

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

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August 24, 2006

Mr. Tony Witt  
Director  
Community Development Department  
City of Claremont  
PO Box 880  
Claremont, CA 91711

**RE: Review of the City of Claremont's Draft Housing Element**

Dear Mr. Witt:

Thank you for submitting Claremont's draft housing element, received for review on June 26, 2006 and revisions on August 21 and 22, 2006. As you are aware, the Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Telephone conversations with Mr. Brain Desatnik, Housing and Redevelopment Manager, and Ms. Veronica Tam, the City's consultant, assisted the review.

The draft element represents a significant revision to the adopted 2001 certified housing element. While the draft element addresses many statutory requirements, revisions will be necessary to maintain compliance with State housing element law (Article 10.6 of the Government Code). In particular, the element should include a more detailed analysis of the sites inventory. The enclosed Appendix describes the changes needed to comply with State housing element law.

The Department appreciates the City's hard work to develop a meaningful housing element consistent with the new General Plan, including the extensive public participation process and the facilitation and instigation of the development of the Base Line property for housing

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for lower-income households. The Department would be pleased to provide any additional assistance necessary, including a meeting in Claremont, to facilitate the City's efforts to comply with State law. If you have any questions, or wish to schedule a visit, please contact Melinda Coy, of our staff, at (916) 445-5307.

Sincerely,



Cathy E. Creswell  
Deputy Director

Enclosure

cc: Brian Desatnik, Housing and Redevelopment Manager, City of Claremont  
Veronica Tam, Planning Consultant, Veronica Tam and Associates

## APPENDIX CITY OF CLAREMONT

The following changes would bring the City of Claremont's housing element into compliance with Article 10.6 of the Government Code. The supporting section of the Government Code is cited to accompany each recommended change.

Housing element technical assistance information is available on the Department's website at [www.hcd.ca.gov](http://www.hcd.ca.gov). Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Elements section contains the Department's publication, *Housing Element Questions and Answers (Qs & As)* and the Government Code addressing State housing element law.

### **A. Housing Needs, Resources, and Constraints**

1. *Include the locality's share of regional housing need in accordance with Section 65584 (Section 65583(a)(1)).*

The element indicates 207 units affordable to lower- and moderate-income households have been constructed or approved since January 1, 1998 (page 8-50, Table 8-28). To credit these units toward the City's share of the regional housing need, the element should demonstrate affordability by income group (i.e., very low, low, and moderate). This can be accomplished by describing on actual rents and sales prices and/or applicable mechanisms utilized to assure affordability, such as subsidy sources (i.e., low-income housing tax credits, and redevelopment set-a-sides). Only units that have entitlements will be constructed during the planning period, or already constructed may be credited towards the RHNA.

2. *Include an inventory of land suitable for residential development, including sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

To accommodate the City's remaining regional housing need for low- and moderate-income households, the element includes an updated sites inventory and land-use strategy. However, the sites inventory and analysis does not include sufficient information to fully evaluate the adequacy of sites to accommodate Claremont's regional housing need by income level. For additional information, please refer to the Department's enclosed technical assistance paper. The element should include more detailed information as follows:

*Suitability of Available Sites* – The element must include a parcel-specific listing of sites, including parcel numbers or other “unique” reference, describing general plan designation, zoning, density, and parcel size for those sites that address the City's regional need for moderate- and lower-income households. For the portion of the land inventory that includes sites which are not vacant, the element must demonstrate the suitability and feasibility of these sites. The element should

describe development trends, market conditions and regulatory and financial incentives or standards to facilitate redevelopment. This discussion should also include an analysis of the potential of existing uses to convert to residential, mixed-use or more intense residential use in the planning period.

The City has identified three mixed-use sites as appropriate for housing for lower-income households (pages 52-53). While the element generally describes current uses on the three sites, it should further analyze recent development activity, particularly with respect to these sites. The analysis should include a description of the characteristics and circumstances of these sites that may lead to conversion to residential or mixed-use with a residential component in the planning period, such as interest from property owners, discontinuing uses and the condition and age of existing structures.

Per conversations with City staff, the Department understands that the City intends to meet its remaining lower-income need on the City owned Base Line Road site, and the Williams Telecommunication property. While the element lists these sites, no specific information about their appropriateness or suitability is provided (see enclosed technical assistance paper on Chapter 724, Statutes of 2004 [2348]). In addition, the element must include specific commitments by the City to provide appropriate zoning and incentives. The element should demonstrate how appropriate zoning will be achieved on these sites and how the current maximum density of 15 du/acre is appropriate to encourage and facilitate the development of housing for lower-income households. The analysis should also include a discussion on recent development activity and any regulatory incentives the City will offer to encourage development on these sites.

*Sufficient Density* – The element should demonstrate how the High Density Residential Zoning land-use designation facilitates and encourages the development of lower-income housing. To facilitate development of housing affordable to the workforce, the City could include a program to rezone to a higher density to accommodate its lower-income (low- and very low-income households) housing needs. Please refer to of the Department’s enclosed AB 2348 technical assistance paper (page 3).

### Zoning for a Variety of Housing Types

*Emergency Shelters* – The element discusses how the City’s zoning code conditionally permits emergency shelters in all districts except the Historic Claremont and Arbor Verde Zone. However, the element must demonstrate how the conditions identified encourage and facilitate the development of emergency shelters (page 8-40). Specifically, should clarify what is meant by “the proposed use will not endanger or otherwise constitute a menace to public health, safety or general welfare”. The element should also analyze how zoning with capacity in proximity to services is available to encourage and facilitate emergency shelters.

*Transitional Housing* - The element indicates the City's zoning allows transitional shelters under the same permitting process as emergency shelters. To address this statutory requirement, the element must include a more detailed analysis of zoning available to encourage and facilitate transitional housing. Specifically, the element must analyze how the current CUP process encourages and facilitates the development of variety of transitional housing types. It should be noted, while it may be appropriate to require a CUP for emergency shelters (provided that it does not act as a constraint), the approval process for transitional housing should not require a CUP but should reflect the type of housing (e.g., apartments, single-room occupancy) developed for this purpose.

Depending on the results of these analyses, the element may need to add programs to identify sites with zoning to encourage the development of both emergency shelters and transitional housing.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities, including local processing and permit procedures. (Section 65583(a)(4)).*

Housing for Persons with Disabilities: The element indicates that the City handles reasonable accommodation requests through the building department. The element should clearly describe the process for requesting reasonable accommodation, and how the locality makes information available about requesting a reasonable accommodation with respect to zoning, permit processing, or building laws.

Inclusionary Housing: The August revision to the housing element includes a description of the City's recently adopted inclusionary housing ordinance (page 8-41), however, to demonstrate the ordinance will not act as a constraint on development of market-rate units, the element should provide a more thorough analysis of the ordinance framework. For example, the element should include a more specific description and analysis of the types of incentives the City will adopt to encourage and facilitate compliance with inclusionary requirements, what options are available for developers to meet affordability requirements, how the ordinance interacts with density bonus laws, the amount of any in-lieu fee, and what finding a developer must make in order to choose to pay the in-lieu fee.

## B. Housing Programs

1. *Include a program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal, state financing and local financial resources (Government Code Section 65583(c)).*

The draft element includes a list of five overarching housing goals, along with a number of accompanying programs. However, some of the programs should be revised to: 1) update timelines or milestones; 2) expand the description of the City's role; and, 3) include numerical objectives where appropriate. The following programs represent newly introduced or modified programs from the 2001 housing element that should be revised/strengthened:

Program 3 (Provision of Adequate Sites): Provide a more detailed description of development standards that will be adopted for the mixed-use zone district such as height standards, parking requirements, and any use requirements. The program should also be strengthened to demonstrate how the City will encourage and facilitate residential development in these districts.

Program 4 (Inclusionary Housing): Clearly describe what specific "economic" incentives or regulatory concessions the City will offer to ensure the overall housing production and supplies are not unduly impacted and indicate what specific role and assistance the City will provide to assist developers to comply with these requirements.

Program 7 (Zoning Regulations): The program indicates that transitional housing and emergency shelters shall be conditionally permitted in all districts except in Historic Claremont and Arbor Verde. Based upon a complete analysis of the process and permitting procedures for this type of housing, as noted in finding A2, the program may need to be expanded to provide specific examples of how the City will encourage and facilitate the development of facilities for the homeless and transitional housing.

2. *Identify actions that will be taken to make sites available during the planning period of the general plan 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. 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, emergency shelters, and transitional housing (Section 65583(c)(1)).*

As noted in finding A2, the element does not include a complete land inventory analysis to determine the adequacy of sites. Specifically, the element should describe what incentives the City would provide to encourage housing for lower-income families on both mixed-use, non-vacant sites and City owned sites designated appropriate for this type of development. Based on the results of a complete land inventory analysis, the City may need to add programs to address a shortfall of sites identified.

In accordance with recently enacted legislation (Chapter 724, Statutes of 2004), where the inventory does not identify adequate sites pursuant to Government Code Sections 65583(a)(3) and 65583.2, the element must provide a program to identify sites in accordance with subdivision (h) of 65583.2 for 100 percent of the remaining lower-income housing need with sites zoned to permit owner-occupied and rental multifamily uses by-right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 20 units per acre. Also, at least 50 percent of the remaining need must be planned on sites that exclusively allow residential uses and not permit non-residential or mixed uses.

2. *Address and, where appropriate and legally possible, remove governmental 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, or provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities (Section 65583(c)(3)).*

As noted in finding A5, the element requires a more detailed analysis of potential governmental constraints. Depending upon the results of that analysis, the element may need to include programs to address and remove or mitigate any identified constraints.