

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

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September 20, 2021

Elizabeth Corpuz, Director
Planning and Building Services
City of Bellflower
16600 Civic Center Drive
Bellflower, CA 90706

Dear Elizabeth Corpuz:

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

Thank you for submitting the City of Bellflower's (City) draft housing element received for review on July 22, 2021, along with revisions received on August 31, 2021 and September 5, 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 30, 2021 and August 31, 2021 with you; Rowena Genilo-Concepcion, Planning Manager; Jason Clarke, Senior Planner; Duane Morita, Consultant; and the Housing Element Consultant Team including Sarah Walker, Project Manager; Alexa Washburn, Project Director; and Monica Guerra, Affirmatively Furthering Fair Housing Analyst.

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.

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.

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.

HCD appreciates the dedication of the Housing Element Team during our 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 Dulce Ochoa, of our staff, at Dulce.Ochoa@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" being more prominent than the last name "West".

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX CITY OF BELLFLOWER

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. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

As part of the evaluation of programs in the past cycle, the element must evaluate the cumulative effectiveness of goals, policies, and actions in meeting the housing needs of special needs populations.

B. 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))*

Sites Inventory: While the element includes some discussion of the sites inventory relative to AFFH, it must still analyze whether the inventory improves or exacerbates patterns of segregation.

Goals and Actions: The element must be revised to add or modify goals and actions based on the outcomes of the analysis described above. Goals and actions must specifically respond to the analysis and prioritize contributing factors to fair housing issues. Actions must have metrics and milestones as appropriate and 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).)*

Realistic Capacity: The element assumes 100 percent of maximum allowable densities will be achieved based on development trends in Los Angeles County and surrounding jurisdictions. Although the element states that the City has had 90 recent residential projects, the recent development trends that this assumption is based on only includes one Bellflower project (16411 Bellflower Blvd) and ten projects from surrounding jurisdictions (page 181). Additionally, the assumption is based on a sampling of affordable housing developments in Los Angeles County that are 100 percent deed-restricted for lower-income households which are more likely to utilize State Density Bonus Law. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in the City of Bellflower, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities. However, the realistic capacity should account for the variability of potential density bonuses across recent experience by affordability.

Small Sites: Sites smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that 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 lower-income housing (Gov. Code, § 65583.2, subd. (c)(2)(A).). While the element includes some recent trends on smaller sites, including consolidation, it must also describe those trends in terms of acreages and affordability, characteristics around consolidation and relate that analysis to the sites inventory. (Gov. Code, § 65583.2, subd. (c)(2)(C).).

City-Owned Sites: The sites inventory identifies sites that are City-owned. The element must include an analysis to demonstrate their suitability and availability in the planning period. Specifically, the analysis should address general plan designations, zoning, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i).

Accessory Dwelling Units (ADUs): ADUs may be counted toward the RHNA based on past permitted units and other factors. In the element, the City projects 400 ADUs to be constructed over the planning period, averaging 50 units per year. This projection was based on figures provided based on 84 ADUs in 2020. However, HCD records indicate 11 ADUs for 2019 and 49 ADUs for 2020. The element should reconcile these figures and adjust assumptions based on permitted units as appropriate.

Suitability of Nonvacant Sites: The element describes nonvacant sites were identified based on factors such as improvement to land value ratios and the age of

building structures. However, the element should provide analysis of trends to support these assumptions or utilize a different methodology.

In addition, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd.(g)(2).). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation.

In addition, the inventory identifies three mobilehome parks within Area 5 (16118 Bellflower Blvd, 16230 3/4 Bellflower Blvd, and 9847 Flora Vista St) with potential for redevelopment in the planning period and needs to include specific discussion and programs given the importance of this housing type in addressing a variety of housing needs. For example, the element should discuss if the mobilehome parks are likely to be redeveloped or units are being added to the existing sites and should include specific programs for replacement. Further, the element should consider impacts on residents, consistency with Government Code section 66427.5 and provisions related to AB 2782 (Chapter 35, Statutes of 2020). AB 2782 requires, among other things, noticing to homeowners prior to local approval of change in use and a replacement and relocation plan and steps to mitigate impacts on displaced residents.

Sites with Zoning for a Variety of Housing Types:

- *Manufactured Housing:* While the element states that manufactured housing on a permanent foundation is permitted in the SF and R-1 as a single-family home, manufactured housing should also be permitted in the R-2 and R-3 zone in the same manner as single-family housing.
 - *Emergency Shelters:* While the element identifies development standards for emergency shelters, it must also analyze those standards as potential constraints. For example, spacing requirement could be inconsistent with statutory requirements. Also, the element should describe how emergency shelter parking requirements are in line with AB139/Government Code section 65583, subdivision (a)(4)(A), or include a program to comply with this requirement.
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: The element must identify and analyze the impacts from all relevant land-use controls as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobile homes, transitional housing). The analysis must also evaluate the cumulative impacts of land-use controls on the cost and supply of housing, including the ability to achieve maximum densities. The analysis should specifically address parking requirements in the A-E and R-1 zones and include a program to address the requirements as a constraint.

Design Review: The element identifies approval findings for Development/Design Review but must also analyze those findings for impacts on approval certainty, timing and development costs. For example, the analysis should address findings such as “...appropriate to the City, the neighborhood....” as a potential constraint and include programs as appropriate.

Zoning and Fees Transparency: While the element notes fees are posted on the City’s website, it must also address whether zoning ordinances and development standards are posted and add or modify programs, if appropriate.

Fees: While the element addresses total fees per unit for single family and multifamily developments, Table 5-8 states that the fees are for the City of Rancho Cucamonga, not the City of Bellflower. The element must address typical fees that apply to developments within the City.

Constraints on Housing for Persons with Disabilities: Residential care facilities serving seven or more persons are limited to C-G and R-3 zones with the approval of a conditional use permit. The element lists approval findings but must also analyze those findings such as spacing requirements as potential constraints and add or modify programs as appropriate. In addition, limiting this housing type for persons with disabilities to the C-G and R-3 zones can limit capacity and acts as a barrier excludes homes for persons with disabilities from other residential zones. The element should include analysis and programs to address this constraint.

ADU Ordinance Out of Compliance: The element indicates the City modifies its zoning code to ease barriers to the development of ADUs. However, after a cursory review of the City’s ordinance, HCD discovered several areas which were not consistent with State ADU Law. This includes, but is not limited to, a planned repeal of the ADU ordinance at the end of 2029. This would cause the prior ordinance (if any) to be null and void resulting in the City adopting a new ordinance or forced reliance on State ADU statute. Additionally, ADU creation within multifamily uses is limited and the ordinance includes constraints such as parking, public utilities, and infrastructure needs, among others. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a

program to update the City's ADU ordinance in order to comply with state law. For more information, please consult HCD's ADU Guidebook (link: https://hcd.ca.gov/policy-research/docs/adu_december_2020_handbook.pdf), published in December 2020, which provides detailed information on new state requirements surrounding ADU development.

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).)*

Land Costs: The element must estimate the cost of land for single-family and multifamily-zoned developable parcels.

Developed Densities and Permit Times: The element must analyze requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits. The analysis should address any potential hinderances on the construction of a locality's share of the regional housing need.

C. 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, programs must be revised as follows:

Program 8 Leverage Funding for Affordable Housing: In addition to annually providing funding, the program should include annual outreach to developers of affordable to discuss opportunities beyond the City's funding streams.

Program 13 Remove Development Constraints: Program includes addressing the height and parking requirements constraints in the R-3 zone. However, the program should also address parking constraints in the R-2 zone by a specific date.

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. In addition, the element should be revised as follows:

Program 27 Rezone Program: Program must revise by-right to be consistent with all requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i), such as clarifying minimum densities as a requirement and permitting 16 units per *site* as opposed to *area*. Additionally, the program should clarify commitment to rezone a minimum quantified acreage and the minimum realistic capacity of the rezoning.

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 AFFH 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 must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.

5. *Develop a plan that incentivizes and promotes the creation of ADU that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

Program 9 Accessory Dwelling Units (ADUs): The element is required to include a program that incentivizes or promotes ADU development for very low-, low-, and moderate-income households. Currently, the program commits to “explore the possibility of waiving development fees...”; however, it should include specific commitment to complete an action that will have a beneficial impact. In addition, programs must be expanded to include incentives to promote the creation and affordability of ADUs. Examples include exploring and pursuing funding, modifying development standards and reducing fees beyond state law, pre-approved plans and homeowner/applicant assistance tools. In addition, the element should include a program to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time (e.g., 6 months).

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 to the public from June 22, 2021 to July 8, 2021 prior to submitting to HCD. A 16-day public comment window does not provide the community significant time to review and comment on a draft of the element in advance of submission. Therefore, 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.