

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



July 26, 2021

Joe Perez, Community Development Director
Community Development Department
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Dear Joe Perez:

RE: Review of the City of Jurupa Valley's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Jurupa Valley's draft housing element received for review on May 27, 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 conversation on July 23, 2021 with Mary Wright, Project Manager; Dianne Guevara, Deputy Community Development Director; Jean Ward, Community Planning Services Manager; Elizabeth Yee, Senior Planner and the City's consultant Veronica Tam and Associates.

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

To remain on an eight-year planning cycle, the City 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.

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

element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the dedication and hard work the entire housing element update team provided during the course of our review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Gianna Marasovich, of our staff, at Gianna.Marasovich@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 CITY OF JURUPA VALLEY

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

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

A. Housing Needs, Resources, and Constraints

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

The element must address this requirement. The element, among other things, must include outreach, an assessment of fair housing, identification and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. For more information, please visit HCD's Data Viewer, guidance and other resources at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

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

The element includes some basic information regarding extremely low-income (ELI) households such as the number of households (pages 5-19 and 5-25) and projected housing needs (page 5-56). However, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element could consider tenure, cost burden, overcrowding and other household characteristics then examine the availability of resources to determine gaps in housing needs. For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml>.

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

The element documents households and housing stock characteristics but must still be revised as follows:

- *Overpayment*: The element generically describes the impacts of overpayment and mentions the availability of data (page 5-35) but should also include the actual data and a complete analysis such as examining the degree of overpayment for all households, lower-income households, differences across tenure (i.e., renter and owner), other characteristics such as overlap with special housing needs, trends, available resources and a conclusion of the magnitude of housing needs. For your consideration, this analysis may be combined with requirements under affirmatively furthering fair housing in Finding A1 above.
 - *Housing Conditions*: The element includes data on structural deficiencies from the American Community Survey and information on code enforcement complaints. However, this information may significantly underestimate the need for rehabilitation and replacement and the element should include additional quantification to better formulate policies and programs. For example, the element includes some generic discussion about blighted neighborhood but could more closely examine and quantify the magnitude of needs. In addition, the element includes programs to conserve mobile homes but no quantification or explanation of the magnitude of needs to guide these programs.
4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Regional Housing Need Allocation (RHNA) Progress: As noted on page 5-57, the element should be updated to include entitled units between June 30, 2021 and September 30, 2021 as appropriate, including accounting for actual or anticipated affordability.

Parcel Listing: The element must identify the anticipated affordability level of the units for each site identified in the sites inventory. (Gov. Code, § 65583.2, subd. (c).)

Specific Plans: The element describes several approved specific plans with residential capacity (pages 5-59 to 5-62). To utilize this capacity toward the RHNA, the element should account for the anticipated build-out of these specific plans in the eight-year planning period. In addition, HCD understands much of this residential capacity has not been parceled according to the approved land uses. To utilize these sites, the element should include these specific plans in the parcel listing by various statutory requirements such as parcel number, acreage and capacity by income and, outside of the parcel listing, should further describe approved land uses by sub-areas, planned capacity, acreage, zoning and anticipated affordability.

Realistic Capacity: The element (page 5-63) mentions an assumption of 70 percent of maximum allowable densities to calculate residential capacity on identified sites but should also support this assumption based on typical densities of existing or approved residential developments at a similar affordability level.

Infrastructure: While the element generally describes water and sewer infrastructure, it must also demonstrate sufficient existing or planned total capacity to accommodate the City's RHNA for the planning period (Gov. Code, § 65583.2, subd. (b).). For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental>.

Small and Large Sites: Sites less than 0.5 acres and larger than 10 acres in size are deemed inadequate to accommodate housing for lower-income housing unless the element demonstrates sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate housing for lower-income households. (Gov. Code, § 65583.2, subd. (c)(2)(A).) Since the element includes a site larger than 10 acres and some sites less than 0.5 acres, it must include analysis and programs as appropriate.

Accessory Dwelling Units (ADUs): The element projects 15 ADUs per year over the eight-year planning period for a total of 120 ADUs. However, the element notes the approval of 15 ADUs in 2018 and 10 in 2019 with an increase in inquiries in 2020. These trends are inconsistent with HCD records (6 in 2018, nothing reported in 2019 and 6 in 2020) and do not support an assumption of 15 ADUs per year. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year or reconcile trends with HCD records, include additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. Additionally, programs should commit to frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if ADU assumptions for the number of units and affordability are not met.

Affirmatively Furthering Fair Housing: The element must demonstrate the sites inventory affirmatively furthers fair housing. For more information, see the HCD's guidance at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

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

instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types: The element must include an analysis and programs as appropriate to demonstrate zoning for a variety of housing types, as follows:

- *Emergency Shelters:* The element describes the City has I-P zoned sites totaling 439 acres but should include additional analysis to demonstrate the suitability of acreage and the zoning. Specifically, the element should evaluate the available acreage for characteristics like parcel size or potential redevelopment or reuse opportunities, proximity to services. The analysis must also address the appropriateness of other uses in the I-P zone for human habitation and whether parking requirements are limited to staff working in the emergency shelters and do not require more parking than other residential or commercial uses in the zone. The element must include programs as appropriate based on the outcomes of this analysis.
 - *Low Barrier Navigation Centers and Permanent Supportive Housing:* Low barrier navigation centers and permanent supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code sections 65651 and 65662. The element must demonstrate compliance with this requirement and include programs as appropriate.
 - *Employee Housing:* As noted on page 5-56, the element must include a program to amend zoning consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically sections 17021.5, 17021.6 and 17021.8.
5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)*

Local Processing and Permit Procedures: The element identifies approval findings for the Site Development Permit; however, it should also analyze those findings for impacts on approval certainty and timing. Specifically, the element should address findings such as "...compatible with the present and future logical development of the surrounding property." Analysis may address how the City provides clarity and certainty regarding this finding such as guidelines, pre-application reviews, objectives standards or include programs to promote approval certainty. The element must also describe and analyze the design guidelines for their impact as potential constraints on housing supply and affordability and ensure consistency with the Housing Crisis Act of 2019 (Gov. Code, § 66300), which among other things, requires design requirements adopted after January 1, 2020 to be objective.

Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities, as follows:

- *Family Definitions and Other Requirements:* The analysis must describe zoning code definitions of family or absence of definitions and any spacing, concentration or other requirements that may constraint housing for persons with disabilities.
- *Group Homes:* The element includes discussion and programs to amend zoning consistent with the Lanterman Act but should address group homes more broadly, including group homes for less than 6 persons beyond the Lanterman Act and seven or more persons. Specifically, the element should identify what zones permit this housing and evaluate approval requirements for impacts on objectivity and approval certainty. For example, excluding this housing from residential zones or imposing standards such as compatibility with surrounding uses without clarity would be considered a constraint. The element must include programs as appropriate to address identified constraints based on the outcomes of this analysis.
- *Reasonable Accommodation:* As noted on page 5-73, the element must include a program to establish a written procedure for providing reasonable accommodation in zoning and land use.

Zoning Code and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1, subdivision (a)(1).

6. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2... (Gov. Code, § 65583, subd. (a)(6).)*

Requests for Development at Lesser Densities: The element must address requests to develop housing at densities below those anticipated in the sites inventory. The analysis must address any hinderances on housing development and programs should be added as appropriate.

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period... (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and address the goals of the housing element, programs should be revised as follows:

- *Specific Commitment to Deliverables:* The element includes several programs where commitment to actions and timing include language such as “initiate”. While starting an action is important, so is completion in order to have a beneficial impact in the planning period. As a result, these programs should be revised with language that commits to when actions will be complete such as adoption, completion or implementation by a date certain.
 - *Discrete Timing:* Programs must include discrete timing instead of “ongoing” where appropriate. Examples of programs that should be revised include 1.1.2 (Housing Authority Coordination), 1.1.4 (Affordable Housing Incentives), 1.1.11 (Site Identification), 1.1.13 (Candidate Sites Mapping), 1.1.14 (Homeless Shelter), 1.1.15 (Homelessness Strategy), 1.1.16 (Creative Housing Solutions), 1.1.22 (Affordable Housing for Disabled Persons), 2.1.1 (Adaptive Housing Solutions), 2.1.3 (Affordable Mobile Homes Conservation) and 3.1.5 (Multifamily Dwellings Standards).
 - *Special Needs:* Programs 1.1.16 (Creative Housing Solutions) and 1.1.17 (Coordination with Non-profit Housing Providers) should be revised to explicitly address all special needs categories including but not limited to persons with developmental disabilities and farmworkers.
2. *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 A4, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites to accommodate the RHNA or zoning available to encourage a variety of housing types. In addition, (1) Program H.1.1 must be revised to amend zoning within 3 years of the beginning of the planning period instead of adoption and address all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i); and (2) amend zoning as appropriate to be consistent with the general plan.

4. *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 A5 and A6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

5. *The housing element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)*

The element should include additional actions to conserve and improve the existing stock such as rehabilitation or neighborhood revitalization programs and programs should be added or modified based on a complete analysis as noted in Finding A3.

6. *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 must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. For additional guidance on program requirements to affirmatively further fair housing, please see the HCD's guidance at <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

C. Quantified Objectives

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

Include quantified objectives estimating the number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period. This requirement could be addressed by utilizing a matrix like the one illustrated below:

| Income | New Construction | Rehabilitation | Conservation / Preservation |
|-----------------|-------------------------|-----------------------|------------------------------------|
| Extremely Low- | | | |
| Very Low- | | | |
| Low- | | | |
| Moderate- | | | |
| Above Moderate- | | | |

| | | | |
|--------------|--|--|--|
| TOTAL | | | |
|--------------|--|--|--|

D. 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).)

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