

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

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March 16, 2022

Domingo Gonzales, Administrator  
City of Barstow  
City Hall  
220 East Mountain View St., Suite A  
Barstow, CA 92311

Dear Domingo Gonzales:

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

Thank you for submitting the City of Barstow's (City) adopted housing element received for review on December 17, 2021. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The adopted element addresses many statutory requirements described in HCD's September 21, 2021 review; however, the following revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code).

1. *An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low-income households... (Gov. Code, § 65583, subd. (a)(1).)*

*Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

**Extremely Low-Income Households (ELI):** The element generally was not revised to address this requirement and must still analyzes the housing needs of projected and existing ELI households. Please see HCD's prior review for additional information.

**Housing Conditions:** The element now reports data on the housing units in need of rehabilitation in addition to identifying the age of the housing stock. However, it must still estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include utilize information from the recent

survey, estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from other organizations.

2. *Affirmatively further(ing) fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing... (Gov. Code, § 65583, subd. (c)(10)(A).)*

*Promote Affirmatively Furthering 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).)*

Sites Inventory: As stated in the previous letter, the element must identify and analyze sites throughout the community to foster inclusive communities and Affirmatively Furthering Fair Housing (AFFH). The element includes some discussion about identified sites for lower-income households but should also discuss the number of units for all income groups, evaluate the magnitude of the impact, describe any isolation of the sites identified to accommodate the Regional Housing Needs Allocation (RHNA) and address whether the identified sites improve or exacerbate each of the fair housing issue areas. For more information, See HCD's guidance at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

Local Data and Knowledge: This requirement has not been addressed. As stated in the previous letter, the element should incorporate local data and knowledge of the jurisdiction into the AFFH section. To assist in meeting this requirement, the element should provide local data not captured in regional, state, or federal data analysis.

Other Relevant Factors: This requirement has not been addressed. As stated in the previous letter, the element must include other relevant factors that contribute to fair housing issues in the jurisdiction. For instance, the element can analyze historical land use and investment practices or other information and demographic trends.

Goals, Priorities, Metrics, and Milestones: The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis. 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 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.

- 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. (Gov. Code, § 65583, subd. (a)(5).)*

*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).)*

Processing and Permit Procedures: The element mentions a Site Plan Review where projects are reviewed to determine the type of approval (e.g., ministerial, staff review and Planning Commission review through public hearing). However, the element does still not fully address this requirement. While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development. The analysis should address, for typical single family and multifamily development, the approval body, the number of public hearing if any, approval findings and any other relevant information. The element should add or modify programs, as appropriate, based on the outcomes of a complete analysis to address identified constraints. Please see HCD's prior review for additional information.

Housing for Persons with Disabilities: The element now further describes why a conditional use permit (CUP) is required for group homes for seven or more persons but generally was not revised to evaluate the CUP requirement as a constraint on housing for persons with disabilities. Further, the element must still address the exclusion of these uses from several residential zones. As noted in the prior review, the element should evaluate the impacts of these requirements and include programs to address identified constraints, such as amending zoning to allow these uses in all residential zones and replace or revise CUP procedures to permit group homes for seven or more persons with objectivity to facilitate approval certainty.

- 4. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that 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, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

As noted in the prior review, to have a beneficial impact in the planning period and address the goals of the housing element, programs must be revised with discrete timelines and specific commitment. Specifically, Program 2 (Downtown Barstow) should commit to how often (e.g., at least annually and ongoing) the City will contact developers.

5. *Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved... (Gov. Code, § 65583, subd. (b)(1 & 2).)*

The element now provides a summary of quantified objectives for new construction (p. C-31); however, it must also provide quantified objectives for rehabilitation and conservation by income group, including extremely low-income households.

6. *Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort. (Gov. Code, § 65583, subd. (c)(9).)*

While the element now lists the programs that were added or modified following workshops, online surveys, and meetings (Appendix F), it still should summarize public comments, including future comments and describe how comments were considered and incorporated into the element. Further, moving forward, the City should employ additional methods for public outreach efforts in the future, 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. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements.

Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml> 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. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov).

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

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 this statutory deadline, then any rezoning to accommodate the 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).

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 will meet housing element requirements for these and other funding sources.

HCD is committed to assisting the City in addressing all statutory requirements of State Housing Element Law and appreciates your efforts in the preparation of your revised draft element. If you have any questions, please contact Gerlinde Bernd at [Gerlinde.Bernd@hcd.ca.gov](mailto:Gerlinde.Bernd@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager