

RESOLUTION NO. 13-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, ADOPTING THE UPDATE TO THE HOUSING ELEMENT OF THE CITY'S GENERAL PLAN

WHEREAS, the Legislature finds and declares that “the availability of housing is of vital statewide importance and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order”; and

WHEREAS, this update to the City of Lancaster Housing Element has been prepared pursuant to Article 10.6, Section 65580 – 65589.9 of the Government Code and is attached hereto and incorporated herein; and

WHEREAS, the City has made a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element; has held a public workshop on August 20, 2013, and public hearings on September 16, 2013, and October 22, 2013, for this purpose prior to the adoption of the document, and has received and commented on all public testimony both oral and written; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of the update, in accordance with the corrections provided by State Department of Housing and Community Development (HCD), as stated in the letter dated August 5, 2013; and

WHEREAS, a public hearing on the Housing Element Update was held before the Planning Commission on September 22, 2013, and a resolution was forwarded to the City Council recommending approval of the update; and

WHEREAS, the City Council makes the following findings:

1. There is a need for the proposed update in order to achieve substantial compliance with Article 10.6, Sections 65580 through 65589.9 of the Government Code.
2. The proposed update is of economic benefit to the City, since it establishes policies and action programs that will enable the provision of housing for all economic segments of the community, and provides the foundation for future State funding that will aid the City in carrying out its housing programs.
3. The proposed update will not have a significant effect on the environment since pursuant to Section 15162 and Section 15168(c)(2) of the State CEQA Guidelines, the proposed update is within the scope of the Program Environment Impact Report (SCH #2007111003) prepared for the Lancaster General Plan and certified by the City Council under Resolution No. 09-52, and no further environmental review is required.

4. The proposed amendment is a planning document, which does not grant development entitlements. The proposed update will not result in any changes in land use designations or densities of the adopted General Plan. Therefore, adoption of the proposed amendment will not result in any impacts to traffic and circulation systems or to public service systems.

5. The proposed update will not have a long-term impact on the development phasing of the City, nor on the City as a whole, because the Housing Element is a short-term planning document that is within the scope of the Lancaster General Plan.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, STATE OF CALIFORNIA, THAT:

Section 1. This Council hereby approves Lancaster General Plan Housing Element Update, which is on file in the City Clerk Department.

PASSED, APPROVED, and ADOPTED this _____ day of _____ 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)	
COUNTY OF LOS ANGELES)	ss
CITY OF LANCASTER)	

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 13-56, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)

PLANNING COMMISSION ACTION:

APPROVED (6-0-0-0) with direction to staff to provide the updated data on homeless persons and the developmentally disabled, at the special Commission meeting of October 14, 2013

AGENDA ITEM: 2.

DATE: 09-16-13

STAFF REPORT

DRAFT HOUSING ELEMENT (2014 – 2021)

DATE: September 16, 2013

TO: Lancaster Planning Commission

FROM: Planning Department *BL*

APPLICANT: City of Lancaster

LOCATION: City-wide

REQUEST: Update of the Lancaster General Plan Housing Element to address housing needs for planning period January 1, 2014, to September 30, 2021 (5th cycle)

RECOMMENDATION: Receive public testimony on the draft General Plan Housing Element and adopt Resolution No. 13-14, recommending to the City Council approval of an update of the General Plan Housing Element.

BACKGROUND: State law requires individual communities to accommodate their “fair share” of housing for all economic groups within the community. The Housing Element is the state-mandated General Plan element that addresses how the City will strive to achieve its share of regional housing need within the assigned planning period. The State Department of Housing and Community Development (HCD) is responsible for providing the Southern California Association of Governments (SCAG) with the region’s share of the state-wide housing need. SCAG, in turn, through the Regional Housing Needs Assessment (RNHA), works with subregions and cities to determine each jurisdiction’s share of regional housing need. The housing need numbers are then incorporated into the Housing Element update, and provide the basis for formulation of the housing programs for the ensuing planning period.

The previous Housing Element, for planning period 2006 to 2014 (4th cycle), was adopted on May 22, 2012. The 4th cycle Housing Element, while adopted by the City of Lancaster, did not achieve certification with HCD. However, in order to meet the statutory submittal deadline of October 2013, the City has prepared the 2014 to 2021 (5th cycle) Housing Element for review and adoption.

On June 4, 2013, the City submitted the draft Housing Element to HCD for their review. On July 15, 2013, the draft Housing Element was released for public review through distribution of hard copies available at City Hall and the publication of a digital copy on the City's website. On August 20, 2013, the City hosted a public scoping meeting, in which three attendees, including representatives from the building and real estate industries provided their comments and feedback.

The City received comments on the draft Housing Element on August 5, 2013 (see Exhibit B). The corrections include requirements for the City to provide expanded analysis on adequate sites for lower income households; government constraints to housing; the homeless; the developmentally disabled; and, carried over from the 4th cycle Housing Element, housing constraints on persons with disabilities with justification for the City's group home ordinance and procedures. The draft Housing Element attached to this staff report (Exhibit A) includes corrections based on HCD comments.

ENVIRONMENTAL REVIEW: Pursuant to Sections 15162 and 15168(c)(2) of the State CEQA Guidelines, the proposed update is within the scope of the Program Environmental Impact Report (SCH #2007111003) for the existing Lancaster General Plan, and no further environmental review is required.

LEGAL NOTICE: Notice of Public Hearing was posted in three places, and noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: The Lancaster General Plan Housing Element Update evaluates existing housing programs, and establishes quantified objectives and programs for the January 1, 2014, to September 30, 2021, planning period that address the housing needs of Lancaster residents. The primary objectives of the Housing Element are to provide adequate sites that will permit the provision of affordable housing for all income levels, and to identify and accommodate, to the extent possible, segments of the City population with special housing needs. As required by state law, the draft Housing Element has been prepared to be consistent with other elements of the General Plan.

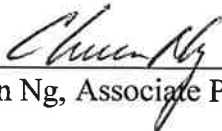
The City also prepares the Housing Element to meet State law requirements, and to achieve certification by the California Department of Housing and Community Development (HCD). Certification is an important step for the City in qualifying for many funding programs offered by the State for local housing activities. A locally adopted and state-certified Housing Element is an essential component in providing the financial assistance necessary to fund projects that contribute to revitalization efforts.

The City's current housing element as adopted in 2012 addressed many major policy issues and brought the City in line with current State requirements. This housing element was not certified by HCD due to their concerns regarding the City's group home licensing ordinance. The current draft housing element does not propose any major changes to policies or programs adopted as part of the current housing element in 2012. However, a reduction in the City's regional housing needs allocation, from 12,799 housing units for the 2006 to 2014 planning period, to 2,510 housing units for the 2014 to 2021 planning period, has allowed for easier justification in meeting future housing objectives.

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Housing Element Update (2014 – 2021)
September 16, 2013
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The purpose of this public hearing is to receive public comments on the draft Housing Element and to make a recommendation to the City Council approving the update of the draft Housing Element.

Respectfully submitted,



Chuen Ng, Associate Planner

Attachments:

Exhibit A: 2014-2021 Draft Housing Element

Exhibit B: HCD Comments dated August 5, 2013, for Draft Housing Element submitted on June 4, 2013

RESOLUTION NO. 13-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE LANCASTER GENERAL PLAN HOUSING ELEMENT UPDATE (2014 – 2021)

WHEREAS, on May 22, 2012, the City Council adopted the General Plan Housing Element for the City of Lancaster; and

WHEREAS, the Legislature finds and declares that “the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order”; and

WHEREAS, this update to the City of Lancaster Housing Element has been prepared pursuant to Article 10.6, Section 65580 – 65589.9 of the Government Code, and is detailed in Exhibit A; and

WHEREAS, the City has made a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element; has held a public workshop on August 20, 2013, and a public hearing on September 16, 2013, for this purpose prior to the adoption of the document, and has received and commented on all public testimony both oral and written; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of the update, in accordance with the corrections provided by State Department of Housing and Community Development (HCD) as stated in the letter dated August 5, 2013; and

WHEREAS, the Planning Commission makes the following findings:

1. There is a need for the proposed update in order to achieve substantial compliance with Article 10.6, Sections 65580 through 65589.9 of the Government Code.
2. The proposed update is of economic benefit to the City since it establishes policies and action programs that will enable the provision of housing for all economic segments of the community and provides the foundation for future State funding that will aid the City in carrying out its housing programs.
3. The proposed update will not have a significant effect on the environment since pursuant to Section 15162 and Section 15168(c)(2) of the State CEQA Guidelines, the proposed update is within the scope of the Program Environment Impact Report (SCH #2007111003) prepared for the Lancaster General Plan, and no further environmental review is required.
4. The proposed amendment is a planning document which does not grant development entitlements. The proposed update will not result in any changes in land use designations or

densities of the adopted General Plan. Therefore, adoption of the proposed amendment will not result in any impacts to traffic and circulation systems or to public service systems.

5. The proposed update will not have a long-term impact on the development phasing of the City nor on the City as a whole, because the Housing Element is a short-term planning document that is within the scope of the Lancaster General Plan.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby recommends that the City Council adopt Lancaster General Plan Housing Element Update (2014 – 2021), **with direction to staff to provide the updated data on homeless persons and the developmentally disabled, at the special Commission meeting of October 14, 2013. (Amended at the 09/16/2013 PC Meeting)**

PASSED, APPROVED and ADOPTED this 16th day of September, 2013, by the following vote:

AYES: Commissioners Cook, Harvey, Malhi, Terracciano, Vice Chairman Hall, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

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

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August 5, 2013

Brian Ludicke
Planning Director
City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534

Dear Mr. Ludicke:

RE: Review of the City of Lancaster's 5th Cycle (2013 - 2021) Draft Housing Element

Thank you for submitting Lancaster's draft housing element received for review on June 6th, 2013. Pursuant to Government Code Section 65585(b), the Department is reporting the results of its review. A telephone conversation on July 25, 2013 with you, Ms. Elizabeth Brubaker, Director of Housing and Neighborhood Revitalization, and Mr. Chuen Ng, of your staff, facilitated the review.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element must demonstrate adequate sites to accommodate the City's regional housing need allocation (RHNA) for lower-income households. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of October 15 for SCAG localities. If adopted after this date, the City will be required to revise the housing element every four years until adopting at least two consecutive revisions by the statutory deadline (Government Code Section 65588(e)(4)). More information on housing element adoption requirements can be found at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

We are committed to assist Lancaster in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Melinda Coy, of our staff, at (916) 263-7425.

Sincerely,

A handwritten signature in cursive script that reads "Glen A. Campora".

Glen A. Campora
Assistant Deputy Director
Enclosure

APPENDIX CITY OF LANCASTER

The following changes would bring Lancaster'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 the Department's website at www.hcd.ca.gov/hpd. Among other resources, the Housing Element section contains the Department's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at www.hcd.ca.gov/hpd/housing_element2/index.php and includes the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Lancaster has a regional housing need allocation (RHNA) of 2,510 housing units, of which 1,011 are for lower-income households. To address this need, the element relies on vacant high density and medium density sites. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Zoning for Lower-Income Households: Pursuant to Section 65583.2(c)(3)(A) and (B), the element must identify sites with zoning and densities appropriate to facilitate the development of housing for lower-income households based on factors such as market demand, financial feasibility and development experience within zones. For communities with densities that meet specific standards (at least 30 units per acre for Lancaster), this analysis is not required (Section 65583.2(c)(3)(B)). The element identifies sites in the High Density Residential (HDR) zone allowing up to 30 dwelling units per acre and Medium Density Residential zone allowing up to 15 units per acres to accommodate the lower-income housing need (Table F-4). Should the City rely on sites in the Medium Density Residential zone to accommodate its housing need for lower-income, it must include an analysis demonstrating how densities within this zone are sufficient to facilitate housing affordable to lower-income households. The element could also include available higher density mixed use or downtown sites that were identified in the previous housing element to address this need.

Sites with Zoning for a Variety of Housing Types:

Emergency Shelters – The element states that emergency shelters are allowed in the light industrial zone with a directors review approval (Table G-5). The element must describe and analyze the director's review permitting process to ensure that it complies with the requirements of Government Code 65583(a)(4), to identify a zone(s) where emergency shelters are permitted without discretionary action.

Transitional Housing and Supportive Housing –Table G-5 identifies transitional and supportive housing as group homes. However, the element states on page HE-G-14 that the zoning code was updated to reflect the definitions of these housing uses pursuant to the State Health and Safety Code. As transitional housing and supportive housing can occur as a variety of housing types including, but not limited to, multifamily and group homes, the element must demonstrate consistency with Government Code Section 65583(a)(5) to permit these uses 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 or include a program to do so.

2. *Analyze 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 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) (Section 65583(a)(5)).*

Fees and Exaction: While the element lists processing and impact fees, it must analyze their impact on the cost and supply of single and multifamily housing. For example, the element should describe total planning and impact fees for typical multi and single-family developments and analyze the total effect or proportion of these fees and exactions on development costs. This is especially important as the element shows a 116 percent increase in fee costs from the previous planning period. Information from the previous element could assist in addressing this finding. For further information, refer to the Department's *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/CON_fees.php.

Local Processing and Permit Procedures: While the element includes some information regarding the typical timeframes for approval of a single and multifamily development, it must describe and analyze the permit processing and approval procedures by housing type. To address this requirement, the element must discuss all processing and approval procedures, including type of permit, level of review, and any discretionary approval procedures or design review requirements. The element could include information found in the previous element to address this finding.

Constraints on Persons with Disabilities: The element include a description and analysis of the City's Business License Ordinance for group homes and states this procedures does not constraint the development of housing for persons with disabilities as it provides protections for the residents of group homes. However, as this ordinance represents an additional process for non-licensed group homes to operate, it remains critical that the City continues to monitor the implementation of this ordinance to ensure its application does not constrain the provision of housing for persons with disabilities. Should the City or other monitoring entities such as the Department of Housing and Urban Development (HUD) find the process a constraint to housing development or violates State and federal Fair Housing Laws, it must amend the ordinance to mitigate or remove these constraints.

3. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter (Section 65583(a)(7)).*

While the element describes the number of persons or households in each of the special housing needs groups, the element must be expanded to include an analysis of the housing needs and resources for each group. For example, the element should include a current estimate of the number and needs of the homeless specifically with the City of Lancaster.

In addition, Chapter 507, Statutes of 2010 (SB 812), amended State housing element law to require an analysis of the special housing needs of persons with developmental disabilities. The term developmental disability refers to a severe and chronic disability attributable to a mental or physical impairment, such as cerebral palsy, epilepsy, or autism, which begins before individuals reach adulthood (Welfare and Institutions Code, Section 4512). The analysis could include the following:

- a quantification of the total number of persons with developmental disabilities;
- a description of the types of developmental disabilities;
- a description of the housing need, including a description of the potential housing problems; and
- a discussion of resources, policies and programs including existing housing and services, for persons with developmental disabilities.

Information for this analysis may be obtained from the area's local regional center for developmental services at <http://www.dds.ca.gov/RC/RCList.cfm>. For further assistance in meeting this requirement see the Departments SB 812 technical assistance memo at <http://www.hcd.ca.gov/hpd/NoticeCoverLtrSB812.pdf>.

4. *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 (Sections 65583(a)(8) through 65583(a)(9)(D)).*

The element identifies 757 units at-risk for conversion to market rate in the planning period (Table C-23). While the element includes an estimate the total cost of replacing and preserving these units it must also include a list of entities with the capacity to acquire multifamily developments at-risk.

C. Housing Programs

1. *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 (Section 65583(c)).*

Programs must be revised for compliance with Government Code Section 65583 in order to ensure the beneficial impacts of the programs within the planning period. To address the program requirements of Government Code Section 65583(c)(1-6), and to facilitate implementation, programs should include definitive implementation timelines and objectives, quantified where appropriate. In addition, programs to be revised include, but are not limited to the following:

6.1.1(b), 6.1.3(b), 6.1.5(b) – Provide specific timeframes for implementation of these programs.

6.1.1(c) – Describe the methodology the City will use to determine when it is appropriate for modification of the City's housing incentives program. For example, the program could describe if the analysis and modification will happen on a yearly basis with the quarterly Development Summary Report, over several years, or at a specific point in time within the planning period.

6.1.2(b) – Other than informing prospective developers about the opportunities for residential development in the downtown area, describe how will the City encourage the utilization of zoning ordinance provisions pertain the development of mixed use projects.

6.1.4(a) – The program directs funding sources from the Lancaster Redevelopment Agency to leverage dollars towards the construction of housing affordable to lower-income households. As this agency is no longer in existence, the element should describe what agency or entity the City will rely on to fund and implement this program.

6.1.5(a) – Describe how these location and consistence policies are implemented. The element should ensure that the implementation of these policy do not constrain the development of new housing funded through City programs.

7.3.1(c) – Describe how this program will be implemented and the methodology the City will use to “limit potential negative impacts associated with such uses (group homes) on community residents”. The City should analyze this program to ensure that it will not constrain the development of group homes.

7.3.1(d) – Describe how the City will prevent the existence of substandard and unsanitary residential rental properties and how the City will implement corrective action.

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, including rental housing, factory-built housing, mobilehomes, and 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)).*

As noted in Finding A1, the element does not include a complete site analysis and 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.

3. *The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3)).*

As noted in Finding A2, 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.

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)).*

The element identifies over 700 units at-risk of converting to market-rate uses in the planning period and includes Program 7.1.1(c) to address those at-risk units. The program should describe the strategies the City will implement to assist in the preservation of the units. For example, the City could commit to support applications by nonprofits for funding to purchase at-risk units, strengthen relationships with the listed nonprofits and develop a plan or strategy for quickly moving forward in the case units are noticed to convert to market-rate uses in the planning period. You may wish to contact the California Housing Partnership Corporation (<http://www.chpc.net/>) for assistance.

C. 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 (Section 65583(c)(7)).

While the element includes a general summary of the public participation process (page HE-A-3), it does not demonstrate how the City has or will make a diligent effort to achieve the involvement all economic segments of the community through the adoption process. The element should be revised to specifically describe the City's efforts to circulate the housing element among low- and moderate-income households and organizations that represent them and to involve such groups and persons in the development of the element. For example, the element could describe the success of outreach efforts, summarize public comments and describe how the element incorporated public input.