

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

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May 3, 2024

Marilyn Simpson, Director
Community Development Department
City of Irwindale
16102 Arrow Highway
Irwindale, CA 91706

Dear Marilyn Simpson:

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

Thank you for submitting the City of Irwindale's (City) revised draft housing element that was received for review on March 4, 2024. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Anthony Naranjo, pursuant to Government Code section 65585, subdivision (c).

The revised draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et. seq.), 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 and Outreach Capacity: The element (p. 144) now explains that a past audit found fair housing issues with a local preference policy and states the City/Housing Authority will no longer include this policy in housing programs. However, the element should clarify whether programs have been revised to remove or modify the local preference policy and if not, add or modify programs to address this fair housing issue.

Local Data and Knowledge and Other Relevant Factors: As noted in the prior review, local data and knowledge is particularly important given the City consists of only two block groups where census tract boundaries might not coincide with residential areas. As a result, the analysis of fair housing should particularly utilize local data and knowledge and other relevant factors to better understand any local patterns or differences or lack of differences from neighborhood to neighborhood. Local data and knowledge and other relevant factors should be used across all of the fair housing analysis components (e.g., segregation and integration, disparities in access to opportunity and disproportionate housing needs). Examples of local data and knowledge include information from City officials (e.g., planners, code enforcement, civil engineers, local legislators), past surveys and assessments, infrastructure investments to inform capital improvement plans, data used for applications for funding, service providers, developers, school representatives, regional planners, service districts and other sources. Examples of other relevant factors include land use, zoning, development patterns, state, and federal investment, physical or social barriers and access to schools (e.g., safe routes to school), community amenities, facilities, and programs. HCD will send an analysis guide to assist the City with this analysis.

Contributing Factors to Fair Housing Issues: Based on the outcome of a complete analysis, the element should reassess and prioritize contributing factors to fair housing issues and prioritize those factors and then formulate appropriate policies and programs.

Programs: As noted above, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the City may need to revise or add programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement (housing choices and affordability across geographies), new housing choices and affordability in higher opportunity or income areas (throughout the City), place-based strategies for community preservation and revitalization, and displacement protection.

In addition, the element should emphasize place-based strategies toward community revitalization. Examples include expanding access to stores and healthy foods, improving safe routes to school and active transportation, increasing recreational opportunities, parks, and community facilities, pursuing economic development strategies, prioritizing the capital improvement program.

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... (Gov. Code, § 65583, subd. (c)(1).)

Availability of Infrastructure: As noted in the prior review, the element should clearly describe whether the City is a water or sewer provider and if so, whether a written procedure is available to grant priority service to developments with units affordable to lower-income households. If not, the element should add or modify programs, as appropriate.

Nonvacant Sites: While the analysis is sufficient for Sites 2 (12881 Ramona Boulevard) and 3 (13201 Ramona Boulevard), the element should still address the potential for redevelopment on Site 5 (Irwindale/Padilla). For example, the element could discuss the degree of underutilization, expressed interest in residential development from property owners or developers or absence of leases or other conditions that prevent redevelopment. Additionally, the site consists of a cluster of parcels, intersected by two rights-of-way. The element should discuss how the City anticipates redevelopment and potential lot consolidation to occur on the site.

Electronic Sites Inventory: 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 and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

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, Program 13 (Allen Drive Site) should commit to: (1) numeric objectives and affordability consistent with assumptions in the element, (2) milestones for issuing final entitlements and building permits and (3) alternative actions (e.g., rezoning) by a specified date if the site will not be developed in the planning period.

3. *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).)*

Program 15 (Outreach and Assistance with Development): The Program should specifically commit to proactively and annually reach out to developers of housing affordable to lower-income households, including extremely low-income and special needs households.

4. *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).)*

Program 6 (Zoning Code Amendments): While the Program commits to allow group homes similar to other residential uses, it should also commit to allow group homes (regardless of size and licensing) in all zones allowing residential uses.

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

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.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that did not adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until rezones to make prior identified sites available or accommodate a shortfall of sites are completed pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivision (c). As this year has passed and Program 8 (Rezone Targeted Housing Sites) has not been completed, the housing element is out of compliance and will remain out of compliance until the rezonings have been completed.

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 should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and 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 program, 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.

For your information, 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 appreciates the hard work and diligence the City provided in the housing element update and review. 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 Brandon Yung, of our staff, at brandon.yung@ca.hcd.gov.

Sincerely,



Paul McDougall
Senior Program Manager