

Upland Housing Element Update
May 2024 (5th) Draft
Response to April 12, 2024 HCD Letter Comments

#	Chapter	Topic	HCD Comment (4-12-24 Letter)	Page # / Section	Response / Revisions
1	AFFH	Integration and Segregation	While the revised draft element provides a general local and regional analysis for each element of the integration and segregation analysis, it must still provide a detailed regional analysis that includes neighboring jurisdictions (other than San Bernardino County), and a clearer analysis of how patterns and trends have changed over time.	H-151/Race and Ethnicity H-156/Income H-162/Familial Status H-165/Persons with Disabilities	Provided a detailed regional analysis that includes neighboring jurisdictions including the Cities of Pomona, Ontario, San Bernardino, and La Verne. Noted nearby areas of concentration and compared the demographics in Upland to nearby jurisdictions. Analyzed of how patterns and trends have changed over time in Upland and regionwide.
2	AFFH	Racial/Ethnic Areas of Concentration of Poverty (R/ECAP)	While the revised draft element provides a general local and regional analysis, it must still provide a detailed regional analysis that includes neighboring jurisdictions (other than San Bernardino County), and a specific analysis of how patterns and trends have changed over time.	H-168/ Racially/Ethnically Concentrated Areas of Poverty	In addition to existing analysis noting that there are no R/ECAPs in Upland, the draft was revised to include regional analysis that includes neighboring jurisdictions in San Bernardino County and Riverside County. Analyzed trends in median income and racial demographics with the presence of a R/ECAP regionwide, including in the nearby cities of Ontario and San Bernardino. Analyzed how patterns and trends have changed over time in the City and regionwide in neighboring jurisdictions.
3	AFFH	Disproportionate Housing Needs and Displacement Risk	While the draft element was revised to add additional useful analysis, it was not sufficiently revised to completely address this finding. Specifically, the element must still provide a regional analysis of overpayment, a local analysis of substandard housing that includes any known concentrations of substandard housing within the City, a local analysis and contributing factors to overcrowding, and a local analysis of persons experiencing homelessness for any demographics or characteristics and impacts on protected characteristics.	H-191/Cost Burden (Overpayment) H-193/Overcrowding H-196/Homelessness	Provided a regional analysis of overpayment, including trends over time and trends in both San Bernardino County and nearby jurisdictions in Riverside County. Added a map and local analysis of areas of known concentrations of substandard housing within the City based on data from local officials. Included an analysis of contributing factors to overcrowding, and noted programs encouraging ADU production to address the need for more affordable housing stock and large households. Added a map and local analysis of persons experiencing homelessness including demographic data on age, disability, gender, and race, and compared these characteristics with the overall population in the City. Linked the geographic targeting in programs for housing assistance with the areas experiencing higher rates of substandard housing.
4	AFFH	Programs	As noted above, 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.	N/A	The element was revised to include a full AFFH analysis.

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5.1	Sites and Resources	Suitability of Nonvacant Sites	<p>While the element was revised to provide a more thorough and detailed analysis and lists some recent projects in Table B-8, characteristics of these project sites should be more clearly linked to the criteria provided on Page H-105, and to the sites in the inventory in order to demonstrate that selected sites will develop at a similar capacity, and that similar existing uses have not posed constraints on past projects.</p> <p>Additionally, the criteria on page H-105 listed as “Similar Types of Non-Vacant Uses” should be further explained and linked to sites in the inventory based on enumerated similar uses.</p>	H-107 - H-129/Non-Vacant Sites	<p>The element was revised to include the evaluation of each non-vacant site against each of the five criteria. Table B9 was added to show that every site meets at least three of the five criteria shown.</p> <p>The "Similar Types of Non-Vacant Uses" was expanded on to describe the uses that have been recently developed and link them to the non-vacant sites. The description of the five criteria was expanded to provide a full rationale for each threshold.</p> <p>An evaluation of each of the 292 non-vacant sites has been provided in Table B9. Each site is evaluated against the five criteria from recently developed sites. All 292 of the sites meet a majority, at least three of the five, criteria. 270 sites meet at least four of the five criteria. 110 of the sites meet all five of the five criteria.</p>
5.2	Sites and Resources	Suitability of Nonvacant Sites	In addition, the element states that some sites have an existing use of “public parking lot.” The element should identify if there are any lease agreements or other regulatory agreements that would inhibit the development of housing on these lots during the planning period.	H-113/Non-Vacant Site Descriptions	Clarified that there are no lease or other regulatory agreements on the 18 public parking lots. Added information on the City’s plans to surplus the land after the construction of a downtown parking lot with the intent to develop affordable housing.
5.3	Sites and Resources	Suitability of Nonvacant Sites	As noted in the housing element, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the Regional Housing Needs Allocation (RHNA) for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.	N/A	The City is planning on re-adopting the Housing Element. A finding will be included in the adoption resolution state that based on substantial evidence, the existing uses will be not impeded additional residential development.
5.4	Sites and Resources	Suitability of Nonvacant Sites	Finally, the element identifies sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).	H-67-70/Program 6	Program 6 was revised to include a replacement policy for sites with residential uses projected to accommodate lower-income households.

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6	Sites and Resources	Publicly-Owned Sites	The element identified City-Owned sites to accommodate a portion of the RHNA. The element should include a program with numerical objectives that ensures compliance with the Surplus Land Act, provides incentives and actions along with a schedule to facilitate development of City-Owned sites. Actions should include outreach with developers, issuing requests for proposals, incentives, fee waivers, priority processing and financial assistance.	H-67 - 70/Program 6	Program 6 was amended to include a portion on the 18 City-owned public parking lots. The parcels will be declared surplus during the planning period with the intent to develop at least 96 lower and moderate income units, as identified in the housing element. The City will provide outreach with developers and incentives as possible to develop the site. An estimated timeline was added.
7	Programs	Programs	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.	N/A	The element was revised to include a full sites inventory analysis. An analysis of criteria was provided for each non-vacant site and additional narrative was provided for each non-vacant site characteristic. Program 6 was revised to include a replacement policy and clearly identify the timeline, acreages, allowable densities, and anticipated units of the rezoning program. Compliance with the surplus lands act for publicly owned sites was also added to Program 6.
8	Programs	Program 6 (Adequate Sites to Accommodate Regional Housing Needs)	While this program has been revised to add more specificity as to the rezoning actions that will be taken, it must provide a timeline as to when these rezoning actions will be completed. The program must commit to acreage, allowable densities and anticipated units that will be rezoned to accommodate the City's shortfall. Please note, the element cannot be found in full compliance until these actions have been completed and submitted to HCD for review and approval.	H-67 - 70/Program 6	Program 6 was revised to include the number of units projected in each rezone area and anticipated timeline for completing rezoning. The timeline is as provided to HCD in December 2023.
9	Constraints	Design Review	While the draft element was revised to describe the evaluation process for certain projects in the City, it must still describe the design review criteria for non-ministerial projects and analyze the overall design review process as a potential constraint on housing development.	H-52 - H-54/Design Review Process	The element was revised to clarify that the review process for ministerial and non-ministerial projects are similar, and the described process is applicable to non-ministerial projects as well. The process does not add time to the review, and projects are typically approved in one hearing. No projects have been rejected due to the design review process. Additionally, Program 8 includes a commitment to remove the AUP/CUP requirements on residential development and establish objectives standards for projects that are eligible for ministerial review.
10	Programs	Programs	Depending upon the results of a complete analysis of potential governmental constraints, the City may need to revise or add programs and address and remove or mitigate any identified constraints.	N/A	The element was revised to include a full analysis of potential governmental constraints.