

CITY OF MENDOTA

"Cantaloupe Center Of The World"

ALBERT ESCOBEDO
Chairperson

JESSICA SANCHEZ
Vice Chairperson

ALICIA ESCOBEDO

ALEX GARCIA

JOSE GUTIERREZ

Vacant

Alternate Commissioner

AGENDA MENDOTA PLANNING COMMISSION

City Council Chambers
643 Quince Street
Mendota, CA 93640
Regular Meeting
August 27, 2024
6:30 PM

CRISTIAN GONZALEZ
City Manager
Public Works/Planning Director

JEFFREY O'NEAL
City Planner

The City of Mendota Planning Commission welcomes you to its meetings, which are scheduled for the 4th Tuesday every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Planning Commissioners may discuss and/or take action on any or all of the items listed on this agenda. Please turn your cell phone off. Thank you for your respect and consideration.

Any public writings distributed by the City of Mendota to at least a majority of the Planning Commission regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours.

In compliance with the Americans with Disabilities Act, those requiring special assistance to participate at this meeting please contact the City Clerk at (559) 655-3291. Notification of at least forty-eight hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to the meeting.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

FINALIZE THE AGENDA

1. Adjustments to Agenda
2. Adoption of final Agenda

MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the Planning Commission meeting of July 16, 2024.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

The public is invited to speak to the Planning Commission at this time about any item that is not on the Agenda. Please limit your comments to five (5) minutes. Please note that the Planning Commission cannot take action on any item not listed on the agenda.

PUBLIC HEARING

1. Commission discussion and consideration of **Resolution No. PC 24-10**, forwarding a recommendation to the City Council for the approval of a General Plan Amendment to adopt the City Of Mendota 2023-2031 Housing Element, along with finding that such action is exempt from the California Environmental Quality Act.
 - a. *Receive report from Assistant City Planner Czeshinski*
 - b. *Inquiries from Planning Commission to staff*
 - c. *Chairperson Escobedo opens the public hearing*
 - d. *Once all comment has been received, Chairperson Escobedo closes the public hearing*
 - e. *Commission provides input and considers adoption of Resolution No. PC 24-10*


PLANNING DIRECTOR UPDATE

PLANNING COMMISSIONERS' REPORTS

ADJOURNMENT

CERTIFICATION OF POSTING

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota Planning Commission Regular Meeting of Tuesday, August 27, 2024, was posted on the outside bulletin board of City Hall, 643 Quince Street on Friday, August 23, 2024, by 5:00 p.m.



Celeste Cabrera-Garcia, City Clerk



CITY OF MENDOTA PLANNING COMMISSION MINUTES

Regular Meeting

Tuesday, July 16, 2024

6:30 p.m.

Meeting called to order by Chairperson Escobedo at 6:30 p.m.

Roll Call

Commissioners Present: Chairperson Albert Escobedo, Vice Chairperson Jessica Sanchez and Commissioners Alicia Escobedo, Alex Garcia and Jose Gutierrez

Commissioners Absent: None

Staff Present: Antonio Pizano, Deputy City Clerk

Flag Salute led by Chairperson Escobedo

FINALIZE THE AGENDA

1. Adjustments to Agenda
2. Adoption of final Agenda

A motion was made by Commissioner Gutierrez to adopt the agenda, seconded by Commissioner Garcia; unanimously approved (5 ayes).

REORGANIZATION OF THE PLANNING COMMISSION

1. Deputy City Clerk Pizano to conduct the Commission reorganization proceedings and accept nominations for the following office:
 - a) Vice-Chairperson

Deputy City Clerk Pizano opened the floor to accept motions for nominations of Commissioners for the office of Vice-Chairperson.

A motion was made by Chairperson Escobedo to nominate Commissioner Sanchez to the office of Vice-Chairperson, seconded by Commissioner Garcia.

Hearing no other motions for the office of Vice-Chairperson, Deputy City Clerk Pizano closed the floor to nominations.

Deputy City Clerk Pizano conducted a roll call vote for the appointment of Commissioner Sanchez to the office of Vice-Chairperson.

Roll Call Vote:

Chairperson Escobedo: Yes; Commissioner Escobedo: Yes; Commissioner Garcia: Yes; Commissioner Gutierrez: Yes; and Commissioner Sanchez: Yes.

Commissioner Sanchez was appointed to the office of Vice-Chairperson by a vote of five (5) ayes.

MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the regular Planning Commission meeting of June 18, 2024
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

A motion to approve items 1 and 2 was made by Vice Chairperson Sanchez, seconded by Commissioner Gutierrez; unanimously approved (5 ayes).

PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA

None offered.

BUSINESS

1. Commission discussion and consideration of **Resolution No. PC 24-09**, relating to the time of regular Planning Commission meetings.

Chairperson Escobedo introduced the item and Deputy City Clerk Pizano provided the report.

Discussion was held on the report given by Deputy City Clerk Pizano.

A motion was made by Chairperson Escobedo to adopt Resolution No. PC 24-09, to include "fourth Tuesday of each month at 6:30 p.m.," seconded by Commissioner Garcia; unanimously approved (5 ayes).

PLANNING DIRECTOR UPDATE

Nothing to report.

PLANNING COMMISSIONERS' REPORTS

Commissioner Gutierrez commented on the status of Starbucks.

Vice Chairperson Sanchez reported on an upcoming job fair that will be hosted by Workforce Connection; and stated that she is collecting donations to create cooling kits that will be given to unhoused individuals.

Discussion was held on the information provided by Vice Chairperson Sanchez.

Chairperson Escobedo commented on the repainting of the basketball court at Rojas-Pierce Park; and on the status of the Pool Park Rehabilitation Project.

ADJOURNMENT

At the hour of 6:39 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Vice Chairperson Sanchez, seconded by Commissioner Gutierrez; unanimously approved (5 ayes).

Albert Escobedo, Chairperson

ATTEST:

Antonio Pizano, Deputy City Clerk

AGENDA ITEM – STAFF REPORT

TO: HONORABLE CHAIRPERSON AND COMMISSIONERS
FROM: JEFFREY O’NEAL, AICP, CITY PLANNER
VIA: WYATT CZESHINSKI, ASSISTANT CITY PLANNER
SUBJECT: 6TH CYCLE HOUSING ELEMENT
DATE: AUGUST 27, 2024

ISSUE

Shall the Planning Commission adopt Resolution No. PC 24-10, forwarding a recommendation to the City Council to approve a General Plan Amendment, adopting the City of Mendota 6th Cycle Housing Element, and finding that such action is exempt from the California Environmental Quality Act (“CEQA”) under Title 14 of the California Code of Regulations (“CEQA Guidelines”) section 15061, subdivision (b)(3)?

BACKGROUND

Under California law, all cities and counties are required to adopt and maintain a general plan. (Government Code [“GC”], § 63500, et seq.) The general plan must contain eight mandatory elements (topical areas): land use, circulation, housing, conservation, open space, noise, safety, and environmental justice. The housing element is the only element that must be updated on a specified schedule. Each city or county is required to update its housing element every eight years. Each eight-year planning period is referred to as a “cycle.” The current cycle is the 6th Cycle, which runs from 2023-2031. The County of Fresno, as well as all of the other San Joaquin Valley counties, are each making updates to their housing elements within the 2023-2031 cycle. (GC, § 65580-65589.11.) A housing element must identify and analyze the jurisdictions existing and projected housing needs to ensure adequate housing exists for all economic segments of the community.

The deadline for adoption of the City’s 6th Cycle Housing Element (“Housing Element”) was December 31, 2023, with a four-month grace period to April 30, 2024. While the City’s housing element would be adopted subsequent to the end of the four-month grace period that the California Department of Housing and Community Development (“HCD”) allows, there have been numerous additional changes and challenges during this housing element update cycle that have increased the amount of time needed to complete the 6th Cycle update. HCD, having initiated these changes, acknowledges the difficulty in meeting adoption by the April 30, 2024, grace period.

Prior to a jurisdiction adopting its housing element, it must submit draft documents to HCD for review. The jurisdiction revises the draft housing element based on HCD comments, provides a shortened public review period, then resubmits to HCD. Once HCD finds the document to be in substantial compliance with State law, the jurisdiction may adopt the housing element, after which HCD will certify it.

The City Council reviewed the Housing Element at its June 27, 2023, meeting. The Planning Commission then reviewed the Housing Element at its July 18, 2023, meeting. Following those reviews, the City initially submitted the Housing Element to HCD on September 29, 2023. Following receipt of informal HCD comments on November 15, 2023, and making the corresponding revisions, the City resubmitted to HCD on December 18, 2023. HCD provided formal comments on December 26, 2023, requesting additional revisions be made.

After making the second round of revisions, the City resubmitted the Housing Element to HCD on April 26, 2024. Correspondence with HCD on June 4, 2024, resulted in revisions to the Housing Element, which was resubmitted to HCD on June 21, 2024. In a letter dated June 24, 2024, HCD found that the Housing Element had been revised to meet the statutory requirements for compliance of State Housing Element Law (see Attachment 2).

Staff is presenting the Public Hearing Draft Housing Element to the Planning Commission for public comment on the document and to obtain a favorable recommendation to forward the document to the City Council for adoption. Following adoption, the Housing Element would be sent to HCD for certification.

Multi-Jurisdictional Housing Element

The Multi-Jurisdictional Housing Element is a regional housing document that effectively acts as the State-mandated housing element for all participating jurisdictions. Participating jurisdictions include the County of Fresno and the cities of Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, and Selma.

The Multi-Jurisdictional Housing Element is a single document, made up of two sections: 1) the main body, which describes demographics, housing needs, resources, and constraints at a regional level and includes goals and policies common to all participating jurisdictions; and 2) individual appendices, which contain details for each jurisdiction (i.e. sites inventory, governmental constraints, evaluation of existing Housing Element) and individual implementation programs.

The Draft 2023-2031 Multi-jurisdictional Housing Element describes housing needs in Mendota, identifies available sites for housing development, explains potential barriers to housing production, and contains the proposed policies to address the City's housing needs. For Mendota, Sections 1, 2, 3, 4, 5, 6, and Appendix 1I of the Multi-Jurisdictional Housing Element constitute the Draft Housing Element. These sections are what is being reviewed by the Planning Commission and are what will ultimately be presented to the City Council for its consideration. Due to the number of pages, it is impractical to include a copy of the Housing Element in the agenda Packet. The full text of the Housing Element can be found at: <https://cityofmendota.com/city-of-mendota-housing-element/>.

ANALYSIS

The Fresno Council of Governments adopted its final Regional Housing Needs Allocation ("RHNA") Plan in November of 2022. The plan included the final RHNA allocation for the City of 642 units. Of this 642 units, suballocations included 129 very low income units, 68 low income units, 97 moderate income units, and 348 above moderate income units. The 6th Cycle Housing Element outlines how the City's RHNA allocation can be met, as well as how the City can

affirmatively further fair housing within the City, improving housing choice and access for all residents of the City, regardless of demographic and socioeconomic status. As discussed above, the City Council and Planning Commission reviewed the Draft version of the 6th Cycle Housing Element at public meetings on June 27, 2023, and July 18, 2023, respectively. Subsequent to these meetings, and through working with HCD to become compliant with State Housing Element Law, revisions were made to the document. HCD's comment letters, dated December 26, 2023, and April 26, 2023, which resulted in the revisions to the document, have been included as attachments to this staff report (see Attachment 1 and 2).

The revisions were found to be satisfactory by HCD and resulted in a letter dated June 24, 2024, stating that the City's Housing Element will be in full compliance with State law once it has been adopted by the City Council (see Attachment 2).

ENVIRONMENTAL

The first step in complying with CEQA is to determine whether the activity in question constitutes a "project" as defined by CEQA, Public Resources Code section 21000, et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq. A "project" consists of the whole of an action (i.e., not the individual pieces or components) that may have a direct or reasonably foreseeable indirect effect on the environment. The second step is to determine whether the project is subject to or exempt from the statute. This proposal qualifies as a project under CEQA because it involves "an activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and the amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700" as described in CEQA Guidelines section 15378.

While updating the City's 6th Cycle Housing Element qualifies as a "project" under CEQA, the project involves the updating of goals, policies, and programs to meet the City's RHNA allocation and does not directly or indirectly approve any development. The project has no potential to result in a direct impact on the environment. As a result, because it can be seen with certainty that there is no potential for the project to impact the environment, the project is exempt from further environmental analysis pursuant to CEQA Guidelines section 15061, subdivision (b)(3). Therefore, the project is exempt under CEQA and a notice of exemption would be filed following project approval.

PUBLIC NOTICE

A Notice of Public Hearing was published in *The Business Journal* on August 16, 2024. It was also posted at City Hall and on the City's website.

FISCAL IMPACT

The drafting of the 6th Cycle Housing Element has been funded using general fund dollars in order to hire a consultant to perform the work. While the project has been funded through the general fund, non-compliance with State Housing Element Law would result in penalties to the City that would significantly affect the City's ability to obtain grant funding in the future.

RECOMMENDATION

Staff recommends that the Planning Commission adopts Resolution No. PC 24-10, recommending that the City Council approve the filing of a notice of exemption under CEQA and approving a General Plan Amendment, adopting the City's 6th Cycle Housing Element.

Attachments:

1. HCD Comment Letter, December 26, 2023
2. HCD Compliance Letter, June 24, 2024
3. Resolution No. PC 24-10

Attachment 1: HCD Comment Letter, December 26, 2023

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



December 26, 2023

Cristian Gonzalez, City Manager
City of Mendota
643 Quince Street
Mendota, CA 93640

Dear Cristian Gonzalez:

RE: City of Mendota's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Mendota's (City) draft housing element received for review on September 29, 2023, along with revisions received on December 18, 2023. The revisions were made available to the public for seven days prior to the California Department of Housing and Community Development (HCD) review. The review was facilitated by a conversation on November 15, 2023, with the City's housing element team. Pursuant to Government Code section 65585, HCD is reporting the results of its review.

The draft element, including revisions, addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (December 31, 2023), then any rezoning to make prior identified sites available (e.g., Program 7 (Use of Sites in Previous Cycles)) or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision

(c)(1) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (j). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

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

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication demonstrated by the City and consultants throughout the housing element review and update. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Brandon Yung, of our staff, at brandon.yung@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF MENDOTA

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

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

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The review requirement is one of the most important features of the element update. The review of past programs should analyze the City's accomplishments over the previous planning period. This information provides the basis for developing an effective housing program. While the element lists and describes programs, it should also describe the actual results in terms of housing outcomes, then evaluate the effectiveness of programs to better inform appropriate actions in the current element. For example, in some cases, the element explains the City participated in a County program or made a brochure or other information available but should also explain whether households were assisted. This analysis should be conducted for all programs, including programs intended to address special housing needs and programs should be revised, based on the outcomes of a complete analysis.

B. Housing Needs, Resources, and Constraints

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

Concentrated Areas of Poverty: The element includes information relative to Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) and areas of High Segregation and Poverty but should evaluate the characteristics of these areas, 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.

Disproportionate Housing Needs, Including Displacement Risk: The element includes some general information on persons experiencing homelessness but should also evaluate that information. Specifically, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess and prioritize the contributing factors to fair housing issues.

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

Realistic Capacity: The element discusses assumptions for calculating residential realistic capacity (80 percent of maximum) and some mixed-use trends in nonresidential zones. However, the element should address the likelihood of 100 percent nonresidential uses in zones that allow 100 percent nonresidential uses and adjust residential capacity assumptions as appropriate, particularly for zones that don't allow 100 percent residential projects. For example, the element should discuss all recent development trends (residential and nonresidential), how often 100 percent nonresidential uses occur or is anticipated to occur, and how those trends are incorporated into the calculation of residential capacity.

Annexation: The element indicates several sites and projects that are undergoing an annexation process and appears to significantly rely on annexation to accommodate the regional housing needs allocation (RHNA), including for lower-income households. As a result, the element should include a specific analysis of the suitability and availability of these sites for development in the planning period, including the status, remaining steps to complete annexation and any barriers or constraints to the availability of these sites for development in the planning period. Based on the outcomes of a complete analysis, the element must modify Program 5 (Annexation for RHNA) to commit a schedule of actions that will facilitate annexation in the planning period, including, if necessary, meeting all by-right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).

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

Land Use Controls and Processing and Permit Procedures: The element utilizes the C-3 zone and planned development process for a significant portion of the RHNA and the element should include a specific analysis of the zone and the process to evaluate any potential constraints and add or modify programs, as appropriate. The evaluation should address how development standards are available, decision making authority, approval findings and any potential impacts on housing cost, timing, feasibility and approval certainty.

Additionally, the element includes a map of the Airport Land Use Compatibility (ALUC) Plan (p. 11-43) and mentions that none of the constrained areas “located within the ALUC safety zones have been used in the site inventory.” However, several sites appear to be contained within the ALUC Plan. The element should analyze the ALUC zones that cover portions of sites in the inventory and analyze how the safety zones impact development within the planning period, including development standards, siting, costs, approval certainty or any other relevant factors.

C. Housing Programs

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level... Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including... supportive housing...emergency shelters... (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised, as follows:

- *Program 5 (Annexation for RHNA)*: The Program must commit a schedule of actions that will facilitate annexation in the planning period, including, if necessary, meeting all by-right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).
 - *Program 18 (Zoning Code Amendments)*: In addition to amending parking standards for emergency shelters, the Program should commit to establishing appropriate development standards in compliance with statutory requirements. In addition, the Program should clarify that zoning will be amended to permit permanent supportive housing without discretionary action.
2. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Program 9 (Support Funding for Farmworker Housing): The Program should expand upon actions, such as adding additional proactive actions (e.g., identifying development opportunities at least twice in the planning period) to support the development of housing for farmworkers.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B3, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the City may need to revise or add programs. In addition, goals and actions must specifically respond to the analysis and the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics or numeric targets, geographic targeting, and milestones and must address, as appropriate, housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies toward community revitalization, and displacement protection. For example, the element should expand place-based strategies toward community revitalization beyond implementing general plan policies. HCD will send sample programs under separate cover.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

While the element provides a general overview of the public participation process, the element must also provide a discussion on how comments from public outreach were considered and incorporated into the housing element. For example, the element could summarize the feedback received and describe the actions incorporated into the housing element resulting from the feedback. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/public-participation>.

Attachment 2: HCD Compliance Letter, June 24, 2024

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



June 24, 2024

Cristian Gonzalez, City Manager
City of Mendota
643 Quince St.
Mendota, CA 93640

Dear Cristian Gonzalez:

RE: City of Mendota's 6th Cycle (2023-2031) Revised Draft Housing Element

Thank you for submitting the City of Mendota's (City) revised draft housing element received for review on April 26, 2024, along with revisions received on June 21, 2024 and technical edits on June 24, 2024. The revisions were posted and made available to the public for seven days prior to review. Pursuant to Government Code, the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on June 4, 2024, with the City's housing element team.

The revised draft element, including revisions and technical edits, meets the statutory requirements of State Housing Element Law, including requirements described in HCD's December 26, 2023 review. The housing element will substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq) when it is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585.

As a reminder, the City's 6th cycle housing element was due December 31, 2023. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the City did not adopt a compliant housing element within 120 days of the statutory deadline (December 31, 2023). Programs 5 (Annexation for Regional Housing Needs Allocation (RHNA)) and 7 (Use of Sites in Previous Cycles) to rezone sites identified in prior planning periods and accommodate the RHNA must be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City does not adopt a compliant housing element

within one year from the statutory deadline, the element cannot be found in substantial compliance until all necessary rezones are completed pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivision (c).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

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

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

<https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the City's housing element team provided in preparation of the City's housing element and looks forward to receiving the City's adopted housing element. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Attachment 3: Resolution No. PC 24-10

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO**

RESOLUTION NO. PC 24-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENDOTA FORWARDING A RECOMMENDATION TO THE CITY COUNCIL FOR THE APPROVAL OF A GENERAL PLAN AMENDMENT TO ADOPT THE CITY OF MENDOTA 2023-2031 HOUSING ELEMENT, ALONG WITH FINDING THAT SUCH ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Mendota adopted its General Plan Update 2005-2025 on August 11, 2009, in accordance with Government Code section 65350; and

WHEREAS, in accordance with State Housing Element Law, the City must update the Housing Element of the General Plan every eight years; and

WHEREAS, the previous housing element cycle, the 5th Cycle, ran from 2015-2023; and

WHEREAS, the City's 6th Cycle Housing Element was required to be adopted on December 31, 2023, running from 2023-2031; and

WHEREAS, City staff presented the Draft 6th Cycle Housing Element at the June 27, 2023, City Council meeting and the July 18, 2023, Planning Commission meeting, gathering input from the City Council, Planning Commission, and the public; and

WHEREAS, the City submitted its Draft 6th Cycle Housing Element to the California Department of Housing and Community Development ("HCD") for review on September 29, 2023 ("First Submittal"); and

WHEREAS, HCD provided informal comments on the City's First Submittal on November 15, 2023; and

WHEREAS, revisions to the First Submittal were made and resubmitted to HCD on December 18, 2023; and

WHEREAS, HCD provided the City with a formal comment letter on December 26, 2023, asking for additional revisions to be made to the document; and

WHEREAS, the City resubmitted a Revised Draft 6th Cycle Housing Element to HCD for review on April 26, 2024 ("Second Submittal"), based on comments contained in the formal comment letter sent to the City on December 26, 2023; and

WHEREAS, HCD provided informal comments on the Second Submittal on June 4, 2024; and

WHEREAS, revisions to the Second Submittal were made and resubmitted to HCD on June 21, 2024; and

WHEREAS, HCD provided the City with a second formal comment letter on June 24, 2024, stating that as revised, the City's 6th Cycle Housing Element meets State Housing Element Law and would be compliant once adopted by the City; and

WHEREAS, the City has determined that this project is exempt under the California Environmental Quality Act ("CEQA") in accordance with Section 15061, Subdivision (b)(3), of Title 14 of the California Code of Regulations ("CEQA Guidelines"), the common sense exemption, and that no additional environmental analysis is required because there is no possibility the project may have a significant effect on the environment; and

WHEREAS, at a regular meeting on August 27, 2024, the Mendota Planning Commission conducted a public hearing to consider forwarding a recommendation to approve a General Plan Amendment, adopting the 6th Cycle Housing Element, to the Mendota City Council; and

WHEREAS, notice of said public hearing was published in the August 16, 2024, edition of *The Business Journal*, posted at City Hall and the City's website; and

WHEREAS, the Planning Commission is a recommending body for General Plan Amendments and shall forward its recommendation to the City Council via Resolution; and

WHEREAS, the Planning Commission has reviewed and considered the staff report, CEQA exemption, and all evidence presented at the Planning Commission's regular meeting on August 27, 2024, including oral and written public testimony on the project and the CEQA exemption, incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that, based upon the evidence in the staff report, public testimony, and project file, the Planning Commission of the City of Mendota makes the following preliminary findings:

1. The adoption of the 6th Cycle Housing Element does not have any potential to directly impact the environment.
2. The proposed amendment ensures and maintains internal consistency with General Plan land uses and objectives, policies, programs, and actions of all elements of the General Plan and would not create any inconsistencies.
3. The proposed amendment will not endanger, jeopardize or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working within the City of Mendota.
4. The 6th Cycle Housing Element establishes appropriate goals, policies, and programs to address such issues as adequate sites, affordability,

governmental constraints, preservation of housing and neighborhoods, housing accessibility, and energy conservation.

- 5. The Housing Element has been prepared in conformity with the provision of State law requirements of Article 10.6 of the Government Code and adoption of the 6th Cycle Housing Element is the final requirement per Government Code section 65585.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Mendota hereby recommends that the Mendota City Council:

- 1. Finds that the approval of the General Plan Amendment and adoption of the 6th Cycle Housing Element is exempt from CEQA, pursuant to CEQA Guidelines Section 15061(b)(3).
- 2. Approves the General Plan Amendment, adopting the City’s 6th Cycle Housing Element.

Albert Escobedo, Chairperson

ATTEST:

I, Celeste Cabrera-Garcia, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the Planning Commission at a regular meeting of said Commission held at Mendota City Hall on the 27th day of August, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Celeste Cabrera-Garcia, City Clerk