

October 13, 2022

To: Bay Area Local Planning Directors

RE: Proposed Update Process for Bay Area Housing Elements to Achieve Meaningful Public Participation

Dear Bay Area Planning Directors,

We, the Bay Area Housing Element Working Group, are writing to urge you to prioritize community input to develop strong housing policy in the final stages of the 2023-2031 Housing Element Planning process. The Bay Area Housing Element Working Group is convened by the 6 Wins for Social Equity Network, a regional equity coalition founded in 2010. The Housing Element Working Group consists of housing law and policy experts working together to ensure the region is one where everyone can find a home. We believe that strong housing policy and planning is an essential step towards that vision.

Deep community engagement is at the heart of the Housing Element process in California. True community engagement requires more than just extensive outreach to the community. It must be designed to facilitate the meaningful dialogue and co-planning with your residents necessary to realize the potential of the Bay Area as a vibrant, diverse, and healthy community. After months of work, the Bay Area jurisdictions have largely submitted first drafts of your 2023-2031 Housing Elements to the California Department of Housing and Community Development (HCD), and have recently received or are awaiting a letter from HCD reviewing your draft and recommending changes. In this next stage it is important not only to respond to HCD's comments, but to do so in a way that meaningfully involves the community in that response. This requires that you give community members an adequate opportunity to read, analyze, and comment on the updates, and then transparently incorporate that feedback into your final Housing Element before submitting a final version to HCD.

State law requires local governments to **make “a diligent effort...to achieve public participation of *all economic segments of the community in the development of the housing element.*”** (Gov. Code 65583(c)(9) (emphasis added)). “A diligent effort means going beyond simply giving the public an opportunity to provide input and should be **proactively and broadly conducted through a variety of methods to assure access and participation.**” (Department of Housing and Community Development (HCD), [Affirmatively Furthering Fair Housing \(AFFH\) Guidance](#) Memo, April 2021, p. 21).

In order to ensure that your communities continue to have the opportunity to understand and influence your decisions, we recommend you take the following steps:

1. **Publish the review letter you receive from HCD on your Housing Element website *as soon as you receive it.*** This will ensure that community members have as much time as possible to understand HCD's opinions and concerns, so that they can best participate in updating your Housing Element and ensure it prioritizes equity and fairness.

2. **Hold one or more community meetings, work sessions, and/or public hearings to take comments on the HCD review findings and how best to address them before the next draft is prepared.** Incorporate as much community input as possible, including expertise from local community based organizations, about housing needs and solutions. Consider all proposed analyses and recommendations. A diverse range of methods for soliciting comments from the community will facilitate the input of residents with disabilities and language access needs. This input is necessary to your ability to fully consider the housing needs of disabled residents and English Language Learners in your jurisdiction, as the State Housing Element law requires.
3. **Once the revised draft is finalized, post it on your Housing Element website in both a clean version and a version with visible redlines against the initial public review draft.** This will allow community members to more easily review the changes you have made, which will in turn: enable the community to help ensure compliance with state law; clarify the reasons behind the jurisdiction's decisions regarding revisions and community input; and help build trust. Ensuring transparency and accountability in the process will yield the strongest possible final Housing Element.
4. **Publish a summary of comments received and a list of changes made to the original draft identifying which comments or policy suggestions were accepted, which were not, and why.** This, again, enables the community ease in reviewing and understanding the changes the jurisdiction has made. It is similar to the federal Administrative Procedure Act standards for public input in decision-making processes, and provides a best practice towards developing trust between governments and their constituents. That trust is even more important at the local level.
5. **While state law only requires a 7-day comment period, you should provide a 30-day public comment period after releasing revised drafts.** Allowing the necessary time for community members to review the Housing Element will improve the quality of the public input received by the city. Cities that use higher-quality public input to inform their Housing Elements will increase the likelihood of certification by HCD, as their Housing Elements will better address the needs of the community. Providing a 30-day public comment period additionally furthers the spirit of the legal requirements under California Housing Element law, and will allow for better policy outcomes.

The Housing Element Working Group remains committed to working in partnership with Bay Area jurisdictions to ensure that, from start to finish, the Housing Element update process is inclusive, laying out a roadmap to effectively and equitably address the affordable housing crisis. All Bay Area residents deserve a safe, accessible, and affordable place to call home, with a range of choices free of barriers to fair housing. The Housing Element update process provides the tools to do just that. We look forward to continuing this work with you.

Regards,

Bay Area Housing Element Working Group

Kari Svanstrom

From: Margaret DeMatteo <[REDACTED]>
Sent: Wednesday, November 23, 2022 11:34 AM
To: Calum Weeks; Kari Svanstrom; Mashal.Ayobi@hcd.ca.gov
Cc: John Jay; Kirstyne Lange
Subject: Re: HCD Housing Element letter
Attachments: Sonoma County Housing Element Working Group Letter.pdf

Hello all,

I hope this finds you well. Cal, Kirstyne and I are part of a multi-sector working group that are working diligently to improve housing element plans throughout Sonoma County. It is a challenge to participate meaningfully if we do not have access to the letter from HCD, or the redlined version of changes to the modified draft, which is required to incorporate additional public input. As it stands, we have only a 7-day comment window over a 4-day holiday weekend. Without the letter from HCD, or invitation to provide comments, our hands are tied and time is nil.

Please provide a copy of the letter ASAP.

In the alternative, I have cc'ed Mashal Ayobi, who might be so kind as to provide it in reply to this email. Mashal, if you are able to share we would greatly appreciate it as City staff may be off for the holidays. The HCD website has not been updated in some time or we would get it ourselves.

I have also attached a copy of the letter we sent recently making requests for a redlined version of changes made in response to HCD and time for meaningful public participation. We reiterate these requests.

Thanks you all for your prompt attention to this matter.

Best Regards,
Margaret

Margaret DeMatteo (she/her/hers)
Housing Policy Attorney


LegalAid
OF SONOMA COUNTY
144 South E Street Suite 100
Santa Rosa, CA 95404
[REDACTED]
[REDACTED]

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From: Calum Weeks [REDACTED]
Sent: Wednesday, November 23, 2022 10:49 AM
To: Kari Svanstrom <ksvanstrom@cityofsebastopol.org>
Cc: jjay@cityofsebastopol.org <jjay@cityofsebastopol.org>; Margaret DeMatted [REDACTED]
Kirstyne Lange [REDACTED]
Subject: HCD Housing Element letter

Hello both,

Before departing for your well-deserved vacation, can you please share the letter HCD sent with comment on your draft Housing Element? I'm assuming they sent one since the 7-day review period is now open.

Can you please also extend the review period to November 30th? As most people will be enjoying a long holiday, it would be appreciated if this review period was extended. I'm also not certain I even received a notification with these updates. To my knowledge, I am signed up for these alerts.

Thanks in advance for whatever information you can offer!

Best,

--

Calum (Cal) Weeks | Policy Director
([he/him](#))

Generation Housing
GenerationHousing.org
427 Mendocino Ave, Suite 100 | Santa Rosa, CA 95401
[REDACTED]

Have you requested your #WeAreGenH yard sign? [Click here to do so!](#)



[Facebook](#), [Instagram](#), [Twitter](#), [YouTube](#)

Kari Svanstrom

From: Margaret DeMatteo [REDACTED]
Sent: Tuesday, November 01, 2022 12:50 PM
To: Kari Svanstrom; John Jay
Cc: Kirstyne Lange; Caroline Peattie; Savannah Wheeler; Cal Weeks; je [REDACTED] Karen Rosenberg; caitlin cornwall; Fred Allebach; Ann Colichida [REDACTED]
HousingElements@hcd.ca.gov
Subject: Sonoma County Housing Element Working Group Comment Letter
Attachments: Sonoma County Housing Element Working Group Letter.pdf

Hello,

I am writing on behalf of the Sonoma County Housing Element Working Group, a broad coalition of multi-sector organizations that focus on housing policy. We provide you with the attached letter with the hope that it informs best practices regarding your next round with HCD on Sebastopol's 6th Cycle housing Element Draft.

Please let me know if you have any questions. Thank you!

Best Regards,
Margaret

Margaret DeMatteo (she/her/hers)
Housing Policy Attorney


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OF SONOMA COUNTY
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Santa Rosa, CA 95404

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Kari Svanstrom

From: Skylar Spear [REDACTED]
Sent: Wednesday, October 19, 2022 10:30 AM
Subject: Best Practices for Finalizing 2023-2031 Housing Elements
Attachments: LETTER Regionwide - Finalizing Draft Elements.pdf

Dear Bay Area Planning Directors,

I am writing on behalf of the Bay Area Housing Element Working Group, a collection of housing law and policy experts convened by the 6 Wins Network to help Planning Directors around the Bay Area submit the best possible version of their 2023-2031 Housing Elements. We understand that you have just received or are about to receive comment letters from HCD after their review of your initial Housing Element Drafts. As you begin to revise and finalize your Housing Elements, we wanted to provide some best practices for you to implement.

Attached you will find a brief letter detailing these best practices. If you have any questions or concerns about these practices, please reach out to us—we are happy to discuss!

Thank you for your time,

Bay Area Housing Element Working Group
bay-area-housing-elements-2023@googlegroups.com



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NAACP
Santa Rosa - Sonoma County Branch



November 1, 2022

To: Sonoma County Planning Directors

RE: Proposed Update Process for Bay Area Housing Elements to Achieve Meaningful Public Participation

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Best Regards,

Sonoma County Housing Element Working Group

Kirstyne Lange, President
NAACP Santa Rosa - Sonoma

Margaret DeMatteo, Housing Policy Attorney
Legal Aid of Sonoma County

Caitlin Cornwall, Project Director
Sonoma Valley Collaborative

Caroline Peattie, Executive Director
Fair Housing Advocates of Northern California

Fred Allebach, Member
Sonoma Valley Housing Group

Jen Klose, Executive Director
Generation Housing

Victor Flores, Resilience Manager
Greenbelt Alliance

cc: HCD, housingelements@hcd.gov

Dear Commissioners,

I have read the various documents concerning the updated housing element. I'd like to bring forth three topics: the need for low/moderate family housing, the need for a very clear policy for short-term rentals, the need for a usage survey of existing ADUs.

The housing element is a guide for development to make sure that cities and regions have enough housing to meet demographic needs; key factors are no net loss of housing and filling gaps in housing types.

The City's Plan: ADUs instead of Housing Development

Instead of committing to building housing across housing types to meet the demand, the City has a strategy of using ADU credits - 60 in total to meet the RHNA goals.

This strategy adds small units to existing properties. These units are built without impact fees. These units are not appropriate for families as they are typically under 1200 feet.

There is a demonstrated need for low/moderate income family housing, which ADUs do not address.

ADUs do not require parking spots, which in a car dependent area are necessary. People who work in the trades, parents, people who commute for their work all need cars.

Build Low and Moderate Income Family Housing Instead of ADU Credits

City should make a commitment to building low/moderate income family housing.

1. The housing element documents point out a need for Low and Moderate Housing units. They also point to a need for family housing. I would encourage the Commission and the City of Sebastopol to look for and support projects that build Low and Moderate Family units instead of ADUs, which are not large enough for families;
2. I would encourage the City to revisit some of the affordable housing developers to see if there are any funds available to build 30 units of low/moderate family housing within City Limits instead of 30 ADUs;
3. Family housing should have 3-4 bedrooms to accommodate parents and children;
4. Family housing is crucial to the County and the City so that more young families can join our community and our schools;
5. Given current interest rates, there might be incentives for low-income housing developers which have alternative means of funding to pursue family housing projects within the City;
6. Sebastopol has many large infill sites currently owned by religious organizations, perhaps there could be some synergy between the religious organizations and the affordable housing developers;
7. If the City could mend its relationship with CVS, perhaps they would be willing to sell their stake in the Redwood MarketPlace so the entire site could be developed for mix-use use.

No Net Loss and The Need for Short-Term Rental Policies

Given the information in the various reports on the housing element, it appears that Sebastopol needs to immediately implement policies on short term rentals.

As the City is relying on 60 ADUs instead of 60 units within planned development to add additional housing, short-term rental policy needs to be developed and enforced to preserve housing stock, to limit the impact on vacation rentals in neighborhoods and to increase workforce and low/moderate income housing.

Most importantly, policy needs to be put into place so people develop ADUs with the intent of long-term rentals for the ADU, the primary residence or both. Given the current housing shortage, people should not develop ADUs with the intent of short-term rentals and should be made aware of why ADU development is encouraged, why they don't pay impact fees and why other zoning rules are more favorable toward ADUs; ADUs are part of a housing stock strategy.

There is one line in the ADU checklist which acknowledges short-term rental but it is weak and needs more reinforcement, "ADUs authorized after July 1, 2017 may not be rented on a transient occupancy basis (less than thirty-one (31) days), except with a Use Permit."

ADUs are problematic for several reasons:

1. There is no guarantee they will be rented and thus do not necessarily add to housing stock;
2. They can be used for short-term rental to boost homeowner's incomes instead of providing workforce housing;
3. They don't pay any of the traditional fees associated with development yet their tenants use infrastructure and other common resources;
4. They are not appropriate for families;
5. The setbacks are not as ample as would be required for other forms of development thus impacting neighbors, especially if the unit is used for a short-term rental, where occupants change regularly;
6. They are added into neighborhoods, which were not necessarily built for density. Thus more people are added to neighborhoods without consideration for noise, fire, emergency and parking.

The City should be trying to increase housing stock by design, which would accommodate for the density and the needs of density such as additional parking, noise, emergency services and impact fees.

Given the fact that the City is relying on 60 ADUs to meet its housing needs, it is crucial to enact a very clear and enforced policy regarding short-term rentals so that our neighborhoods do not become vacation zones and more importantly, that ADU development will provide long-term workforce housing.

Short term rental policy:

1. Hosted only, no unhosted rentals;
2. Only one short term unit per property;
3. No short-term rentals in apartment buildings, multi-family or complexes with more than 2 units on site;
4. A certain percentage of total housing units. Sebastopol has approximately 3600 units. My suggestion would be to allow .01% of the housing stock to be hosted vacation rentals, that would equal 36 units.

Lottery Procedure to Determine Short-Term Vacation Rental Permits:

1. Each qualifying address would be able to have a short term rental for 6 out of 15 years, limits intact through change of ownership;
2. Residents would enter a lottery and would have a rental permit for 3 years. At the expiration of their term, they could continue for another 3 years or release their spot. People who release their spot after 3 years could apply in a future lottery for another 3 years. People who did not use their full 3 year term would forfeit their remaining time on the 3 years (for instance if a person dropped out after 2 years, they would forfeit their final year);
3. At the end of the 6 year period, they would have to wait 9 years to apply again. If the house sold, the new owners would still be obligated to wait the entire 9 years before reapplying;
4. People who have currently permitted short-term rentals would be able continue operation until the lottery was decided. They could apply for a position in the lottery for a full six years. No penalty for currently running a short term rental if it is permitted.
5. People found to be running a non-permitted short-term rental would be exempt from applying to the lottery for 6 years.

Having a 3 year lottery process would reduce staff time as they would only be permitting for short-term rentals every three years. The rest of staff time could be geared for enforcement.

It is critical to preserve ADUs as housing stock and limit short term rentals otherwise the ADUs do not add to the housing stock:

1. We in a housing crisis and any liveable space should be rented to people who work in our community;
2. Neighborhoods are not designed for tourists, they are designed for residents who have are committed to their neighbors and their towns;
3. The housing element specifies no net loss in housing. If we give up housing to short term rentals, that should be counted as a loss of housing stock;
4. Short term rentals are, in effect, businesses. The goal of all housing policy is to build more housing stock for workers, not to increase profitability for homeowners, many of whom have Prop. 13 protection and are not paying current rates for infrastructure and City supported services;
5. We need to encourage the development of hotels to support tourists. Hotels are designed for tourists, they have parking, fire and noise requirements. They have contingencies in place for emergencies. They are located in walking distances to restaurants, shops and other downtown amenities.
6. If you imagine the compact footprint of 60 hotel rooms in one building versus 60 ADUs spread across neighborhoods (cars, noise, visitors), it's clear that hotel rooms are preferable to ADUs in terms of hosting tourists;
7. Hotel rooms do not need to be monitored by City Staff as they have regulatory procedures in place in terms of noise, fire, parking and emergency services;
8. If the City does not make short-term rental policy restrictive and clear with penalties, the 60 ADUs might become 60 hotel rooms spread throughout Sebastopol neighborhoods without any of the parking, noise, fire and emergency contingencies required for hotels and their development.

Survey Current ADU Owners

1. At this point, the City has many ADUs; it would be informative to survey current owners to see how the ADUs are used.
2. The City could send out a simple email survey to track the following information:
 1. If the unit is occupied or vacant;
 2. How the unit is being used:
 1. Owner occupied for home office, additional space;

2. Family member accommodations;
3. Owner lives in ADU and rents primary residence;
4. Short-term rental;
5. Long-term rental

This basic information would give the Commission and Planning department valuable data on how ADUs are currently being used and how they might work as housing in the future.

I hope moving into 2023 and with the updated Housing Element the Commission will pursue more low/moderate family housing and undertake a serious review of the short term rental policy and put into a place that preserves our housing stock for residents and our community members.

Best,
Kate Haug

Resources

Units Existing:

"The City had 3,606 households as of January 2022 (California Department of Finance [DOF] 2022). As of 2022, 72.2 percent were single-family units, which included 62.5 percent single-family detached units and 9.7 percent single-family attached units; 25.8 percent were multi-family dwelling units; and the remaining two percent were mobile homes (DOF 2022)."

Page 13

<https://www.ci.sebastopol.ca.us/getattachment/Meeting-Event/Planning-Commission/2022/Planning-Commission-Meeting-of-December-13th,-2022/Housing-Element-CEQA-Addendum.pdf.aspx>

ADU Accommodation and No Net Loss:

Accommodation of the RHNA Sebastopol's RHNA for the current (2023-2031) planning period is 213 units, consisting of 55 very low-income housing units, 31 low-income housing units, 35 moderate-income housing units, and 92 above moderate-income housing units. The City must demonstrate the availability of sites with appropriate zoning and development standards that can facilitate and encourage the development of such units. The Housing Element Update includes a housing plan that accommodates the RHNA plus a buffer of additional housing units as recommended by the HCD. The City has identified enough units through RHNA Credits (projected Accessory Dwelling Unit (ADU) development and pending, approved, or permitted projects) to meet the 6th Cycle RHNA for each category except for moderate-income. To identify enough sites for its moderate-income RHNA, and to provide an additional buffer of lower-income units to address No Net Loss requirements, the Housing Element includes an inventory of suitable sites for housing development. Table 3 shows the City's RHNA and capacity of Housing Opportunity Sites. Page 23

<https://www.ci.sebastopol.ca.us/getattachment/Meeting-Event/Planning-Commission/2022/Planning-Commission-Meeting-of-December-13th,-2022/Housing-Element-CEQA-Addendum.pdf.aspx>

60 New ADUs

ADUS Jurisdictions may count the potential for ADU development as credits towards their RHNA. Legislation in California has recently facilitated the increased permitting and production of ADUs in many communities, including Sebastopol. From 2018 to 2021, the City permitted an annual average of 7.5 ADUs, which has helped address many of the City's identified housing needs, including special needs housing. The City used conservative affordability assumptions to

ensure the distribution of affordability reflects local development trends. The distribution of affordability will be applied to the projection of 7.5 ADUs built annually, for a total of 60 units (15 units per income level) over the 8- year planning period credited towards Sebastopol's RHNA. <https://www.ci.sebastopol.ca.us/getattachment/Meeting-Event/Planning-Commission/2022/Planning-Commission-Meeting-of-December-13th,-2022/Housing-Element-CEQA-Addendum.pdf.aspx>

Need for Houses Large Enough for Families

"The lack of housing available and affordable for young families, combined with a naturally aging population base, has resulted in a nearly 30 percent decrease in the number of households with children (under age 18) since the peak in 2000. This reflects a local need for stable and affordable housing available to the aging population and young families." Page 14 <https://www.ci.sebastopol.ca.us/getattachment/Meeting-Event/Planning-Commission/2022/Planning-Commission-Meeting-of-December-13th,-2022/Sebastopol-Planning-Commission-Hearing-Draft-12-8-22.pdf.aspx>



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Kari Svanstrom

From: Kari Svanstrom
Sent: Thursday, December 01, 2022 4:35 PM
To: Calum Weeks
Cc: John Jay; Margaret DeMatteo; Kirstyne Lange
Subject: RE: HCD Housing Element letter
Attachments: HCD review letter _SebastopolDraft Housing Element_120122.pdf

Hi all,

Please see the attached letter of comments from HCD as requested.

This is also on our website should you like to share:

<https://www.ci.sebastopol.ca.us/City-Government/Departments-Services/Planning/Housing-Element>

Kari Svanstrom
Planning Director

From: Calum Weeks [REDACTED]
Sent: Wednesday, November 23, 2022 10:49 AM
To: Kari Svanstrom <ksvanstrom@cityofsebastopol.org>
Cc: John Jay <jjay@cityofsebastopol.org>; Margaret DeMatteo [REDACTED] Kirstyne Lange [REDACTED]
Subject: HCD Housing Element letter

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Thanks in advance for whatever information you can offer!

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Calum (Cal) Weeks | Policy Director

[\(he/him\)](#)

Generation Housing

GenerationHousing.org