

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

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February 13, 2015

Ms. Sabrina Landreth, City Manager  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

Dear Ms. Landreth:

**RE: Proposed Interim Ordinance on Multifamily Development**

The Department understands the City of Emeryville is considering an urgency interim ordinance to establish a moratorium on multifamily development. Based on a preliminary review of agenda materials for the February 13, 2015 special City Council meeting, the Department is writing to assist the City in its decision-making and urges the City to postpone adoption of an urgency ordinance until there is further consideration of options.

The Legislature has declared that housing is of vital statewide importance and that each local government has the responsibility to consider economic, environmental, fiscal factors and community goals in addressing regional housing needs. The Department welcomes the opportunity to meet or discuss alternatives to adopting a moratorium while continuing to pursue Emeryville's housing and community objectives, particularly as contained in the recently adopted housing element.

On January 28, 2015, the Department found Emeryville's housing element in compliance with State housing element law (Article 10.6 of the Government Code). This finding is based on many sound policies and programs to address the housing needs of Emeryville. The City's housing element is an effective and meaningful planning document.

However, taking actions to prohibit, even temporarily, multifamily development is viewed as a serious constraint and contrary to planning and zoning law, particularly housing element and related laws. This is particularly important since the recently adopted element makes no mention of considering a moratorium, nor was the Department made aware of this crucial information prior to its finding of compliance. If the City does establish a moratorium on multifamily development, the City should take immediate action to amend and submit its housing element to identify and address the constraint on development and how current and projected housing needs will be met.

The Department hopes this information is useful to Emeryville as it considers the moratorium. The Department supports the community's objectives to promote an inclusive community with a variety of affordable housing options. Please do not hesitate to contact us should you need assistance and further information as you weigh policy approaches to addressing current concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall  
Housing Policy Manager