

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

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November 21, 2022

Patrick Kelly, Director  
Planning and Building Department  
City of Mill Valley  
26 Corte Madera Avenue  
Mill Valley, CA 94941

Dear Patrick Kelly:

**RE: City of Mill Valley's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Mill Valley's (City) draft housing element received for review on August 23, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on November 4, 2022 with yourself, Danielle Staude, Senior Planner; Veronica Tam, Consultant and Diana Varat, Special Counsel. In addition, HCD considered comments pursuant to Government Code section 65585, subdivision (c). See enclosed Appendix B for list of commenters.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix A describes these revisions needed to comply with State Housing Element Law.

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 (February 15, 2023), then any rezoning to make prior identified sites available 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) 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 (i). 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.

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, 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>.

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 Strategic Growth Council and HCD's 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 meets housing element requirements for these and other funding sources.

HCD appreciates the work and dedication of the City's housing element team during the course of our review. 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 Reid Miller, of our staff, at [Reid.Miller@hcd.ca.gov](mailto:Reid.Miller@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal stroke extending to the right.

Melinda Coy  
Proactive Housing Accountability Chief

Enclosure

## APPENDIX A CITY OF MILL VALLEY

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/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/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).)*

As part of the evaluation of programs in the past cycle, the element must also provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

### **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))*

Local Data and Knowledge and Other Relevant Factors: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. While the element does provide local data not captured in regional, state, or federal data analysis, it should incorporate local data and knowledge of the jurisdiction into the Affirmatively Furthering Fair Housing (AFFH) section to more clearly inform potential contributing factors to fair housing issues, and provide actions that address these factors. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element could incorporate the historical land use and investment practices and other information and demographic trends outlined in the Introduction and community context section of the housing element to help inform the AFFH analysis.

Integration and Segregation: The element provided some local and regional analysis on integration and segregation patterns by disability and income but must still provide a more thorough analysis of segregation and integration patterns by race and familial status at the local level. The element must discuss and analyze the data provided for trends over time and patterns across census tracts and neighborhoods.

Racial/Ethnic Areas of Concentration of Areas of Affluence (RCAA): As the element acknowledges that a RCAA exists within the City, and that the City is predominantly in the high resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income, the City must consider additional actions (not limited to the Regional Housing Needs Allocation (RHNA)) to promote housing mobility and improve new housing opportunities throughout the City for existing residents and the broader region.

Access to Opportunity: While the element provides some local and regional analysis on access to transit and educational opportunities, it must still provide local and regional analysis for environmental health as well as local trends and patterns for economic opportunities throughout the City. The element must discuss and analyze the data provided for trends over time and patterns across census tracts and neighborhoods.

Contributing Factors: The element identifies many contributing factors to fair housing issues. In addition, the element should consider prioritizing these factors to better formulate policies and programs and carry out meaningful actions to AFFH.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Overpayment: While the element identifies the total number of households overpaying for housing (p. A-40), it must quantify and analyze the number of lower-income households overpaying for housing by tenure (i.e., renter and owner) and add or modify policies and programs as appropriate.

Overcrowding: While the element provides data of the breakdown of overcrowding by tenure, income level, and race in Figures 32, 33, and 34 of Appendix A, it does not provide the total number of overcrowded households in the City.

Housing Conditions: The element identifies the age of the housing stock (p. A-35). However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

3. *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).)*

The City has a RHNA of 865 housing units, of which 413 are for lower-income households. To address this need, the element relies on vacant and nonvacant sites, including multifamily and commercially zoned sites that will be rezoned through a series of Overlays to accommodate any RHNA Shortfall. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Progress in Meeting the RHNA: As you know, the City's RHNA may be reduced by the number of new units pending, approved, permitted or built since July 1, 2022 by demonstrating availability and affordability based on rents, sale prices or other mechanisms ensuring affordability (e.g., deed restrictions). The element identifies three projects in the pipeline, including 575 East Blithedale project, and notes four units affordable to low-income household and nine units affordable to moderate-income households will be provided. However, the element must describe how affordability was determined for these units and demonstrate the units will be available in the planning period including a description of any remaining entitlements and timeline for approval. This is particularly critical for the East Blithedale project currently going through the approval process. As you are aware, HCD issued a technical assistance letter to the City on November 2, 2022 regarding this project. The letter provides technical assistance on the application of State Density Bonus Law (SDBL) and identifies potential conflicts with the Housing Accountability Act when applying subjective development standards to the project.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. The element also must analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.

Suitability of Nonvacant Sites: The element identifies nonvacant sites to accommodate the regional housing need and outline the general methodology for how sites were considered (p. C-4 to C-6). To demonstrate the redevelopment potential of the sites in

the inventory, the element should relate the factors described in the methodology to the characteristics of each site. In addition, a complete analysis must demonstrate the extent to which existing uses may impede additional residential development. The element should summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. (Gov. Code, § 65583.2, subd. (g).) For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment and describe other incentives or standards to encourage additional residential development on these sites.

In addition, the element relies upon nonvacant sites to accommodate more than 50 percent of the 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.

Senate Bill 9 (Statutes of 2021) Projections: The element is projecting 36 units that will be developed based on the passage of SB 9 (Statutes of 2021) to accommodate a portion of its above-moderate income RHNA. To utilize projections based on SB 9 legislation, the element must; 1) include a site-specific inventory of sites where SB 9 projections are being applied; 2) include a nonvacant sites analysis demonstrating the likelihood of redevelopment and that the existing use will not constitute as an impediment for additional residential use and; 3) include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development. The element should support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9.

City-Owned Sites: The element includes some discussion on the City-Owned site identified to accommodate the RHNA at 1 Hamilton Drive on Page C-2 to C-3. However, the analysis should also address where the City is in the process of rezoning the site from Open Area (O-A) to Multifamily Residential-Bay Front (RM-B) to accommodate affordable units on the site, where EAH Housing is in terms of having plans in place to produce affordable units on the site within the planning period, and any existing uses or known conditions that preclude development in the planning period.

Small Sites: Sites smaller than half an acre are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites of equivalent size with affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of these sites. The element currently identifies smaller sites, but it must still provide analysis of past trends or present other evidence to demonstrate the suitability of these sites. For example, the analysis could describe the City's role or track record in facilitating past lot consolidation, common ownership, policies, or incentives offered or proposed to encourage and facilitate lot consolidation or other conditions rendering parcels suitable and ready-for-lot consolidation.

Sites Identified in Prior Planning Periods: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period.

Suitability and Availability of Infrastructure: The element includes some discussion on suitability of infrastructure on Page F-29 to 31. However, it must also clarify whether sufficient total water and sewer capacity (existing and planned) can accommodate the regional housing need and include programs if necessary.

For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. HCD recommends including a cover memo describing the City's housing element, including the City's housing needs and regional housing need.

Sites with Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element should describe the capacity and development standards of the zone that allows emergency shelters by-right and should provide an analysis of proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability. In addition, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
- *Housing for Farmworkers:* The element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5 and 17021.6. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone.

4. *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, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to parking, heights, lot coverage and limits on allowable densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints. For example, where residential development is allowed in commercially zoned areas, the element should more clearly state and describe what the development standards are for potential residential projects.

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the City's website and add a program to address these requirements, if necessary.

Other Local Ordinances: The element must analyze any locally adopted ordinances that directly impacts the cost and supply or residential development (e.g., inclusionary requirements, short term rentals, growth controls). Specifically, the element should analyze 25-50 percent inclusionary requirements for projects greater than four units as a constraint, as well as other requirements and alternative means of compliance per Government Code section 65850(g). Program 11 (Inclusionary Housing Ordinance) should be adjusted as appropriate based on this additional analysis.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and add a program to address these requirements.

Constraints on Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation procedures. However, the element should also describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.

Additionally, The City's zoning code appears on page F-9 and F-13 to isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors. Examples include residential care facilities, group homes and sober living homes for six or fewer persons or seven or more persons. First, zoning should simply implement a barrier-free definition of family instead of subjecting,



potentially persons with disabilities, to special regulations such as the number of persons, population types and licenses. Second, these housing types are excluded from some residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Finally, these housing types in many cases are subject to a special use or conditional use permit, potentially subjecting housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses. The element should include specific analysis of these and any other constraints, including their enforcement and considering public comments, for impacts on housing for persons with disabilities and add or modify programs as appropriate.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

While the element quantifies most of the City's special needs populations, it must still quantify the number of persons experiencing homelessness and the number of seasonal and permanent farmworkers living in the City. For all special-needs populations, the element must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps.

### **C. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.:

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. All programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., “Evaluate”; “Consider”; “Encourage”; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, the following:

Program 1 (Historic Preservation Regulations and Guidelines): This program should provide specific commitments and actions.

Program 2 (Home Maintenance and Public Information): The program should be revised to clarify the objective benefit of the “soft story ordinance”.

Program 7 (Micro-Apartment Units): This program should be revised to include actions that will be implemented once an evaluation of the micro-unit incentives has been completed and redevelopment input has been received.

Program 14 (Affordable Housing Development Assistance): The program should be revised to include more clear and quantifiable actions and objectives.

Program 17 (Section 8 Rental Assistance): The program should be revised to include more clear and quantifiable actions and objectives.

Program 24 (Zoning Updates to Reflect State Law): This program appears to include adopting updates to comply with State law that should already have been codified. If the City has not already completed these updates, it should do so as soon as possible, and must apply State Law standards until updated local ordinances have been adopted.

Program 25 (Identify and Address Causes and Conditions of Racial Segregation): The program should be revised to state concrete actions the City will take once it has received findings from the County of Marin as to its past discriminatory practices and current conditions that perpetuate racial segregation to ameliorate these conditions.

Program 27 (Fair Housing Programs): The program should be revised to include clear and quantifiable objectives.

Program 29 (Home Sharing and Tenant Matching Opportunities): The program should be revised to state exactly how the City will “support” organizations that facilitate house sharing.

Program 30 (Universal Design/Visibility/Adaptable Design): The program should be revised to include more clear and quantifiable objectives.

Program 35 (Community Education and Outreach): This program should be revised to include more clear and quantifiable actions and objectives.

Program 37 (Mill Valley Housing Advisory Committee): This program should be revised to include more clear and quantifiable actions and objectives.

2. *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 that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

Sites Inventory: Page III-2 of the element states that there is “a sufficient amount of appropriately zoned sites to accommodate the City’s RHNA needs,” but on Page III-6 it states that, “the City was not able to identify an adequate number of sites to meet its RHNA at all income levels.” The element also includes Program 20 to rezone certain sites to accommodate the RHNA. Table 3.2 on Page III-4 and the sites inventory itself should be revised to clearly state the City’s RHNA shortfall at all income levels and clarify how the rezone programs cited in the element will accommodate this shortfall.

Program 9 (Adaptive Reuse of Commercial Buildings): As this program constitutes a rezone program needed to accommodate the City’s RHNA, it must be established within three years of adoption of the housing element. The program should be revised to ensure necessary activities are completed within this timeframe.

Program 10 (Publicly Owned Tax-Exempt Land for Affordable Housing): This program should be revised to have concrete actions and clear timelines as to when specific actions will be taken to actualize the housing.

Program 20 (Rezoning to Accommodate RHNA/Housing Overlay Zoning Districts): As this program is necessary to meet the City’s RHNA shortfall, its timeline must be revised to ensure all necessary rezones are established within three years of the adoption of the housing element pursuant to Government Code section 65583, subdivision (c)(1)(A).

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. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B4, 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.

Program 5 (Mixed Use Zoning in Commercial Districts): This program should be revised to remove conditional use permit requirements for mixed use projects sooner than 2025 in order to ensure beneficial impact within the planning period needed capacity on sites in the inventory to accommodate the City's RHNA.

Program 11 (Inclusionary Housing Regulations): As noted in the constraints section, the City must make more concrete commitments to address potential constraints in its inclusionary ordinance policy and add alternative forms of compliance as necessary to comply with state law.

Program 12 (General Financial Resources (Local Impact Fees and/or Taxes)): This program should be revised to include more concrete actions to be taken by the City as a result of its evaluation of the Single-Family Impact Fee.

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 protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. In addition, the element included actions related to zoning, density, development standards, and ADUs to address contributing factors. However, in addition to addressing contributing factors, programs and actions must enhance housing mobility, provide new housing choices and affordability in high opportunity areas, place-based strategies that promote more inclusive communities and accessible communities, as well as displacement protection. Additionally, the City can incorporate relevant policies and actions from other general plan elements such as the environmental justice and safety element. For your information, place-based programs include actions that improve quality of life related to housing, transportation, safety, education, recreation, infrastructure, etc.

Furthermore, the element must include metrics and milestones for targeting meaningful change and evaluating progress on programs, actions, and fair housing results. For a list of sample policies and programs, please visit page 73 of HCD's Affirmatively Furthering Fair Housing (AFFH) Guidance: [https://www.hcd.ca.gov/community-development/affh/docs/affh\\_document\\_find\\_4-27-2021.pdf](https://www.hcd.ca.gov/community-development/affh/docs/affh_document_find_4-27-2021.pdf).

#### **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 Appendix B of the element includes a general summary of the public participation process and outreach methods the City employed, it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, participation in community workshops and or the City's "Housing Advisory Committee." The element should also summarize the public comments and describe how they were considered and incorporated into the element.

Additionally, HCD received a number of comments related to zoning and AFFH, particularly in relation to the City's apparent lack of units affordable to lower income West of Camino Alto. Many commentors also voiced concerns that, of the over seventy City-Owned sites in the City, only one was chosen to accommodate housing lower-income. HCD encourages the City to consider these comments.

**APPENDIX B  
LIST OF COMMENTERS**

Campaign for Fair Housing Elements  
South Bay YIMBY  
YIMBY Law and Greenbelt Alliance  
Paula and Kevin McGrath  
Elizabeth O'Donnell  
Mike Shapiro  
David Wygant  
James Horio  
Elena McClain  
Carlos Montalvan  
Lynn Perry  
Marie Filippi  
Regina Filippi  
Gina Garcia  
Craig Collins  
P.C. Chang  
James LaRocca  
Ann Matthews  
Mary Beth Culler  
Douglas Clark  
David Kennedy  
Daphne de Marneffe  
Gail Katz  
Peter Emblad  
Geoffrey MacDonald  
Paul Whitehead  
Peter Riaboff  
Ellen Casazza  
Gary Batroff  
Mae Ryan  
Friends of Hauke Park  
Terrence Becker  
Augustus Ang  
Kate McGerity  
Lisa Edson  
Eleonore and Hans Fallant  
Grant Morris  
Lee Kirkpatrick  
Maria Scott  
Ladonna Wood  
Natalie Morris  
Judith Staples  
Mary McGerity

Eric Bindelglass  
Gabrielle Tierney  
Simin Batroff