

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

651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



June 24, 2025

Brian Berkson, Mayor
Chris Barajas, Mayor Pro Tem Armando Carmona,
Guillermo Silva, and Veronica Sanchez, Councilmembers
City of Jurupa Valley City Council
8930 Limonite Avenue
Jurupa Valley, CA 92509

Dear Mayor Brian Berkson, Mayor Pro Tem Chris Barajas, and Councilmembers
Armando Carmona, Guillermo Silva, and Veronica Sanchez:

RE: Jurupa Valley AB 2162 Camino Terrace – Notice of Potential Violation

The California Department of Housing and Community Development (HCD) received a request for technical assistance regarding compliance with AB 2162¹ for a proposed supportive housing project (Project) at the intersection of Limonite Avenue and Camino Real in the City of Jurupa Valley (City). Among other provisions, AB 2162 makes supportive housing a use by right if projects meet specified requirements. On February 13, 2025, the City issued a notice of decision denying the project, citing a lack of eligibility for AB 2162 due to the absence of onsite supportive services and findings of specific, adverse impacts to public health and safety per the Housing Accountability Act (HAA),² including the lack of an accessible sidewalk and inconsistent use classification. After the applicant appealed the denial to the City's Planning Commission, the Commission upheld the denial on April 28, 2025, citing the onsite supportive services issue and additional findings under the HAA. Ahead of the scheduled City Council hearing on the appeal of the Project's denial, HCD hereby notifies the City that making improper findings to support a denial of the project – and the appeal – under the HAA would constitute a violation of state housing law.

Background

HCD understands that the proposed Project consists of 80 units affordable to low-income households (excluding a manager's unit), of which 25 units would be supportive housing intended for a target population that includes veterans who have experienced homelessness and who may have physical disabilities.

¹ Chapter 753, Statutes of 2018; Gov. Code, §§ 65583, subd. (c)(3), 65650 et seq.

² Gov. Code, § 65589.5.

The Project would be located on multiple parcels separated by Canyon Terrace Drive; the residential units would be located on the southern parcels, while the onsite supportive services would be located on the northern parcel along with a daycare facility open to both residents and the public. Wakeland is proposing the Project using the City's supportive housing ordinance,³ which implements AB 2162, and the State Density Bonus Law (SDBL).⁴

The applicant originally submitted its application for the Project on June 21, 2024. The City deemed the application complete on October 16, 2024. On November 15, 2024, the City issued the applicant a zoning compatibility letter⁵ identifying inconsistencies. The letter highlighted two issues that were referred to HCD for review. First, the City was uncertain whether supportive housing services could be considered "onsite" due to the site plan not showing a continuous Americans with Disabilities Act (ADA) path of travel between the parcels across Canyon Terrace Drive. Second, because the site's zoning requires a site development permit for childcare centers, the City required the developer to seek an additional incentive or concession under the SDBL to allow the childcare use without the site development permit.

Because the applicant did not subsequently address these two issues raised by the City, the City denied the Project for these reasons and others laid out in the notice of decision on February 15, 2025. In denying the Project, the City claimed that the Project did not have onsite services because it "includes supportive services on a separate parcel that is located across the street from the 80 housing units" and "fails to provide adequate connectivity between the two parcels such that those residing in the housing units could have access to the services located on the other parcel."⁶ The City further claimed a lack of compliance with City general policies that resulted in "specific, adverse impacts upon the public health and safety" under the HAA, including the aforementioned pedestrian access issue and the absence of a waiver for the childcare use. The City also claimed specific, adverse impacts from the configuration of parking spaces, unresolved items in the Project's fire protection plan, excessive height in a retaining wall along a street, and lack of compliance with various objective design standards not addressed with SDBL incentives or waivers.

The applicant subsequently appealed the denial to the Planning Commission. On April 24, 2025, HCD sent the Planning Commission a Notice of Potential Violation, advising that denying the appeal and upholding the denial of the Project on the grounds laid out in the notice of decision would constitute a violation of state housing law. On April 28, 2025, the Planning Commission met to consider the appeal and upheld the denial of the Project. In its resolution, the Commission reiterated the City's position that

³ Jurupa Valley Municipal Code Section 9.240.555.

⁴ Gov. Code, § 65915 et seq.

⁵ A zoning compatibility letter is the City's method of communicating inconsistency items to an applicant. It is unrelated to an application completeness letter pursuant to the Permit Streamlining Act or a consistency determination pursuant to the Housing Accountability Act.

⁶ City of Jurupa Valley Notice of Decision for MA24164, February 15, 2025, page 10.

Canyon Terrance Drive separated the project into multiple sites that each required supportive services. The resolution made further findings under the HAA, claiming that the absence of off-site sidewalk improvements connecting the project site to the nearest bus stops at Limonite Avenue and Camino Real constituted a specific, adverse impact to public health or safety that could not be mitigated without rendering the Project unaffordable to low- and moderate-income households, and that the lack of sidewalks would violate the federal Americans with Disabilities Act (ADA) and the California Building Code. It also claims that the childcare center's lack of a site development permit rendered the Project inconsistent with objective development standards, and that the lack of sidewalks was inconsistent with the City's general plan mobility element. The applicant subsequently appealed the decision to the City Council, with a meeting scheduled for June 26, 2025.

HAA Findings

Government Code section 65589.5, subdivisions (d) and (j) specify the written findings local governments must establish to disapprove a housing development project for very low-, low-, or moderate-income households. Given the findings made by the Planning Commission's denial resolution, the relevant question for the Project is: **What findings are necessary to justify a denial of a housing development project for very low-, low-, or moderate-income households?**

First, to deny a housing development project for specific, adverse impacts on public health or safety, a local government must make "written findings, based on a preponderance of evidence in the record"⁷ that there is a "significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions."⁸ In its denial resolution, the City does not demonstrate in its written findings that there is "no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households."⁹ For example, for the Canyon Terrace pedestrian crossing, the City could condition its approval on sidewalk improvements. Doing so would likely mitigate any potential health or safety risks.

Second, a local government can deny a project if "the denial [...] or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible."¹⁰ The City cites Section 206.2.1 of the ADA Standards for Accessible Design along with Sections 1114B.1.2 and 11B-206.2.1 of the California Building Code to demonstrate that denial is necessary to comply with state law.

⁷ Gov. Code, § 65589.5, subd. (d).

⁸ Gov. Code, § 65589.5, subd. (d)(2).

⁹ *Id.*

¹⁰ Gov. Code, § 65589.5, subd. (d)(3).

However, all three sections require the provision of sidewalks within the site,¹¹ while the sidewalk connection sought by the City would be outside the boundary of the site as demonstrated on the Project's conceptual landscape plan.¹²

Finally, subdivision (j) of the HAA implicitly provides local governments with the ability to deny a housing development project for lack of compliance with objective general plan and zoning standards. In addition to the childcare use issue addressed in a section below, the City cites a lack of compliance with the Municipal Code's requirement for accessible parking spaces.¹³ However, the cited section of the Municipal Code requires "optimum proximity to curb ramps or other pedestrian ways thereby, providing the most direct access to the primary entrance of the building served by the parking lot."¹⁴ According to the development's architectural site plan, the proposed locations of accessible parking spaces, although generally opposite the proposed residential buildings, are directly adjacent to walkways that connect to the primary entrance of the buildings.¹⁵ The City also cites the General Plan Mobility Element's requirements for street improvements that include sidewalks and ADA-compliant walkways within residential developments,¹⁶ but these requirements do not necessarily require off-site sidewalk improvements, with Policy 3.21 following ADA requirements for walkways within residential developments.

Supportive Housing Site Configuration

Government Code section 65651, subdivision (a)(5) requires that supportive housing developments provide a certain amount of supportive services onsite. Therefore, the relevant question is: **Can a site that is bisected by a roadway be developed as a single permanent supportive housing development?**

AB 2162 does not prohibit a site that is divided by a roadway from serving as a single permanent supportive housing development. The 3-percent onsite supportive services requirement would be applied to the project overall and not to each constituent part of the project site.¹⁷ Where onsite supportive services are mentioned, they are referred to in the context of a singular "development" as opposed to a single building.

¹¹ Jurupa Valley Planning Commission Reso. No. PC-2025-06, page 5.

¹² Jurupa Valley Planning Commission April 28, 2025 meeting item no. 3 staff report, <https://www.jurupavalley.org/AgendaCenter/ViewFile/Item/2942?fileID=3135>, page 68.

¹³ Jurupa Valley Planning Commission Reso. No. PC-2025-06, page 7.

¹⁴ Jurupa Valley Municipal Code Section 9.240.120(6)(c)(ii).

¹⁵ Jurupa Valley Planning Commission April 28, 2025 meeting item no. 3 staff report, <https://www.jurupavalley.org/AgendaCenter/ViewFile/Item/2942?fileID=3135>, page 32.

¹⁶ Jurupa Valley Planning Commission Reso. No. PC-2025-06, page 7.

¹⁷ Although not explicitly stated in AB 2162, other statutes that deal with ministerial approvals contain clauses that define parcels separated only by a street right-of-way as being one site. Examples include the Streamlined Ministerial Approval Process (Gov. Code, § 65913.4, subd. (a)(2)(B)) and the Affordable Housing and High Road Jobs Act of 2022 (Gov. Code, § 65912.103, subd. (b)).

Supportive Housing Uses

Government Code section 65651, subdivision (a) declares that “[s]upportive housing shall be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses” if the proposed development satisfies the requirements of the statute. Therefore, the relevant question is: **Would a permanent supportive housing project which incorporates childcare use be entitled to the benefits of AB 2162? If not, could the childcare use be permitted via an alternative approval mechanism such as an SDBL incentive or concession?**

The answer is “yes.” Permanent supportive housing can include a childcare use and maintain its eligibility under AB 2162. Specifically, Government Code section 65650, subdivision (b), references Health and Safety Code section 50675.2 in defining supportive housing. Health and Safety Code section 50675.2, subdivision (h) defines supportive housing as being “linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live, and when possible, work in the community.” Adequate childcare is crucial for both child and parent residents of supportive housing who are trying to be integrated into the community and therefore qualifies for the benefits of by-right processing that AB 2162 provides to a supportive housing project in which the childcare is included. Furthermore, 47 of the project’s 80 units have two to three bedrooms. This makes it likely that children living on site will be beneficiaries of the onsite services. While the facility will be open to the general public, the applicant intends for the facility to be substantially used by children living in the development. HCD also understands that the childcare facility is not the only supportive service onsite, and the applicant has prepared a supportive services plan as required by statute that includes counseling services among others.

Other Potential Violations of State Law

The City should also consider whether denying the Project would violate other state laws.

Affirmatively Furthering Fair Housing (AFFH), Government Code sections 8899.50 and 65583

Government Code section 8899.50 requires the City to “tak[e] meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”¹⁸ Housing Element Law, specifically, Government Code section 65583, includes more specific obligations that require the City, for example, to affirmatively protect, promote, and remove constraints on housing for persons with low and very low incomes and persons with other protected characteristics, which, for the

¹⁸ Gov. Code, § 8899.50, subds. (a)(1), (a)(2)(B).

Project, would include veterans and persons with disabilities.¹⁹ Section 65583 also requires the City to use data, quantifiable analysis, metrics, and milestones to implement its AFFH duties.²⁰

The City should ensure that its treatment of this Project is consistent with its AFFH duties.

Anti-Discrimination in Land Use Law, Government Code section 65008

Government Code section 65008 prohibits discrimination in land use and planning policies and practices. Section 65008 deems any action taken by a city or county to be null and void if such action denies an individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in the state due to discrimination based on a protected characteristic.²¹ The law further provides that no city shall enact or administer its laws so as to "prohibit or discriminate against any residential development . . . because of the method of financing" or because "the development . . . is intended for occupancy" by persons with protected characteristics.²² In addition, no city may impose requirements on a residential project intended for use by persons with protected characteristics, other than those generally imposed upon other residential uses.²³

Government Code section 65008 and its protections apply to the Project because it is intended for occupancy by, for example, persons with low and very low incomes, veterans, and persons with disabilities.²⁴ The City should ensure that its treatment of this Project is consistent with its duties under section 65008. This includes considering whether denying the Project would have discriminatory effects, either by creating disparate impacts on persons with protected characteristics or by perpetuating segregated housing patterns. This also includes ensuring that the City's treatment of the Project is not influenced in any manner by intentional discrimination.

Failure to Implement Housing Element Goals, Policies, and Programs, Government Code section 65585

Housing Element Law prohibits the City from taking an action or failing to take an action that is "inconsistent with an adopted housing element or [Government Code] Section 65583, including any failure to implement any program included in [its] housing element."²⁵ The City should consider its treatment of the Project in light of its housing element's goals, policies, and programs, including, for example:

¹⁹ Gov. Code, § 65583, subs. (a)(5), (a)(7), (b)(1), (c)(3), (c)(5), (c)(10)(A).

²⁰ *Id.*

²¹ Gov. Code, § 65008, subd. (a).

²² *Id.*, subd. (b).

²³ *Id.*, subd. (d)(2)(A).

²⁴ *Id.*, subs. (a), (b), (d)(2)(A).

²⁵ Gov. Code, § 65585, subd. (i)(1)(A).

- **H.E. 1.2. Affordable Housing.** Encourage affordable residential development on sites zoned to allow multi-family residential uses and identified in the vacant land inventory, the City will adopt development incentives and standards to encourage lot consolidation
- **H.E. 1.4. Housing Diversity.** Encourage the development of diverse housing types and housing densities to best meet the needs of the community.
- **H.E. 1.8. Housing for Homeless Persons and Those at Risk of Homelessness.** In cooperation with other cities and/or the County of Riverside, assist in the development of . . . permanent supportive housing
- **H.E. 1.9. Housing for All Special Needs Groups.** Ensure and encourage the availability of housing to all [s]pecial needs populations and income levels.
- **H.E. 3.3. Housing Opportunities for Seniors, Disabled Persons, Single Parent Households, Farmworkers, Veterans, Homeless and all other Special Needs Groups.** Encourage and, as the budget allows, help support programs and activities that promote affordable housing opportunities for seniors, disabled persons, single parent household[s], farm workers, homeless, veterans, and all other special needs groups.
- **H.E. 6.1. Taking Meaningful Action.** Take meaningful action to affirmatively further fair housing by implementing measures to improve housing mobility, provide new opportunities in higher opportunity areas, encourage place-based strategies for community revitalization, and discourage displacement.
- **Goal HE 2.1.9. Remove Government Constraints.** Evaluate the zoning ordinance, subdivision requirements, and other City regulations to remove government constraints to the maintenance, improvement, and development of housing, where appropriate and legally possible. . . .

Conclusion

HCD finds that (1) the City did not make the requisite findings required by the HAA in denying the Project, (2) adjacent parcels can be considered part of the same site even if there is not a pedestrian connection (though a local government can condition approval on the installation of a connection), and (3) daycare facilities included in a qualifying supportive housing project should also benefit from the by-right processing AB 2162 requires. Denying the Project on these grounds would be a violation of the HAA and AB 2162. The City should also consider whether denying the Project would violate its AFFH duties, Government Code section 65008, and Housing Element Law.

Mayor Brian Berkson, Mayor Pro Tem Chris Barajas, Councilmembers Armando Carmona, Guillermo Silva, and Veronica Sanchez

Page 8

Under Government Code section 65585, HCD must notify a local government when that local government takes actions that violate the HAA, AB 2162, and other laws that HCD enforces, and may notify the California Office of the Attorney General of these and other violations of state housing laws. If you have questions or need additional information, please contact David Ying at david.ying@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Zisser', with a long horizontal stroke extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability