

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

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April 30, 2024

Brad Johnson, Director
Community Development Department
City of Claremont
207 Harvard Avenue
Claremont, CA 91711

Dear Brad Johnson:

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

Thank you for submitting the City of Claremont's (City) subsequent draft housing element received for review on May 22, 2023. 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 review was facilitated by conversations with you, and the City's consultants Veronica Tam, Robert Kain and Nikola Hlady. HCD considered comments from City Ventures and Darvin Gomez pursuant to Government Code section 65585, subdivision (c).

The revised draft housing element meets most of the statutory requirements described in HCD's March 8, 2024 review. However, the housing element cannot be found in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq) until the City has completed necessary rezones to address the shortfall of sites to accommodate the Regional Housing Needs Allocation (RHNA) pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021). This finding was based, in part, on amendments to Program 4 which, among other things commits the City to further facilitate subdivision and Accessory Dwelling Unit (ADU) development in the ADU-Ready overlay and identify additional incentives or sites should production of ADUs if the City does not process applications as anticipated in the element. HCD understands that the City also considered a reduction in the proposed allowable density from RM 2,000 (approximately 22 du/a) to RM 4,000 (approximately 11 du/a) on a portion of Opportunity Site 40 (840 South Indian Hill Blvd) which is anticipated to accommodate 65 housing units, of which four are for housing for lower-income households. HCD also understands that there is a project proposed for this site at the higher density. Please be aware lowering the density of Opportunity Site 40 would affect the feasibility of the proposed project and the HCD findings of substantial compliance. Particularly the change would impact the feasibility of the sites inventory, constraint analysis, and affirmatively furthering fair housing. HCD

provided the City with this feedback during discussions in the fall of 2023, following the July 11, 2023 adoption of the housing element update.

Please be aware 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 Program 4 (Provision of Adequate Sites) 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, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during 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 RHNA. The City must make these findings as part of its adoption resolution. Please see HCD's Guidance memo (p. 27) for additional information: https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sites_inventory_memo_final06102020.pdf.

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/planning-and-community-development/housing-elements> 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 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.

HCD appreciates the hard work and dedication the housing element team provided in preparation of the City's housing element and looks forward to receiving the City's adopted housing element. If you have any questions or need additional technical assistance, please contact me at Melinda.Coy@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Coy", with a long horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Accountability Chief