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Mayor Ramirez and Councilmembers
City of Mountain View
500 Castro St
Mountain View, CA 94041

Dear Mayor Ramirez, Vice Mayor Hicks, and Councilmembers Abe-Koga, Matichak, Lieber, Showalter, and Kamei:

RE: Item 3.1 of the June 14th Study Session: Housing Element Update

The 6th Cycle Housing Element Update process is a unique opportunity to fully assess housing needs in Mountain View and to identify new tools to address these needs and constraints on developing housing. This process is also an opportunity to engage deliberately with the full community, especially those who are represented from populations that have been historically excluded and are at risk of displacement, to share their housing needs. This unique opportunity is one that is required to adhere to the clear legal guidance as outlined by HCD in multiple documents interpreting state law.

This is not a simple process, and we appreciate the work that Mountain View staff, elected and appointed representatives, and members of the community have done over the last 9-12 months. As you know, however the expectations for this process are high, and jurisdictions throughout the state have struggled to generate compliant housing elements for this cycle.

During this comment period on the current draft, there is still time to receive public input and address concerns prior to submission of the Housing Element Update to the state. Towards that end, SV@Home is submitting the following comments.

Outreach, Community Input, and targeted AFFH outreach as the foundation of the Housing Element Update process.

Although the city has clearly made significant efforts promoting housing element outreach and apparently making staff available for meetings with stakeholders, there is very little transparency about the structure, or content, of these various meetings - what needs were identified, what solutions were discussed, etc. As a result, it is impossible to assess whether this process has met the standards outlined by HCD. There is also little or no evidence that the current draft reflects the input received through this process. This lack of transparency greatly limits substantive public engagement throughout this process.

Under AB 686 and changes to Housing Element Law, the city must demonstrate how the input from these stakeholder meetings and public meetings shaped the housing element draft, particularly to Affirmatively Further Fair Housing (AFFH). The housing element must describe meaningful, frequent, and ongoing community participation, consultation, and coordination throughout the entire process and source the housing needs and possible solutions from the community.

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While we have clearly not been privy to all of the discussions conducted by the city to date, we are concerned that in some of the meetings we did attend, or received briefing on from those who did, there was far more focus on “how to get involved,” than there was solicitation of input on housing needs or opportunities to reflect and comment on staff’s findings. (The Draft Housing Element lists only a summary of comments received at the one Virtual Community Workshop held on September 23, 2021 and through the Community Feedback Form. Neither of these are sufficient to address the process requirements laid out in the law or guidance document, let alone meet the higher standard required for AFFH outreach.)

As a result, the Draft Housing Element does not show how public input was considered and incorporated, or were not incorporated.

Most importantly, the outreach did not identify the housing needs of specific (special needs) populations, and further did not meaningfully incorporate input from those populations on potential solutions, depending instead on a battery of demographic tables. Many housing problems are difficult to identify in ACS demographics and public records.

We would expect both the process concerns, and this structural concern be a finding from the HCD review, as has been the case in multiple other jurisdictions.

Policies and Programs - Housing Needs Constraints and AFFH

Assessing the existing housing needs, and those that may be specific to enumerated populations under AFFH requirements, and then showing the work and closing the loop connecting them to specific policies and programs to be implemented in response, is an essential component of the Housing Element Update process. We have discussed our concerns with the outreach and engagement that was to inform this process. We have additional concerns because we do not see a full assessment of existing programs to address housing instability and displacement - Mountain View is often a leader in this area. Subsequently, we struggle to track the connection between needs and solutions in the draft. If this is difficult for us, this poses a significant barrier for traditionally excluded populations in your city.

As with many other jurisdictions that we are tracking and reviewing across the state, we believe the lack of detail in the policies and programs included in the draft, will not prove to be compliant. They lack a clear definition of work to be undertaken, examples of the policy elements that will be considered, very little in the way of prioritization, and turn to “study,” “consider,” “continue to monitor,” and “review,” rather than fully operationalizing the steps that will be taken. We would reference an HCD comment to another jurisdiction:

“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).)”

Nearly all the programs listed in the housing element fail to reach this level of detail requested by HCD. Based on past public comments, there are also a significant number of programs that have been suggested by the community that are not reflected or addressed in the current draft of the update.

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Site inventory and Constraints to the Development of Housing

We need to begin this section by acknowledging that there have been improvements to the site inventory over the last few months. Because of the active discussion about the AFFH implications of largely excluding the areas south of El Camino Real from planned future development, the addition of new sites in these areas is very important.

We know that there has been significant local discussion about the viability and feasibility of specific sites in the inventory, and expect that these are likely valid site by site concerns that will need to be addressed appropriately. (Eg. Inclusion of a private grade school, very high dependence on existing retail when retail retention is a current city priority, and there is little site by site assessment of what might be considered underutilized.) Therefore, we will restrict our comments to a higher level.

We appreciate the challenges of doing site by site analysis of the housing opportunity sites inventory. The methodology of looking at past projects with the same zoning, and analyzing actual production as an indicator of realistic capacity is on its face a good approach to this challenge. Our concern would be that there appears to be little attempt to determine what may have been different about the sites that developed, and more on what was the same. Any planner can tell you that there are properties likely to redevelop and some that are less likely, even if the zoning and size of the lot are the same. This could be location or proximity to a complementary use, the relative stability of the current use, etc. It would be valuable to conduct additional analysis on how and why development happened where it did to determine the feasibility of sites included in the inventory.

We also have a tremendous reliance on major plan areas - North Bay Shore, East Whisman, El Camino Real. While these are clearly areas appropriately planned for significant residential development, they are also emergent plan areas that face continued uncertainty. It seems essential to include some progress bench-marks that can be assessed throughout the plan period. For example, we believe there is a 2025 date for a large portion of the NBS area residential sites to become available for housing. Including this date would allow for an ongoing assessment about the plan areas' progress, and allow for adjustments to the realistic capacity if the progress is delayed.

Finally, we believe that the assessment of constraints on housing production is short of what is required by HCD, and less than a City like Mountain View should expect for itself. Public and developer input was not fully summarized in the current draft, but the constraints discussion is mostly a list of things going well, rather than a robust assessment of where additional progress could be made. We would mention a couple of clear omissions here, but recommend a more robust assessment and perhaps a review of developer comments received.

There is not an assessment of the cumulative impact of the combined fee stack, although park fees are noted to be a challenge.

There is not an assessment of the development and plan review process except to note that the average time frame is within a reasonable range. We have received specific comments on the delays in applications being "deemed complete," challenges in coordination with the building permitting departments, the constraints of explicit strategies to retain discretionary authority even in cases where the city's interests might better realized by clarifying standards and streamlining review, and of course the general problem that there is insufficient staff to process applications efficiently. Our understanding is that there is a review process underway - Matrix Review, and we cannot understand why this work is not included in the housing element with a clear timetable and example of expected outcomes.

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We have appreciated Mountain View's role as a regional leader in housing production and ongoing commitment to affordable housing. The bar is higher now. We are confident that the Housing Element Update can rise to this new level over the coming months, and be sustained over the coming years. This is an opportunity to take on the true magnitude of the housing needs of your community, and to keep the city diverse, inclusive and accessible.

Sincerely,



Mathew Reed
Policy Director

