendix 1 (Public Participation) sections.

Finally, the draft element fails to incorporate data from County Consolidated Plan or other block grant reports, Department of Finance Demographic Research Unit, or other data sources as recommended by HCD’s Building Blocks. The County’s failure to do so further limits the Evaluation of the Previous Housing Element’s ability to meaningfully inform revisions to the 6th Cycle Update as the legislature intended in adopting Section 65588.

III. Inadequate Sites Inventory Analysis

A. Unwarranted Reliance on the Valante and Travertine Pointe Specific Plans to Accommodate 1,609 Lower-Income Units

To rely on residential capacity in specific plans areas to satisfy the RHNA, a housing elements sites inventory analysis must demonstrate that the sites are available and suitable for development within the planning period, and (1) identify the date of approval of the plans and expiration date, (2) identify approved or pending projects within these plans that are anticipated in the planning period, including anticipated affordability based on the actual or projected sale prices, rent levels, or other mechanisms for establishing affordability in the planning period of the units in the project, (3) describe necessary approvals or steps for entitlements for new development, and (4) describe any development agreements, and conditions or requirements such as phasing or timing, that impact development in the planning period. Sites Inventory Guidebook, p. 18.

The County relies on the Valante and Travertine Specific Plans to respectively accommodate 243 and 1,366 units of its lower-income RHNA but fails to provide the analysis required by the Sites Inventory Guidebook. For both plans, the County fails to identify the date of approval and expiration date, approved or pending projects within the plans that are anticipated during the planning period, or development agreements, conditions or requirements that impact development in the planning period. The County also fails describe necessary approvals or steps for entitlements for new development under the Travertine Point Specific Plan.

In fact, information contained in the draft element and available to the public indicates that the County's reliance on the Travertine Pointe Specific Plan² to accommodate lower-income sites is unjustified for several reasons. First, the draft element relies on the plan for 1,366 lower-income units based on what the draft describes as an "affordability requirement of 10 percent of the total units" in the plan "that must fall between 35-120 percent of the area median income." The draft element states that, to determine affordability breakdown, the County multiplied 1,366 by share of the County's total RHNA comprised by its moderate-income unit allocation, which equals 18%³, to arrive at 300 moderate-income units and allocated the remaining 1,366 units towards its low and very-lower income. Yet, the Travertine Pointe Specific Plan does not in fact require the development of affordable units or support the allocation of moderate and lower-income units proposed by the County's calculations. The Plan includes a schedule of units to be made available on an affordable basis for lower and moderate-income households broken down into five separate development phases based on the issuance of building permits for specified numbers of market-rate units. 3-438⁴. The plan states that "a housing unit shall qualify as an

² The Travertine Point Specific Plan is available on the County's website at the following link: <https://planning.rctlma.org/Specific-Plans/Approved-Specific-Plans-Documents>.

³ The County's total RHNA of 40,647 divided by its moderate-income RHNA of 7,347 equals 18.075%. The County's total lower-income RHNA is 16,998 which equal 41.81% of the County's total RHNA.

⁴For example, Development Phase I includes the issuance of building permits for 3,249 residential units and calls for delivery of 7% of a total of 1,666 affordable units to be provided upon buildout of the entire 16,655 planned residential units, and Development Phase II includes permit issuance for an additional 3,608 units and delivery of 12% of the affordable units. See Travertine Point Specific Point Plan, Part 5, available at https://planning.rctlma.org/Portals/14/splans/sp_document/sp375/SP375%20Final%20SP%20Part-5.pdf

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affordable unit if rented or sold to very low, low, or moderate-income households.” This indicates that pursuant to the Travertine Point Specific Plan, the plan’s affordable housing obligation may be satisfied entirely with units affordable to moderate-income households. p. 3-437.

Further, the plan states that the plan’s minimum affordability requirement is based on the assumption that “the project is built out to the maximum of 16,655 units,” and that “[t]he number of affordable units...will be adjusted to respond to market conditions.” 3-436. The plan states that “it is not the intent to require the required amount of affordable units to be necessarily located within the corresponding development phase affordable units may be provided within any phase and at any time.” p. 3-437. The plan indicates that development will be phased over an estimated 35-year period. p. 3-460. Based on this estimate, the plan’s adoption in 2014 yields 2049 as a buildout date – well beyond the end of the 6th Cycle planning period. And no development envisioned by the Travertine Point Specific Plan has occurred to-date. These facts demonstrate that the plan does not require the dedication of any units affordable to lower-income households and that affordable units may not be built, if at all, until long after the planning period. It is therefore unrealistic for the County to rely on the Travertine Point Specific Plan to accommodate the development of 1,366 lower-income units in the planning period.

On top of this, the draft element also fails to acknowledge that 980 acres of the Travertine Point Specific Plan—comprising 18 percent of the total specific plan area—are in Imperial County or to analyze that fact’s impact on the realistic capacity of sites in the plan area to accommodate Riverside County’s need for lower-income housing.⁵ p. 2-1. At a minimum, the County must disclose how many residential units of the plan’s total 1,665 units will be located in Riverside County and adjust its calculation of lower-income units accommodated by the plan to acknowledge both its lack of control over development approvals in Imperial County and the potential for a share of the affordable units developed as a result of the plan’s affordability provisions to be located in Imperial County instead of Riverside County.

In addition, the draft element fails to acknowledge or include the requisite analysis to justify its reliance on the development of sites controlled by the Torres Martinez Desert Cahuilla Indians (“TMDCI”). The Sites Inventory Guidebook states that sites controlled by exempt entities, including tribes, can be used to accommodate the RHNA “when documentation can be provided that demonstrates the likelihood that the planned housing will be developed within the current RHNA/housing element cycle.” p. 6. The Sites Inventory Guidebook provides examples of documentation satisfying this requirement, including agreements with the entity controlling the land demonstrating approval of the planned units and data pertaining to the timing of project construction and unit affordability by household category. pp. 6-7. The plan states that TMDCI reservation lands occupy 1,410 acres of the specific plan area, which include land planned for approximately 1,307 residential units. Based on the housing element’s use of a 10% affordability standard for units anticipated by the plan, development of the 1,307 units in TMDCI territory would be associated with the delivery of approximately 130 units affordable to lower- and/or moderate-income households.⁶ p. 2-20. The plan acknowledges that TMDCI “maintains land use jurisdiction over properties within the reservation,” and “ultimate land use decisions are to be made by the Tribe.” p. 3-31. Despite this acknowledgment, the draft element fails to

⁵ See Travertine Point Specific Plan, Part 1, available at https://planning.rctlma.org/Portals/14/splans/sp_document/sp375/SP375%20Final%20SP%20Part-1.pdf

⁶ Travertine Point Specific Point Plan, Part 3, available at https://planning.rctlma.org/Portals/14/splans/sp_document/sp375/SP375%20Final%20SP%20Part-1.pdf

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include the analysis required for reliance on sites controlled by exempt entities; and the County, therefore, may not rely on the development of sites within TMCDI controlled-land to satisfy its RHNA.

Finally, the draft element does not disclose or analyze the impact on development feasibility of the lack of available infrastructure and services to support residential development that the element anticipates in the Travertine Specific Plan area. Section 65583.2(b)(5)(B) requires that parcels included in the sites inventory have “sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in...[a] mandatory program or plan” to secure such utilities.” The Sites Inventory Guidebook explains that the analysis “must include sufficient detail to determine whether the service levels of water delivery/treatment systems and sewer treatment facilities are sufficient and have the capacity to accommodate development on all identified sites in order to accommodate the RHNA.” p. 8. As an example, the Sites Inventory Guidebook provides that “water supply should be a reliable supply that meets federal and state drinking water standards.” p.8

The draft element asserts that infrastructure availability limitations impose a “minimal impact” on site capacity, because “all parcels listed in the site inventory are located within water districts, which provide the facility of sewer, water, and wastewater provisions for new development.” P-160. Yet the draft element also acknowledges that Coachella Valley Water District (“CVWD”) “reports that there is not currently capacity for new development in most of the district.” P-164.⁷ The draft element lacks detail required by Section 65583.2(b) and the Sites Inventory Guidebook to justify that CVWD does in fact have capacity to supply development at Travertine Point during the planning period, including the quantities of residential units required to trigger the plan’s affordability provisions for lower and/or moderate-income households.

The Travertine Point Specific Plan indicates that infrastructure and service availability will pose a constraint to buildout of the planning area during the planning period. The plan states, “Travertine Point will need infrastructure systems to be in place prior to development.” p. 3-29. According to the plan, these systems “may include pump stations, lift stations, enclosed potable water storage tanks and similar [sic] for water distribution and waste water management.” “Other systems may include natural gas facilities, electrical substations, communications facilities, and similar utilities.” The plan also identifies the development of a wastewater treatment plant to serve the Travertine Point area and nearby properties as necessary. *Id.* The plan discusses conceptual locations for certain infrastructure and services but does not confirm definite locations, development timelines, or financing sources. Given the lack of development of any of these improvements and the lack of any program or other commitment ensuring their development in the planning period, the County cannot rely on the Travertine Point Specific Plan for sites to accommodate the RHNA.

B. Failure to Adequately Analyze Underutilized Sites’ Realistic Development Potential

Pursuant to Section 65583.2(b)(3) and (g)(1), housing elements must describe the existing uses on any nonvacant sites relied upon, specify the additional development potential for each site, and provide an explanation of the methodology used to determine the development

⁷ See Travertine Specific Plan, p. 1-1, available at https://planning.rctlma.org/Portals/14/splans/sp_document/sp375/SP375%20Final%20SP%20Part-1.pdf; CVWD Map available at <https://www.cvwd.org/333/CVWD-Map>

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potential. The methodology must consider specified factors, including the extent to which existing uses may constitute an impediment to additional residential development, the county's past experiences with converting existing uses to higher density residential development, current market demand for the existing use, an analysis of existing leases or other contracts that would perpetuate the existing use or prevent redevelopment, market conditions, and incentives or standards to encourage additional residential development on the sites. § 65583.2(g)(1). HCD's Sites Inventory Guidebook provides detailed guidance on the information and analysis which must be included to satisfy Section 65583.2(g). pp. 24-26.

The draft element provides little information about existing uses on nonvacant sites included in the inventory, making it difficult to determine the realistic potential for higher density development, potential impediments to development the use may pose, and the potential impacts of redevelopment on existing occupants. For example, for APNs 723162014 and 723174028, the sites inventory only indicates that the site's current use is "R1 – RESIDENTIAL," and that the "[p]arcel is in a development with a large portion of the lots remaining vacant." p-100. For these and other parcels with existing residential units, the draft element should confirm the type of housing that exists on the site (single family residential, multi-family residential, mobile home, etc.), the number of units, tenure (rental or ownership), current occupancy status, the presence of any affordability restrictions on the units, and any other available information. As another example, the draft element states with respect to APN 255170013 that four contiguous parcels "will likely be joined" but does not provide information about why this is so. P-108.

The draft element's site-specific information relating to nonvacant sites fails to address the requirements set forth in Section 65583.2(g) or the Sites Inventory Guidebook. While the draft provides some information about why sites may have potential for higher density development, the draft does not describe a particular methodology for determining the capacity of nonvacant sites and does not provide information about or analyze whether existing uses may impede additional residential development, the existence of any contracts or leases that could impede development, and development trends which would indicate that nonvacant sites have realistic development potential at higher densities.

With respect to APNs 520105002 and 520105007, the draft element states that there "is a possibility" of a large County facility opening in the area which would create a demand for multi-family housing. P-120. The draft should provide more detail about the possible County facility, including information about the nature of the County facility, the likelihood of its development and opening, details about the timeline, including whether development is anticipated to occur in the planning period, and information about specific efforts or plans by the County or other entities to develop the parcels for higher density housing. P-120.

With respect to development trends, the analysis does not provide any information about the County's track record or role in encouraging and facilitating redevelopment to residential or more intensive residential uses and does not describe any current or planned efforts to facilitate this type of development as provided by the Sites Inventory Guidebook. p. 25. Since the development trends analysis is missing from the draft element, the sites capacity calculation does not reflect the results of such an analysis as required. *See* Guidebook, p. 25. In addition, the draft sites inventory analysis fails to describe financial assistance or regulatory relief that will be provided to sufficient encourage and facilitate more intensive residential development on the non-vacant sites. Since the County does not describe a track record or development trends to

demonstrate feasibility of a recycling strategy, the housing element must describe such financial assistance and standards. *See* Guidebook, p. 26.

C. Failure to Include a Program and Policy Requiring Replacement of Existing Affordable Units on Nonvacant Sites Pursuant to Section 65583.2(g)(3)

Section 65583.2(g)(3) provides that sites that are included in the inventory that currently have residential uses that are or were subject to restrictions on rents to level affordable to lower-income households or occupied by lower-income households shall be subject to a policy requiring the replacement of those units affordable to the same or lower income level as a condition of any development on the site. The draft element's sites inventory identifies a number of parcels occupied by existing housing, including mobile homes and single-family residential homes. P-100, 115, 120. The draft element also refers to mobile homes as an important source of affordable housing for lower-income households in Riverside County. Despite this, the draft element fails to include the policy required by Section 65583.2(g)(3)⁸.

D. Reliance on Sites Included in 5th Cycle HE Sites Inventory Without Required Rezoning Program

Section 65583.2(c) provides that a non-vacant site identified in a prior housing element "shall not be deemed adequate to accommodate a portion of the housing need for lower-income households" for the current planning period "unless the site is subject to a program in the housing element requiring rezoning within three years of the beginning of the planning period to allow residential use by right for housing developments in which at least 20 percent of the units are affordable to lower-income households."

The draft element relies on non-vacant sites that were also included in the County's 5th Cycle Housing Element Sites Inventory to meet the County's lower-income RHNA to accommodate 171 units of its 6th cycle lower-income RHNA. These sites include APNs 255170013, 526160011, 526160010, 526160012, 520110007, 520105002 located in the Highgrove Area Plan, the Pass Area Plan in Cabazon Town Center, and the Rushmore/Kimdale Community. However, the draft element fails to acknowledge or discuss its reliance on sites contained in the 5th Cycle Housing Element. While the draft element includes Policy H.3.3, which provides that the "County *should* allow housing developments with at least 20-percent affordable housing and on-site inventory housing sites that have been counted in previous Housing Element cycles as a by-right use," the draft element lacks a time-bound program scheduled to occur within three-years of the start of the planning period that *requires* rezoning pursuant to section 65583.2. *Italics added.* H-5. Therefore, the County may not rely on the underutilized sites referenced above unless it revises the draft element to include a program consistent with section 65583.2(c).

In addition, the housing element may not rely on sites that were identified to accommodate the lower-income RHNA in two or more consecutive planning periods. § 65583.2(c). The draft element fails to disclose if the sites inventory does so, and Riverside

⁸ Action H-17 provides for the County's provision of assistance to low-income mobile homeowners in un-permitted mobile home parks to purchase a replacement unit in a permitted mobile home park. H-14. This program is the only draft element Action or policy that address mobile home or housing replacement, and it does not require replacement of units located on inventory sites at prices affordable to the same or lower income level.

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County's 4th Cycle Housing Element appears not to be posted on either the County's or HCD's website, preventing public review of compliance with this requirement.

E. The Draft Element Fails to Include the Requisite Analysis to Rely on Sites Located on Tribal Land

As mentioned above, the draft element relies on land located in the Torres Martinez Desert Cahuilla Indians Reservation to accommodate a portion of its lower-income RHNA as a result of its reliance on the Travertine Point Specific Plan. According to Appendix P-2 Housing Element Maps, Figure P-25, the draft element also relies on tribal land located in the Cabazon Town Center. For sites in both tribal land areas, the draft element does not provide documentation demonstrating that the sites can be developed during the planning period and therefore the housing element may not rely on those sites unless its revised to do so. HCD Sites Inventory Guidebook, p. 6.

F. Inadequate Support For Reliance on 1,864 units Lower-Income Capacity From Mobile and Manufactured Homes

The draft element calculates that mobile and manufactured homes ranging in price for \$64,000 to \$120,300 in 2020 are an affordable source of housing for lower-income residents in Riverside County. The County estimates that 233 mobile/manufactured homes will be added to the County's housing stock per year based on data from 2018 to 2019 and calculates that over eight years, new mobile homes will add 1,864 units of lower-income housing capacity. P-121.

The County's analysis is flawed for several reasons. First, it appears not to take into account the costs to mobile/manufactured home owners to rent or own land upon which to place their mobile home or the costs of utilities. The County must assess these costs and revise its calculation of the mobile homes cost for the purpose of determining affordability.

Next, the County's use of only one year of data as a basis for its calculation for the number of new mobile/manufactured home units that will be added to the County's housing stock over eight years may be misleading. A more accurate analysis would consider mobile/manufactured home cost trends over a period of time and consider factors which may impact costs in the future. In addition, the County's analysis simply assumes that availability of land for the 1,864 new units but should identify likely areas of the location of these units given trends and potential limitations on available land. The County should also consider whether land prices for mobile homes will increase as units continue to be added and suitable land with willing owners becomes scarcer. The County must revise its draft element to include these considerations and calculations and adjust its determination of its mobile/manufactured home capacity accordingly.

G. The Draft Element Fails to Describe Environmental Constraints or Analyze Their Impacts on Inventory Site Capacity

The draft element fails to provide required information relating to the presence of environmental constraints and their impact on the feasibility of development at the densities anticipated by the sites inventory. Housing Elements must contain a description of "any environmental constraints to the development of housing within the jurisdiction." §

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65583.2(b)(4). The description must include features such as the presence of floodplains, very high fire hazard severity zones and other environmental features that have the potential to impact the development viability of sites identified in the inventory. Sites Inventory Guidebook, p. 9. The analysis “must demonstrate that the existence of these features will not preclude development of the sites identified in the planning period at the projected residential densities/capacities.” *Id.* Environmental constraints that constitute impediments to building “must be considered when determining how many residential units can be developed on [a given] site.” *Id.*

The draft element’s discussion of environmental constraints on the housing sites inventory consists of the general acknowledgement that environmental factors, such as lands with steep slopes, may also adversely affect a parcel’s potential for development; a reference to the County’s General Plan Safety Element and a conservation plan; and the assertion that environmental constraints “may be ameliorated through proper site design, infrastructure improvements, or other facility improvements.” P-160. These general statements and reference to other planning documents do not substitute for the description and analysis of environmental constraints and their impacts on site feasibility which Housing Element Law requires to be included within the Housing Element. § 65583.2(b)(4); Sites Inventory Guidebook, p. 9.

Further, information contained in other sections of the draft element itself and information generally available to the public demonstrates that significant environmental constraints to the development of inventory sites exist. The sites inventory maps contained in Appendix P-2 demonstrate that sites located in the Lee Lake Community (Figure P-19), Meadowbrook Town Center (Figure P-20), Winchester Town Center (Figure P-21) are in Very High and High Fire Hazard zones. The maps also depict sites in these and other plans located close to Very High and High Fire Hazard zones and in Moderate Fire Hazard zones. *See e.g.*, Figure P-22 (Highgrove Town Center), Figure P-23 (Lakeview Town Center and Nuevo Community), Figure P-24 (Good Hope Community, Mead Valley Town Center, & Mead Valley Community); Figure P-25 (Cabazon Town Center), Figure P-27 (Home Gardens); Figure P-30 (Rushmore Kimdale Community & 1-10 Haugen/Lehman Ave Community). The Sites Inventory analysis must disclose the presence of fire hazards in proximity to sites inventory sites and assess their impact on site development potential, including potential impacts on site feasibility as well as housing development cost. The Sites Inventory analysis should consider to what extent hotter temperatures and longer and more intense fire seasons that are occurring as a result of climate change will magnify or alter the impacts of fire hazards on sites inventory sites.

Similarly, the draft element depicts a large share of site inventory sites located adjacent to or near highways. Appendix P-2, Figures P-17, P-19, P-20, P-21, P-23, P-24, P-25, P-28, P-30, P-31. In addition to subjecting residents to unhealthy levels of air pollution, developing housing near freeways may entail additional costs to mitigate the freeways’ impacts. The sites inventory analysis should consider whether site adjacency or proximity to freeways constitutes a constraint to development and if so, the impact of the constraint on the realistic development capacity of sites in the inventory.

The draft element also contains sites in at least one community that appear to be located in a flood zone but does not disclose or analyze the impact of this environmental constraint. Specifically, the element includes sites outside of the unincorporated community of Mecca which appear to fall within the boundaries of a flood zones identified on Federal Emergency Management Agency mapping. *See* Attachment 2 (FEMA Flood Map – Mecca). The draft element must identify the presence of flood zones as an environmental constraint to the

development of sites in Mecca and any other sites located in a designated flood zone, assess the constraint's impact on the sites' development potential, and revise the housing element in accordance with the results of that analysis. The housing element should also consider the potential impacts of climate change during the planning period on the magnitude and nature of flood risks that may impact sites inventory sites.

IV. The Draft's Assessment of Fair Housing Fails to Comply with Section 65583(c)(10)

A. Failure to Analyze Disproportionate Housing Needs and Displacement Risks Impacting Protected Classes

The AFH must include an assessment of disproportionate housing needs, including displacement risk, on protected classes and households with low-income. § 65583(c)(10)(A)(ii); AFFH Guidance, p. 39. The draft element's disproportionate housing needs analysis fails to comply with this requirement, as it considers only disparities between renters and homeowners, with a brief reference to housing needs impacting low-income households, and entirely fails to consider the disproportionate needs of protected classes or homeless individuals. P. 87; See AFFH Guidance (identifying homelessness as one of four topics which must be considered in the disproportionate housing needs analysis), p. 39. In addition, the AFH's assessment of displacement risks consists only of a brief review of certain displacement risks associated with poor housing conditions that may be associated with housing age and type (i.e., manufactured housing) in Riverside County. The draft also notes that stakeholders emphasized the poor conditions of housing occupied by farmworkers, but it does not go beyond this statement to analyze the actual risk of displacement. The analysis omits any discussion of a range of critical components of a displacement analysis, including investment driven displacement, disinvestment-driven displacement associated with limited or absent public sector investment; and disaster-driven displacement. See AFFH Guidance, pp.41-42. Disproportionate displacement risks the draft element fails to consider include but are not limited to risks associated with:

- housing prices increases;
- population movement into Riverside County;
- lawful and unlawful evictions, both formal and informal;
- landlord harassment and retaliation against renters, including in particular renters of color, renters with a primary language other than English, and undocumented renters;
- limited local tenant protections, including a rent control;
- the lack of affordable legal counsel available to serve low-income and undocumented renters;
- the proliferation of vacation homes and luxury development in the Coachella Valley which exacerbate patterns of segregation;
- inadequate or absent public investment in basic infrastructure, services and amenities in lower-income communities and communities of color;
- development of incompatible land uses such as warehouses next to communities;

- the sites inventory inclusion of sites with existing mobile homes and single-family housing;
- environmental and climate-driven displacement, including but not limited to as a result of fires, flooding, and extreme heat

The AFFH Guidance emphasizes the importance of local data and knowledge to the Disproportionate Housing Needs and Displacement analysis. p. 39. The County must revise the draft element to include a thorough analysis which meaningfully incorporates input by diverse stakeholders, including lower-income residents and protected classes, as well as relevant local data.

B. Failure to Assess Disparities in Access to a Healthy Environment

The AFH must analyze disparities in access to a healthy environment in Riverside County. HCD, AFFH Guidance, p. 35. HCD's AFFH Guidance provides that this analysis "should, at a minimum" (1) describe any disparities in access to environmentally healthy neighborhoods by protected class groups, (2) consider available statewide data such as CalEnviroScreen, (3) evaluate consistency with the environmental justice element, and (4) discuss policies, practices, and investments that impact access to environmentally healthy neighborhoods. p. 35.

The draft element fails almost entirely to conduct this analysis. The draft does not identify any general or specific disparities in access to a healthy environment impacting protected classes or other populations, beyond noting that "there are a number of EJ communities" located in unincorporated Riverside County according to the draft CalEnviroScreen 4.0. P-82. The draft element mentions that the County General Plan includes a Healthy Communities Element with an Environmental Justice section but does not provide any information about its contents or evaluate the housing element's consistency with that element. Neither does the draft element discuss policies, practices, or investments that impact access to environmentally healthy neighborhoods. P-82. The AFH contains no information based on public input provided to the County on this topic either.

The draft element's failure to meaningfully assess and address disparities in access to a healthy environment has significant implications for the County's compliance with its duty to AFFH given the deep and wide-ranging environmental health disparities that impact unincorporated Riverside County residents on the basis of race, ethnicity, country of origin, language, and other protected class status. The disparities span access to safe and affordable drinking water, functional waste water, clean air, safe and sanitary housing, flood protection, and more. Some of the environmental health disparities that impact residents of low-income communities of color and immigrant communities with which we work include but are not limited to the following:

- Reliance on contaminated water and/or shallow and unreliable domestic wells for household use;
- Reliance on aging, dilapidated and leaching septic systems which put residents at risk of exposure to coliform bacteria and nitrates in water supplies;
- Dust exposure resulting from unpaved local roadways;
- Exposure to toxic air pollution associated with the receding Salton Sea;

- Exposure to hazardous air contaminants as a result of excessive truck and vehicle traffic associated with warehouse distribution centers travelling in close proximity to sensitive land uses;
- Exposure to enhanced flood risks due to a lack of adequate flood control infrastructure in lower-income communities of color;
- Excessive heat exposure due to a combination of job conditions (such as working outdoors for farmworkers), a lack of effective and energy-efficient in-home air conditioning units, and inadequate insulation and neighborhood shade to lower indoor temperatures;

The County must revise the AFH to include a thorough analysis of these and other environmental health disparities impacting protected classes in Riverside County. The analysis must address the components set forth in HCD's AFFH Guidance, consider and discuss available data sources, and incorporate public comment.

C. Failure to Demonstrate That Sites Inventory AFFHs

Housing Element Law requires that jurisdiction's sites inventory "identify sites throughout the community" consistent with its duty to AFFH. § 65583.2; 8899.50; HCD AFFH Guidance, p. 45. The housing element must evaluate sites "relative to the full scope of the assessment of fair housing." AFFH Guidance, p. 45.

The draft element fails to adequately evaluate the sites it relies on to meet its lower-income RHNA, because it fails to include a meaningful analysis of the extent to which sites' location further or exacerbate disparities in access to opportunity, including access to educational, employment, and transportation opportunities and access to a healthy environment. The AFH's sites inventory analysis with respect to these categories consists of (1) the claim that large sites zoned for mixed use development in R/ECAPs will facilitate development of services and retail to meet the needs of residents, and (2) the draft identifies sites in high poverty, low-resource areas which may be subject to longer commute distances and will advance economic mobility for residents with the inclusion of certain Actions. p. 90. First, the draft does not provide support for its claim that lower-income housing development in R/ECAPs in and of itself will lead to development of the retail and services that R/ECAPs lack at present. Second, a much more detailed analysis is necessary for the element to actually demonstrate that the sites inventory AFFHs relative to the full scope of the AFH. This analysis should consider not only the location of sites in broad geographic planning areas, but also their proximity to different types of opportunity at a smaller scale within those areas. For instance, while the draft element indicates that 30% of lower-income site capacity is located in high resource areas, it should discuss those sites proximity to transportation, employment, and high quality education in relationship to the community in or near which they are located.

The AFH's sites inventory analysis also falls short, because it includes fails to evaluate and demonstrate the sites' contribution to reducing disparities in access to a healthy environment. At the same time, a large share of lower-income RHNA sites appear to be impacted by adverse environmental health factors. First, many RHNA sites are located in environmentally-burdened disadvantaged communities pursuant to CalEnviroScreen 3.0. These includes sites in Meadowbrook Town Center, with sites in census tracts ranking in the 90-95th percentile under CalEnviroScreen, Highgrove Town (85th-90th percentile), North Shore (80-85th percentile),

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Lakeview and Nuevo Community (with sites in the 90-95th percentile and 75-80th percentile), Good Hope Community and Mead Valley (with sites in the 90-95th percentile and 85-90th percentile), Home Gardens, Mecca, and Oasis. As discussed above, the sites inventory also includes a large quantity of sites next to and in close proximity to highways, which are considered major sources of pollution associated elevated cancer risk for nearby residents. Further, many lower-income sites are located in and near Very High Risk and High Risk Fire Hazard Zones and some sites appear to be located in a flood zone. The County must revise the draft element to evaluate these and other environmental health factors in relation to the sites inventory and its duty to AFFH.

V. Governmental Constraints Analysis Deficiencies

The draft element's governmental constraints analysis contains several deficiencies. First, the County severely restricts siting of "parolee-probationer homes." P-141; Riverside Co. Mun. Code 17.290. The Housing Element should analyze these limitations as a potential constraint to housing for people with criminal histories and should also analyze whether they have a disparate impact based on race or other protected characteristics. See 2 CCR 12265.

Second, the draft discusses SB 330 processing procedures but does not discuss SB 330's relocation and replacement housing requirements for projects that redevelop existing residential uses, nor does it include a program to implement SB 330's relocation and replacement housing requirements. P-157. The County must supplement its analysis of governmental constraints and revise its programs accordingly.

Third, as mentioned in the following section, the draft element identifies the need for County action to ensure compliance with Health and Safety Code Section 17021.5 to allow employee housing of up to 6 units by right on parcels that allow single-family housing but the draft does not analyze the County's compliance with Health and Safety Code Section 17021.6, the Employee Housing Act provision requiring cities and counties to allow employee housing of up to 36 beds in group quarters or 12 units by right in zone districts where agriculture is allowed. The County must revise the draft to address this omission.

VI. Failure to Adopt Programs That Will Result in A Beneficial Impact During the Planning Period and AFFH

Section 65583(c) requires that the housing element include a program with a "schedule of actions during that planning period, each with a timeline for implementation...such that there will be beneficial impacts of the programs within the planning period." Actions must reflect the results of the housing element's analysis, be specific with timelines, concrete steps, and measurable outcomes, and must AFFH. AFFH Guidance, pp. 51, 53. Pursuant to the requirement that housing elements AFFH, actions, actions must be "meaningful" and, when taken as a whole, address significant disparities in housing needs and in access to opportunity, replace segregated living patterns with truly integrated and balanced living patterns, transform R/ECAP into areas of opportunity, and foster and maintain compliance with civil rights and fair housing laws. §§ 65583(c)(5)&(10), 8899.50(a)&(b).

The draft element's Housing Action Plan fails contains numerous actions that lack concrete steps and measurably outcomes and will not necessarily result in a beneficial impact during the planning period in violation of the Housing Element Law's standards. Examples of

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such inadequate programs, and some of our recommendations to improve them, include the following:

- **Action H-1 - Sites to Accommodate the Regional Housing Needs Assessment (RHNA) Allocation.** As discussed above, this program is inadequate to comply with the requirements of Government Code section 65583.2.
- **Action H-2 – Infrastructure Availability and Coordination.** Lower-resource areas in Riverside County have an urgent need for safe, affordable, and sound infrastructure and services, including but not limited to water and waste water, sidewalks, storm water drainage, streetlights and infrastructure supporting public transportation, retail, recreation facilities, and parks and green space. As currently drafted, Action H-2 is inadequate to address the scope of the need given its urgency and disparities in access to infrastructure and services based on race, ethnicity, country of origin, and language and among farmworkers, single-parent households, large families, and other populations with special housing needs. The draft element’s proposal to “*coordinate* every two years with service providers to *assess* the needs for infrastructure and services and *discuss* plans for expansion based on future proposed developments” provides no guarantee of any meaningful action that will address these disparities. Instead, the County should commit to developing a comprehensive analysis, in partnership with community residents and CBOs, of infrastructure and service needs in lower-income communities and communities of color, a prioritized schedule to address those needs considering the health and environmental consequences of infrastructure and service deficits, and commitments to serve as the lead agency to implement projects, including commitments to conduct feasibility studies, lead environmental review, develop financing mechanisms, and assist with and seek funding. The County should also revise every other action contained in Action H-2 to ensure concrete steps and measurable outcomes in the planning period.
- **Action H-7 – Land use (zoning) ordinance amendments.** The draft element includes a program to comply with Healthy and Safety Code section 17021.5 for employee housing that serves six or fewer persons. However, the draft element fails to analyze and include a similar program to ensure compliance with Healthy and Safety Code section 17021.6 which requires the County to allow employee housing up to 12 units or 36 beds by right in zone districts where agriculture is allowed. The County must revise the draft element to demonstrate compliance with section 17021.6 or include a program to attain compliance in more than one year from adoption of the 6th cycle housing element.
- **Action H-10 – Innovative Housing Options.** This action commits the County to “promote innovative and alternative housing options” and to “explore a variety of densities and housing types in all zoning districts.” These commitments lack specificity and do not ensure a beneficial outcome within the planning period. The detail included in the Implementation column that the County will “[a]nnually distributive [*sic*] educational and promotional materials to developers also does not demonstrate a beneficial impact will be achieved.

- **Action H-12 – Inclusionary Housing Requirements.** This action provides that the County will “promote” very low and low-income housing requirements for multifamily housing projects by negotiating for such units on a project-by-project basis and that the County will “explore alternatives within 3 years” and “adopt a program by the end of the 6th Cycle Housing Element.” The commitment to “explore alternatives” ensures no specific outcome or impact on the availability of affordable and inclusionary housing. The adoption of a program by the end of the planning period likewise will not achieve a beneficial outcome in the planning period, because no time will be left after adoption to allow for implementation during the planning period. On top of this, County negotiation for affordable units on a project-by-project basis, beginning at the end of the 6th cycle planning period, provides no assurance of a beneficial outcome either, since it establishes no parameters on how the County will use its negotiating powers and only applies to multi-family housing developments. Adoption of an inclusionary zoning ordinance is one of few specific policy and program recommendations provided by the public that the draft element notes in Appendix P on Public Participation section, and it was a program of the Fifth Cycle Housing Element that the County failed to implement. P-28, 177, 189. Instead of an ambiguous commitment to “negotiate”, the County should adopt a program to develop and adopt an inclusionary zoning ordinance by a date certain that is no more than three years into the planning period in order to allow the ordinance to result in the production of lower-income units during the planning period. To ensure that the ordinance AFFH and maximizes the production of affordable units, the ordinance should apply to single-family and multi-family housing and require a minimum share of affordable units (approx. 25-30%) and affordability levels of those units, including affordability for very-low and extremely-low income households. County should develop this ordinance in partnership with lower-income residents and CBOs.
- **Action H-13 – Code Enforcement.** This action commits only to continuing the County’s current code enforcement practices, but the draft element does not evaluate the effectiveness of current practices with respect to housing conditions and fair housing. Adequate analysis of code enforcement might reveal a need to change the County’s code enforcement program. In fact, the AFH notes that poor housing conditions significantly impact farmworkers, who are disproportionately Latino and immigrants compared to the County as a whole, and are a primary driver of displacement risk. This indicates that County code enforcement practices merit enhancement, not just continuation. P-87.
- **Action H-17 – Mobile Homes.** This Action contains non-specific commitment to “promote purchasing and/or installing mobile home units in moderate- and high-resource areas.” H-14. The County fails to identify measurable outcomes with respect to the Mobile Home Tenant Program included in Action H-17. This action should also consider its potential AFFH impacts given the program’s support for the essential displacement of ELI mobile home owners and should consider complimenting this action with actions that support those same residents’ ability to remain in the current mobile home park in a decent, sanitary conditions. The action also fails to describe

how the County will determine if mobile home and manufactured homes are not meeting the lower-income housing need two years into the planning period and how many and what type of “other housing sites” the County will ensure are available to accommodate the unmet portion of the lower-income RHNA. Finally, Action H-17 includes a quantified objective which includes six different numbers of moderate and lower-income units, but no detail is included to clarify to which discrete actions these quantified objectives relate. The County must revise Action H-17 to comply with the Housing Element Law’s action requirements. Additional actions are needed to address housing needs of current mobile home park residents and prevent loss of mobile home housing, including adoption of a mobile home park conversion ordinance, rental assistance, programs to improve conditions in mobile home parks (including Polanco Parks), and foreclosure-prevention assistance.

- **Action H-19 – Polanco Parks Program.** This programs commitment to “review and evaluate” the County’s Polanco Park permitting process does not include any commitment to actually revise the program based on the County’s review and therefore will not in and of itself result in a beneficial impact. The County should also consider adopting the Polanco Property Management Education Program and other actions identified in Leadership Counsel’s February 2021 letter, including a program for information and education for Polanco park owners on best management practices and the development of a Polanco park housing directory.
- **Action H-20 – Persons with Disabilities.** This program commits the County to “*cooperate* with nonprofit agencies that provide placement or referral services for persons with disabilities,” “[*e*]ncourage universal design,” “[*e*]ncourage housing developers to designate accessible and/or adaptable units,” “[*c*]oordinate with Inland Regional Center to promote outreach efforts...” H-16. These commitments are not concrete or specific and provide no assurance of a beneficial impact on persons’ with disabilities access to housing. Action H-20 should be revised to include review and enforcement of compliance with legal requirements for accessibility of multi-family and affordable housing, including in permitting processes, not just “encourage[ing]” accessibility features.
- **Action H-22 – Housing Choice Voucher Program.** This program provides that the County will “continue to administer the Housing Choice Voucher Program” and will “promote the use” of HCVs in high opportunity areas. H-16. This action lacks concrete steps, including to ensure increased use of voucher in high opportunity areas. The County should revise this program to include specific actions with measurable outcomes to increase the use of vouchers, including in high opportunity areas. These actions could include collaborating with and funding CBOs and fair housing organizations to provide information to voucher holders and landlords on California’s source of income discrimination prohibitions, which include vouchers; establishing and funding a program within the County to actively pursue enforcement against discrimination against voucher-holders and/or funding a right to counsel program which guarantees access to legal counsel to low-income tenants on housing matters;

and supplementing vouchers with additional subsidies to support voucher use in higher-cost markets in high resource areas.

- **Action H-23 – Monitor At-Risk Units.** Action H-23 does not include concrete actions or timelines that the County commits to with respect to Paseo de los Poetas, a 21-unit LIHTC property whose subsidy expires in 2026. *See* P-72.
- **Action H-27. Improve Low Income Areas Access to Opportunities.** Action H-27 is the Action Plan’s primary action focused on expanding access to opportunities in low-resource areas. Unfortunately, the Action relies on unenforceable and vague commitments without measurable or specific outcomes. These commitments include to “[c]oordinate with public transit providers,” “[a]llow for employment centers to be located near housing developments,” “[p]romote CalWorks offered by the County in rural areas,” “[i]ncrease community services in low-resource areas,” “[s]eek opportunities to access funding for improved transit service,” and “[c]ontinue to facilitate the integration of affordable housing and mixed income settings in new growth specific plan areas. While each of these commitments addresses a critical need of low-resource communities, the actions are ineffectual. Despite the inclusion of 9 discrete actions, Action 27 lists only one quantified objective: “200 low-income households, all near existing or proposed high resource areas.” It is unclear if this quantified objective is referring to the Action 27 action that addresses development of affordable housing or something else. Regardless, Action 27 includes no quantified objectives relating to the expansion of access to opportunities in existing low-resource areas.
To comply with the County’s duty to AFFH, the draft element must be revised to include specific, timebound actions with measurable outcomes and that respond to community input provided during the housing element update.
- **Action H-28 – Homeless Collaboration.** Action H-28 commits to the County to “[c]ontinue to collaborate” with the Continuum of Care and to “support inter-jurisdictional emergency shelter programs.” The Action does not commit the County to any concrete action. Adequate analysis of needs of unhoused County residents, including AFH analysis of disproportionate needs, would likely reveal a need for concrete programs. H-19.

The draft element is also lacking policies and programs identified in Leadership Counsel’s February 2021 letter, attached hereto. We incorporate the policies and programs recommended in that letter here by reference.

In addition, to the policies and programs highlighted in Leadership Counsel’s February 2021 letter, the draft element should also be revised to include the following programs:

- A program or programs to address the impact of the prevalence of vacant vacation housing on the price and availability of housing in Eastern Riverside County, given the draft element’s finding that the area’s astounding 42% vacancy rate is primarily attributable to the presence of vacation homes. Programs we recommend the County consider include a tax on vacation homes to help fund the

development and maintenance of housing affordable to lower-income households and adoption of inclusionary zoning requirements in all new development. P-58.

- A program for ensuring water and sewer priority for affordable housing. *See* § 65589.7.
- Dedication of County land and other firm support for the creation of community-land trusts and development of permanent affordable housing, parks and green space, recreational facilities, and other community amenities on these sites.
- Resource a program to pay for weatherization of mobile homes.
- Commit resources to implementing policies, programs and projects contained in the Eastern Coachella Valley Transformative Climate Communities on at least an annual basis.

As discussed previously, each program must contain clear action steps, deadlines, and measurable outcomes that will be achieved within the planning period and address housing and fair housing needs prioritized during the public process.

* * * * *

Thank you for your consideration of our comments. Please contact us if you would like to find a time to discuss them. We look forward to working together to advance access to safe, affordable housing for all Riverside County residents.

Sincerely,



Ashley Werner
Directing Attorney
Leadership Counsel for
Justice and Accountability

/s/

Omar Gastelum
Policy Advocate
Leadership Counsel for
Justice and Accountability



Melissa A. Morris
Staff Attorney
Public Interest Law Project

cc: Paul McDougall, Manager, HCD
Paul Swancott, Planning Department, Riverside County

Maxwell, Sue

From: cob@rivco.org
Sent: Monday, September 27, 2021 6:46 PM
To: COB; mountaintracker47@gmail.com
Subject: Board comments web submission



First Name: Gary
Last Name: Gray
Phone: 9513066947
Email: mountaintracker47@gmail.com
Agenda Date: 09/28/2021
Agenda Item # or Public Comment: #21.2
State your position below: Oppose
Comments: Please see previous letters from the San Gorgonio Chapter of the Sierra Club submitted by Bill Havert.

The Sierra Club has two speakers and we request to go sequentially with Gary Gray (951-306-6947) speaking first and Bill Havert (360-683-2591) to follow.

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210928. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

Maxwell, Sue

From: cob@rivco.org
Sent: Monday, September 27, 2021 6:46 PM
To: COB; havertbill538@gmail.com
Subject: Board comments web submission

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First Name: Bill
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Email: havertbill538@gmail.com
Agenda Date: 09/28/2021
Agenda Item # or Public Comment: 21.2
State your position below: Oppose
Comments: Please see previous letters from the San Geronio Chapter of the Sierra Club submitted by Bill Havert.
The Sierra Club has two speakers and we request that they speak sequentially with Gary Gray, (951) 306-6947, speaking first and Bill Havert (360) 683-2591 to follow.

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210928. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

Maxwell, Sue

From: cob@rivco.org
Sent: Tuesday, September 28, 2021 3:15 AM
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Subject: Board comments web submission

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Agenda Date: 09/28/2021
Agenda Item # or Public Comment: 21.2
State your position below: Oppose

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Maxwell, Sue

From: cob@rivco.org
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State your position below: Oppose

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Maxwell, Sue

From: cob@rivco.org
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First Name: Brenda
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Agenda Item # or Public Comment: 21.2
State your position below: Oppose

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Maxwell, Sue

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Agenda Item # or Public Comment: 21.2
State your position below: Oppose

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Maxwell, Sue

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Agenda Date: 09/28/2021
Agenda Item # or Public Comment: 21.2
State your position below: Oppose

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210928. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

Maxwell, Sue

From: cob@rivco.org
Sent: Monday, September 27, 2021 5:51 PM
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Subject: Board comments web submission

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Phone: 7606983728
Email: SoniaBaturoni5@gmail.com
Agenda Date: 09/28/2021
Agenda Item # or Public Comment: 21.2
State your position below: Oppose

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210928. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

Maxwell, Sue

From: COB
Sent: Monday, September 20, 2021 3:19 PM
To: havertbill538@gmail.com
Cc: COB; Flores, Robert
Subject: September 28 BOS meeting; GPA Nos. 180002 (Safety), 190006 (Housing), and 210109 (Land Use)
Attachments: Letter to BOS - Sept. 20, 2021.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mr. Havert,

The Clerk of the Board of Supervisors is in receipt of your email and attached letter from the San Gorgonio Chapter Sierra Club, and will forward to all Board members for review prior to the September 28, 2021 Board Hearing.

With thanks and best regards,

Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
cob@rivco.org
website: <http://rivcocob.org/>
<https://www.facebook.com/RivCoCOB/>



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From: havertbill538@gmail.com <havertbill538@gmail.com>
Sent: Monday, September 20, 2021 2:47 PM
To: COB <COB@RIVCO.ORG>
Subject: September 28 BOS meeting; GPA Nos. 180002 (Safety), 190006 (Housing), and 210109 (Land Use)

Please provide a copy of the attached to each of the 5 Supervisors so it may be reviewed prior to the Hearing on September 28.

Thanks,

Bill Havert
Co-Chair, Environmental Justice Committee
Tahquitz Group
San Gorgonio Chapter, Sierra Club



SAN GORGONIO CHAPTER

Regional Groups Serving Riverside and San Bernardino Counties: Los Serranos, Tahquitz, San Bernardino Mountains, Mojave, Moreno Valley, Big Bear

VIA ELECTRONIC MAIL cob@rivco.org

September 27, 2021

Board of Supervisors
County of Riverside
4080 Lemon Street
Riverside, CA 92501

Re: GPA Nos. 180002 (Safety), 190006 (Housing), and 210109 (Land Use)

Honorable Supervisors:

This letter augments our letter of September 20, 2021 as our review of the revised Housing Element attached to the Board agenda packet raises additional issues. The Sierra Club is a national non-profit organization with over 3 million members, of whom over 1,000 live in the Coachella Valley area and are members of the Tahquitz Group of the San Gorgonio Chapter. The Tahquitz Group focuses on conservation, environmental protection, and environmental and social justice issues.

In July a draft Housing Element was submitted to the State's Department of Housing and Community Development (HCD). HCD responded with a September 1 letter stating that "revisions will be necessary to comply with State Housing Element Law." At its September 28th meeting, the Board will consider a revised draft of the Element intended to be responsive to the deficiencies in the original draft noted by HCD. There has been limited opportunity provided to the public to review the revised draft; however, it is clear that while some of the many deficiencies identified by HCD have been addressed to some degree, issues of serious deficiency remain. Among them are these:

1. Referring to the Housing Element, HCD stated *"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 metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high*

opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.” In our previous comment letter, we discussed at length the lack of real commitments to implementing many of the Actions, the lack or inadequacy of milestones for the various Actions, and the lack of adaptive response or follow-up actions to be taken if a milestone is missed. The revised Housing Element before the Board makes no changes to the Goals, and while some changes have been made to the Actions, over-all the changes are minor and not fully responsive to the HCD comment. The Draft Housing Element thus remains out of compliance with State Law.

2. HCD also stated, *“To have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines, specific commitment and lessons learned from the prior planning period. For example, programs needing revisions with discrete timelines include but are not limited to H20 (Persons with Disabilities) and H28 (Homeless Collaboration). Programs needing revisions with specific commitment or based on lessons learned from the prior planning period include but are not limited to H13 (Code Enforcement) which should explicitly link rehabilitation financing and other resources to mitigate displacement.”* While some often-generalized timelines have been added in some instances, over-all the programs in the Housing Element do not have adequate timelines, and more importantly do not always reflect specific commitments and do not discuss and address lessons learned from the 5th cycle.
3. HCD further stated, *“Program H-18 (Farmworker Assistance) should be modified as appropriate based on the outcomes of the complete analysis noted under Finding A5. In addition, the program should be modified as appropriate based on the lessons learned from past actions and should include steps to address needs upon completion of the survey.”* The revised Program H-18 includes minor wording changes and adds a timeline for a survey as follows: *“Complete an updated farmworker survey before the end of the planning period.”* No specific steps are delineated to address needs based on the completion of the survey, which might not even occur until the very end of the planning period.
4. Addressing assisted housing developments for low-income households, HCD stated, *“While the element includes a program to preserve the at-risk units, Program H-23 should be strengthened by committing to add funding assistance or assist with funding applications.”* The revised Element does add language stating, *“Assist with completion of funding applications”*, but it says nothing about actually providing funding assistance nor does it in any way explain how the County will provide the promised assistance in completing funding applications. Who will be responsible, what will the outreach program be, what level of technical assistance will be available, when will this program begin, how will it be evaluated, etc.? Further, it is clear from HCD’s letter, in which it refers the County to information available on its website – specifically, information regarding **Assisted Housing Developments at Risk of Conversion** – that the County’s Element was deficient in not providing a more specific and in-depth analysis of the number and type of units needed and determining the costs and identifying and including more funding mechanisms. In the limited amount of time we’ve had to review the revised Housing Element and revised

Background report, it does not appear that this deficiency has been corrected. Additionally, the revised Background Report states “The Housing Authority of Riverside County regularly addressed complaints about poor housing condition; however, due to limited staff capacity at the County, a proactive program was not implemented. This program will be enhanced to be more effective during the 2021-2029 planning period.” There does not appear to be an explanation in either the Background Report or the policy document as to the specifics and timing of how this program will be enhanced and what the actual commitment is to doing so.

5. Regarding promoting ADU development for very low-, low-, and moderate-income households, HCD stated, *“While the element includes a program that incentivizes or promotes ADU development for very low-, low-, and moderate-income households, Program H-9 should go beyond “exploring” options for establishing a loan program and commit to its implementation. Additionally, this program should commit to subsequent monitoring every two years and back up actions within a specified time.”* The revised Element changes the word “exploring” to “Assess the feasibility of” which certainly does not constitute a commitment to implement such a program. And, while the revised Element now states that the County will “continue to monitor every two years”, it does not identify what back-up actions could be taken based on the results of the monitoring, nor does it specify a timeline for such back-up actions.

6. Regarding public participation, HCD stated, *“HCD understands the County did not make the element available to the public with sufficient time to comment prior to 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 County 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 County 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.”* Unfortunately, the timeline the County has been on to get the Housing Element submitted to HCD by October 15 has resulted in insufficient opportunity for the public to review the revised draft in a timely manner. We saw it for the first time as an attachment to the agenda posted online last week. That is neither proactive nor adequate.

We have had limited time to review the Housing Element Background Report, about which HCD also raised numerous concerns about the level of data provided in certain areas, the extent of the analysis of data, and the need for additional actions to rectify the problems noted. We chose instead to focus on the policy portion of the Housing Element, as described above.

Attached for your reference is the September 1 letter from the California Department of Housing and Community Development. We did not see it as an attachment in your agenda

packet and we believe it may be of interest to the Board. Our apologies if it has already been provided to you.

Because of the ongoing deficiencies we've just described, and especially in view of the problematic approach to public participation and meaningfully engaging with community members and groups, we believe HCD will have an extremely difficult time finding the Housing Element in compliance. If – although we don't recommend – the Board adopts the Housing Element today in order to meet the October 15 deadline to get on the 8-year update cycle, we believe the County should be prepared for the potential that HCD again finds the Housing Element not in compliance. At that point, we hope the County will take the time to meet with community members, advocacy groups, and HCD staff to address their substantive concerns and to work together to craft meaningful revisions to the Element to make it a more robust and successful plan for improving the housing situation for many County residents. The Board can then re-adopt a revised Element that should be in compliance with State Law.

Sincerely,



Bill Havert, Co-Chair
Environmental Justice Committee
Tahquitz Group
San Gorgonio Chapter



Gary Gray, Co-Chair
Environmental Justice Committee
Tahquitz Group
San Gorgonio Chapter

cc: Robert Flores, Principal Planner rflores@RIVCO.ORG

Shannan West, Land Use & Planning Unit Chief, HCD Shannan.West@hcd.ca.gov

Jamillah Williams, Housing Policy Analyst II, HCD Jamillah.Williams@hcd.ca.gov

From: COB
Sent: Monday, September 27, 2021 2:04 PM
To: Rosemary P. Bautista <rbautista@crla.org>
Cc: COB <COB@RIVCO.ORG>
Subject: September 28 2021 Agenda Item 21.2 Public Comments (Rosemary Bautista)

Your letter was forwarded to the Board for review, and will be part of the official record for Item No 21.2.

Thank you kindly,

Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
cob@rivco.org
website: <http://rivcocob.org/>
<https://www.facebook.com/RivCoCOB/>



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From: Rosemary P. Bautista <rbautista@crla.org>
Sent: Monday, September 27, 2021 1:37 PM
To: COB <COB@RIVCO.ORG>
Subject: Public Comments on Agenda Item 21.2

Dear Madam Clerk,

We are requesting that the attached comment letter be submitted into the record on proceedings for the item 21.2 of the agenda for the 9/28/21 meeting.

We thank you for your time,

Sincerely,

Rosemary P. Bautista, Directing Attorney – Agricultural Worker Program (Coachella)



California Rural Legal Assistance, Inc. – CRLA
Fighting for Justice, Changing Lives

1460 6th Street
Coachella, CA 92236
EMAIL: rbautista@crla.org
DIRECT: 760.398.7261 ext. 1705 FAX: 760.398.1050
www.CRLA.org

CRLA Mission
To fight for justice and individual rights alongside the most exploited communities of our society.

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9/28/21 21.2



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

September 27, 2021

Riverside County Board of Supervisors
4080 Lemon St., 1st Floor
Riverside CA 92501

Sent via Email: COB@RIVCO.ORG

Re: Public Comments on Riverside County 6th Cycle Housing Element Updates

Dear Chairperson K. Spiegel and Board of Supervisors,

California Rural Legal Assistance, Inc. (CRLA) represents low income individuals and families throughout rural California. The CRLA Coachella office addresses housing issues, including landlord-tenant disputes, habitability and fair housing complaints for farmworkers.

This letter focuses our comments on just TWO of the inadequacies found in the County of Riverside's 6th Cycle Housing Element Draft. **We urge the Board delay the approval of the current housing element draft and sent back to the Planning Department for further review, to ensure that these issues are addressed in compliance with State Housing Element Law.**

I. Inadequate Public Participation and Public Access Government Code section 65583(c)(8)

The County held two virtual "stakeholder consultation meetings" with seven (7) community groups and organizations, including CRLA in December 2020, and two virtual public outreach meetings in February 2021. Additionally, the county conducted a survey that was available online (with paper surveys available upon request). Only 65 individuals participated in the virtual public outreach meetings, and of those only 11 were Spanish-speaking participants. Moreover, only 125 residents (including 17% from the Eastern Unincorporated area) responded to the online survey, and of those, 118 were English-speaking respondents and only 7 Spanish-speaking respondents. According to the survey, respondents were primarily homeowners (73%) living in detached single-family homes (74%), and only about 12% comprised individuals living in farmworker housing or apartments. (Appendix P, Page 3-4).

According to the County's draft, 80% of those living in the areas south of the City of Indio reported that English was not the primary language spoke at home (P-81), yet the County obtained only 7 responses to its online survey in Spanish. In addition, residents in mobile home



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

highly segregated in the Eastern Coachella Valley. The draft Housing Element contains no plan to improve the opportunities of these highly segregated communities other than to vaguely mention that it is increasing access to public transportation to ensure mobility of individuals from these areas to more integrated areas that have less segregated poverty.

The Department of Housing and Community Development provides guidance that, at minimum, the Housing Element should describe or evaluate 12 different indicators that would create a complete analysis.² Few of these points are raised and fully analyzed in the draft Housing Element and the draft therefore fails to affirmatively further fair housing. The duty to affirmatively further fair housing must be incorporated into existing programs, and the HCD guidance provides several examples how housing programs can be modified to meet fair housing obligations.³

We thank you for your time and consideration of these comments and look forward to working with the County and other community stakeholders to address the housing challenges for low-income and vulnerable populations in the development of the 6th cycle Housing Element.

Sincerely,

Rosemary P. Bautista

Rosemary Bautista
Directing Attorney- Agricultural Worker Program

California Rural Legal Assistance, Inc.

CC: Estella M. Cisneros, Legal Director, Agricultural Worker Program, CRLA Inc.
Ilene Jacobs, Director of Litigation, Advocacy and Training, CRLA Inc.
Blaz Gutierrez III, Regional Director of Advocacy, CRLA Inc.

² California Department of Housing and Community Development "Affirmatively Furthering Fair Housing: Guidance for all Public Entities and for Housing Elements" (April 2021 Update)

³ See *Id.* page 55.



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

parks account for almost 23% of the housing type in the unincorporated area of riverside county, yet only 1.6% of survey participants represented part of this group. The inability to reach this considerable portion of the community cannot be considered a diligent effort to achieve public participation.

The Housing Element must describe meaningful, frequent, and ongoing community participation, consultation, and coordination that is integrated with the broader stakeholder outreach and community participation process for the overall housing element.¹ The draft housing element does not satisfy HCD guidelines and should not be considered compliant with State Housing Law until it achieves a higher rate of input that reflects the housing needs of all segments of the community, especially the most vulnerable populations.

II. Affirmatively Furthering Fair Housing Government Code section 65583

The Draft Housing Element does not achieve the standard set forth in Government Code 65583 because the County has not conducted the requisite analysis to achieve the goal of replacing segregated living patterns with integrated and balanced living patterns.

AB 686 requires that the Housing Element make an inventory of land whereby fair housing can be affirmatively furthered and to promote housing opportunities by addressing contributing factors of segregation. The County draft correctly summarizes the degree to which farmworkers and low-income communities are highly segregated within the eastern end of the Coachella Valley, primarily due to the dominance of farm labor in the region. However, the report fails to specify what action steps can be taken to provide meaningful educational, employment and housing opportunities for reducing segregation. For instance, what can the County do for those families that might want their children to be attending better-funded schools in the nearby school districts other than improving access to transportation services? Based on the survey results of 125 participants, 30% were not concerned with fair housing issues and bringing about more integration within the communities.

The County in preparation of addressing this part of the Housing Element utilized feedback from the virtual meetings and online surveys made available in Spanish and English. One way in which the County has failed to address fair housing issues is by not making more meaningful outreach due to COVID-19 challenges, but also in failing to prepare outreach, presentation and materials more accessible to the indigenous Tarascan/Purépecha speaking communities that are

¹ Gov. Code, §§ 65583, subds. (c)(9), (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42292-42302, 42353-42360, esp. 42354-42356 (July 16, 2015)

From: COB <COB@RIVCO.ORG>

Sent: Monday, September 27, 2021 10:44 AM

To: Omar Gastelum <ogastelum@leadershipcounsel.org>; Flores, Robert <rflores@RIVCO.ORG>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Ashley Werner <awerner@leadershipcounsel.org>

Subject: RE: Community Letter on RivCo Housing and Safety Element Updates

Received and forwarded to the Board.

Will be included with Agenda back-up.

Sincerely,

Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
cob@rivco.org
website: <http://rivcocob.org/>
<https://www.facebook.com/RivCoCOB/>



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From: Omar Gastelum <ogastelum@leadershipcounsel.org>

Sent: Monday, September 27, 2021 10:36 AM

To: Flores, Robert <rflores@RIVCO.ORG>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Ashley Werner <awerner@leadershipcounsel.org>

Subject: Community Letter on RivCo Housing and Safety Element Updates

Hello Robert,

Attached is a community letter from Eastern Coachella Valley residents regarding tomorrow's Board of Supervisors hearing on the Housing and Safety Element updates. (Agenda Item 21.2)

Best Regards,

--

Omar Gastelum
Policy Advocate
Eastern Coachella Valley
Leadership Counsel for Justice and Accountability
Cell: (760) 393-6766
He/Him/His

9/28/21 21.2

September 27, 2021

Sent Via Email [COB@RIVCO.ORG]

Riverside County Board of Supervisors
4080 Lemon Street, 1st. Floor
Riverside, CA. 92501

Re: Riverside County's 6th Cycle Update to Housing and Safety Elements

Dear Chairman K. Spiegel and Board of Supervisors:

The undersigned residents represent the Eastern Coachella Valley communities of Thermal, Mecca, North Shore, and Oasis and are writing to express concerns over Riverside County's 6th Cycle Housing and Safety Element updates. We also incorporate here by reference the letters submitted by Leadership Counsel for Justice and Accountability dated August 16, 2021.

Housing Element Update

As a community, we believe that the 6th Cycle Housing Element draft did not undergo a proper community outreach process and as a result, still lacks many urgent priorities for our residents. Most of us were unaware that these updates were taking place and much less knew the implications that this document has for housing development in our communities. Given the dire need for affordable housing and the inadequate conditions of much of the existing housing in the Eastern Coachella Valley, we believe the County should have taken a more active role in engaging our communities during the element's development process.

Much of our population consists of low-income, Latinx farmworkers who often are unaware of how to engage with the County on these topics. Many of us do not speak English and do not have access to the internet to stay up to date or attend the hearings. We rely heavily on community based organizations to keep us up to date on County initiatives and programs but this is often not enough. It is disappointing that our communities, which have some of the greatest and most unique housing needs in the County, did not have the opportunity to properly contribute during the element's development.

In addition to the issues surrounding public participation, the proposed Housing Element lacks many policies the community recommends to address the housing needs of the Eastern Coachella Valley. Namely, policies that promote the development of affordable housing within our region, facilitate the improvement or replacement of existing housing, and encourage the participation of community members in the housing development process. Among many other recommendations included in prior letters, we ask the County to establish:

1. An inclusionary housing ordinance to ensure that affordable housing is continuously being built in our unincorporated areas.
2. A Housing Element Oversight Advisory Committee that can assist the County in obtaining community feedback and assess the quality of future Housing Element updates.
3. A comprehensive Polanco Park Permitting program that includes a moratorium on fees and a Polanco Park directory
4. A Tenant/landlord mediation board accessible to polanco park park residents
5. A process for reviewing the effectiveness of the existing community councils in the ECV and potentially amending the structure to better represent the community.

Safety Element Update

Similarly to the Housing Element update, we believe our concerns are not properly represented in the draft Safety Element. Our rural and unincorporated communities have outdated and unreliable infrastructure, and in some cases, no infrastructure like paved roads, sewer, sidewalks, and other resources we really need. This lack of proper infrastructure really affects our health and safety, including our environment. Now more than ever are we seeing the constant and severe impacts of extreme weather events and climate change. Since our communities are already vulnerable, we feel those impacts much sooner and worse than others that have better supporting infrastructure. Given the recent power outages and damages to homes in the community of North Shore from extreme weather, we believe it is more important than ever that the County effectively plan for the safety of residents of Riverside County's unincorporated areas and take this as an opportunity to help our communities combat climate change and other environmental hazards. We ask the County to include:

1. An update to its hazard mitigation plan and policies to include an enhanced humanitarian response protocol to environmental hazards like fires, power outages, floods, among others.
2. A stronger collaboration and action-oriented process to upgrade the electrical infrastructure in rural communities to make it more climate resilient and reliable.
3. A process to implement water, wastewater, and drainage infrastructure projects to protect public health. Having this basic infrastructure in place will also pave the way for added benefits like increased development, more affordable housing, community centers, and other resources.
4. A stronger protocol for collaborating with Native American and indigenous tribes to respond to illegal dumping and burning that occurs near vulnerable communities and sensitive receptors.

5. A process to expand public lighting in rural communities. This will help keep residents safe when children are walking to and from bus stops, or taking walks during non daylight hours.
6. A process for reviewing and responding to complaints from rural communities regarding noise, dust and pollution caused by offroading near their homes.
7. Additional language on the implementation of the Safety Element and specific timelines and milestones to track its progress.
8. A review of the policies in the Safety Element to ensure alignment with the environmental justice policies included in other elements.

The Housing and Safety Elements have the potential to guide the County towards a more just, equitable, and safe future, but only if all members of our communities are properly represented in the development process. Due to the concerns expressed in this and prior letters, we believe this has not yet happened and strongly urge the Board to delay accepting these updates until our community concerns and recommendations have been properly considered and addressed.

In community,

Eliodora Romero
 Alicia Ramirez
 Andres Moran
 Gloria Mendoza
 Juan Ceia
 Albert Ayala
 Linda Espinoza
 Marisela Torres
 Maria Elenena Pozar
 Erasto Ramirez
 Salomon Martinez
 Intrica Zacarias
 Martina Zacarias
 Rutilo Martinez
 Hilario Martinez
 Salvado Zacarias
 Demetrio Rafael
 Andres Areivalo
 Eliana Ramirez
 Jose Vicente

Blanca Garcia
 Erika Cruz
 Vanessa Alvarez
 Virginia Mascareño
 Concepcion Cano
 Rosa Romero
 Maria Sanchez
 Tereso Chavez
 Teodocia Francisco
 Olga Espinoza
 Maria Sandoval
 Veronica Estrada
 Maria J Pozar
 Hilaria Santiago
 Araceli Gomez
 Ed Luna
 Manuela Ramirez
 Maria G Pozar
 Hermelinda Tejas
 Mariana Roman

Sandra Ramirez
Jeanet Gonzalez
Dora
Teresa
Irena Montano
Ramón Zaragoza
Karian Andalon
Silvia Romero
Pearla Badena
Vanessa Moreno
Sonia Baturoni
Rita Gutierrez
Cynthia A
Carmen Castillo
Brenda Ortiz
Livier Gonzalez

Maxwell, Sue

From: Sergio Rodriguez <srodriguez@pucdc.org>
Sent: Tuesday, September 28, 2021 9:05 AM
To: COB
Cc: Yaneth Andrade-Magaña
Subject: Public Comment for Today 9.28.21
Attachments: PUCDC Public Comment 9.28.21 BOS.docx

CAUTION: This email originated externally from the **Riverside County** email system.
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Good day,

Please accept this as Public Comment for today's Board of Supervisors meeting.

Thank you

Kindly,



*Building Healthy and Sustainable Communities
in the Eastern Coachella Valley*

Sergio Rodriguez

Community Outreach and Programs Coordinator
Pueblo Unido CDC
78080 Calle Amigo, Suite 103
La Quinta, CA 92253
Tel: 760.777.7550 | Fax: 760.771.0271
Cellphone: (760) 537-0339
E-mail: srodriguez@pucdc.org
Web: www.pucdc.org

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Pueblo Unido Community Development Corporation
78080 Calle Amigo Suite 103
La Quinta, CA 92253

Re: Public Comment – Housing Element of the General Plan

Good morning Supervisors,

My name is Yaneth Andrade-Magana, Director of Community Capacity Building at Pueblo Unido Community Development Corporation, community base organization serving the Eastern Coachella Valley. I am here today to ask that the Board of Supervisors to postpone their vote on the housing and safety element of the general plan. It is especially critical for the housing element to include the development of affordable housing in the Eastern Coachella Valley diversifying the portfolio of affordable housing which includes the Polanco Housing Model. Most importantly preserve the existing housing to mitigate and combat the issue of affordable housing. In the Eastern Coachella Valley, Pueblo Unido has over 100 Polanco Parks in our database which sums up to more than 1200 families relying on this type of housing.

Approximately, 1 out of 5 mobile home units would not be in compliance with HCD's safety standard. Therefore, must be replaced. Worth mentioning, these statistics do not include single family residency units. Given the lack of infrastructure in the Coachella Valley, the Polanco Housing Model is the one of the most feasible sources of affordable housing. To paraphrase the director of HCD at the roundtable discussion hosted by LCJA, we must preserve and expand this model as a vital and obtainable form of housing in the Eastern Coachella Valley.

Pueblo Unido along with leadership counsel have submitted recommendations to be included in the housing element derived from community members and the Union de Polanco Association. Recommendations that reflect viable solutions to these issues which included reviewing Polanco permitting process to ensure that the Polanco communities reach and stay in compliance to continue being a source of safe and affordable housing for low income and farm working families in the Eastern Coachella Valley. On behalf of the Polanco community and residents of the Eastern Coachella valley, Pueblo Unido ask the Board of Supervisors to not approve the housing and safety element plan until it reflects the needs and priorities of such communities.

Attentively,

Yaneth Andrade
Director of Community Capacity Building

Sergio Rodriguez
Community Outreach and Programs Coordinator

Maxwell, Sue

From: cob@rivco.org
Sent: Tuesday, September 28, 2021 9:08 AM
To: COB; alvarez03cynthia@gmail.com
Subject: Board comments web submission

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First Name: Cynthia
Last Name: Alvarez
Phone: 7606982018
Email: alvarez03cynthia@gmail.com
Agenda Date: 09/28/2021
Agenda Item # or Public Comment: 21.2
State your position below: Oppose

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210928. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

From: Flores, Robert <rflores@RIVCO.ORG>
Sent: Monday, September 27, 2021 6:40 PM
To: COB <COB@RIVCO.ORG>; Maxwell, Sue <smaxwell@RIVCO.ORG>
Cc: Hildebrand, John <JHildebr@RIVCO.ORG>
Subject: Fwd: Request to postpone hearing on the approval of the General Plan Amendment

Please share the email below with the Board of Supervisors for agenda item 21.2 on tomorrow's Board agenda. Thank you.

Kind regards,

Robert Flores, Principal Planner
Advance Planning & Fourth Supervisorial District
TLMA - Planning Department
County of Riverside
(951) 955-1195

From: Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>
Sent: Monday, September 27, 2021, 10:35 AM
To: Flores, Robert
Cc: paul.mcdougall@hcd.ca.gov; Jamillah.Williams@hcd.ca.gov; Melissa A. Morris; District 4 Supervisor V. Manuel Perez; Supervisor Jeffries - 1st District; District2; District3; District5; Perez, Juan; Ashley Werner; Omar Gastelum; Leach, Charissa; Hildebrand, John; Zornes, Michael; Veronica Garibay; Phoebe Seaton
Subject: Re: Request to postpone hearing on the approval of the General Plan Amendment

Good morning Robert,

In addition to my most recent email, I also wanted to share language from Government Code section 65356 (below) which communicates that the County must return to the Planning Commission with the draft Housing Element based on the significant revisions made to it. For efficiency, we also recommend that the County engage the public, fully incorporate public input, address HCD's findings in a further revised draft before going back to PC again to avoid duplicative PC hearings and the need for more amendments.

Government Code Section 65356.

(a) The legislative body shall adopt or amend a general plan by resolution, which resolution shall be adopted by the affirmative vote of not less than a majority of the total membership of the legislative body. The legislative body may approve, modify, or disapprove the recommendation of the planning commission, if any. **However, any substantial modification proposed by the legislative body not previously considered by the commission during its hearings, shall first be referred to the planning commission for its recommendation.**

Thank you,

Rebecca T. Zaragoza (she/her/ella)
Regional Policy Manager | Eastern Coachella Valley
New Office Location: 85350 Bagdad Ave, Coachella, CA. 92236
[Leadership Counsel for Justice and Accountability](#)
Cell: (760) 774-3528

9/28/21

21.2

On Sat, Sep 25, 2021 at 12:17 PM Rebecca Zaragoza <rzaragoza@leadershipcounsel.org> wrote:

Hi Robert,

Thank you for your response. We'd like to clarify a few points for the record with respect to the County's actions. Unfortunately, we do not agree that the actions listed suffice as adequate notices to the public.

Many of the residents that we work with, and others across the County, do not have internet access or knowledge of the County's websites. The same issue exists for social media. While this is sometimes effective for certain age groups, it does not always work for all or demonstrate enough cultural competency. I believe we have provided suggestions for how to better reach the community in the past, like conducting direct calls to residents who have attended your workshops and office hours, connecting with local community-based organizations to support with outreach, posting flyers at key locations frequented by residents, and door knocking and distributing flyers as much as possible.

Additionally, Omar reached out to your office on Sept. 16th asking for specific updates, but no response was received. Previous communication stated that the item was expected to go to the board on or before Oct. 5th, but a date was never confirmed. We also did not receive an email notifying us of the availability of the revised draft.

We ask that you consider postponing this item to enable the county to comply with its public participation duties under government code section 65583(c)(9)&(10).

Thank you,

Rebecca T. Zaragoza (she/her/ella)
Regional Policy Manager | Eastern Coachella Valley
New Office Location: 85350 Bagdad Ave, Coachella, CA. 92236
[Leadership Counsel for Justice and Accountability](#)
Cell: (760) 774-3528

On Fri, Sep 24, 2021 at 2:58 PM Flores, Robert <rflores@rivco.org> wrote:

Hi Rebecca:

Thank you for reaching out. Normal process requires us to publish a notice in the newspaper at least 10 days in advance for the public hearing, which was done on September 18th.

In addition to the required notice for public hearing:

- We added information to the Planning Department website, including the hearing date and revised Housing Element (posted September 14th)
- Information for the project has been posted on social media
- We directly notified the stakeholders of community meetings, public hearings, and availability notifications, etc.
- I directly responded to many individual emails requesting the hearing date (which included responding to an email request from Omar Gastelum from your office)

The dedicated project webpage has always been the platform for information sharing. I always made sure that the webpage was updated as frequent as necessary, so stakeholders following the project, such as yourself, can be informed. Also, in an effort simplify review, revisions to the Housing Element and other General Plan components posted several months ago for public review and considered by the Riverside County Planning Commission were tracked, so anyone can easily see what has changed from the public hearing before the Planning Commission.

I hope this information helps, and please let me know if I can further assist. Thank you.

Kind regards,

Robert Flores | Principal Planner
Riverside County Planning Department | 4080 Lemon Street, 12th Floor, Riverside, CA 92501
Direct (951) 955-1195 | Main (951) 955-3200 | Fax (951) 955-1811

RFlores@RivCo.org | <http://planning.rctlma.org/> | Follow us on Twitter!





LEADERSHIP COUNCIL
PLANNING DEPARTMENT

How are we doing? (Click the link and tell us)

From: Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>

Sent: Friday, September 24, 2021 11:25 AM

To: Flores, Robert <rflores@RIVCO.ORG>

Cc: paul.mcdougall@hcd.ca.gov; Jamillah.Williams@hcd.ca.gov; Melissa A. Morris <mmorris@pilpca.org>; District 4 Supervisor V. Manuel Perez <District4@RIVCO.ORG>; Supervisor Jeffries - 1st District <district1@RIVCO.ORG>; District2 <District2@Rivco.org>; District3 <District3@Rivco.org>; District5 <District5@Rivco.org>; Perez, Juan <JCPEREZ@RIVCO.ORG>; Ashley Werner <awerner@leadershipcounsel.org>; Omar Gastelum <ogastelum@leadershipcounsel.org>

Subject: Request to postpone hearing on the approval of the General Plan Amendment

Hi Robert,

We saw that the General Plan amendment is on the agenda for Tuesday's BOS meeting. We did not receive a notice about this being scheduled for this date. Can you share how your office informed stakeholders and the public who have engaged in the process of this date?

Given that the public did not receive ample notice, we'd like to request that this item be rescheduled to allow for proper outreach and notice to stakeholders and the public as required by law, including in Spanish and other languages.

I hope to hear a response to our request soon.

Thank you,

Rebecca T. Zaragoza (she/her/ella)
Regional Policy Manager | Eastern Coachella Valley
New Office Location: 85350 Bagdad Ave, Coachella, CA. 92236
Leadership Counsel for Justice and Accountability
Cell: (760) 774-3528

Maxwell, Sue

From: cob@rivco.org
Sent: Tuesday, September 28, 2021 10:01 AM
To: COB; awerner@leadershipcounsel.org
Subject: Board comments web submission



First Name: Ashley
Last Name: Werner
Phone: (415) 686-1368
Email: awerner@leadershipcounsel.org
Agenda Item # or Public Comment: 21(2). Housing Element
State your position below: Oppose

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210928. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

From: Melissa A. Morris <mmorris@pilpca.org>
Sent: Tuesday, September 28, 2021 11:13 AM
To: Flores, Robert <rflores@RIVCO.ORG>; Ashley Werner <awerner@leadershipcounsel.org>
Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>
Subject: Re: Community Letter on RivCo Housing and Safety Element Updates

Dear all,

There was a typo in my prior email. The Draft **does not** incorporate or adequately respond to the comments. Please forward this clarification to the Board as well. Apologies for the confusion.

Thank you,

Melissa A. Morris, Staff Attorney (she/her/hers)
The Public Interest Law Project
449 15th Street, Suite 301
Oakland, CA 94612
510-891-9794, ext. 111 (office)
408-692-4320 (remote)
Fax: 510-891-9727
mmorris@pilpca.org
www.pilpca.org

Please note that PILP's office is currently closed in response to the COVID-19 pandemic. I am working remotely and can be reached most easily by phone or text at 408-692-4320 or by email at mmorris@pilpca.org.

CONFIDENTIALITY NOTICE: This email message is legally privileged and confidential. If you are not the intended recipient, please destroy the email after advising me by reply that you erroneously received it.

From: Melissa A. Morris <mmorris@pilpca.org>
Sent: Tuesday, September 28, 2021 10:57 AM
To: Flores, Robert <rflores@RIVCO.ORG>; Ashley Werner <awerner@leadershipcounsel.org>
Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@rivco.org>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>
Subject: Re: Community Letter on RivCo Housing and Safety Element Updates

Dear Mr. Flores and County Clerk,

I am resending my comment letter of August 16, 2021, for forwarding to the Board and inclusion in the record of today's Board of Supervisors meeting (Item 21-2). The draft Housing Element before the Board for adoption today does incorporate or adequately respond to these comments.

Thank you,

Melissa A. Morris, Staff Attorney (she/her/hers)
The Public Interest Law Project
449 15th Street, Suite 301
Oakland, CA 94612
510-891-9794, ext. 111 (office)
408-692-4320 (remote)
Fax: 510-891-9727
mmorris@pilpca.org
www.pilpca.org

9/28/21 21.2

From: Melissa A. Morris <mmorris@pilpca.org>
Sent: Tuesday, September 28, 2021 10:58 AM
To: Flores, Robert <rflores@RIVCO.ORG>; Ashley Werner <awerner@leadershipcounsel.org>
Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>
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From: Flores, Robert <rflores@RIVCO.ORG>
Sent: Monday, September 27, 2021 12:25 PM
To: Ashley Werner <awerner@leadershipcounsel.org>
Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Melissa A. Morris <mmorris@pilpca.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>
Subject: RE: Community Letter on RivCo Housing and Safety Element Updates

Thank you Ms. Werner for your comments and the information. You've copied the Clerk of the Board, who will distribute your comments accordingly.

Kind regards,

Robert Flores | Principal Planner
Riverside County Planning Department | 4080 Lemon Street, 12th Floor, Riverside, CA 92501
Direct (951) 955-1195 | Main (951) 955-3200 | Fax (951) 955-1811

RFlores@RivCo.org | <http://planning.rctlma.org/> | Follow us on Twitter! 



9/28/21 21.2

From: Ashley Werner <awerner@leadershipcounsel.org>

Sent: Monday, September 27, 2021 12:12 PM

To: Flores, Robert <rflores@RIVCO.ORG>

Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Melissa A. Morris <mmorris@pilpca.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>

Subject: Re: Community Letter on RivCo Housing and Safety Element Updates

Dear Mr. Flores,

Please find attached additional comments submitted by Leadership Counsel regarding the revised draft housing element and three attachments referenced in the letter (the community letter on the housing element which you received from Omar Gastelum, a letter from LCJA and PILP previously submitted to the County on the Public Review Draft Housing Element, and Attachment 1, an image from HCD's AFFH Data Viewer).

I would like to reiterate the request made by Rebecca Zaragoza this morning, and the request contained in the letter attached here, that the County not proceed with a hearing before the Board of Supervisors on this item tomorrow, given the Planning Commission's lack of an opportunity to consider the item following substantial modifications to the draft housing element from the version presented to the Planning Commission and the County's failure to adequately engage the public regarding the draft and revised draft element. Gov. Code Sec. 65356.

Thank you,

Ashley Werner
Directing Attorney
Leadership Counsel for Justice and Accountability
2210 San Joaquin Street | Fresno, CA 93721
(C) (415) 686-1368
she/her
www.leadershipcounsel.org
@LCJandA

On Mon, Sep 27, 2021 at 10:44 AM Flores, Robert <rflores@rivco.org> wrote:

Thank you for your comments (or community comments) Omar. You've copied the Clerk of the Board who will distribute accordingly.

Kind regards,

Robert Flores | Principal Planner
Riverside County Planning Department | 4080 Lemon Street, 12th Floor, Riverside, CA 92501
Direct (951) 955-1195 | Main (951) 955-3200 | Fax (951) 955-1811

From: Omar Gastelum <ogastelum@leadershipcounsel.org>

Sent: Monday, September 27, 2021 10:36 AM

To: Flores, Robert <rflores@RIVCO.ORG>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Ashley Werner <awerner@leadershipcounsel.org>

Subject: Community Letter on RivCo Housing and Safety Element Updates

Hello Robert,

Attached is a community letter from Eastern Coachella Valley residents regarding tomorrow's Board of Supervisors hearing on the Housing and Safety Element updates. (Agenda Item 21.2)

Best Regards,
Omar Gastelum
Policy Advocate
Eastern Coachella Valley
Leadership Counsel for Justice and Accountability
Cell: (760) 393-6766
He/Him/His

From: Ashley Werner <awerner@leadershipcounsel.org>
Sent: Monday, September 27, 2021 12:12 PM
To: Flores, Robert <rflores@RIVCO.ORG>
Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Melissa A. Morris <mmorris@pilpca.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>
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Thank you,

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Omar Gastelum
Policy Advocate
Eastern Coachella Valley
[Leadership Counsel for Justice and Accountability](http://LeadershipCounselforJusticeandAccountability)
Cell: (760) 393-6766
He/Him/His

21.2

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Sent: Tuesday, September 28, 2021 10:58 AM
To: Flores, Robert <rflores@RIVCO.ORG>; Ashley Werner <awerner@leadershipcounsel.org>
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Thank you,

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Cc: Omar Gastelum <ogastelum@leadershipcounsel.org>; COB <COB@RIVCO.ORG>; Rebecca Zaragoza <rzaragoza@leadershipcounsel.org>; Melissa A. Morris <mmorris@pilpca.org>; Phoebe Seaton <pseaton@leadershipcounsel.org>; Veronica Garibay <vgaribay@leadershipcounsel.org>
Subject: RE: Community Letter on RivCo Housing and Safety Element Updates

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Kind regards,

Robert Flores | Principal Planner
Riverside County Planning Department | 4080 Lemon Street, 12th Floor, Riverside, CA 92501
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RFlores@RivCo.org | <http://planning.rctlma.org/> | [Follow us on Twitter!](#) 





PUBLIC INTEREST LAW PROJECT

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mrawson@pilpca.org

Charles Garzón
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Valerie Feldman
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Melissa A. Morris
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Noah Kirshbaum-Ray
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Linda Hill
Office Manager
Extension 123
lhill@pilpca.org

Deborah Collins
(Retired)

Stephen E. Ronfeldt
(1942 - 2018)

Judith Gold
(1952 - 2016)

August 16, 2021

SENT VIA EMAIL ONLY.

Robert Flores, Principal Planner
Riverside County Planning Department
RFlores@rivco.org

**RE: Riverside County Draft 6th Cycle Housing Element
Homelessness and Disability Analysis**

Dear Mr. Flores:

The Public Interest Law Project writes to provide public comments to Riverside County regarding inadequacies in its Draft 6th Cycle Housing Element (Draft) related to analysis of the housing needs of unhoused people and people with disabilities. The Public Interest Law Project is a statewide non-profit legal services support center that advances justice for low income people and communities by building the capacity of legal services organizations through impact litigation, trainings, and publications, and by advocating for low income community groups and individuals. We work with partner organizations throughout the state, including in Riverside County, on a variety of issues include affordable housing, fair housing, public benefits, and homelessness. We make these comments in addition the comments submitted by Leadership Counsel for Justice and Accountability and other local community-based organizations, and we encourage the County to revise the Draft to address both the concerns raised in this letter and input provided by other advocates and community members.

Needs of Unhoused People

The Housing Element must analyze the needs of “families and persons in need of emergency shelter.” Gov. Code, § 65583(a)(7). That analysis must include analysis of disparities based on race, disability, and other characteristics protected by fair housing laws. Gov. Code, § 65583(c)(10); HCD AFFH Guidance, https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf, 36-37. The County is the lead agency for the Riverside County Continuum of Care and responsible for the coordination and administration of homelessness services countywide,

but the Draft lacks critical information, analysis, and actions to address the needs of the County's unhoused residents. The Draft's deficiencies include the following:

- The Draft's limitation of demographic analysis to the unincorporated county obscures countywide needs and issues. Because of the County's role in coordination and administration of homeless services, the Housing Element should analyze data for both the unincorporated areas and the County as a whole. For example, the Draft says that there were no children under 18 observed in the 2020 homeless Point-In-Time Count, but the Point-In-Time Count identified 2,117 homeless children under 18 countywide, nearly a quarter of the County's entire homeless population. Draft, P-68. Data available at <https://www.bcsd.ca.gov/hcfc/hdis/demographics.html>.
- The Draft does not address the prevalence of disabilities among unhoused people in the County. Draft, P-67. "People with disabilities are . . . overrepresented in the unhoused population and any solutions related to homelessness must address appropriate accommodations and accessibility." HCD AFFH Guidance, 36. In Riverside County, 37% of unhoused people surveyed in its most recent Point-in-Time Count reported having a disability. Data available at <https://www.bcsd.ca.gov/hcfc/hdis/demographics.html>. In contrast, Census data indicate that only 7.5% of people under 65 in the County have disabilities. The Draft does not analyze the relative overrepresentation of people with disabilities among its unhoused residents nor the appropriateness and accessibility of existing shelter resources to meet the needs of the homeless population. Draft, P-70-71; see also HCD AFFH Guidance, 37.
- The Draft does not address racial disparities in the homeless population. In 2019, 25.4% of unhoused people in the County were Black, but only 6.4% of people living in the County are Black. Data available at <https://www.bcsd.ca.gov/hcfc/hdis/demographics.html>. The Draft does not analyze the known or likely causes of this racial disparity, nor whether existing services are effective at affirmatively addressing this disparity.
- The Draft does not engage in racial impact or disability access analysis of the County's Coordinated Entry System. See AFFH Guidance, 37. Such analysis is necessary to ensure that services are accessible and do not further entrench existing patterns of segregation and exclusion.
- The County administers General Relief and other public benefits that unhoused individuals and families, as well as other low-income community members, rely on to secure and maintain housing. However, the Draft does not engage in any fair housing analysis of the County's public benefits administration.

Further, without adequate and accurate analysis of current needs, policies, and services, the Draft also lacks adequate, concrete programs to address the needs of its unhoused residents and to ensure that the County administers its programs equitably.

Reasonable Accommodation Ordinance

The Housing Element must analyze “potential and actual governmental constraints upon the maintenance, improvement, or development of housing for . . . people with disabilities.” Gov. Code, § 65583(a)(5). Program H-7 commits the County to “[r]eview the County’s findings for approving reasonable accommodation requests, including, but not limited to, potential impact on surrounding uses, physical attributes of the property and structures, and any other findings that may be potential barriers to housing for persons with disabilities.” H-10. But analysis of the County’s reasonable accommodation ordinance, and whether that ordinance poses constraints to the development of housing for people with disabilities, should be part of the Housing Element. See <https://www.hcd.ca.gov/community-development/building-blocks/constraints/constraints-for-people-with-disabilities.shtml>. The Draft does not discuss whether the County has received any reasonable accommodation requests, whether any reasonable accommodation requests were granted or denied, or what the bases for denial were in the case of any denials. See P-141.

Additionally, review of the County’s reasonable accommodation ordinance and its website reveals structural barriers to obtaining reasonable accommodations, including the following:

- Riverside County Municipal Code section 17.04.115(A)(2) requires the reasonable accommodation request to be made on form provided by the Planning Department, but there is no RA request form on the Planning Department’s website: <https://planning.rctlma.org/Development-Process/Applications>. Additionally, the Fair Employment and Housing Act (FEHA) prohibits the City from denying reasonable accommodation requests based on failure to use a prescribed form. 2 Cal. Code Regs., § 12176(c)(4).
- Section 17.04.115(A)(6) includes factors for potential denial of reasonable accommodations beyond those allowed under FEHA. See 2 Cal. Code Regs., § 12161(b)(8).
- The County charges a \$983.28 fee to appeal a reasonable accommodation denial, but state and federal law prohibit covered entities from charging a fee for reasonable accommodations. Draft, P-147; see 2 Cal. Code Regs., § 12180 (a)(1); HUD-DOJ Joint Statement on Reasonable Accommodations, p.

9, https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_state_ment_ra.pdf.

The Housing Element must analyze the existing reasonable accommodation ordinance for potential violations of fair housing law and constraints to the development of housing for people with disabilities; and it must include a concrete program—with a concrete deadline—to amend the ordinance to comply with the law.

Please let me know if you have any questions or would like to discuss these comments further. I can be reached via email at mmorris@pilpca.org.

Sincerely,



Melissa A. Morris
Staff Attorney

Cc: Ashley Werner and Omar Gastelum, Leadership Counsel for Justice and Accountability
Jamillah Williams and Paul McDougall, Department of Housing and Community Development

Maxwell, Sue

From: Flores, Robert
Sent: Monday, September 27, 2021 4:58 PM
To: COB; Maxwell, Sue
Cc: Hildebrand, John; Zornes, Michael; Leach, Charissa; Clack, Shellie
Subject: Memo for 21.1
Attachments: BOS Memo HE.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please see attached memo for agenda item 21.2 for tomorrow's public hearing. Please distribute to Board of Supervisors accordingly. Thank you.

Kind regards,

Robert Flores, Principal Planner
Advance Planning & Fourth Supervisorial District
TLMA - Planning Department
County of Riverside
(951) 955-1195



Charissa Leach, P.E.
Assistant TLMA Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

Memorandum

DATE: September 27, 2021
TO: Board of Supervisors
FROM: Robert Flores, Principal Planner
RE: Item 21 – No. 2. 15400 General Plan Amendment (GPA) NOS. 180002, 190006 and 210109

The purpose of this memo is to provide additional information and documents for the above referenced project.

1. Response to Comments: Provides a detailed response to four letters received from August 12, 2021 to September 20, 2021.

The Response to Comments identifies and provides clarification regarding the County's addressing the issues and concerns in the *updated* draft Housing Element.

2. Copy of Maps for the draft Background Report (Appendix P-2). Maps were inadvertently left out of report posted September 23, 2021.

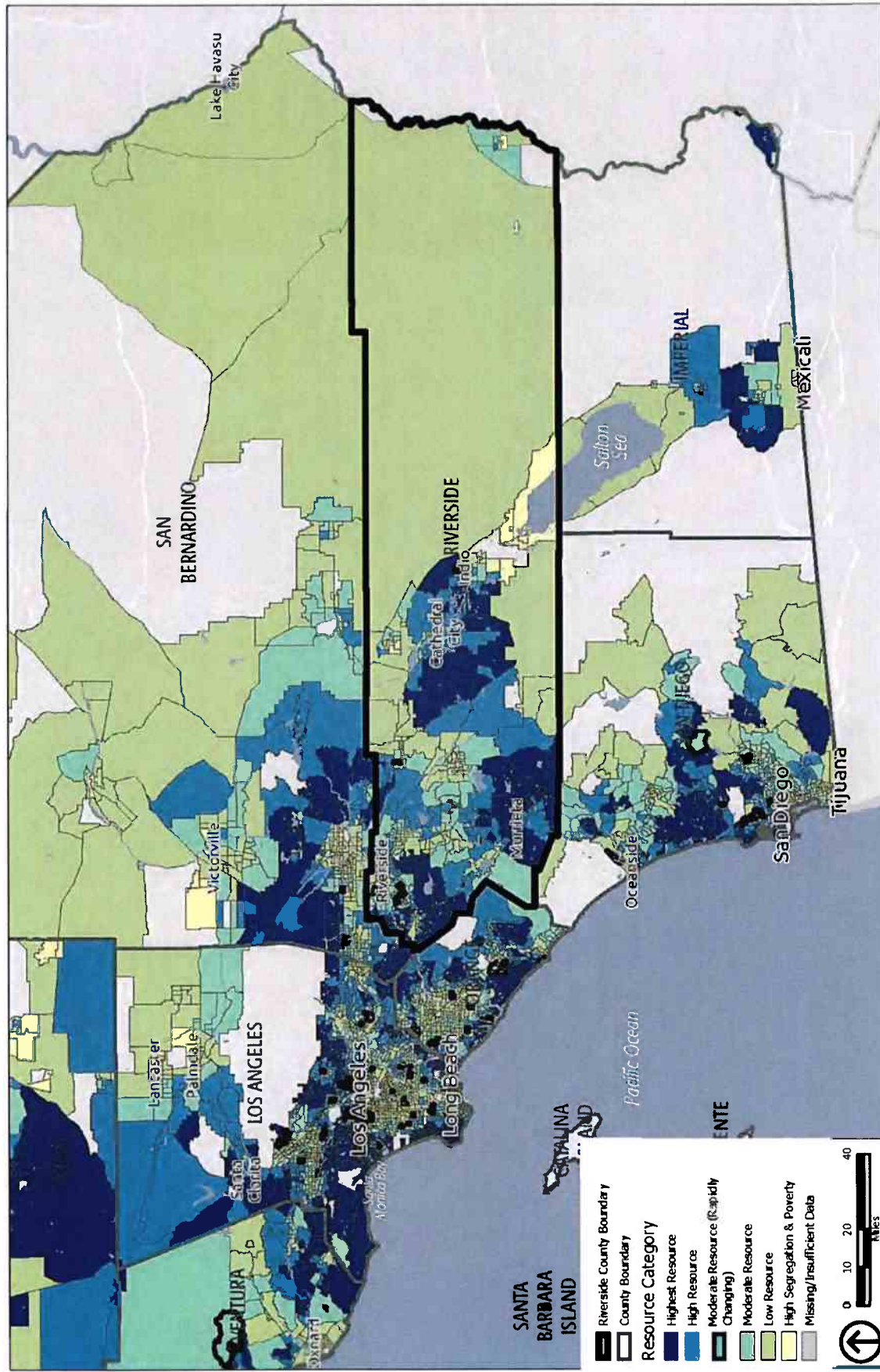
Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7040

Appendix P-2 Housing Element Maps

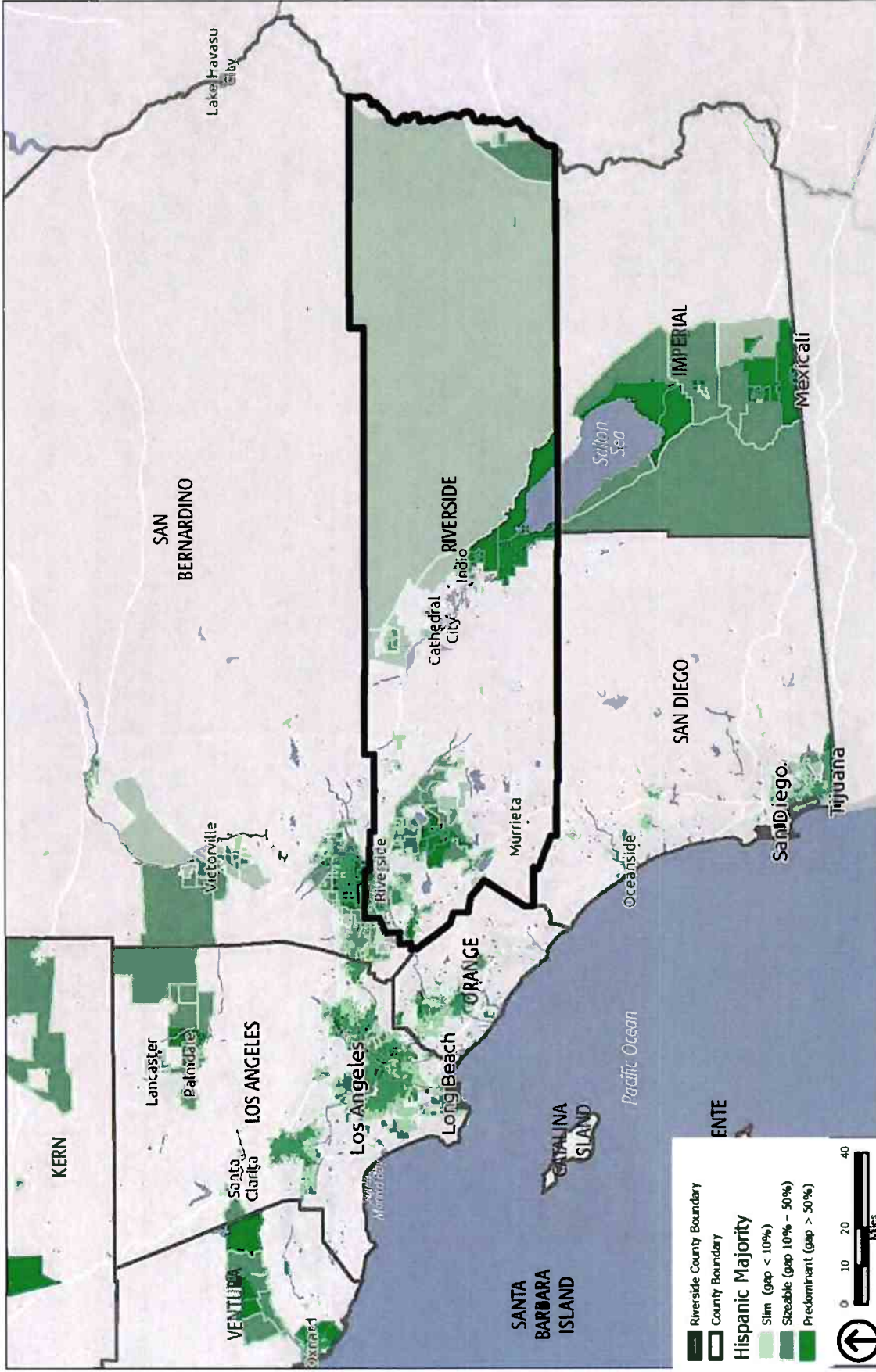


HOUSING ELEMENT
COUNTY OF RIVERSIDE
AFFH MAPPING



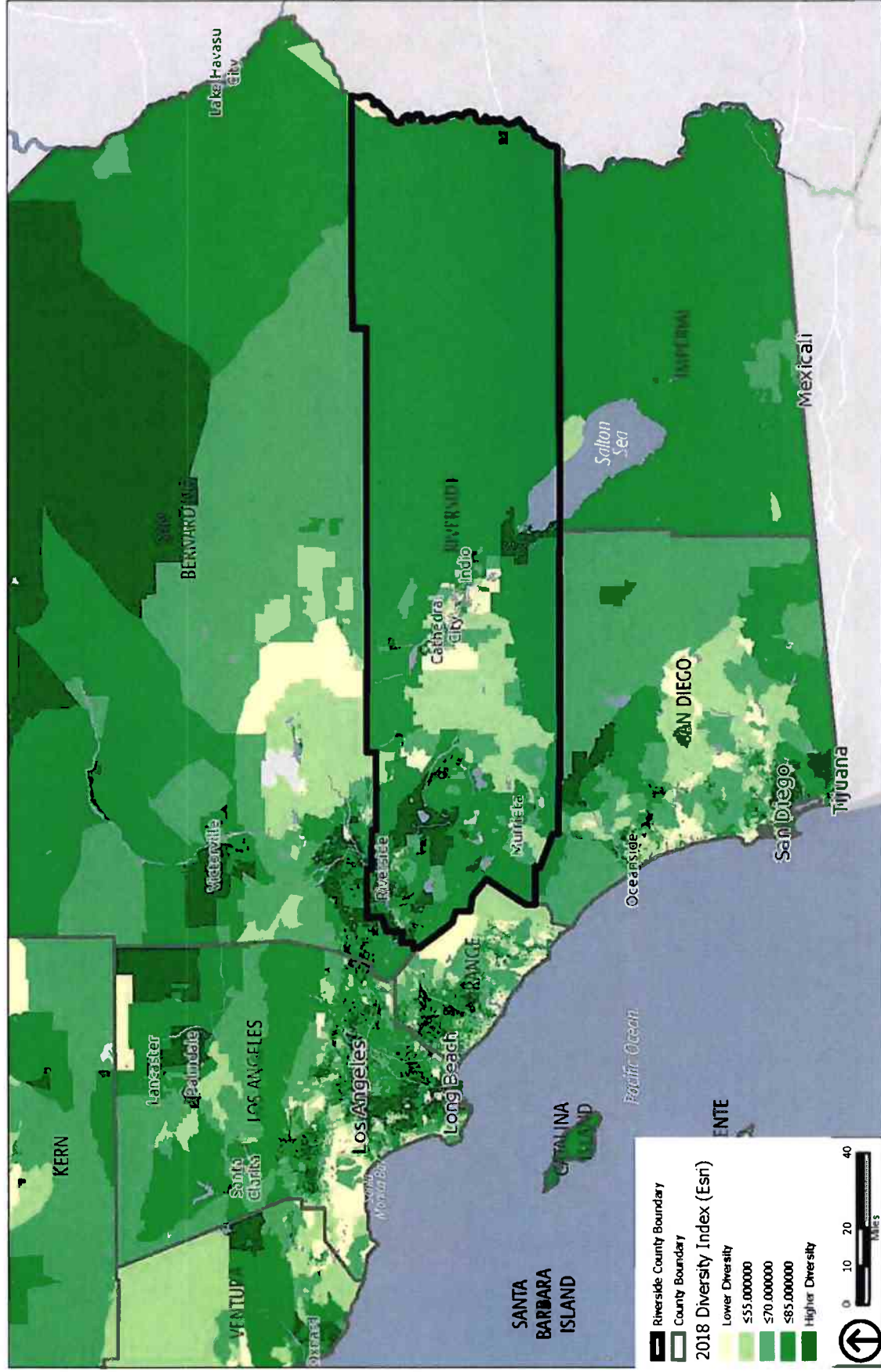
Source: TCAC/HCD (2021), by tract.

Figure P-1
TCAC Opportunity Areas



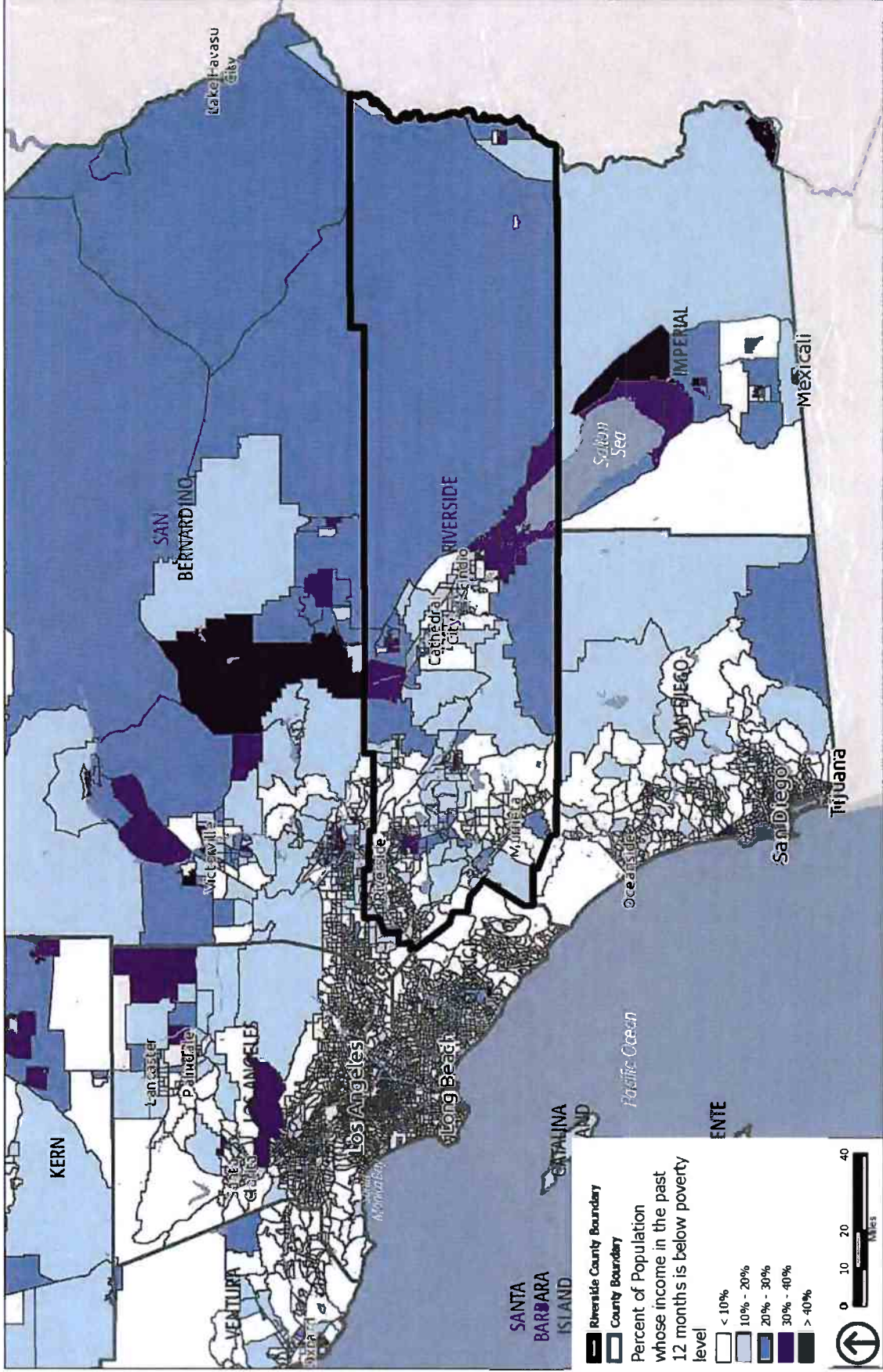
Source: US Census, 2010.

Figure P-2
 Predominant Population – Hispanic Majority



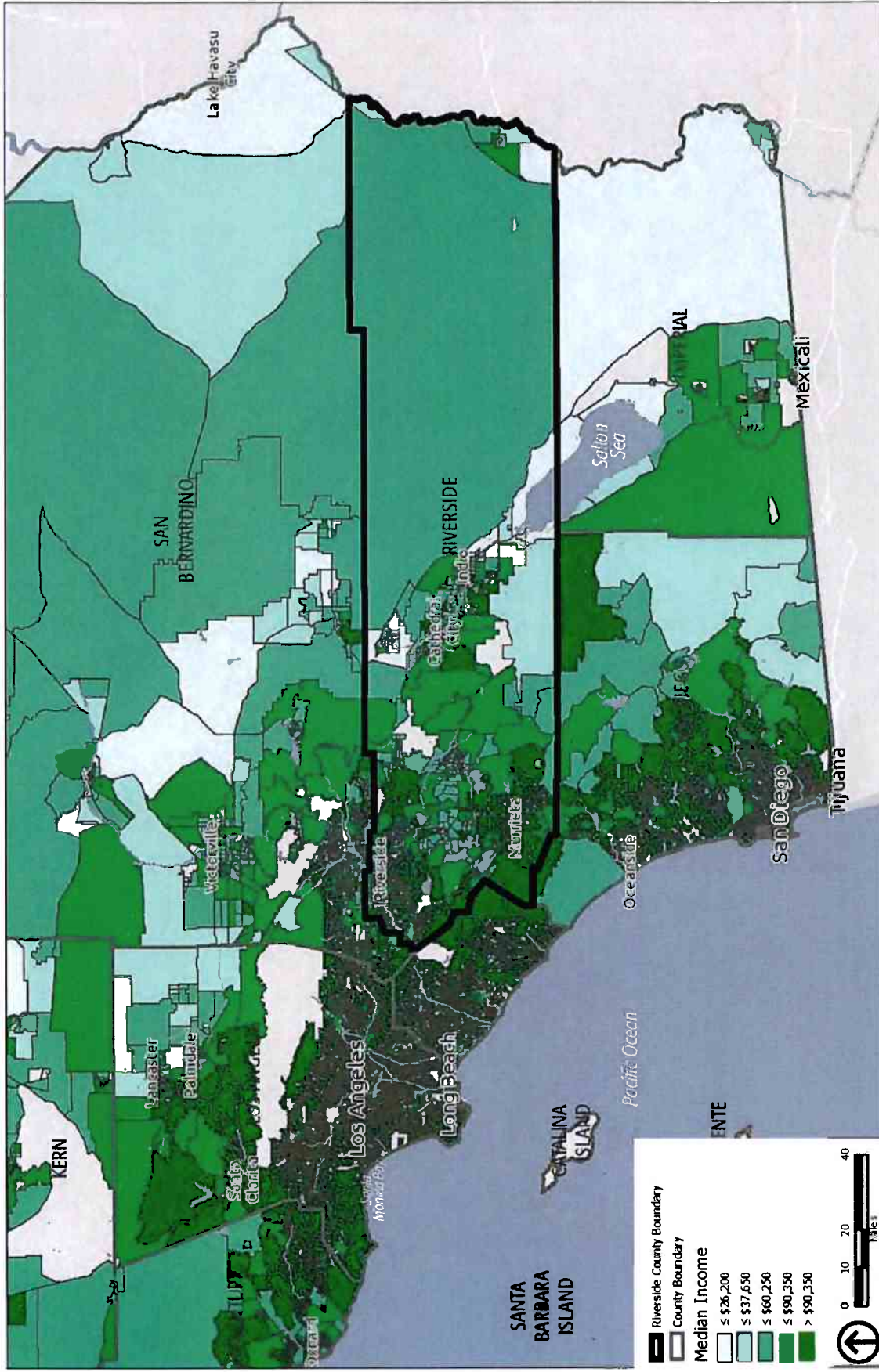
Source: Esri (2018), by block group.

Figure P-3
Diversity Index



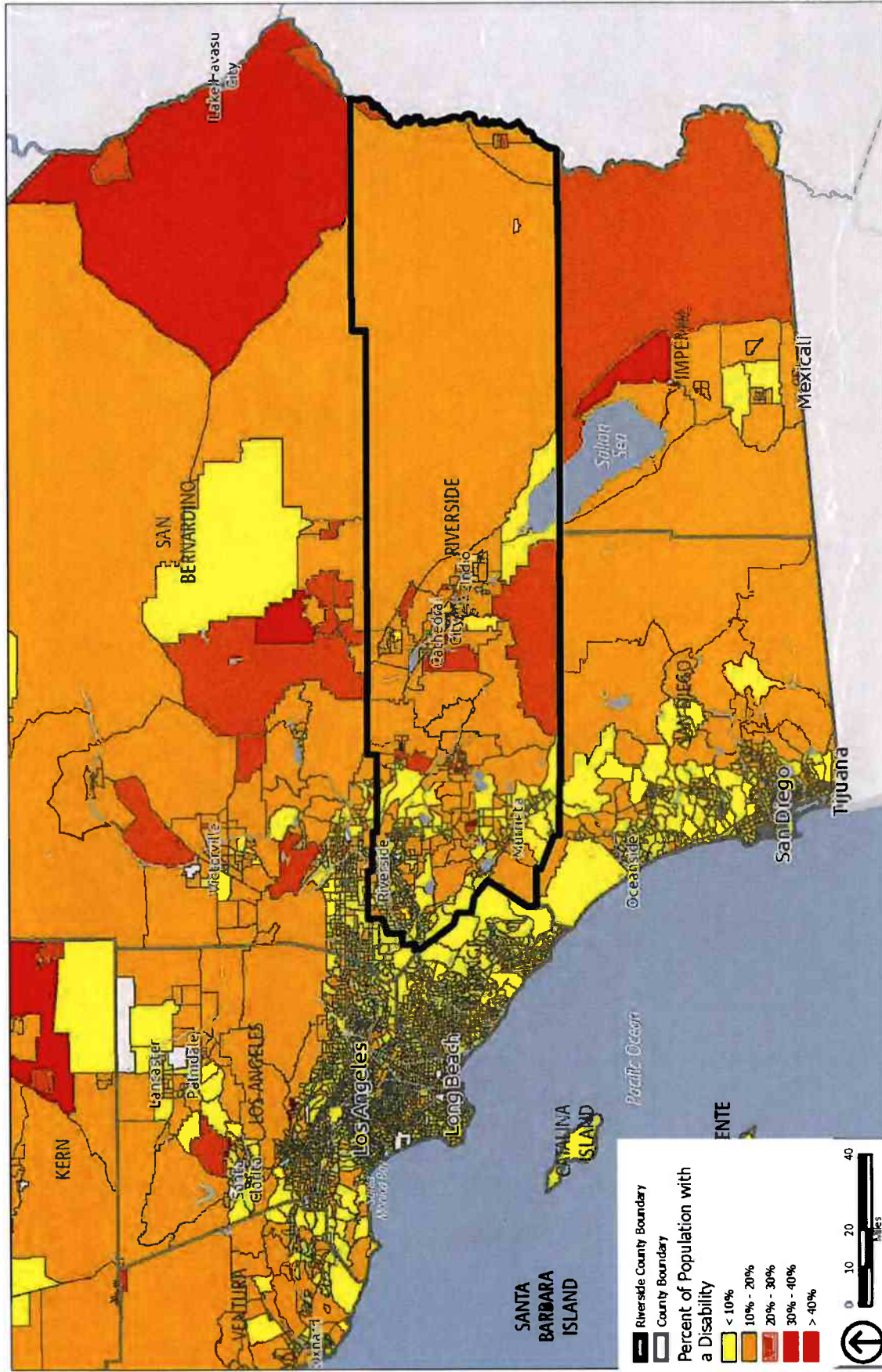
Source: ACS 5-year estimate (2015-2019), by tract.

Figure P-4
 Poverty Status



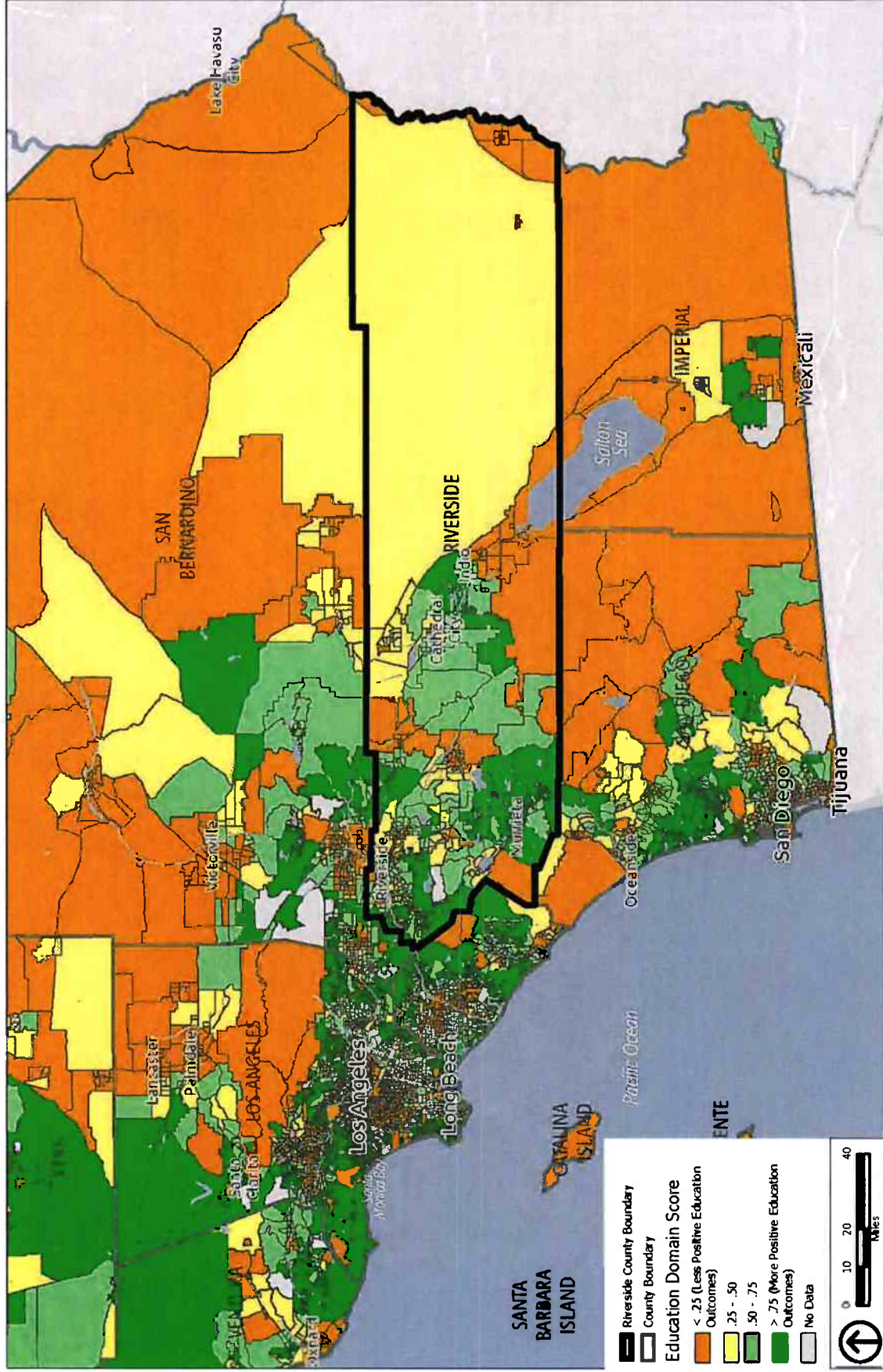
Source : ACS 5-year estimate (2015-2019), by block group.

Figure P-5
 Median Income



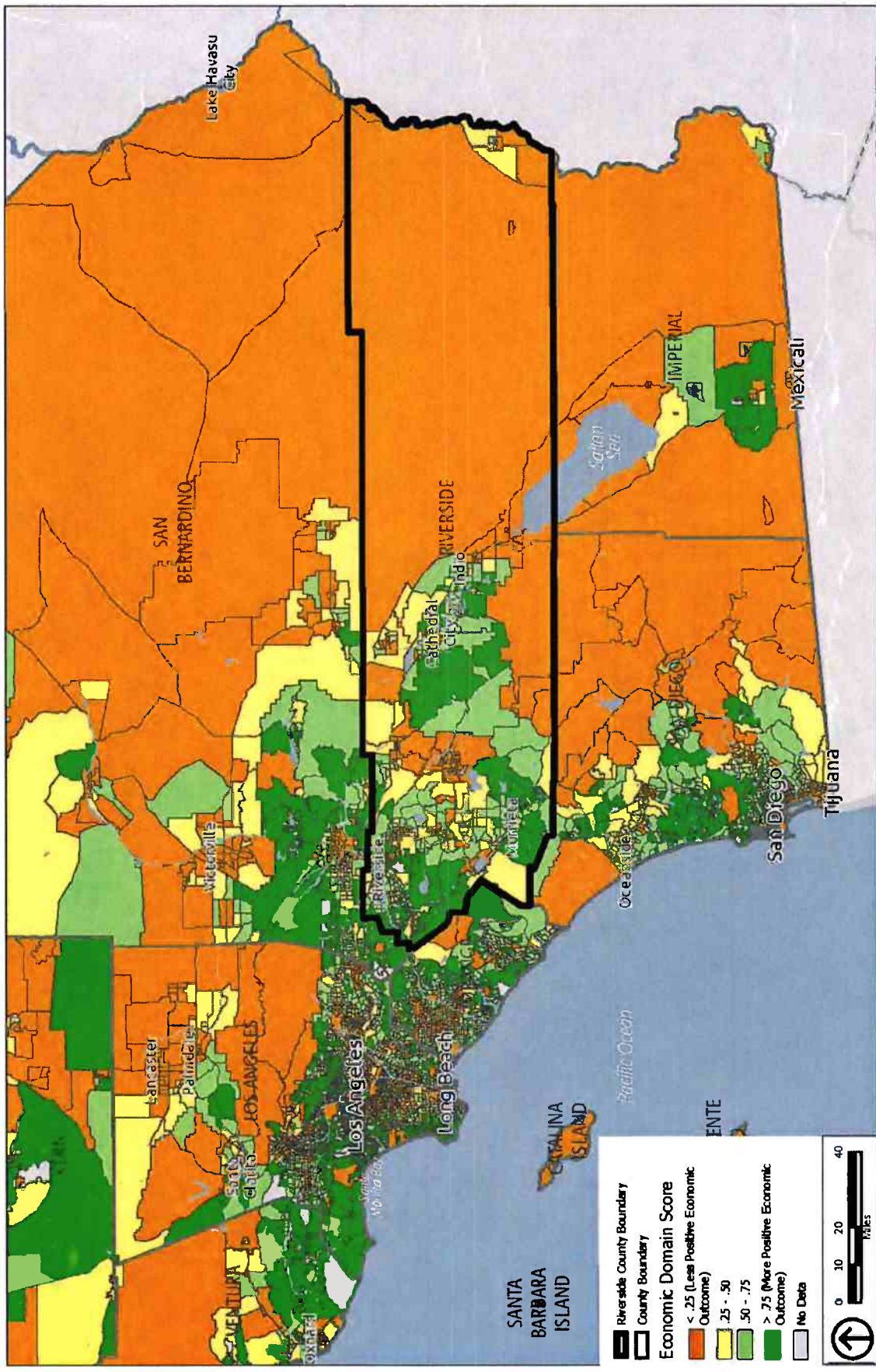
Source: ACS 5-year estimate (2015-2019), by tract.

Figure P-7
Population with a Disability



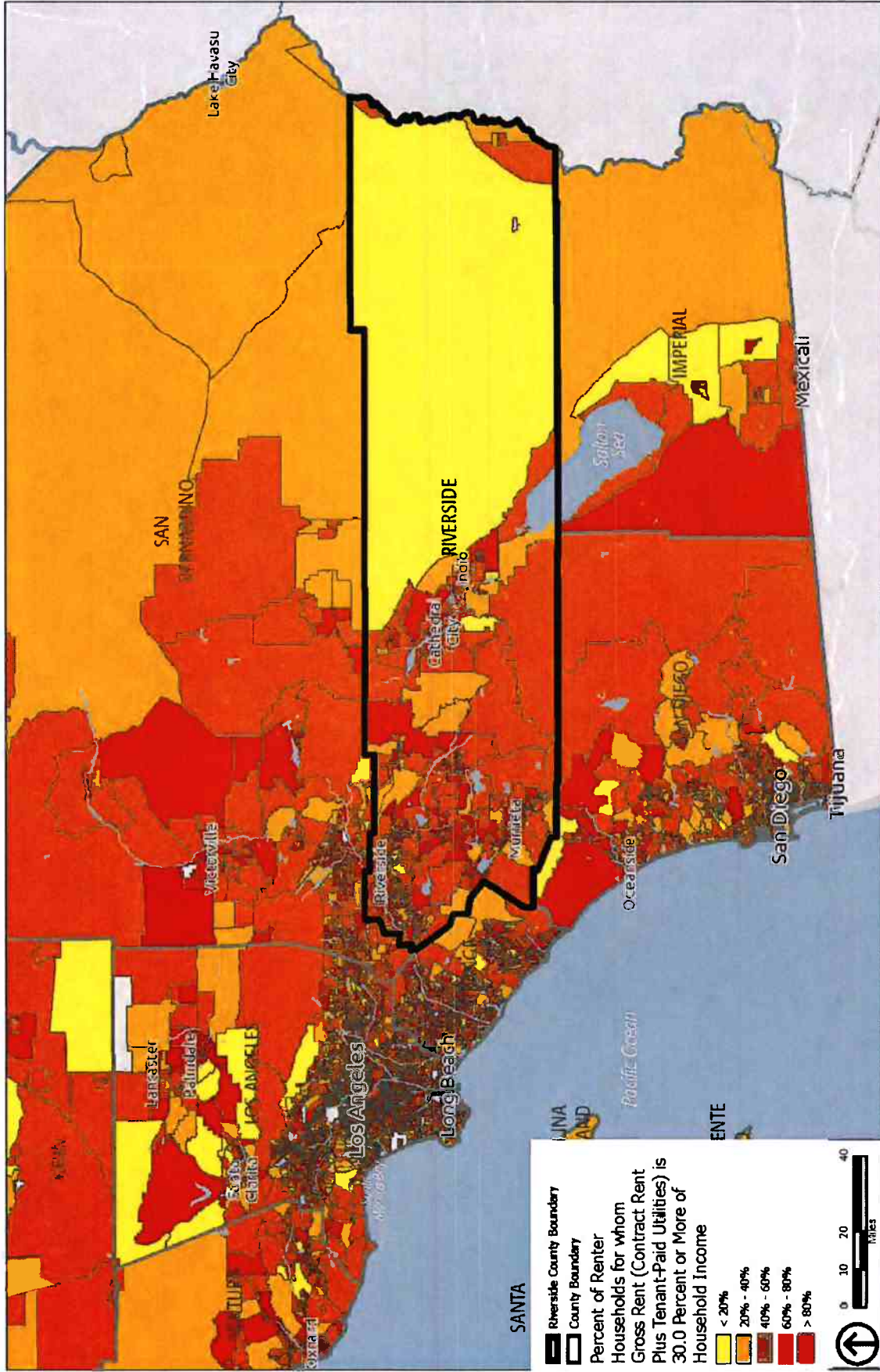
Source: TCAC/HCD (2021), by tract.

Figure P-8
TCAC Education Score



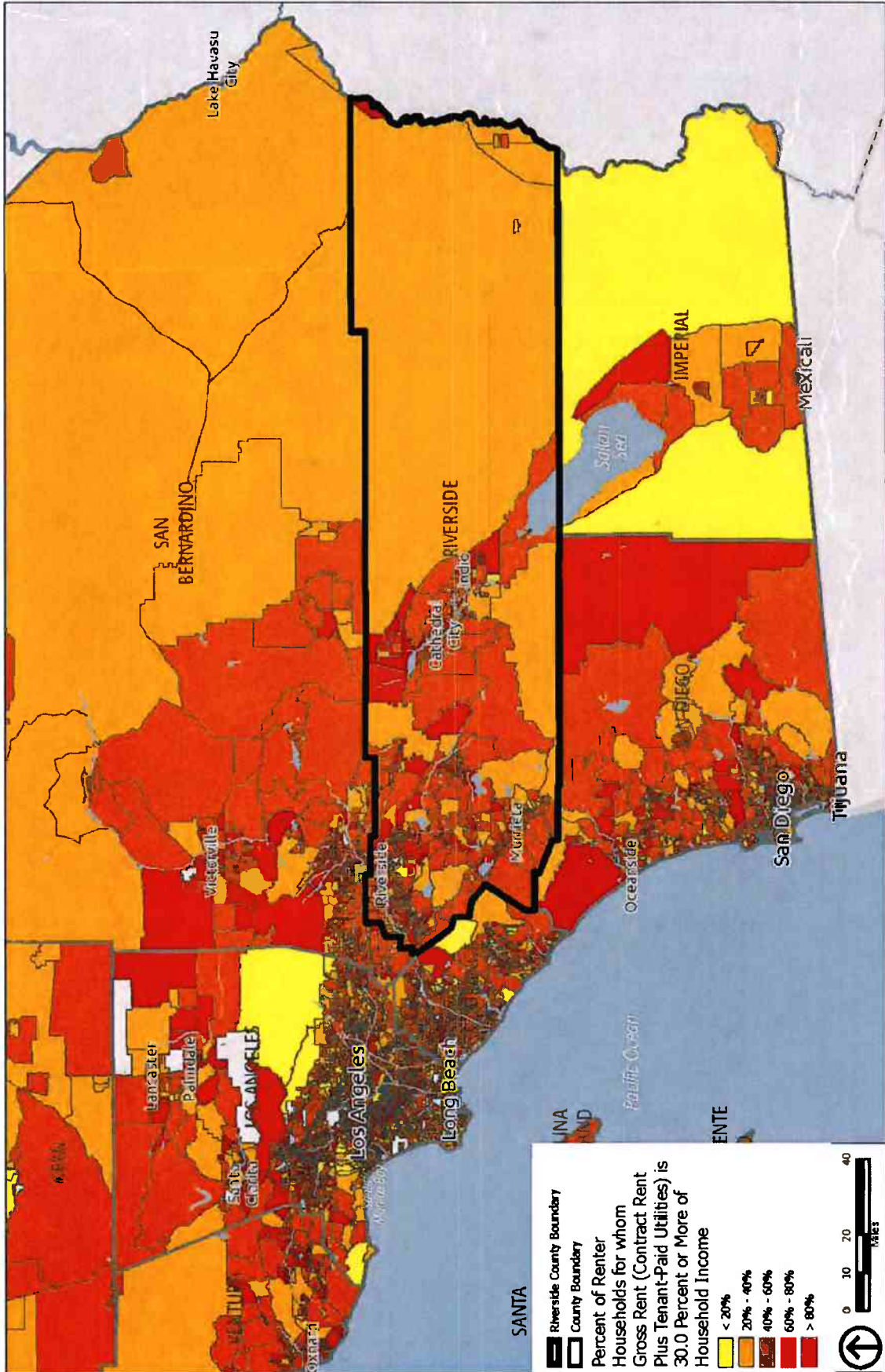
Source: TCAC/HCD (2021), by tract.

Figure P-10
 TCAC Economic Score



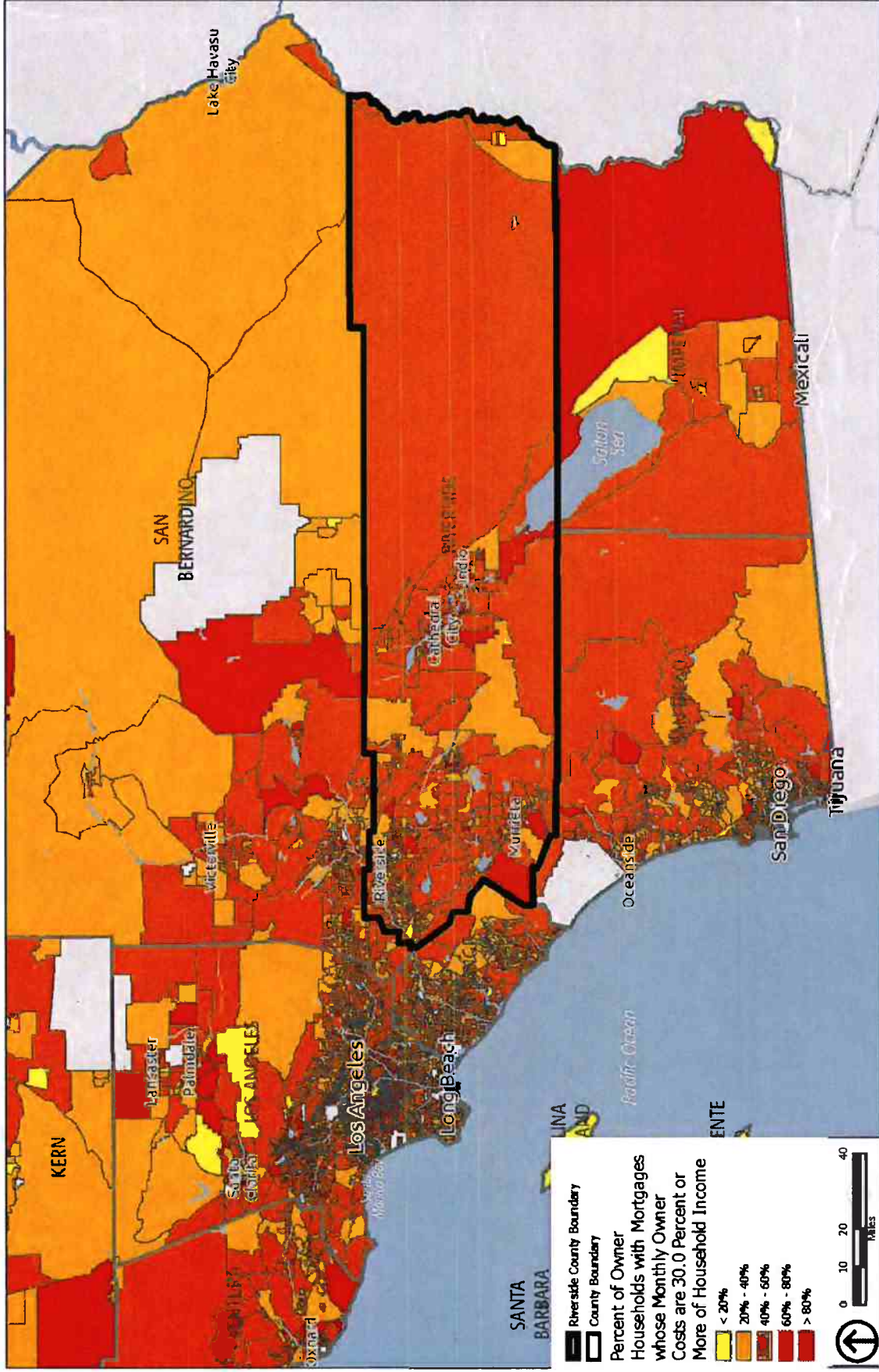
Source: ACS 5-year estimate (2010-2014), by tract.

Figure P-11
 Overpayment by Renters (2010-2014)



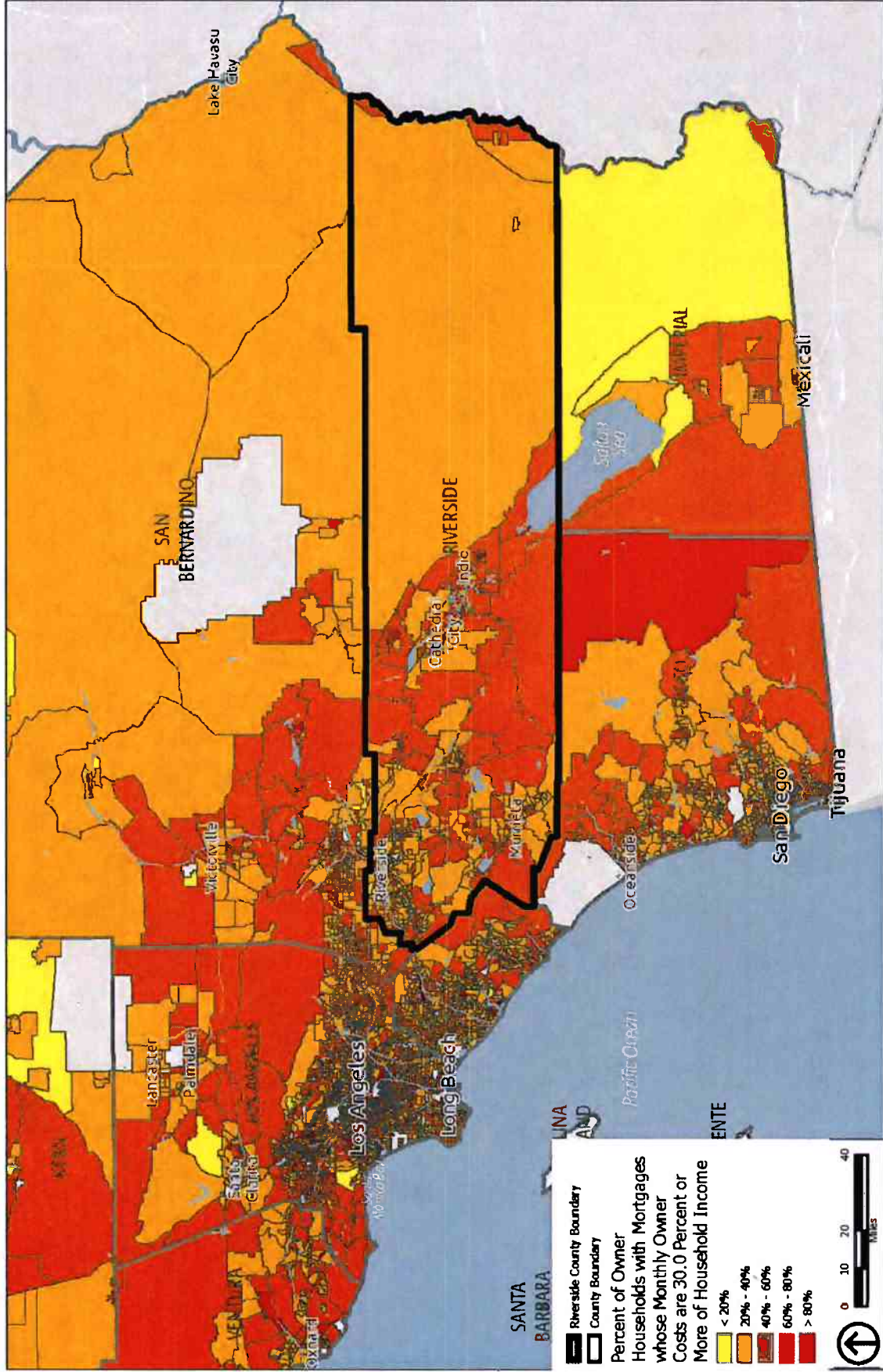
Source: ACS 5-year estimate (2015-2019), by tract.

Figure P-12
 Overpayment by Renters (2015-2019)



Source: ACS 5-year estimate (2010-2014), by tract.

Figure P-13
 Overpayment by Owners (2010-2014)



Source: ACS 5-year estimate (2015-2019), by tract.

Figure P-14
 Overpayment by Owners (2015-2019)

Draft Housing Element -- Response to Comments

August 12, 2021 Letter from Leadership Counsel for Justice and Accountability, et al.
Responses to the above letter track the designated sections in the letter.

I. Failure to Demonstrate A Diligent Effort to Solicit and Incorporate Input from All Economic Segments of the Community and Protected Classes

- A. Failure to Adequately Engage the Public, Demonstrate Inclusion of Low-Income Populations, Groups with Special Housing Needs, and Protected Classes
- B. Failure to Adequately Describe and Demonstrate Incorporation of Public Input

Provided between October 2020 and December 2020, the County conducted twelve (12) meetings at its community councils and municipal advisory councils throughout the unincorporated area to seek community input to help determine the parameters of the Housing Element. All of the above sessions provided Spanish language translations, as needed.

Additionally, two (2) community outreach meetings were conducted in February 2021 using a virtual workshop platform and presentations were given in both English and Spanish. This effort and the input received resulted in the drafting of Housing Element polices.

A Planning Commission workshop was also conducted in February 2021 to seek input from Planning Commissioners and additional input from the public.

While participation at some meetings were limited, the County used all available means, including electronic and traditional, to attract participants to the venues whether they were in person or online. The County's outreach efforts attracted a diverse group of participants including those representing special interest groups.

Because housing is a focus of many agencies, special interest groups, and community-based organizations, the County reached out to forty (40) such entities. It received responses from seven (7) of the entities in December 2020. The number of responses received tracked the level of participation achieved with respect to the community outreach described in the above community outreach paragraph. Overall, the input provided benefitted the preparation of the draft Housing Element.

The culmination of the County's outreach effort was the dissemination of a public survey between February 2021 and March 2021 to gauge additional sentiment and thoughts on the County's housing needs. A comprehensive summary of the community outreach effort and the stakeholder/community-based organization effort including specific input received and responses provided is contained in Housing Element Appendix P-1, pages P-189 through P-211. All of the above information is also set forth on the County's TLMA Planning website. Additional opportunity for comment on the County's 6th Cycle Housing Element was provided between July 8, 2021 through August 16, 2021. Opportunity for comment was also provided at the September 1, 2021 Planning Commission public hearing on the draft Housing Element and an additional opportunity for comment will be provided on September 28, 2021 at the Board of Supervisors public hearing on the draft Housing Element.

C. The County's Submission of the Draft to HCD Before the End of the Public Comment Period Undermines Public Participation

The County's outreach (public participation) effort essentially encompassed the Fall of 2020 and Winter of 2020 and was concluded when the effort was detailed in Housing Element Appendix P which was released for additional input and comment in July 2021. The draft was posted on the County's website and all meeting attendees, service providers and others involved in the Housing Element process were directly notified when the draft was released. Therefore, concurrent submittal of the Housing Element for review by HCD in no way compromises the public participation effort as the latter had been concluded when the draft Housing Element was submitted for HCD review. Additionally, overlapping of the review efforts has been necessary because of the tight timelines associated with achieving adoption of the 6th Cycle Housing Element on or before October 15, 2021 as required by state law.

D. Failure to Align Outreach for Environmental Justice Element Development and Housing Element Update

While there are overlaps between Environmental Justice requirements and the Housing Element work, such as promoting fair housing policies and safe and sanitary housing, essentially, the two efforts serve different purposes with environmental justice focused on addressing and remediating environmental constraints and the housing element work focused on providing new dwelling units to meet county housing needs. Additionally, timeframes associated with the respective efforts are different. Therefore, staff has received Board of Supervisors approval for its environmental justice effort through amendments to the Land Use Element and Healthy Communities Element, while the legal timeframe for adopting a Housing Element update is October 15, 2021. Also, it should be noted that there is no legal requirement for the two efforts to be concurrently completed.

II. Failure to Evaluate the 5th Cycle Housing Element Consistent with Section 65588(a)

HCD certified the County's 2013-2021 Housing Element (5th Cycle) and the Mid-Cycle Housing Element Update (2017) with the goals, polices, and action items contained therein. Pursuant to Government Code Section 65588, the County has completed its evaluation of these two elements as provided in draft Housing Element Appendix P, pages P-5 through P-42. The critical components of the Housing Element are production figures encompassing the eight-year 5th Cycle Housing Element period provided through the Annual Progress reports, as well as the table containing the implementation status of the items constituting the 8 Year Action Plan beginning on page P-7. Also as required by Section 65588, the County provides a bullet listing of efforts to address special housing needs. Therefore, the County's responses in compliance with Section 65588 are limited to the goals, polices and action items approved by HCD as contained in the 5th Cycle Housing Element and the-Mid Cycle Update.

III. Inadequate Sites Inventory Analysis

A. Unwarranted Reliance on the Valante and Travertine Pointe Specific Plans to Accommodate 1,609 Lower-Income Units

C. **The County's Submission of the Draft to HCD Before the End of the Public Comment Period Undermines Public Participation**

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III. **Inadequate Sites Inventory Analysis**

A. **Unwarranted Reliance on the Valante and Travertine Pointe Specific Plans to Accommodate 1,609 Lower-Income Units**

County specific plans are private sector initiated regulatory or zoning level documents for the development of new residential or mixed-use communities. As such, until they are amended, buildout is expected to proceed according to the requirements contained therein with the pace of development proceeding according to the private sector proponent's business plans. Therefore, the County's reliance on the number of units to be produced and the affordability levels is reasonable until the specific plan is changed or otherwise amended. Any other determination at the present would be speculative.

B. Failure to Adequately Analyze Underutilized Sites' Realistic Development Potential

Intensification or densification of underutilized sites depends on several factors including the availability of or planned infrastructure, the availability or planned services, synergy for change primarily dependent on developer and current owner interest, lack of physical and environmental constraints, access to multimodal transportation systems, access to employment, availability of public amenities, and a local governing structure. The County's Housing Element sites, both underutilized or vacant have considered the above criteria before being considered as site inventory to accommodate RHNA housing units. Until synergies are established around landowner and developer interests, further analysis of underutilized sites would not be a productive use of time or resources. While the County believes these underutilized parcels to be appropriate to accommodate a portion of the lower income RHNA, the County has removed these sites from the inventory.

C. Failure to Include a Program and Policy Requiring Replacement of Existing Affordable Units on Nonvacant Sites Pursuant to Section 65583.2(g)(3)

To ensure future developments comply with Government Code Section 65583.2 (g)(3), the County has included Housing Action #H-32 of the draft Housing Element to address this concern.

D. Reliance on Sites Included in 5th Cycle HE Sites Inventory Without Required Rezoning Program

Adoption of the 5th Cycle Housing Element included a rezoning program whereby housing sites to accommodate the RHNA targets included land use designations and consistent zoning to allow for site development. The proposed draft 6th Cycle Housing Element sites do not include rezoning program at this time. The County will continue to rely on sites designated for lower income households as these sites were designated in the 2013-2021, 5th Cycle Housing Element. The threshold criteria of two or more consecutive planning periods (cycles) has not yet passed which would otherwise preclude their continued use.

E. The Draft Element Fails to Include the Requisite Analysis to Rely on Sites Located on Tribal Land

Tribal lands located in the Travertine Specific Plan and in the Cabazon area were not used to site dwelling units to meet RHNA targets.

F. Inadequate Support for Reliance on 1,864 units Lower-Income Capacity From Mobile and Manufactured Homes

The draft Housing Element has been revised to include additional analysis on mobile/manufactured housing costs including transportation costs, county fees, installation, landscape, etc, as well as

calculating the annual assumption basing this on the past seven years (2014 – 2020) instead of only 2018 and 2019 data.

G. The Draft Element Fails to Describe Environmental Constraints or Analyze Their Impacts on Inventory Site Capacity

Many of the sites designated to accommodate RHNA targets from the 5th Cycle Housing Element have been carried forward to accommodate RHNA targets for the 6th Cycle. The commentor focuses on environmental constraints caused by potential development in flood prone and high fire hazard areas. Identification of sites for the 5th Cycle took into consideration the need to have development avoid such areas. Therefore, none of the housing sites are constrained by mapped fire hazard or flood prone areas. To the extent that staff may have misinterpreted the boundaries of these environmental constraints, the constraints would be captured during the various forms of plan check review and review by the various fire control agencies and the county's flood control department or agency with appropriate recommendations, including in the extreme, halting project development. Additionally, county codes address flood and fire hazard conditions with the former requiring grading to modify flood prone and drainage areas by elevating development out of the flood zone and for the latter by requiring fire retardant building materials, fire resistant landscaping, building spacing, access to water sources, and emergency vehicle access.

IV. The Draft's Assessment of Fair Housing Fails to Comply with Section 65583(c)(10)

A. Failure to Analyze Disproportionate Housing Needs and Displacement Risks Impacting Protected Classes

The draft Housing Element has been revised to further analyze the sites inventory and disproportionate housing needs as a part of the Assessment of Fair Housing. Additionally, actions have been revised to address displacement risks impacting protected classes.

B. Failure to Assess Disparities in Access to a Healthy Environment

In this subsection IV.B. and to a limited extent in subsection IV.A., the commentor lists environmental constraint criteria that are covered by the County's response to SB1000 which addresses the topic of environmental justice by requiring local governments to adopt a general plan environmental justice element or to include environmental justice policies in other general plan elements. The County chose the latter by amending its Land Use Element and Healthy Communities Element in compliance with SB1000 with recent adoption by the Board of Supervisors. The County's documentation includes a framework for SB1000 compliance and a mapping of environmental justice communities in the Land Use Element, environmental justice polices contained in the Healthy Communities Element, and an Implementation Plan. The environmental constraint areas listed by the commentor are captured in the Healthy Communities Element policies. The policies are implemented through guidance provided by the Implementation Plan either through development projects or through interagency efforts affecting multiple jurisdictions. There is no need to duplicate the environmental justice work in the draft 6th Cycle Housing Element. On September 21, 2021, the Board of Supervisors gave final adoption to the SB1000 compliance components of the Land Use Element and Healthy Communities Element.

C. Failure to Demonstrate That Sites Inventory AFFHs

The draft Housing Element has been revised to further analyze the sites inventory as part of the Assessment of Fair Housing.

V. Governmental Constraints Analysis Deficiencies

Draft 6th Cycle Housing Element Action # H-7 requires the County to address Reasonable Accommodation, including the criteria for siting parolee-probationer homes. An extensive discussion of government constraints on the production of housing is provided on pages P-141 through P-173 of the draft Housing Element's Appendix P.

The requirements of SB 330 are discussed on pages P-172 and P-173 of the draft Housing Element's Appendix P. The additional narrative requested by the commentor to augment the discussion of SB330 regarding relocation and replacement housing has been included in a new Action # H-32 on page H-20 of the draft Housing Element.

The Board of Supervisors recently adopted Ordinance No. 348.4950 which amended the county's Land Use Ordinance No. 348 regarding employee housing. Sections 1-4, 12-28, and 37 of Ordinance No. 348.4950 address the commentor's request.

VI. Failure to Adopt Programs That Will Result in A Beneficial Impact During the Planning Period and AFFH

- Action H-1 - Sites to Accommodate the Regional Housing Needs Assessment (RHNA) Allocation.

Action # H-1. The County has identified sufficient capacity to accommodate the RHNA and therefore this will be an ongoing action throughout the 8-year Housing Element timeframe. Progress in meeting RHNA targets will be provided in the annual progress reports presented to HCD.

- Action H-2 – Infrastructure Availability and Coordination.

The County is responsible for providing roads and related infrastructure such as trails and sidewalks, flood control facilities, and solid waste disposal. Requirements for such facilities are contained in various standard plans and the General Plan. Construction plans, phasing, and financing are contained in short term and long-range master plans. The commentor should review plans for such facilities and address concerns by contacting the Transportation and Land Management Agency and the Chief Executive Office. Other key infrastructure components such as water and sewer are provided by other agencies such as water and sewer districts. Service priorities for water and sewer should be addressed through these districts. Contact information for these districts is available through the state Local Agency Formation Commission serving Riverside County.

- Action H-7 – Land use (zoning) ordinance amendments.

Please see response to comment, above -- V. Governmental Constraints Analysis Deficiencies

- Action H-10 – Innovative Housing Options.

The County currently allows for flexibility in the housing stock by providing a variety of housing options, such as ADUs, junior ADUs, tiny houses, inclusionary housing, container housing, Polanco parks,

Ranchettes, MOG (Multi-Owner Group Unit) and other alternative housing types. The county will annually promote these housing types to assist with the development of affordable housing

- Action H-12 – Inclusionary Housing Requirements.

Establishing inclusionary housing requirements is one way of achieving the production of lower income housing units. However, it is not the only way as described in Action # H-12. The County will proceed with various means of requiring lower income dwelling units pursuant to Action # H-12. Nevertheless, the commentor's concerns are noted and will be addressed should alternative means of providing lower income housing units are not successful.

- Action H-13 – Code Enforcement.

The County's code enforcement staff ensures that occupancy of buildings and related features occurs in a safe manner. This occurs through site visits based on a complaint and through site visits when a building inspector checking on new construction notices a code violation; the public is educated on the code enforcement process when code enforcement officers provide presentations to educate the public at community councils and municipal advisory committee meetings. The County has been successful at remediating code violations through these means. Based on the availability of staff and resources, the County will continue to address its code enforcement process in the present manner. Additionally, as stated in revised Action # H-13, the County will evaluate its code enforcement programs to determine if a proactive form of code enforcement would be beneficial and effective based on experience and data gained from continuing with current practices. Pursuing a proactive form of code enforcement will require additional resources and funding.

- Action H-17 – Mobile Homes.

Addressing the commentor's concerns regarding revising Action #H-17 cannot be undertaken in the abstract with criteria that will not be known until production of mobile homes occurs after adoption of the 6th Cycle Housing Element. The commentor's concerns are noted with the criteria identified which can be adapted as the County evaluates compliance with Action # H-17 in the annual progress reports provided to HCD. Additionally, the County will assist as funding is available and will apply as Notice of Funding Available (NOFAs) are released.

- Action H-19 – Polanco Parks Program.

Pursuant to Action #H-19, it is expected that a review and evaluation of Polanco Park Programs will result in action items such as that recommended by the commentor – property management education, education on best management practices, and development of a Polanco Parks housing directory. However, pursuit of the commentor's recommendations and others to come from the review and evaluation will not be known until such an effort is undertaken. Please see also Action #H-14 (mobile home rehabilitation funding), and Action #H-17 (reduction of displacement risk for mobile home occupants) as programs being proposed in the draft Housing Element. The County will review and evaluate the existing lending processes by January 2022.

- Action H-20 – Persons with Disabilities.

Action # H-20 provides direction to the County for addressing the needs of the disabled. Development criteria for access to disabled persons is provided in the California Building Code which, with some modifications, has been adopted by the County and with which it must comply. The County will reach out to non-profit agencies and coordinate with the Inland Regional Center at least twice during the planning period.

- Action H-22 – Housing Choice Voucher Program.

The County will continue to administer the Housing Choice Voucher Program (Section 8 assistance) through the Riverside County Housing Authority and promote the use of Housing Choice Vouchers in high-opportunity areas to facilitate mobility between high- and low-resource areas regardless of income.

- Action H-23 – Monitor At-Risk Units.

Action H-23 includes timelines assumed for all projects at-risk of converting to market rate, which includes Paseo de los Poetas.. Its status will be updated in the annual progress reports provided to HCD.

- Action H-27. Improve Low Income Areas Access to Opportunities.

H-27 has been revised to include additional fair housing efforts and includes specific timeframes to complete these actions within the bullets listed..

- Action H-28 – Homeless Collaboration.

H-28 was revised to include that the county will collaborate with the County of Riverside CoC at least twice during the planning period.

The end of the commentor's letter notes a number of programs which are being recommended. Staff responses are provided below:

- RHNA targets for the 6th Cycle Housing for the next eight years are for production units. The commentor's reference to vacation homes does not affect this production effort. Therefore, should the County choose to undertake a study on the pricing of vacation homes, it would be undertaken independent of the Housing Element effort. Ordinance No. 927 regulates short term vacation rentals. Such rentals pay transient occupancy taxes which supplement the county's general fund. If the commentor is interested in reallocating these funds in support of affordable housing, the Chief Executive Office should be contacted for that purpose. Regarding inclusionary zoning requirements, please see response to comment to Action H-12.
- Regarding water and sewer as a priority for affordable housing, please see response to comment to Action H-2.
- Surplus County land and other public lands not needed for a government purpose has been used for the production of affordable housing and related amenities through the county's Housing, Homeless Prevention, and Workforce Solutions Department which has been successful in the production of affordable housing.

- Action # H-15 provides for a weatherization program by offering assistance to low-income households through the county's Community Action Partnership.
- Please see pages S-27 to S-29 of the Safety Element for a discussion of climate adaptation strategies and the policies associated therewith on page S-29. An update to the Safety Element is being processed concurrently with the 6th Cycle Housing Element.

August 16, 2021 Letter from Public Interest Law Project

Responses to the above letter track the designated sections in the letter.

Needs of Unhoused People

The draft housing Element includes a new section – Assessment of Fair Housing, which addresses these concerns and several fair housing actions, and homeless actions are included in the element.

Reasonable Accommodation Ordinance

Section 1.12 of the county's Land Use Ordinance No. 348 is the county's reasonable accommodation ordinance. Within the context of Section 1.12, the draft 6th Cycle Housing Element Action # H-7 commits the County to reviewing the administrative process for considering reasonable accommodation requests "within one year of the adoption of the Housing Element". However, the County has not received any applications for reasonable accommodations since the adoption of the Mid-Cycle Housing Element Update in 2017. While the County is prepared to commit to the above timeframe, it may defer the analysis until a reasonable accommodation application is received so that a review is not conducted in the abstract. Staff will retain the commentor's letter to ensure that when such a review is conducted, the issues raised on pages 2 and 3 of the commentor's letter are addressed.

August 16, 2021 Letter from Leadership Counsel for Justice and Accountability, et al.

Responses to the above letter track the designated sections in the letter.

I. Release the Draft Housing Element for Public Review Before Submission to HCD

The County's outreach (public participation) effort essentially encompassed the Fall of 2020 and Winter of 2021 and was concluded when the effort was detailed in Housing Element Appendix P, which was released for additional input and comment in July 2021. Therefore, concurrent submittal of the Housing Element for review by HCD in no way compromises the public participation effort as the latter had been concluded when the draft Housing Element was submitted for HCD review. Additionally, overlapping of the review efforts has been necessary because of the tight timelines associated with achieving adoption of the 6th Cycle Housing Element on or before October 15, 2021 as required by state law.

II. Comprehensive Polanco Park Permitting Program

A. Three Year Moratorium on Fines and Code Enforcement

The County cannot compromise public health and safety and therefore will not enact any moratorium on fines and code enforcement. However, recognizing Polanco residents' limited resources, TLMA's

Code Enforcement Division will work with residents to address code violations in a fair, reasonable, and compassionate manner to ensure that healthy and safe conditions are restored, and code violations are remediated.

- B. Create an Eastern Coachella Valley Polanco Park Housing Directory
- C. Polanco Property Management Education Program
- D. Mobile Home Replacement

Pursuant to Action #H-19, it is expected that a review and evaluation of Polanco Park Programs will result in action items such as that recommended by the commentor – property management education, education on best management practices, and development of a Polanco Parks housing directory. However, pursuit of the commentor’s recommendations and others to come from the review and evaluation will not be known until such an effort is undertaken. Regarding the general topics of mobile home repair and replacement, please see also Action #H-14 (mobile home rehabilitation funding), and Action #H-17 (reduction of displacement risk for mobile home occupants) as programs being proposed in the draft Housing Element.

III. Community Participation in Regional Housing and Community Development

- A. Housing Element Advisory Committee
- B. Restructure Eastern Coachella Valley Community Councils

A Housing Element Advisory Committee would be an advisory body and the Eastern Coachella Valley Community Councils are existing advisory bodies charged with providing input to the county on housing related matters regarding the former and with respect to community issues regarding the latter. To the extent that these entities would be and have been created in coordination and consultation with TLMA, the Chief Executive Office, and the Board of Supervisors, the commentor is advised to reach out directly to request what is being proposed in the commentor’s letter.

- C. Review Housing Review Committee Efficacy Efficiency

Similar to the discussion above, this committee is a standing advisory committee on housing related issues. Because the commentor is proposing a formal evaluation process regarding the committee’s work, such a request should be forwarded to the TLMA administrative office and the Chief Executive Office.

- D. Community Outreach During Housing Element Development Process

Between October 2020 and December 2020, the County conducted twelve (12) meetings at its community councils and municipal advisory councils throughout the unincorporated area to seek community input to help determine the parameters of the Housing Element. All of the above sessions provided Spanish language translations, as needed.

Additionally, two (2) community outreach meetings were conducted in February 2021 using a virtual workshop platform. This effort and the input received resulted in the drafting of Housing Element polices.

A Planning Commission workshop was also conducted in February 2021 to seek input from Planning Commissioners and additional input from the public.

While participation at some meetings were limited, the County used all available means, including electronic and traditional, to attract participants to the venues whether they were in person or online. The County's outreach efforts attracted a diverse group of participants including those representing special interest groups.

Because housing is a focus of many agencies, special interest groups, and community-based organizations, the County reached out to forty (40) such entities. It received responses from seven (7) of the entities in December 2020. The number of responses received tracked the level of participation achieved with respect to the community outreach described in the above community outreach paragraph. Overall, the input provided benefitted the preparation of the draft Housing Element.

The culmination of the County's outreach effort was the dissemination of a public survey between February 2021 and March 2021 to gauge additional sentiment and thoughts on the County's housing needs.

A comprehensive summary of the community outreach effort and the stakeholder/community-based organization effort including specific input received and responses provided is contained in Housing Element Appendix P, pages P-189 through P-211. All of the above information is also set forth on the County's TLMA Planning website. Additional opportunity for comment on the County's 6th Cycle Housing Element was provided between July 8, 2021 through August 16, 2021. Opportunity for comment was also provided at the September 1, 2021 Planning Commission public hearing on the draft Housing Element and an additional opportunity for comment will be provided on September 28, 2021 at the Board of Supervisors public hearing on the draft Housing Element.

IV. Expand Tenant Protections

- A. Landlord/Tenant Dispute Mediation Board
- B. Pass, Fund, and Implement a Right to Legal Counsel Program
- C. County-run rental subsidy programs prioritizing undocumented and mixed-status families
- D. Emergency Housing Program
- E. Rent Control & Just Cause for Eviction

The commentor proposes what would be new programs the merits of which would have to be evaluated before becoming part of the Housing Element or implemented through other means. It is advised that the commentor contact the Chief Executive Office and the Housing, Homeless Prevention, and Workforce Solutions Department to pursue these programs.

V. Sizes of Sites in Inventory Analysis

County is relying on sites larger than 10 acres and has included an analysis with project examples starting on page P-106 of the revised draft Housing Element. The site that is smaller than 0.5 acres, although included, this site only provides for the capacity of 1 unit and is not needed to meet the County's RHNA

In addition, the County has extensive experience with the processing of developer-initiated specific plans which typically encompass larger acreages. Specific plans generally are residential with amenities supporting the housing being proposed, or are mixed use developments with services, commercial uses

and other non-residential uses providing local support for the housing located in such specific plans. The economies of scale associated with a larger project allows for the installation of infrastructure, and also allows for mixed income housing products which would be more difficult to provide on smaller sites.

VI. Actively Seek Funding for Water and Wastewater Expansion in Disadvantaged Communities

Please see response to Action H-2 in the Leadership Counsel's August 12, 2021 letter.

VII. Prioritize Affordable Housing Developments in Unincorporated Areas

The County's RHNA targets are solely for the unincorporated areas. The Eastern Coachella Valley contains numerous sites for housing meeting the needs of all economic segments, including opportunity for the development of very low and low income housing. Therefore, such housing was prioritized during the 2013-2021 5th Cycle Housing as it is continuing to be prioritized through the draft 6th Cycle Housing Element. The County's Housing, Homeless Prevention, and Workforce Solutions Department has been successful in building low-income housing using the public resources mentioned by the commentor, as well as on public land, and through public-private partnerships. However, as has been extensively discussed, substantial progress in meeting RHNA targets depends on the private sector embracing the number of, product types, and affordability levels needed in new housing production.

VIII. Environmental Resilience

A. Weatherization of Mobile Home Parks

Action # H-15 provides for a weatherization program by offering assistance to low-income households through the county's Community Action Partnership.

B. Consider Transformative Climate Communities and other Community Plans

Please see pages S-27 to S-29 of the Safety Element for a discussion of climate adaptation strategies and the policies associated therewith on page S-29. An update to the Safety Element is being processed concurrently with the 6th Cycle Housing Element.

C. Analysis of Environmental Health Factors

The analysis of environmental health factors and polices related remediating environmental health constraints are covered by the County's response to SB1000 which addresses the topic of environmental justice by requiring local governments to adopt a general plan environmental justice element or to include environmental justice policies in other general plan elements. The County chose the latter by amending its Land Use Element and Healthy Communities Element in compliance with SB1000 with final adoption by the Board of Supervisors on September 21, 2021. The County's documentation includes a framework for SB1000 compliance and a mapping of environmental justice communities in the Land Use Element, along with environmental justice polices contained in the Healthy Communities Element, and an Implementation Plan. The environmental constraint areas listed by the commentor are captured in the Healthy Communities Element policies. The policies are implemented through guidance provided by the Implementation Plan either through development projects or through interagency efforts affecting

multiple jurisdictions. There is no need to duplicate the environmental justice work in the draft 6th Cycle Housing Element. On September 21, 2021, the Board of Supervisors gave final adoption to the SB1000 compliance components of the Land Use Element and Healthy Communities Element.

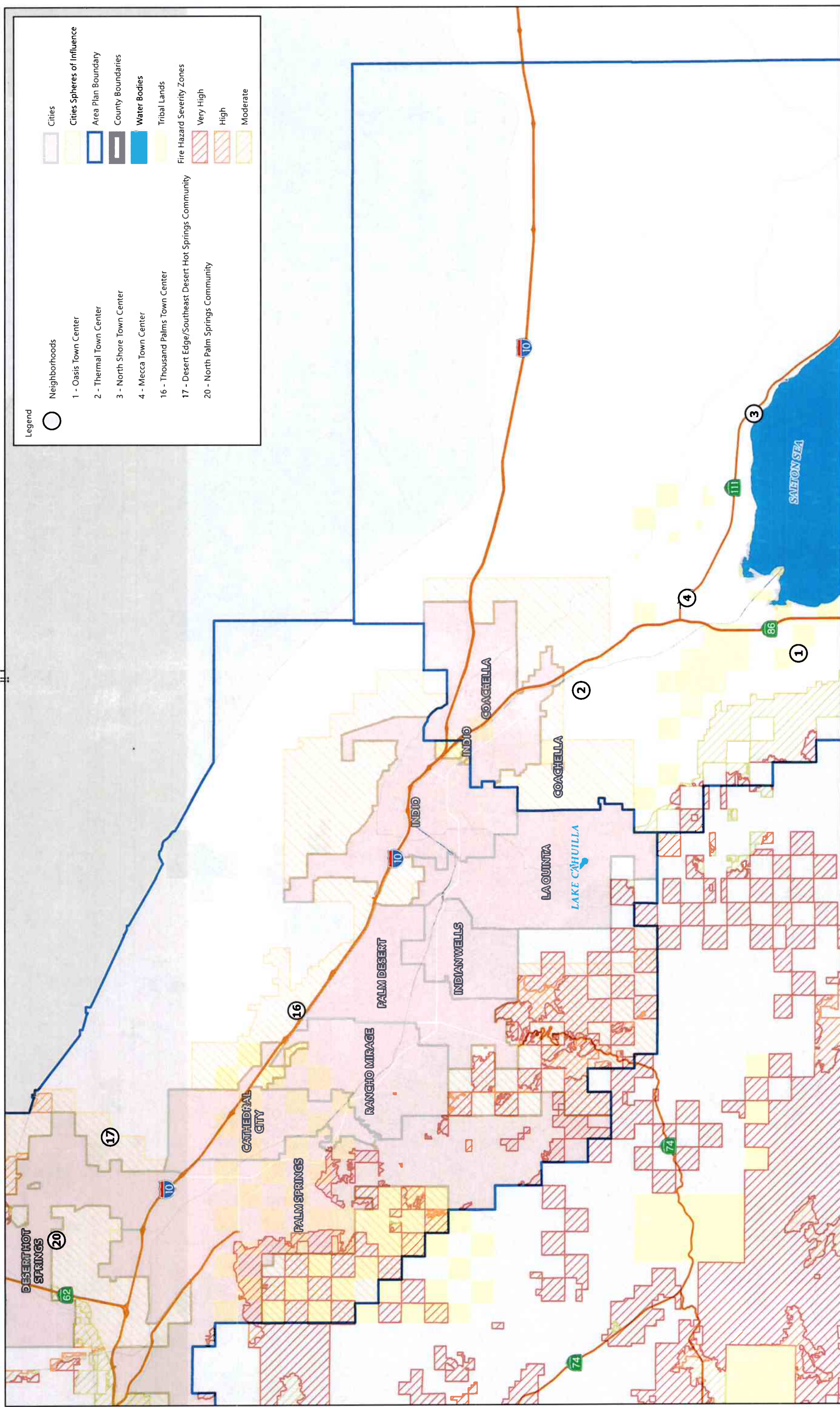
IX. Promote Inclusionary Housing

Establishing inclusionary housing requirements is one way of achieving the production of lower income housing units. However, it is not the only way as described in Action # H-12. The County will proceed with various means of requiring lower income dwelling units pursuant to Action # H-12. Nevertheless, the commentor's concerns are noted and will be addressed should alternative means of providing lower income housing units not be successful.

September 20, 2021 letter from the Sierra Club, San Geronimo Chapter

In addition to providing comments on draft Housing Element and the draft Safety Element, this letter includes a proposal for a regional affordable housing plan and proposes changes to certain policies contained in the Eastern Coachella Valley Area Plan.

The Sierra Club letter was received on September 20, 2021, approximately three (3) weeks after the Riverside County Planning Commission provided its September 1, 2021 recommendation to the Board of Supervisors for adoption of the draft Safety Element and draft Housing Element, both of which are posted on County's Planning Department website. Because the letter proposes substantive changes to various components of the county's General Plan, the Board of Supervisors relies on the Planning Commission's recommendations before considering the nature of the changes proposed in the letter. Therefore, the requests in this letter should have been presented to the Planning Commission at its September 1, 2021 public hearing on the draft Safety Element and the draft Housing Element, and as such would not be considered at the Board of Supervisors public hearing on the draft Housing Element and the draft Safety Element scheduled for September 28, 2021. Nevertheless, staff looks forward to engaging with the letter's commentors throughout the elements' public implementation process on the concerns raised by the Sierra Club.



Legend

- Neighborhoods
- 1 - Oasis Town Center
- 2 - Thermal Town Center
- 3 - North Shore Town Center
- 4 - Mecca Town Center
- 16 - Thousand Palms Town Center
- 17 - Desert Edge/Southeast Desert Hot Springs Community
- 20 - North Palm Springs Community

- Cities
- Cities Spheres of Influence
- Area Plan Boundary
- County Boundaries
- Water Bodies
- Tribal Lands

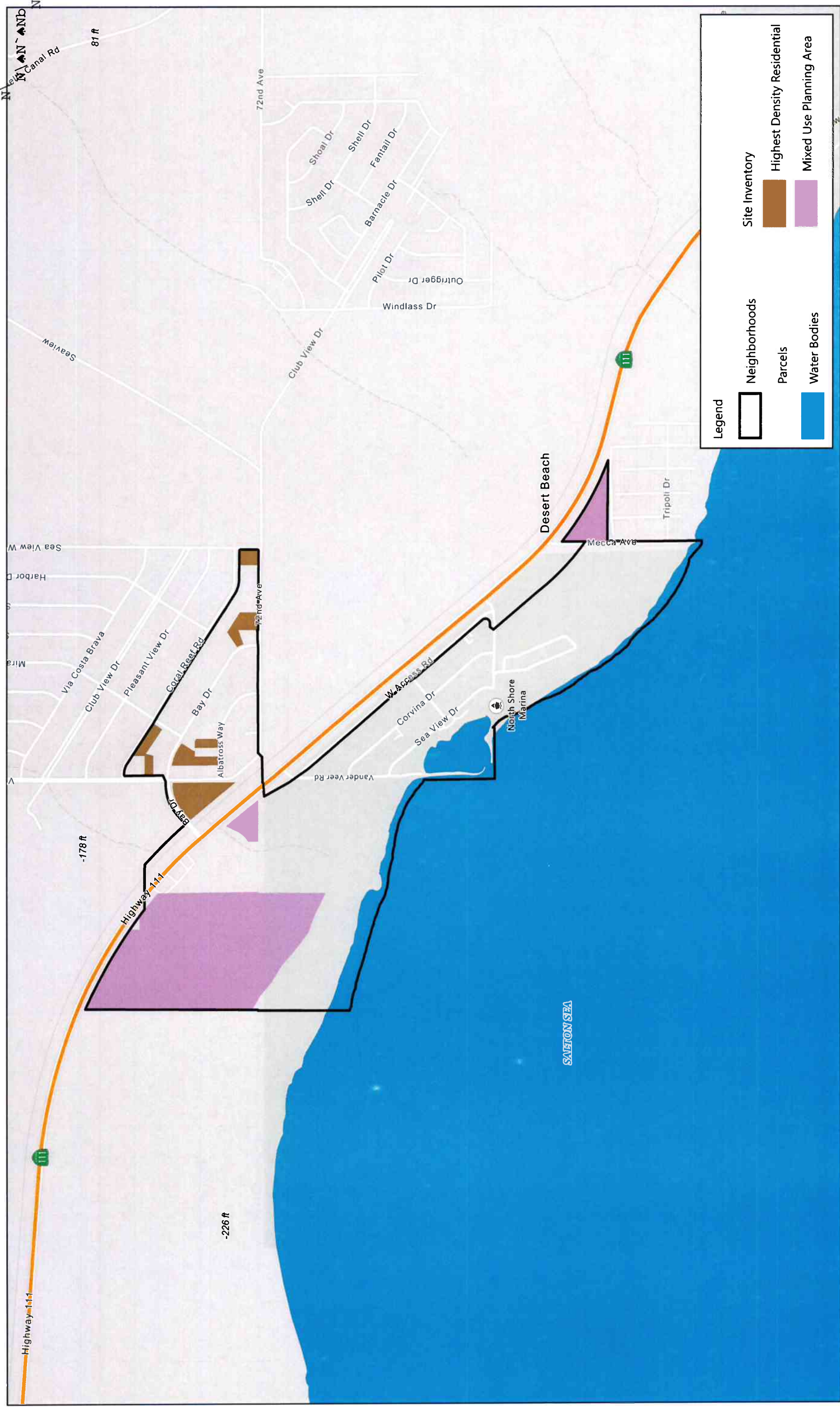
Fire Hazard Severity Zones

- Very High
- High
- Moderate

Figure P-15: Neighborhood Overview (East)



Source: ESRI, Riverside County



Legend

	Neighborhoods		Site Inventory
	Parcels		High Density Residential
	Water Bodies		Mixed Use Planning Area



Source: ESRI, Riverside County

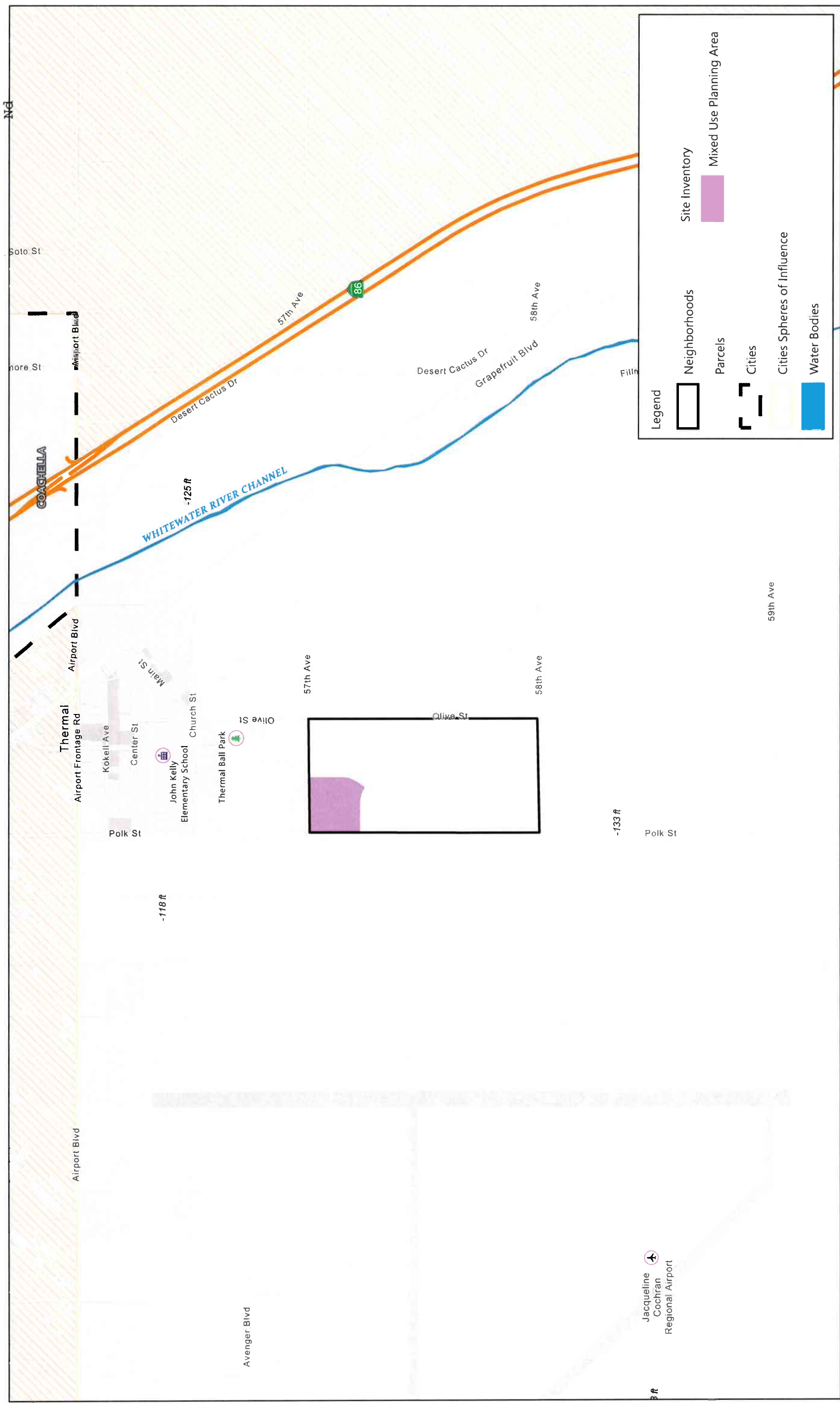
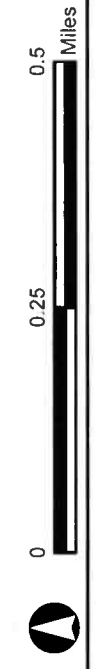


Figure P-18: Thermal Town Center



Source: ESRI, Riverside County

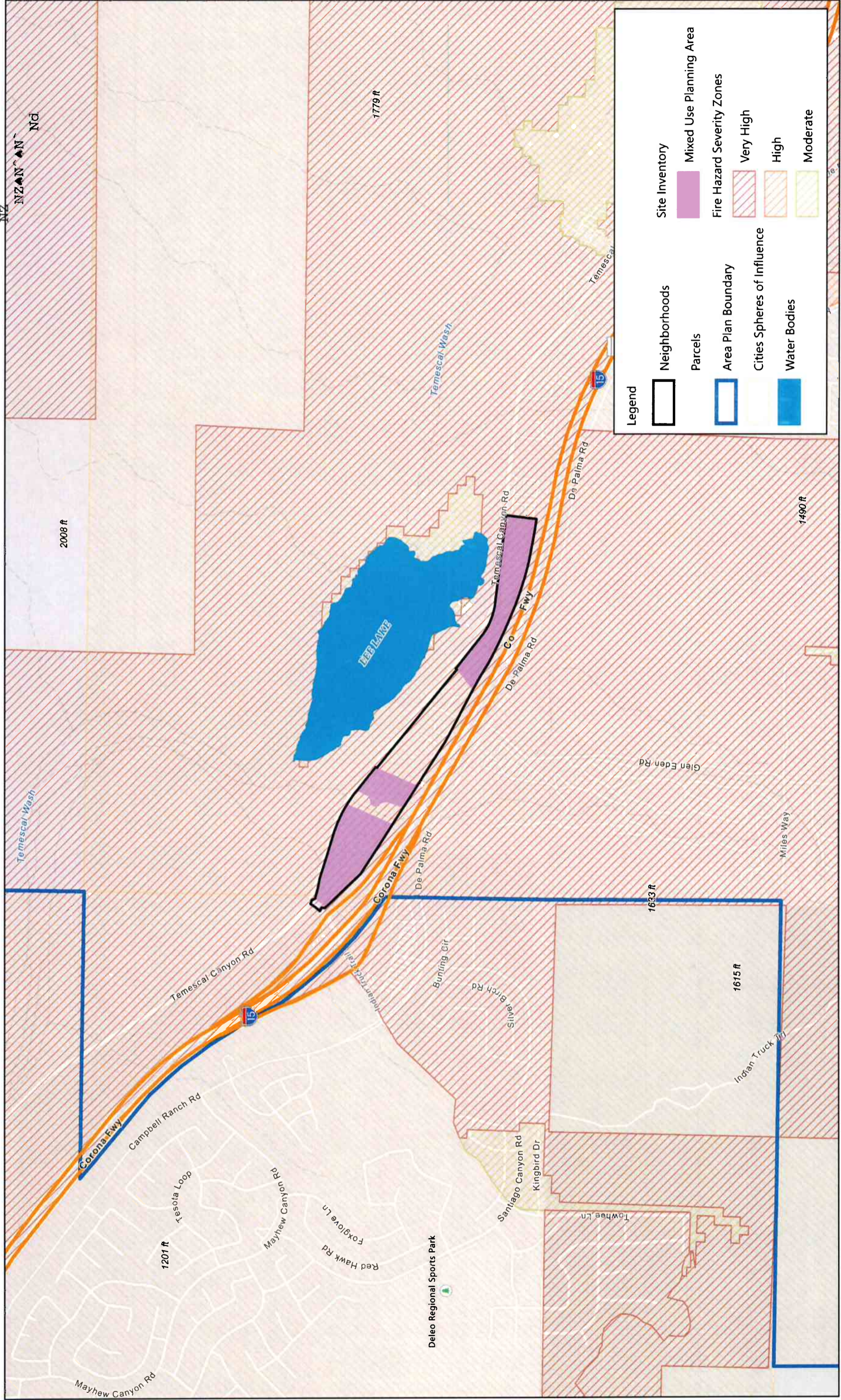


Figure P-19: Lee Lake Community



Source: ESRI, Riverside County

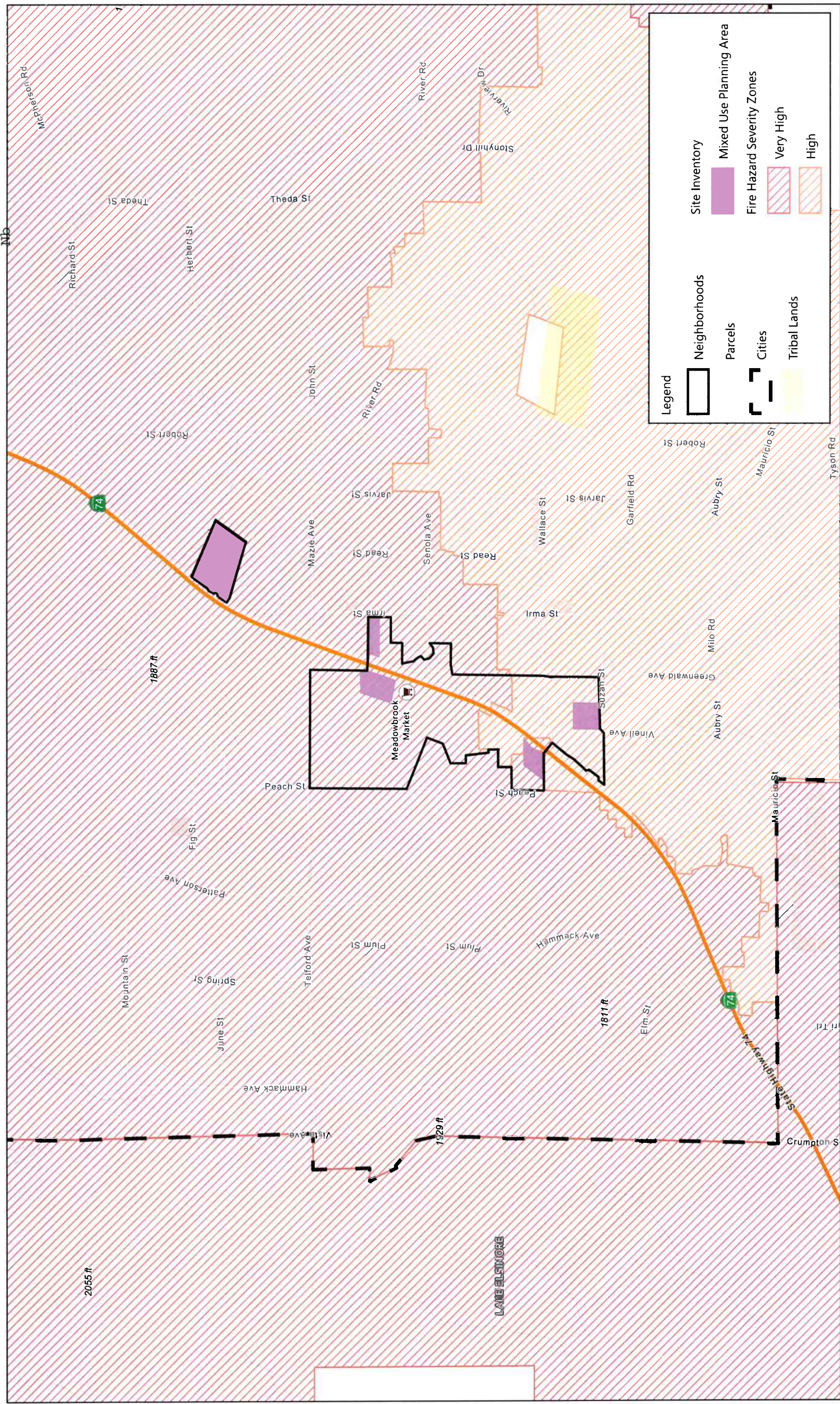


Figure P-20: Meadowbrook Town Center



Source: ESRI, Riverside County

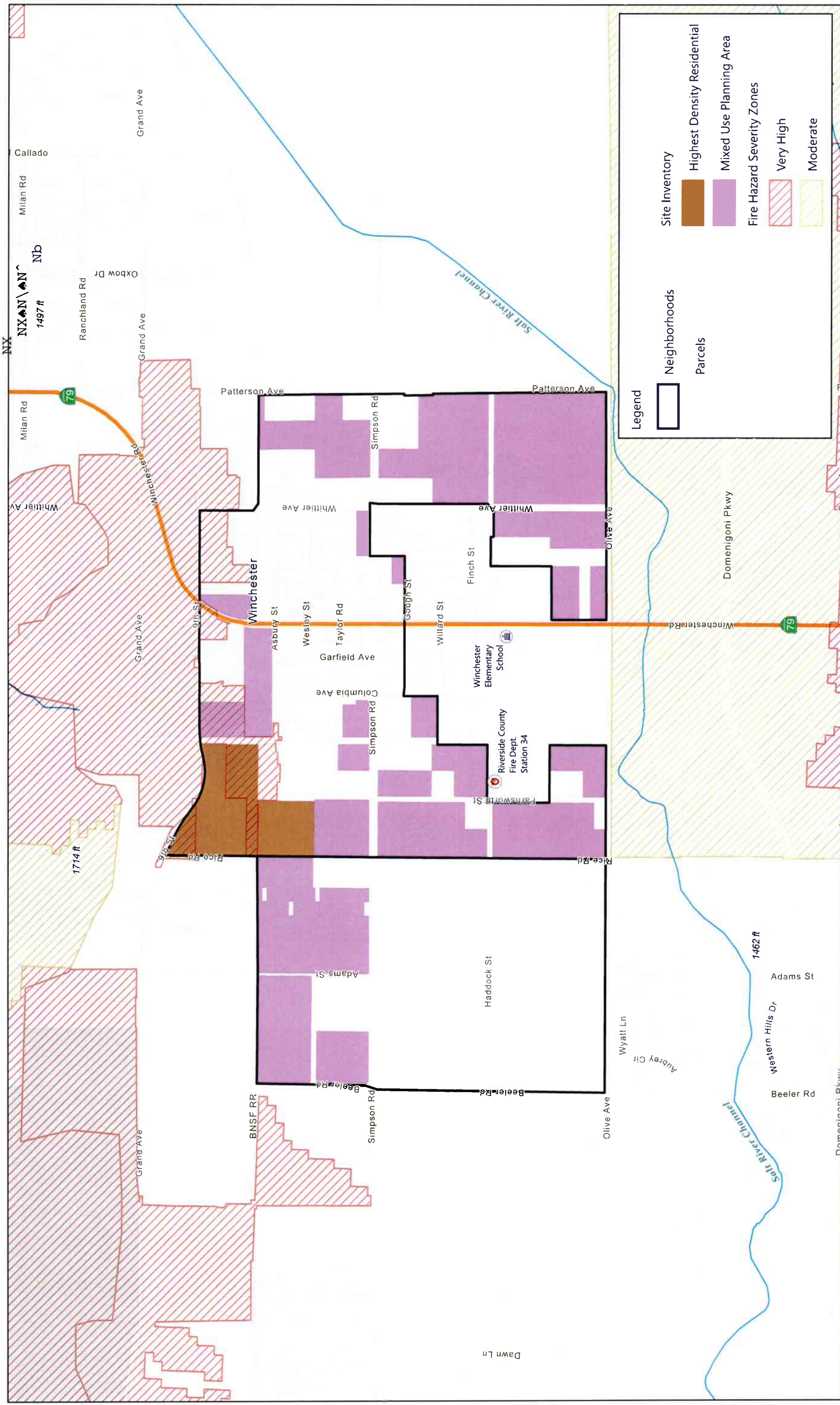
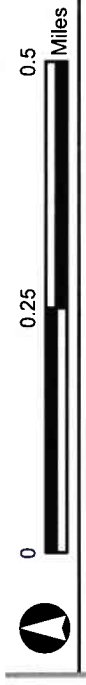


Figure P-21: Winchester Town Center & Winchester Town Center (Western Area)



Source: ESRI, Riverside County

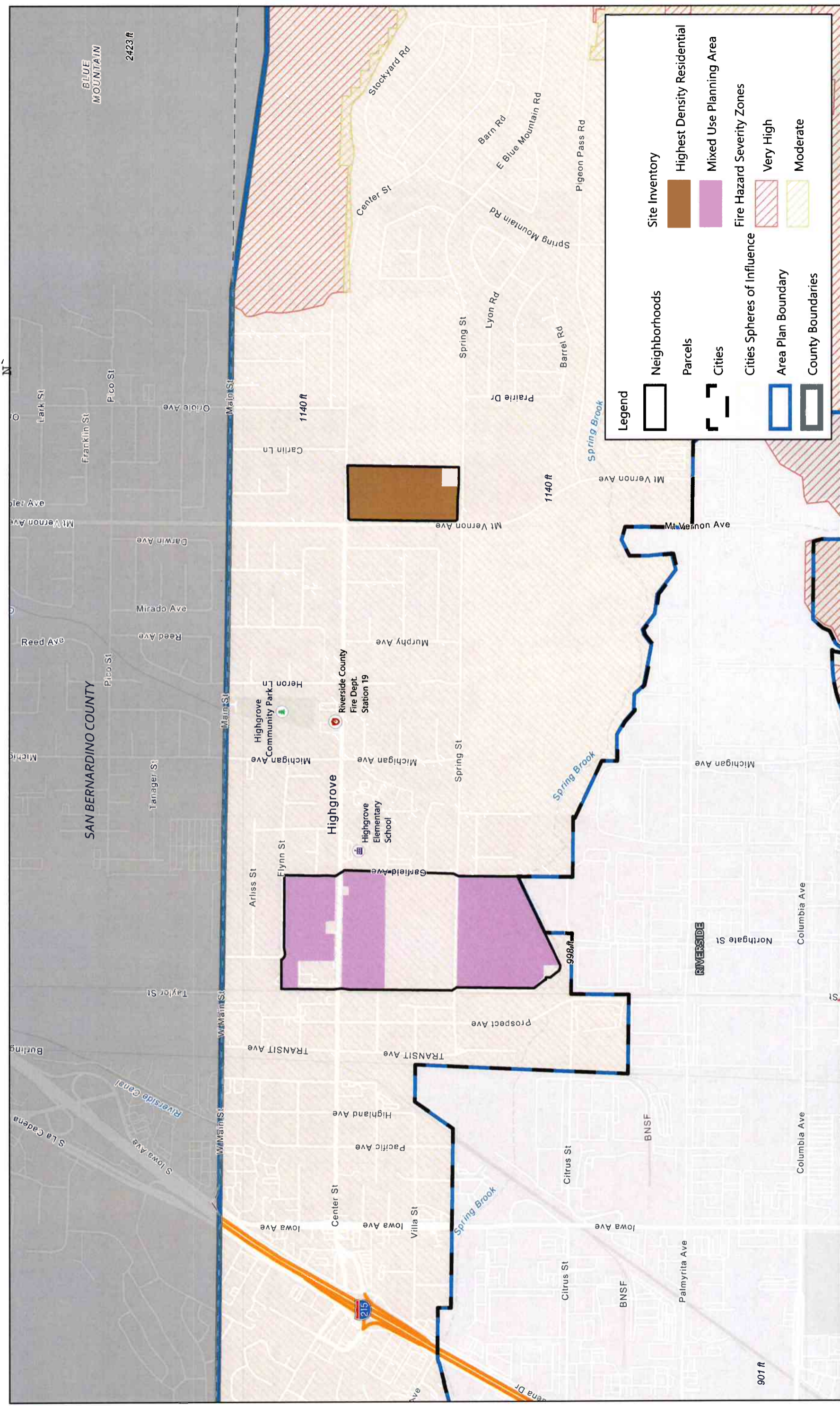


Figure P-22: Highgrove Town Center



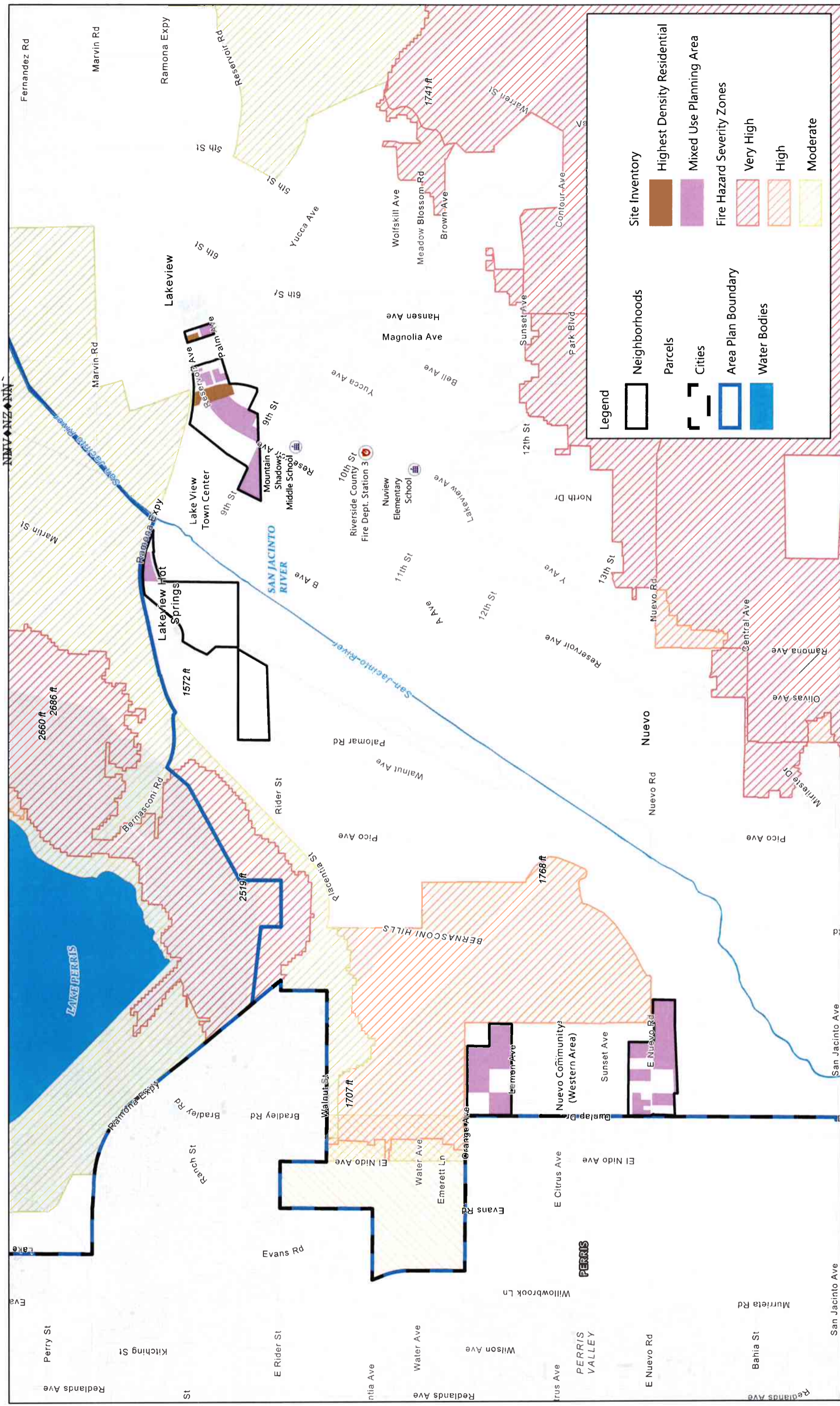


Figure P-23: Lakeview Town Center & Nuevo Community (Western Area)



Source: ESRI, Riverside County



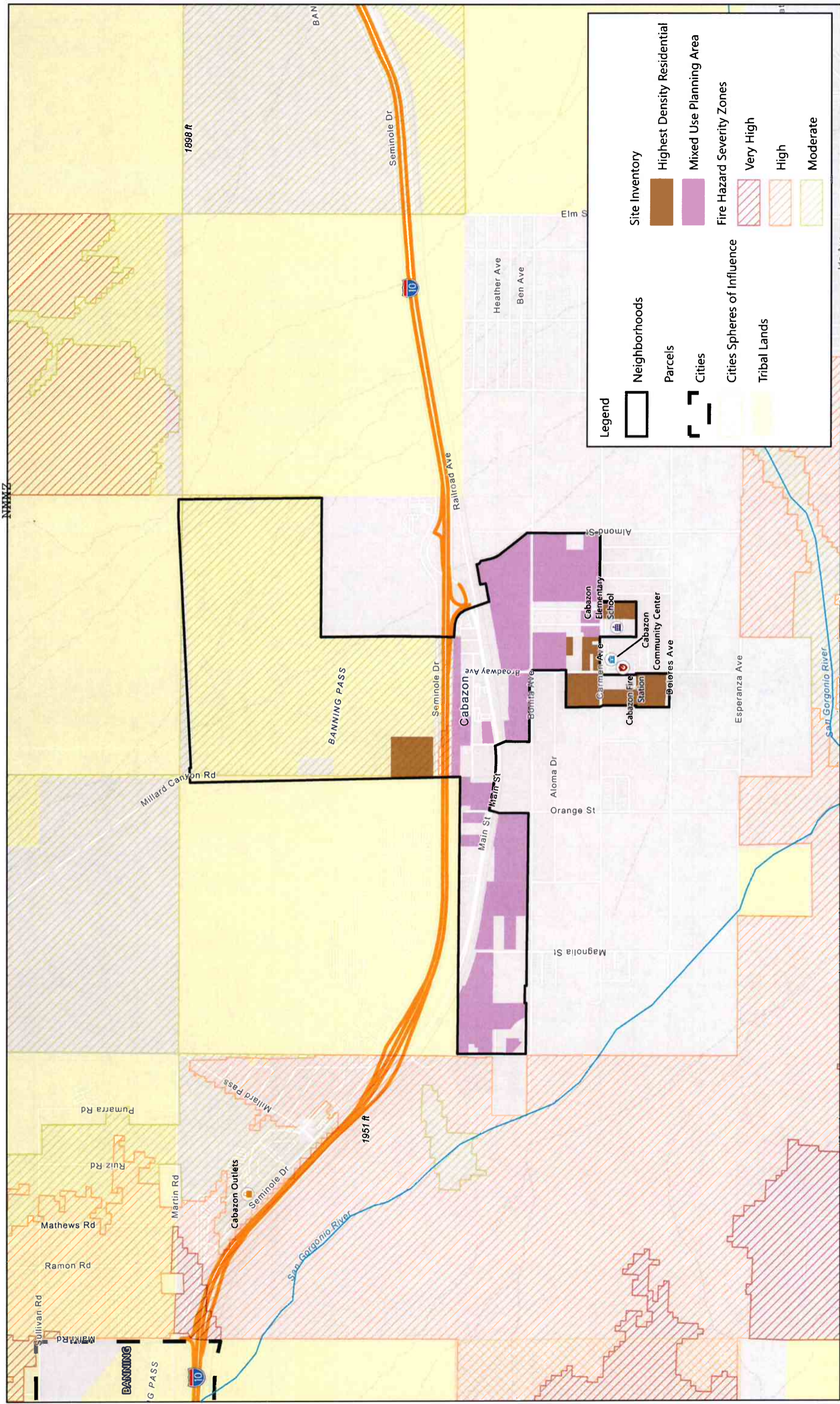
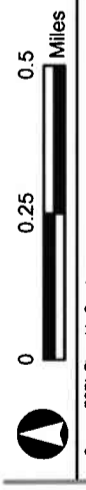


Figure P-25: Cabazon Town Center



Source: ESRI, Riverside County

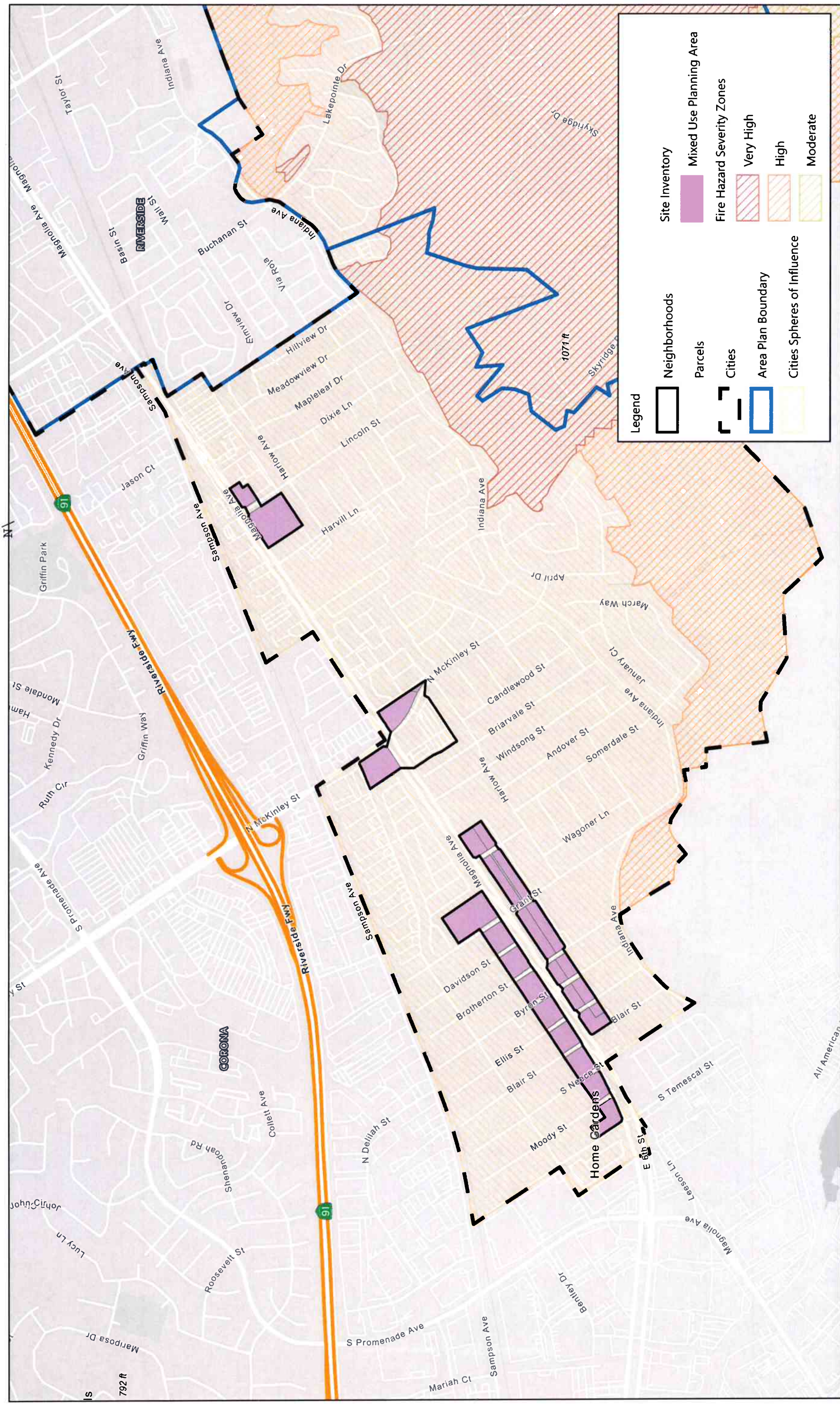


Figure P-26: Home Gardens



Source: ESRI, Riverside County

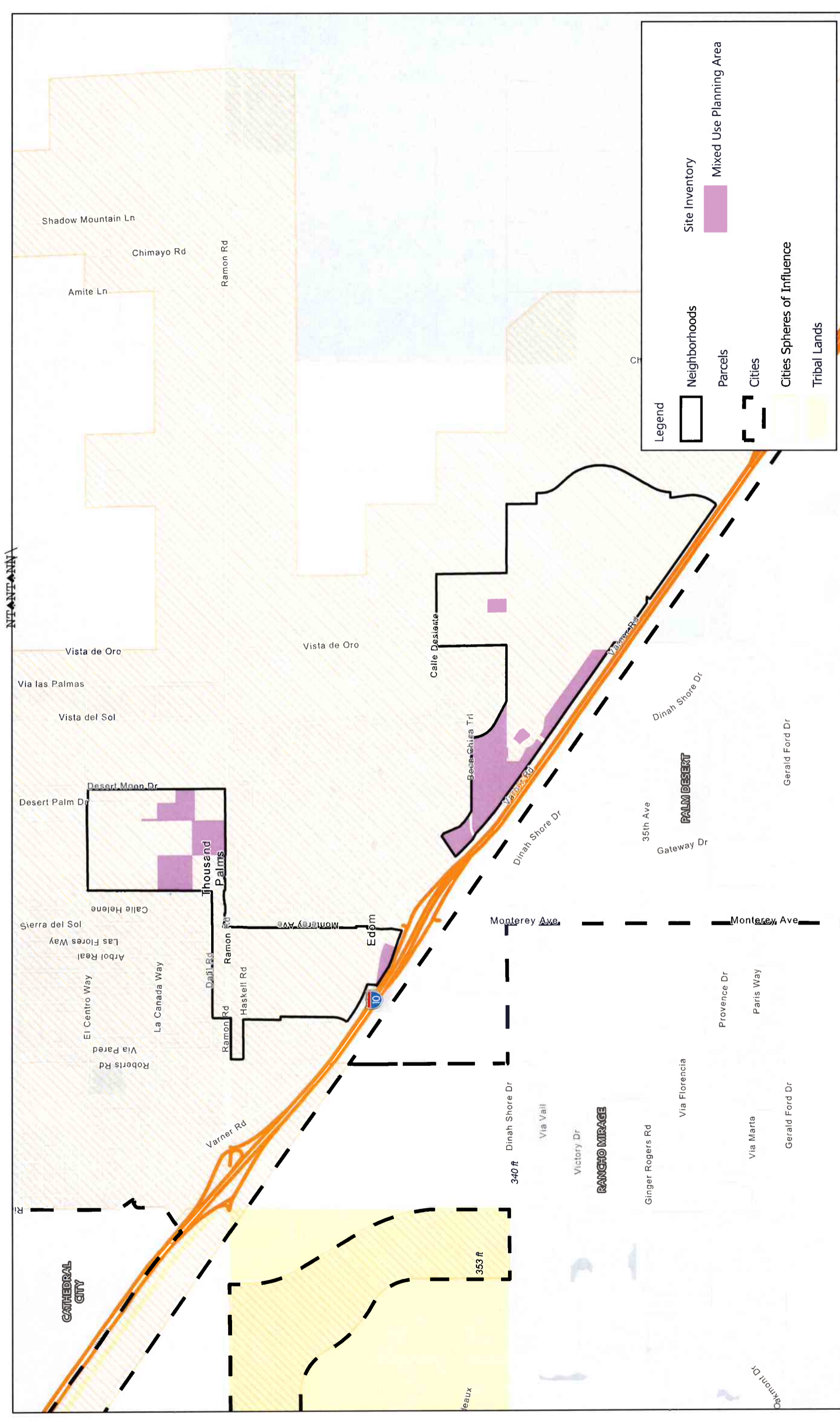
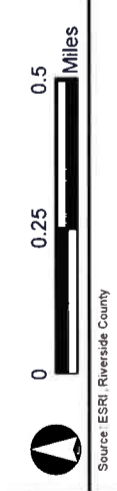


Figure P-27: Thousand Palms Town Center



Source: ESRI, Riverside County

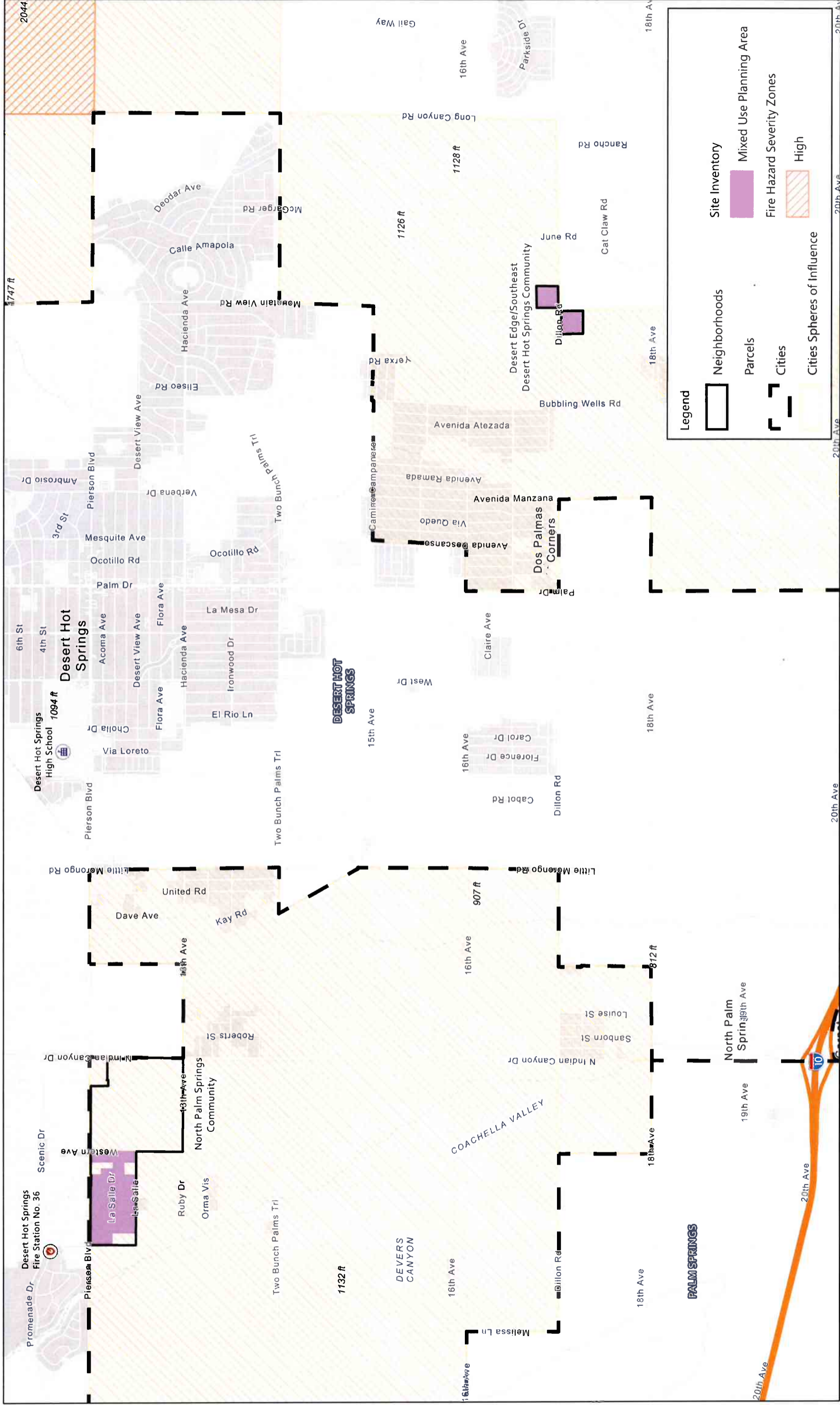


Figure P-28: Desert Edge/Southeast Desert Hot Springs Community & North Palm Springs Community

Source: ESRI, Riverside County

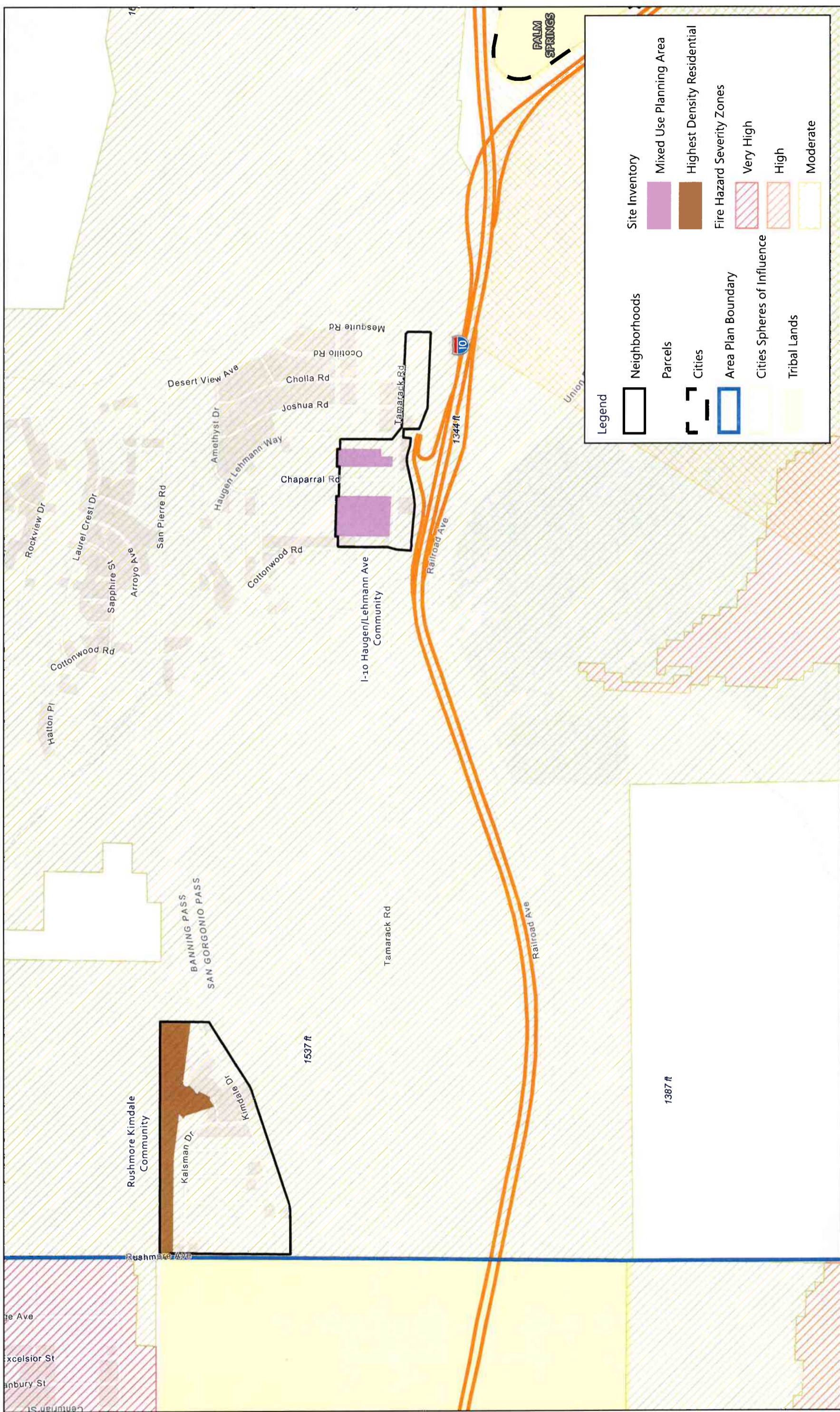
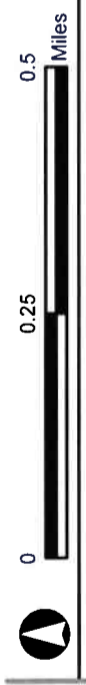


Figure P-29: Rushmore Kimdale Community & I-10 Haugen/Lehmann Ave Community



Source: ESRI, Riverside County



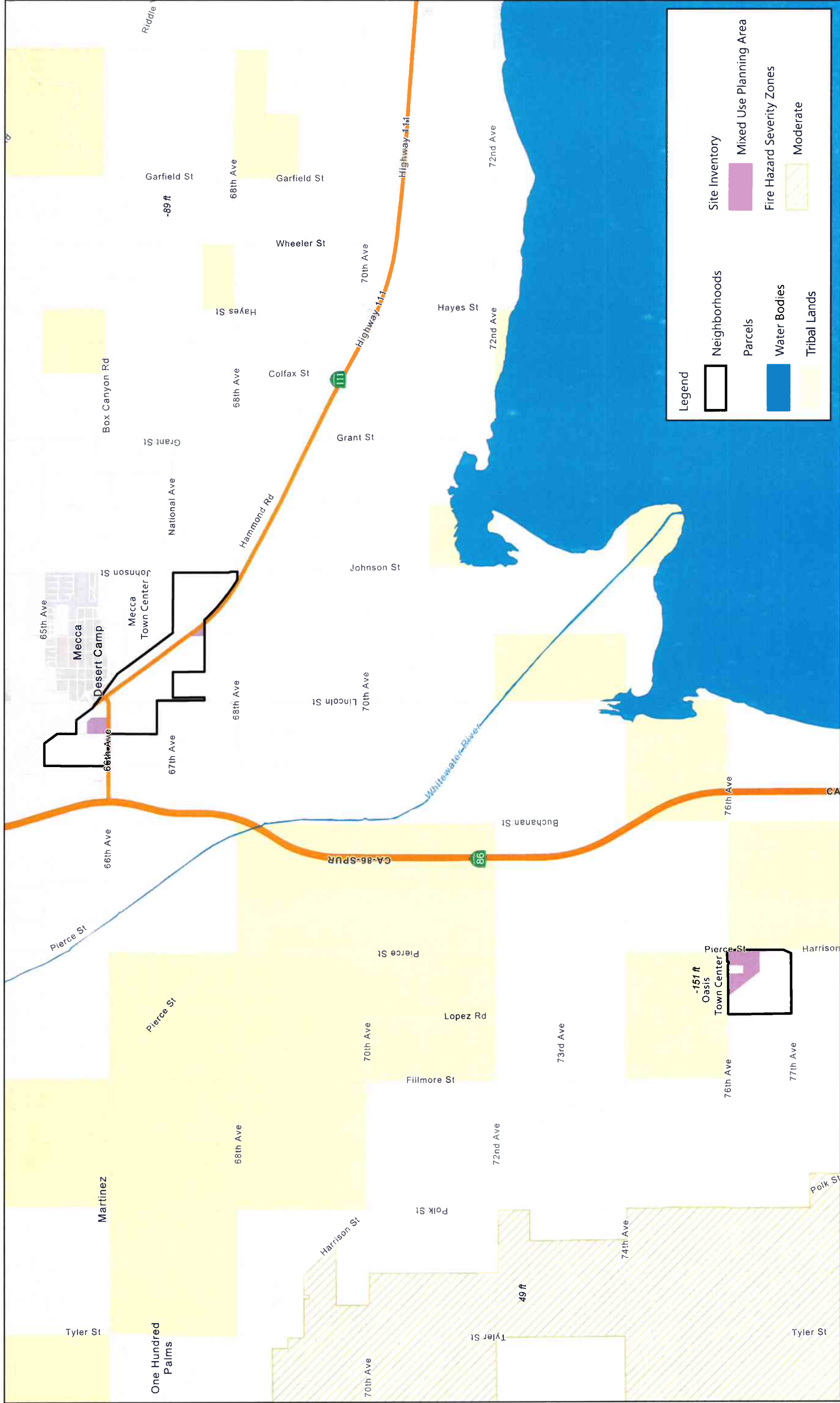


Figure P-30: Mecca & Oasis Town Center



Source: ESRI, Riverside County

