

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

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March 1, 2024

David Carmany, City Manager  
City of West Covina  
144 W. Garvey Ave. South, Room 208  
West Covina, CA 91790

Dear David Carmany:

**RE: City of West Covina's 6th Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of West Covina's (City) housing element that was adopted November 15, 2022. The California Department of Housing and Community Development received modifications to the adopted housing element on January 3, 2024. The modifications were authorized by Resolution Number 2022-110 and made available to the public for seven days prior to HCD review. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The adopted housing element addresses a number of statutory requirements described in HCD's January 13, 2023 review. However, additional revisions are necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

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 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 5.1 (Adequate Sites) has not been completed, the housing element will remain out of compliance until the rezoning has been completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision 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 information.

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 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 effort the City's housing element team provided throughout the housing element update. 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 Margaret Scarpa, of our staff, at [Margaret.Scarpa@hcd.ca.gov](mailto:Margaret.Scarpa@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX CITY OF WEST COVINA

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 <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> 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).)*

Integration and Segregation (Income): The element provided some information on median incomes and poverty and a brief statement acknowledging disparities between incomes. However, the analysis should incorporate local data and knowledge and other relevant factors into the analysis of patterns and trends within the City. For example, the element should discuss differences in neighborhood conditions from North to South, including emphasis on areas of higher poverty and add or modify programs, as appropriate.

Disproportionate Housing Needs: The element includes some general information on persons experiencing homelessness, including areas of the City with higher need but should also discuss access to opportunities and resources such as transportation and services.

Sites Inventory: While the element now discusses identified sites by fair housing characteristics, it should also discuss sites by location. Particularly, the element should discuss any isolation of the regional housing need allocation (RHNA) and lack of identification of sites by location. For example, a vast majority of the RHNA is identified in one census tract. Based on the outcomes of this analysis, the element should add or modify programs to promote more equitable and inclusive neighborhoods.

Contributing Factors: Based on the outcomes of a complete analysis, the element should re-assess and prioritize contributing factors to fair housing issues.

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).)*

Suitability of Nonvacant Sites: The element identifies nonvacant sites through several selection criteria such as single-story building, improvement to land value ratios, age of structure and existing floor area. However, for category two, the element should utilize more than two criteria to determine redevelopment potential. In addition, as mentioned in HCDs previous review, the element should utilize recent redevelopment trends or provide recent experience in the redevelopment of structures to support the validity of these criteria. For example, the element could list recent redevelopment by the selection criteria. Further, the element does list some recent developments by prior improvement to land value ratio, but this does not appear to support the assumption. Finally, the element must still evaluate the extent existing uses impede additional developments. For example, the element could select representative sites on an area or corridor basis or generalized use basis and discuss any existing leases, conditions or other circumstances that demonstrate the potential for redevelopment.

As noted in the prior review, the element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in 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. While the City made the appropriate findings in its November 2022 adoption, it should still make the appropriate finding as part of any re-adoption.

Large Sites: As noted in HCD's prior review, sites larger than ten acres are not deemed suitable to meet the lower-income RHNA unless trends or other evidence supporting the likelihood affordable uses will be built on these sites. While the element now states large sites will only use ten acres of buildable acreage to accommodate lower-income RHNA, it must still provide analysis regarding the development of housing for lower-income households on large sites where the acreage of the parcel exceeds ten acres. Absent sufficient evidence that sites of equivalent size with affordability were successfully developed during the planning prior planning period or other evidence that demonstrates the suitability of these sites, the large sites are deemed inadequate to accommodate housing for lower-income households. For example, the element should describe the characteristics of anticipated development on identified large sites, including opportunities and timing for specific-plan development, further subdivision, parceling, site planning or other methods to facilitate appropriately sized sites that encourage the development of housing affordable to lower-income households. The element could also consider rescaling assumptions of lower-income RHNA and assume less development for lower-income households to identify a more realistic development outcome. Based on the outcomes of this analysis, the element should add or modify programs.

Accessory Dwelling Units (ADU): While the element revised numbers for ADU Production for 2022 (139 units), this data does not align with the Annual Progress Report (115 units) data reported for the year. The element should reconcile this

information and update the Annual Progress Report and/or ADU production and projections as appropriate.

City-Owned Sites: The element now lists City-Owned sites by various factors such as existing use but should also demonstrate their suitability and availability in the planning period. For example, the element should describe the status, remaining steps and any known conditions that could preclude development in the planning period. In addition, while the element includes a program to facilitate the development of the City-Owned sites, the program should also identify and make alternative sites with zoning of equivalent capacity and density by a specified date if sites do not appear to be developed in the planning period (e.g., by 2025).

Electronic Sites Inventory: 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](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

Zoning for a Variety of Housing Types (Emergency Shelters): While the element has identified sites to accommodate the need for emergency shelters, it should also discuss proximity of identified sites to transportation and services.

- 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 the element adds information on land use controls, it largely does not address HCD's January 13, 2023 review. The element should analyze the individual and cumulative impact of land use controls on housing cost, supply (number of units) and ability to achieve maximum densities and include programs to address identified constraints. The analysis should specifically address requirements related to multifamily parking, including condominiums (number of spaces, enclosed and covered requirement), minimum lot sizes and heights including adjacent and not adjacent to single-family uses. For example, the element could provide a survey of recent or sample projects to demonstrate the appropriateness of land use controls and add or modify programs to mitigate or remove any identified constraints.

## **B. Housing Programs**

- 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... (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 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, regarding zoning for emergency shelters, parking requirements should only be the amount sufficient to accommodate staff working in the emergency shelter, The City's parking standards require at least one space per four beds in addition to staff parking and as a result, appear inconsistent with statutory requirements. As a result, the element should add or modify programs to revise parking requirements in compliance with these statutory requirements.

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 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.

In addition, the element now adds information on larger group homes (seven or more persons) and states that these facilities are subject to the requirements of nursing facilities, assisted living facilities, and other similar facilities. However, the City's Zoning Ordinance does not appear to permit large, unlicensed group homes subject to the same development standards as similar uses (e.g., multifamily) in the same zone. The element must add a program to replace or modify the conditional use permit (CUP) requirement and explicitly allow group homes (regardless of licensing) for seven or more persons in all zones allowing residential uses and only subject to requirements similar to other residential uses of the same type in the same zone.

3. *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).)*

As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify 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, new housing choices and affordability in higher opportunity or higher income areas, place-based strategies for community revitalization and displacement protection.

4. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)... (Gov. Code, § 65583, subd. (c)(6).)*

Program 1.2 (Monitor and Preserve Affordable Housing): While the Program now commits to reach out to owners, it should still commit to assist with funding or support funding applications.

### **C. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)*

As noted in the prior review, the City should employ additional methods for public outreach efforts in future versions of the housing element and throughout the housing element, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households. For example, the City could conduct targeted stakeholder interviews or establish a committee representative of lower-income households in future public outreach efforts.