

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

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January 14, 2022

Paulina Morales, Director
Community Development Department
City of West Covina
1444 W. Garvey Avenue South, Room 208
West Covina, CA 91790

Dear Paulina Morales:

RE: City of West Covina's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of West Covina's draft housing element received for review on November 16, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Californians for Homeownership pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes revisions needed to comply with State Housing Element Law.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

HCD appreciates the dedication of the housing element team during the update. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Dulce Ochoa, of our staff, at dulce.ochoa@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall". The signature is stylized and somewhat cursive.

Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF WEST COVINA

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

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

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The element must provide an evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers, and persons experiencing homelessness).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

The element provides some general information on the City's population with a disability and access to opportunity. However, the element generally does not address this requirement. The element, among other things, must include outreach, an assessment of fair housing, analysis of the sites inventory, identification, and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. For further guidance, please visit HCD's affirmatively furthering fair housing (AFFH) in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>. In addition, HCD will provide additional guidance and samples to assist the City in meeting these requirements.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Extremely Low-Income Households (ELI): While the element identifies the projected number of ELI households (p. 39), it must still analyze their existing housing needs. This is particularly important given the unique and disproportionate needs of ELI households. For example, the element should analyze tenure, cost burden and other household characteristics then examine trends and the availability of resources to determine the magnitude of gaps in housing needs. In turn, this analysis should guide the formulation of responsive policies and programs. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

Employment Trends: The element provides some information on employment trends, but it could include additional data and analysis to better formulate policies and programs. For example, the element could examine local jobs and wages relative to affordability, major employers and relationship to housing, proximity to jobs, predominant modes of transportation and opportunities for improvement. The element could utilize data available through Local Housing Data prepared by the Southern California Association of Governments at <https://scaag.ca.gov/local-housing-data>.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Overpayment: The element must analyze the number of overpaying households, including lower-income overpaying households by tenure (i.e., renter and owner).

Housing Costs: While the element includes sale prices for ownership housing, it must also analyze rental costs, including trends and current rents in the area.

4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Progress in Meeting the Regional Housing Needs Allocation (RHNA): The City's RHNA may be reduced by the number of new units pending, approved, permitted, or built since July 1, 2021. The element lists 867 units in approved projects affordable to moderate-income households and concludes the affordability is based on expected sales price or rents but should also provide supporting documentation to demonstrate affordability. This is particularly important since the element provides no information on current rents and sales prices do not appear affordable to moderate-income households.

Parcel Listing: In addition to the other factors listed for identified sites (e.g., zoning, general plan), the element must sufficiently describe existing uses of nonvacant sites to facilitate an analysis of the potential for redevelopment in the planning period.

Realistic Capacity: The element assumes 80 percent of maximum allowable densities will be achieved for the calculation of residential capacity, but it does not provide support for

these assumptions (p. 76). The element should demonstrate what specific trends, factors, and other evidence led to the assumptions or adjust assumptions as appropriate. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level. For example, similar to Table B-2, the element should list recent projects by zoning, allowable densities, built densities and affordability.

In addition, for sites with nonresidential zoning, the element should account for the likelihood of 100 percent nonresidential development in the calculation of residential capacity. This analysis should consider the likelihood of 100 percent nonresidential uses, performance standards for residential development and development trends supporting residential. For example, the element could analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. The analysis must consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. For example, the element lists several factors used to identify nonvacant sites but should reflect the values of these factors in the inventory. Further, the element should support these factors based on development trends and the City's experience with converting existing uses to higher density residential development or consider an alternative methodology. Also, the element explains that only one factor needs to be satisfied to identify a nonvacant site with potential for redevelopment; however, it should include substantial support to demonstrate whether this assumption is reasonable. Finally, the element should include an analysis of the extent that existing uses impede additional development, and the extent the City's regulatory framework encourages redevelopment.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Finally, if the element identifies sites with existing residential uses. Absent a replacement housing policy, these sites are not adequate sites to accommodate lower-income households. The replacement housing policy has the same requirements as set forth in Government Code section 65915, subdivision (c), paragraph (3).

Large Sites: Sites greater than 10 acres (large sites) cannot be utilized toward the RHNA for lower-income households unless the element demonstrates sites of equivalent size and affordability were successfully developed during the prior planning period or provides other evidence sufficient to demonstrate the appropriateness of large sites. The element identifies two large sites greater than 10 acres. Each site assumes 100 percent of the residential capacity will be affordable to lower income households; 726 units on one site and 653 units on the other site or over half the RHNA for lower-income households on two sites. Additional analysis, as described above, is necessary to demonstrate the appropriateness of these sites. Developments with units affordable to lower-income households typically range in size from 50 to 150 units. The two identified sites go well beyond this range and do not appear suitable or appropriate to accommodate 100 percent affordability to lower-income households, including implications related to affirmatively furthering fair housing. For example, instead, the City could take a mixed-income approach to these sites, utilizing 30 to 40 percent of the total capacity toward the lower-income RHNA. If utilizing these sites toward the RHNA for lower income households, the element should scale back assumption and include additional analysis and programs as appropriate.

City-Owned Sites: If the sites inventory identifies sites that are City-Owned, the element must include an analysis to demonstrate their suitability and availability in the planning period. Specifically, the analysis should address general plan designations, zoning, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element should include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i). Based on the outcomes of this analysis, the element should include programs as appropriate.

Sites Identified in Prior Planning Period: Sites identified in prior planning periods (vacant sites identified in two planning periods or nonvacant sites identified in prior planning period) shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period.

Map: The element must include a general map of identified sites. For additional information, see the sites inventory analysis section of the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/inventory-of-land-suitable.shtml>.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The element indicates off-street parking at the ratio of 1 space per 4 beds, and/or 0.5 per bedroom designated as a family unit with children, plus 1 space per staff member (p. 61). Zoning may impose parking requirements on emergency shelters; however, to comply with AB 139 those requirements should only be the number sufficient and necessary for all staff working in the emergency shelter. As a result, the element should add or modify programs as appropriate.
- *Employee Housing:* Health and Safety Code section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. The element must demonstrate zoning in compliance with this requirement or add or modify programs as appropriate.
- *Manufactured Housing:* The element must demonstrate the jurisdiction's zoning code allows and permits manufactured housing on a permanent foundation in the same manner and in the same zone as single-family housing (Government Code Section 65852.3). The element must demonstrate zoning complies with this requirement or add or modify programs as appropriate.

Accessory Dwelling Units (ADU): After a cursory review of the City's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU noncompliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance to comply with state law.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to multifamily parking, including condominiums (number of spaces, enclosed and covered requirement), minimum lot sizes and heights including adjacent and not adjacent to single family uses. Specifically, the analysis of minimum lot sizes should address any impacts on identified sites. Additionally, the analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Fees and Exactions: The element must describe all required fees for single family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on housing supply and affordability. For example, the analysis should identify the total amount of fees, including impact fees, for a typical single family and multifamily development and evaluate the proportion to total development costs.

For additional information and a sample analysis and tables, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/fees-and-exactions.shtml>.

Building Codes and Their Enforcement: The element mentions the City includes property and building maintenance standards in its Municipal Code (p. 53). The element should also describe which building code is enforced (e.g., 2019 Building Code), identify and analyze any local amendments and include a program as appropriate.

Housing for Persons with Disabilities:

- *Reasonable Accommodation Procedure:* The element briefly mentions the City's reasonable accommodation procedure, but it should also describe the procedure and evaluate impacts, including identifying and analyzing findings of approval.
- *Definition of Family:* The element should identify and evaluate any definition of family used in zoning and land use for impacts on housing for persons with disabilities and include programs if necessary.
- *Community Care Facilities for Six or Fewer Persons:* The element indicates community care facilities of six or fewer persons are permitted as-of-right on the same basis as other single-family uses (p. 59). The element should clarify which zones allow these housing types.
- *Community Care Facilities for Seven or More Persons:* The element indicates a conditional use permit is required for community care facilities for seven or more persons unlike other similar uses (p. 59). The element must clarify which zones and specifically analyze these constraints for impacts on housing supply and choices, approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures to implement SB 35 (Chapter 366, Statutes of 2017) and add or modify programs to establish a procedure if necessary.

Local Ordinances: The element must specifically analyze locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances that directly impact the cost and supply of residential development.

Zoning, Development Standards and Fees: The element must clarify whether the community complies with new transparency requirements for posting all zoning, development standards and fees or include programs as appropriate.

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate*

local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)

Availability of Financing: The element provides some broad information on financing (p. 63). However, the element must consider whether housing financing, including private financing and government assistance programs, is generally available in the community. This analysis could indicate whether mortgage deficient areas or underserved groups exist in the community. The financing analysis may also identify the availability of financing from private foundations (including bank foundations) corporate sponsors, community foundations, community banks, insurance companies, pension funds, and/or local housing trust funds.

Requests for Lower Density, Permit Times, and Efforts to Address Nongovernmental Constraints: The element must analyze (1) requests to develop housing at densities below those identified in the inventory, (2) the length of time between receiving approval for a housing development and submittal of an application for building permits, and (3) any local efforts to address or mitigate nongovernmental constraints such as reduced fees, financing for affordable housing or expedited processes. The analysis should address any hinderances on the construction of a locality's share of the regional housing need and programs should be added or modified as appropriate.

7. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

Large Households: The element indicates large households represented about 20 percent of owner-occupied households and about 21 percent of renter-occupied households (p. 30). However, the element should provide the total number of large households by tenure.

Farmworkers: The element indicates 224 farmworkers according to the American Community Survey (ACS) 2014-2018 5-year estimate. However, farmworkers from the broader area and those employed seasonally may have housing needs, including within the City's boundaries. As a result, the element should acknowledge the housing needs of permanent and seasonal farmworkers at a county-level (e.g., using USDA county-level farmworker data) and include programs as appropriate.

8. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

The element identifies 84 units at-risk within a 10-year period (p. 37). However, the analysis of "at-risk" units must also include the type of governmental assistance received and total number of elderly and nonelderly units.

C. Housing Programs

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B4, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

2. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

While the element includes Programs 2.2 (Affordable Housing Finance), 2.4 (Los Angeles County Partnerships), 3.3 (Priority Processing) and 4.5 (Housing for Persons with Disabilities), it should include additional actions to assist in the development of housing for lower- and moderate-income households, including extremely low-income and all special needs households (e.g., persons with disabilities, persons with developmental disabilities, elderly, large households, etc.). This is particularly important since many of these programs were not successful in the prior planning period. For example, several programs (Appendix A) note the lack of success was because developers did not express interest. Programs in the current cycle should learn from this evaluation and proactively reach out to developers in all pertinent aspects of the housing program. Other examples include annually exploring and pursuing funding beyond the County or pursuing funding annually in partnership with nonprofit developers and service providers.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B5 and B6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

Program 1.2 (Monitor and Preserve Affordable Housing): While the element includes a program to preserve at-risk units, the Program should also commit to incorporate preservation law, to reach out to owners by a date certain, coordinate with qualified entities, consider funding as appropriate, support funding applications and provide assistance and education for tenants.

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

Accessory Dwelling Units (ADUs): Program 3.4 indicates the City will promote ADU development by assisting property owners with ADU applications and posting ADU information (p. 11). However, the element must also include a program to incentivize ADU development for lower and moderate-income households. Examples include exploring and pursuing funding, modifying development standards, and reducing fees beyond state law, pre-approved plans, and homeowner/applicant assistance tools.

D. Quantified Objectives

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

The element included Table 2-1 quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period (p. 18). While the element includes these objectives, it could also include additional objectives for conservation/preservation.

E. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the element describes some workshops, survey and public meetings for the Housing Element update, moving forward, the City should employ additional methods for public outreach efforts, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts. In addition, although the element provides some information on the public comments received and the City's response, it should also describe how they were considered and incorporated into the element.

Finally, the housing element does not appear to have been made available to the public with sufficient time to comment and consider prior to HCD submittal. If so, by not providing an opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in the course of its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.