

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

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February 1, 2022

Samantha Tewasart, Planning Manager
Planning Division
City of San Gabriel
425 S Mission Drive
San Gabriel, CA 91776

Dear Samantha Tewasart:

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

Thank you for submitting the City of San Gabriel's (City) draft housing element received for review 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.

The draft element addresses many statutory requirements described in HCD's October 19, 2021 review; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The revisions needed are as follows:

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).)*

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).)

Enforcement: While the revised element included a statement that the City does not have any local fair housing laws, the element must still describe compliance with state and federal fair housing laws. For a list of laws and additional guidance, please visit pages 29-30 of the HCD affirmatively furthering fair housing (AFFH) guidance memo: https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf.

Disparities in Access to Opportunity: While the element included analysis of disparities in access to opportunities at a local level (comparing neighborhood to

neighborhood), it must analyze regional patterns related to disparities in access to opportunity, comparing the City to the region. For example, TCAC opportunity maps indicate the City is comprised of high and highest resource census tracts, while some neighboring cities include census tracts considered lower resources.

Goals, Priorities, Metrics, and Milestones: While the revised element included several programs to address fair housing issues, as stated in HCD's October 19, 2021 review, the programs must include quantifiable metrics to measure the effectiveness of actions throughout the planning period. Based on the housing element programs, examples of metrics include "building x number of units in higher resource census tracts," "Developing x number of church sites for x number of lower income households," "Completing x number of infrastructure projects in x census tracts," etc.,

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).)*

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 ... Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels... (Gov. Code, § 65583, subd. (c)(1).)

Realistic Capacity: While the revised element included an analysis of past projects and development trends to support capacity assumptions, this analysis must still analyze the likelihood that the identified units could be developed as 100 percent nonresidential uses. Please see HCD's prior review.

Suitability of Nonvacant Sites: The revised element included the methodology used to identify sites with potential for redevelopment, detailed existing uses, and discussed current market conditions. However, the element must still support the analysis of existing uses and the methodology with development trends or other supporting information. For example, the element stated that many of the City's pipeline projects exhibit similar characteristics and existing uses as those described in the methodology. To better relate these examples and trends to the methodology and analysis of existing uses, the element should list the actual characteristics of relevant pipeline projects (e.g., existing use, ILV, building age, etc.,).

As a reminder, 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 needs allocation (RHNA).

Programs: As noted above, 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 3—Accessory Dwelling Units (ADUs):* The revised element included monitoring ADU production and modifying efforts if ADU production is not at pace with assumptions by June 2025. This program should commit to monitoring every two years and if needed, take appropriate actions such as revising assumptions or rezoning every two years throughout the planning period within a specified timeframe (i.e., six months).
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... (Gov. Code, § 65583, subd. (c)(3).)*

Group Homes of Seven or More Persons: While the element included a program to allow licensed group homes of seven or more by-right in zones that allow multifamily uses, the element must evaluate how it allows non-licensed residential care facilities of seven or more (p. C-14), including lower density residential zones. Specifically, the element should demonstrate that zoning implements a barrier-free definition of family instead of subjecting persons with disabilities to special regulations such as the number of persons allowed to live in a home, population types, and licenses and add or revise programs as appropriate.

The element will meet statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements pursuant to Government Code section 65585.

For your information: Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing

the sites inventory (for all income-levels). Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml> for a copy of the form and instructions. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

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 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).

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.

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 Mashal Ayobi, of our staff, at Mashal.Ayobi@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager