DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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November 10, 2022

Steve Forster, Interim Director
Department of Community Development
City of Huntington Park
6550 Miles Avenue
Huntington Park, CA 90255

Dear Steve Forster:

RE: City of Huntington Park's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Huntington Park's (City) revised draft housing element update received for review on September 27, 2022. 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 November 1, 2022 with you, City Attorney Araceli Almazan, and your housing element consultants. In addition, HCD considered comments from Communities for a Better Environment (CBE), Disability Rights California, and the Public Interest Law Project (PILP) pursuant to Government Code section 65585, subdivision (c). The review was expedited in accordance with Government Code section 65754, subdivision (a).

The draft housing element addresses most statutory requirements described in HCD's January 14, 2022 letter; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code), see enclosed Appendix.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c),paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed. As this year has passed and Action10-5 (Transit-Oriented Development Overlay District) has not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning have been completed.

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.

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 must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting 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.

As you are aware, 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: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

HCD is committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact me at Melinda.Coy@hcd.ca.gov.

Sincerely,

Melinda Coy
Proactive Housing Accountability Chief

Enclosure

APPENDIX A
CITY OF HUNTINGTON 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. 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))*

   Disproportionate Housing Needs: As stated in the previous review the element, a complete analysis of substandard housing should identify local patterns and trends and could address, for example, the actual number and percentage of households with one or more of the four housing problems, comparing findings throughout the jurisdiction. This is critical as the element states that according to the 2020-2025 Five-Year Consolidated Plan, approximately 12,395 units citywide are estimated to need some level of rehabilitation and/or may require replacement (page II-13). Given the increase in homelessness within the City, the element should include a complete analysis of characteristics of persons experiencing homelessness including by protected characteristics such as race and ethnicity, familial status, and persons with disabilities.

   Site Inventory: The sites inventory now includes sites within the proposed. Transit-Oriented Development (TOD) overlay. The element should evaluate the displacement pressures on existing residents in these areas and could also evaluate displacement pressures of the sites inventory on small business owners in the Downtown Specific Plan area and TOD overlay. The element should also further evaluate siting housing in areas with high pollution exposure and include programs with specific actions, metrics, and milestones to address both displacement risk and environmental risk.

   Goals, Priorities, Metrics and Milestones: While the element now identifies programs to address contributing factors, many programs must still be revised to include quantifiable objectives and concrete actions. Programs must include metrics and milestones for evaluating progress on programs, actions, and fair housing results. Given that most of the City is considered low or moderate resource programs could concentrate on increasing housing choice, protection from displacement, and place-based strategies for economic and community revitalization. In addition, the element should revise programs as follows:

Action 3-2 (Rental Inspection Ordinance): Provide specific quantifiable metrics. In the development of the program could also consider mechanisms to ensure that any costs of repair are not passed onto existing low-income tenants.

Action 7-4 (Zoning Changes to Address Affirmatively Furthering Fair Housing Issues): Describe the incentives that will be provided and include specific metrics for evaluation.

Action 10-3 (Funding for Transition to Residential Use): The element should specify what incentives will be provided and include metrics for evaluation.

Action 12-1 (Fair Housing Complaints): Provide specific timeframe for the development of outreach materials and which marketing is expected to occur.

Action 12-2 (Housing Choice Voucher Promotion): To effectuate meaningful change, the program could be expanded to include outreach to landlords to increase participation in the program.

Action 13-1 (Protecting Existing Residents from Displacement): The program currently only commits to "evaluate the feasibility". To ensure meaningful change, the program should be revised to include more specific and measurable commitments and outcomes.

Action 13-2 (Homeless Outreach Program SERMET): The program should describe the City's role in implementation.

Action 13-3 (Funding and Services for Special Needs Populations): The element should describe the type of funding and resources it will pursue and what services that will be provided. The program should also include the number of persons or households that are expected to be served.

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 now includes a discussion of how realistic development capacity was calculated based on trends within the gateway region; however, the revised analysis must still analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow nonresidential uses (e.g., mixed-use). This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.

   Suitability of Nonvacant Sites: While the element includes factors utilized to identify conditions that could lead to redevelopment of sites such as age and land improvement ratio, it still does not analyze the extent to which existing uses impede additional residential development.. The element can summarize past experiences converting

similar 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 consider additional indicators such as property owner interest, developer interest, and other factors including programs and incentives for redeveloping these sites.

As the housing element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households, the housing element must demonstrate that the existing use on sites to accommodate the lower-income RHNA is not an impediment to additional residential development (Gov. Code, § 65583.2, subd. (g)(2). Absent findings (e.g., adoption resolution) based on substantial evidence that likely to discontinue in the planning period, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA. The City must make these findings as part of its adoption resolution.

Environmental Constraints: The element now identifies several sites within the Slauson/Long Beach Transit Station area through the proposed Transit-Oriented Development (TOD) Overlay. As stated in the element sites in these areas experience some of the highest pollution burden. In addition, the element identifies several sites with auto repair and manufacturing uses. According to third party comments, some sites near the Slauson/Long Beach station have active manufacturing or documented environmental contamination. While the element includes a program to seek funding to assist in remediation, the element must identify the sites that are likely to require remediation and demonstrate that remediation and cleanup of those sites would not preclude residential development within the planning period.

Suitability and Availability of Infrastructure: While some additional information relating to access to infrastructure were included, it is still unclear whether sufficient existing or planned water, sewer, and other dry utilities supply capacity to accommodate the City's regional housing need for the planning period.

Zoning for a Variety of Housing Types:

Emergency Shelters: The element now states that "Article 20 contains a number of provisions that exceed standards allowed by state law, and several standards that require discretion to apply" (page IV-15). While the element includes Action 7-1 (Zoning Changes to Achieve Consistency with State Law), to update the code, the element should also identify which standards will be modified or removed to comply with state law. For example, it is HCD's understanding that some requirements include requiring provider of emergency shelter to have operated shelter within past two years; requirements for phone/laundry that are not required for other uses in same zone; and a broad requirement to include "other amenities" as decided by the Director of Community Development. In addition, as noted in the prior review, the element must analyze the impact of the 30-bed limit to ensure that the standard does not unduly constrain the development of emergency shelters.

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).*

   Fees and Exactions: Action 8-1 (Evaluation Fees) to review planning and development fees to ensure fees are not excessive and are appropriate to cover the cost of services provided does not substitute the required analysis as part of housing element. The element must still include an analysis of the fees, as stated in the previous review, including an estimate of total fees or their proportion of total development costs for single-family or multi-family housing.

   Processing and Permit Procedures: The element include Action 7-2 (Address Constraints) to modify permit requirements for multi-family residential projects from a conditional use permit (CUP) to a development permit. However, while the element describes the development permit process it does not analyze the process as a potential constraint. For example, the revised element states that one of the findings is "the proposed development would be harmonious and compatible with existing and planned future developments within the zoning district and general area, as well as with the land uses presently on the subject property" (page IV-21). The element must evaluate the subject nature of such findings and describe and evaluate the approval process and time frames, for impact on approval certainty, supply, affordability, timing, and other relevant factors. The element should add or modify programs to mitigate or remove identified constraints.

   Housing for Persons with Disabilities: The element continues to not include an evaluation of the CUP process for group homes of 7 or more as a constraint on housing persons with disabilities and generally consults the CUP does not pose a constraint. Zoning code regulations that isolate and regulate various types of housing for persons with disabilities based on the number of people and other factors may pose a constraint on housing choice for persons with disabilities. Zoning and standards should simply implement a barrier-free definition of family instead of requiring the development to meet special regulations, such a conditional use permit, potentially subjecting housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses. The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty.

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).)

The element addresses new requirements related to timing; but must still be revised to address requests to develop housing at densities below those anticipated in the site inventory.

B. 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 A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning was 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:

   Action 10-5: To accommodate the City's remaining RHNA, the element is adopting a TOD overlay. While HCD recognizes that zoning has not yet been created to implement the new overlay, the element should generally describe and commit to expectations for development standards in these zones. For example, the element should describe expected height limits, parking, and other standards that will facilitate development at the densities proposed. The program should also indicate how multifamily developments will be permitted and process for approval of applications.

   In addition, for sites to be rezoned to accommodate the lower-income RHNA the element must ensure that Action 10-5 complies with the requirements of Government Code section 65583.2, subdivisions (h) and (i). The program must commit to:

- permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower income households. By-right means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval.
- accommodate a minimum of 16 units per site;
- require a minimum density of 20 units per acre; and
- at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites:
  - allow 100 percent residential use, and
  - require residential use occupy 50 percent of the total floor area of a mixed-use project.

Please be aware, as stated above, the development of the overlay must be completed before HCD can find the City in substantial compliance with Housing Element law.

Accessory Dwelling Units (ADUs) Monitoring: The element did not address this finding. Action 2-9 (Accessory Dwelling Units) is revised to commit the City to monitor ADUs by income category. However, this program must also provide a timeline for the City's monitoring and for the additional actions. Additionally, this program should specify what additional actions the City will take if not meeting target numbers anticipated in the housing element.

2. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

   The element does not address this finding. Please refer to HCD's prior review to meet this statutory requirement.

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 A3, 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.

   Action 7-4 (Zoning Changes to Address Affirmatively Furthering Fair Housing (AFFH) Issues): While the program now commits to remove the requirement for a Reasonable Accommodation application fee, it should also commit to revising the ordinance to be consistent with state and federal reasonable accommodation guidance. For example, HCD understands that the City considers a reasonable accommodation request as a

conditional use permit and states that it cannot waive any other entitlements and mandates that a reasonable accommodation requires planning commission approval in specific circumstances. The purpose of the reasonable accommodation is to provide exception to zoning and land use restrictions and should be a unique exception process. Pursuant to third party comments the City should consider strengthening privacy protections including implementing procedures to maintain confidential medical information.

Action 7-5 (Zoning Changes to Maintain RHNA Progress): The program should have a firm commitment by a date certain to remove identified constraints that would constraint the development of housing on sites to accommodate the RHNA. Timing should be early enough to facilitate development within the planning period. For example, the element identifies the height limit of 30 ft in the C-N zone constraints, minimum unit sizes, and open space requirements as a potential constraints (p. IV-5)

Action 8-3 (Objective Design Standards) and Action 8-4 (Citywide Design Standards): It appears that the City proposes to only establish objective design standards for certain qualifying development projects and will adopt other design standards citywide. Please be aware, pursuant to Government Code section 66300, subdivision (b)(1)(C) (SB 330, Statutes of 2019), jurisdictions are prohibited from imposing or enforcing non-objective design standards established after January 1, 2020.

Action 11-1 (Promote Density Bonus Program): The program should be revised to update the City's density bonus ordinance, if the City's current density bonus ordinance is not in conformity with state law. The program should also include a specific timeline for the development of the brochures if not already available.

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 A1, the element does not contain programs that satisfy the AFFH requirements for specific and meaningful actions to overcome fair housing issues. Based on a complete analysis, the element must add or revise programs.