

Draft Response to Comment Matrix

November 10, 2022

HCD Comments from Sept 29 Letter	Response
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).)	
<p>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.</p>	<p>Edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Pages 21-22 Chapter: Review of Prior Housing Element; Section: Effectiveness of the 2015-2023 Housing Element; Subsection: Effectiveness in Meeting the Housing Needs of Special Needs Populations
B. Housing Needs, Resources, and Constraints	
B.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))	
<p><u>Enforcement and Outreach:</u> The element must state whether or not there were any judgements, lawsuits, or enforcement actions against the City as a result of fair housing complaints. The element must also provide a clear statement that the City complies with all existing State and Federal fair housing laws and regulations.</p>	<p>Edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Pages 126-127; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; paragraph 2
<p><u>Integration and Segregation:</u> While the element provided most of the necessary data and analysis for integration and segregation patterns in the City in the local context, it must discuss and analyze data for trends over time and patterns across census tracts for familial status, income, and persons with disabilities. Additionally, it must evaluate these patterns at a regional basis, comparing the City to the region.</p>	<p>Edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Pages 156-157; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Persons with a Disability - Pages 159-160; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Familial Status - Pages 165-166; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Income

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<p><u>Racial/Ethnic Areas of Concentration of Affluence (RCAA)</u>: The element correctly states on pg. 156 that a RCAA does not exist within the City. However, the City is predominantly a high resource category according to TCAC/HCD Opportunity Maps and higher income, with areas of concentrated higher incomes being predominantly white. These patterns are similar to the surrounding region, but the element should include specific analysis of the City compared to the region and should formulate policies and programs to promote an inclusive community. For example, the City should consider additional actions (not limited to the RHNA) to promote housing mobility and improve new housing opportunities throughout the City. This is particularly important since the City did not permit adequate housing affordable to lower income households in the prior planning period.</p>	<p>Edits were made appearing in the following locations:</p> <ul style="list-style-type: none">- Pages 174-177; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Racially and Ethnically Concentrated Areas of Affluence

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<p><u>Disparities in Access to Opportunity:</u> While the element provides information on the access to opportunity through the TCAC opportunity maps and provides a complete local and regional analysis of patterns and trends for most components of the affirmatively furthering fair housing (AFFH) analysis, HCD has received public comments concerning racial disparities in access to opportunities in education in the City. The element should provide a comprehensive analysis of local and regional disparities of the educational scores through local, federal, and/or state data. Additionally, the element should provide additional local analysis related to access to opportunity in relation to a healthy environment. Please refer to page 35 of the AFFH guidebook (link: https://www.hcd.ca.gov/community-development/affh/index.shtml#guidance) for specific factors that should be considered when analyzing access to opportunities as it pertains to education, and any factors that are unique to Mountain View.</p>	<p>It should be noted that the comments regarding racial and ethnic disparities in schools consisted primarily of comments noting that differences in the racial and ethnic composition of schools provide an indicator of segregated living patterns and did not necessarily relate to disparities in the quality of educational opportunities based on race and ethnicity. Therefore, revisions to respond to this comment include a more detailed analysis of racial and ethnic segregation in living patterns as well as additional analysis related to potential disparities in the quality of educational opportunities.</p> <p>Edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Pages 137-138; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Implications of Geographic Distribution of Residents by Race and Ethnicity for Affirmatively Furthering Fair Housing through the Housing Element Update - Pages 183-184; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Elementary Schools - Pages 188-189; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Education Domain Scores - Pages 200-201; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Access to a Clean Environment
<p><u>Disproportionate Housing Needs including Displacement Risks:</u> While the element includes some local data on cost burdened households (overpayment), the element must evaluate regional trends and patterns for overpayment. In addition, the element briefly and generically mentions displacement and homelessness in other areas of the housing element, it must still provide data, analysis, and conclusions on displacement risk and homelessness in the AFFH section.</p>	<p>Edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Pages 206-207; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Housing Cost Burden - Pages 214-216; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Homelessness - Pages 218; Chapter: Housing Needs Assessment (Appendix B); Section: Affirmatively Furthering Fair Housing; Subsection: Resident Displacement

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<p><u>Site Inventory:</u> While the element includes some general discussion and conclusions beginning on pg. 273 that identified sites for lower-income households are not concentrated in any areas of the City, the element should include analysis to support these conclusions, including the number of units per site by income group for each of the AFFH categories relative to the existing patterns (number of households), impacts on patterns of disproportionate housing needs (e.g., overpayment, overcrowding, displacement) and expanding on the reasoning of the distribution of the regional housing need allocation (RHNA) for lower income households. Further, if the inventory does isolate the RHNA for lower income households in central areas, the element must have commensurate programs with place-based strategies for community revitalization and new opportunities in higher opportunity areas (beyond RHNA) to result in an equitable quality of life and affirmatively further fair housing throughout the City.</p>	<p>This comment was addressed in the previous draft. To provide clarity, additional edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Page 292-; Section: Housing Sites Analysis; Subsection: Evaluation of Sites to Accommodate Income Levels - Pages 326-339; Section: Housing Sites Analysis; Section: Evaluation of Sites Inventory Through Lens of AFFH
<p><u>Contributing Factors:</u> The element mentions four main fair housing issues and connects them to goals and priorities. However, these issues and goals do not appear to be connected to programs adequate to facilitate the formulation of meaningful action to overcome these contributing factors. The element should re-assess contributing factors upon completion of analysis and make revisions as appropriate, ensuring these contributing factors are linked to programs that have meaningful actions to address concerns specific to the City.</p>	<p>The City has made substantial edits to the Housing Element programs based on HCD's comments on the programs, public input, and the revisions to the AFFH analysis based on HCD's comments. Programs have been revised to include an "AFFH Program" marker for each program that assists in the City's efforts to AFFH, including information on how each relevant programs helps to AFFH through by through housing mobility, access to opportunity, place-based strategies, and/or displacement prevention. In addition, programs have been substantially revised to add specific meaningful actions, metrics, and milestones. See revised Housing Plan chapter.</p> <p>The contributing factors were also revised based on the revisions to the AFFH analysis and HCD's comments. These edits can be found in the following location:</p> <ul style="list-style-type: none"> - Pages 219-221; Chapter: Housing Needs Assessment (Appendix B); Section: Fair Housing Issues and Contributing Factors

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<p><u>Goals, Priorities, Metrics, and Milestones:</u> Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies programs to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address AFFH requirements. Given that most of the City is considered a high-income community, the element could focus on programs that enhance housing mobility and encourage development of more housing choices and affordable housing in an inclusive manner. Programs also need to be based on identified contributing factors, be significant and meaningful. The element must add and revise programs based on a complete analysis and listing and prioritization of contributing factors to fair housing issues and include geographic targeting as appropriate. Furthermore, the element must include metrics and milestones for evaluating progress on programs, actions, and fair housing results.</p>	<p>The City has made substantial edits to the Housing Element programs based on HCD's comments on the programs, public input, and the revisions to the AFFH analysis based on HCD's comments. Programs have been revised to include an "AFFH Program" marker for each program that assists in the City's efforts to AFFH, including information on how each relevant programs helps to AFFH through by through housing mobility, access to opportunity, place-based strategies, and/or displacement prevention. In addition, programs have been substantially revised to add specific meaningful actions, metrics, and milestones. See revised Housing Plan chapter.</p> <p>The contributing factors were also revised based on the revisions to the AFFH analysis and HCD's comments. These edits can be found in the following location:</p> <ul style="list-style-type: none"> - Pages 219-221; Chapter: Housing Needs Assessment (Appendix B); Section: Fair Housing Issues and Contributing Factors
<p>B.2. Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)</p>	
<p><u>Extremely Low-Income Households:</u> While the element identifies the projected number of extremely low-income (ELI) households, it must still analyze their existing housing needs. This is particularly important given the unique and disproportionate needs of ELI households. For example, the element could analyze tenure, cost burden, overcrowding and other household characteristics then examine trends and the availability of resources to determine the magnitude of gaps in housing needs.</p>	<p>Edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Pages 76-81; Chapter: Housing Needs Assessment (Appendix B); Subsection: Extremely Low Income Households

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<p>B.3. 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).)</p>	
<p><u>Housing Conditions:</u> The element identifies the age of the housing stock (p. 74, Figure 10). 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.</p>	<p>Edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Pages 91-92; Chapter: Housing Needs Assessment (Appendix B); Subsections: Substandard Housing, Units in Need of Rehabilitation or Replacement
<p>B.4. 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).)</p>	
<p><u>Progress in Meeting the RHNA:</u> The element indicates (p. 238) that 379 units affordable to very low-income and low-income households have been built or are under construction or approved, but provides no information documenting how affordability of the units was determined. As you know, the City’s RHNA may be reduced by the number of new units built since , however, the element must describe the City’s methodology for assigning these units to the various income groups based on actual sales price or rent level of the units and demonstrate their availability in the planning period.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Page 305; Section: Housing Sites Analysis and Selection; Section: Sites Selection Process; Subsection: Unit Capacity by Project Type; Paragraphs: 2 and 3

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<p><u>Progress in Meeting the RHNA:</u> Additionally, the element identifies a number of “pending” projects that are listed in the sites inventory with no additional analysis as to where these projects are in the development process. First, to count these units as progress towards RHNA, the element should describe the status all projects, not just those with anticipated affordability. Second, the element must demonstrate these units are expected to be constructed during the planning period. To demonstrate the availability of units within the planning period, the element could analyze infrastructure schedules, City’s past completion rates on pipeline projects, outreach with project developers, and should describe any expiration dates on entitlements, anticipated timelines for final approvals, and any remaining steps for projects to receive final entitlements. Lastly, given the element’s reliance on pipeline projects, the element must include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals, rezoning or identification of additional sites should the applications not be approved).</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none">- Page 273; Section: Housing Sites Analysis and Selection; Section: Summary of Capacity to Accommodate RHNA; Paragraph: 1- Page 276-277; Section: Housing Sites Analysis and Selection; Section: Sites Selection Process; Subsection: Methodology/Evaluation of Possible Sites; Paragraph: 2- Page 311-312; Section: Housing Sites Analysis and Selection; Section: Sites Selection Process; Subsection: Unit Capacity by Project Type; Paragraphs 4 and 5- Page 316-320; Section: Housing Sites Analysis and Selection; Section: Sites Selection Process; Subsection: Unit Capacity by Project Types; Paragraph 10- Page 276-277; Section: Housing Sites Analysis and Selection; Section: Sites Selection Process; Subsection: Methodology/Evaluation of Possible Sites; Paragraph 3

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<p><u>Specific/Master Plan Areas:</u> The element identifies the Middlefield Park Master Plan, and the North Bayshore Master Plan as pending projects. It is unclear whether the expected units from these master plans are from actual proposed projects or are anticipated capacity from yet to be proposed projects that will require subsequent approvals. If there are no actual proposed projects, parcels within these master plans should be listed not as a “pending project” but as sites.</p> <p>Additionally, the element may utilize residential capacity in specific plans to accommodate the RHNA but should account for the number of units realistically anticipated to occur in the planning period. For example, if the master plan has an anticipated build out horizon of 20 years, the number of units should be adjusted for the 8-year planning period. The element should include additional discussion for the Middlefield Park Master Plans and North Bayshore master plans including their anticipated timeline or build out horizon and adjust capacity assumptions if appropriate.</p>	<p>To provide clarity edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Page 313; Section: Housing Sites Analysis and Selection; Section: Sites Selection Process; Subsection: Unit Capacity by Project Types; Paragraph 7 and 8
<p><u>Realistic Capacity:</u> While the element provides assumptions of buildout for sites included in the inventory, the capacity estimate must consider land use controls and site improvements.</p>	<p>Edits to address this comment appear in the following locations:</p> <ul style="list-style-type: none"> - Page 283; Section: Housing Sites Analysis and Selection; Section: Realistic Capacity Evaluation; Paragraph 1
<p><u>Nonvacant Sites:</u> The element states on page 255 that nonvacant opportunity sites in were screened based on specific criteria related to floor area ratio, date of structure, type of existing use, underutilized surface parking lots occupying a major portion of the site, and/or have landowners that expressed interest in redevelopment. However, the element should clearly relate these criteria to the sites identified. For example, it is unclear which properties have underutilized surface parking or which had expressed interest in redevelopment. In addition, to further demonstrate the development potential of these underutilized sites, the element could also include information related to the condition of the structure and where the uses are operating, marginalized, or for shopping centers, current rate of occupancy.</p>	<p>Edits to address this comment appear in the following locations:</p> <ul style="list-style-type: none"> - Page 294-301; Section: Housing Sites Analysis; Section: Sites Inventory; Subsection: Suitability of Non-Vacant Sites; Paragraphs: all

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<p><u>Nonvacant Sites</u>: Additionally, the element identifies appears to identify 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).</p>	<p>To provide clarity, edits were made appearing in the following locations:</p> <ul style="list-style-type: none"> - Pages 230; Section: Governmental Constraints; Subsection: Land use Designations and Zoning; paragraph 2 - Page 279; Section: Housing Sites Analysis and Selection; Section: Sites Selection Process; Subsection: General Sites Evaluation Considerations; Paragraph: 5
<p><u>Sites Identified in Prior Planning Periods</u>: 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 must include a program to address this requirement, and it should clarify which sites were identified in prior planning periods. For more information on program requirements, please see HCD's Housing Element Sites Inventory Guidebook at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml.</p>	<p>Edits to address this comment appear in the following locations:</p> <ul style="list-style-type: none"> - Pages 281-282; Section: Housing Sites Analysis and Selection; Section: Sites Selection Process; Subsection: General Sites Evaluation Considerations
<p><u>Environmental Constraints</u>: While the element generally describes a few environmental conditions within the City (page 3-35), it must relate those conditions to identified sites and describe any other known environmental or other constraints that could impact housing development on identified sites in the planning period.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Page 268 Section: Environmental Constraints; Paragraph: 1 - Page 278 Section: Housing Sites Analysis and Selection; Section: Sites Selection Process, Subsection: General Site Evaluation Considerations
<p><u>Electronic Sites Inventory</u>: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.</p>	<p>The City is prepared to submit an electronic sites inventory with the adopted housing element.</p>
<p><u>Zoning for a Variety of Housing Types (Single Room Occupancy (SRO) Units)</u>: The element does not state in what zones it allows SRO units and should be revised to include this information.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Pages 259; Section: Governmental Constraints; Subsection: Provisions for a Variety of Housing Types; Paragraph: 10

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<p>B.5. 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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)</p>	
<p><u>Governmental Constraint (General):</u> The cumulative impact of governmental constraints can impact the feasibility of development as well as costs and supply. Given the complexity of the regulatory and political environment, the element should include an analysis of the combination of potential governmental constraints, including but not limited to land use controls, discretionary actions, permit and entitlement procedures, fees and exactions, and any other ordinances or requirements affecting development. Please note, HCD received many public comments noting concerns related to constraints on the permit and processing of development within the City. In addition, HCD notes Appendix H in the element which provides some analysis of potential constraints and impacts. The City should incorporate this information into the analysis and add or modify programs as appropriate to address constraints.</p>	<p>Edits made to address and provide clarity on the comment appear in the following locations:</p> <ul style="list-style-type: none"> - Pages 227-230; Section: Governmental Constraints; paragraphs 1, 2 and 3 - Page 232 Section: Governmental Constraints; Subsection: Land Use Designations and Zoning; Paragraph 3 - Page 244-45 Section: Governmental Constraints; Subsection: Fees and Exactions; Paragraph: 3, 4, and 5 - Page 246-247 Section: Governmental Constraints; Subsection: Fees and Exactions; Paragraph: 10 <p>Edits were also made throughout the Governmental Constraints sections to clarify how Appendix H was used for the analysis.</p>
<p><u>Land Use Controls:</u> 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.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Pages 231-232; Section: Governmental Constraints; Subsection: Land Use Designations and Zoning; Bullets: R1 Single-Family Residential, R2 One- and Two-Family Residential, R3 Multi-family Residential, R4 High Density Residential and Multi-family, RMH Mobile Home Park, CRA Commercial-Residential - Page 232 Section: Governmental Constraints; Subsection: Land Use Designations and Zoning; Paragraphs: 3 and 4 - Page 233-235 Section Governmental Constraints; Subsection: Precise Plans; Bullets: Downtown Precise Plan, San Antonio Precise Plan, El Camino Real Precise Plan, East Whisman Precise Plan, North Bayshore Precise Plan

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<p><u>Fees and Exaction:</u> While the element provides some basic information on residential development fees starting on pg. 211, it must describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For additional information and a sample analysis and tables, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/constraints/fees-and-exactions.shtml. This analysis is particularly important given the fact that HCD has received numerous public comments that fees the City is charging are high and constitute a constraint on development.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Page 227-230; Section: Governmental Constraints paragraph 3 - Page 244-245; Section: Governmental Constraints; Subsection: Fees and Exactions; paragraphs: 2, 3, 4, and 5
<p><u>Local Processing and Permit Procedures:</u> While the element includes some information about the permit process and processing time, a complete analysis must evaluate the processing and entitlement procedures for potential constraints on housing supply, cost, timing, financial feasibility, approval certainty and ability to achieve maximum densities. While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate. Additionally, the element briefly mentions a “gatekeeper” process on pg. 215. The element should provide further description and analysis of this process and add or modify programs as appropriate to ensure that the process is not a constraint on housing production.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Pages 248-253; Section: Governmental Constraints; Subsection: Processing and Permit Procedures; Paragraphs: 1, 2, 3, 4, 5, 8, and 14,

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<p><u>On/Off Site Improvements:</u> While the element provides a basic description of on and off site improvements on pg. 214, it must identify subdivision level improvement requirements, such as minimum street widths (e.g., 40 foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability. For additional information and a sample analysis, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/constraints/codes-and-enforcement-on-offsite-improvement-standards.shtml.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Page 247 Section: Governmental Constraints; Subsection: On- and Off-Site Improvements; Paragraphs: 2, 3, and 4
<p><u>Codes and Enforcement:</u> While the element provides some information on relevant codes the City has adopted starting on pg. 219, it must also provide and analysis of the systems the City has in place to enforce these codes.</p>	<p>Edits to address comment appear in the following sections:</p> <ul style="list-style-type: none"> - Page 256; Section: Governmental Constraints; Subsection: Codes and Enforcement; Paragraph 1
<p><u>Constraints on Housing for Persons with Disabilities:</u> The element subjects group homes of seven or more persons to a conditional use permit, unlike other similar uses. For your information, 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. These housing types should not be excluded from residential zones, most notably low-density zones, which can constrain the availability of housing choices for persons with disabilities. Requiring these housing types to obtain a special use or CUP could potentially subject 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 specifically analyze these constraints for impacts on housing supply and choices and approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate.</p>	<p>Program 1.1 has been revised to include amending the Zoning Ordinance to add a definition of residential care homes and allow residential care homes as a permitted use regardless of the number of residents. See revised Housing Plan chapter.</p>

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<p><u>Constraints on Housing for Persons with Disabilities:</u> Finally, starting on pg. 225, the element identifies approval findings for granting a reasonable accommodation including finding related to impacts on surrounding uses – essentially a conditional use permit finding. However, reasonable accommodation should be a unique exception process from a conditional use permit, especially given its importance in addressing barriers to housing for persons with disabilities. The element should include revise Program 2.4 (Reasonable Accommodations) to amend the Reasonable Accommodation Ordinance and remove constraints, namely the “potential impact on surrounding uses” approval finding.</p>	<p>Program 1.1 has been revised to include amending the Zoning Ordinance to remove unnecessary findings associated with Reasonable Accommodation permits. See revised Housing Plan chapter.</p>
<p><u>Zoning, Development Standards and Fees:</u> 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.</p>	<p>The City has revised Program 4.1 to include bringing the City fully into compliance with transparency requirements.</p> <p>In addition, edits to address comment appear in the following location:</p> <ul style="list-style-type: none"> - Page 43; Section: Governmental Constraints; Subsection: Fees and Exactions; Paragraph: 1
<p><u>Other Local Ordinances:</u> 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 further analyze inclusionary requirements starting on pg. 209 to ensure that they are not a constraint, and modify Programs as appropriate based on the complete analysis.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Page 241-242 Section: Governmental Constraints; Subsection: Inclusionary Housing; Paragraphs 7 and 8

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<p><u>Other Local Ordinances:</u> Additionally, HCD has been in contact with the City regarding its implementation of State Density Bonus Law (SDBL), and has provided technical assistance to that effect in a letter dated October 8, 2021. Specifically, HCD offered guidance on the manner in which the City applies SDBL in concert with its Community Benefit Zoning program, namely the implementation of floor area ratio (FAR) as a measure of density, and the incompatibility of the State waivers and concessions process with the City’s program. The City should review this correspondence and revise Program 1.5 (Density Bonus) to state that the City will review and modify its density bonus ordinance and policies to comply with state law.</p>	<p>As confirmed during calls between HCD staff, City staff, and the City’s consultant team subsequent to HCD’s issuance of Mountain View’s comment letter, Mountain View’s density bonus ordinance is currently in compliance with State law, and the intent of this comment is to ensure that the City update its ordinance in the future as necessary to comply with anticipated upcoming changes in State law. Program 1.5 (renumbered as Program 1.10) has been revised to explicitly state that the City will ensure consistency with State law by monitoring and implementing new State legislation (such as AB 2334). See revised Housing Plan chapter.</p>
<p>B.6. 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).)</p>	
<p>While the element quantifies the number of the elderly, persons with disabilities, large families, families with female heads of households, and families and persons in need of emergency shelter, it must still quantify the number of farmworkers in the City, and analyze all special housing needs categories. The analysis should include, but is not limited to, factors such as household income, tenure, housing types, zoning, and available resources. Local officials, special needs service providers, or City/County social and health service providers may be able to assist with information to complete the analysis. For additional information and a sample analysis, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/large-families-female-head-household.shtml.</p>	<p>Edits to address comment appear in the following locations:</p> <ul style="list-style-type: none"> - Pages 122-125; Section: Housing Needs Assessment (Appendix B); Subsection: Farmworkers - Page 232 Section: Governmental Constraints; Subsection: Land Use Designations and Zoning: Paragraph 3

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C. Housing Programs	
<p>C.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).)</p> <p>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 to be revised include the following:</p>	
<p><u>Program 1.1 (Zoning Ordinance Update)</u>: This program should describe the desired outcomes or achievements related to the review of local development standards, and provide a distinct milestones for what constitutes a complete assessment. The program’s goals and metrics should be reflective of the results of this analysis. Additionally, the program should be revised to carry out a more concrete actions than merely “considering” updated standards for 100 percent affordable housing and other residential development.</p>	<p>Program 1.1 has been split into Programs 1.1, 1.2. and 1.3. Collectively, these three programs address the intent of the program that was formerly numbered 1.1, with added distinct milestones, goals, metrics, and actions. See revised Housing Plan chapter.</p>
<p><u>Program 1.2 (Religious and Community Assembly Sites for Housing)</u>: This program should be revised to provide further detail as to the proposed allowable density for affordable multifamily projects developed in conjunction with nonprofit religious and community assembly uses on large sites. It should also provide greater detail on what the overall process will look like when it is applied.</p>	<p>Program 1.2 has been re-numbered as Program 1.4 and has been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 1.3 (Conservation of Units)</u>: The program should be revised to provide a quantifiable outcome for how many units the City anticipates preserving during the planning period.</p>	<p>Program 1.3 has been re-numbered as Program 1.5 and re-named as "Non-conforming R1 and R2 Multifamily Developments." The program has also been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 1.5 (Density Bonus)</u>: As noted in finding B5, this program should be revised to state that the City will review and modify it its density bonus ordinance and policies to comply with State Law, particularly regarding the giving of incentives and concessions to developers.</p>	<p>Program 1.5 has been re-numbered as Program 1.10 and has been edited based on this comment. See revised Housing Plan chapter.</p>

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<p><u>Program 1.6 (No Net Loss)</u>: This program should be revised to ensure that its activities align with State No Net Loss Law, such as making findings on a project-by-project basis in addition to monitoring sites statuses every six months.</p>	<p>Program 1.6 has been re-numbered as Program 1.11 and has been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 1.7 (Code Enforcement Program)</u>: This program should be revised to include further detail as to how exactly reported code violations will be remedied or addressed (e.g. will this enforcement be tied to a housing rehabilitation and/or replacement program?).</p>	<p>Program 1.7 has been combined with Program 1.8 and re-numbered as Program 1.12: Maintenance of Existing Housing Stock. The program has also been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 1.8 (Multifamily Housing Inspection Program)</u>: This program should be revised to provide further detail as to exactly how the Multifamily housing program will be implemented, and provide assurances that its implementation does not violate the City's obligation to AFFH.</p>	<p>Program 1.8 has been combined with Program 1.7 and re-numbered as Program 1.12: Maintenance of Existing Housing Stock. The program has also been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 1.11 (BMR Program Review)</u>: This program should be revised to provide more detail as to what the review of the City's Below-Market-Rate (BMR) program will actually encompass, and provide more concrete and measurable outcomes resulting from this review.</p>	<p>Program 1.11 has been re-numbered as Program 1.9 and has been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 2.1 (Subsidize and support affordable housing programs to meet an array of housing needs, with a particular emphasis on underserved populations)</u>: This program should be revised to commit to doing more than just "exploring" innovative programs as appropriate to meet gaps in affordable housing need. All program activities must have concrete actions, timelines, metrics and milestones in order to demonstrate whether progress is being made during the planning period.</p>	<p>This program has been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 3.1 (Homelessness Prevention and Services for the Unhoused)</u>: The program should be revised to clearly articulate what the City will do to "support" emergency rental programs and pathways to housing, with specific goals and quantifiable outcomes for the planning period.</p>	<p>This program has been edited based on this comment. See revised Housing Plan chapter.</p>

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<p><u>Program 3.2 (Displacement Prevention and Mitigation)</u>: This program should be revised to increase its quantifiable outcomes and assist more than one naturally occurring affordable project during the planning period, especially given the fact that displacement risk seemed to be a major concern in the public comment HCD received.</p>	<p>This program has been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 4.1 (Development Streamlining and Processing Revisions)</u>: This program should be revised to be completed earlier in the planning period, and should also clearly state how its goals and actions reflect the needs highlighted in the analysis of the Governmental Constraints section of the element.</p>	<p>This program has been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 4.2 (Federal, State, and Regional Policy initiatives)</u>: This program should be revised to provide concrete goals, metrics and milestones to measure effectiveness throughout the planning period.</p>	<p>This program has been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 4.4 (Partnerships to support affordable housing)</u>: This program should be revised to provide concrete goals, metrics and milestones to measure effectiveness throughout the planning period. The program should also make clear if there is already a list of partners the City is considering.</p>	<p>This program has been edited based on this comment. See revised Housing Plan chapter.</p>
<p><u>Program 4.7 (Neighborhood Engagement)</u>: This program should be revised to demonstrate what actions the City will take to “encourage” developers to engage with community.</p>	<p>This program has been edited based on this comment. See revised Housing Plan chapter.</p>

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<p>C.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).)</p>	
<p>As noted in Finding B4, 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.</p>	<p>The sites analysis has been revised based on the findings in B4. The revisions did not lead to a need for programs to address a shortfall or sites or zoning available to encourage a variety of housing types. No changes necessary.</p>
<p>C.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).)</p>	
<p>As noted in Finding B5, 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.</p>	<p>The City has made substantial edits to the Housing Element programs, including those that address governmental constraints, based on HCD's comments on the programs, public input, and the revisions to the constraints analysis based on HCD's comments above. See revised Housing Plan chapter.</p>

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<p>C.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).)</p>	
<p>As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add 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 specific commitment, 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. Currently the element only associates programs with contributing factors, but it does not explain or provide analysis as to how these programs actually address these issues. The element should revise program actions to address the City's obligation to AFFH including how programs 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 addition, the element should also describe how all the City's housing programs comply with and further the requirements and goals of Government Code section 8899.50, subdivision (b).</p>	<p>The City has made substantial edits to the Housing Element programs based on HCD's comments on the programs, public input, and the revisions to the AFFH analysis based on HCD's comments above. Programs have been revised to include an "AFFH Program" marker for each program that assists in the City's efforts to AFFH, including information on how each relevant programs helps to AFFH through by through housing mobility, access to opportunity, place-based strategies, and/or displacement prevention. In addition, programs have been substantially revised to add specific commitments, metrics, and milestones. See revised Housing Plan chapter.</p>

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<p>C.5. Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)</p>	
<p>The element is required to include a program that incentivizes or promotes accessory dwelling unit (ADU) development for very low-, low-, and moderate-income households. While the element included Program 1.4, this program only commits to tracking and monitoring ADU construction, and updating the webpage with resources. The program should be revised to include incentivizes or otherwise promotes ADU development. Examples of incentives include pursuing funding opportunities, modifying development standards, and reducing fees beyond state law, increasing awareness, pre-approved plans, and homeowner/applicant assistance tools. Other strategies could include developing information packets to market ADU construction, targeted advertising of ADU development opportunities or establishing an ADU specialist within the planning department.</p>	<p>Program 1.4 has been re-numbered as Program 1.7 and has been substantially revised to promote ADU development. In addition, the City has added Program 2.2, which includes developing a pilot program to partially subsidize the cost of building ADUs.</p>
<p>D. Public Participation</p>	
<p>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).)</p>	
<p>While the City made effort to include the public through workshops and surveys, and employed additional methods for public outreach efforts, particularly including lower-income and special needs households and neighborhoods with higher concentrations of lower-income and special needs households, HCD received comments with many meaningful suggestions related to program timing, program commitment and other issues related to zoning and AFFH. HCD encourages the City to consider these comments. For additional information, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml.</p>	<p>The City has continued to review and consider all public comments, and the Housing Element analysis, site inventory, and programs have been revised based on input received during HCD's 90-day review process as well as during prior stages of the public participation process. A summary of input received and how the input was incorporated into the Housing Element is provided in the following location:</p> <ul style="list-style-type: none"> - Pages 13-14 Chapter: Introduction; Section: Public Participation; Subsection: HCD Review Period - Page 16 Chapter: Introduction; Section: Public Participation; Subsection: Incorporation of Input into the Housing Element Update

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