



MAJOR FUNDING FOR THIS PUBLICATION PROVIDED BY:



ADDITIONAL FUNDING PROVIDED BY:

League of California Cities League Partner Program
Non-Profit Housing Association of Northern California

ABOUT THE INSTITUTE FOR LOCAL GOVERNMENT:

The Institute for Local Government is the nonprofit research affiliate of the League of California Cities and the California State Association of Counties. Its mission is to serve as a source of independent research and information for California's communities and their leaders. The Institute's current program areas include:

| | |
|-------------------------------------|-----------------------|
| Climate Change | Fiscal Stewardship |
| Collaborative Governance Initiative | Land Use and Housing |
| Communities for Healthy Kids | Public Service Ethics |

For more information about the Institute's work, please visit www.ca-ilg.org.

Contributors

Steve Sanders, Director
Land Use, Housing and Environment Program

Terry Amsler, Director
Collaborative Governance Initiative

Reviewers

Melinda Coy
Department of Housing and Community Development

Julia Lave Johnston
Governor's Office of Planning and Research

JoAnne Speers and Charles Summerell, Institute Staff

Research Assistance

Clara Fishel, Institute Intern

Cover Design Concept

Jeffrey Porcar, Institute Staff

All final decisions about the content of this publication were made by the Institute for Local Government.

Copyright © 2007 by the Institute for Local Government
1400 K Street, Suite 301
Sacramento, CA 95814

(916) 658-8208
Fax: (916) 444-7535

www.ca.ilg.org

For additional copies of this publication, contact CityBooks at (916) 658-8257 or visit www.cacities.org/store.

Contents



How to Use This Toolbox

- Why a Toolbox on Affordable Housing?..... 1
- What is in the Toolbox? 3



Surveying the Landscape: Conducting an Initial Assessment

- The Context..... 5
- The Housing Proposal 7
- Stakeholders and Their Interests..... 8
- Community Concerns 10



Building to Code: Law, Procedures and Public Hearings

- Legal and Procedural Considerations 13
- Strategies for Effective Public Hearings 17



Nuts and Bolts: Addressing Legitimate Community Concerns

- Design and Density 21
- Safety and Security 24
- Traffic 25
- Environmental Quality 26
- Public Facilities and Services 27
- Neighborhood Character, Stability and Change 28



Blueprint for Success: Designing the Public Participation Process

- Creative Approaches to Community
Engagement 33
- Designing a Strategy for Public Participation 35



Choosing the Right Tools: Applying Methods of Community Engagement

- Community Engagement Techniques..... 39
- Community Engagement Tools 43



Laying a Foundation for the Future: Implementation, Oversight and the Framework for Planning

- Project Implementation and Oversight 51
- Creating a Solid Planning Framework..... 55



Resources 57



How to Use This Toolbox

Why a Toolbox on Affordable Housing?

Housing is a basic human need. However, for most people it is much more. Collections of homes form social networks and neighborhoods. This can be an important part of people's identity and self-image. For many, it is also a financial asset, often the largest single investment a family may own.

When a developer proposes to build new housing, existing residents will likely have concerns. This can be particularly true if the housing is designed to meet the needs of families and individuals with lower or moderate incomes. This kind of housing is known by various terms, including "affordable housing" and "workforce housing."

These concerns can lead to opposition to affordable housing proposals. Housing advocates have called this phenomenon the "NIMBY" syndrome, which stands for "not-in-my-backyard."

State law imposes a variety of obligations on all communities to provide housing to meet the needs of people of all income levels. Moreover, many local officials are personally committed to expanding housing opportunities in their communities for a variety of reasons. Common reasons to support affordable housing include strengthening the local economy, providing housing choices for local workers, and meeting basic needs for shelter for disadvantaged or vulnerable populations.

The combination of community concerns and the need for more affordable housing can put local officials in a sticky situation. This toolbox is designed to help with a six-step process:

1. **Surveying the Landscape:** Conducting an Initial Assessment
2. **Building to Code:** Law, Procedures and Public Hearings
3. **Nuts and Bolts:** Addressing Legitimate Community Concerns
4. **Blueprint for Success:** Designing the Public Participation Process
5. **Choosing the Right Tools:** Applying Methods of Community Engaging
6. **Laying a Foundation for the Future:** Implementation, Oversight and the Framework for Planning

The Only Thing that is Certain is Change

California is growing — in recent years, about one half-million people are added to the state's population annually. That's like adding a new city the size of Long Beach every year. Rapid growth is bringing rapid change, and change can be unsettling.

Change can be physical. New shopping centers or schools are built on the edge of town. New subdivisions appear on undeveloped hillsides or open land that was once used for agriculture. Old buildings in existing neighborhoods are adapted for new uses, or torn down to make way for new offices, shops, or housing. Often these new developments are larger — with greater “density” — than the buildings they replaced.

Change can be social and cultural. California's population is the most diverse in the nation. We see that diversity reflected in the people living in our neighborhoods, attending our schools, and working in our communities.

Change can impact our quality of life. As California strives to accommodate its growing population, the strains sometimes show. Traffic may get heavier and roads more congested. Schools can become crowded faster than new classrooms can be built. Basic public services — such as water, sewer, parks, and libraries — can be stretched near the breaking point, while investments to improve or expand them may lag behind demand.

Sometimes the reaction to change is skepticism or opposition to new development, particularly housing. Housing advocates have called this the *NIMBY* syndrome — “*Not-In-My-Back-Yard.*”

While local officials can't keep their communities from changing, they can help residents better understand the changes they face. Local agencies can work with their constituents to address fears and concerns about change. Together they can work to make their communities a better place to live for all their residents.



What is in the Toolbox?

The Affordable Housing Toolbox includes individual sections that describe each of these six steps in detail. Here is a quick overview of the issues addressed in each section.



1. Surveying the Landscape includes being familiar with the specifics of a given *proposal* for affordable housing, and appreciating the community *context* within which decisions regarding the housing proposal will be made.

Understanding the *stakeholders* is also important. In the broadest sense, a stakeholder is anyone — whether part of an organized group or not — who would be affected by the proposal or whose interests might be advanced or damaged. Finally, it is critical to assess the community's *concerns* — their hopes, doubts, and fears.

Each of these issues—the proposal, the context, the stakeholders, and the community's concerns — must be known and appreciated, if local leaders hope to avoid or resolve potential community conflicts over affordable housing.



2. Building to Code involves observing the legal requirements governing planning and land use decisions related to affordable housing.

It is crucial that public agencies scrupulously follow the substantive and procedural requirements of state and federal law when making planning and development decisions. These include provisions of due process, public disclosure, environmental analysis, and findings of fact. There are also a number of additional legal requirements that apply specifically to housing proposals.

Public hearings are perhaps the procedural requirement with which members of the public are most familiar. Land use and housing decisions typically involve a number of public hearings.

Making public hearings as effective as possible is one way that local agencies can resolve community concerns and build support for affordable housing.



3. Addressing Legitimate Community Concerns is the third key step. It may not be possible to fully resolve every potential objection to a housing project or plan. However, local officials can facilitate a good-faith effort to initiate a dialogue about community concerns. There are a number of ways to address common issues and to find practical solutions that will lead to community acceptance.

Once the housing proposal is properly understood, including its potential impacts, the community can be engaged through an open, informative and authentic process. At that point legitimate concerns can rise to the fore and set fears and prejudices aside.



4. Designing a Blueprint for Success involves devising a process for engaging the public that is tailored to the unique circumstances of the local situation. This often means going beyond the legal public participation requirements when making local land use decisions.

The required process alone may not be enough to build civic confidence and trust when controversial issues arise that prompt public anxiety or animosity.

Through effective civic engagement strategies, local officials can broaden the community debate over potentially contentious housing proposals. These strategies can bring in a wider range of opinions and a more diverse group of stakeholders than might otherwise participate in the traditional planning and project review process.



5. Choosing the Right Tools entails selecting the most appropriate methods to carry out a public participation strategy. There are a wide variety of tools and techniques that are available to help local officials engage the public.



6. Laying a Foundation for the Future can be the final step — or perhaps an important first step — in building long-term community support for affordable housing. Once a housing proposal has been approved, it is important to ensure that the proposal is implemented well and that the commitments made to the community are kept. By developing a planning framework that incorporates affordable housing, local communities can create an environment receptive to affordable housing over the longer term.



Surveying the Landscape

Project proponents are sometimes surprised when what they perceive as a modest or reasonable housing proposal meets with vehement community opposition. This disconnect occurs when project proponents, local officials, and key community stakeholders have real or perceived disagreements relating to the proposal. This may arise because they lack a common understanding of the impacts of the proposal and the other issues at stake in the decision.

The first step in addressing community concerns regarding housing is to provide opportunities to share information, increase knowledge and develop this common understanding. Local officials are uniquely positioned to lead in this effort.

As the final decision-makers, local officials have a responsibility to ensure that their own decisions are informed by a firm understanding of the issues involved in debates over housing. Equally importantly, they can insist that the information needed to bridge disagreements or clear up misunderstandings is developed and made available to the broader community before making a decision.

Disputes over housing proposals do not occur in a vacuum. In seeking to understand the underlying issues, it is helpful to break them into four broad categories:

1. The *context* within which the housing proposal is being considered,
2. The specific features and impacts of the *proposal*,
3. The *stakeholders* who could be affected, and
4. The range of *concerns* that various stakeholders consider important.

The roots of community conflict may lie within any one of these categories, or a combination of them.

Understanding the Context

A housing project may be well designed, sited in an appropriate location, and meet a real community need, yet still engender opposition. In that case, the conflict may rest not with the project itself, but with the context within which it is being proposed.

The regional context. One important element of the context is the overall housing situation in the neighborhood, the community, and the larger region. For instance, demand for housing is generally driven by regional economic and demographic factors that may have little to do with conditions within the specific neighborhood or community where the housing project is proposed.

To give one example, large employers in other communities may be expanding their workforce, creating a demand for new housing throughout the region. To meet this demand, housing projects may be proposed

Surveying the Landscape

that, in the minds of local residents, are not associated with the needs of their own community.

People may resent being asked to accept changes in their neighborhood that are designed to accommodate “outsiders.” They may feel it is a burden to provide housing and pay for services while some other community reaps the economic and fiscal benefits of growth.

In these cases, it is important for local officials to research and analyze the regional context and to make sure that residents are responding based on factual information:

- **To what extent is the proposed housing actually driven by outside forces?** Sometimes residents don’t realize the extent to which demand for new housing is propelled by internal factors within the community. Are children in the community moving out of their family homes and looking for their own places to live without being forced to leave town? Are empty-nesters selling their homes and downsizing to new apartments or retirement centers, hoping to remain in the community where they have established roots?
- **Are the new residents from elsewhere bringing new skills, abilities, or talents to the community?** This can stimulate and enrich community life. Perhaps the new housing will provide a place to live for those who serve the community such as teachers, public safety workers, or retail and service employees.
- **To what extent is the community at large benefiting from the economic expansion that is occurring in other communities?** For example, if much of the demand is being generated by employment growth elsewhere current residents may have opportunities for better jobs, or local merchants and services may gain new

customers. Quantifying these benefits may lead to greater acceptance of new housing.

The neighborhood context. It is common for affordable housing projects to prompt controversy when they are perceived as not “fitting in” with the existing neighborhood. Ways to address these concerns will be explored in subsequent sections. In other instances, opposition may arise when a project fits in too well with the current neighborhood.

Affordable housing — public projects as well as private homes and apartments — can be concentrated in particular neighborhoods or communities. It can be appealing to affordable housing developers and local officials to locate new lower-cost housing developments in these communities. The aim may be to serve the existing residents who need housing, or to avoid conflicts in more affluent neighborhoods and communities.

However, sometimes residents believe that their neighborhoods or communities already have an over-concentration of affordable housing. They may perceive that they are being asked to take more than their fair share. They may resist the development of additional affordable housing, even if it is intended to benefit them. If this dynamic is at work, it is important that local officials understand and address it.

The historical context. A community’s past experience with plans and development proposals can influence whether a new housing project will be controversial.

When a neighborhood has experienced a history of poorly designed or poorly managed affordable housing projects, residents become wary of new proposals. Extra effort is needed to demonstrate that a new project will be different. On the other hand, prior examples of well-run and well-designed projects can reassure neighbors and allay concerns.

Key Things to Understand

✓ The Context

The Proposal
The Stakeholders
Community Concerns



Historical factors may be broader than simply those related to whether to approve housing in a particular location. For example, when there have been divisive debates over the growth of the community, these often resurface in the context of individual projects. In this case, approaches that address the broader underlying conflicts over growth may be necessary before individual housing projects can gain a fair hearing on their merits.

The reputation of those proposing a project is another important factor that will influence how the project is perceived. Here are some important questions to consider:

- **If the developers have worked in the community before, how have their proposals been received?** Did they build quality projects that filled a demonstrated need? Did they acknowledge potential problems and work with local officials and the community to negotiate changes or agree to conditions to mitigate the impacts? Did they welcome public participation? Did they keep their commitments and act in good faith? If members of the public have concerns in any of these areas, then there is a greater potential for conflict and controversy.
- **If the developers are new to the community, what is their track record elsewhere?** Can knowledgeable leaders in these other communities shed insights on the questions posed above? How were their relationships with the staff and officials in those communities? Are there prior projects that provide examples of what to expect with their current proposal?

Understanding the Housing Proposal

Local officials review a large amount of detailed information regarding new housing projects and other land use proposals. The planning process is designed to provide a thorough analysis of proposals. Officials examine the project’s features, impacts, and consistency with community plans and development requirements. This is extremely helpful in making informed decisions.

However, the wealth of information available to local officials has a potential downside when it comes to avoiding or resolving community conflicts.

Taking the time to understand actual concerns. First, local officials may find that, with so much data, it can be difficult to zero in on the information most important for community acceptance of affordable housing. Local officials need to make sure their own questions and concerns are adequately addressed. But they also need to understand the elements of the proposal that are of greatest interest to the community, particularly to potential project opponents.

Local officials shouldn’t assume that they fully appreciate these community concerns at the outset. Instead, there are many steps local officials can take to elicit this information. Several of these techniques are described in the *Blueprint for Success* section of the Toolbox.

Communicating relevant information effectively.

A second issue is the difficulty of effectively conveying the most important information to the public. Members of the public will be exposed to less information than agency staff and elected officials. Features of the project that may be well understood by local officials may be unknown or unappreciated by residents. This lack of relevant information can lead to misconceptions that feed public anxiety, mistrust and opposition.

Key Things to Understand

- The Context
- ✓ The Proposal
- The Stakeholders
- Community Concerns

Surveying the Landscape

Understanding which elements of the project most interest the public can help local officials focus and tailor their communication efforts. With this knowledge, local agencies can engage in the most effective techniques to address important questions and concerns. Many of these techniques can be found in the *Choosing the Right Tools* section.

It is also important to understand and communicate how the process for considering the proposal will unfold and when the public will have opportunities to be involved in the process. Staff will generally have a clear picture of the steps involved in making a decision on the project and will share this with decision-makers.

However, the general public typically is much less aware of the timeline and process for planning and development decisions.

A common complaint from neighbors at public hearings is that “we never knew” or “we just found out” about the proposal. Sometimes this is the case. To avoid this phenomenon, local officials can implement a variety of strategies to foster public participation earlier in the process. This can help local officials inform community leaders, work out disagreements and avoid divisive arguments cropping up at final public hearings.

Key Things to Understand

The Context

✓ The Proposal

✓ The Stakeholders

Community Concerns

Identifying the Stakeholders and Their Interests

Debates and controversies over housing proposals begin when people in the community have questions, concerns, fears, or doubts about the proposal. Driven by uncertainty over whether their concerns will be addressed, residents often rush to oppose a project before it can gain momentum.

That is why it is important for local officials to understand the proposal's stakeholders. A stakeholder is anyone who would be affected by the proposal or whose interests might be advanced or damaged, whether they belong to an organized group or not. Some common examples of community stakeholders are listed below.

- The *team proposing the project* is perhaps the most obvious stakeholder. They often have taken a financial risk and have a lot riding on the outcome of the process. The formal land use planning process recognizes this and provides a prominent role for project proponents. They are expected to provide reliable information needed by staff to evaluate their proposal. They also have the opportunity to present their proposal in public hearings, and to respond to criticisms.
- *Neighbors of the project* are another easily identifiable stakeholder group. However, like the broader community, neighborhood residents vary geographically, socially, culturally and economically. They may differ in their attitudes about the housing proposal as well. Homeowners may have one perspective regarding new housing, renters another. Long-time residents may have different perspectives than newcomers. Understanding in advance that neighbors' perspectives may differ can help local officials grasp the array of neighborhood concerns and design effective public participation strategies.



- The *people who will be served by the project* are one set of stakeholders who sometimes go unrecognized. In considering a housing proposal, it is important to have an idea of who is likely to live in the project. Sometimes it will be identifiable people who already live in the community. More often, the specific individuals who will benefit are not known until the project is completed and the units are rented or sold.
However, most projects are built with a particular segment of the housing market in mind, even if the specific residents are unknown. Perhaps they will be seniors, or teachers, or firefighters, or young families. Putting a human face on these people can encourage potential opponents to see them as possible neighbors rather than outsiders.
- *Housing advocates* and their supporters are another group that is likely to become involved. Local non-profit housing developers with strong community ties may be engaged in the project. In some communities, there are organized advocacy groups or coalitions that participate regularly in issues related to housing.
- In other communities, ad hoc groups may form to support an affordable housing proposal. These groups may bring together faith-based institutions and their congregations, tenant groups, environmental organizations, low-income community leaders, and other community members.
- The active participation of housing advocates and their supporters can expand public participation and broaden the range of views. However, it can also polarize the issue and divide the community into competing camps. In this case, strong local leadership may be needed to manage potential conflicts. Some of the strategies included in the *Blueprint for Success* section are well suited to these situations.

- A variety of people outside of those in the immediate neighborhood may also have a stake in the outcome. Examples include *business owners, merchants, and building and real estate* interests who may be affected financially by a project. With the shortage of affordable housing, local employers may want to see more housing available for current or prospective workers. Taxpayers may be concerned about the cost of providing services or the potential to generate new tax revenue. And environmental activists may be concerned with how the proposal could affect natural resources in the community.
- *Public agencies and private and non-profit service providers* are another distinct set of stakeholders. When residents move into a community, they may require a variety of services. Families with children will enroll them in local schools. Use of existing facilities such as parks, libraries, and senior centers may rise. Basic local services — utilities, waste management, and public safety — must all be provided.
When the new housing serves special needs populations, additional service demands are created. Seniors may need transportation. Other examples include services for developmentally disabled individuals, substance abuse treatment, or counseling for victims of domestic violence. Understanding the services that will be needed and involving service providers in the process at the outset can help ensure that services are available as needed and that community concerns can be identified and addressed.

Key Things to Understand

- The Context
- The Proposal
- ✓ The Stakeholders
- Community Concerns

Surveying the Landscape

Finally, the local elected and appointed officials and agency staff who will be considering the proposal are also important stakeholders in the process. However, local officials have a unique responsibility and play a different role than other stakeholders. They are in charge of the process and make the final decisions. They represent the community at large, and must encourage input from all interests and be prepared sometimes to mediate among competing interests.

Often, some segments of the community are more organized and able to make their concerns known than others. When identifying leaders who can speak on behalf of various stakeholders, local officials and staff can encourage groups that may not be as organized or vocal to participate. In the long run, this will build a more active and engaged community and provide a more complete picture of community opinions and ideas.

Key Things to Understand

The Context

The Proposal

The Stakeholders

✓ Community Concerns

Understanding Community Concerns

Once the key stakeholders have been identified, local officials should understand the issues and concerns each may have. An overarching question that should be explored at the outset is the vision that residents may have for their community.

What is the Community's Vision?

Gaining a firm understanding of the hopes and dreams that residents have is a good starting point for understanding the basis of the specific concerns they may raise. Proposals that resonate with these hopes may gain support. Proposals that appear to clash with the community's dreams may be met with skepticism, hostility, or opposition.

Sometimes the vision is explicit. There may be a vision statement, community plan or other document that reflects

the residents' hopes for the future. This can provide a useful benchmark for determining whether a particular proposal is appropriate and what specific issues it may raise.

In other cases there may be no formal vision statement, yet residents may be working in many ways to create a better future. They may volunteer in the school or cultivate a community garden. Some may work to slow down local traffic or form a neighborhood watch group to reduce crime. Others may raise funds to save an historic building or organize a neighborhood street fair. All of these activities provide insights into the vision residents have for their community and the issues they consider important.

Common Community Concerns

There are several common issues that motivate skepticism or opposition to housing proposals. Some of the most important are outlined below.

Population growth. Growth is a controversial issue in many communities. Residents may be worried that adding people to their community will diminish their quality of life. Some of the most common concerns related to population growth are increased traffic, crowded schools, and over-burdened public services and facilities.

Environmental impacts can also be important issues related to growth. Some of the most common impacts that generate concern among residents include loss of open space, air and water pollution, or exposure to toxic compounds at contaminated sites proposed for development.

Neighborhood character and design. New development often brings change to established neighborhoods. Residents may fear that new housing — especially affordable housing that may be more dense than many of the homes in the area — will adversely affect the character of the neighborhood.



Because there is a widespread stereotype that affordable housing is cheap or inferior housing, neighbors may oppose projects based on preconceived notions regarding poor design and construction quality. This is especially true in communities where older housing may have been built in inappropriate locations or without the benefit of modern building and design codes.

Crime and public safety. Fear of crime can be a major factor stimulating opposition to affordable housing projects. While there are proven ways to design projects to greatly reduce the potential for crime, the underlying concern is generally about the people the development will bring, not the new buildings.

Images of crime-ridden neighborhoods are common in popular culture. These images create and reinforce negative stereotypes about people who live in affordable housing. Modern affordable housing developments rarely, if ever, conform to these stereotypes. Yet local officials should recognize that concerns about public safety are a powerful subtext in affordable housing debates. Proactive local leadership can bring these concerns out into the open so they can be discussed and addressed.

Property values and blight. Beliefs that affordable housing developments will lower property values or create neighborhood blight are common neighborhood objections. Many residents have invested a great deal in their homes and communities, and will oppose projects that they see as diminishing the value of their investment.

These beliefs are often based on negative stereotypes regarding the characteristics of the residents, the management, the design and the construction quality of affordable housing. To the extent that the housing developers and local officials can demonstrate that the proposed project does not correspond with these stereotypes, they can help allay these concerns.

Gentrification and displacement. In some ways, anxiety about gentrification is the flip side of the concern about declining property values. Often, affordable housing is developed in order to improve the quality and choices available to residents in disadvantaged or struggling neighborhoods.

However, sometimes this housing — particularly moderate-income and market-rate housing — is unaffordable to current residents. In addition, existing housing may be demolished to make way for new projects. In these cases, inhabitants fear that they will be physically displaced or priced out of their own neighborhood to make way for more affluent residents.

Understanding these common concerns from the community's perspective and developing and sharing objective, factual information allows local officials to focus the discussion on tangible concerns and possible solutions. Some effective strategies to identify, analyze and resolve these issues are presented in the *Blueprint for Success* and *Choosing the Right Tools* sections of the Toolbox.

Key Things to Understand

- The Context
- The Proposal
- The Stakeholders
- ✓ Community Concerns



Building to Code: Law, Procedures, and Public Hearings

Local officials have three roles in land use matters:

- First, in their *legislative* role, they plan for development by adopting the general plan or enacting local zoning ordinances.
- Second, in their *quasi-judicial* capacity, they review development proposals, such as affordable housing projects, for consistency with adopted plans and ordinances.
- Finally, in their *enforcement* role, they implement their vision for development by assuring that approved projects comply with the applicable laws and conditions imposed.

In each instance, a number of legal and procedural requirements apply to local land use and planning decisions. These include *due process*, *public disclosure*, and legal *determinations and documentation*. In addition, there are several important legal provisions that apply specifically to affordable housing proposals. These issues are described below in the section on ***Legal and Procedural Considerations***.

Law and common practice provide a multitude of ways local officials can engage and involve interested members of the public in local affordable housing decisions. Public hearings are perhaps the most common and well-known method and are often required by law. Some successful approaches are outlined in the section on ***Strategies for Effective Public Hearings***.

The Institute for Local Government offers several publications which outline legal requirements and best practices for local agencies making land use, planning and development decisions. Some of the material in this component of the Toolbox draws upon those publications, particularly *The Planning Commissioner's Handbook*, *Planning Public Forums*, and *An Ounce of Prevention: Best Practices for Making Informed Land Use Decisions*. More information on these publications is available at the Institute's website, www.ca-ilg.org.

Legal and Procedural Considerations

Due Process

Property owners and project applicants are entitled to “due process” when an agency acts on a general plan amendment, specific plan, zoning ordinance, or subdivision approval. This typically means providing the person with notice of the impending action and an opportunity to be heard before taking the action. Local agencies can meet this requirement by complying with the state laws that delineate specific notice and hearing procedures.¹

¹ See Cal. Gov't Code § 65589.5.

Building to Code

The legal standards are slightly different depending on whether the agency is acting in a legislative or quasi-judicial capacity. But the essence of the requirements is the same: 1) affected parties must receive adequate notice of all hearings (written in a way that can be reasonably understood); and 2) they must have a fair opportunity to air concerns or rebut evidence presented to local officials.

In California, the procedural requirements go farther. Several statutes require specific forms of public notice and public involvement. For example, the Brown Act, the public notice and publishing requirements in the Planning and Zoning Law, and the review and comment process in the California Environmental Quality Act (CEQA) all bestow residents with specific public notice and participation rights.

Taken together, these requirements provide multiple opportunities for local agencies to encourage public participation at every stage of the process of considering housing and other land use proposals. However, fully realizing these opportunities relies on effective implementation at the local level.

The formal planning process includes elements in addition to due process requirements that can help the public to effectively participate in land use decisions. In particular, local agencies have legal obligations in two areas that facilitate informed public engagement —

- 1) *Public disclosure*, and
- 2) *Determinations and documentation*.

Public Disclosure

Productive community participation requires an informed public. It is difficult to comment on housing or other land use proposals if basic information about the project and its impacts is not disclosed. California requires that local agencies disclose

both issues of process and substance when making land use and development decisions.

Key procedural disclosure requirements that facilitate public participation in land use decisions include the following:

- Local agencies must issue notices to the public regarding requests for land use entitlements and disclose what specific actions have been requested. For example, the public notice would specify if the action requested is a general plan amendment, rezoning, zoning variance, or subdivision approval.
- Quasi-judicial decisions, such as project approvals, require a formal hearing where evidence is taken. The decision-maker (usually the planning commission or zoning administrator) has the discretion to apply the legal standards or policy criteria to specific proposals and make determinations. Applicants or members of the public may appeal decisions made by appointed officials to the governing body, which must then hold a public hearing on the appeal.
- In some cases, the appointed official or body acts only in an advisory capacity and makes a recommendation to the governing body, such as the city council or county board of supervisors. The final decision is made following a public hearing by the governing body. Members of the public are entitled to provide testimony and evidence at the public hearing.
- Notice for public hearings must be provided in advance, and the agenda for the hearing must disclose what actions the body is prepared to take. Actions not included on the agenda must be put over to a subsequent meeting.

Key Things to Understand

✓ Legal and Procedural Considerations Strategies for Effective Public Hearings



Procedural disclosure lets the public know what actions the local agency is considering taking, and when and how the public can offer testimony and other information for local officials to consider. But knowing when and how to participate doesn't help the public learn what the project is, what its impacts and benefits may be, or what action they might want the local agency to take.

That is why California's additional requirements for public disclosure of issues of substance as well as procedure can be such a powerful tool for informed civic engagement. Two substantive disclosure requirements in particular are noteworthy:

- First, the public is entitled to review staff reports and recommendations and other public records regarding project proposals. This allows members of the public to benefit from the staff's data and analysis of the proposal, and to understand and either support or rebut the factual and analytical basis for staff recommendations.

It is in the agency's interest to share this information, because it encourages public comments to focus on the facts and the analysis, rather than on emotional responses based on preconceived notions about the project.

- Second, the California Environmental Quality Act (CEQA) provides multiple opportunities for public disclosure and participation. Under CEQA, local agencies are required to analyze and disclose any potentially significant environmental impacts stemming from a project. They are also required to develop feasible measures to mitigate the impacts, or to adopt a statement of overriding considerations outlining why they intend to proceed with the project despite its environmental effects.

The impacts and mitigation measures must be disclosed to the public, usually through a Draft Environmental Impact Report (DEIR). The public has a right to review and comment on the DEIR, and the local agency then must respond to each comment in a Final EIR (FEIR).

Determinations and Documentation

Local agencies in California are obliged to make "findings" and "determinations" about some of their decisions related to land use. Findings are written explanations of why — legally and factually — local agencies made a particular decision. By adopting these findings after a public hearing and placing them on the public record, local agencies provide another opportunity for the community to understand and weigh in on decisions.

The following are some of the most important findings and determinations that local agencies make related to land use and affordable housing proposals.

- **General plan consistency.** Many land use decisions require a finding that the action is consistent with the general plan. A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear. Perfect conformity is not required, but the project must be compatible with the general plan's objectives and policies.² In addition, the various elements of the general plan are required to be consistent with one another. Sometimes, the general plan must be amended to allow the proposed new use.
- **Consistency with zoning and other ordinances.** Before approving or denying a project, a local agency must determine whether the project complies with the provisions of local ordinances regulating development.

Key Things to Understand

✓ Legal and Procedural Considerations

Strategies for Effective Public Hearings

² Information on the content and requirements of the general plan is included in *The Planning Commissioner's Handbook* (www.ca-ilg.org/pch).

Building to Code

Examples include the zoning ordinance, requirements for a conditional use permit, or an historic preservation ordinance. This determination must be provided in writing and supported by “substantial evidence in light of the entire record” regarding the proposal.

- **CEQA Findings.** Before the local agency can approve a project for which an environmental impact report (EIR) or other environmental document has been prepared, it must certify the legal adequacy of the document. This is generally done following one or more public hearings, first by any appropriate advisory bodies (such as the local planning commission) and then by a final decision of the agency governing board.

The CEQA findings explain how the agency has resolved each issue raised during the proceedings. The findings explain which impacts are significant, which mitigation measures are feasible, why other alternatives were rejected, and why the project's benefits outweigh its consequences. The public is entitled to comment on the adequacy of the Final Environmental Impact Report before it is certified.

Legal Requirements Related to Affordable Housing

In addition to the legal provisions that apply generally to land use decisions, there are a number of requirements that apply specifically to housing projects, plans and proposals.

Findings required for housing limits. Any general plan provision or zoning ordinance that limits the number of housing units that may be constructed on an annual basis must contain specific findings. The local agency must identify specific issues related to public health, safety, and welfare that justify reducing the housing opportunities of the region.⁶

Findings required to deny a housing project. A local agency has limited discretion to reject affordable housing projects, including mixed-use developments consisting of both residential and nonresidential uses. Prior to rejecting an affordable housing development application, or imposing conditions that renders a development infeasible, the city must make one or more of the following specific findings:

- (1) The agency has adopted an approved housing element and the proposed project is not needed to meet the agency's share of the regional housing need for very low-, low-, or moderate-income housing.
- (2) The proposed project would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact without rendering the project unaffordable to low- and moderate-income households.
- (3) The denial of the proposed project or the imposition of conditions is required in order to comply with specific state or federal law and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.
- (4) The project is being proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or the proposed site does not have adequate water or wastewater facilities to service the project.
- (5) The project is inconsistent with both the zoning ordinance and general plan land use designation as of the date the application was deemed complete, and the jurisdiction has adopted a housing element in substantial compliance with state

Key Things to Understand

✓ Legal and Procedural Considerations

Strategies for Effective Public Hearings

³ See Cal. Gov't Code §§ 65302.8 (general plan), 65863.6 (zoning ordinance).



law. If, however, the proposed development is to be located on a site designated for low-income housing in the housing element, and is consistent with the density in the housing element, then the city cannot rely upon the project's inconsistency with the zoning ordinance or general plan as grounds for denial of the project.⁴

Density bonuses. State law provides a density bonus and other incentives for development projects that incorporate affordable housing. While the specific provisions are complex, in general projects may be entitled to an increase in allowable density if they include a designated percentage of units affordable to very low- or low-income households. The density bonus also applies to all senior housing projects, regardless of whether they include affordable housing.⁵

Incentives and concessions. Developers are also entitled under state law to a number of other incentives to encourage affordable housing. These include reduced parking requirements as a matter of right, and consideration of a number of other concessions and waivers including reductions in site development standards, zoning, architectural design, or other regulatory concessions.⁶

Strategies for Effective Public Hearings*

Public hearings are the most common venue for the public to participate in local decisions regarding affordable housing projects and other land use proposals. Public hearings are required by law and each local agency has experience organizing and running them.

But the fact that public hearings are required does not necessarily mean they will always be effective at resolving community concerns. For that reason, local officials should consider a number of ways to maximize the effectiveness of public hearings.

A typical public hearing will involve:

- A report by agency staff;
- Questions of the staff from the decision-making body;
- The opening of the public hearing;
- A statement by the project applicant or policy proponent;
- Statements in support and opposition;
- Rebuttals and closing statements; and
- An immediate or later decision by the decision-making body.

Key Things to Understand

Legal and Procedural Considerations

✓ **Strategies for Effective Public Hearings**

⁴ See Cal. Gov't Code § 65589.5.

⁵ See Cal. Gov't Code § 65915. For more information, see *California Municipal Law Handbook*, § 10.5.05(F) (2007).

⁶ *Id.*

* For more information, see *Getting the Most Out of Public Hearings: Ideas to Improve Public Involvement*, available on the Institute's website at www.ca-ilg.org/publichearings.

Building to Code

Hearings for legislative decisions, such as adoption of a general or specific plan, are quite flexible and can incorporate a number of creative and non-traditional features. Quasi-judicial hearings, however, when the agency is applying general policies to specific facts or a permit application, can be more constrained. Important rules relating to fair process and fact-finding apply.

Accordingly, local officials and staff should consult with their agency's attorney at the earliest opportunity to determine the extent to which non-traditional approaches are appropriate to the issue at hand.

Public decisions on affordable housing often involve hard choices and trade-offs on issues and values that community members care deeply about. Public hearings that confront these choices and trade-offs will better inform final decision-making.

Public trust is eroded if hearings appear to be just “going through the motions.” An ideal result of any public hearing is that participants believe decision-makers have respectfully heard and carefully considered their perspectives, whatever the final decision.

How can local agencies take best advantage of the opportunities for civic engagement offered by public hearings? Public officials and the community will benefit if public hearings are both *inclusive* and *informed*.

Inclusive Public Hearings

Public hearings are often attended by the “vocal few” alone. Many voices in the community are not heard from at these hearings — even when they have interests at stake. The following ideas can help broaden attendance and ensure the fullest expression by those who do attend:

- **Prepare and distribute informative materials** ahead of time, translated as appropriate, that explain the purposes and objectives of the hearing, the subjects to be covered, time and location details, and guidelines for participation.
- **Provide early notice** to public interest groups, businesses, neighborhood groups, and other stakeholders likely to be concerned. Have public notices appear in the languages commonly used by community residents. Post notices on the agency website and other places easily available to online users.
- **Use local and ethnic media** to publicize hearings, to reach populations and communities that are typically less involved in planning and development issues.
- **Choose responsive times and places** that are convenient for all those who you wish and might be expected to attend. Consider multiple meetings at different sites, times of day and days of the week, perhaps co-sponsored by community groups, as a way to increase attendance.
- **Use respected community intermediaries** to educate communities with a particular interest in the proposed project but little experience on how to prepare and participate in the public hearing process.
- **Make translation services available** as needed to ensure that all participants can understand and participate in the hearing.
- **Create a participant-friendly site** with a physical setting that encourages participation and reduces feelings of distance between public officials and participants. Be prepared to meet the needs of participants with disabilities.

Key Things to Understand

Legal and Procedural Considerations

✓ Strategies for Effective Public Hearings



- **Ensure that all voices are heard** by asking toward the end of the hearing if others are present who have not yet spoken but would like to do so.

Informed Public Hearings

While honest disagreements can always occur, many residents who attend public hearings may be poorly informed about the proposed policy or action. Public hearings will be more effective and useful when participants are better informed on the issues at hand, and when reasoned and knowledgeable presentations and exchanges take place. Several techniques can help inform participants and improve communications at the hearing:

- **Use multiple media** to provide information on the topic in advance of the hearing. Local papers, other media, and government online resources are examples.
- **Have explanatory documents on-site** developed by respected and impartial sources.
- **Use visual aids** such as PowerPoint, graphs, maps and models in addition to traditional oral presentations to aid understanding.
- **Prepare presentations** that organize and present complex information clearly.
- **Provide opportunities to share information** such as seating participants at small tables to discuss a particular theme or issue prior to taking public testimony.
- **Guide participation** by clearly describing the agenda, framing the issues, establishing ground rules for civility and clarifying the process for the meeting at the outset.
- **Add a Question & Answer session** before or after the hearing or online to answer questions raised by the public that were not addressed at the hearing.

- **Affirm what you have heard** by verbally or visually summarizing what has been said by each speaker and by asking clarifying or follow-up questions.
- **Consider a themed conversation**, asking participants to stick with one theme of the discussion at a time to enhance information sharing and reduce duplication of points made.
- **Uncover the underlying values** that drive the feelings and opinions on the issue to clarify speakers' intents and interests and improve communication and understanding.
- **Use values to clarify trade-offs** by encouraging discussion of the respective and (at times) competing values associated with different courses of action.
- **Explain decisions clearly** in light of the values that the decision represents as a way to illuminate the reasons for its adoption.

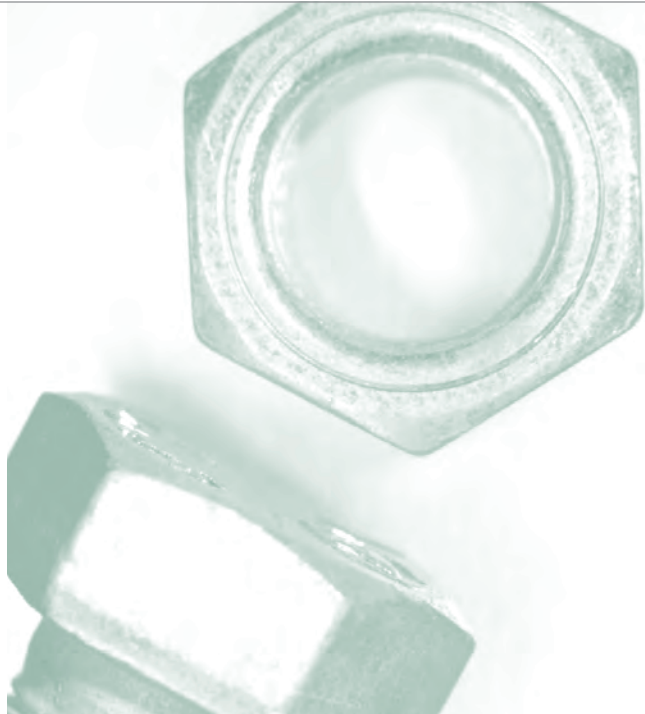
People who attend public hearings can be passionate, nervous, angry, frustrated, scared, confused, or uncertain about the issues, the hearing itself, or the possible outcomes. Emotions can run high. Conflicts among participants or between participants and officials may result.

Clear process, good listening, and acknowledging the input received will help reduce the likelihood of hard feelings and ongoing conflict. Decisions that reference common interests and shared values will also tend to enhance understanding and reduce unnecessary conflict.

Key Things to Understand

Legal and Procedural Considerations

- ✓ **Strategies for Effective Public Hearings**



Nuts and Bolts: Addressing Legitimate Community Concerns

Perhaps the best way to avoid a NIMBY conflict over affordable housing is to recognize that many of the concerns residents raise are valid.

It may not be possible to fully resolve every potential objection to a housing project or plan. However, there are practical solutions to many of the most common concerns. Focusing on these solutions – rather than on divisive debates over motives – can lead to greater community acceptance of affordable housing.

Common concerns about affordable housing and other land use proposals typically involve one or more of the following issues:

- Design and Density
- Safety and Security
- Traffic
- Environmental Quality
- Public Facilities and Services
- Neighborhood Character, Stability and Change

This section describes approaches local agencies can take to address these issues.

Design and Density

Neighbors are understandably concerned that new housing may detract from the appearance of their neighborhood. Two inter-related issues are usually involved in this concern: the quality and appropriateness of the design, as well as the density of the project.

Design

The elements of good design. While beauty may be in the eye of the beholder, there are basic elements of good design that local agencies can integrate into the planning process to address these common complaints.

Design Advisor (www.designadvisor.org), a website that offers design advice on affordable housing projects, proposes four criteria to determine if a project is appropriately designed:

- The design *meets the needs of the user*;
- The design *understands and responds to its context*;
- The design *enhances the neighborhood*; and
- The design is *built to last*.

Nuts and Bolts

Meeting the needs of the user involves understanding what types of people are likely to be the owners or tenants and how their needs might change over time. For example, seniors will have different needs than families with young children, who may need onsite daycare facilities and play areas. Mixed-use projects with housing above shops must take into consideration the needs of both residents and businesses on issues such as access, parking, security, waste pickup, and noise.

The needs of the users are likely to be primary considerations of the development team. Local officials and the public should also understand these needs in order to evaluate the appropriateness of the design.

Understanding and responding to the context involves carefully analyzing the physical setting of the project. This includes the architectural styles of neighboring structures, as well as the layout of streets and sidewalks, landscaping, parks, and other elements of the neighborhood. For example, the project should not dump speeding traffic onto streets where children walk to school or overshadow a nearby park where neighbors congregate.

A design that enhances the neighborhood is one that makes it a better place to live, work, and play. Does the design respect the bulk, height, materials and finishes of quality buildings nearby? Will the project offer “eyes on the street” that can help reduce the potential for crime? Will it fill in vacant lots that are community eyesores and turn them into attractive additions to the neighborhood? It does not necessarily mean the project must precisely mimic or replicate the look and style of surrounding structures, but it should fit into and improve the neighborhood.

Key Things to Understand

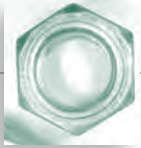
- ✓ **Design and Density**
- Safety and Security**
- Traffic**
- Environmental Quality**
- Public Facilities and Services**
- Neighborhood Character, Stability and Change**

Ten Basic Elements of Community Design

1. **Build to human scale.**
2. **Design for comfort and safety.**
3. **Create places to congregate.**
4. **Assure circulation and accessibility.**
5. **Mark transitions and boundaries.**
6. **Connect streets and sidewalks to buildings.**
7. **Add detail and variety.**
8. **Provide cohesion and balance.**
9. **Stay true to function.**
10. **Mix it up.**

Source: Planning Commissioner's Handbook, pp. 94-97 (www.ca-ilg.org/pch).

A design that is built to last will look as good (or better) in twenty or thirty years as it did the day it was built. Quality design doesn't need to be prohibitively expensive. Standard materials can be used appropriately and creatively, with attention to finishes, architectural details, and energy efficiency. This helps projects maintain their appearance and value and also can reduce ongoing costs for operation and maintenance.



Design review. One effective way local agencies can promote good design is through a *design review* process. Design review can apply to all projects or just a portion. For example, design review could be required for all applications, or just those in historic districts or other specific areas, those of a certain size, or those with a particular set of uses. However, the process cannot selectively single out affordable housing projects while allowing other uses to be exempt.

The local agency can establish guidelines or an ordinance with urban design standards and criteria. Another option is a form-based building code that establishes the appropriate design features of new development. Design criteria can apply just to buildings, or include the larger development context including the streetscape, landscaping, parking areas, and the like.

There are a number of options for how the design review process can be conducted. Authority for design review could be delegated to agency staff to administer. A more formal design review process could be overseen by a separate appointed design review body or the planning commission. Whichever choice is made, the individual or body conducting the review should have urban design expertise.

The process of establishing design guidelines provides an excellent opportunity to involve the community in determining the design factors the public considers most important. A well-defined design review process gives residents an opportunity to weigh in on proposals early in the process, when modifications can be made more easily.

With guidelines and a workable review system in place, developers have a better idea of what is expected from their projects, and the public has some assurance that new developments will fit into their community.

Density

Affordable housing projects can range in density from single-family homes to high-rise apartments. Density refers to the amount of development on a particular site. This can be measured by the total number of residential units per acre or the ratio of the square footage of the project to the area of the site. Increasing the number of housing units on a given amount of land is one way that developers can keep the per-unit cost down and make the units more affordable.

Addressing density through design. Many of the concerns that residents express about the density of a project can be addressed through appropriate design. One objection to density is that the sheer scale of the project – both height and breadth – may dwarf the homes and other buildings in the neighborhood. Local agencies should anticipate this concern and carefully consider how new projects can be designed to avoid overshadowing their neighbors.

Examples of effective techniques to provide for greater density while respecting the neighborhood context include:

- Building setbacks;
- Height limits and step-backs based on adjacent structures;
- Variations in the façade to break up a large horizontal mass;
- Street-level uses that reflect nearby storefronts or residential entries; and
- Locating taller portions where they aren't as visible from public rights-of-way.

Key Things to Understand

- ✓ **Design and Density**
- Safety and Security**
- Traffic**
- Environmental Quality**
- Public Facilities and Services**
- Neighborhood Character, Stability and Change**

Nuts and Bolts

Another successful approach is to design new buildings that are architecturally compatible with existing residential structures but contain more units. For example:

- A neighborhood with relatively large homes might accommodate two, three or four smaller units in buildings of a similar size and style.
- Housing above garages, off alleys or in secondary units can serve new residents without substantially changing the look of the community.
- Smaller homes (on smaller lots) that echo the neighborhood's architectural styles can be interspersed with larger homes, emulating the variety of housing types and sizes often found in older subdivisions.
- A few small cottage or courtyard units can be clustered on a single lot similar in size and configuration to the traditional single-family lots in the neighborhood.
- Duplexes can be located on corners, with separate entries off of different streets, or can be built on smaller adjacent lots with an attached garage or carport between them.

The benefits of density. Another way to respond to concerns about density is to highlight its potential benefits. Density, when designed well, can enhance a neighborhood in several ways.

Greater choice of housing types: Varying densities in a neighborhood allows for a wider range of housing to meet the changing needs of residents. For example, small apartments can accommodate young singles just starting out. Congregate housing provides a place for seniors. Single-family homes can meet the needs of growing families. “Empty-nest” couples can sell their homes to new residents and move into townhomes or duplexes.

Access to nearby shops and services: Mixed-use projects can include street-level neighborhood shops as well as new housing. Having a corner store, restaurants or other retail services located within easy walking distance makes life more convenient. Higher housing densities can strengthen existing retailers, attract new retail uses and provide the customer base these establishments need to stay in business.

Cost-efficient public services: Building new housing in existing neighborhoods can reduce infrastructure costs by making use of the streets, water lines, and other public facilities already in place, if the current capacity is adequate to serve the additional population. Similarly, fixed costs for new public facilities can be spread among a larger number of units, reducing the cost per unit of housing. Additionally, social and municipal services can be provided more efficiently when people are concentrated in an area rather than spread out.

Expanded transit: Low-density neighborhoods are difficult to serve with quality public transit. They usually lack a sufficient number of riders per acre to make transit feasible. When higher density housing is developed, it can make it possible to boost transit service in the neighborhood. This provides residents with an alternative to driving, and particularly benefits children, seniors and people with disabilities. It can also save households substantial money by reducing the expense to own or drive a car.

Safety and Security

One of the most common reasons people cite for opposing affordable housing is fear of crime. Clearing up misconceptions about who will be moving into the neighborhood is the first step in alleviating this concern. There are a number of other proven measures that can also enhance the safety and security of affordable housing developments:

Key Things to Understand

✓ Design and Density

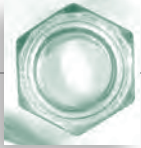
✓ Safety and Security

Traffic

Environmental Quality

Public Facilities and Services

Neighborhood Character, Stability and Change



- Avoid creating spaces that lack “ownership.” Open spaces around high-rise apartments, dark parking lots behind buildings, and deserted alleys are places where criminals may operate unchallenged by residents. On the other hand, spaces that people use on a regular basis — such as courtyards, porches, and community gardens — make intruders stand out and discourage crime.
- Make sure there are “eyes on the street” so that intruders know they may be watched. Windows should provide plenty of opportunities for surveillance. Places where residents can congregate — porches, courtyards, pocket parks, or corner stores — add more potential witnesses who might also intervene, making crime too big a risk.
- Encourage affordable housing providers to manage and maintain their properties well. Work with providers to establish proper tenant screening, training and supervision of onsite management, and strong relationships with neighborhood groups, social service providers, and law enforcement. Regular property maintenance avoids run-down properties that signal that no one is paying attention, inviting vandalism and crime.
- Building social networks, both among the affordable housing residents and with their neighbors, helps people to watch out for one another. Tenants can be encouraged to form social and cultural groups, join the local neighborhood association, or participate in traditional neighborhood activities. Providing pocket parks, gardens, community rooms and other gathering places gives residents a place to hold community events.

Traffic

Neighborhood opposition to affordable housing (and other development projects) is often driven by concerns about the auto traffic that residents fear the project will generate.

Typically local agency staff will assess the project’s impacts on traffic flows and develop measures to accommodate additional traffic. Common measures include installing traffic signals, adding new lanes, or modifying driveways and access roads to facilitate free traffic flows.

However, in many cases reducing congestion is not the primary traffic concern residents may have about a development project. Particularly in established neighborhoods, issues such as speeding, bicycle and pedestrian safety, and noise may rank as a higher concern.

In recent years, the traffic engineering profession has developed innovative “traffic calming” strategies to address the neighborhood impacts of traffic. Many of these strategies were originally developed and tested in Europe and are now being implemented in the United States.

Calming the Traffic

- Enhanced pedestrian crossings that may be raised, lit, striped specially, or constructed of different materials;
- Protected bike lanes and bike paths;
- Widened sidewalks and landscaped parking strips;
- Intersection bulbs and median islands;
- Traffic circles and roundabouts;
- “Slow streets” with physical features designed to slow traffic; and
- Partial or total traffic diverters.

Key Things to Understand

- Design and Density
- ✓ Safety and Security
- ✓ Traffic
- Environmental Quality
- Public Facilities and Services
- Neighborhood Character, Stability and Change

Environmental Quality

Sometimes residents or community activists may oppose affordable housing projects, like other proposals for development, on environmental grounds. Local agencies have a number of ways to respond to these concerns.

CEQA analysis and mitigation. In California, the California Environmental Quality Act (CEQA) provides a comprehensive tool to assess and mitigate the adverse environmental impacts of development.

Local agencies typically include a number of standard mitigation measures in the environmental documents they prepare for the general plan and other local plans. These measures are then applied as appropriate to specific development projects, based on the project-level environmental analysis.

Where the analysis shows that the standard measures are not sufficient to fully mitigate the environmental impacts, local agencies must consider additional feasible measures.

For example, the environmental analysis may determine that the site proposed for affordable housing was used in the past by an industrial concern that left toxic contaminants behind in the soil and groundwater.

The agency could then do one of the following:

- Assure the cleanup of the site to levels considered safe for residential use;
- Require the partial cleanup, capping, and containment of toxics on site sufficient to allow another use (such as a parking lot) with a lower risk of human exposure;

- Relocate the project to a portion of the site that is not hazardous, or to another location altogether;
- Override the environmental considerations after determining that no feasible project alternatives or mitigation measures exist; or
- Deny the application.

Measures to identify, analyze and mitigate the environmental impacts of a project are adopted following an extensive public review process. This process provides the local agency with many opportunities to demonstrate to the public that legitimate environmental concerns have been addressed.

Green buildings and smart growth neighborhoods. One way local agencies can address environmental concerns when considering affordable housing projects and other development proposals is by applying “green building” design standards and “smart growth” neighborhood development criteria.*

Green buildings are designed and built to reduce their impact on the environment. Smart growth refers to land use principles and practices that balance economic development with social and environmental concerns.

The U.S. Green Building Council (USGBC) has developed the *Leadership in Energy and Environmental Design (LEED) Green Building Rating System*. The Green Building Council calls LEED “the nationally accepted benchmark for the design, construction, and operation of high performance green buildings.”

The Green Building Council recently created a pilot program to establish and test LEED standards for neighborhood development and design. The program incorporates both smart

Key Things to Understand

Design and Density

Safety and Security

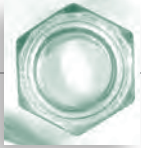
Traffic

✓ Environmental Quality

Public Facilities and Services

Neighborhood Character, Stability and Change

* Information on green buildings is available on the U.S. Green Building Council website (www.usgbc.org) and on the Affordable Housing Design Advisor website (www.designadvisor.org). Good sources of information on smart growth include the Congress for the New Urbanism (www.cnu.org), Smart Growth America (www.smartgrowthamerica.org) and the Local Government Commission (www.lgc.org).



growth and green building criteria. The American Institute of Architects (AIA) has developed a set of *Affordable Green Guidelines* for affordable housing design and construction that include principles on the following topics:

- Community Context
- Site Design
- Building Design
- Water Conservation and Management
- Energy Efficiency
- Reduced and Sustainable Material Use
- Recycling During and Post Occupancy
- Indoor Environmental Quality – Healthy Buildings
- Quality Assurance/Commissioning
- Innovative Design Strategies

Public Facilities and Services

Resistance to new development sometimes stems from concerns that growth will over-burden public facilities and services to the detriment of existing residents. This resistance applies to a wide range of land uses, not simply affordable housing.

These are among the most challenging issues for local agencies to resolve. While observers differ over the precise amount, there is general agreement that there is a substantial funding shortfall to construct and maintain public infrastructure of all kinds in California.⁷ State law limits the revenues and fiscal tools available to local agencies. Fiscal restrictions and inadequate funding make it difficult to expand and upgrade existing public services and facilities to accommodate population growth.

In addition, there are many public facilities and services that may not be under the control of the local agency making land use decisions on affordable housing.

- Counties administer state-mandated health, welfare and social service programs, which serve residents in both incorporated and unincorporated areas.
- School districts are responsible for siting, constructing, modernizing and operating K–12 public schools. School districts cannot place conditions on new development to ensure adequate school facilities. In addition, cities and counties are restricted in the fees they can levy to provide schools to serve new development.
- In many communities, separate special districts administer other important public services. Examples include parks and recreation, libraries, fire and emergency medical response, water supply and wastewater treatment.

Key Things to Understand

Design and Density

Safety and Security

Traffic

Environmental Quality

✓ **Public Facilities and Services**

Neighborhood Character, Stability and Change

⁷ See Ellen Hanek and Mark Baldassare (eds.), *California 2025: Taking on the Future*, Public Policy Institute of California (2005).

Nuts and Bolts

This fragmented authority can create situations in which local agencies may not be able to assure that services or facilities under the control of other agencies will be provided as needed to serve new development.

Nevertheless, there are a number of ways local agencies can work with residents and coordinate with other agencies to address the impacts on public facilities and services associated with affordable housing and other types of development.

- Local agencies can develop a long-range capital improvement program (CIP) as part of the general plan to serve as a guide for the expansion of public facilities to accommodate growth as well as the needs of existing residents. The CIP can include a budget and schedule for developing public facilities to serve affordable housing projects. This can reassure the public that the new housing will not impose an undue burden on the community.
- Local agencies can coordinate with other agencies to develop needed facilities together. For example, cities or counties can work with schools or special districts to jointly develop community facilities such as parks, athletic fields, community centers and libraries. This avoids duplication and saves money. More information on joint use of school facilities is available from the Cities, Counties Schools Partnership (www.ccspartnership.org).
- Local agencies can establish fees for housing and commercial development that fully cover the costs of providing needed public facilities. Affordable housing projects and infill projects that make use of existing infrastructure can be assessed a lower fee or have the fees waived.

Key Things to Understand

Design and Density

Safety and Security

Traffic

Environmental Quality

Public Facilities and Services

✓ **Neighborhood Character, Stability and Change**

Neighborhood Character, Stability and Change

People are emotionally attached to their neighborhoods, which is generally a good thing. In many instances, the prospect that the neighborhood may change is enough on its own to spark skepticism and opposition to new development. This unease concerning change is not limited to affordable housing projects, although such projects can intensify the level of neighborhood anxiety.

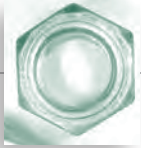
Three categories of community change are particularly important as sources of concern regarding affordable housing: changing demographics, neighborhood decline, and gentrification.

Changing Demographics

California is the most demographically diverse state in the nation. It is also one of the fastest growing. Taken together, these trends are rapidly changing the population makeup in many communities.

These changes sometimes result in tensions and conflict among various ethnic, racial, cultural and socio-economic groups. Neighbors may oppose affordable housing if the tenants are presumed to be demographically “different” from the current neighborhood residents. These concerns can be allayed for many residents by providing accurate information on the people who are expected to live in the new housing units.

This information may be available from data compiled for the regional housing needs assessment or the housing element of the general plan. Other sources may include the project proponents, local housing agencies, local housing and employment surveys, and census information.



Typically, however, the opponents of affordable housing who are motivated by prejudice represent a small minority of the community. Allowing the vocal NIMBY minority to dominate the public discussion makes it more difficult to bring bona fide issues to the fore.

Local agencies can use a variety of civic engagement techniques outlined elsewhere in this guide to ensure that prejudice is not allowed to dominate the conversation and edge out the majority of the public who may have valid concerns regarding the proposal and are operating in good faith. Local agencies need to make sure that the discussion focuses on real impacts and issues and not on fears and biases.

Neighborhood Decline

There is a widespread public belief that affordable housing developments lower property values and create blight. These beliefs may be based in part on past insensitive development, and in part on negative stereotypes about the residents, management, design, and construction quality of affordable housing.

Residents of relatively affluent neighborhoods without much affordable housing often resist such projects because they believe it will cause the neighborhood to decline socially and economically. In less affluent areas, residents may feel their neighborhood already has a disproportionate amount of housing affordable to low income individuals and families. They may resist additional affordable housing for fear that it will perpetuate blighted conditions that already exist, or stymie neighborhood revitalization.

There are a number of strategies local officials can use to address the issue of neighborhood decline as it relates to affordable housing.

Include affordable units in market-rate housing projects.

This can make affordable housing more acceptable to residents of both more affluent and less affluent communities:

- In more affluent communities, affordable units would represent only a portion of the new housing. These affordable units can be designed to be compatible with the market-rate units as well as the existing neighborhood. In many communities that have followed this strategy, residents say that they cannot tell the difference between the affordable and market-rate housing.
- Conversely, in less affluent neighborhoods the introduction of market-rate units can help to bring residents with more economic resources into the neighborhood, while still providing additional affordable units for current community members. Market-rate housing can be a catalyst for subsequent investments in local retail and commercial businesses as well as additional housing. This supports community revitalization goals and brings in needed public services that benefit all residents.

One tool to create a mix of affordable and market-rate housing is a local *inclusionary housing program*. Inclusionary housing programs require that new housing developments (meeting certain size or location thresholds) must include a proportion of affordable units.

Typical affordability requirements range from 10 percent to 20 percent of the total number of units, and may include a mix of moderate-, low- and very-low income units. Developers generally can pay an in-lieu fee rather than build the units. The local agency uses the in-lieu fee to underwrite the development of affordable housing projects.

Key Things to Understand

Design and Density

Safety and Security

Traffic

Environmental Quality

Public Facilities and Services

✓ Neighborhood Character, Stability and Change

Nuts and Bolts

Key Things to Understand

Design and Density

Safety and Security

Traffic

Environmental Quality

Public Facilities and Services

✓ Neighborhood Character, Stability and Change

Disperse affordable housing throughout the community.

Neighborhood decline is associated with concentrated poverty. Local agencies can avoid contributing to the problem and build greater support for affordable housing by distributing new affordable housing throughout a variety of neighborhoods rather than concentrating it in impoverished areas.

Planning is one tool that can help accomplish this objective. Through the housing element of the general plan, the local agency can identify locations for affordable housing that avoid disproportionate concentrations in disadvantaged neighborhoods. This can be combined with planning and development policies that encourage developers to propose projects in these locations. Examples include expedited permitting and fee waivers or reductions.

Local agencies can also use financial tools to disperse affordable housing. Funds for affordable housing can be targeted for projects in identified locations. Potential funding sources include commercial linkage fees, redevelopment tax increment funds, state bond funds, and inclusionary housing in-lieu fees. Local agencies can also focus public infrastructure investments in priority areas where affordable housing development is desired. This can reduce development costs and make a target area more attractive to investors and potential tenants alike.

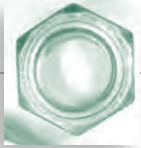
Combat blight. Blight can be an impediment to the development of market-rate and affordable housing. Local agencies can combat blight through strategies that combine concentrated code enforcement with “greenlining” and public investment.

Code enforcement and related efforts to upgrade the quality of existing homes improves living conditions for current residents and maintains a community’s stock of affordable housing. This helps to stabilize a neighborhood by stemming the flight of residents with the greatest economic resources and opportunities. It also builds support for affordable housing by showing that affordable housing can be well maintained.

Local agencies can work with financial institutions to make more capital available for investment in the community. This is sometimes known as greenlining (as opposed to the now-banned practice of banks redlining minority neighborhoods where they refused to make loans). Greenlining can provide residents with access to lower-cost loans for home purchases, repairs, and improvements.

Public investments can also help prevent or reverse blight. To encourage development in targeted neighborhoods, local agencies can designate *priority investment areas* in their general plan and capital improvement program (CIP). Infrastructure that supports development — water lines, sewer mains, stormwater drains, and local streets — can be updated and expanded in these areas. This can then attract private commercial and residential development.

To attract and retain residents, neighborhood facilities and public spaces can be improved. Examples include local schools, parks, streets and sidewalks, streetlights, and community centers. Local agencies can also invest in public services such as crime prevention, recreation, education, and healthcare to improve the quality of life for neighborhood residents.



Gentrification and Displacement

Gentrification is the flip side of blight. Sometimes, efforts to revitalize a neighborhood have the effect of displacing the people who live there.

New housing — particularly moderate-income and market-rate housing — may be unaffordable to current residents. An influx of more affluent residents can also drive up rents for existing housing. In some cases, lower-cost homes and apartments may be demolished to make way for more upscale new projects.

As property values climb, older buildings that house viable local businesses may be sold and converted to trendy lofts and apartments. This reduces employment in the community, making the economic situation of residents even worse. As the neighborhood gentrifies, the original residents find themselves physically displaced or priced out of their own community.

There are several strategies local agencies have used to address gentrification associated with affordable and market-rate housing development:

- Require that a portion of the new housing built in the neighborhood be affordable to existing residents. Residents could be given priority or have a share of the new housing reserved for them.
- Local agencies can invest their own financial resources to stimulate affordable housing development, provide rent subsidies, and otherwise assist neighborhood residents at risk of displacement. A local housing trust fund is one mechanism that agencies can use for this purpose. Information on creating a local housing trust fund is available at www.ca-ilg.org/htf.

- Restrict the ability of property owners to convert rental units to condominiums. Another option is to require that landlords offer relocation assistance when they remove units from the rental market.
- Work directly with residents to establish or strengthen local community development corporations, credit unions, and other community-based organizations that provide housing, employment, financial, and other services. Local officials can also coordinate the activities of their own agencies and other key public and private institutions to bring more resources into the community and improve the delivery of public services.

All neighborhoods evolve over time. While it is unrealistic to expect that local officials can prevent neighborhoods from ever changing, there is much that local agencies can do to channel change in a positive direction. One of the most important actions they can take is to provide an adequate supply of affordable housing to meet the needs of current residents, while addressing the needs of newcomers in an equitable way.

Key Things to Understand

Design and Density

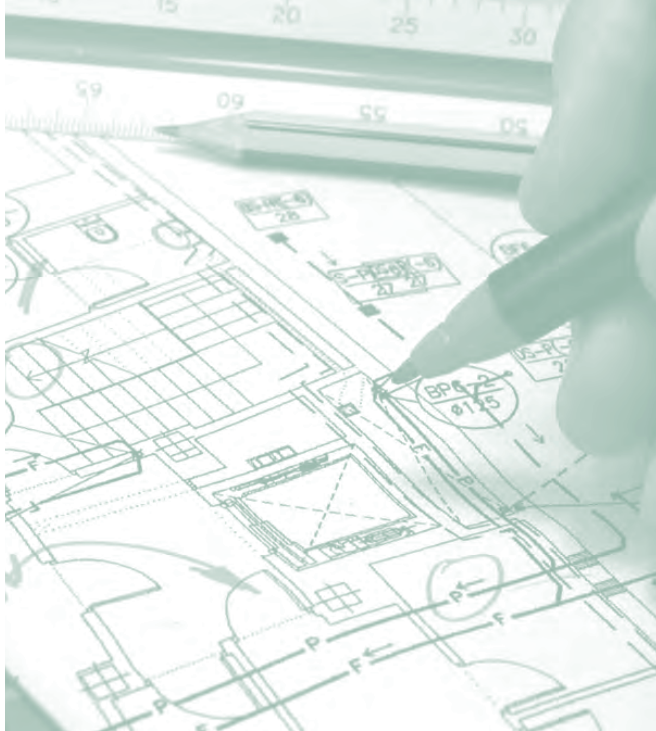
Safety and Security

Traffic

Environmental Quality

Public Facilities and Services

✓ Neighborhood Character, Stability and Change



Blueprint for Success: Designing the Public Participation Process

Perhaps the greatest precondition for public acceptance of affordable housing is trust. A lack of trust can manifest itself in several ways:

- The public may question the motives of the project proponents.
- The objectivity or open-mindedness of local officials may be challenged.
- Residents may doubt the validity of studies and analyses of the likely impacts of the proposed project.
- Some may not have faith that the process for considering the proposal and making a decision will be fair and open.

In short, some people may question whether their legitimate concerns will be heard, valued and acted upon by local officials.

Neighborhood skepticism or opposition often may spring from a fear of change and a lack of good information. These are concerns that cannot be quelled by a mailing or one or two public hearings. However, an authentic commitment to meaningful civic engagement and public participation can build a positive climate that leads to greater community trust.

Creative Approaches for Community Engagement

When planning how best to engage the public, local officials have two approaches to consider. The first is to rely upon the formal land use planning and development process, which includes many steps required by law. This path can be sufficient for many local development decisions.

However, the traditional planning and development process may not be sufficient for more controversial proposals, such as those involving affordable housing. For example, public hearings typically occur late in the process, after doubts and opposition have had an opportunity to build. The result often is conflict and mistrust.

When trust is an issue or conflict a possibility, local officials can use additional civic engagement methods to complement the traditional planning process. These may also be warranted when the proposed development has the potential to significantly impact the character or well being of the community. Whatever combination of traditional processes and civic engagement strategies is selected, the final public participation strategy should factor in the following three components to increase public confidence:

- 1. Resolve uncertainty early in the process.** Local officials can help meet this need by collecting and communicating good information about the proposal, the problems it may pose, and possible courses

Key Things to Understand

✓ Creative Approaches for Community Engagement

Designing a Strategy for Public Participation

of action. Starting as early as possible is important, inasmuch as trust lost is hard to regain. A well-designed traditional planning process can produce a wealth of reliable information for decision-makers and the public to consider. Communicating this information effectively may be another matter. This is where creative civic engagement and communications strategies can be helpful.

- 2. Deal with different points of view.** Simply providing good information may not be enough to prevent controversy, address contrary viewpoints and values, and resolve specific disputes relating to the proposal. In many cases, stakeholders do not agree on current conditions, the definition and importance of problems, or what goals and objectives should be pursued. Local officials can employ a variety of strategies to bridge these differences. The aim is to better understand the interests of all, to develop and articulate shared goals, and to forge (to the degree possible) a common understanding of issues, concerns, and effective solutions.
- 3. Validate participation.** Building public confidence is an incremental process. Public trust requires that community members believe that local agencies are open and accessible and that public views and input are welcome and respected. Striving for more inclusive public participation will lead to better decisions and more support for the decisions or policies that are ultimately adopted. It will also add to the democratic skills and practices of residents, thereby enriching the community as a whole and fostering greater public trust.

Local agencies are increasingly turning toward more participative models of decision-making to complement traditional methods, particularly for controversial projects and for the development and implementation of general plans, zoning ordinances, and other legislative acts. Advisory committees, stakeholder

processes and other non-conventional hearing formats are all methods that create greater civic involvement.

Broad public engagement leads to more developed thinking about solutions. Ideas that have been vetted through various community groups and participation processes are more likely to address a wide variety of concerns and thereby generate broader support.

Focusing on Underlying Interests

One way to approach conflicts over affordable housing is to look at potential disputes between project proponents and neighborhood groups or other possible opponents as a process of negotiation. Each participant has a stake in the outcome: the applicant and other project proponents in getting the project approved and the neighborhood in stopping or modifying the project. In many negotiations, however, both sides become vested and entrenched in their positions, making it difficult to find common ground.

The challenge for local officials is to find a way out of this gridlock when it affects much-needed affordable housing projects. In the seminal book *Getting to Yes*, authors Roger Fisher and William Ury provide some useful guidance by drawing a distinction between *positional* and *interest-based* negotiations.

In position-based negotiations, each side spends much of its time and energy defending its views and challenging those on the other side. In interest-based negotiations, the positions of the parties are not questioned or attacked. The key becomes understanding why a person or group has taken a particular position. Focusing on the underlying reasons for a position provides a starting point for finding win-win solutions.

One goal of an effective community engagement strategy is to look for the values and interests that underlie stakeholders' expressed positions. People can more often understand each



other's values and interests before they accept different positions.

Here's an example:

- **Position:** "I want the proposed affordable housing project at First and Elm Streets to be approved and built as designed."
- **Interest:** "I want our children to be able to afford to stay in our community when they grow up."
- **Value:** "I think safe, decent and affordable housing is essential for our community."

There are usually more ways to satisfy interests than to bridge conflicting positions. However, it can be difficult to accomplish this through the traditional planning process.

By the time of the first public hearing, local agency staff and the applicant may believe that the proposal has already anticipated and taken the interests of neighbors and other stakeholders into account. The project may have been revised, and conditions and design elements may have been added to address concerns brought up by staff.

The problem, however, is that the neighboring residents often do not *believe* that their concerns have been understood or adequately addressed. That may particularly be the case if they feel that no one has talked or listened to them. Moreover, the public may lack the specific knowledge of both the project and the land use planning process to be aware of what conditions have been imposed on their behalf and how effective they might be.

By the time of the public hearing, the residents may have already made up their minds to oppose the project. If the project is then approved, they are likely to feel that the final decision was a foregone conclusion. This further undermines their faith in the decision-making process and willingness to accept affordable

housing in the future. Complementing public hearings with other strategies for public engagement can help avoid this outcome.

Designing a Strategy for Public Participation

Once local officials have an understanding of who the stakeholders are and a clear picture of their values and interests relative to the project, the next step is to design the most appropriate strategy for engaging the public. This in turn will depend upon the results that officials are seeking from the process and a clear understanding of the roles they would like members of the public to play in the process. Typical results that local officials may seek from public engagement include the following:

1. Promote the project
2. Gather input to inform decision-making and enhance public understanding
3. Use public forums to promote an informed public judgment
4. Resolve substantial conflicts among competing interests

Approaches to achieve each of these results are presented below.

1. Promote the project – an *information* approach.

If the goal of local officials is simply to secure public support for the project, their approach may rely on developing credible information and sharing it broadly. Communication is primarily one way, from project proponents and officials to the community. Techniques may include outreach, presentations, press releases and stories, information posted on the local agency's website and other means to disseminate information.

Key Things to Understand

Creative Approaches for Community Engagement

✓ Designing a Strategy for Public Participation

Blueprint for Success

When promoting the project is the goal, direct input to local officials may be limited to public hearings and other opportunities provided through the traditional planning process. This approach is only effective if local officials believe that relevant stakeholders and interest groups are open to information, trust the sources, and are not predisposed to conflict or opposition. Surveying the landscape in advance can help local officials determine the extent to which these assumptions are warranted.

2. Gather input to inform decision-making and enhance public understanding – a consultation approach.

Local officials may believe that skepticism or opposition to an affordable housing project is based primarily on public misconceptions rather than hostility to affordable housing. In this case, the goals are to surface rumors and misunderstandings and provide a process to address them.

An effective approach is to structure public hearings, workshops, websites and other means for input as opportunities for enhanced communication among the public, project proponents and local officials. Materials can be developed to provide stakeholders with in-depth information about the project with a focus on answering questions to clarify understanding. Public officials can then consider the public input they receive in their decision.

In most instances, misperceptions are only one element of public skepticism and concern over affordable housing. This approach is not well suited to situations where broader community deliberation and/or negotiation are needed to revise the affordable housing project or attach conditions in order to gain community acceptance.

3. Use public forums to promote an informed public judgment — an engagement approach.

This is a more deliberative approach than consultation and usually requires greater time and resources to implement successfully. In this approach, stakeholders participate in public forms, conversations or dialogues that complement traditional public hearings and other standard elements of the planning process.

The goal is to assist participants to reach an “informed judgment” about the proposal. Participants use reliable information to consider alternatives and arrive at common agreements or recommendations that shape the project decision.

Participation in these processes may be oriented to formal stakeholder groups, be more inclusive of the general public, or include elements of each. Once participants are better informed and have reached a considered judgment on the project alternatives and mitigation measures, local officials can assess their preferences and take them into account in the final decision.

This approach works best when stakeholders commit to discussing their concerns and differences constructively with one another and with local officials. To build trust in the integrity of the process, participants should clearly understand from the beginning of the process how their ideas and recommendations will be reflected in the final decision.

4. Resolve substantial conflicts among competing interests — a conflict resolution and negotiation approach.

This approach is best suited to situations where local officials can turn the focus of the disagreement to the underlying interests of various stakeholders, and not on grievances,

Key Things to Understand

Creative Approaches for Community Engagement

✓ Designing a Strategy for Public Participation



prejudices or conflicting values. Conflict resolution or negotiation requires a set of organized stakeholders who can send representatives to the bargaining table, with a well-defined set of agreed-upon issues. This approach often involves the service of a neutral facilitator to guide discussions and negotiations.

Interest-based negotiations allow for specific tradeoffs and agreements to be made that can then be proposed to decision-makers. Public agencies can design the process so that stakeholders can identify, articulate and rank their interests and determine their “bottom line” needs. If each side has a clear view of its interests and needs, it makes it easier for participants to reach an agreement.

Participants will need to ensure that whatever agreements are negotiated among the stakeholders are workable for the project proponent, meet community development goals, and are likely to be acceptable to the governing body.

NIMBY: What’s in a name?

One important place to start building trust is with the language that is used to frame the debate. In particular, labeling skeptics or opponents as “NIMBYs” often solidifies opposition, making ultimate resolution more difficult. Use of the NIMBY label by project proponents, local officials or others is unfair to groups and individuals that raise legitimate questions or environmental or community-based concerns.

Instead of allowing name-calling to occur, local officials can focus public participation to surface issues, provide reliable information and find solutions to valid public concerns. In an inclusive process, opposition arguments based on prejudice or bias can be diminished and dismissed.

Key Things to Understand

Creative Approaches for Community Engagement

- ✓ **Designing a Strategy for Public Participation**

Key Things to Understand

Creative Approaches for Community Engagement

- ✓ **Designing a Strategy for Public Participation**

Addressing Emotional Issues — Community Values, Identity, Status and Trust

Community debates over affordable housing can get passionate and emotional. Whichever public participation strategy is selected, local officials should determine what issues are sparking the emotional responses and design the public participation process accordingly. Otherwise fervent argument may drown out reasonable discussion of the project’s merits and impacts.

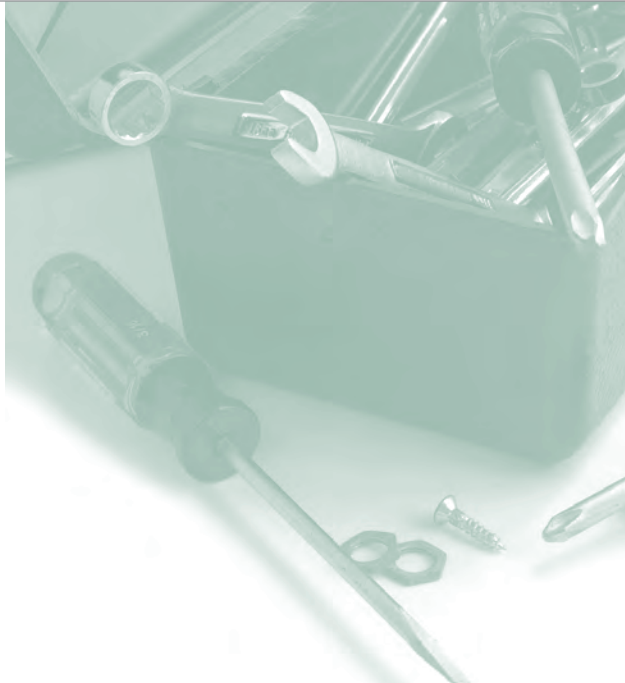
Emotional reactions can stem from a clash of *values*. Housing advocates want to see decent housing for the disadvantaged members of the community. Neighbors want to protect the quality of life of their neighborhood. Conflict is likely unless these values can be harmonized.

Community identity and status are other emotional issues that may underlie conflict over affordable housing. People in neighborhoods with a concentration of affordable housing may object to projects that reinforce a negative community identity. People in affluent communities may object to housing people in their neighborhood that they believe do not share their status or with whom they do not identify.

Finally, *a lack of trust* can engender conflict. Residents may not trust the developers. Housing proponents and opponents may be divided into competing camps. Neighbors may be wary of one another. The public may not trust local officials to put the public’s interest first.

Where emotional issues dominate the debate, local officials can provide venues for face-to-face dialogue to defuse anger, address trust issues, and examine assumptions about the project and the people it is intended to serve.

Facilitated sessions can help to bring these issues into the open, address the underlying concerns, dispel misconceptions, set aside prejudices and find common ground based on shared values and interests. Local officials may participate in collaborative forums as neutral convenors and information resources to demonstrate an open and even-handed approach that builds public confidence. This in turn can open lines of communication and build trust among adversaries, and among project proponents, stakeholders and local officials.



Choosing the Right Tools: Applying Methods of Community Engagement

Once local officials have determined what results they are aiming for and have decided upon the most appropriate public engagement strategy to complement the formal planning process, the next step is to choose which community engagement methods to employ. These include both community engagement *techniques* and *tools*.

Community engagement techniques are the processes that local agencies use to foster public involvement and participation. Community engagement tools are the specific devices or means that are used to prepare and convey information in conjunction with a particular community engagement process.⁸ Tools and techniques are intended for use in concert with one another.

Community engagement techniques and tools are described in the following sections. For more information, see Chapter 3 of *The Planning Commissioner's Handbook*, published by the League of California Cities. The publication is available on the Institute's website at www.ca-ilg.org/pch.

Community Engagement Techniques

This section describes several techniques local agencies can use to foster and facilitate public involvement in affordable housing plans and projects:

- Visioning Exercises
- Stakeholder Groups
- Small-Area Planning Committees
- Charettes and Design Workshops
- Advisory Groups and Technical Committees
- Grass-roots and Grass-tops Consultations
- Targeted Issue Groups
- Respected Intermediaries

Visioning Exercises. Visioning or goal-setting exercises can be used to guide the preparation of a general plan, specific plan, or zoning ordinance. By incorporating affordable housing directly into the community's vision, conflicts and controversies over subsequent projects can be avoided or minimized.

⁸ This distinction is from *Higher Density Plans: Tools for Community Engagement*, published by the Mineta Transportation Institute, San Jose State University (August 2004).

Choosing the Right Tools

Participants representing a cross-section of community interests work with local officials and staff to develop desirable characteristics for the future development of the community. In a typical visioning process, meetings may occur monthly and occasionally weekly for several months. Trained facilitators often guide discussions, and participants may be divided into smaller groups to pursue solutions to specific issues.

Sometimes community-wide “town hall” meetings or workshops are held at critical points in the process. These are used to solicit ideas from the broader public and to gauge reactions to the vision as it develops. At the end of the process the group usually develops a set of guiding principles that serve as a vision statement, which can be incorporated into the general plan or other policy documents.

Stakeholder Groups. A stakeholder is a person or group with a significant interest in the topic at hand. A stakeholder group is a body established to represent all the interests most likely to be affected by the proposal. Stakeholder groups can be an excellent source of technical expertise and can provide a necessary reality check when a proposal produces unintended or unwanted consequences.

Sometimes stakeholder groups are divided into caucuses that share a characteristic, perspective or affinity. For example, there may be a business caucus of large employers and small local businesses, or a neighborhood caucus with representatives from several neighborhood groups. Caucuses provide a way for stakeholders to candidly explore issues in depth without jeopardizing their interests through discussions among the whole group.

Stakeholder groups may be established by an agency governing body as a task force, charged with reporting back to local officials. Alternatively, stakeholder groups may be established informally, convened by local officials or by community leaders.

Task forces formally appointed by a governing body may be required to comply with open meeting laws. This allows the public to follow their discussions and deliberations. The formalities of complying with such laws may require extra effort and possibly may dampen candid discussions within the group.

Stakeholder groups can be convened to bring key leaders together to build consensus or negotiate an agreement on a proposal. Consensus-building generally involves a structured, facilitated process to craft an overall agreement on a course of action that all participants agree not to oppose. Negotiation and dispute (or conflict) resolution are often used in stakeholder groups. Dispute resolution involves direct discussions among a few defined parties to resolve specific disagreements.

The risk of conducting dispute resolution within a stakeholder group is that the inability of a few parties to reach agreement could stymie the ability of the group as a whole to reach a consensus. On the other hand, embedding dispute resolution within a larger stakeholder process puts pressure on the parties in dispute to reach an agreement each can live with so as to contribute to the success of the effort.

Small-Area Planning Committees. A small-area planning committee may be useful in building agreement or resolving disputes around plans for specific neighborhoods, business districts, historic districts, or transportation corridors. Committee members — who may include area residents and business owners along with representatives of local community organizations — are asked to develop goals to improve their local neighborhood.

Key Things to Understand

✓ Community Engagement Techniques

Community Engagement Tools



Usually, the goals such a committee develops will be more specific than those that come out of a broad, community-wide visioning exercise. Local officials can include affordable housing among the issues the committee is charged with including in their goals. Precise development ideas and even detailed designs may emerge from the committee. Because such committees are focused on a defined geographical area, residents tend to be more engaged because they see the process as directly affecting their neighborhood.

Charettes and Design Workshops. Charettes are an intense set of workshops – usually occurring over consecutive days — that are designed to educate the public about choices and solicit their views. They may be sponsored by the local agency or organized by an outside group of planners, architects or urban designers with particular expertise with charettes. They often focus on issues of community design and examine what types of architecture and uses would be the best fit for the community.

Detailed drawings and other visual aids (described in the section on tools) help participants develop specific ideas for how they want their community to look. Participants then develop a set of guiding principles from these preferences. A facilitator usually leads the working group, and staff may be on hand to answer questions and provide additional expertise.

Results from charettes on housing proposals can vary. In some cases they simply identify issues that need to be addressed. In other cases results could range from brainstorming options for decision-makers to consider to developing specific guidelines for design, use, conditions, and other physical and policy aspects of the housing proposal.

Whatever the format, the emphasis is on intense, focused deliberations that can produce results within a short period of time. Charettes can be an effective way of “getting to yes” for key

stakeholders, although they may require a big investment of time by participants and may not attract a representative cross-section of the community.

Advisory Groups and Technical Committees. Local officials often appoint advisory groups or technical committees to provide focused input on issues of concern, such as affordable housing. These committees are generally less representative of the entire community than are stakeholder groups. They also do not generally seek to form a formal consensus, instead providing local officials with a range of perspectives or technical advice on the issues brought before them.

Advisory groups and technical committees may be created on an ad hoc basis to address a specific issue or proposal. They may also be more permanent and ongoing to provide a venue to air potentially controversial issues, devise technical solutions and solicit community input.

For example, many communities have established neighborhood councils that include local leaders, often from recognized community groups. These councils serve as a first stop for reviewing and commenting on affordable housing and other development proposals. This can provide valuable feedback on potential neighborhood concerns and attitudes before proposals proceed through the permit application process.

“Grass-roots” and “Grass-tops” Consultations. In many communities, there is an informal network of community leaders and activists who follow land use and development issues. These “grass-tops” opinion leaders can have considerable knowledge and influence in the planning process. Examples include heads of neighborhood and homeowner associations, activists for community causes, local business owners, leaders of faith-based and other community institutions, and former elected or appointed officials.

Key Things to Understand

✓ Community Engagement Techniques

Community Engagement Tools

Choosing the Right Tools

Local agency staff can make it a practice to consult with these community opinion leaders to sound them out on potentially controversial housing proposals. This will assist staff in identifying and understanding key issues to include in project analyses and staff reports. Consultation can help local officials determine what public engagement strategies and techniques may work best in particular situations.

Community leaders can also provide opportunities for local officials to meet with “grass-roots” constituents about affordable housing proposals. These can range from informal discussions in a neighborhood leader’s living room to attending meetings of community and business organizations.

Participating in community meetings and making presentations can be part of an organized communications and outreach program. It can also simply be a chance to learn about community activities and concerns informally. Over time these consultations will build relationships and trust between local officials and the community.

Targeted Issue Groups. When tough issues or sticking points arise in stakeholder discussions or during the outreach process, small groups can be convened to focus on a particular topic or question. There may be conflicting views among community stakeholders that need to be aired and addressed. In other cases, staff may have different ideas than stakeholders or charette participants that need to be resolved for the process to move forward.

An able facilitator or other skilled leader and a clear agenda can help participants work through the issue and reach agreement. Targeted groups work best when the number of participants is limited (perhaps up to 20), the discussions are focused on

one or two specific questions, and they meet over a short time period. Participants should have important technical expertise and/or represent key stakeholder groups whose input is critical.

Respected Intermediaries. Sometimes, it may make sense that local agency officials not be the direct sponsors or convenors of a community engagement effort. For example, there may be a history of prior disputes or a lack of trust in local officials among some stakeholder groups. If the agency itself is the proponent of the housing proposal, participants may question the objectivity and neutrality of local officials.

In these instances, local agencies can bring in respected intermediaries to convene, organize, and run the public engagement process. Options include a consultant team with expertise in public engagement and planning, or one or more well-regarded civic leaders or community-based organizations. The intermediaries serve as a bridge between stakeholders and the public on one hand, and agency staff and officials on the other.

It is best if the intermediaries can be – and are perceived as being – neutral and objective stewards of the process. Otherwise, participants may become frustrated, cynical, disengaged, or confrontational.

One way to assure neutrality is for the intermediaries to work independently once the basic ground rules have been established with the local agency. Another option is to create a small steering committee that includes agency officials and key stakeholders to meet periodically with the intermediaries to receive reports and address any issues that may arise during the process.

Key Things to Understand

✓ Community Engagement Techniques

Community Engagement Tools



Community Engagement Tools

There is a wide array of tools to assist the public to make an informed judgment about land use plans and proposals in their communities. No single tool is likely to reach everyone that local officials are seeking to engage. Therefore it is usually a good idea to use a variety of tools in combination, geared to the particular stakeholders and community members who participate.

Some of these tools are low-tech and tried and true; others are sophisticated systems relying on computers and advanced software. But the goal for each is the same: to accurately convey information in an accessible way to members of the public who are not planning professionals.

The tools in this section fall into five categories based on the function each performs:

1. Getting Public Perspectives
2. Developing Usable Information
3. Visualizing Change
4. Reaching the Public
5. Communicating through the Media

1. Getting Public Perspectives

Local officials need public input to make good decisions that reflect community concerns. Sometimes public hearings become the dominant means for the public to communicate with officials. However, public hearings, while essential, may not reflect the full range of public views and may occur too late in the process. Local officials can benefit from additional means of getting public perspectives on the proposal.

Opinion and Data Surveys. Local agencies can periodically survey a cross-section of the community about critical issues and challenges. These need not be random-sample polls, although for controversial projects or large undertakings (such as a general plan update) a statistically accurate poll can provide useful information.

Surveys can also provide important data for planning and development projects. Local agencies already have access to a wealth of data through the census and other data bases. This information can be supplemented through data surveys.

A number of relatively inexpensive survey techniques are available:

- Local agencies can place “passive surveys” in the planning department, public libraries, city hall, county administration building, shopping malls, and other places residents congregate. People who wish to provide their views pick up, fill out and return the surveys on their own initiative.
- Local staff, service organizations, neighborhood groups, students or other volunteers can conduct a door-to-door survey in neighborhoods where development is being proposed. One common approach is for a college class to develop and conduct a neighborhood survey.
- Surveys can be distributed at workshops, hearings, presentations, and community meetings. Staff or volunteers can also ask participants at community events or people using community facilities to respond to a brief questionnaire.
- Surveys can be included on the agency’s website for residents to fill out. This can be a good way to track opinion over time and collect a variety of information at different stages of the process.

Key Things to Understand

Community Engagement Techniques

✓ Community Engagement Tools

Choosing the Right Tools

- Surveys can be included with utility bills or other mailings the local agency sends to residents. Project inserts included in newspapers can also contain a survey. Residents can be asked to complete the survey and mail it back, or be directed to fill out the survey online.

Care must be taken with survey results provided by sources outside the local agency. Sometimes project proponents will conduct an opinion poll, or neighborhood groups may survey the residents in their neighborhood. Results can be biased, superficial, or taken out of context. The results also may not reflect the intensity of particular views. The local agency should determine whether the methodology was valid and yielded objective results before relying on survey information provided by outside parties.

Focus Groups. Focus groups bring together a small representative set of residents to test reactions to products and proposals. They can provide a snapshot of what people do and don't know about an issue, and what their initial reactions may be before there has been much discussion or education on the issue. Because of their small size, they should not be considered representative of the larger population. They also reflect an initial "knee-jerk" reaction rather than a considered judgment on the subject.

Project proponents may hold formal or informal focus groups to predict how residents might react to the design, uses, features, tenants, and other aspects of housing and other development proposals. This information is then used both to guide the design of the project and to determine the development team's strategy for engaging local officials and the public.

Local officials can sponsor or facilitate focus groups of their own. For community-wide efforts such as visioning or a general plan update, these can include a random cross-section of

residents. For smaller plans or specific projects, the local agency can recruit a select group of affected stakeholders.

Interactive Discussions and Keypad Polling. Local agencies and other planning entities are making greater use of computers and the Internet to get rapid and real-time input from participants in planning exercises.

- Webcasts allow local agencies to conduct a "virtual" presentation over the Internet to a widely dispersed audience, with visual displays and real-time questions and answers.
- Agencies can host "electronic town hall" meetings for visioning exercises, general plans and other large-scale projects. These can be held as stand-alone events or in tandem with real gatherings, allowing people who can't attend to participate.
- People attending a workshop or town hall session can weigh in on their favorite ideas or scenarios through keypads that compile and display the results immediately.
- Multiple gatherings around a community can even be tied together with video technology so people can participate from a location in their own neighborhood while interacting with participants elsewhere.

2. Developing Usable Information

To participate meaningfully and make informed choices, public participants in planning and development efforts need information that is reliable and relatively complete. There are a number of tools local officials can use to report facts and analyses about affordable housing proposals to the public.

Key Things to Understand

Community Engagement Techniques

✓ Community Engagement Tools



Resident Profiles. Often, neighbors initially oppose affordable housing proposals based on assumptions regarding the people who will live in the new homes and apartments. One powerful way to dispel misperceptions is by developing a profile of the likely tenants. This can be done by reviewing market studies done by the agency or the project proponent. Another method is to compile a resident profile for similar developments in or near the community. Waiting lists for affordable housing provide another source of data on potential residents.

Putting a face on typical occupants – who often fill such vital roles in the community as teachers, janitors, nurses, public safety officers, mechanics and retail clerks – can quell fears raised by residents who claim that “those people” (meaning affordable housing occupants) will cause problems or threaten their safety.

Housing Market and Property Value Studies. Affordable housing projects are often needed because the housing market fails to provide an adequate supply to meet local demand. Market studies can demonstrate the extent to which the housing needs of the community are not being met for various income and demographic groups and build the case for correcting the situation.

A closely related issue is the perception that affordable housing will reduce neighborhood property values. Since a home represents the single largest financial asset for most families, this is a very important issue to many residents.

The idea that affordable housing hurts property values persists despite recent studies indicating that affordable housing has little effect on property values — other than to sometimes increase them.

For example:

- Federally assisted housing has an insignificant or positive effect on property values in higher-value neighborhoods, according to a report by George C. Galster in 2002. Lower-value neighborhoods experienced increased property values.⁹
- Developments supported by low-income housing tax credits often cause surrounding property values to increase, according to a study by the University of Wisconsin Center for Urban Land Economics Research in 2002.¹⁰

However, these and similar findings are counter-intuitive to many residents. Local leaders seeking neighborhood acceptance for an affordable housing project can do their own informal research. Compiling data on sales, rentals, and assessed property values for a comparable project in a nearby community may help dispel what has become one of the most prevalent myths in the affordable housing debate.

This information can be particularly persuasive when combined with visual images. Once residents see that modern, well-designed affordable housing does not fit common stereotypes about “low-income housing projects” or “run-down neighborhoods” they are less likely to object.

Economic and Fiscal Analysis. Staff reports for affordable housing proposals and other planning and development projects sometimes include an economic and fiscal analysis. The analysis generally describes current economic conditions in the neighborhood or community and assesses the likely economic impacts of development. Fiscal impacts are also assessed,

Key Things to Understand

Community Engagement Techniques

✓ Community Engagement Tools

⁹ George C. Galster, *A Review of Existing Research on the Effects of Federally Assisted Housing Programs on Neighboring Residential Property Values*, Report to the National Association of Realtors®, (September 2002).

¹⁰ Richard K. Green, Stephen Malpezzi & Kiat-Ying Seah, *Low Income Housing Tax Credit Housing Developments and Property Values*, The Center for Urban Land Economics Research, University of Wisconsin (June 14, 2002).

Choosing the Right Tools

including the taxes, fees and other revenues the project will generate and the cost of public services and facilities needed to accommodate the project.

Fiscal and economic analyses provide important information, but it is usually in a form that is difficult for the public to access and comprehend. Reports tend to be technical and rely on large amounts of data and complicated modeling techniques.

Often project conditions and mitigation measures are based in part on these analyses. Yet the public may not realize the extent to which fees and other project conditions address the public costs of the development.

Local officials can assist with public understanding of the economic and fiscal costs and benefits by ensuring that staff reports include summaries that are easy for the public to understand. They can develop documents that present the findings of economic, fiscal, and other studies in a readable format, including charts, graphs and illustrations that convey information simply and accurately.

Transportation Analysis. Concern about traffic can be a major reason residents oppose affordable housing projects. Local agencies generally carry out standard traffic engineering studies that describe the existing conditions and quantify the proposal's impact on traffic congestion. Planning and public works officials use the results to develop traffic engineering solutions.

Where traffic is a crucial issue, local agencies can translate technical staff reports into user-friendly documents and presentations that explain the proposal's traffic impacts and describe the measures that will address the impacts. These can then be provided as background information for public hearings, or used in charettes or stakeholder meetings to educate participants and guide discussions.

Environmental Analysis. Environmental Impact Reports (EIRs) and other environmental documents offer a wealth of information on how housing projects and other development proposals may affect a wide range of neighborhood conditions and environmental factors. They also suggest project alternatives and ways to avoid or reduce adverse impacts. As with other technical reports, local agencies can pull key information from these studies and present it in a format that is more usable for public hearings, workshops and other public engagement venues.

3. Visualizing Change

In the past several years, there have been exciting advances in the tools to help local officials and the public to visualize the changes brought about by development proposals. Many of these tools integrate geographic information system (GIS) capabilities with the ability of computers to quickly process large amounts of data and display the results in real time. But local officials also have a number of traditional visualization tools to work with as well.

Drawings, maps and photos. These are the most common visual tools. They can illustrate project design details, circulation patterns, current conditions, and a host of other items. They can be used in reports, blown up for large wall displays, included in slide shows, and marked up in working sessions.

One recent innovation is group mapping, which uses large-scale maps that show existing land uses and environmental constraints. Participants in a community workshop are given markers representing a certain number of new people and jobs the community anticipates it could attract as it grows. Participants then indicate on maps where they would place new development, and what kind of development they would like to see.

Key Things to Understand

Community Engagement Techniques

✓ Community Engagement Tools



Choosing the Right Tools

3D models. Models allow people to visualize how projects will actually look. Massing, heights relative to neighboring uses, and how the project fits into the community can all be illustrated. However, models can't be altered easily and so are not well suited to charettes and other design exercises to show how changes would appear. Today, visualization software provides many of the features of 3D models but can be easily altered to test options and see the results.

Visual preference and comparison surveys. Preference surveys show participants different examples of common development design elements — streets, building facades, landscaping, and other features — and ask which choice is preferred. With a set of well-selected images, this can help local officials quickly isolate key design features that people like, and those to which they object.

Photo simulation and computer visualization. These tools allow people to brainstorm and fine-tune their design ideas during a design workshop.

Using digital photo images, participants can see two-dimensional examples of what a project site or neighborhood would look like before and after development. Buildings along a street can be replaced with new ones, or sidewalks can be widened and landscaping added. Vacant lots can be filled in. The proposed project can be shown side-by-side with existing buildings.

With visualization software, viewers can see a project on a computer screen in three dimensions from multiple perspectives. Project design features can be changed on the computer and participants can see the results right away. Some programs can even allow viewers to “walk” or “drive through” a project.

GIS visualization & impact analysis. These are the most sophisticated computer-aided tools currently available, combining geographic information systems (GIS), computer visualization, and community impact analysis. They are especially useful for community-wide visioning exercises. Recent advances have made the systems easy to use.

Typically, several community members at a table work out different scenarios for the development of a site or neighborhood. As they input land uses or zoning changes, participants can view site maps, see projects in 3D, and find out how the scenario might affect transportation, open space, local finances, job growth, housing supply and demand, energy use, and other issues.

Tours. Seeing is believing. Opportunities to view other projects first-hand help people visualize what the proposed project will look and feel like.

For affordable housing projects, local officials and staff can identify and arrange visits to similar projects. They can schedule tours for community stakeholders, so they can see how design, management, security, and other issues were handled. Tours can also focus on the neighborhood where the project is proposed. Participants can view current conditions and gain an appreciation for how the project will fit into the area. Note, however, that public officials should consult with agency counsel about any potential procedural issues related to site visits or other information collected outside the public hearing.

4. Reaching the Public

Local agencies can develop good information to educate the public but still find it difficult to reach people. The traditional planning process relies on the public to come forward – at public hearings and other meetings – to learn the details of affordable housing projects and other land use proposals. As a

Key Things to Understand

Community Engagement Techniques

✓ Community Engagement Tools

Choosing the Right Tools

consequence, the number of people actively involved in these decisions is usually a small minority of those who may be interested or affected. There are a number of tools local officials can use to reach a broader audience with information.

Exhibits and displays. Local agencies can create exhibits that explain important planning issues and proposals and place them in locations that reach people who may be unaware of them. This is a good use for some of the visualization products discussed elsewhere in the Toolbox.

Libraries, schools, city hall, the county administration building and other public buildings are obvious options. Displays might also be placed in shopping malls, at the offices of community organizations, and other places interested people might congregate. In addition, many communities have annual events where planning staff could set up displays and discuss the issues with participants.

Websites & E-mail. The Internet is an excellent way to educate local residents about housing proposals and other important planning matters. Most local agencies maintain a website accessible to the public. Content on housing proposals can be included on the website, including schedules of meetings and links to important documents. Community groups and other organizations can provide links to these locations from their own websites, broadening the local agency's reach.

Local agencies can also develop electronic list-serves that the public can subscribe to with information on planning and land use issues. Interested parties can stay up to date and have ample notice of meetings and events. E-mail also offers an easy way for local agencies to solicit public comment on housing plans and proposals.

Newsletters. Some local agencies have found it useful to publish newsletters on planning issues. These may be regular publications that cover ongoing planning and development activities, or a special series developed for a specific planning effort such as a community visioning exercise or general plan update.

Often, these newsletters are disseminated online, and may or may not be published in printed form. Online production and distribution can save substantial costs for printing and mailing, although editorial costs could still be considerable.

Advertisements & inserts. Local agencies often must run newspaper advertisements for project proposals to meet legal public notice requirements. However, relatively few people spot these notices in the paper.

To alert a broader audience, local agencies can place prominent ads in community media – general newspapers, neighborhood weeklies, or ethnic publications. Some agencies have partnered with local newspapers to distribute inserts with information on planning activities that reach a large segment of the community.

Participation guides & information sheets. Many people are unfamiliar with the structure and functions of local government. The planning process is complex. Information sheets — for example, about how the local agency works, where revenues come from, or what the steps are in making a decision on a housing project — can help people participate meaningfully. They can also increase public understanding of the unique issues faced by the community. The Institute for Local Government provides one-page flyers on a variety of procedural issues.

Presentations and speakers. For specific proposals that attract public interest, local agencies can work with community groups to schedule presentations at regular meetings or special events. Examples of potential audiences include neighborhood

Key Things to Understand

Community Engagement Techniques

✓ Community Engagement Tools



Choosing the Right Tools

associations, chambers of commerce, service clubs, environmental groups, and religious organizations.

To have a longer-term impact on community understanding of planning and development issues, local agencies can partner with other groups to organize a speakers' bureau to address local organizations on an ongoing basis. Expert speakers could include planners, architects, local officials, and other individuals well informed on land use, housing, and related issues.

5. Communicating through the Media

Sometimes a key way the public receives information about local planning and development issues is through the local media. There are a number of ways to work with the media to reach the public.

News reports. Some local agencies have public information offices that provide information to the media on a regular basis. If they aren't already doing so, they can alert the press to current planning and land use activities. Newspapers tend to cover development topics more than electronic media, especially if the development provokes controversy.

Local officials may find that non-traditional media are more willing to cover local planning issues more readily than large general-circulation newspapers, TV or radio. In California, ethnic papers are gaining readership, while readership is declining for mainstream papers. In many cases, the readership of ethnic papers as well as community weeklies and newsletters is precisely the audience that local officials would like to reach in order to expand public awareness about an affordable housing project. Internet based weblogs — or “blogs” — are another emerging source of public information.

For complex or high profile projects, a media kit with solid, concise background information can help journalists from both mainstream and non-traditional media cover the story. It also pays to establish longer-term relationships with journalists. Some ways to cultivate relationships with the media include:

- Having an agency spokesperson;
- Periodically briefing reporters on local issues that aren't related to a current controversy; and
- Assembling a list of knowledgeable sources inside and outside the agency that can provide expertise and perspective when journalists decide to report a particular story.

PSAs and public access channels. TV and radio stations as well as newspapers usually run public service announcements (PSAs) or community event calendars. These can be used to publicize planning-related meetings and events.

Some communities also have a community access cable TV channel that can be used to air programs on planning and land use issues, such as edited versions of community workshops or charettes. In some communities, local radio stations air talk shows or other programs that can provide local officials or experts from a speakers bureau with a venue to discuss important issues such as housing.

Editorials, op-eds and “civic journalism.” In addition to the “news” side, most newspapers also have an opinion section and an editorial board. Local officials can build relationships with editorial staff and inform them about affordable housing issues. When controversies arise, local agencies may receive editorial support for their plans, and may also be able to write opinion pieces for the editorial page. This can inform the public and build support, particularly with opinion leaders in the community.

Key Things to Understand

Community Engagement Techniques

✓ Community Engagement Tools

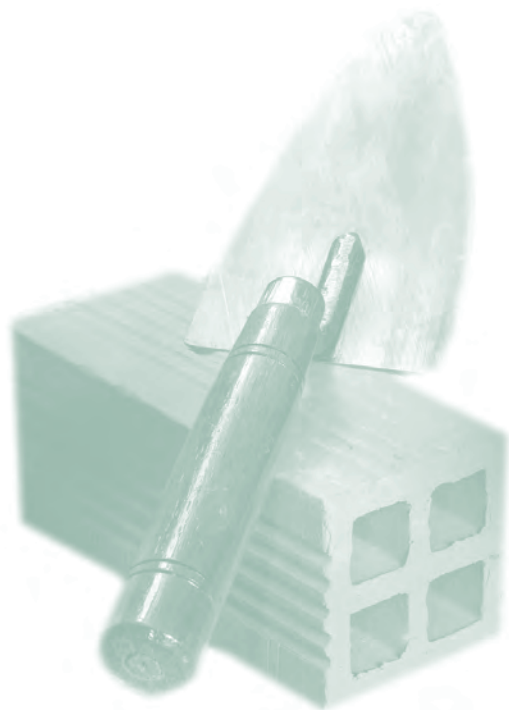
Choosing the Right Tools

Newspapers and public TV stations have sometimes partnered with local officials on “civic journalism” projects such as developing a regional vision for growth. They cover the topic over several weeks or months, informing their readers or viewers on issues, publicizing and covering workshops and town hall meetings, and reporting on the progress of local or regional efforts. These efforts have greatly boosted public awareness and participation in the communities where they have been tried.

Key Things to Understand

Community Engagement Techniques

✓ **Community Engagement Tools**



Laying a Foundation for the Future: Implementation, Oversight and the Framework for Planning

The effort to create a climate of community acceptance for affordable housing does not end with the final public hearing on a project or proposal.

To sustain support and build a foundation of understanding for all projects, local officials should pay as much attention to implementation as they do to the process of considering the project. The community will be looking to see if the plans and commitments made by local officials and project proponents are kept. If so, chances are the next housing proposal to come along will meet with community acceptance and support.

Perhaps the most effective way local agencies can build public support for affordable housing over the long term is to ensure that the community's plans for the future provide for it. By integrating affordable housing into the planning framework that guides the development of the community local officials can avoid misimpressions and conflict at the outset.

Project Implementation and Oversight

Three sets of local officials are responsible for ensuring that projects are carried out in accordance with the plans and conditions established by the community.

- Day-to-day administration is the purview of local agency staff in the planning, public works, finance, and other departments.
- The planning commission and other appointed bodies are responsible for periodically reviewing plans and policies to evaluate their effectiveness and keep them current.
- Elected officials make the final decisions as elements of a project proceed, and are responsible for setting policy and overseeing land use and development in the community.

Ways local officials can make sure promises made in the approval process are kept include:

1. Making sure that commitments are clear;
2. Maintaining regular communication with project proponents to assure there is an ongoing commitment to make good on promises; and
3. Creating mechanisms for overseeing implementation and reviewing progress to keep commitments on track.

Laying a Foundation for the Future

Continuity and Commitment

The passage of time and the need to deal with current controversies can erode the commitment to carrying out the plans and policies local officials have set with respect to addressing community concerns. Agency staff, commissioners, and elected officials come and go. Economic conditions and budget priorities change. There are a number of strategies local agencies can follow to assure that commitments are kept regarding affordable housing projects (or any project for that matter).

Assign implementation responsibilities. Responsibility for implementation needs to be clear. Successful implementation requires coordinated effort. Several agency departments — planning, public works, police, fire, building inspection, finance, and utilities — may each play a role. Outside entities also need to have their activities coordinated.

Formal memoranda of understanding within the agency or between the agency and other public agencies can make lines of authority and responsibility plain. In some cases, informal written agreements may be sufficient to assign roles, avoid confusion and assure greater accountability.

Document project commitments. It is a good practice to compile an administrative record of the agency's decision for all land use actions, but especially for controversial or important projects. A complete record will be essential in case of litigation. Even when a lawsuit is not anticipated, a complete administrative record is a useful tool for assuring projects are built and maintained as promised. The record will include:

- The project application and related materials provided by the project proponent;

- Staff reports, correspondence, consultant studies, environmental documents, and other information developed by or for the local agency;
- Written comments and testimony, minutes and exhibits from workshops and hearings, oral evidence, and other information submitted by the public;
- Excerpts from the general plan, specific plans, zoning ordinances, and other local policies that are relevant to the project; and
- The agency's final decision, as reflected in resolutions, findings, ordinances, and other official documents.

The administrative record will serve as a resource for new staff members, commissioners, and elected officials. It helps maintain continuity within the local agency and creates an archive of the project's conditions of approval.

In addition to a complete administrative record, it is a good practice for an agency to prepare a concise summary of project commitments and timelines. This aids coordination within the agency and provides information in an easy to use format that staff, elected and appointed officials, and the public can use.

Incorporate important project commitments in development agreements.

A development agreement is a voluntary but binding contract between the developer and the local agency. The agreement can be attractive to the developer because it locks in current requirements at the time the agreement is approved. This limits the project proponent's exposure to unforeseen requirements that may delay or add cost to the project.

From the local agency's perspective, a development agreement offers a way to assure that the developer's commitments are kept. The agreement can spell out conditions that are important to the

Key Things to Understand

✓ Project Implementation and Oversight

Creating a Solid Planning Framework



local community. If the conditions aren't met the local agency can enforce the terms of the agreement or halt development until the conditions are honored.

For example, a local agency may want to assure that promised affordable housing units are ready for occupancy before or at the same time as market-rate units. The agency may also want to set a schedule for completion of various stages of the project to keep progress on track. These provisions could be included in a development agreement and enforced as needed. The Institute for Local Government offers a guide on local development agreements that is available at ILG's website (www.ca-ilg.org/devtagmt).

Include important public facilities associated with the proposal in the local capital improvements plan. The capital improvements plan (CIP) is the local agency's plan for the provision and expansion of infrastructure. It identifies and sets priorities for infrastructure projects and outlines the schedule for project construction and the financing sources to be used.

In the course of approving an affordable housing project, the local agency may agree to add or improve public facilities in the neighborhood. For example, an athletic field could be promised for an existing park, or the agency might pledge to install a set of traffic calming devices to control traffic on neighboring streets.

Including these improvements in the CIP gives the community an increased level of assurance that the agency considers the projects a priority and that financing and a construction schedule are in place. The CIP provides clear direction to local agency staff. They can then be held accountable for performing on time and on budget.

Use Tiered, Master and Program EIRs. There are times when an affordable housing debate in a community isn't precipitated by a particular project. It may instead emerge in the context of a community visioning process, general plan update, specific plan, or new housing program. Compliance with state and regional requirements can also be the trigger for the policy discussion.

Such big-picture planning undertakings are opportunities for using tiered, master or program EIRs as another tool for keeping commitments. Specific conditions and commitments for affordable housing can be included in the plan-level EIR as mitigation measures. Mitigation measures included in the tiered, master or program EIR would be applied to the new project as a matter of course.

When subsequent affordable housing projects are proposed, the agency can rely on the plan-level EIR to address large-scale issues and focus the environmental review on project-specific impacts not addressed in the plan-level EIR. This can cut processing time and defuse NIMBY battles over individual proposals.

Monitor environmental mitigation measures. When local agencies apply the California Environmental Quality Act (CEQA) to affordable housing proposals, they often adopt measures to "mitigate" (reduce or eliminate) the environmental impacts of the proposal. These mitigation measures become legal obligations that apply to the project proponent or the public agency.

Under CEQA, local agencies must monitor the implementation and effect of mitigation measures through a mitigation monitoring plan. This assures continuity and consistency from project to project. It also furnishes ongoing evidence to residents that the local agency is keeping its commitments, thereby building public confidence and trust. Agencies can include the cost of implementing and monitoring mitigation measures in their development fees.

Key Things to Understand

✓ Project Implementation and Oversight

Creating a Solid Planning Framework

Laying a Foundation for the Future

Project Oversight and Review

Proper implementation requires ongoing oversight. Oversight also allows local agencies to assure that as their land use plans and policies evolve to fit changing circumstances, prior commitments are not overlooked. There are a number of ways local officials can oversee progress in meeting their commitments related to affordable housing on a continuing basis.

Focus on affordable housing in the annual general plan report. State law requires cities and counties to prepare an annual report on the implementation of their general plan. To track progress, the local agency could include a specific focus on affordable housing in the report.

The local agency could schedule a public hearing before the planning commission on the annual report. This might include a staff presentation on the implementation status of adopted affordable housing programs, projects, and community commitments. Residents would have an opportunity to participate in the hearing and alert local officials to implementation problems or issues. Planning commissioners would have the chance every year to review progress, provide input to staff, and report their findings to the governing board.

Review implementation whenever the housing element of the general plan is updated. State law requires that local agencies update the housing element of the general plan every five years.¹¹ The periodic update offers an occasion for local officials and the community to take stock of their progress in meeting any affordable housing commitments they may have made in the past. The local agency can actively engage a wide variety of stakeholders in the update process. Involving

the community in the update is an opportunity to renew and strengthen the public commitment to affordable housing over the long term.

Involve residents in overseeing implementation. Local agencies can expand their ability to oversee implementation by involving dedicated members of the community. People who actively participate in the planning process develop knowledge and expertise. Local officials can tap into that expertise by asking them to serve on advisory bodies.

Residents who serve on a variety of local task forces, boards and commissions can be given the responsibility to track the implementation of affordable housing programs and projects throughout the community. In some cases, a local agency might want to establish a special advisory committee to keep tabs on particular projects or programs.

Another approach is to form neighborhood councils. Active residents are generally appointed to the council by the local agency governing board. While details differ from locality to locality, neighborhood councils typically review projects proposed in their area, and may provide input into the agency's budget and capital improvements plan. They become very familiar with the status of projects and conditions in their neighborhood and can provide valuable insights to local officials.

Foster the development of community expertise. Local agencies can also establish a planning academy or other education and training program to increase the number of knowledgeable and engaged community members. Residents apply or are nominated to participate in the academy. The academy may meet one night a week for several weeks, or on some other schedule that accommodates the participants. The

Key Things to Understand

✓ Project Implementation and Oversight

Creating a Solid Planning Framework

¹¹ Cal. Gov't Code § 65588.



local agency usually develops the curriculum. Local agency staff, other officials and private sector experts offer lessons and lead discussions with participants.

Upon graduation, academy members may choose to maintain their involvement by joining a neighborhood council or a local board or commission. Others may continue to serve as members or leaders of neighborhood groups and community-based organizations. In either event the local agency benefits from a more active and well-informed public.

Creating a Solid Planning Framework

*“A plan serves a public body much as a promise serves an individual. If we make a promise, others expect that we will honor it with our actions. When we evaluate plans, we document the history of promise keeping or breaking and so provide a public record of the commitments taken to make plans a reality.”**

The general plan. One approach to avoid conflicts over specific affordable housing projects is to first engage the community in establishing a long-range vision for development that addresses housing as well as other land use issues. In California, that vision is provided by the local general plan.

The general plan is the foundation for local land use planning. It sets goals and policies for the physical development of the community over a 10- to 20-year planning horizon. All other land use policies and ordinances flow from the general plan. Individual projects will not be able to proceed unless they are consistent with the general plan.

Every general plan must address seven mandatory elements:

- **Land Use.** Designates the type, intensity, and general distribution of various land uses.
- **Circulation.** Describes the location and extent of existing and proposed transportation routes, terminals, and other local public facilities and utilities.
- **Housing.** Provides for housing development for all economic segments of the community. Unlike the other elements, the housing element must be updated every five years and submitted to the state Department of Housing and Community Development for review.
- **Conservation.** Provides for the conservation, development, and use of natural resources.
- **Open space.** Details how open space, recreational areas and natural resources will be preserved and managed.
- **Noise.** Identifies and appraises noise sources and problems and includes implementation measures to address them.
- **Safety.** Addresses protection from any unreasonable risks associated with hazards such as fire, flood, and earthquakes.

Local agencies can also include optional elements in their general plan. Common optional elements include public facilities, economic development, community design, historic preservation, air quality, growth management, agriculture, recreation, and scenic highways. Once adopted, mandatory and optional elements have equal legal status.

Key Things to Understand

Project Implementation and Oversight

- ✓ Creating a Solid Planning Framework

* Charles J. Hoch, “Making Plans,” *The Practice of Local Government Planning, 3rd Edition* (Washington, DC: International City/County Management Association, 2000): 38-39.

Laying a Foundation for the Future

Updating a general plan takes a lot of time and effort, but it provides an excellent opportunity to involve the public in shaping future growth and development in the community. A general plan update can be quite expensive – often exceeding several hundred thousand dollars in mid- to large-size communities. But a well thought-out plan that has broad public support can reduce the time delay, cost, and divisiveness of subsequent conflicts over individual development projects, particularly if an agency sticks to the plan. A general plan update is an excellent opportunity to use creative civic engagement strategies to build public confidence.

Specific plans. Specific plans are a kind of detailed general plan for a defined area. They are often used to encourage comprehensive planning for larger areas within a community, such as a downtown, a major transportation corridor, or a large undeveloped area designated for future growth.

Specific plans are flexible in their use. On the one hand, a city or county can undertake a specific plan to establish broad policy concepts for development in a given area. Alternatively, a specific plan can be used to provide detailed direction as to the type, location, intensity, design, financing, and infrastructure capacity of development. It may also be more limited in scope, focusing on a particular issue.

There are cases where it may be undesirable, unnecessary or too costly for the local agency to undertake a full update of the general plan. In these instances, specific plans provide local agencies with a more adaptable and manageable tool to address development issues at a neighborhood or community scale.

A specific plan offers a means to engage the community in resolving conflicts over contentious issues (such as affordable housing) in advance of particular development proposals. They are well suited to a variety of civic strategies for engaging the public, forging consensus and developing trust.

Once the general plan and any specific plans are in place, development proceeds in accordance with the plans and associated zoning ordinances. At this point local agencies are acting to apply existing policies and requirements to individual project proposals.

By engaging the community in planning for the future, local agencies can address issues and resolve conflicts in advance. The result is a community that is more willing to say “yes” to affordable housing — even “Yes In My Backyard.”

Key Things to Understand

Project Implementation and Oversight

✓ Creating a Solid Planning Framework



Resources

Publications

Allen, Michael. *Why Not in Our Backyard?* Planning Commissioners Journal No. 45 (Winter 2002).

California Planning Roundtable and California Department of Housing and Community Development. *Myths and Facts about Affordable and High Density Housing* (2002) (www.hcd.ca.gov/hpd/mythsnfacts.pdf).

Field, Charles G. *Getting Past NIMBY: Building Consensus for Affordable Housing*. Fannie Mae Foundation (1998) (www.knowledgeplex.org/showdoc.html?id=1062).

Holtzman, David. *Telling Stories that Support Affordable Housing*. Shelterforce Online Issue #146 (2006) (www.nhi.org/online/issues/i46/managingthemessage.html).

Iglesias, Tim. Managing Local Opposition to Affordable Housing: A New Approach to NIMBY. *Journal of Affordable Housing*, Volume 12 Number 2 (Fall 2002).

Institute for Local Government. *Getting the Most Out of Public Hearings: Ideas to Improve Public Involvement* (2005) (www.ca-ilg.org/publichearings).

League of California Cities. *Planning Commissioner's Handbook* (2004) (www.ca-ilg.org/pch).

Local Government Commission. *Creating Great Neighborhoods: Density in Your Community* (September 2003) (www.lgc.org).

Local Government Commission. *Designs and Codes that Reduce Crime Around Multifamily Housing* (September 2003) (www.lgc.org).

Mineta Transportation Institute. *Higher-Density Plans: Tools for Community Engagement*, Report 03-02 (August 2004) (<http://transweb.sjsu.edu>).

National Low Income Housing Coalition. *Lessons in YIMBY: Getting to Yes in My Back Yard*. The NIMBY Report No. 1 (2003).

Non-Profit Housing Association of Northern California. *Action Suggestions for Local Government Officials to Support Contemporary Affordable Housing* (1998) (www.nonprophousing.org/actioncenter/toolbox/acceptance/actionsugglocalgov.pdf).

Websites

Affordable Housing Design Advisor

www.designadvisor.org

Affordable Housing Institute

www.affordablehousinginstitute.org

Building Better Communities Network

www.bettercommunities.org

California Affordable Housing Law Project

www.housingadvocates.org

*California Department of Housing and
Community Development*

www.hcd.ca.gov

Department of Housing and Urban Development

www.hud.gov/initiatives/affordablecom.cfm

Institute for Local Government Housing Resource Center

www.ca-ilg.org/hrc

Joint Center for Housing Studies

www.jchs.harvard.edu

Knowledgeplex

www.knowledgeplex.org

Local Government Commission

www.lgc.org

National Low Income Housing Coalition

www.nlihc.org

Non-Profit Housing Association of Northern California

www.nonprofithousing.org

Place Matters

www.placematters.org