



Legislation Details (With Text)

File #: 21-1129 **Version:** 1 **Name:**
Type: Public Hearing **Status:** Agenda Ready
File created: 1/11/2022 **In control:** Planning Commission
On agenda: 1/18/2022 **Final action:**
Title: Master Case No. 21-050; General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Code Amendment No. 21-004, Zoning Change No. 21-008- 6th Cycle Housing Element Update.

RECOMMENDATION:

Based on the information contained in this staff report and attached Exhibits under separate cover, staff recommends that the Planning Commission adopt Resolution PC No. 2022-____, and forward a recommendation to the City Council to:

1. Determine that the project has been reviewed under a previous Final Environmental Impact Report (State Clearinghouse No. 2016021099), pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.10 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA, an Addendum to the City of Fontana General Plan Environmental Impact Report (SWIP PEIR) (State Clearinghouse [SCH] No. 2016021099) has been prepared.
2. Adopt a Resolution approving General Plan Amendment No. 21-002; and
3. Adopt a Resolution approving General Plan Amendment No. 21-007; and
4. Adopt an Ordinance approving Zone Change No. 21-008
5. Adopt an Ordinance approving Zone Code Amendment No. 21-004.

APPLICANT:

City of Fontana
8353 Sierra Avenue
Fontana, CA, 92335

LOCATION:

City Wide

PROJECT PLANNER:

DiTanyon Johnson, Principal Planner
Cecily Session-Goins, Associate Planner

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment No. 1- Planning Commission Resolution, 2. Attachment No. 2- Proposed Changes to the Zoning and Development Code (Chapter No.pdf

Date	Ver.	Action By	Action	Result
1/18/2022	1	Planning Commission	approve	Pass

FROM:

Planning Department

TITLE:

Master Case No. 21-050; General Plan Amendment No. 21-002, General Plan Amendment No. 21-007, Zone Code Amendment No. 21-004, Zoning Change No. 21-008 - 6th Cycle Housing Element Update.

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APPLICANT:

City of Fontana
8353 Sierra Avenue
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City Wide

REQUEST:

A request to recommend that the City Council approve:

1. General Plan Amendment No. 21-002- A request to amend Chapter 5 (Housing Element) of the 2015-2035 General Plan and adopt the 2021-2029 6th cycle Housing Element
2. General Plan Amendment No. 21-007- A request to update the General Plan land use map to change the general plan land use designation on multiple properties through the City to Multi-Family Medium/High Residential (R-MFMH), Multi-Family High Residential (R-MFH), and designate the boundary for the "R-4 Overlay" to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).

3. Zone Change No. 21-008- A request to update the Zoning District Map to change the zoning on multiple properties through the City to Multi-Family Medium/High Residential (R-4), Multi-Family High Residential (R-5) and designate the boundary for the “R-4 Overlay” to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG).
4. Zone Code Amendment No. 21-004-A request to amendment Chapter 30 (Development Code) of the Municipal Code to establish an “R-4 Overlay” to allow for additional housing at the R-4 densities.

PROJECT PLANNER:

DiTanyon Johnson, Principal Planner

Cecily Session-Goins, Associate Planner

BACKGROUND INFORMATION:

The entitlements requested support required updates to the City’s General Plan Housing Element.

A. Previous Approvals:

- The 2015-2035 General Plan was approved by City Council on November 13, 2018.
- The 2013-2021 Housing Element was approved by the City Council February 11, 2014.

B. Workshops and Public Outreach:

A variety of workshops and public outreach events were conducted to inform the public about the Housing Element update and gather input. These included:

- On July 8, 2020, a joint City Council and Planning Commission study session was held to engage the Councilmembers and Commissioners on the Housing Element Update process, timeline, and State law requirements.
- On October 7, 2020, a virtual community workshop was held for the public.
- An online community survey gathered feedback from October 6 to November 23, 2020.
- On April 27, 2021 a joint City Council and Planning Commission study session was held to provide an update on the status of the Housing Element.
- On, April 20, 2021, an Administrative Draft Copy of the Form-Based Code was provided to the Planning Commission.
- On May 24, 2021, a second community workshop was held virtually to provide information on the Public Review Draft, which was release on May 19, 2021.
- Property owner letters regarding the zone changes were provided on June 14, 2021, and

November 9, 2021.

ANALYSIS:

General Plan Amendment No. 21-002:

As previously mentioned, the proposed general plan amendment is a request to amend Chapter 5 (Housing Element) of the 2015-2035 General Plan and adopt the 2021-2029 6th cycle Housing Element to incorporate goals, policies and actions which demonstrate the City's ability to accommodate its fair share of affordable housing for this planning period.

The California State Legislature mandates that all cities and counties adopt a comprehensive General Plan that will serve as the long-term plan for the physical development of the county or city, including a mandatory Housing Element which must be updated every eight years and is required by State law to be certified by the State of California's Department of Housing and Community Development (HCD). State law identifies information required to be included in the Housing Element; this information includes a Regional Housing Needs Assessment (RHNA). The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan. RHNA quantifies the need for housing within each jurisdiction during specified planning periods. Ultimately, the Department of Housing and Community Development and the Southern California Associated Government (SCAG) developed a process allocating a certain amount of units to each jurisdiction within their region based number of statistical information. The RHNA for the City of Fontana is 17,519 units.

Furthermore, the RHNA quantifies the need for housing within each jurisdiction during specified planning periods ("cycles"). The current planning period ("Sixth cycle") is for the years 2021-2029. The RHNA identifies existing and future housing needs resulting from population, employment and household growth.

The table below displays the RHNA allocation for the 2021-2029 planning period.

<i>RHNA (2021-2029)</i>	
<i>Income Category</i>	<i>Units</i>
<i>Very Low (50% AMI and below)</i>	5,109
<i>Low (50% - 80% AMI)</i>	2,950
<i>Moderate Income (80% to 120% AMI)</i>	3,035
<i>Above Moderate (120% AMI and above)</i>	6,425
<i>TOTAL</i>	17,519

The primary revisions made as part of the Sixth Cycle Housing Element Update include the following:

- ***Community Profile:*** Updates were made to reflect current data on population, demographics, employment trends, household characteristics, along with affordable housing and homeless prevention projects. Much of the data was derived from the Census and American Community Survey, Department of Finance, Department of Economic Development and other locally available data.
- ***Constraints:*** A variety of governmental and non-governmental factors can constrain the

development of housing. The Draft Housing Element provides an analysis of non-governmental (market conditions, cost of land, access to financing), governmental (land use controls, fees, procedures, regulations) and environmental (seismic, fire and flood hazards) conditions constraints to the development of housing.

- *Affirmatively Furthering Fair Housing:* All Housing Elements due on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing Final Rule of April 23, 2020. The City developed a Draft Analysis of Impediments to Fair Housing for the years 2020-2024, the purpose of this document is to affirmatively further fair housing opportunities. The Housing Element utilizes local, state and federal data to further understand existing local contributing factors to fair housing issues.
- *Goals, Policies and Programs:* The majority of the goals, policies, and programs have remained the same since the 5th Cycle Housing Element. Some have been updated to reflect current practice and new strategies have been provided, such as express permitting for ADU plans and targeted outreach to local developers and stakeholders. Additionally, the policy plan identifies the three key rezone strategies to accommodate the City's RHNA allocation. The proposed rezone strategies will be discussed further in the report.
- *Land Inventory:* The most significant update included in the Sixth Cycle Draft Housing Element is the identification of sites to accommodate the Regional Housing Needs Assessment (RHNA). Housing Element Law does not require a jurisdiction to build housing units, but rather to identify and analyze specific sites that are available and suitable for residential development to accommodate the RHNA. In general, the City's draft site inventory includes potential sites within existing entitled specific plans, the downtown form-based code district, and near schools, transit access and essential retail throughout the City.
- *Public Participation:* The City's first draft of the Housing Element Update was released on May 19, 2021, for a 30-day public review period, which ended on June 18, 2021. About 80 written comments were received and uploaded to the City's Housing Element Update webpage. All comments received are discussed in Appendix C of the Draft Housing Element. Public comments ranged from the need for support for the document, a general need for affordable housing, support for special needs and senior housing and general questions and comments regarding the site selection. Based on a careful review of the comment letters, edits were incorporated into the Second Draft (see attached) prior to resubmittal to HCD.

General Plan Amendment No. 21-007:

The proposed General Plan Amendment is to update the General Plan land use map to change the general plan land use designation on approximately 170 properties throughout the city to Multi-Family Medium/High Residential (R-MFMH) and Multi-Family High Residential (R-MFH). These proposed changes to the General plan land use map are needed to create more opportunities to satisfy the City's RHNA allocation at the low and very low income category, which are accommodated through densities at the 30 du/ac or higher range. The changes to the General Plan land use map (Exhibit B attached under separate cover) also include the establishment of an "R-4 Overlay" to allow the potential of development at the R-MFH density of 24.1 du/ac to 39 du/ac within a certain boundary. All these changes are shown as part of Exhibit "B" and are required in order to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development

(HCD) and the Southern California Association of Governments (SCAG). The R-MFMH density would allow for a maximum of 39 dwellings per acre and the R-MFH would allow for a maximum of 50 dwelling units per acre. Combined, the total land use changes and rezones would satisfy the remaining RHNA need for the low and very low-income category. **Table A** below displays the total unit capacity on existing zoning in Fontana, the total capacity through the identified rezones and the percentage of units above the RHNA identified to create a buffer for the 2021-2029 planning period.

Table A: Site Capacity and Rezones to Accommodate RHNA				
	Extremely Low/Very Low Income	Low Income	Moderate Income*	Above Moderate Income
<i>RHNA (2021-2029)</i>	5,109	2,950	3,035	6,425
Total Potential Capacity Based on Existing GP and Zoning and ADUs	5,528		4,430	8,283
Rezoned Site Capacity	4,298		0	3,043
**Total Units (All Categories)	9,826		4,430	11,326
% Above RHNA allocation	22%		46%	76%

*The existing site capacity and proposed rezones would provide the potential for 25,582 housing units which satisfy the City's RHNA number of 17,519 housing units.

Zone Change Amendment No 21-008:

The proposed zone change is to update the Zoning District Map to change the zoning on approximately 160 properties throughout the City to Multi-Family Medium/High Residential (R-4) and Multi-Family High Residential (R-5) consistent with the associated General Plan amendment on these sites. The changes to the Zoning district map also includes the establishment of an "R-4 Overlay" to allow the potential of development at the R-4 density of 24.1 du/ac to 39 du/ac within a certain boundaries. The changes are shown as part of Exhibit "C" and are required to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). The R-4 density would allow for a maximum of 39 dwellings per acre and the R-5 would allow for a maximum of 50 dwelling units per acre. Combined, the total rezones would satisfy the City's unmet low and very low RHNA allocation. The sites identified for rezone to R-4 and -R5 could accommodate an estimated 6,862 units.

Zone Code Amendment No. 21-004:

The proposed zone code amendment is to amend Chapter 30 (Zoning and Development Code) of the Municipal Code to establish an "R-4 Overlay" to allow for additional housing at the R-4 densities as seen in Attachment No. 2 to accommodate the 2021-2029 RHNA allocation (issued by the Department of Housing and Community Development (HCD) and the Southern California Association of Governments (SCAG). The proposed overlay is optional to the property owners within the boundary. If a property owner wishes to take advantage of the R-4 overlay they would be required to follow the R-4 development standards that are currently in the Zoning and Development Code.

Staff submitted a draft of the Housing Element to HCD on October 22, 2021. On December 21, 2021, HCD provided written correspondence indicating that the draft element addressed many statutory requirements; however, revisions were necessary to fully comply with State Housing Element Law. Subsequently, the Draft Housing Element has been revised to address HCD's comments of December 21, 2021 and the revised draft element has been resubmitted to HCD.

Although the Housing Element has not been certified by HCD it is recommended that the Planning Commission forward a recommendation to the City Council for the adoption of the Housing Element and the associated entitlements. Staff believes that the most recent revisions address HCD's remaining concerns and the requirements of state law. The adoption is recommended due to new housing element requirements set forth in Assembly Bill (AB) 1398. The new law states that jurisdictions that fail to adopt a substantially compliant housing element within 120 days of the statutory deadline of October 15, 2021, will have a shortened time frame of one year from the statutory deadline of October 15, 2021 to complete the required associated rezoning actions, instead of the current three years. If the Draft Housing Element is recommended for approval by the Planning Commission, staff anticipates taking the Draft Housing Element and associated changes before the City Council on February 8, 2022. With a recommendation of approval by the Planning Commission and approval by the City Council of the Draft Housing Element and associated applications, any minor changes that are requested by HCD to the Draft Housing Element could be made by the Director of Planning consistent with the goals and policies of the City of Fontana General Plan.

MOTION:

Accept staff's recommendation

ATTACHMENTS:

Attachment No. 1- PC Resolution

Attachment No. 2- Language for the "R-4 Overlay"

UNDER SEPARATE COVER:

Exhibit A-Draft Housing Element

Exhibit B-General Plan land use map showing up-zoning

Exhibit C-Zoning Map showing up-zoning

Exhibit D-Addendum to the General Plan EIR