

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

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April 11, 2022

Jason Mikaelian, Deputy Director  
Community and Economic Development Department  
City of El Monte  
City Hall West  
11333 Valley Boulevard  
El Monte, CA 91731

Dear Jason Mikaelian:

**RE: City of El Monte's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of El Monte's (City) housing element adopted February 1, 2022 and received for review on February 10, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on April 8, 2022 with you, Tony Bu, Senior Planner and consultants Diane Bathgate and Veronica Tam.

The adopted housing element addresses most statutory requirements described in HCD's December 10, 2021 review; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code), see enclosed Appendix.

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 the statutory deadline (October 15, 2021), 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. Additionally, pursuant to Government Code section 65585, subdivision (b) (AB 215, Statutes of 2021),

any subsequent draft revision, the local government must post the draft revisions on its website and email a link to all individuals and organizations that have previously requested notices related to local governments housing element at least seven days before resubmitting to HCD.

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 meets 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](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and [http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

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 Tristan Lanza, of our staff, at [Tristan.lanza@hcd.ca.gov](mailto:Tristan.lanza@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF EL MONTE

The following changes are necessary to bring the City of El Monte'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).)*

The element was not revised to address this finding. Please see HCD's prior review for additional information.

### **B. 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))*

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): While the element included data on the number of regional housing need allocation (RHNA) units by income category relative to some socio-economic concentrations, the analysis should discuss the magnitude of the impact including the number of units by income group relative to locations or neighborhoods within the City, including any isolation of the RHNA and then address whether sites exacerbate or improve segregation and integration.

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).)*

Zoning for Lower-Income Households: The City continues to rely on sites where the maximum allowable density is 25 units per acre. To demonstrate the appropriateness of the density, the City uses one example of processing a 39 unit

affordable housing project in the Ramona Blvd corridor that when factoring a proposed 155 percent density bonus the development will maintain a 61 units per acre. This is inadequate to demonstrate that 25 units per acre is appropriate to accommodate the lower income regional housing need allocation (RHNA) and rather demonstrates that the base zoning is inadequate to support the financial feasibility for affordable housing projects. To continue to rely on this density, the City should include any other projects that have developed at densities of 25 units per acre and include an analysis based on, including, but not limited to, factors such as market demand, financial feasibility, and development experience. Please see HCD's prior review for additional information.

Nonvacant Sites: The revised element now includes a list of factors that were utilized in identifying sites; however it does not relate how those factors were applied to each site in the inventory. In addition, the element must describe how and why these factors demonstrate these sites are suitable for housing development. For example, the element included a list of several projects that were redeveloped in each area, the element could relate these examples to support the factors that were utilized in identifying nonvacant sites with redevelopment potential. Additionally, while the revised element was updated to include a narrative discussion of current non-conforming uses and historic build out of each corridor, the element did not analyze whether existing uses that are identified on the sites will impede additional residential development. This is critical as many of the uses seem to have operating uses such as a fire station, apartments, existing hotels, or commercial uses. The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. The element could also include additional criteria to support likelihood of residential such as condition of structure, whether the use is operating, marginal or discontinued, any expressed interest in development, and any specific incentives to encourage or facilitate development on these sites.

As you are aware 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. HCD is not aware that the City has made the appropriate finding in the resolution adopting the element. If applicable, any future re-adoption of the housing element must include the appropriate finding as part of the adoption resolution.

#### Zoning for a Variety of Housing Types:

- *Transitional and Supportive Housing:* The element was not revised to address this finding nor were programs modified to demonstrate consistence with housing element requirements. As a reminder, transitional and supportive requirements housing must be permitted as a residential use in all zones and only subject to

those restrictions that apply to other residential dwellings of the same type in the same zone (Gov. Code, § 65583, subd. (c)(3)). Please see HCD's prior review for additional information.

- *Employee Housing*: The element was not revised to address this finding. Program 15 should be revised to state that zoning will be modified to be consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5, 17021.6. and 17021.8. Currently program 15 states the City will review the city's Zoning Code for conformance with AB 1783. Please see HCD's prior review for additional information.

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).)*

Zoning and Fees Transparency: While the element is revised to clarify compliance with new transparency requirements for posting development standards, the element must also commit to include posting fees on the jurisdiction's website pursuant to Government Code section 65940.1, subdivision (a)(1).

Parking Requirements: The element was not revised to address this finding. Program 5 does not address the multifamily parking requirement of two spaces within a garage for first 1,200 and 1,400 square feet for its impact as a potential constraint on housing nor was program 5 modified to address this constraint. The element was revised to say the City is considering amending the parking requirement to three spaces per unit or 2.5 spaces within one-quarter of a mile of a major transit intersection. However, it is unclear if these standards are for all units of housing regardless of bedroom sized and could continue to pose a constraint on the cost and supply of housing especially for studio, one-, and two-bedroom multifamily units. Please see HCD's prior review for additional information.

## **C. 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 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:

Rezone Program for Adequate Sites: The element is not revised to meet this requirement. All rezone sites must commit to all the standards pursuant to Government Code section 65583.2, subdivisions (h) and (i). Programs 1 and 5 recommends that mixed-use projects in the M/MU zoning district have a minimum of 50 percent of the floor area be residential and have a minimum density of 20 units per acre. However, this should not be a recommendation, but a commitment. Please see HCD's prior review for additional information and rezone requirements.

Lot Consolidation/Small Sites: While additional information was included on page TR-88 for lot consolidation, the actions were not included in a program. The element should include a program to facilitate lot consolidation and development of housing on small sites. This is especially critical as the sites to accommodate the lower-income shortfall must accommodate at least 16 units.

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 B3, the element requires a complete analysis of potential governmental 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.

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... (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. The element includes programs 34 through 37 (Fair Housing) which

includes fair housing issues, contributing factors and City actions; however, it remains unclear how these actions address the identified fair housing issues and contributing factors. Actions must have specific actions and commitments to implement and include completion or initiation dates resulting in beneficial impacts within the planning period and identify metrics and milestones for evaluation. One example includes Program 35 which states that the City will remove market and government constraints to multifamily housing throughout the City targeting specific tracts experienced high segregation and poverty. However, the program does not identify what constraints are to be removed and when the corrections will be completed. Another example in Program 35 is the commitment to review and analyze housing and demographic data from the Census, however it is unclear what this evaluation is expected to achieve or what the City will do with this information. In addition, none of these programs have metrics to target meaningful AFFH outcomes and measure how the city is overcoming existing patterns and trends. As a reminder Programs must housing mobility enhancement, new housing choices and affordability in high opportunity areas (e.g., throughout the community), place-based strategies for community preservation and revitalization and should specifically address displacement protections.