DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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August 3, 2021

Raynald Pascua, Planning Manager
City of Villa Park
17855 Santiago Boulevard
Villa Park, CA 92861

Dear Raynald Pascua:

RE: Review of City of Villa Park's 6th Cycle (2021-2029) Revised Draft Housing Element (Update)

Thank you for submitting the City of Villa Park's (City) revised draft housing element received for review on June 17, 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. In addition, HCD considered comments from the Kennedy Commission and the Public Law Center, pursuant to Government Code section 65585, subdivision (c).

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.

Government Code section 65588, subdivision (e)(4), requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates. The City is subject to the four-year revision requirement and has satisfied the first four-year update requirement. Provided the City adopts its 6th cycle housing element by the due date (October 15, 2021), the City will satisfy the second consecutive four-year update and return to an eight-year update cycle. Please reach out to HCD with any questions regarding timing and meeting the second four-year update requirements.

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.

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. Without a compliant housing element, the City will not meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and professionalism you and your consultant, John Douglas provided during the housing element update process. 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 Marisa Prasse, of our staff, at Marisa.Prasse@hcd.ca.gov.

Sincerely,



Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX
CITY OF VILLA PARK

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 Revise

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and effectiveness of the housing element goals, policies, and related actions to meet the community's needs, pursuant to paragraph (7) of subdivision (a) of Section 65583 and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

While the element now states two residential care facilities have been established in the City, the element still must include a discussion of the cumulative effectiveness of programs in meeting the needs of special needs populations. This is particularly important given the high proportion of elderly and persons with disabilities in the City. The element should be revised to reflect the results of this analysis and evaluation, including adding or modifying policies and programs as appropriate.

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).)*

   The housing element was not revised to address this requirement. Please see HCD's prior review. For additional resources, please see HCD's guidance at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml.

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).)*

New Vacant Sites: The element now identifies vacant sites to accommodate a significant portion of the regional housing need allocation (RHNA). To demonstrate their suitability and availability, the element must be revised as follows:

- *Environmental Constraints:* The element must analyze any environmental or other known constraints, including slope, flood risk and any active uses for flood control.
- *Large Sites:* Sites larger than ten 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 now includes a site larger than 10 acres, it must include analysis and programs as appropriate.
- *Infrastructure and Access:* The element must address any infrastructure and access constraints including but not limited to availability and access to distribution facilities, street access and provision of utilities.
- *Ownership:* Given the sites are publicly owned, the element should discuss any plans, schedule or other factors related to the availability of the sites.
- *Other Relevant Factors:* The element should discuss any other relevant factors that impact the availability and feasibility of development such as buildable areas, realistic residential capacity, or interest in development.

Realistic Capacity: The element was not revised to address this requirement. Please see HCD's prior review.

Suitability of Nonvacant Sites: The element was not revised to address this requirement. While the element now identifies vacant sites, future revision of the element may trigger requirements described in HCD's prior review.

Accessory Dwelling Units (ADUs): The housing element revised its analysis to reduce its ADU projections to 80 ADUs permitted over the planning period; however, the analysis and programs still do not support nearly doubling the rate of ADUs. Annual Progress Report data shows that the City permitted 3 ADUs in 2018, 2 ADUs in 2019, and the City claims 12 ADUs in 2020, for an average of 5.6 ADUs permitted per year, or 45 over the eight-year planning period. Please see HCD's prior review for additional information.

City-Owned Sites: The element was not revised to address this requirement. Please see HCD's prior review.

Affirmatively Furthering Fair Housing: The element was not revised to address this requirement. Please see HCD's prior review and guidance at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml.

Sites Map: While the element includes a map of the water district parcel, the element must include a map of all identified sites. For additional information, see the sites inventory analysis section of the *Building Blocks* at http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/inventory-of-land-suitable.shtml.

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. (Gov. Code, § 65583, subd. (a)(5).)*

   Land-Use Controls: While more information was provided on lot coverage, large lot development, and building height, the element still must analyze those standards for impact on achieving maximum densities without exceptions. Please see HCD's prior review.

   Housing for Persons with Disabilities: The element now identifies findings of approval for providing reasonable accommodation in zoning and land use but should also analyze those findings, particularly related to neighborhood character, for impacts in approval certainty and objectivity.

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. (Gov. Code, § 65583, subd. (a)(6).)*

   Identified Densities and Approval Times: The element was not revised to address this requirement. Please see HCD's prior review.

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 must be revised as follows:

- Program 2 (Accessory Dwelling Units): The element was not revised to address this requirement. If necessary, to demonstrate adequate sites to accommodate the regional housing need allocation, please see HCD's prior review.
- City-Owned Sites: The element was not revised to address this requirement, please see HCD's prior review.

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 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 add programs and address and remove or mitigate any identified constraints.

3. *Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action. (Gov. Code, § 65583, subd. (c)(3).)*

   While the element commits to monitor housing conditions and evaluate additional future actions as appropriate, this program should be revised to also pursue additional action including specificity around timing and frequency of actions.

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