

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

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April 22, 2022

Roubik Golanian, City Manager  
City of Glendale  
613 E. Broadway  
Glendale, CA, 91206

Dear Roubik Golanian:

**RE: City of Glendale's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Glendale's (City) housing element adopted February 1, 2022 and received for review on February 22, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on April 19, 2022 with Erik Krause, Kristen Asp, and consultant Amanda Tropiano. In addition, HCD considered comments from Californians for Homeownership and Alex Khatchaturian pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses most statutory requirements described in HCD's December 31, 2021 letter; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code), see enclosed Appendix.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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 notices relating to the local government's housing element at least seven days before submitting to HCD.

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>.

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 programs; 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 meets housing element requirements for these and other funding sources.

HCD appreciates the dedication that the City, provided throughout the course of the housing element review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Hillary Prasad, of our staff, at [Hillary.Prasad@hcd.ca.gov](mailto:Hillary.Prasad@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long horizontal stroke extending to the right.

Melinda Coy  
Senior Housing Accountability Manager

Enclosure

## APPENDIX CITY OF GLENDALE

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

Enforcement: While the element was revised to add Table 68 to demonstrate compliance with fair housing laws, the element must still quantify and evaluate the characteristics of recent fair housing complaints.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP) and Affluence (RCAA): While the element was revised to state that there is a census tract with high segregation and poverty as well as a concentrated area of affluence, the element must analyze these areas in relationship to surrounding neighborhoods for patterns and trends to formulate appropriate goals and actions.

Access to Opportunity: While the element was revised to add opportunity indicators for Glendale and the MSA as well as opportunity resource levels by census tract, this information must be analyzed to identify any emerging fair housing issues, pattern, and trends, and formulate appropriate actions and strategies to address those trends. The element briefly states that the lowest education score is in an area with largely multifamily developments, but the element must analyze the discrepancy between the identified area and the rest of the City. While the element also states that worse environmental scores are closer to the freeways, the element must analyze the impact on the identified areas and relate it to the rest of the affirmatively furthering fair housing (AFFH) analysis. In addition, the regional analysis for education and environment should be expanded beyond one summary sentence. The element should provide an analysis to the statement that there is "somewhat of a correlation" between economic scores and overall resources. In addition, there are a wide range of economic scores in the City, the element must analyze the data provided. Lastly, the regional analysis on access to transportation should be added.

Disproportionate Housing Needs Including Displacement: While additional information was added for disproportionate housing needs, analysis is needed. The element should describe and analyze the characteristics of the two census tracts with high levels of overcrowding and relate them to the rest of the City. In addition, the element must describe whether there are concentrations of substandard housing in need of rehabilitation in the City and also include a regional analysis. The element must describe available information on protected classes in relation to persons experiencing homelessness. While the element stated there are areas vulnerable to displacement, it must include an analysis of the finding, tie it to other AFFH factors, and provide a regional analysis. The element must address displacement due to fire risk. Lastly, all identified lower income sites are in sensitive communities and many are in areas in early/ongoing gentrification, or low-income susceptible to displacement. The element must analyze the effect of identifying all lower income sites in those areas.

In addition, HCD has received a public comment that the City is not currently enforcing the Just Cause and Retaliatory Evictions ordinance. The City must analyze the fair housing implications related to the enforcement of the adopted ordinance.

Sites Inventory: While the element provided additional information related to sites being located near high quality transit and away from high fire risk, the element must still demonstrate how the sites inventory is distributed throughout the City in a manner that affirmatively furthers fair housing. For example, the access to opportunity summary states that sites to accommodate the City's regional housing needs allocation (RHNA) are distributed between low and moderate resource areas but none are located within the high resource areas within the City. The element must describe how identifying sites in low and moderate resource areas exacerbate conditions and identify programs to mitigate this. The analysis states that there are no patterns of segregation/integration currently within the City, but the maps and analysis show areas of higher and lower diversity as well as having an RCAA where no sites are identified for lower-income. The element must describe how the distribution of sites improves or exacerbates identified conditions and support conclusions with analysis.

Goals, Priorities, Metrics, and Milestones: While the element added metrics to Program 2A (Multifamily Acquisition/Rehabilitation Loan Program) and 3A (Density Bonus Program), the metrics and actions identified were not transformative, meaningful, or specific enough to make an impact on identified fair housing issues. The element must be revised to add or modify goals and actions beyond the status quo based on the outcomes of the analysis described above. Goals and actions must specifically respond to the analysis and prioritize contributing factors to fair housing issues. Actions must have metrics and milestones as appropriate and address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. The programs identified in the Contributing Factors table (Background Report page 239) should include metrics and milestones.

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).)*

Progress in Meeting the RHNA: While the element was revised to state that all units identified as accommodating the lower-income RHNA will be deed restricted, the element must clarify whether projects in Table 62 are being counted as progress toward the RHNA or as part of the sites inventory.

Parcel Listing: The element must reconcile the capacity available to meet the lower and moderate income need as demonstrated in the provided sites inventory with the capacity shown on Table 67 (Background Report page 125) to clearly demonstrate the sufficient capacity to accommodate the RHNA for moderate and lower-income households.

Adequate Sites Alternatives: While the element was revised to remove counting most projects with existing toward meeting the moderate income RHNA were removed. However, the element still includes 125 units from projects related to the passage of AB 787, Statutes of 2021. Please be aware, pursuant to Government Code section 65400.2, subdivision (c) units must qualify to be reported in the annual progress report (APR) in order credit toward the RHNA. Pursuant to Government Code section 65400.2, subdivision (d) jurisdictions can only report on units converted on or after January 1, 2022. Therefore, the units identified in the element do not meet the timing requirements. Additional sites may be required to meet the RHNA for moderate-income units as a result.

Realistic Capacity: While the element was revised to state that the listed projects to support realistic capacity assumptions included limited numbers of affordable units, the element should include the affordability of the project examples to support assumptions in the Downtown Specific Plan. While the element was revised to describe adjustment factors for sites with zoning that allows 100 percent nonresidential uses, e.g. commercial and mixed use zones, the element must include project examples with affordability levels to support the development trends that were described.

Suitability of Nonvacant Sites: While the element included a general statement that various factors were considered for potential intensification on nonvacant sites, the City should support the assumptions with recent project examples that demonstrate redevelopment potential on the identified sites. The description of the Downtown Specific Plan was revised to list factors, but the factors must be related to the sites identified in the sites inventory. The sites identified must provide more detail that allows the trends to be related to the identified sites, reflect the values of each of the factors in the inventory, discuss existing uses and impediments to redevelopment, and other factors.

In addition, the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the element must demonstrate that the existing use is not an impediment to additional residential development in the planning

period (Gov. Code, § 65583.2, subd. (g)(2)). While the element was revised to provide a generalization of the sites, it does not meet the substantial evidence requirement. The element could also include additional criteria to support likelihood of residential development such as condition of structure, whether the use is operating, marginal or discontinued, the presence of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, proximity to transit, and other conditions that would support residential development and any specific incentives to encourage or facilitate development on these sites. Please note, any future re-adoption of the housing element must include the appropriate finding as part of the adoption resolution.

Small Sites: The revised element now includes numerous small sites accommodating lower-income housing that are City owned. Sites smaller than a half-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 (Gov. Code, § 65583.2, subd. (c)(2)(A)). For example, a site with a proposed and approved housing development that contains units affordable to lower-income households would be an appropriate site to accommodate housing for lower-income households. (Gov. Code, § 65583.2, subd. (c)(2)(C)). In addition, the housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

City-Owned Sites: The sites inventory identifies sites that are City-owned. The element must include an analysis to demonstrate their suitability and availability in the planning period. Specifically, the analysis should address general plan designations, zoning, allowable densities, support for residential capacity assumptions, existing uses and any known conditions that preclude development in the planning period and the potential schedule for development. If zoning does not currently allow residential uses at appropriate densities, then the element must include programs to rezone sites pursuant to Government Code section 65583.2, subdivisions (h) and (i).

Accessory Dwelling Units (ADU): While program 1F (Accessory Dwelling Units) was revised to monitor ADU production every two years and identify replacement sites if needed, the assumptions of ADU's were not revised based on the findings in HCD's December 31, 2021 letter. Please see the prior letter regarding revisions to ADU assumptions.

Sites with Zoning for a Variety of Housing Types:

- **Emergency Shelters:** While the element was revised to state that the City's zoning code does not identify additional requirements or development standards, the element must clarify whether the sites identified as suitable for an emergency shelter are vacant or not vacant and analyze the availability and appropriateness of those sites.

- Transitional and Supportive Housing: While the element includes revisions to transitional and supportive housing in program 9B, the program must be revised to cite the correct government code (Gov. Code, § 65583, subd. (a)(5)).
  - Manufactured Housing: While the element was revised to state mobile homes are allowed in residential zones, the element removed the sentence that mobile home parks are not permitted in the City. The element must describe where mobile home parks are allowed or add a program as appropriate.
  - ADUs: The element was not revised to address compliance with ADU law or whether ADUs are allowed in the Town Center Specific Plan.
3. *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. 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 Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: While the element was revised to clarify that 100 percent residential is allowed by-right in the SFMU zone and with an AUP in the IMU-R zone, it did not clarify whether 100 percent residential or commercial is allowed in the Downtown Specific Plan. While the element was revised to state the 50 percent maximum lot coverage requirements for multifamily developments are not a constraint to development, it does not provide support for that conclusion. As part of the analysis the element could describe the feedback from the development community to support this conclusion or add a program as appropriate. In addition, the element states that developers ask for height increases for multifamily developments on lots less than 90 feet in width through density bonus. This demonstrates that the height restriction is a constraint if density bonus is not applied and a program should be added to revise the height restriction.

Fees and Exaction: While the element was revised to include additional fees, the element must include fees associated with development agreements. In addition, the revisions removed may residential development impact fees but it is not clear why they were removed. Lastly, the element must describe why the parks and library mitigation fees only apply to multifamily units.

Local Processing and Permit Procedures: While the element was revised to state the review timelines for single family and multifamily are the same, it must specify the length of time for review in the Downtown Specific Plan's three stages of review. In addition, it must also list the typical total review time for single family and multifamily developments. While the City added a general statement that they determined the conditional use findings for

multifamily developments in the MU-R zones are not a constraint, the element must provide information to support the conclusion or add a program as appropriate. Lastly, the element was revised to state that while the findings for the administrative use permit appear as a constraint for multifamily developments, the findings were intentionally adopted. The administrative use permit for multifamily developments in the IMU-R zone is a constraint and a program should be added or revised accordingly.

On/Off-Site Improvements: While the element was revised to provide a general statement that on/off site improvements are identified in the circulation element, the element must identify subdivision level improvement requirements.

Constraints on Housing for Persons with Disabilities: Residential care facilities for seven or more residents require a conditional use permit in some residential zones and are not allowed in others. While the element was revised to state that these requirements are not a constraint, the element must be revised to add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty for residential care facilities for seven or more residents.

## **B. Housing Programs**

1. *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. 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, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.  
(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, the element should be revised as follows:

Replacement Housing Requirements: While the element includes a replacement housing program, the program should include a specific implementation date.

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 Finding A3, 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.

Program 1D (Replacement Housing): The program must be revised to provide a specific implementation date.

Program 3A (Density Bonus Program): While the program description was updated to state the ordinance will be updated, the timeframe of the program still states “ongoing” and must be revised.

Program 8B (Permit Streamlining): The element was revised to review permit approval times but the program did not commit to an action to reduce permit approval times by a specified date.

While Program 9B (Zoning and Code Amendments–Housing Constraints) includes an action to revise the guest parking standards in the PRD zone, it does not address the requirement of more than one parking space for efficiency and 1-bedroom units as described in the previous letter. In addition, the action to revise the reasonable accommodation procedure must be revised to review the procedure for constraints in addition to finding five and revise as needed.

While Program 9C (General Plan Consistency) was added and mentions the general plan update, it must include specific timing of when the General Plan and updated zoning code will be adopted. In addition, the program should be revised to address the misalignment between the General Plan High Density designation which allows for 35-60 dwelling units and acre and the corresponding zone allowing for up to 34 dwelling units an acre.

Design Review: The element was revised to state that the City recognizes the need for higher levels of approval certainty for design review and will prepare new objective design standards. The element must be revised to include a program to implement this commitment.

- 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 protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As mentioned in Finding A1, programs throughout the element should be revised to address enhancing housing mobility strategies; encouraging development of new affordable housing in high resource areas; improving place-based strategies to encourage

community conservation and revitalization, including preservation of existing affordable housing; and protecting existing residents from displacement. The element must be revised to include metrics and milestones in the programs to provide benchmarks and ensure housing outcomes.

4. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

While Program 1F (Accessory Dwelling Units) was revised, it states the City will conduct one survey in 2023 on affordability levels. Affordability of ADUs produced should be monitored every two years and identify additional sites if ADU projections are not meeting the assumptions.

### **C. Quantified Objectives**

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

While the quantified objectives were revised to add a note that the quantified objectives for preservation will be based on preserving units at risk based on the current affordability level, the element must be revised to breakout the objective for conservation/preservation for extremely low-, very low-, and low-income households.

### **D 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)(9).)*

While the element was revised to add a summary of comments were received and incorporated in the element, it still does not demonstrate the efforts to circulate the housing element among low- and moderate-income households and organizations that represent them.