

From: [Cordell Hindler](#)
To: [Comment](#)
Subject: Public Comments
Date: Tuesday, September 5, 2023 12:59:56 PM

*** EXTERNAL MESSAGE ***

Hello Mayor Murphy, Council Members and Staff,

I AM Submitting The Comments That I did speak Last Month:

1. The Council Is Invited to the Council Of Industries Shoreline Tour October 6th, 2023 1:00 PM Harbormaster's Building

RSVP by September 12th

2. My Concern Is That There Are Too Many Proclamations on one Agenda,

3. When MR Anthony Calls In To Share His Concerns, The Time Has elapsed Before He Can finish his remarks,

The Council Should Consider Letting the Speakers finish their Responses

Sincerely
Cordell

September 4, 2023

Lilly Whalen
Community Development Director
City of Pinole
2131 Pear Street
Pinole CA 94564

Re: Your September 1, 2023 email response to my August 24, 2023 email regarding Contra Costa Grand Jury Report #2306 "Affordable Housing".

Dear M(r)s. Lilly Whalen:

Thank you for responding to my August 24, 2023 email which raised various questions regarding the city of Pinole's 16 page Response to the Grand Jury's Report on Affordable Housing "a Plan Without a Home" (Report #2306). I have read your response carefully and will limit myself to several comments which are rather "time sensitive" since the city of Pinole's Response is due very soon. These points are as follows:

A. Page 222 of 8/15/2023 Pinole City Council Agenda Packet

Thank you for indicating that you are the sole author of the 16 page August 15, 2023 draft Response to Grand Jury Report #2306. Thank you for clarifying the fact that the language used by you on page 222 did not mean that "other Contra Costa County jurisdictions" actually collaborated in the city of Pinole's draft Response.

I note that "staff collaboration with other Contra Costa County jurisdictions....", as cited on page 222, actually refers to your use of "boiler plate" template language which is collectively shared with several other jurisdictions in Contra Costa County. Please note that my attempt to access this language was unsuccessful since it is password protected. Therefore I was unable to properly look/analyze the language that you selected for the city's draft Response. This is important to me since about ½ of the city Response is "boiler plate language and the other ½ of the language was especially drafted by you.

B. Time critical response to Grand Jury Report #2306

I note that the city of Pinole received Grand Jury Report #2306 on or about June 16, 2023 and that the city of Pinole needed to provide a response to it no later than September 13, 2023. Since a response to the Grand Jury Report is time sensitive, I need to know when city staff started and finished the draft letter.

I note that this draft letter was placed upon the "consent calendar" for the August 15, 2023 city council meeting. Past city practice indicates to me that our city council/general public did not have access to the report until the Thursday/Friday prior the Tuesday August 15, 2023 city council meeting. Digesting the 16 page report and all other items that it relates to is a daunting/impossible task to accomplish prior to the August 15, 2023 city council meeting. I note

that Staff recommended that city council adopt the draft Response subject to any subsequent modifications deemed necessary.

On August 15, 2023, prior the city council meeting, I sent the mayor and each city council member a brief email. I asked them whether they had read the Grand Jury Report and the city of Pinole's Response. Their answers were not consistent. Later that evening, consent calendar item 9e was discretely tabled until the September 5, 2023 city council meeting for further action (See this Tuesday's Consent calendar item # 9f). Hopefully, the city council now has adequate time to digest and comment on the Grand Jury Report and the city of Pinole's Response.

C. Grand Jury letter dated June 16, 2023 to Pinole City Council

I note that the June 16, 2023 Grand Jury report was collectively addressed to the Pinole city council members. I note that the city of Pinole's draft Response is signed only by the mayor. It seems intuitive to me that the response should be signed by each member our city council or state that each member agrees/disagrees with the entire content the city of Pinole's Response letter.

Please note that the city of Pinole's draft Response letter collectively implies that the entire city council is in accordance with each and every response item. Since this matter has not come before the city council for discussion, I am leery to believe that each and every city council member will be in accordance with all of the answers cited in the city of Pinole's Response letter. Any substantive differences with the city's Response should be reflected in a numeric tally of each individual city council members.

D. Staff Time

Thank you for giving me an 8 hour time estimate for the preparation of the city Response to the Grand Jury Report. Was this billed at your hourly rate or another staff member's hourly rate. You indicate that this report took only 8 hours to prepare. Could the city's Response to the Grand Jury Report have been released to the city council and the public at an earlier date so that city council/general public could have adequate time to review and understand it?

Sincerely,


David O. Rupert Jr.


Cc: mayor, city council, planning commission, city manager, city attorney, city planner, city clerk
***** please have city planner distribute this letter to each planning commissioner

From: [Heather Bell](#)
To: [Lilly Whalen](#)
Cc: [Roxane Stone](#)
Subject: RE: Your 9/1/2023 email re: Grand Jury Report
Date: Tuesday, September 5, 2023 12:19:20 PM

Please add to the written correspondence for tonight. Thank you.

From: Lilly Whalen <lwhalen@ci.pinoles.ca.us>
Sent: Tuesday, September 5, 2023 11:31 AM
To: Irma Ruport <abogado10@aol.com>
Cc: Devin Murphy <DMurphy@ci.pinoles.ca.us>; Cameron Sasai <csasai@ci.pinoles.ca.us>; Anthony Tave <atave@ci.pinoles.ca.us>; Maureen Toms <MToms@ci.pinoles.ca.us>; Norma Martinez-Rubin <NMartinez-Rubin@ci.pinoles.ca.us>; Andrew Murray <AMurray@ci.pinoles.ca.us>; Eric Casher <ecasher@meyersnave.com>; Heather Bell <hbell@ci.pinoles.ca.us>; David Hanham <dhanham@ci.pinoles.ca.us>
Subject: RE: Your 9/1/2023 email re: Grand Jury Report

Dear Mr. Ruport,

Good morning. Apologies for the brevity in my response. Please see below answers to questions you asked in your letter sent this morning, Sept 5. I've copied Mayor and Council on this response and will ask Planning Manager Hanham to forward this response and your letter to the Planning Commission.

A. The template language from the Planning Collaborative was provided in a Word document in the email attached. It should be accessible to you (please let me know if it is not). The Planning Collaborative webpage for Contra Costa County is password protected.

B. All Contra Costa Jurisdictions received the template response in the afternoon on 7/31/23. Staff began to work on the draft response and staff report on 8/1/23 and completed the work by 8/4/23. Internal staff review began 8/7 prior to the 8/10 packet publication date.

C. No question asked.

D. Most of the 8 hours account for Director Whalen's time. The City Manager and City Attorney's office also reviewed the report during the internal review. See response to B.

Many thanks,

<< Message: RE: Item #9E. Grand Jury Report #2306 Affordable Housing on Tuesday 8/15/23 council agenda >>

Lilly Whalen

Community Development Director

Community Development Department

2131 Pear Street, Pinole, CA 94564

lwhalen@ci.pinole.ca.us

(510) 724 - 9832

-----Original Message-----

From: abogado10@aol.com <abogado10@aol.com>

Sent: Tuesday, September 5, 2023 9:49 AM

To: Lilly Whalen <lwhalen@ci.pinole.ca.us>

Cc: Devin Murphy <DMurphy@ci.pinole.ca.us>; Cameron Sasai <csasai@ci.pinole.ca.us>; Anthony Tave <atave@ci.pinole.ca.us>; Maureen Toms <MToms@ci.pinole.ca.us>; Norma Martinez-Rubin <NMartinez-Rubin@ci.pinole.ca.us>; Andrew Murray <AMurray@ci.pinole.ca.us>; Eric Casher <ecasher@meyersnave.com>; Heather Bell <hbell@ci.pinole.ca.us>; David Hanham <dhanham@ci.pinole.ca.us>

Subject: Your 9/1/2023 email re: Grand Jury Report

*** EXTERNAL MESSAGE ***

Dear Lilly Whalen:


Please see attached letter which is a response to your 9/1/2023 email.

***** David Hanham, please send copies of letter to individual planning commissioners

***** Heather Bell, please place copy of letter in city records for public view.

***** Please acknowledge receipt of email and letter

David O. Rupert

 << Message: RE: Item #9E. Grand Jury Report #2306 Affordable Housing on Tuesday 8/15/23 council agenda >>

Sample Text for Cover Letter

Thank you for your letter and the accompanying Grand Jury Report No. 2306, Affordable Housing, in which you highlighted several findings that align with the prevailing trends and challenges in our jurisdiction. As part of our review process, we carefully considered your concerns, and we acknowledge that some findings may lack context. As you highlighted in your letter and report, one significant challenge is the lack of funding for affordable housing initiatives. Additionally, even when funding is available, the competition for these dollars often discourages developers from pursuing projects with a lower probability of receiving funding. However essential it is to emphasize that local jurisdictions play a pivotal role in fostering housing development, including affordable housing options, development activity will often follow the path of least resistance.

Your letter and report indicate that all findings and recommendations uniformly apply to Contra Costa County and the 19 incorporated towns/cities. We recognize the challenges, and associated solutions, for Contra Costa County are different, based on geography/location, demographics, market conditions, land availability and associated costs, and land use/transportation options. Individual jurisdictions may also face unique constraints, especially environmental constraints, which may compromise a jurisdiction's ability to address housing needs.

[Jurisdictions may want to tailor for your jurisdiction or subregion (West County, East County), BART stations, coast, environmental, transportation, legacy development patterns, Delta, socioeconomics, disparities, and distance from core urban areas and associated public resources].

Finally, among the key points from our review and your findings, unfunded mandates from the State that add to the administrative burden continue to impact local jurisdictions and their ability to take proactive steps to increasing housing production. On January 1, 2023, additional housing laws went into effect, including changes to the State Density Bonus law and the Accessory Dwelling Unit (ADU) law. On July 1, 2023, two additional laws came into effect, requiring local jurisdiction staff to create handouts and checklists and re-prioritize workloads to process housing applications on commercial corridors. Before January 1, 2024, local building and public works departments need to develop specific submittal requirements for post-entitlement permit applications, and all such applications, such as building and grading permits, will be subject to a "shot clock" to review and approve permits. The expectations and costs to local jurisdictions and their staff are significant and, without adequate funding and resources, impact local jurisdictions' ability to focus their resources on implementation.

The key points from our review and partially your findings are as follows:

- **Lack of Funding:** The shortage of funding poses a significant obstacle to the development of affordable housing projects in our jurisdiction. This scarcity hampers the progress of initiatives aimed at addressing the housing needs of our community.

- **Competition for Funding:** When funding becomes available, developers often face stiff competition. This intense competition can lead developers to focus only on projects that have a higher likelihood of receiving funding, potentially leaving out projects that may cater to specific, underserved demographics.
- **Jurisdictions' Role in Housing Development:** Local jurisdictions do not directly produce housing. However, they play a crucial role in creating an environment that encourages housing development, including affordable housing options. The Housing Element and Housing Plan of each jurisdiction serve as essential frameworks for addressing housing concerns.
- **Tools and Collaborative Efforts:** To proactively address the housing needs of our community, jurisdictions utilize various tools provided by the State and local government. This includes setting goals, policies, and actions in their Housing Element and Housing Plan. Collaborative efforts involving developers, community organizations, and other stakeholders are crucial in achieving sustainable and inclusive housing solutions.

The housing crisis has become a pressing concern in our jurisdiction and beyond, with far-reaching implications for individuals and communities. Escalating housing costs, coupled with stagnant wages and limited housing supply, have led to an increasing number of individuals and families struggling to secure decent and affordable housing.

The lack of accessible housing options has particularly impacted vulnerable populations, including low-income households, seniors, disabled, and individuals experiencing homelessness. As local jurisdictions endeavor to tackle this crisis, they are confronted with the daunting challenge of vying for limited resources and funding. The competition among jurisdictions with diverse capacities and needs often accentuates the difficulty of implementing comprehensive and equitable housing solutions.

Your letter has shed some light on critical aspects of the housing crisis we face today and affirmed that we are not alone as a jurisdiction in facing these challenges. Despite potential areas of partial disagreement, we acknowledge the factual basis of your findings and recognize the interconnectedness of the underlying conditions that have given rise to the current challenges.

By working collaboratively and understanding the broader context of the housing crisis, we strive to develop more effective strategies and policies to address this pressing issue and create a more inclusive and sustainable housing landscape for all members of our community.

Findings

All the jurisdictions addressed by the grand jury letter were asked to address Findings F1-F13 with a choice of the following three statements:

- (1) You agree with the finding.
- (2) You disagree with the finding.
- (3) You partially disagree with the finding.

The default response of **"Partially Disagree"** to the findings is appropriate because the statements presented contain a mix of accurate and inaccurate information or present complex issues that a simple agreement or disagreement may not fully capture. **"Partially Disagree"** acknowledges that while certain aspects of the statements may be valid, there are nuances or additional factors to consider that may influence the overall assessment. It allows for a more nuanced and balanced approach when evaluating the statements, taking into account the varying circumstances and perspectives that can affect the validity of each claim. There may be instances where jurisdictions might be compelled to take a more definitive stance and fully **"Disagree"** with the finding. In those cases, a more definitive response statement is provided.

However, for Findings F9-F10, there seems to be no compelling strategy to Disagree or Partially Disagree.

Grand Jury Findings

F1. Within existing city or County infrastructure, there is no clear owner who is responsible for achieving RHNA permitting targets.

Agree.

Disagree. Within existing city or County infrastructure, there is a clear owner who is responsible for achieving RHNA permitting targets. City and County authorities have established designated departments and officials with specific responsibilities for overseeing the implementation of the Housing Element commitments and facilitating the permitting process to meet RHNA targets. These entities are actively engaged in coordinating with developers, community stakeholders, and relevant agencies to ensure the efficient processing of permits and approvals. They are also responsible for implementing policies and measures to streamline the permitting process and address any challenges that may arise. While the process may involve multiple stakeholders, the existence of designated owners within the infrastructure ensures accountability and a structured approach towards achieving RHNA permitting targets. State Housing Law only requires that jurisdictions plan to address barriers to development, accommodate all types of housing based on the RHNA allocations, and report their progress towards RHNA. The Community Development/Planning Department is responsible for preparing the Annual Progress Report (APR) as required by State Housing Law. These reports are presented before the City Council/Board of Supervisors early in the calendar year, prior to

submission to HCD. Furthermore, each jurisdiction's Housing Element identifies the department responsible for carrying out the Housing Element's Plans and Programs.

Partially Disagree. We partially disagree with Finding 1 because while a single entity is responsible for reporting on RHNA permitting targets, jurisdictions do not develop housing projects. State Housing Law only requires that jurisdictions plan to address barriers to development, accommodate all types of housing based on the RHNA allocations, and report their progress towards RHNA. The Community Development/Planning Department is responsible for preparing the Annual Progress Report (APR) as required by State Housing Law. These reports are presented before the City Council early in the calendar year, prior to submission to HCD. Furthermore, each jurisdiction's Housing Element identifies the department responsible for carrying out the Housing Element's Plans and Programs.

F2. City and County officials see no direct path to meet state-mandated regional housing (RHNA) targets

Agree.

Disagree. We disagree with Finding 2 because there are multiple paths to meet the state-mandated regional housing needs allocation RHNA targets. First, at a policy level, cities and the County must identify adequate sites to meet the RHNA targets through their Housing Elements. In addition, Housing Elements include strategies and programs to encourage housing development in accordance with State Law. The State will not certify a Housing Element that does not accommodate RHNA targets. Second, at an implementation or production level, cities and the County create pathways for others to construct housing. Cities and the County primarily rely on applicants and the development community, including affordable housing developers, to propose and construct units.

Partially Disagree. We partially disagree with Finding 2 because while City and County officials recognize the challenges ahead, our Housing Element identifies a clear path to accommodate the RHNA targets and we are actively exploring and implementing strategies to work towards meeting state-mandated regional housing (RHNA) targets. Despite acknowledging the complexity of the task, officials are committed to finding viable solutions and collaborating with stakeholders to address the housing needs of the region. Through ongoing assessments and adaptive planning, they aim to identify feasible pathways to make progress toward meeting RHNA targets. While it may be a challenging endeavor, the dedication and proactive approach of City and County officials demonstrate their commitment to addressing the housing crisis and fulfilling their obligations in accordance with state mandates. However, the cities and County are not housing developers and do not construct the units.

F3. There are currently no measurable penalties if a city or a County does not achieve RHNA targets in an approved housing element plan.

Agree.

Disagree. [No language is suggested here because the recommended response is Partially Disagree.]

Partially Disagree. We partially disagree with Finding 3 because while there are no legal or financial penalties if the cities and County do not achieve their RHNA targets, there are penalties for not accommodating RHNA in a Housing Element and the consequences for not issuing adequate permits can be considered punitive.

In addition, jurisdictions are subject to penalties if they do not adopt a Housing Element that is certified by the State, including designating adequate sites to accommodate the RHNA targets. For example, cities and the County may be subject to litigation from individuals, housing rights' organizations, developers, and/or HCD. Depending on court decisions, local control may further diminish, beyond that prescribed in State law, including, for example, suspending the cities' or County's authority to issue building permits or approve certain land use permits. Cities and the County may also be subject to court-issued fines, court receivership, and streamlined approval processes that remove local discretion.

Regardless of the reasons for lack of building permit activities, if the cities or County do not issue building permits that meet the RHNA targets, developers may choose to use a ministerial process for housing projects that meet specified criteria (SB 35). In addition, a developer could choose to construct housing on sites that the cities or County have not designated for housing.

F4. Data published by ABAG shows that Contra Costa County and most of its cities have missed their current RHNA targets for very low- and low-income housing allocations. The allocation requirements continue to increase (16x for very low-income and 4x for low-income residents).

Agree.

Disagree. Data published by ABAG does not indicate that Contra Costa County and most of its cities have missed their current RHNA targets for very low- and low-income housing allocations. On the contrary, the data reveals that significant progress has been made in meeting these targets. While there might be challenges in certain areas, the overall efforts of Contra Costa County and its cities have resulted in considerable achievements towards fulfilling their RHNA requirements for very low- and low-income housing allocations. Additionally, the statement's claim about the allocation requirements increasing 16x for very low-income and 4x for low-income residents is not supported by the data, as the increases have been more moderate and in line with the region's housing needs and demographic trends.

Partially Disagree. It is true that many cities and the County as a whole missed their RHNA targets for very low and low-income housing, and that RHNA Allocation for very low- and low-income housing has continued to increase. However, the increase in RHNA allocation is not to the extent mentioned in this report. RHNA numbers from the past 3 cycles indicate that the current (6th) cycle has had the largest increase of 2.5x from the previous cycle in very low- and low-income housing requirements.

Cycle	Very Low	% permitted	Low	% permitted	Source
1999 - 2006	6,481	44%	3,741	48%	link
2007 - 2014	6,512	21%	4,325	24%	link
2015 - 2020	5,264	16%	3,086	55%	link
2023 - 2031	13,346	n/a	7,685	n/a	link

F5. Many obstacles hinder the development of AH at the local level, specifically for very low and low-income housing, including:

- Limited availability of land;
- Restrictive zoning policies specific to AH development;
- Limited developer interest to bring projects forward;
- Limited available funding;
- Lack of community support;
- NIMBY opposition & city council response to NIMBY opposition.

Agree.

Disagree. [No language is suggested here because the recommended response is Partially Disagree.]

Partially Disagree. Though the above list of obstacles can hinder the development of affordable housing, the City has addressed each item in their Housing Element programs, policies, and actions to the extent feasible and considered acceptable to HCD.

[Refer to C4 Spreadsheet; jurisdictions, please provide local context to address item F].

F6. Zoning changes are generally addressed only when a project is presented for development. Zoning obstacles include:

- Housing element plans that offer poor land choices for AH development;
- Restrictive height and high-density zoning policies;
- Lack of inclusionary housing ordinance(s) in many cities.

Agree.

Disagree. [No language is suggested here because the recommended response is Partially Disagree.]

Partially Disagree. AB 1397 set forth strict criteria for adequate sites. These criteria are somewhat arbitrary (e.g., not smaller than 0.5 acre and not larger than 10 acres). The requirement to demonstrate substantial evidence that existing uses do not impede redevelopment also tends to steer sites selection to neighborhoods with declining uses and lower and moderate resource areas.

Most jurisdictions consider amending/changing the zoning while reviewing their Housing Element and/or updating the General Plan, not just when a project is proposed for development.

1. Pursuant to Government Code Section 65583.2(b), Housing Element sites must include information on the number of dwelling units that a site can realistically accommodate, the RHNA income category the parcel is anticipated to accommodate, whether the parcel has available or planned and accessible infrastructure, and the existing use of the site, amongst other details. When selecting sites to accommodate the lower income RHNA, HCD provides jurisdictions with best practices to consider factors such as:
 - (1) Proximity to transit
 - (2) Access to high performing schools and jobs
 - (3) Access to amenities, such as parks and services
 - (4) Access to health care facilities and grocery stores
 - (5) Locational scoring criteria for Low-Income Housing Tax Credit (TCAC) Program funding
 - (6) Proximity to available infrastructure and utilities
 - (7) Sites that do not require environmental mitigation
 - (8) Presence of development streamlining processes, environmental exemptions, and other development incentives.

However, sites that meet these locational criteria do not always meet the other existing use criteria needed to demonstrate substantial evidence for existing uses to discontinue within the planning period. These include high vacancies, deteriorating conditions, marginally operating businesses, underutilization of sites, etc. These conditions are often directly contrary to access to high performing schools and jobs, amenities, adequate infrastructure, and clear of environmental hazards.

In addition to the above requirements and pursuant to AB 686 (Government Code Section 65583(c)(10)), Housing Elements due on or after January 1, 2021, sites must be identified throughout the community in a manner that affirmatively furthers fair housing (AFFH). AFFH means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.

Very often the approach to sites selection is to target declining areas for redevelopment. Without tax increment financing as a reinvestment tool, jurisdictions must rely on private investments as catalyst to induce redevelopment in declining neighborhoods. Housing is the best catalyst. For jurisdictions that take a neighborhood revitalization approach to accommodating the RHNA, place-based strategies that focus on public improvements, economic development, prioritization of funding, and targeted outreach are used to complement the sites inventory strategies.

As such, Housing Element plans provide an inventory of land that addresses the unique conditions of each jurisdiction.

2. According to State Density Bonus Law (SDBL), local agencies are required to allow increased density, reduced standards, and development incentives based on the number and type of affordable housing units proposed in a project. The SDBL applies to housing projects, including mixed-use developments, new subdivisions, or common-interest development. Developers may request incentives and concessions from the jurisdiction's regulatory or development standards that result in actual and identifiable cost reductions to provide for affordable housing costs or rents. The number of required incentives is based on the percentage of affordable units provided in the qualifying project. For example, developers may ask for increased height above that allowed by the zoning regulations. As such, height and density do not represent a restriction to development. Furthermore, many sites are located in transit-oriented neighborhoods where recent State laws have preempted restrictions on height and density.
3. 15 jurisdictions in Contra Costa County have implemented inclusionary housing ordinances.
 - (1) City x has inclusionary housing ordinance: Jurisdictions, include information on date adopted and any related Housing Element programs to provide a comprehensive and tailored response.
 - (2) Martinez, Oakley, Orinda, and Pinole do not have inclusionary housing ordinances: Jurisdictions, include information on whether there are plans to adopt an inclusionary housing ordinance or provide other local context.
 - (3) Hercules has suspended their inclusionary housing ordinance and inclusionary housing is negotiated on a case-by-case basis. Jurisdictions may consider providing information on whether the inclusionary housing ordinance will be reinstated in the near future. If not, include a brief explanation.

F7. Penalties directed at cities and the County (financial, loss of control over local planning) are tied to not meeting state deadlines for Housing Element plan approval.

Agree.

Disagree. [No language is suggested here because the recommended response is Partially Disagree.]

Partially Disagree. We agree that there are penalties that are directly related to not meeting statutory deadline of the Housing Element. Builder's Remedy, where individuals may apply for a building permit on land that is not designated for housing, is one such penalty that is directly linked to meeting state deadlines for Housing Elements.

We partially disagree with Finding 7 because there are other penalties that are not directly tied to the statutory deadline. There are penalties associated with lawsuits, which are rarely brought forward for simply missing the statutory deadline, but more due to a perception of continued inactions. Penalties also include eligibility for funding.

As stated in the response to Finding 3, cities and the County may be subject to litigation from individuals, housing rights' organizations, developers, and/or HCD. Depending on court decisions, the cities and the County may lose additional local control, such as suspension of authority to issue building permits or approve certain land use permits; and/or cities and the County may be subject to court-issued fines, court receivership, and streamlined approval processes that remove local discretion.

In addition, depending on specific programs, eligibility for some state funds requires a certified Housing Element (such as PLHA and State HOME funds). Finally, loss of local control is not limited to jurisdictions that do not meet specified timeframes for a certified housing element. For example, SB 35, the Housing Accountability Act, the No Net Loss Act, Density Bonus Law, and AB 2011/SB 6 specify what types of projects local jurisdictions must approve and where such projects must be approved, regardless of whether jurisdictions meet state deadlines for Housing Elements.

Link to information on HCD's accountability efforts and enforcement authority:

<https://www.hcd.ca.gov/planning-and-community-development/accountability-and-enforcement>

F8. Builder's Remedy and SB35 projects do not address ingrained local obstacles identified in this report that prevent the completion of approved AH projects.

Agree.

Disagree. Builder's remedy and SB35 are not intended to address local obstacles. Instead, they are intended to provide a streamlined development process for jurisdictions that have fallen out of compliance with State Housing Law (Builder's Remedy) or where housing production does not meet the RHNA targets (SB35). The Housing Element and its associated programs are intended to address potential local constraints to housing development. Builder's Remedy also does not guarantee a good housing project; it simply expedites the review process to eliminate local discretion.

[Jurisdictions, consider including some examples of HE programs here].

A variety of factors, such as market conditions, capital costs, financing, supply chain disruptions, and labor market conditions, may affect the construction and completion of approved affordable housing projects. These factors are rarely associated with local obstacles and are beyond a jurisdiction's purview.

[Jurisdictions, consider inserting the number of approved affordable housing projects that were not constructed and include reasons (e.g., lack of financing; numbers don't work; need to extend utilities; cost of land relative to infrastructure costs).]

Partially Disagree. While Builder's Remedy and SB35 projects are valuable tools that can expedite affordable housing development, they may not comprehensively address all the ingrained local obstacles identified in this report that hinder the completion of approved AH projects. The effectiveness of these streamlined processes can vary from jurisdiction to

jurisdiction, and while they can help overcome certain barriers like restrictive zoning policies and prolonged approval timelines, other challenges mentioned in the report, such as limited available funding, community support, and NIMBY opposition, may continue to persist in diverse degrees in different locations. To achieve the successful completion of approved AH projects and effectively address these obstacles, a multifaceted and jurisdiction-specific approach is required, taking into account the unique circumstances and complexities faced by each locality.

F9. When local Redevelopment Agencies (RDA's) were discontinued by the state in 2012, the County and cities, did not address the loss of funding for affordable housing or find alternative funding to support affordable housing projects until voters passed Measure X in November 2020. Projects that target very low- and low-income residents were particularly impacted.

Agree.

Disagree. [No language is suggested here because the recommended response is Partially Disagree.]

Partially Disagree. While the County and cities did not create or find new sources of funds for affordable housing after the State discontinued 452 RDAs, State law limits local jurisdictions' ability to create new funding sources. Voters need to approve virtually all new funding or financing mechanisms to generate the revenues or funds needed to preserve existing affordable housing and construct or finance new affordable housing. The Board of Supervisors and Town/City Councils cannot, for example, float bonds any longer without voter approval.

While Measure X, the countywide 20-year ½ cent sales tax was approved in November 2020, Measure X is projected to provide up to \$12 million annually for “housing and related services” for the entire County (emphasis added). Measure X Affordable Housing funds will be distributed through a Notice of Funding Availability (NOFA) process, a competitive process.

Other attempts to address the lack of funding for housing are:

- Inclusionary Housing – XX cities adopted inclusionary housing after 2012 as a way to generate affordable housing and in-lieu fees for affordable housing.
- Linkage Fee – XX cities adopted commercial/industrial linkage fees
- Housing Trust fund – XX cities adopted local housing trust fund or contribute to a regional housing trust fund (if there is one). Sources of local housing trust funds include: [jurisdictions to add jurisdiction-specific information]

F10. Measure X housing funds are not fully dedicated to building AH for very low- and low-income residents.

Agree.

[Agree is the recommended response.]

F11. Local funding provided by bonds like Measure X Housing Fund is a critical component of a developer's overall ability to raise funds for an AH development.

Agree.

Disagree. While local funding provided by bonds like Measure X Housing Fund in Contra Costa County can be a beneficial component, it is not a critical factor in a developer's overall ability to raise funds for an affordable housing (AH) development. Developers often require multiple sources of funding, or “stacking” strategies available to them, including federal and state grants, tax credits, private investments, and partnerships with nonprofit organizations. While local funding can certainly enhance a project's financial viability and facilitate its development, affordable housing projects cannot move forward successfully without a combination of various funding sources and partnerships that fill the funding gap between market rate and affordable housing feasibility. The critical aspect lies in the ability of developers to strategically leverage and combine these funding options to meet the financial requirements of the project and ensure its feasibility.

Partially Disagree. Bond funding requires voters' approval. Depending on the timing (economic conditions and bond measures for other competing interests), bond financing has not been the most significant source of affordable housing financing. While local funding provided by bonds like Measure X Housing Fund in Contra Costa County are a beneficial component to help fund affordable housing construction, the amount of funding available from Measure X is not high enough to be a critical factor in a developer's overall ability to raise funds for an affordable housing (AH) development. Under the Measure X Program Allocation Summary, only \$10 million dollars (about 13% of FY 2022-23 funding and about 4.5% of total funding) were allocated to a Local Housing Trust Fund; for FY 2023-24, \$12 million dollars were allocated. The Measure X Housing Funds are to be dispersed by the Department of Conservation and Development (DCD) and the Health Services' Health, Housing and Homeless (HSD-H3) Services and the Housing Authority of the County of Contra Costa. While a contributing factor, Measure X dollars allocated to housing production is not critical to the overall ability of the jurisdictions to meet their RHNA requirements for affordable housing.

F12. Cities that proactively engage citizens, address zoning obstacles, make reasonable zoning concessions, work collaboratively with developers, provide local funding support, and are united in addressing NIMBY opposition, have been successful in attracting AH projects.

Agree.

Disagree. The City of X actively engages with its community and citizens through (local programs and efforts e.g., weekly newsletter, community meetings, public outreach, surveys, etc.), addresses zoning obstacles through their Housing Element programs and provides zoning concessions and incentives for affordable housing development projects, as required by State Law. The City also works collaboratively with developers through (local programs and efforts e.g., developers roundtable, predevelopment meetings, funding opportunities etc.), and encourages developer outreach efforts to address community and neighborhood concerns, including any NIMBY oppositions throughout the lifetime of the development process. These proactive steps alone are not enough to successfully attract affordable housing projects. Additional factors that curb interest in affordable housing projects include, though are not limited

to, land availability and costs, lacking or inadequate infrastructure, environmental constraints, gaps in funding or financing, supply chain and material/labor costs, and reluctant or unwilling landowners.

Partially Disagree. City **x** agrees that proactive strategies can help attract affordable housing developers and mitigate the barriers to housing production; however, proactive strategies alone do not result in affordable housing projects being constructed. For example, while City **X** engages in all of the above, a variety of other obstacles towards affordable housing development exist beyond a local jurisdiction's control. This includes the gap in financing between constructing market-rate versus affordable housing, land costs, the land-to-building ratio when a property contains an underutilized building, the cost to upgrade or renovate an existing nonresidential building to accommodate housing, infrastructure costs (on- and off-site), fees for public utilities (particularly for non-municipal utilities), etc.

F13. The latest RHNA targets for cities and unincorporated Contra Costa County show a significant increase in the number of units that are expected to be permitted for very low and low-income housing.

Agree.

Disagree. [No language is suggested here because the recommended response is Partially Disagree.]

Partially Disagree. It is true that RHNA Allocation for very low- and low-income housing has continued to increase. However, the increase in RHNA allocation is not to the extent mentioned in this report. RHNA numbers from the past 3 cycles indicate that the current (6th) cycle has had the largest increase of 2.5x from the previous cycle in very low- and low-income housing requirements. Please see the response to Finding 4 for detailed RHNA numbers from previous Housing Element cycles.

Recommendations

All the jurisdictions, except Contra Costa County, addressed by the grand jury were asked to address Recommendation R1-R10 with a choice of the following four statements to choose as responses:

- 1. The recommendation has been implemented, with a summary describing the implemented action.*
- 2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.*
- 3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.*
- 4. The recommendation will not be implemented.*

Each jurisdiction's response will vary depending on the response selected and the information contained in their respective Housing Element. However, the overall goal is to indicate that the "recommendation has been implemented".

As a guide, here is a proposed approach on how your individual responses can be designed.

1. The recommendation has been implemented:

- Provide a concise summary of the actions taken to address the recommendation.
- Include relevant details about the implementation process and outcomes achieved.

2. The recommendation has not yet been implemented but will be implemented in the future:

- Clearly state the intention to implement the recommendation.
- Specify a definitive time frame for the planned implementation.
- If possible, mention any preliminary steps already taken in preparation for implementation.

3. The recommendation requires further analysis:

- Clearly communicate that further analysis is necessary.
- Describe the scope and parameters of the analysis or study required to assess the recommendation thoroughly.

- Provide a time frame for when the analysis or study will be completed and the matter prepared for discussion. Ensure the time frame does not exceed six months from the date of the Grand Jury Report's publication.

4. *The recommendation will not be implemented:*

- Clearly explain the reasons why the recommendation will not be pursued.
- Provide evidence or supporting details to substantiate the decision.
- If relevant, suggest alternative approaches or strategies that might be considered instead.

C4 has reviewed each jurisdiction's Housing Element and attempted to provide additional language that can be incorporated into a response.

Grand Jury Recommendations

R1. Each city and the County should consider assigning a staff position with clear leadership, ownership and accountability to achieve allocated RHNA targets. The individual in this position would be responsible for establishing and promoting an operational plan to achieve the RHNA goals set forth in the housing element plan.

The recommendation has been implemented. California's Housing Element Law acknowledges that, in order for the private market to adequately address the housing needs and demands of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development. Cities and Counties are not responsible for the development and construction of housing to achieve the allocated RHNA targets. Instead, they are responsible for the effective implementation of their housing elements and associated programs to address any existing constraints to housing and for tracking and reporting the jurisdiction's progress toward achieving their RHNA. The Community Development/Planning Department is assigned with the responsibility of the above tasks.

Jurisdictions with Housing Divisions

Brentwood, Concord, Contra Costa County, El Cerrito, Pittsburg, Richmond, Walnut Creek currently have a housing division.

These jurisdictions may provide information on the distinguishing responsibilities of the housing division and how it complements the Community Development Division as a whole. Sample language:

- Housing Division focuses on housing-related matters, providing safe, affordable housing options. Pursue funding....

- Community Development Division aims to improve overall quality of life for residents through various initiatives.
- Collaboration between divisions enhances community development strategies.
- Housing Division provides data on housing trends and affordability, while Community Development Division supports affordable housing initiatives.
- Joint efforts identify areas needing housing rehabilitation and promote inclusive neighborhoods.
- Both divisions integrate housing elements into broader community development plans.
- Cooperation seeks funding opportunities and engages community stakeholders.
- Together, they implement affordable housing programs and enhance public infrastructure and services.
- Collaboration aids in crisis response and long-term community recovery efforts.

R2. Each city and the County should report AH progress and lack of progress using data across all four measured income groups. Special attention should be paid to tracking the housing needs of residents categorized as very low- and low-income. Cities and the County should communicate their progress biannually, against RHNA targets at council and supervisor Meetings.

The recommendation has been implemented. State Law (§65400) requires each jurisdiction (city council or board of supervisors) to prepare an annual progress report (APR) on the jurisdiction's status and progress in implementing its housing element (HE) using forms and definitions adopted by the California Department of Housing and Community Development (HCD).

The HE APR allows HCD to track the progress of the implementation of a jurisdiction's Housing Element and requires its submission as a threshold requirement for several State housing funding programs ([source](#)).

Through the forms and tables provided by HCD ([link](#)), jurisdictions must report annual data on housing in the APR, including the following:

- Housing development applications received (including proposed number of units, types of tenancy, and affordability levels)
- Building/construction activity
- Progress towards the RHNA
- Sites identified or rezoned to accommodate a shortfall in housing need
- Program implementation status
- Local efforts to remove governmental constraints to the development of housing
- Projects with a commercial development bonus
- Units rehabilitated or preserved
- Locally owned lands included in the sites inventory that have been sold
- Locally owned surplus sites

Government Code §65400 requires the planning agency to provide this report to the legislative body (i.e., local Council or Board), HCD, and OPR by April 1 of each year (covering the previous calendar year). APRs must be presented to the local legislative body for its review and acceptance, usually as a consent or discussion on a regular meeting agenda.

The statute does not specify in which order they be provided, and HCD does not require the report to be submitted to the legislative body prior to submitting it to HCD. However, HCD recommends that planning departments provide the report to the local legislative body prior to sending it to HCD and OPR ([source](#)). Biannual reporting would divert staff time from other housing programs.

R3. Each city and the County should consider creating a dedicated AH commission comprised of a multi-disciplinary team of diverse citizens and led by a current, nonelected, city expert in planning. Each commission would be charged with providing a community voice in the process and helping to identify and address obstacles that hinder the development of affordable housing projects in their community.

The recommendation will not be implemented.

We appreciate the thoughtful recommendation to create a dedicated Affordable Housing (AH) commission comprised of a multi-disciplinary team of diverse citizens, led by a current, non-elected, city expert in planning. While we acknowledge the potential benefits of such a commission, after careful consideration, we have decided not to pursue its implementation due to the following reasons:

Existing Planning Mechanisms: Our city and County already have established planning mechanisms and committees responsible for addressing affordable housing issues. These existing structures provide platforms for community engagement and collaboration, making the formation of a separate commission redundant and potentially duplicative of efforts.

Resource Constraints: Establishing and maintaining a dedicated AH commission would require additional financial and administrative resources. At present, our city and County are already allocating resources to multiple initiatives aimed at addressing affordable housing needs. Adding another commission might spread resources too thin and hinder the efficiency of current efforts.

Efficient Decision-Making: By involving a diverse range of citizens and experts in existing planning and housing committees, we maintain a balanced and inclusive approach. This integration ensures streamlined decision-making processes and comprehensive representation of community interests without creating an additional layer of bureaucracy.

Alternative Approaches: Instead of forming a separate AH commission, we are committed to strengthening the involvement of community members and experts in our existing planning and housing committees. Enhancing public outreach, conducting regular town hall meetings, and

encouraging community feedback will remain focal points in our efforts to address obstacles hindering affordable housing development.

While we do not intend to pursue the recommended dedicated AH commission, we value the underlying principle of community engagement and recognize the importance of community input in the decision-making process. We will continue to explore alternative strategies that promote transparency, inclusivity, and community-driven solutions for affordable housing development in our city and County.

We remain committed to finding the most effective and sustainable approaches to address affordable housing challenges, working in collaboration with stakeholders and community members to achieve our shared goals.

Additional recommendation for specific conditions:

- City X has a Planning Commission comprised of a variety of citizens that provides recommendation on policy changes, reviews development projects, provides a community voice, and makes recommendations on changing zoning regulations, which can lead to a reduced number of obstacles to development
- City XX has x number of commissions; in City XX's experience, each commission requires a designated staff member to manage the meeting, minutes, calendar, noticing, etc. Given the limited number of staff in the city, the City does not have staffing or staff capacity to create additional commissions.
- Furthermore, jurisdictions conduct community outreach and engagement when preparing the Housing Element to identify and address obstacles that may hinder the development of affordable housing projects in their communities.
- Jurisdictions may yet consider the recommendation while reviewing their annual City goals and/or budget.
- The jurisdiction's Housing Plan includes Goals, Policies and Actions that identify and promote collaborations with the community, other agencies, and the development community.

The recommendation has been implemented. In Concord, Contra Costa County, and Richmond there are seated "commissions":

- Concord: Concord Housing Authority Board of Commissioners ([link](#))
- Contra Costa County: Housing Authority of the County of Contra Costa ([link](#))
 - County Board of Supervisors sits as the Board of Commissioners
- Richmond ([link](#))
 - Housing Authority Board of Commissioners
 - Housing Authority Advisory Commission
 - RHA Housing Corporation
 - Easter Hill Housing Corporation

Jurisdictions may provide information on the role and responsibilities of the Commissions.

R4. Each city and the County should consider reviewing existing processes and identifying changes that would address or resolve the specific obstacles identified in this report that hinder achieving RHNA allocation targets for very low- and low-income housing in their Community.

The recommendation has been implemented.

Comprehensive Process Review: As required by State Law, jurisdictions have reviewed existing processes and identified programs to address any potential constraints to development through the Housing Element's Constraints and Zoning Analysis Section.

[Jurisdictions may consider specifying the changes to the review process that are proposed]

The jurisdiction has conducted a thorough review of existing processes related to affordable housing development, permitting, and zoning regulations. This review aimed to identify any inefficiencies or barriers ("constraints") that may have contributed to the challenges in meeting RHNA allocation targets.

Stakeholder Engagement: To ensure a comprehensive and inclusive approach, stakeholders, including community members, developers, housing advocates, and relevant government agencies, were actively engaged throughout the process. Feedback and input from these stakeholders played a pivotal role in shaping the subsequent actions.

Identifying Key Obstacles: Based on the review and stakeholder input, specific constraints hindering the achievement of RHNA allocation targets were identified. These included issues related to zoning restrictions, lengthy permitting processes, funding constraints, and limited community support.

Development of a Housing Plan: With a clear understanding of the obstacles, each city and the County developed tailored action plans to address the identified challenges. These action plans outlined concrete steps, timelines, and responsible parties for implementation that have been or are in the process of being deemed appropriate by the State Department of Housing and Community Development.

Policy and Regulatory Reforms: To streamline affordable housing development, policy and regulatory reforms were introduced to the broader community at both the Planning Commission and City Council levels and noticed public hearings. These reforms aimed to remove unnecessary barriers, expedite permitting processes, and incentivize the construction of affordable housing.

Community Outreach and Education: Recognizing the importance of community support, extensive outreach and education efforts were undertaken to inform residents about the benefits of affordable housing and dispel common misconceptions.

Outcomes Achieved:

As a result of these actions, tangible progress can be made towards meeting RHNA allocation targets for very low- and low-income housing in each community. The review and reforms will lead to a more efficient and supportive environment for affordable housing development.

New affordable housing projects have been approved and initiated, increasing the overall housing stock for low-income residents. The engagement of stakeholders has fostered a collaborative approach to address housing challenges, and community support for affordable housing initiatives has grown significantly.

[Jurisdictions may provide additional information on pending and approved housing projects]

While challenges persist, the ongoing commitment of the jurisdiction to address the obstacles identified in the report demonstrates significant strides in advancing affordable housing goals. Continued efforts and collaboration will be crucial in achieving sustained progress and ensuring housing accessibility for all members of our communities.

R5. Each city and the County should consider developing a public dashboard to report progress against RHNA targets.

The recommendation has been implemented. Each jurisdiction (city council or board of supervisors) must prepare an annual progress report (APR) on the jurisdiction's status and progress in implementing its housing element using forms and definitions adopted by the California Department of Housing and Community Development (HCD). (Government Code Section 65400.) Each jurisdiction's APR must be submitted to HCD and the Governor's Office of Planning and Research (OPR) by April 1 of each year (covering the previous calendar year (CY)). HCD compiles and showcases all APRs through their interactive digital data dashboard with downloadable data sets. ([link](#))

In addition, all jurisdictions are subject to Government Code Section 65863 (No Net Loss Law), which was amended in 2017 with SB 166, and requires jurisdictions to maintain adequate sites to accommodate remaining unmet RHNA at each income level throughout the life of an adopted Housing Element. The No Net Loss Law restricts cities and the County from approving a housing project at a lower density, or with fewer units than identified in the Housing Element unless a corresponding number of units are accommodated and identified elsewhere in the cities or County. To assist with the monitoring, cities and the County are developing standard language to include in staff reports when housing projects come forward to decisionmakers for approval and are exploring a No Net Loss Tool to help monitor RHNA progress.

[Jurisdictions: C4 is developing the above language and will provide in coming weeks for housing project staff reports. C4 is also exploring the No Net Loss Tool and will provide an update in coming months.]

R6. Each city and the County should consider, in their individual Housing Element plans, putting forth land zoned "suitable for residential use," without development obstacles, and located strategically close to existing services, for AH purposes.

The recommendation has been implemented. As required by State Law, jurisdictions are required to prepare a site inventory identifying land suitable and available for residential development to meet the locality's regional housing needs by income level. Please see the response to Finding 6(a) for details. Further, in addressing HCD's Affirmatively Furthering Fair Housing (AFFH) requirements there is a thorough review of the site selection via the Tax Credit Allocation's Committee (TCAC) Resource Map that designates areas of low-, moderate-, high-, and highest-resource within a jurisdiction and requires specific justification for placing affordable housing projects within low-resources areas.

R7. Each city and the County should consider reviewing their zoning policies to identify restrictive zoning policies unique to their jurisdiction that impede AH projects and consider making zoning changes in light of that review that will support AH in their community.

The recommendation has been implemented. Through the Housing Element process, jurisdictions have reviewed their zoning policies and identified potential affordable housing development constraints unique to their jurisdiction. The Housing Element Program Section outlines forthcoming changes to their zoning policies with specified timeframes to address the identified constraints.

R8. Cities should consider adopting an inclusionary housing ordinance as part of their standard development policy by the end of 2023 (if not already in place).

The recommendation has been implemented.

[All C4 jurisdictions except Martinez, Oakley, Orinda, Pinole have adopted inclusionary housing ordinances]

City [jurisdiction] has adopted a local inclusionary housing ordinance as of [date].

As part of our standard development policy, the city formally adopted the inclusionary housing ordinance. This ordinance requires developers to include a certain percentage of affordable housing units within new residential developments or provide in-lieu fees to support affordable housing initiatives.

The implementation process involved extensive collaboration with various stakeholders, including developers, community organizations, and city officials. Public hearings and town hall meetings were held to gather input from the community and ensure transparency in decision-making. City experts and planners conducted thorough analyses of housing needs and market conditions to determine appropriate inclusionary housing requirements.

Since its implementation, the inclusionary housing ordinance has resulted in notable outcomes. Several new residential developments have included affordable housing units, significantly contributing to the expansion of affordable housing options in our city. The ordinance has also generated in-lieu fees that are being allocated towards funding affordable housing projects and initiatives.

Moreover, the inclusionary housing policy has fostered a greater sense of community involvement and social responsibility among developers and residents alike. It has strengthened our city's commitment to addressing the affordable housing crisis and creating more equitable housing opportunities for all residents.

Overall, the successful implementation of the inclusionary housing ordinance has been a significant step towards promoting inclusive and sustainable housing development in our city. We are committed to continually monitoring its impact and making necessary adjustments to ensure its continued effectiveness in the years to come.

This recommendation will not be implemented. On June 12, 2012, the City of Hercules suspended their inclusionary housing ordinance indefinitely due to the dissolution of redevelopment and the City opting out of managing the affordable housing obligations of the former Hercules Redevelopment Agency due to lack of funding. Currently, inclusionary housing in the City is negotiated on a case-by-case basis. An Inclusionary Housing Ordinance was not determined to be necessary when the Fifth Cycle Housing Element was adopted in April of 2015. The draft Sixth Cycle Housing Element also has not determined that an Inclusionary Housing Ordinance was necessary. However, the jurisdiction will be conducting an analysis of the current approach and the number of units developed or proposed to be developed for the 6th cycle as an action item in their housing plan. Currently, affordable housing requirements are negotiated and memorialized in development agreements, that currently include, on average, that 5% of the housing units produced will be affordable units.

The recommendation has not yet been implemented.

[Martinez, Oakley, Orinda, Pinole]

Thank you for your recommendation to consider adopting an inclusionary housing ordinance as part of our standard development policy by the end of 2023. We agree that this is an important aspect to explore further and would like to provide you with an update on the progress made towards implementing this recommendation.

Upon receiving the Grand Jury Report, we immediately initiated a thorough analysis of the inclusionary housing ordinance proposal. The scope of the analysis includes the examination of successful inclusionary housing models implemented in other jurisdictions, the potential impact on housing affordability, and the feasibility of implementing such an ordinance in our city.

To ensure a comprehensive and well-informed decision-making process, our team is collaborating with relevant stakeholders, including city officials, housing experts, developers, and community members. We are also seeking public input through town hall meetings and community surveys to gain a broader perspective on this matter.

The time frame for the analysis and preparation for discussion is set to be completed within the 6th cycle. [Jurisdictions may include a more aggressive date]. This ensures sufficient time for a rigorous and inclusive analysis.

At the end of the analysis period. We aim to present the findings of the analysis and our proposed inclusionary housing ordinance for public discussion and consideration. We are committed to adopting an approach that strikes a balance between promoting affordable housing opportunities and being mindful of potential challenges or unintended consequences.

As we move forward, we will continue to keep the public informed about our progress and invite feedback and engagement from all stakeholders. We thank you for bringing this recommendation to our attention and assure you that we are diligently working towards finding the most effective and appropriate approach to adopting an inclusionary housing ordinance.

R9. Each city and the County should consider how to prioritize the implementation of housing projects that promote development of very low- and low-income housing.

The recommendation has been implemented.

According to local ordinance, it is mandatory for cities and counties to assess all development projects in the sequence they are received. Nevertheless, jurisdictions have implemented incentives and expedited permitting processes for certain categories of housing type or tenure.

Affordable Housing Zoning and Incentives: City and County officials have reviewed and revised zoning regulations to incentivize the development of very low- and low-income housing projects. By designating specific zones for affordable housing and offering density bonuses or reduced fees for qualifying projects, the goal is to encourage developers to prioritize these types of housing developments.

Streamlined Permitting Process: A streamlined permitting process has been implemented for affordable housing projects, reducing bureaucratic hurdles and expediting the approval timeline. This measure aims to minimize delays and facilitate the construction of housing units for low-income residents more efficiently.

Public-Private Partnerships: Collaborative efforts between public entities and private developers have been fostered to maximize available resources and expertise. Through these partnerships, the County and cities leverage private sector investments to create a greater number of affordable housing units.

Considering expediting processes for housing projects:

- **Streamlined review process:** Brentwood, Contra Costa County, Concord, Lafayette, Moraga, Pittsburg, Pleasant Hill, Richmond, San Ramon, Walnut Creek.
- **Expedited review policy for affordable housing:** Antioch, Moraga, Pleasant Hill
- **Expedited review policy for special needs housing:** Clayton, Danville, Walnut Creek

To further promote affordable housing production, the following programs and actions are included in the respective jurisdictions' Housing Elements.

- **Allow eligible projects to use CEQA streamlining provisions:** Antioch, Danville, and Lafayette
- **Amend fees/fee collection process for affordable housing:** Brentwood, Lafayette, Moraga, Pleasant Hill, and Walnut Creek
- **Partner with for-profit and non-profit developers to construct affordable housing:** Brentwood, El Cerrito
- **Engage faith-based organizations on affordable housing development:** San Pablo, Walnut Creek

Further, the preservation and promotion of naturally occurring affordable housing (NOAH), is also part of our affordable housing strategy. While developing housing that is affordable to lower income households is important and a key strategy, preservation of affordable units is equally important and requires additional resources. It may, in some cases, be more cost effective to preserve existing units. Additionally, the promotion of Accessory Dwelling Units, as NOAH, is a key strategy identified in our Housing Plan.

R10. Each city and the County should consider prioritizing Measure X funding requests that support projects that address RHNA targets for very low- and low-income residents. Each city and County should consider reporting regularly to their residents on the use of Measure X funds for such purposes.

The recommendation will not be implemented. Measure X is a countywide 20-year, ½ cent sales tax approved by Contra Costa County voters on November 3, 2020 “to keep Contra Costa’s regional hospital open and staffed; fund community health centers, emergency response; support crucial safety-net services; invest in early childhood services; protect vulnerable populations; and for other essential county services.” Under the Measure X Program Allocation Summary, only \$10 million dollars (about 13% of FY 2022-23 funding and about 4.5% of total funding) were allocated to a Local Housing Trust Fund; for FY 2023-24, \$12 million dollars were allocated. The Measure X Housing Funds are to be dispersed by the Department of Conservation and Development (DCD) and the Health Services’ Health, Housing and Homeless (HSD-H3) Services and the Housing Authority of the County of Contra Costa. The use of Measure X funds for housing are reported by the County here: <https://www.contracosta.ca.gov/8530/Measure-X>

[Where the jurisdiction has identified Measure-X funds or other local funds to support AH they can be listed here. This should be in your Housing Element]

The jurisdiction has identified local funding sources for each of their Program Actions in their Housing Element to support affordable housing projects that address RHNA targets for very low- and low-income residents.

DRAFT

From: [Heather Bell](#)
To: [Andrew Murray](#); [Rafael Menis](#)
Cc: [Markisha Guillory](#); [Lilly Whalen](#); [Sanjay Mishra](#); [Eric Casher](#); [Roxane Stone](#)
Subject: RE: Advance comments on tonight's agenda items
Date: Tuesday, September 5, 2023 2:23:41 PM

Good afternoon, Rafael,

In response to your question re 9D:

There is no reason that the item did not appear on the last meeting's agenda other than we obtained the materials a bit later than usual this year. There was a change to the conference staff person and distribution process for the delegate materials and paper packets were not sent out as they have been in the past. After not receiving a paper packet, I reached out to the League and was able to locate the information and confirm that Council approval on 9/5 was acceptable.

Let me know if you have any further questions.

Thank you,

Heather Bell
Pinole City Clerk

-----Original Message-----

From: Andrew Murray <AMurray@ci.pinole.ca.us>
Sent: Tuesday, September 5, 2023 1:30 PM
To: Rafael Menis <rafael.menis@gmail.com>
Cc: Heather Bell <hbell@ci.pinole.ca.us>; Markisha Guillory <MGuillory@ci.pinole.ca.us>; Lilly Whalen <lwhalen@ci.pinole.ca.us>; Sanjay Mishra <smishra@ci.pinole.ca.us>; Eric Casher <ecasher@meyersnave.com>
Subject: RE: Advance comments on tonight's agenda items

Hi Rafael -

Thank you for providing your questions/comments in advance. I am forwarding your message to the department heads that can respond. They will do so before tonight's meeting if possible, or at very least be prepared to respond at tonight's meeting.

Thanks

-----Original Message-----

From: Rafael Menis <rafael.menis@gmail.com>
Sent: Tuesday, September 5, 2023 12:58 PM
To: Andrew Murray <AMurray@ci.pinole.ca.us>
Subject: Advance comments on tonight's agenda items

*** EXTERNAL MESSAGE ***

Hi Andrew,

I've been asked a few times to send my thoughts in advance for agenda items, so here they are.

For item 9D- it looks like the deadline for this was a week ago. Any particular reason it wasn't on last meeting's consent calendar?

For item 9E- there's a few mentions in the resumes there about a library renovation grant. Would that be something

Pinole could access for library upgrades?

For 9F- given Lilly's response to me on answer 1, couldn't it be amended to say "disagree, person responsible for implementation is the community development director Lilly Whelan" or something along those lines?

For 9G- does the tetra tech contract include their proposed amendments (as listed on page 276 of the agenda packet), or is it the standard contract?

For item 10A- do individual council members have the ability to order or instruct the city manager? Striking that segment seems to imply it unless stated elsewhere.

For item 12A- Martinez seems to have been much more successful at implementing a cannabis tax than other communities (see page 298). Do we know why?

For item 12B- do we have any idea how many vacant parcels are in the city of Pinole?

Thanks, Rafael

From: [Heather Bell](#)
To: [Roxane Stone](#)
Subject: FW: Advance comments on tonight's agenda items
Date: Tuesday, September 5, 2023 2:00:11 PM

From: Lilly Whalen <lwhalen@ci.pinoles.ca.us>
Sent: Tuesday, September 5, 2023 1:50 PM
To: Rafael Menis <rafael.menis@gmail.com>
Cc: Heather Bell <hbell@ci.pinoles.ca.us>; Markisha Guillory <MGuillory@ci.pinoles.ca.us>; Sanjay Mishra <smishra@ci.pinoles.ca.us>; Eric Casher <ecasher@meyersnave.com>; Andrew Murray <AMurray@ci.pinoles.ca.us>
Subject: RE: Advance comments on tonight's agenda items

Dear Rafael-

Response to your question below regarding Item 9F:

The City is required to respond to Grand Jury Recommendations by stating one of the following actions:

- The recommendation has been implemented, with a summary describing the implemented action.*
- The recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation.*
- The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a timeframe for the matter to be prepared for discussion. This timeframe shall not exceed six months from the date of the publication of the Grand Jury Report.*
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.*

In this case the draft response indicates that the recommendation (R1) has been implemented.

Please let me know if you have further questions.

Sincerely,

Lilly Whalen

Community Development Director

Community Development Department

2131 Pear Street, Pinole, CA 94564

lwhalen@ci.pinole.ca.us

(510) 724 - 9832

-----Original Message-----

From: Andrew Murray <AMurray@ci.pinole.ca.us>

Sent: Tuesday, September 5, 2023 1:30 PM

To: Rafael Menis <rafael.menis@gmail.com>

Cc: Heather Bell <hbelle@ci.pinole.ca.us>; Markisha Guillory <MGuillory@ci.pinole.ca.us>; Lilly Whalen <lwhalen@ci.pinole.ca.us>; Sanjay Mishra <smishra@ci.pinole.ca.us>; Eric Casher <ecasher@meyersnave.com>

Subject: RE: Advance comments on tonight's agenda items

Hi Rafael -

Thank you for providing your questions/comments in advance. I am forwarding your message to the department heads that can respond. They will do so before tonight's meeting if possible, or at very least be prepared to respond at tonight's meeting.

Thanks

-----Original Message-----

From: Rafael Menis <rafael.menis@gmail.com>

Sent: Tuesday, September 5, 2023 12:58 PM

To: Andrew Murray <AMurray@ci.pinole.ca.us>

Subject: Advance comments on tonight's agenda items

*** EXTERNAL MESSAGE ***

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For item 12A- Martinez seems to have been much more successful at implementing a cannabis tax than other communities (see page 298). Do we know why?

For item 12B- do we have any idea how many vacant parcels are in the city of Pinole?

Thanks, Rafael

From: [Heather Bell](#)
To: [Roxane Stone](#)
Subject: FW: Advance comments on tonight's agenda items
Date: Tuesday, September 5, 2023 1:56:55 PM
Attachments: [image001.png](#)

From: Sanjay Mishra <smishra@ci.pinoles.ca.us>
Sent: Tuesday, September 5, 2023 1:44 PM
To: Andrew Murray <AMurray@ci.pinoles.ca.us>; Rafael Menis <rafael.menis@gmail.com>
Cc: Heather Bell <hbell@ci.pinoles.ca.us>; Markisha Guillory <MGuillory@ci.pinoles.ca.us>; Lilly Whalen <lwhalen@ci.pinoles.ca.us>; Eric Casher <ecasher@meyersnave.com>
Subject: RE: Advance comments on tonight's agenda items

Hi,

Please see my response to item 9G.

For 9G- does the tetra tech contract include their proposed amendments (as listed on page 276 of the agenda packet), or is it the standard contract? –

Response: -Tetra tech had proposed those amendments (page 276), but we negotiated with them to accept our current standard contract and they have agreed to it.

Thanks
Sanjay

Sanjay Mishra, PE, TE, QSD/P
Public Works Director



Public Works Department
2131 Pear Street, Pinole, CA 94564
smishra@ci.pinoles.ca.us
(510) 724 - 9017

-----Original Message-----

From: Andrew Murray <AMurray@ci.pinoles.ca.us>
Sent: Tuesday, September 5, 2023 1:30 PM
To: Rafael Menis <rafael.menis@gmail.com>
Cc: Heather Bell <hbell@ci.pinoles.ca.us>; Markisha Guillory <MGuillory@ci.pinoles.ca.us>; Lilly Whalen <lwhalen@ci.pinoles.ca.us>; Sanjay Mishra <smishra@ci.pinoles.ca.us>; Eric Casher <ecasher@meyersnave.com>
Subject: RE: Advance comments on tonight's agenda items

Hi Rafael -

Thank you for providing your questions/comments in advance. I am forwarding your message to the department heads that can respond. They will do so before tonight's meeting if possible, or at very least be prepared to respond at tonight's meeting.

Thanks

-----Original Message-----

From: Rafael Menis <rafael.menis@gmail.com>

Sent: Tuesday, September 5, 2023 12:58 PM

To: Andrew Murray <AMurray@ci.pinole.ca.us>

Subject: Advance comments on tonight's agenda items

*** EXTERNAL MESSAGE ***

Hi Andrew,

I've been asked a few times to send my thoughts in advance for agenda items, so here they are.

For item 9D- it looks like the deadline for this was a week ago. Any particular reason it wasn't on last meeting's consent calendar?

For item 9E- there's a few mentions in the resumes there about a library renovation grant. Would that be something Pinole could access for library upgrades?

For 9F- given Lilly's response to me on answer 1, couldn't it be amended to say "disagree, person responsible for implementation is the community development director Lilly Whelan" or something along those lines?

For 9G- does the tetra tech contract include their proposed amendments (as listed on page 276 of the agenda packet), or is it the standard contract?

For item 10A- do individual council members have the ability to order or instruct the city manager? Striking that segment seems to imply it unless stated elsewhere.

For item 12A- Martinez seems to have been much more successful at implementing a cannabis tax than other communities (see page 298). Do we know why?

For item 12B- do we have any idea how many vacant parcels are in the city of Pinole?

Thanks, Rafael