

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

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September 2, 2021

Jim Minnick, Director
Planning & Development Services Department
County of Imperial
801 Main St.
El Centro, CA 92243

Dear Jim Minnick:

RE: Review of the County of Imperial's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the County of Imperial's (County) draft housing element received for review on July 8, 2021, along with revisions received on August 19, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on August 5, 2021 with you, Michael Abraham, Assistant Director; David Black, Planner IV; Diana Robinson, Planner III; and the County's consultants Cynthia Walsh and Lucy Rollins.

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

To remain on an eight-year planning cycle, the County must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf.

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

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

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

HCD appreciates the hard work and dedication you, Michael Abraham, Assistant Director; David Black, Planner IV; Diana Robinson, Planner III; and the County's consultants Cynthia Walsh and Lucy Rollins provided during our review. We are committed to assisting the County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" written in a larger, more prominent script than the last name "West".

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX COUNTY OF IMPERIAL

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

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

A. Housing Needs, Resources, and Constraints

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

The assessment of fair housing must still address:

Local Data and Knowledge and Other Relevant Factors: The element should incorporate local data and knowledge of the jurisdiction into the AFFH section. To assist in meeting this requirement, the element should provide local data not captured in regional, state, or federal data analysis. In addition, while the element generally discusses some broad history of land uses and lack of redlining, the element should include additional discussion of other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices, other government actions such as transportation and infrastructure investments or other information and demographic trends.

Sites Inventory: The element must analyze how the sites listed in the inventory AFFH. Currently, the analysis relies on the placement of housing units near incorporated cities, but among other things, it should also discuss and analyze the rationale behind placing housing sites in two focused areas of the County. This analysis should include a discussion on whether placement of new housing units in a small area of the County limits housing mobility options for residents in other parts of the County.

Goals and Actions: Goals and actions must create meaningful impact to overcome contributing factors to fair housing issues. Currently, programs are not sufficient to facilitate meaningful change and address AFFH requirements. Based on the outcomes of a complete analysis, the element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and

meaningful enough to overcome identified patterns and trends. Actions must have metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

For further guidance, please visit HCD's AFFH in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

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

To demonstrate the adequacy of sites and strategies to accommodate the County's Regional Housing Needs Allocation (RHNA), the element must include complete analyses, as follows:

Realistic Capacity: The element appears to assume residential development on sites with zoning that allow 100 percent non-residential uses, particularly the CCMU zone. The element must account for the likelihood of nonresidential uses. The element should include analysis based on factors such as development trends, performance standards or other relevant factors. For example, the element could analyze all development activity in these nonresidential zones, how often residential occurs and adjust residential capacity calculations, policies, and programs accordingly.

Large Sites and Specific Plans: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The element identifies several large sites and includes a few examples of projects on larger sites. However, these recent trends do not appear to relate to identified sites. For example, Heber Meadows is a 320-unit development (100% affordable to lower-income) on 16.2 acres while most residential capacity for lower-income households are on three sites at approximately 26, 63 and 138 acres. At the same time, HCD understands acreage within the specific plan has yet to be parceled or subdivided and likely future parceling will be aligned with sub areas by uses and intensity that are much smaller than the identified acreage in the inventory. As a result, the element should provide additional description of the specific plans and acreage of sub-areas and add or modify programs to facilitate development on parcel sizes that are deemed appropriate to accommodate housing for lower-income households.

In addition, the element indicates the 101 Ranch and Rancho Los Lagos Specific Plans are located within the Mesquite Lake County Service Area and that services will be expanded upon demand. The element should also clarify sufficient total planned capacity in the Mesquite Lake County Service Area can be available to accommodate planned capacity in the 101 Ranch and Rancho Los Lagos Specific Plans.

Manufactured Homes: The element may utilize the potential for manufactured housing toward the RHNA based on permitted trends, anticipated affordability, and other relevant factors. The element assumes 20 manufactured homes per year based on trends between 2014 and 2020 for a total of 160 units in the planning period. The element further assumes 100 percent of these units will be affordable to very low-income households. While the element may utilize 20 manufactured homes per year toward the RHNA, it must include additional analysis to demonstrate the appropriate affordability. In addition to accounting for sales prices, the analysis should also address costs related to land (residential), entitlement, transportation, foundation, installation, utilities, financing, and other costs. Based on the outcomes of a complete analysis, the element should adjust affordability assumptions.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, subdivision (b), the County must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The County can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Please note, upon adoption of the housing element, the County must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

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

Land-Use Controls: The element must identify and analyze all relevant land-use controls impacts as potential constraints on a variety of housing types. The analysis should address parking requirements for multifamily development, particularly studios and one-bedroom units, for impacts on cost, supply, housing choice and affordability and include programs to address identified constraints.

B. Housing Programs

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

As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the County may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

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

As noted in Findings A3 and A4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.

Additionally, Program 16 states that residential care facilities of seven or more persons with a valid license will be permitted in the same manner in accordance with the State's definition of family; however, this program should be modified to remove the license requirement altogether, as this is a constraint to housing for persons with disabilities. Moreover, Program 17 must go beyond "review" and make a clear commitment to remove the "potential impact on surrounding uses" finding for granting reasonable accommodation.

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

As noted in Finding A1, the element requires a complete analysis of affirmatively furthering fair housing. Depending upon the results of that analysis, the County must revise or add programs that provide meaningful actions to overcome fair housing issues and fostering inclusive communities.

C. Public Participation

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

While the element includes a general summary of the public participation process including stakeholder interview and workshops, moving forward, additional methods should be

employed to achieve public participation. For example, the County could specifically target lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. The County could target additional stakeholders or other organizations that represent lower-income and special needs households or establish a committee representative of lower-income households in future public outreach efforts. In addition, future versions of the housing element should summarize public comments and describe how they were considered and incorporated into the element.

Further, the draft was not made publicly available prior to submittal to HCD. For your information, providing an opportunity for the public to review and comment on a draft of the element in advance of submission to HCD is essential to the participation process. For example, the lack of availability reduces HCD's ability to consider public comments in its review. If the housing element was not made available to the public prior to HCD submittal, the County must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD's future review will consider the extent to which the revised element documents were circulated and how the County solicited, considered, and addressed public comments in the element. The County's consideration of public comments must not be limited by HCD's findings in this review letter.