

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

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



January 24, 2023

Roscoe Mata, Planning Manager  
Community Development Department  
City of Millbrae  
621 Magnolia Avenue  
Millbrae, CA 94030

Dear Roscoe Mata:

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

Thank you for submitting the City of Millbrae's (City) draft housing element received for review on October 26, 2022. 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 conversation on January 23, 2023 with yourself, Andrew Mogensen, Nestor Guevara and consultants Hitta Mosesman and Irlanda Martinez. In addition, HCD considered comments from YIMBY Law, South Bay YIMBY, YIMBY Law and Greenbelt Alliance, and Housing Leadership Council of San Mateo County pursuant to Government Code section 65585, subdivision (c).

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 describes the 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 (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation 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.

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.

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

HCD appreciates the dedication the housing element team provided during the update and 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 Hillary Prasad, of our staff, at [Hillary.Prasad@hcd.ca.gov](mailto:Hillary.Prasad@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF MILLBRAE

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

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

### **A. 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).)*

Segregation and Integration (Income): The element briefly mentions household income compared to the County and Bay Area region and an area of the City that has higher proportions of lower-income households. However, the element should include specific analysis of these areas and the City compared to the broader region to guide an appropriate policy and program response. The analysis should at least address evaluating trends, conditions, comparisons to other neighborhoods and cities, effectiveness or absence of past strategies, local data and knowledge and other relevant factors related to equitable quality of life. The element must add or modify meaningful programs based on the outcomes of this analysis.

Patterns and Trends: The element reports data and briefly explains some maps of socio-economic concentrations. However, the element must evaluate and complement this data to better formulate policies and programs. The data should be supplemented by local data and knowledge and other relevant factors that are unique to the City. For example, the element notes a windshield survey (p. 2-30) that has been historically disadvantaged relative to the rest of the City. Yet, the assessment of fair housing does not emphasize this survey or neighborhood or evaluate coincidences of fair housing factors (e.g., overcrowding, income). Examples of local data and knowledge include utilizing knowledge from local and regional advocates and service providers, City staff and related local and County planning documents. Examples of other relevant factors include historical land use, zoning and barriers to housing choices, investment practices, seeking investment or lack of seeking investment to promote affordability and inclusion, information about redlining/greenlining, restrictive covenants and other discriminatory practices, land use related lawsuits, local initiatives, demographic trends, or other information that complements the state and federal data. This information should be unique to the City.

Affirmatively Furthering Fair Housing (AFFH) and Identified Sites: While the element provides maps of identified sites in relation to some of the fair housing factors, the element should quantify and evaluate the impacts of the regional housing need allocation (RHNA) by income group and specifically analyze isolation of the RHNA since a majority of sites are in the Downtown/Specific Plan areas. The element should consider providing housing choice and opportunity in other areas of the City, primarily single-family zones. The element should conclude whether identified sites exacerbate or mitigate fair housing conditions. If sites exacerbate conditions, the element should identify further program actions that will be taken to promote equitable quality of life throughout the community (e.g., housing mobility, anti-displacement and place-based community revitalization strategies). For example, the element states that nearly all of the identified sites to accommodate the lower-income RHNA are within areas of higher concentrations of lower-income households and other factors. The element should include specific programs to promote housing mobility throughout the City and place based strategies toward community revitalization to facilitate equitable quality of life.

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).)*

*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).)*

*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).)*

Extremely Low Income (ELI): While the element reports on households by income and mentions ELI households, it must analyze the housing needs of ELI households to formulate appropriate policies and programs. The analysis should address trends, tenure, overpayment, overcrowding and other characteristics and examine resources, disproportionate housing needs and the magnitude of the gap in addressing housing needs. Based on the outcomes of the analysis, the element should add or modify programs as appropriate.

Housing Costs: While the element includes estimated rents for residents, it utilizes American Community Survey (ACS) data. The element should supplement census data with other sources (e.g., Zillow, Apartments.com) to better reflect market conditions.

Large Households: While the element provides an analysis of special housing needs for large households, it must also identify the number of large households within the City.

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).)*

**Progress in Meeting the RHNA:** The City's RHNA may be reduced by the number of new units built, approved, or pending since June 30, 2022; however, the element must demonstrate their affordability and availability in the planning period. The availability or likelihood the units will be built in the planning period should account for any barriers to development, phasing, anticipated buildout horizons, market conditions, and other relevant factors. The analysis should also specifically clarify whether all of the pending projects have included applications, more concrete than discussions with a potential developer (p. 7-40). In addition, affordability must be based on the actual or anticipated sales prices or rents or other mechanisms ensuring affordability (e.g., deed-restrictions). Currently, the element calculates the appropriate rent levels but not how the anticipated or actual rents are affordable to lower and moderate-income households.

**Sites Inventory:** The element must clarify the number of units identified to meet the City's RHNA. Some tables and the sites inventory list 356 lower-income units while page 7-18 states a total of 307 lower-income units.

**Realistic Capacity:** While the element includes a methodology for calculating the realistic residential capacity on identified sites, it must account for land use controls 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 current methodology assumes 85 percent to 100 percent realistic capacities in mixed-use zones. In many cases, the sample size appears minimal, or the calculations do not appear to correct for outliers or realistic densities under proposed zoning. Further, the methodology does not appear to account for the likelihood of 100 percent nonresidential development. To address this requirement, the element could utilize a minimum density and HCD shall accept that methodology without any analysis or demonstration or the element could utilize a conservative methodology that will also assist in maintaining sites throughout the planning period pursuant to Government Code section 65863. Otherwise, the element must provide adequate supporting information, rescale assumptions as appropriate and should describe how non-residential uses are considered in the assumptions. Adequate supporting information would include a listing of all recent developments in the City by acreage, zone, allowable density, built density and affordability and then relate that information to the assumptions utilized in the inventory. For example, if the characteristics of past development are not similar to identified sites then the assumptions should not be utilized. With respect to the non-residential adjustment factor, the element should list or evaluate all development (residential and nonresidential) to determine the likelihood for 100 percent nonresidential development than account for that trend in the adjustment factor. For example, the element could list and evaluate all recent development in the City by acreage, zone, allowable density, allowable uses, built uses, built densities and affordability.

Suitability of Nonvacant Sites: The element mentions sites were selected based on improvement to land value ratios (ILV) and other factors, lists recent projects by ILV then includes a site-specific analysis that mentions redevelopment potential based on ILV and other factors such as large parking areas and location within strategic growth areas. However, the element should either discuss additional factors (e.g., age and condition of structure, existing versus allowable floor area, indicators of turnover) or expand the site-specific discussion to evaluate the extent that existing uses may impede additional residential development. For example, the element can summarize past experiences converting similar existing uses to higher density residential development, lack of market demand for the existing use, age and condition of the structure, allowable versus existing floor area, expressed developer or property owner interest or other relevant factors.

In addition, as noted in the housing element, the housing 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 regional housing need allocation.

Shortfall of Adequate Sites: Currently, the element is utilizing assumptions that sites will be rezoned prior to the start of the planning period. The revised zoning must be adopted by City Council prior to the start of the planning period, or the City must identify additional sites or meet by-right requirements. The element should either clarify the zoning has been completed or, if necessary, include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period. The program should identify the shortfall by income group, acreage, allowable densities, appropriate development standards and meet all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i), including but not limited to permitting multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households.

Accessory Dwelling Units (ADU): To support assumptions for ADUs in the planning period, programs should commit to additional incentives and strategies, frequent monitoring (every other year) of production and affordability and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if needed.

Availability of Infrastructure: While the element analyzes the capacity of water and sewer to accommodate the City's RHNA, it must describe whether all identified sites have access to water, sewer and dry utilities or add a program as appropriate.

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.

Environmental Constraints: While the element identifies potential environmental constraints, it must relate the flooding and landslide issues to the sites identified in the inventory and discuss any other known constraints or conditions (e.g., shape, easements, contamination, airport compatibility) that could impact or preclude housing development in the planning period.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* While the element states that emergency shelters are allowed in the R-3 zone by right, the summary section states they are allowed in the commercial and industrial zones. The element must clarify where emergency shelters are allowed by-right and without discretionary action. In addition, the element should analyze proximity to transportation and services for these sites, hazardous conditions, and any conditions inappropriate for human habitability, as well as total capacity. Lastly, the element must describe how emergency shelter parking requirements comply with AB139/Government Code section 65583, subdivision (a)(4)(A) or include a program to comply with this requirement.
- *Transitional and Supportive Housing:* Transitional housing and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. The element must demonstrate compliance with these requirements and include programs as appropriate.
- *Single Room Occupancy (SRO) Units:* The element must describe where and how SROs are allowed, including demonstrating zoning, development standards and permit procedure encourage and facilitate SRO development or add a program as appropriate.
- *Manufactured and Mobile Housing:* Manufactured and mobile homes that are built on a permanent foundation must be allowed in the same manner and in the same zones as conventional or stick-built structures. Specifically, manufactured homes on a permanent structure should only be subject to the same development standards that a conventional single-family residential dwelling would be subject to. The element must demonstrate consistency with this requirement or add or modify programs as appropriate.
- *Accessory Dwelling Units (ADUs):* The element indicates the City modifies its zoning code to ease barriers to the development of ADU's. However, the ordinance was last updated in 2020 and it is not consistent with State ADU Law. As a result, the element should modify programs to update the City's ADU ordinance to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December 2020, which provides detailed information on new state requirements surrounding ADU development.

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. Specifically, the element should confirm whether a range of densities are allowed in the neighborhood commercial mixed-use or whether only 80 dwelling units per acre are allowed. The element should also describe whether planned unit development (PUD) provisions are optional and if mandatory, analyze as a constraint on development. The element should also analyze whether three story developments are allowed in the R-2 district and residential overlay zone in the Millbrae Station Area Specific Plan. The element should analyze whether the 20-foot front and side setbacks are a constraint on development in the R-3 zone. Lastly, the element should also analyze whether not allowing 100 percent residential uses in the TOD or Downtown and El Camino Real Specific Plan Areas is a constraint on development and add programs as needed.

Parking: While the element lists standard parking requirements for single-family and multifamily developments, it should analyze those standards as potential constraints on housing development, particularly multifamily garage requirements and 1.5 spaces required for one-bedroom units. The element should also describe and analyze the parking requirements in the Downtown and El Camino Real Specific Plan and whether they will include garage requirements. The parking requirements should not impose additional constraints, and a program should be added to address the constraints as necessary.

Fees and Exaction: While the element describes each impact fee, it must also list the typical cost for each impact fee for single-family and multifamily developments. In addition, the element should analyze the difference between percent of total development cost between single-family and multifamily as a constraint and add a program as appropriate.

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

Design Review: While the element lists findings of approval for design review, it must also analyze the impacts of the findings on housing supply (number of units), cost, feasibility and approval certainty. For example, some findings of approval relate to compatibility with the neighborhood or not detrimental to orderly and harmonious development. The element should specifically analyze how these findings are applied and any impacts on development and add or modify programs to address identified constraints.



Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities. For example, the analysis must describe any zoning code definitions of family and any spacing or concentration requirements for housing for persons with disabilities. While the element describes the City's definition of family, it should be revised to remove constraints on housing for persons with disabilities and add or modify programs as appropriate. In addition, the element must analyze the reasonable accommodation finding of approval related to privacy of the applicant and adjacent neighbors as a constraint and add a program as appropriate. In addition, while the element describes how group homes are allowed, it must clarify whether both six or fewer and seven or more are allowed and where and how the uses are permitted. Lastly, residential care facilities that are not state regulated should not be limited in ways other than any other residential development. 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 conditional use permit (CUP) could potentially subject housing for persons with disabilities to higher discretionary exceptions processes and standards where an applicant must, for example, demonstrate compatibility with the neighborhood, unlike other residential uses.

Other Local Ordinances: While the element describes locally adopted ordinances, they must also be analyzed on whether they directly impact the cost and supply or residential development (e.g., inclusionary requirements, short term rentals, growth controls).

## **B. 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... (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 to be revised include the following:

- Program HIP-3 (Annual Meeting to Identify Affordable Housing Opportunities): The program should be revised to describe what actions and outcomes are targeted from the annual meeting.

- Program HIP-8 (Energy Conservation Grant Funding): The program should be revised to clarify whether the City is applying for grant funding, and if so, specific timing of how many applications throughout the planning period.
- Program HIP-11 (Encourage Section 8 Rental Housing Assistance): The program should describe the actions taken to encourage Section 8 Rentals.
- Program HIP-12 (Advertise Human Investment Project Home-Sharing Program): The program should be revised to include proactive outreach, especially in the higher resource or relatively higher income and single-family neighborhoods where lower income sites are not identified.
- Program HIP-14 (Conduct a Residential Development Feasibility Study): The program should be revised to include actions to commit to fee reductions if needed.
- Program HIP-23 (Prioritize Review and Expedite Development of Affordable and Special Needs Projects): The program should be revised to include proactive outreach.
- Program HIP-24 (Lot Consolidation within the Millbrae Station Area): The program should be revised to include incentives available for lot consolidation as well as proactive outreach.
- Program HIP-27 (Update Density Bonus Ordinance): While the program commits to revising the density bonus ordinance to comply with state law, it should also commit to future updates as needed.
- Program HIP-28 (Anti-Displacement Measures): The program should be revised to include proactive outreach.
- Program HIP-31 (Pursue State and Federal Funding for Affordable Housing): The program should be revised to include timing of how often the City will apply for grants.
- Program HIP-32 (Local Funding for Affordable Housing): The program should include proactive outreach.
- Program HIP-35 (Assist with Development of Lower-Income Housing): The program should include specific implementation for reducing permit fees after the analysis is completed.
- Program HIP-36 (Funding, Incentives, and Concessions for Extremely Low-Income Developments): The program should include proactive outreach for the second and third actions. It should also clarify whether the timing includes one grant application per year, or for the entire planning period.
- Program HIP-39 (Meet with Service Providers and Advertise Employment Resources for Persons with Disabilities): The program should be revised to include proactive outreach to residents.
- Program HIP-46 (Provide Information and Examples of Incentives/Concessions for Developers): The program should be revised to clarify whether the incentives are currently in place or if they need to be implemented. If they need to be implemented, specific timing should be included. In addition, the program should include proactive outreach.

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 A3, 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:

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 Finding A4, 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. In addition, the element should be revised as follows:

- Program HIP-43 (Update the City’s Zoning Ordinance and Specific Plans): The program should clarify what changes will be made for transitional and supportive housing and where emergency shelters will be allowed without discretionary action. In addition, the element should specify that the City will comply with AB 2162 By-right (Permanent Supportive Housing) and AB 101 (Low Barrier Navigation Centers). The program also indicates that revisions will be made for group care facilities, but no actions or commitments were included. Lastly, the element should move up the timing for these revisions to earlier in the planning period.
- Program HIP-44 (Update the City’s Zoning Ordinance): The program should specify how the City will comply with Employee Housing Act, and what other changes will be made. Lastly, the element should move up the timing for these revisions to earlier in the planning period.
- Program HIP-45 (Update the MSASP and DECRSP to Comply with Residential Care Facilities Requirements): The program should be revised to clarify whether the revisions for residential care facilities apply to both six or fewer and seven or more residents as well as confirm that the CUP will be removed to ensure objectivity and approval certainty.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion,*

*sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding A1, the element requires a complete AFFH analysis. Depending upon the results of that analysis, the City may need to revise or add programs. The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community preservation and revitalization and displacement protection.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)... (Gov. Code, § 65583, subd. (c)(6).)*

Program HIP-19 (BMR Resale and Rental Controls): While this program commits to actions for at-risk properties, it should also include a commitment to reach out to owners to ensure compliance with state preservation notice law (Gov. Code Sections 65863.10, 65863.11, and 65863.13).

6. *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).)*

Program HIP-18 (Encourage and Incentivize ADUs): The program should be revised to include specific timing to implement the actions and commitments to streamline reviews and preapproved plans and financing as well as include proactive outreach.

### **C. Quantified Objectives**

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

While the element includes some quantified objectives for new construction, it must also include quantified objectives for rehabilitation and conservation by income category. Conservation objectives should not be limited to at-risk preservation and may include a variety of activities such as code enforcement, housing choice vouchers, energy conservation and tenant stability efforts. In addition, the element must also include new construction, rehabilitation, and conservation objectives for ELI households.

#### **D. Public Participation**

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

While the element includes a summary of public participation including outreach to the community, it must also describe how public comments were considered and incorporated into the element.

#### **E. Consistency with General Plan**

*The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)*

While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.