



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JUNE 18, 2018**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT** **WARDS: ALL**

**SUBJECT: PLANNING CASE P18-0074, GENERAL PLAN AMENDMENT – AMEND THE HOUSING ELEMENT OF THE GENERAL PLAN 2025 TO COMPLY WITH STATE LAW REQUIRING A MID-CYCLE UPDATE TO THE 2014-2021 HOUSING ELEMENT**

## **ISSUE:**

Adopt a resolution amending General Plan 2025 for the Mid-Cycle update to the 5<sup>th</sup> Cycle, 2014-2021 Housing Element.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine that Planning Case P18-0074 (General Plan Amendment) is exempt from the California Environmental Quality Act (CEQA) Section 15061(b)(3), as it can be seen with certainty that there is no possibility that this proposal will have a significant impact on the environment; and
2. Adopt the attached Resolution approving Planning Case No. P18-0074 amending the General Plan 2025 by adopting the Mid-Cycle update to the 5<sup>th</sup> Cycle, 2014-2021 Housing Element.

## **PLANNING COMMISSION RECOMMENDATION:**

On May 3, 2018 the City Planning Commission recommended approval of Planning Case P18-0074 as proposed, by a vote of 8 ayes and 0 noes.

## **LEGISLATIVE HISTORY:**

California law requires cities to adopt comprehensive plans for their long-term physical development. The law requires these “general plans” to establish development policies, and include at least eight (8) mandatory elements, one of which is a Housing Element. The Housing Element is the only element that requires review and approval by the State of California (Department of Housing and Community Development).

## **BACKGROUND:**

### **5<sup>th</sup> Cycle, 2014-2021 Housing Element**

On October 10, 2017 the City Council adopted the 5<sup>th</sup> Cycle, 2014-2021 Housing Element. This occurred four years after the State's deadline to submit an approved housing element (the deadline was October 15, 2013). Jurisdictions that miss the State deadlines are thereafter required to submit their Housing Elements every four-years (e.g., "mid-cycle" submittal); until they have met two consecutive submittal deadlines.

The City's Mid-Cycle Housing Element deadline was October 15, 2017. The City did not meet the deadline because staff was diligently working to complete the 5<sup>th</sup> Cycle Implementation Plan and Rezoning Program, which needed to be completed prior to the preparation of the Mid-Cycle Housing Element. On December 12, 2017, the City Council approved the Housing Element Implementation Plan and Rezoning Program. The program rezoned 269 properties to accommodate higher density, multi-family housing, as mandated by the State. Staff began work on the Mid-Cycle Housing Element shortly after the rezonings. City Council adoption of the proposed Mid-Cycle Housing Element will bring the City into compliance with State housing law.

### **Mid-Cycle Update**

On April 12, 2018 the Riverside County Airport Land Use Commission (ALUC) reviewed and determined that the proposed Mid-Cycle Housing Element is consistent with the County's Airport Land Use Compatibility Plan.

On May 3, 2018, the Planning Commission unanimously recommended City Council approval of the Mid-Cycle Housing Element.

The California Department of Housing and Community Development (HCD) is required to make findings on the Draft Housing Element's compliance with State law prior to adoption by the City Council. The Draft Mid-Cycle Housing Element was submitted to HCD in early April for their review and comment; and on May 21, 2018 HCD completed their review and determined that the Mid-Cycle Housing Element complies with California housing laws once adopted by the Council and submitted to HCD for their final certification.

## **DISCUSSION:**

The City's Housing Element is one of 12 elements of the General Plan 2025. The Housing Element has three components: (1) the *Housing Plan*; (2) *Implementation Plan*; and (3) *Technical Report*.

The *Housing Plan* summarizes the data from the Housing Technical Report and establishes goals and policies to accommodate the City's existing and future housing needs. The *Implementation Plan* contains programs and tools that will be implemented to address the City's housing needs. The *Housing Technical Report* provides an analysis of the City's housing needs, constraints, and resources.

### **Proposed Updates**

The Mid-Cycle to the 2014-2021 Housing Element was prepared to comply with the California Government Code Sections 65580-65590. The proposed Mid-Cycle Housing Element provides an update on the City's progress in meeting the objectives, policies and programs of its 5<sup>th</sup> Cycle

Housing Element. Because very little time has lapsed since the 5<sup>th</sup> Cycle Housing Element was approved by City Council, the proposed Mid-Cycle changes are mostly informational. An exception to this, is the addition of a new policy (Policy H-3.8) within the Housing Plan. This policy has been added based on initial feedback received from HCD immediately following the City's submittal of the Mid-Cycle Element in early April. Upon their initial review, HCD expressed the need to add an "anti-displacement" policy to comply with recent State law (Gov't. Code Sec 65583.2 (g)(3)). The new policy is to preserve or replace existing housing units affordable to low income households that would otherwise be displaced as a result of a proposed development project. For more detailed information on the Mid-Cycle updates, please refer to the May 3, 2018 Planning Commission staff report (Attachment 1).

Following City Council adoption, the Mid-Cycle Housing Element will be forwarded to HCD for their final certification and compliance determination. The Council's adoption is the last action needed to bring the City into full compliance with State law. Upon HCD's certification, the Housing Element will be effective for the remainder of the current housing element planning cycle (2014-2021). The next update to the Housing Element would occur prior October, 2021, the filing deadline for the 6<sup>th</sup> Cycle update.

### California Environmental Quality Act (CEQA)

The proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to subject to Sections 15061(b)(3) as it can be seen with certainty that there is no possibility that this proposal will have a significant impact on the environment. This determination can be made because the proposed Mid-Cycle Update is intended to reflect progress toward meeting and implementing existing objectives, policies and programs of the recently adopted 5<sup>th</sup> Cycle Housing Element, and only one new policy is added for compliance with State law.

### **FISCAL IMPACT:**

There is no impact to the General Fund as a result of adoption of the proposed amendments. Failure to adopt and maintain a certified housing element prevents the City from receiving certain grant funds, and subjects the City to housing related lawsuits and fines by the State.

Prepared by: Rafael Guzman, Community & Economic Development Director  
Certified as to  
availability of funds: Adam Raymond, Chief Financial Officer/City Treasurer  
Approved by: Al Zelinka, FAICP, City Manager  
Approved as to form: Gary G. Geuss, City Attorney

### Attachments:

1. May 21, 2018 Letter from the Department of Housing & Community Development
2. City Planning Commission Report – May 3, 2018
3. City Planning Commission Minutes – May 3, 2018
4. Resolution amending the Housing Element of the General Plan 2025 and adopting the Mid-Cycle 2014-2021 Housing Element
5. Presentation