

**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



December 17, 2021

Jennifer Lilley, Director
Community & Economic Development Department
City of Stanton
7800 Katella Avenue
Stanton, CA 90680

Dear Jennifer Lilley:

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

Thank you for submitting the City of Stanton's (City) draft housing element received for review on October 18, 2021, along with revisions received on December 3, 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 November 17, 2021, with you, Paige Montojo, Associate Planner, and Perry Banner, consultant.

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.

The City's statutory deadline to adopt a housing element was October 15, 2021. For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of this statutory deadline, then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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

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

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

http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and
http://opr.ca.gov/docs/Final_6.26.15.pdf.

HCD appreciates the responsiveness and dedication you, Paige Montojo, Associate Planner, and Perry Banner, consultant provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX CITY OF STANTON

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).)*

Outreach: Outreach specifically related to affirmatively furthering fair housing (AFFH) is foundational to a complete analysis and formulating appropriate goals and actions to overcome patterns of segregation and foster more inclusive communities. The City has made a tremendous outreach effort but must summarize and relate this input to all components of the AFFH analysis and modify or add goals and actions as appropriate. Further, the element mentions the County analysis of impediments to fair housing choice (AI) which includes outreach and had fair housing-related questions as part of the survey but should also tailor and summarize that outreach relative to the City's fair housing issues and formulate an appropriate programmatic response.

Disproportionate Housing Need: While the element provides data and analysis related to cost burden, overcrowding and substandard housing, it must also address persons experiencing homelessness for impacts on protected characteristics and disparities in access to opportunity. In addition, the element could consider Urban Displacement mapping data from the Urban Displacement project instead of the Sensitive Communities data.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): While the element includes some broad discussion and conclusions, it must identify and analyze sites throughout the community to foster inclusive communities and affirmatively further fair housing. For example, the analysis should address the location of sites by income group and the number of units, magnitude of the impact on existing patterns of socio-economic characteristics, any isolation of the sites and number of units by income group and then conclude whether the identified sites improve or exacerbate each of the fair housing issue areas. For more information, See HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

Local Data and Knowledge, and Other Relevant Factors: The element does not address this requirement. The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers. Also, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element should analyze historical land use, zoning, governmental and nongovernmental spending including transportation investments, demographic trends, historical patterns of segregation, or other information that may have impeded housing choices and mobility.

Contributing Factors: While the element currently establishes and prioritizes contributing factors, it should re-assess and prioritize contributing factors and make revisions as appropriate upon full analysis of the affirmatively furthering fair housing section.

Goals, Actions, Metrics, and Milestones: The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and 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 specific 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.

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).)*

Parcel Listing: The parcel listing lists the existing uses for nonvacant sites. However, these descriptions are generic (e.g., commercial, industrial) and should be sufficiently detailed to facilitate an analysis that the use will likely discontinue in the planning period.

Realistic Capacity: The element assumes 75 percent of maximum density based on some recent projects and also assumes sites zoned with the mixed-use overlay will be developed with residential uses based on recent trends. However, the element should include supporting information. For example, related to 75 percent of maximum density, the element should list recent developments by the number of units, built density, zone and affordability. For residential uses in the mixed-use overlay, the element should list all recent projects in the mixed-use overlay by zone and resulting use (e.g., residential, commercial, mixed-use) with emphasis on how often 100 percent nonresidential uses occur.

Suitability of Nonvacant Sites: The element essentially only has a remaining need RHNA of 124 units for lower-income and 10 units for above moderate-income households. The element includes detailed descriptions of sites 6, 7, 18, 24, and 26 demonstrating the potential for redevelopment in the planning period. With this, the element demonstrates adequate sites. However, to utilize the remaining nonvacant sites toward maintaining adequate sites pursuant to Government Code section 65863, the element must demonstrate their potential for redevelopment. The element could utilize analysis similar to the revised Appendix A.

Infrastructure: The element describes water and sewer providers but it must also clarify whether there is sufficient total water and sewer capacity (existing and planned) to accommodate the RHNA and include programs if necessary.

Environmental Constraints: While the element generally describes a few environmental conditions, it must relate those conditions to identified sites and describe any other known environmental or other constraints that could impact housing development on identified sites in the planning period.

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 (Emergency Shelters): The element should identify and analyze development standards (Section 20.400.150), including parking requirements for consistency with statutory requirements. For your information, parking requirements should be only sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: While the element, through Program 18, commits to conduct a comprehensive review of the parking standards for residential development, and concludes that parking is not a constraint to residential development, additional analysis is required. For example, the City can incorporate developer comments regarding the parking requirements to conclude that parking requirements are not a constraint to development. Additionally, the element can include information regarding recent projects that have complied with the parking requirements, and the built densities of these projects.

In addition, for the Stanton Plaza Specific Plan, the element should specifically analyze minimum lot areas and unit sizes for impacts on cost, supply, housing choice, and ability to achieve maximum densities and include programs to address identified constraints.

Processing and Permit Procedures: The element notes all development is subject to a Site Plan and Design Review, including for most development, review by the Planning Commission. The element should include an analysis of this process, including the typical number of hearings, approval findings and other relevant information. The analysis should address impacts on housing cost, supply, timing, and approval certainty.

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the City's website and add a program to address these requirements, if necessary.

Housing for Persons with Disabilities: While the element, through Program 17, has committed to removing the conditional use permit (CUP) requirement for residential care facilities of seven or more persons, the element must also expand the allowable zones to include the RE and RL zones. Additionally, the element must remove the parking requirement for the 2 spaces per site for drop-off and pick-up purposes and defer to the requirements for the dwelling unit.

4. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Approval Time and Requests Lesser Densities: The element must include analysis of requests to develop housing at densities below those identified, the length of time between receiving approval for a housing development and submittal of an application for building permits. The element must address any hindrance to the development of housing and include programs as appropriate.

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

Farmworkers: The element indicates on Pages 49 and 50 that, given the limited agricultural operations in and around the City, it is likely that the 127 person American Community Survey (ACS) count overestimates the number of agricultural employees. However, the ACS likely underestimates the needs of farmworkers and farmworkers from the broader area and those employed seasonally may have housing needs, including within the City's boundaries. As a result, the element should at least acknowledge the housing needs of permanent and seasonal farmworkers at a county-level (e.g., using USDA county-level farmworker data) and include programs as appropriate.

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, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact in the planning period and address the goals of the housing element, all programs must have discrete timelines (e.g., month and year) and specific commitment. For example, programs to be revised with specific timelines include, but are not limited to, Programs 5 (Facilitate Affordable and Special Needs Housing Construction), 6 (Mixed-Use Development), 9 (Redevelop the Tina/Pacific Neighborhood), and 13 (Homeowner Rehabilitation Program). In addition:

- *Program 3 (Public Property Conversion to Housing)* should also commit to a schedule of actions to facilitate development such as how often the City will collaborate with the development community, identify opportunities, and process proposals.
- *Program 7 (ADUs)* should (a) go beyond evaluating incentives and commit to establishing incentives by a specified date early in the planning period, (b) amend the ADU ordinance by a specified date and (c) clearly commit to monitor production and affordability and take alternative action (e.g., additional incentives, rezone) if necessary within a specified time period (e.g., within six months).

- *Program 8 (Density Bonus Implementation)* should go beyond “review” the ordinance and include specific commitment to update the density bonus ordinance by a specified date early in the planning period.
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 B2, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

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

As noted in Findings B3 and B4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

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

As noted in Finding B1, the element requires a complete analysis of affirmative furthering fair housing. Upon a full analysis, the element will need to add or modify existing programs.

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).)

The element must include quantified objectives to establish an estimate of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period. While the element includes these new construction and conservation objectives, the element should also estimate the rehabilitation objectives for the planning period.

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).)

While the element includes a general summary of the public participation process, the element should also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the element throughout the process. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

In addition, HCD understands the City made the element available to the public shortly before submittal to HCD. Though the public had the opportunity to comment, two weeks is not an adequate timeframe to make the element available and consider public comments in the preparation of the draft housing element. By not providing substantial opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in 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 the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.