

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
www.hcd.ca.gov
(916) 323-3176
FAX: (916) 327-2643



February 11, 2005

Mr. Douglas McIsaac
Planning Director
Planning Department
City of West Covina
P. O. Box 1440
West Covina, CA 91793

Dear Mr. McIsaac:

RE: Review of Revisions to the City of West Covina's Draft Housing Element

Thank you for submitting revisions to West Covina's draft housing element, received for review on December 16, 2004. As you know, 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. Jeff Anderson, Principal Planner, facilitated the review. This letter and Appendix summarize the results of the conversations and review.

The City is commended for developing programs to provide alternative standards for affordable and senior housing and for assisting in the development of Lark Ellen Towers, The Promenade, Vintage Gardens Senior Apartments and West Covina Senior Villas. Although the element addresses a number of the statutory requirements in the January 23, 2004 review, revisions are still necessary to comply with State housing element law (Article 10.6 of the Government Code). Among the needed changes, the element should analyze and mitigate governmental constraints and strengthen certain programs. These and other required changes are discussed in greater detail in the enclosed Appendix.

The assistance and cooperation of Mr. Jeff Anderson throughout the review is appreciated. The Department would be pleased to provide any assistance necessary to facilitate the City's efforts to comply with State law, including a meeting in West Covina or Sacramento. If you have any questions, please contact Margaret Murphy, of our staff, at (916) 445-5888.

In accordance with requests pursuant to the Public Records Act, we are forwarding copies of this letter to the persons and organizations listed below.

Sincerely,



Cathy E. Creswell
Deputy Director

Enclosures

cc: Jeff Anderson, Principal Planner, City of West Covina
Tracey Ferguson
Mark Stivers, Senate Committee on Transportation & Housing
Suzanne Ambrose, Supervising Deputy Attorney General, AG's Office
Terry Roberts, Governor's Office of Planning and Research
Nick Cammarota, California Building Industry Association
Marcia Salkin, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Rob Weiner, California Coalition for Rural Housing
John Douglas, AICP, Civic Solutions
Deanna Kitamura, Western Center on Law and Poverty
S. Lynn Martinez, Western Center on Law and Poverty
Alexander Abbe, Law Firm of Richards, Watson & Gershon
Michael G. Colantuono, Colantuono, Levin & Rozell, APC
Ilene J. Jacobs, California Rural Legal Assistance, Inc.
Richard Marcantonio, Public Advocates
Fair Housing Council of the San Fernando Valley
Mark Johnson, Legal Aid Foundation of Los Angeles
Dennis Rockway, Legal Aid Foundation of Long Beach
Chancela Al-Mansour, Los Angeles County Neighborhood Legal Services
Karen Warner, Karen Warner Associates
Min Chang, Neighborhood Legal Services of Los Angeles County
Michael Bodaken, San Fernando Valley Neighborhood Legal Services
Veronica Tam, Cotton, Bridges and Associates
David Booher, California Housing Council
Jonathan Lehrer-Graiwer, Attorney at Law
Ana Marie Whitaker, California State University Pomona
Joe Carreras, Southern California Association of Governments
Won Chang, Attorney at Law, Davis and Company
Jacob Lieb, Southern California Association of Governments
Lynne Fishel, Building Industry Association

**APPENDIX
West Covina
February 2005**

The following changes would bring the City of West Covina'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 our website at 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 Element 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 65583(a)(1)).*

The element indicates 431 lower-income units have been constructed and 85 lower-income units have been planned since 1998 (page A-37, Table 42). The element should document the affordability of these units based on the source of subsidy, actual rents, or sales prices. According to the element (page A-36), these units were approved under the Low and Moderate Income and Senior Citizen Housing section of the municipal code as affordable to lower-income households.

2. *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 as identified in the analysis pursuant to paragraph (6) of subdivision (a). 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 Section 65584 and from meeting the need for housing for persons with disabilities identified pursuant to paragraph (6). (Section 65583(a)(4)).*

As cited in the previous review, the element should describe and analyze the City's open space requirements and the Property and Landscape Maintenance Ordinance as potential government constraints. In addition, the following revisions are required:

On- and Off-Site Requirements - While the element states that developers are required to pay for improvements, the element should describe the actual on- and off-site requirements as required in the previous review.

Permits and Processing - The element should still describe the types of permits, standards approval procedures and discretionary approval processes as required in the previous review. The element should also clarify when a conditional use permit is required and describe the City's design review process.

3. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. Include a listing of each development by the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10 year period (Section 65583(a)(8)(A))*

According to the element, the City's at-risk developments were "in the process of opting out" of Section 8 in June of 2004. Enclosed please find updated information on these at-risk projects from the California Housing Partnership Corporation. The City should contact the owners to confirm the status of their respective Section 8 contracts and include this information in the housing element.

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 and state financing and subsidy programs when available. The housing element shall contain programs, which assist in the development of adequate housing to meet the needs of low- and moderate-income households (Section 65583(c)).*

While the element was revised to address some of the requirements described in the prior review, the following revisions are still needed:

A number of the City's programs should include specific implementation timelines. A timeframe of ongoing is appropriate for some programs, however, actions with discrete steps or which are to be initiated must include specific dates for implementation. For example, Programs 1.3 - Support Funding for New Construction and 1.12 Nonprofit Housing Groups should be expanded to include timelines for specific actions. For example, how often will the City assist affordable housing developers with funding applications and when will the City solicit bids from nonprofit housing group through a request for proposal process.

As cited in the previous review, the element does not include a program to support the development of special needs housing as described in Policy 1.2. In addition, Program 5.4 was not expanded to address how the City promotes the use of State density bonuses.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

While the element has been revised to address some of the statutory requirements, the following revisions are still necessary:

Mixed-Use – Renumbered Program 5.2 must include a date to amend the zoning ordinance to allow multifamily development in commercial zones and describe mixed-use development standards. Additionally, as cited in our previous review, the element should describe the incentives the City will provide to encourage and facilitate affordable mixed-use housing.

Specific Plans - Program 5.3 should be expanded to identify the amount of land included and to quantify the development potential by housing type included in the Glendora Avenue/The Lakes specific plan.

Additional Residential Opportunities - The City has eliminated the original Program 5.2 which included actions to rezone nonresidential land (Site H and the Civic Center Area) and recycle underutilized sites. The City is encouraged to continue this program to ensure the City maximizes existing land resources and facilitates opportunities for residential development throughout this planning period and into the future.

Inventory of Available Sites - To facilitate the inclusion of adequate sites in the City's incentive package to developers, the revised Sites with Residential Development Potential (page A-37) should identify vacant versus underutilized sites, the number and size of parcels, zoning, density ranges, and the realistic development capacity for Sites Number 22 through 25.

As cited in the previous review, the City should consider establishing a program to promote the development of some three and four bedroom rentals to house lower-income large families and alleviate overcrowding.

3. *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)).*

The element identifies parking, minimum unit and lots sizes as governmental constraints and includes Program 1.4 to address the impacts on the cost and supply of housing. However, the program should include commitments to specific reduced standards to demonstrate how the impacts will be adequately mitigated. For example, the program could commit to eliminating the garage requirements for apartment units. In addition, Program 1.4 must include a specific timeline for implementing zoning changes and marketing efforts.

4. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (8) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance (Section 65583(c)(6)).*

Program 4.1, the Preservation Program, should be strengthened to monitor the status of current and future government assisted projects at-risk of conversion to market rate housing. For example, the City should respond to any State and federal opt-out notices received.

For your information, Chapter 724, Statutes of 2004 (AB 2348) took effect January 1, 2005. Enclosed please find a copy of the statute.