

CITY OF EL MONTE
2021-2029 Housing Element – Planning Commission Public Hearing, December 21, 2021
Draft Responses to State Department of Housing and Community Development (HCD) Comments

A. REVIEW AND REVISION	
HCD Question/Concern by Topic	City's Response
As part of the review of programs in the past cycle, the element must provide an evaluation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers, and persons experiencing homelessness).	The City and RRM will revisit the content of Appendix C, to bolster or provide the missing information HCD is requesting. This includes a summary of all affordable housing constructed for special needs populations.
B. HOUSING NEEDS, RESOURCES, AND CONSTRAINTS	
HCD Question/Concern by Topic	City's Response
1. <u>Racially and Ethnically Concentrated Areas of Poverty (R/ECAP)</u> : The element identifies an R/ECAP and should include specific analysis beyond reporting the identified area. The analysis should address trends, past and current efforts, including investment and their effectiveness, local data and knowledge, other relevant factors, particularly relative to equitable quality of life, resources, and strategies to address any inequities in quality of life. The analysis should also consider any overlapping fair housing issues with other components of the assessment of fair housing (e.g., access to opportunity and disproportionate housing needs).	The City will provide additional information on concentrated areas of poverty. This includes addressing racial information, expanding the AFFH discussion, identifying CDBG programs and summarizing CIP programs that will target such areas. The City will also provide the history of the area's development and why it is considered an area of poverty.
2. <u>Disproportionate Housing Needs, Including Displacement</u> : The analysis must compare the City to the broader region and the sub-geographies within the City. Particularly, the element should compare the City to the broader region for cost burden and displacement. In addition, the element should address homelessness.	The City will provide additional SCAG pre-certified data related to cost burden conditions on a regional level and expand the comparative analysis between the city and region. According to SCAG, 63% of El Monte renter households spend 30% or more of gross income on housing, compared to 55.3% in the SCAG region. Furthermore, 31.6% of El Monte renter households spend 50% or more of gross income on housing, compared to 28.9% in the SCAG region. Additionally, using HCD AFFH data, the City will provide an expanded analysis of displacement risks on a broader level. According to HCD AFFH data, approximately 90% of the City is identified as containing sensitive communities with populations that are vulnerable to displacement in the event of increased development or drastic shifts in housing cost. An expanded view of the data shows that, while areas in adjacent cities also maintain high percentages of sensitive communities, none are as high as El Monte. Actions to protect existing residents from displacement include providing housing/housing services for persons with protected characteristics and furthering of low-income housing development. These are included in Programs 34 through 37.

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B. HOUSING NEEDS, RESOURCES, AND CONSTRAINTS (CONTINUED)	
HCD Question/Concern by Topic	City’s Response
<p>3. <u>Identified Sites and Affirmatively Furthering Fair Housing</u>: The element provides information regarding the proportion of sites by income group according to various concentrations of socio-economic characteristics. In addition, the element should address the number of units by income group, magnitude of impact on local patterns, any isolation of the RHNA by income group and address the placement of the sites such as concentrations of sites in key areas and corridors.</p>	<p>The City will update AFFH data tables throughout the Technical Report Appendix D: Assessment of Fair Housing to include number of RHNA units by income group (Lower, Moderate, Above Moderate) in addition to site data already provided.</p>
<p>4. <u>Local Data and Knowledge</u>: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers.</p>	<p>The City will use audit report information from service providers to identify short and long term performance levels. The City will also summarize new housing opportunities.</p>
<p>5. <u>Other Relevant Factors</u>: The element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element should analyze historical land use, zoning, governmental and nongovernmental spending including transportation investments, demographic trends, historical patterns of segregation, or other information that may have impeded housing choices and mobility.</p>	<p>The City will provide additional data on demographic trends, changes in land use patterns and economic development programs and activities for specific neighborhoods. The City will also add a map to justify selected sites.</p>
<p>6. <u>Goals, Priorities, Metrics, and Milestones</u>: While the element provides some analysis and identifies contributing factors to fair housing issues in El Monte, it does not include sufficient actions to overcome patterns of segregation and foster inclusive communities. As a result, programs must be added and modified as appropriate to sufficiently respond to contributing factors to fair housing issues based upon a complete analysis. Goals and actions must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, metrics, and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.</p>	<p>City acknowledges the high levels of segregation within El Monte comprising Hispanic majority tracts, with an increasing Asian and Pacific Islander population. The Housing Element will be updated to include the following new goals and actions to address segregation patterns:</p> <ul style="list-style-type: none"> • Remove of market and government constraints to development multi-family housing in specific areas of opportunity; • Provide enhanced housing choices and affordability; • Establish place-based strategies to encourage community revitalization through promotion of high-quality housing/housing rehabilitation throughout the City; • Continue enforcing building and housing codes; and • Provide education to residents and landlords on fair housing practices.

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HCD Question/Concern by Topic	City’s Response
<p>7. <u>Projected Extremely Low Income</u>: While the element quantifies the existing housing needs of extremely low-income (ELI) households, it must still quantify projected ELI housing needs. The projected housing need for ELI households can be calculated by using available census data to determine the number of very low-income households that qualify as ELI households or presume that 50 percent of the regional housing need allocation (RHNA) for very low-income households qualify as ELI households.</p>	<p>The City will provide an expanded quantitative analysis of extremely low-income (ELI) households using additional census data information.</p>
<p>8. <u>Using Density to Credit Projects in the Pipeline</u>: The City has a Regional Housing Need Allocation (RHNA) of 8,502 housing units, of which 2,650 are for lower-income households. To address this need, the element relies on vacant and nonvacant sites, including sites in Specific Plan Areas and within the Religious Facilities Overlay Zone (RF-OZ) area. To demonstrate the adequacy of these sites and strategies to accommodate the City’s RHNA, the element must include complete analyses:</p> <ul style="list-style-type: none"> • The element (Appendix. A, p. 3) credits 53 units of the 3637-3649 Tyler Avenue development toward the regional housing need for lower-income households based upon the development’s density. However, to credit permitted units toward the regional housing need, the element must demonstrate the unit’s affordability based on actual or projected sales prices, rent levels, or other mechanisms establishing affordability in the planning period. 	<p>The City will provide additional information on the 3637-3649 Tyler Avenue development, which is a 100% affordable housing project. This includes project affordability based on actual or projected sales prices, rent levels, or other mechanisms establishing affordability.</p>
<p>9. <u>Electronic Sites Inventory</u>: 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/community-development/housing-element/index.shtml#element for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.</p>	<p>The City will submit an electric version of the Sites Inventory Table to HCD after City Council adopts the Housing Element for state certification.</p>

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B. HOUSING NEEDS, RESOURCES, AND CONSTRAINTS (CONTINUED)	
HCD Question/Concern by Topic	City’s Response
<p>10a. <u>Zoning for Lower-Income Households</u>: The element must demonstrate zoning appropriate to accommodate housing for lower-income households. For communities with densities that meet specific standards (allow at least 30 units per acre for El Monte), no analysis is required. Otherwise, the element must include an analysis based on, including, but not limited to, factors such as market demand, financial feasibility and development experience within identified zones demonstrating how the adopted densities can accommodate housing for lower-income households. The element (Table 31, p. TR-38) assumes sites R-2, R-3, R-4, C-O, C-1 and C-2, C-3 and C-4 allowing up to 25 units per acre can accommodate a portion of the housing need of lower-income households. This density is less than the 30 units per acre standard and as a result, the element must include analysis as described above or utilize sites with appropriate densities.</p>	<p>The City will provide information on specific projects that will provide affordable housing for very-low or lower income households (for a total of 473 units – which is slightly lower than the 508 units what was included on Table 31, p. TR-38). This includes the following:</p> <ul style="list-style-type: none"> • MacLaren project (380 units). The Los Angeles County property will be developed with a park, affordable housing and County services. Staff will create a new program for this important project. • M Motel Project (93 units). This project is being developed through the State’s Homekey Program. The units will initially operate as an transitional housing and will be converted to permanent housing by 2028. <p>Staff will reallocate the 35 remaining affordable units (508 minus 473) to sites that permit densities of at least 30 units per acre.</p>
<p>10b. <u>Religious Facilities Overlay</u>: In addition, while the element identifies on Appendix A, page 6 the Religious Facilities Overlay with a density of 0-25 units per acre as potential sites to accommodate very low and low-income housing, the analysis provided is insufficient. This density is less than the 30 units per acre default density and analysis must be provided as described above.</p>	<p>In addition, the City will provide a detailed summary of its vision for the Religious Facilities Affordable Housing Program. The idea is that religious facilities will have a greater vision than just the construction of affordable housing. Instead, it likely will include fellowship, volunteerism, donations, fundraising, etc. Since they already own and use the property, achieving a high density will not necessarily be needed.</p>
<p>11. <u>Non-vacant Sites</u>: The element must include an analysis demonstrating the potential for redevelopment of non-vacant sites. To address this requirement, the element describes in general the existing use of each non-vacant site for example “commercial” or “Industrial” or “residential.” This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the element must include a methodology that demonstrates the potential for additional development in the planning period.</p>	<p>The City will provide examples of several recently completed multiple-family developments that were constructed on non-vacant sites. This includes projects along Garvey Avenue, Santa Anita Avenue, Peck Road and in the Downtown.</p> <p>RRM will also provide a map showing the number of vacant sites in El Monte, which is not high enough to accommodate the City’s RHNA. RRM will provide a SCAG map showing low improvements-to-land ratios.</p>

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HCD Question/Concern by Topic	City's Response
<p>11. <u>Non-vacant Sites</u> (continued): The methodology must consider factors such as the extent to which existing uses may impede additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. The inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment.</p> <p>In addition, if the housing element relies upon non-vacant sites to accommodate more than 50% of the RHNA for lower-income households, it 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 regional housing need allocation.</p>	<p>Refer to response on previous page.</p>
<p>12. <u>Replacement Housing Requirements</u>: Non-vacant sites that include residential units, either existing or demolished, that are/were occupied by, or subject to affordability agreements for lower-income households within five years preceding the beginning of the planning period are subject to a housing replacement program consistent with the requirements listed as set forth in Government Code section 65915, subdivision (c)(3) and Government Code section 65583.2, subdivision (g)(3). The element should clarify if the sites inventory identifies sites with existing residential uses and must identify whether they are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use.</p>	<p>The City and RRM will verify affordability of sites with existing residential to determine if replace housing provision are applicable.</p>

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HCD Question/Concern by Topic	City's Response
<p>13. <u>Small Sites</u>: The element identifies several sites at less than a half-acre in Table A (Appendix. A). Sites smaller than ½-acre in size are deemed inadequate to accommodate housing for lower-income housing unless it is demonstrated that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate lower income housing. The element should include the factors that will lead to lot consolidation. As a result, if utilizing these sites toward the housing need for lower-income households, the element must include analysis and programs as appropriate.</p>	<p>The City will provide clarifying language. The sites identified as smaller than ½-acre in size are actually part of larger properties or projects that includes adjacent parcels (because of GIS, it shows each parcel separately, rather than combined).</p> <ul style="list-style-type: none"> • Cesar Chavez Project Phase 2 (53 affordable housing units). This project is currently under construction; • Domas Project (51 affordable housing units). This project is approved and will begin construction in 2022; • Area Y Project (85 units). This project is in the planning phase; and • Multiple project sites along Garvey Avenue that will require lot consolidation.
<p>14. <u>Zoning for a Variety of Housing Types</u>:</p> <ul style="list-style-type: none"> • <i>Transitional and Supportive Housing</i>: Transitional and supportive housing must be permitted as a residential use in all zones and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Gov. Code, § 65583, subd. (a)(5)). The element must demonstrate consistency with these statutory requirements and include a program, as appropriate. • <i>Employee Housing</i>: The element must demonstrate zoning is consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, sections 17021.5, 17021.6. and 17021.8. Section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Section 17021.6 requires employee housing consisting of no more than 12 units or 36 beds to be permitted in the same manner as other agricultural uses in the same zone. • <i>Accessory Dwelling Units (ADU)</i>: After a cursory review of the City's ordinance, HCD discovered several areas which were not consistent with State ADU Law. HCD will provide a complete listing of ADU non-compliance issues under a separate cover. As a result, the element should add a program to update the City's ADU ordinance to comply with state law. For more information, please consult HCD's ADU Guidebook, published in December 2020. 	<p>The City will provide clarifying language. All the noted items will be addressed as part of Program 5 (the City's Comprehensive Zoning Code Update). This is expected to be adopted by summer 2022.</p> <p>City has committed to addressing Transitional and Supportive Housing which requires that supportive housing, meeting certain criteria, be allowed by-right in zones where multi-family and mixed uses are permitted in compliance with State law (AB 2162) as well as providing for Employee and Group Housing in compliance with State Law (AB 1783), as described in the following programs: 5 (the City's Comprehensive Zoning Code Update), 15 (Employee Housing), 28 (Transitional Housing), and 30 (Supportive Housing).</p> <p>Program 5 also describes the City's commitment to review the existing ADU Ordinance to ensure consistency with state law and continue to monitor state ADU law annually, as well as promote the creation of ADUs that can be offered at affordable rent, as defined in Section 50053 of the California Health and Safety Code, for very low, lower- or moderate-income households.</p>

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HCD Question/Concern by Topic	City’s Response
15. <u>Fees</u> : While the element describes the development fees on page TR-57, it must describe all required fees for single family and multifamily housing development, including planning fees (e.g., CUP, rezone, variance, general plan amendments), and analyze their impact as potential constraints on housing supply and affordability.	The City will review the information provided to ensure that it includes all fees. In addition, the City’s new fee schedule will be effective on January 1, 2022. Staff will update the information to include the new fee schedule.
16. <u>Zoning and Fees Transparency</u> : The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1, subdivision (a)(1).	City currently maintains development codes on its website for online viewing at https://www.ci.el-monte.ca.us/266/Planning-Documents , in compliance with State law. The City also plans on updating many of its application forms as part of Program 5 (the City’s Comprehensive Zoning Code Update), and will also provide informational handouts for public use.
17. <u>Parking Requirements</u> : The element must analyze the multifamily parking requirement of two spaces within a garage for first 1,200 and 1,400 square feet for its impact as a potential constraint on housing. Program 5 includes a commitment to reduce parking requirements for residential projects; however, the program should be revised to be more specific and commit to remove or mitigate the two spaces within a garage parking constraint.	The City will provide clarifying language. Parking requirements will be addressed as part of Program 5 (the City’s Comprehensive Zoning Code Update). Parking requirements are anticipated to be reduced for all residential types. This is expected to be adopted by summer 2022.
18. <u>Housing for Persons with Disabilities</u> : While the element identifies how community care facilities serving six (6) or fewer persons are permitted, it must describe and analyze how community care facilities serving seven (7) or more persons are approved including any approval findings. The element should analyze the process for potential constraints on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes for seven (7) or more persons objectively with approval certainty.	The City will provide clarifying language. Standards for community care facilities with seven (7) or more persons will be addressed as part of Program 5 (the City’s Comprehensive Zoning Code Update). This is expected to be adopted by summer 2022.

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HCD Question/Concern by Topic	City’s Response
<p>19. <u>Identify Densities, Approval Times and Efforts to Address Nongovernmental Constraints</u>: The element (TR-61) has some information on timing and density. However, the element must include an analysis of requests to develop housing at densities below those anticipated in the sites inventory and the length of time between receiving approval for a housing development and submittal of an application for building permits. The element must also include an analysis regarding local efforts to address nongovernmental constraints. The element must address any hinderance on the development of housing and include programs as appropriate.</p>	<p>The City will provide an analysis on the density proposed by developers, including reasons why they are not developing at the maximum densities permitted. In addition, it should review the time applicants take to submit their building permit applications. The City will identify programs that can mitigate nongovernment constraints.</p>
C. HOUSING PROGRAMS	
HCD Question/Concern by Topic	City’s Response
<p>1. <u>Rezone Program for Adequate Sites</u>: As noted in Finding B3, 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, the element should be revised as follows:</p> <p>The element acknowledges that the zoning is not currently in place to accommodate the RHNA and includes Programs 1 (Develop a Garvey Avenue and Five-Points Plan for High Density Housing), 2 (Flair Park Flex Housing), and 14 (Religious Facilities Overlay Zone) to accommodate the regional housing need. However, programs to accommodate lower-income housing need must commit to rezone to the following standards:</p> <ul style="list-style-type: none"> • Accommodate a minimum of 16 units per site; • Require a minimum density of 20 units per acre; • At least 50% of identified shortfall is accommodated on residential-only zoned sites, or up to 100% of the identified shortfall can be met on mixed-use sites if the mixed-use zoning allows both: <ul style="list-style-type: none"> o 100% of a development to be residential; and o Requires a minimum of 50% of the square footage in a mixed-use development to be residential; and 	<p>The City will provide additional information in Programs 1 (Garvey Avenue and Five-Points High Density Housing), 2 (Flair Park Flex Housing) and 14 (Religious Facilities Overlay) to address the noted items. Once the Housing Element is certified, the City will begin the process of rezoning the properties. This is anticipated to be complete by February 2024. Other items</p>

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C. HOUSING PROGRAMS (CONTINUED)	
HCD Question/Concern by Topic	City’s Response
<p>1. <u>Rezone Program for Adequate Sites</u> (continued):</p> <ul style="list-style-type: none"> • Allow owner-occupied and rental multifamily uses by-right for developments in which 20% or more of the units are affordable to lower-income households. By-right means local government review must not require a CUP, planned unit development permit or other discretionary review or approval. 	<p>The City will provide clarifying language. The bullet to allow by-right housing for developments in which 20% or more of the units are affordable to lower-income households will be addressed as part of Program 5 (the City’s Comprehensive Zoning Code Update). This is expected to be adopted by summer 2022.</p>
<p>2. <u>Lot Consolidation/Small Sites</u>: As the element relies on consolidated small sites to accommodate the RHNA for lower-income households, it should include a program to facilitate lot consolidation and development of housing on small sites. For example, the program could commit to (1) granting density bonuses above state density bonus law (Gov. Code, § 65915.); (2) reductions of fees or fee waivers specifically for consolidation; (3) expediting permit processing; (4) identifying and targeting specific financial resources; and, (5) reduction in setbacks, parking requirements, and other standards.</p>	<p>The majority of the smaller sites are located in the Downtown area, along Garvey Avenue or along other major corridors. The noted items will be addressed as follows:</p> <ul style="list-style-type: none"> • The Downtown Main Street Specific Plan already includes incentives to consolidate properties; • Incentives to consolidate properties subject to Program 1 (Garvey Avenue and Five-Points Plan for High Density); and • Incentives will be incorporated as part of Program 5 (the City’s Comprehensive Zoning Code Update) for other major corridors.
<p>3. <u>Program 15 (Employee Housing)</u>: As mentioned in Finding B3, if the Zoning Code is not consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically, section 17021.5, 17021.6 and 17021.8, the program must be revised to comply.</p>	<p>The City will provide clarifying language. Assembly Bill 1783 for employee housing (where cities are to permit six (6) or fewer employees as a single-family use) will be addressed as part of Program 5 (the City’s Comprehensive Zoning Code Update). This is expected to be adopted by summer 2022.</p>
<p>4. The element must include a program with specific actions and timelines to assist in the development of housing for extremely low-, very low-, low-, and moderate-income households. The program could commit the City to adopting priority processing, granting fee waivers or deferrals, modifying development standards, granting concessions and incentives for housing developments that include units affordable to lower and moderate-income households; assisting, supporting, or pursuing funding applications; and outreach and coordinating with affordable housing developers. For additional information, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/program-requirements/assist-in-development-housing.shtml.</p>	<p>The draft document includes multiple programs with actions and timelines to assist in the development of affordable housing of all types, as well special needs. These programs include: Program 3 (Durfee Avenue and Peck Road Corridor Plans, Downtown and Gateway Specific Plans), 4 (No Net Loss), 5 (the City’s Comprehensive Zoning Code Updates), 6 (Mixed/Multiuse Designation and Development Standards), 7 (Objective Design Standards), 8 (Density Bonus), 9 (Accessory Dwelling Units), 11 (Streamlined Processing), 12 (Inclusionary Housing Ordinance), 13 (Innovative Housing Types), 14 (Religious Facilities Overlay Zone), 15 (Employee Housing), 19 (Affordable Housing Preservation), 20 (Acquisition and Rehabilitation), 21 (Housing Partnerships), 22 (Financial Incentives), 25 (HCD Programs), 26 (Outreach and Marketing), 28 (Transitional Housing), 30 (Supportive Housing), 32 (Housing for Persons with Disabilities), and 33 (Group Housing).</p>

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C. HOUSING PROGRAMS (CONTINUED)	
HCD Question/Concern by Topic	City's Response
5. As noted in Findings B4 and B5, the element requires a complete analysis of potential governmental 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.	The City's new fee schedule will be effective on January 1, 2022. Staff will update the information to include the new fee schedule. In accordance with State law, the City will publish a planning and development fee schedule on its website for online viewing.
6. As noted in Finding B1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs.	To reflect findings from additional AFFH analysis, the City will modify Programs 34 through 37 related to fair housing. Such modifications include removal of market and government constraints to development multi-family housing in specific areas of opportunity, provide enhanced housing choices and affordability, as well as establish place-based strategies to encourage community revitalization through promotion of high-quality housing/housing rehabilitation throughout the City, continued enforcement of building and housing codes, as well as education to residents and landlords on fair housing practices.