

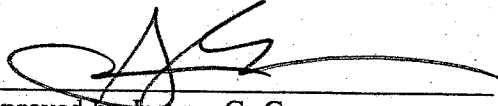


City of Carson Report to Mayor and City Council

September 21, 2010
Special Orders of the Day

**SUBJECT: CONTINUED PUBLIC HEARING TO CONSIDER RESOLUTION NO. 10-091 TO
ADOPT THE 2006-2014 CARSON HOUSING ELEMENT UPDATE**

Submitted by Clifford W. Graves
Economic Development General Manager


Approved by Jerome G. Groomes
City Manager

I. SUMMARY

This item was continued from the September 7, 2010, meeting to address comments from Housing and Community Development Department (HCD).

On May 12, 2009, the Planning Commission approved a unanimous motion to recommend to the Carson City Council the adoption of the 2006-2014 Carson Housing Element Update (Exhibit No.1).

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the continued Public Hearing, TAKE public testimony, and CLOSE the continued Public Hearing.
2. WAIVE further reading and ADOPT Resolution No. 10-091, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING THE 2006-2014 CARSON HOUSING ELEMENT UPDATE AMENDING THE GENERAL PLAN AND ADOPTING A NEGATIVE DECLARATION."

III. ALTERNATIVES

1. DENY the request.
2. REFER this matter back to Planning Commission with instructions for revisions.
3. TAKE another action the City Council deems appropriate.

IV. BACKGROUND

State housing element law requires cities to plan for needed housing for the period of 2006-2014. All California cities are required by Article 10.6 of Government Code (Sections 65580-65589.8 Exhibit No. 2) to adopt a housing element as part of their general plan and submit a draft and adopted element to the Housing and Community Development Department (HCD) for review and compliance with state law.

The city's current housing element was certified by the HCD in July 2002. A

14.

report released in April 2006 by the Southern California Association of Governments (SCAG) found the city of Carson in substantial compliance with the housing element goals by having produced over 100% percent of its overall Regional Housing Needs Assessment (RHNA) target by 2005. The RHNA basic construction need through 2005 for the city of Carson was 623 total housing units. Carson produced more new homes than expected but did not meet the targeted income levels for very-low and moderate income households identified in the RHNA.

The current housing element cycle requires cities to plan for needed housing for the period between 2006 and 2014. The 2006-2014 RHNA allocates a housing need of 1,812 units for Carson broken down into four categories as follows: 461 very low-income households; 287 low-income households; 307 moderate-income households; and 757 above-moderate income households. More focused programs will be needed for the city to achieve the targeted income levels for very-low, low and moderate income households. State law requires that housing elements be internally consistent with the city's general plan and include:

1. A housing needs assessment that looks at existing needs including: overcrowding; condition of housing stock; assisted affordable units at risk of converting to market rate; and projected needs based on the RHNA.
2. A sites inventory and analysis that provides a parcel-specific list of potential sites where the needed housing can be developed.
3. A housing constraints analysis that identifies governmental and non-governmental constraints to housing production and to provide housing for persons with disabilities.
4. Identification of housing programs to remove or mitigate governmental constraints if appropriate, and for developing housing for low and moderate income households.
5. Quantified objectives that estimate the maximum number of units by income level that the city intends to construct, rehabilitate and conserve during the element's planning period.

Carson is obligated to support and promote the production of new housing for all economic groups as a result of various planning and redevelopment laws. Economic groups needing transitional and affordable quality housing include young professionals (i.e. teachers, registered nurses, accountants and firefighters), families and seniors. The success of Carson's housing policies will be as a result of private/public partnerships and effective programs that preserve and expand workforce housing opportunities for a range of income levels.

The proposed 2006-2014 housing element (Exhibit No. 5) continues to include policies to support a strong workforce housing production program and requirements for high-quality housing that is compatible with the community's

character. Proposed programs include a focus to support home ownership, additional goals to protect and assist mobilehome tenants under rent control and other programs to enable the City to adapt to changing conditions and needs over the next five years. Also referenced are new opportunities for more mixed-use, inclusionary/affordable housing programs, housing involving special needs homeless/disabled populations and a program to address housing affordability for more of the Carson workforce.

The challenges for providing affordable quality housing opportunities include but are not limited to: preserving, improving and diversify existing housing stock; expanding housing choices that strengthen the economic future of the city; meeting state housing and redevelopment law requirements; meeting the Regional Housing Needs Assessment (RHNA) allocations; maximizing and leveraging resources (i.e., Community Development Block Grants (CDBG) and Redevelopment Agency Low and Moderate Set-Aside); and, engaging public and critical stakeholders to provide for a proactive and successful process.

On May 12, 2009, the Planning Commission held a public hearing and after taking public testimony recommended that the draft housing element be forwarded to the HCD for comments and that the housing element be adopted by the City Council. Since that time, staff worked with HCD staff to make the necessary modifications to the element in order to obtain certification of the element by the HCD. A copy of Resolution No. 10-091 is included as Exhibit No. 3 and the Negative Declaration as Exhibit No. 4.

On September 7, 2010, the city received comments from the HCD staff on the latest revisions to the housing element (Exhibit No. 6). Their letter requested further information on the proposed housing at the Boulevards at South Bay, identified a calculation error for the housing capacity in the mixed-use corridors along Carson Street and Sepulveda Boulevard and restated ongoing concern that the conditional use permit requirement for multifamily projects in multifamily zones should be considered as a governmental constraint and an impediment to housing production.

As shown on Appendix E-1 (Exhibit No. 7), a map has been prepared which identifies a "conceptual" 40 acre housing site at the Boulevards at South Bay project site with a potential development of 5 to 10 acre sites. The specific plan allows for a density ranging between 35 to 60 dwelling units per acre. The draft housing element assumes an average of 38.75 dwelling units per acre with a total capacity of up to 1,550 dwelling units. Staff has forwarded the above revisions to HCD staff to satisfy the State housing element certification requirements.

Revisions have been incorporated into the discussion of capacity calculations to state that the Mixed-Use Carson Street zone designation is 35 dwelling units per acre with 55 dwelling units per acre if the residential units are affordable or for seniors. The calculations are based upon the lower density allowance of 35 dwelling units per acre with the exception of the City Center project which is

entitled and under construction for a development at a density of 55 dwelling units per acre. Inadvertently, the calculations had utilized the higher of the density allowance resulting in an inflated capacity calculation. Staff has forwarded the revisions to HCD staff.

HCD has routinely requested that cities eliminate the conditional use permit (CUP) requirement for multifamily residential projects in multifamily zone districts. The draft housing element recommended by the Planning Commission retained the CUP requirement and described efforts to ensure that the process does not represent an impediment to the provision of housing. In the many discussions with HCD staff, it is clear that this issue remains a point of significant concern and could result in the housing element not obtaining certification. To address this potential constraint, staff is proposing to amend the zoning code to exempt all multifamily residential projects in multiple family zone districts from the conditional use permit requirement. Staff proposes that multifamily development in all zone districts will still be subject to CMC Section No. 9172.23, Site Plan and Design Review, to protect the public health, safety, welfare and to assure the development of quality multiple family residential projects.

With the abovementioned revisions, staff believes that all comments received by HCD staff have been adequately addressed. Efforts will be made to obtain final HCD comments prior to the public hearing. The draft resolution includes all proposed revisions to the draft housing element.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Planning Commission staff report and meeting minutes of May 12, 2009.
(pgs. 6-40)
2. Government Code Sections 65580-65589.8. (pgs. 41-80)
3. Resolution No. 10-091. (pgs. 83-84)
4. Negative Declaration and Initial Study. (pgs. 84-112)
5. 2006-2014 Housing Element Update. (under separate cover)
6. Letter from HCD dated September 7, 2010. (pgs. 113-115)

Prepared by: Zak Gonzalez II, Associate Planner

sf:Rev061902

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____

September 21, 2010

sf:Rev061902

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: May 12, 2009

SUBJECT: Public Hearing to discuss the Draft 2006-2014 Housing Element Update

APPLICANT: City of Carson

REQUEST: Review, evaluate and provide comments and recommendations on the Draft 2006-2014 Housing Element Update

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

- ☒ Concurred with staff
- ☐ Did not concur with staff
- ☐ Other

Commissioner Graber moved, seconded by Commissioner Brown to forward the Draft 2006-2014 Housing Element Update to State Housing and Community Development and then on to City Council with a recommendation for adoption. Motion unanimously carried.

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
☒		Chairman Faletogo	☒		Graber
☒		Vice-Chair Saenz	☒		Park
☒		Brimmer	☒		Schaefer
☒		Brown	☒		Verrett
☒		Gordon			



I. Introduction

State Housing Element law requires cities to plan for needed housing for the period of 2008-2014. All California cities are required by Article 10.6 of Government Code (Sections 655580-65590) to adopt a housing element as part of their general plan and submit a draft and adopted element to the State Housing and Community Development (HCD) for review and compliance with state law.

II. Background

On April 28, 2009, the Planning Commission held a workshop on the Draft 2006-2014 Housing Element Update and directed staff to schedule the public hearing and to provide fact sheets on affordable housing. Staff researched what other communities and housing advocacy organizations have experienced with affordable housing projects and have provided "Fact Sheets" to represent affordable housing findings.

The housing findings identified that: the location and development of affordable housing projects have no significant impact on adjoining property values; appreciation rates near affordable housing were at least as high as the area average; people who live in affordable housing projects are teachers, social workers, dental hygienist, and other similar working groups; and there is no evidence of an increase in crime in a neighborhood resulting from an affordable housing project.

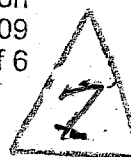
The city's existing housing element was certified by the HCD in July 2002. A proposal released in April 2006 by the Southern California Association of Governments (SCAG) found the city of Carson in substantial compliance with the housing element goals by having produced 199% percent of its overall Regional Housing Needs Assessment (RHNA) target by 2005 (Exhibit No. 3). The RHNA basic construction need through 2005 for the city of Carson was 623 total housing units. Carson produced more new homes than expected but did not meet the targeted income levels for very-low and moderate income households identified in the RHNA.

HCD established the planning period for the current Regional Housing Needs Assessment from January 1, 2006 to June 30, 2014. The planning period originally ran from July 1, 2005 to June 30, 2014, however, it was reduced six months (eliminating the last 6 months of 2005) by HCD, thus shortening the planning period from 9 to 8 ½ years.

The 2006-2014 RHNA allocates a housing need of 1812 units for Carson. The allocation of 1,812 units is broken down into four categories as follows: 461 very low-income households; 287 low-income households; 307 moderate-income households; and 757 above-moderate income households.

The current housing element cycle requires cities to plan for needed housing for the period between 2006 and 2014. State law requires that housing elements be internally consistent with the city's general plan and include:

1. A Housing Needs Assessment that looks at existing needs including: overcrowding; condition of housing stock; assisted affordable units at risk of converting to market rate; and projected needs based on the RHNA.



2. A Sites Inventory and Analysis that provides a parcel-specific list of potential sites where the needed housing can be developed.
3. A Housing Constraints Analysis that identifies governmental and non-governmental constraints to housing production and to providing housing for persons with disabilities.
4. Identification of housing programs to remove or mitigate governmental constraints if appropriate, and for developing housing for low-and moderate income households.
5. Quantified objectives that estimate the maximum number of units by income level that the city intends to construct, rehabilitate and conserve during the Element's planning period.

The Housing Element Update will also consider recent state legislation and evaluate any potential impacts that it may have towards: Redevelopment Agency related housing projects; mixed-use housing; inclusionary/affordable housing programs; and housing involving special needs homeless/disabled populations.

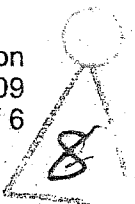
California Assembly Bill No. 2348 (Mullin) amends state housing law to require that the housing element identify adequate sites for housing, including rental housing, factory-built housing, and mobile-homes. The bill amends the criteria for the inventory of sites to require sites to be identified that can be developed for housing within the planning period to accommodate that portion of a city's share of the regional housing need (RHNA) for all income levels as specified.

Carson is obligated to support and promote the production of new housing for all economic groups as a result of various planning and redevelopment laws. The success of Carson's housing policies will be as a result of private/public partnerships and effective programs that preserve and expand affordable housing opportunities for a range of income levels. The Draft Housing Element Update included a community outreach public forum held on February 25, 2009 at the Juanita Millender-McDonald Community Center and a housing needs survey to encourage broad participation from community stakeholders. A final public hearing will be conducted by the City Council to consider the recommendations of the Planning Commission and for adoption of the Housing Element.

General Plan Requirements

Existing housing element goals, policies and implementation measures are provided for in the current General Plan (Exhibit No. 2). The following are the 2002 Housing Element goals and "Draft Housing Element Update" goals.

- | | |
|------------|---|
| Goal: H-1: | Improvement and maintenance of the existing housing stock while preserving affordability. |
| Goal: H-2: | Maintenance and enhancement of neighborhood quality. |
| Goal: H-3: | The city shall seek to provide an adequate supply of housing for all economic segments of the city. |
| Goal: H-4: | Protection of the existing supply of affordable housing. |



- Goal: H-5: Housing opportunities to all persons regardless of race, religion, ethnicity, sex, age, marital status, household composition and other arbitrary factor.
- Goal: H-6: Long-term maintenance of private properties with common area ownership, such as condominiums and planned unit developments.
- Goal: H-7: Conservation of natural resources and reduction of energy consumption in all areas of residential development.
- Goal: LU-8: Promote mixed use development where appropriate.

Proposed "Draft Housing Element Goals":

- Goal 1: Improvement and maintenance of the existing housing stock while preserving affordability.
- Goal 2: Maintenance and enhancement of neighborhood quality.
- Goal 3: The city shall seek to provide an adequate supply of housing for all economic segments of the city.
- Goal 4: Protection of existing supply of affordable housing.
- Goal 5: Housing opportunities to all persons regardless of race, religion, ethnicity, sex, age, marital status, household composition or other arbitrary factor.
- Goal 6: Long-term maintenance of private properties with common area ownership, such as condominiums and planned unit developments.
- Goal 7: Conservation of natural resources and reduction of energy consumption in all areas of residential development.

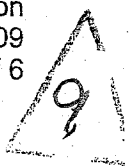
The above housing goals provide the city's vision for quality/affordable housing opportunities for all of Carson residents in compliance with state housing law requirements. For a comprehensive review please see attached Exhibit No. 2 (existing General Plan Housing Element Goal, Policies and Implementation Measures) and the "Draft Housing Element" (page 69 Housing Plan/Goals & Policies).

III. Analysis

Proposal

Staff is recommending that the Planning Commission consider:

1. Whether the proposed "Draft Housing Element Update" adequately provides goals, objectives and implementation strategies for the production of safe, quality affordable diverse housing opportunities and:
2. Whether the proposed "Draft Housing Element Update" proposes adequate goals, objectives and implementation strategies for the preservation of existing quality housing stock and provides the necessary zoning ordinance recommendations to promote housing for the special needs population including the physically/mentally disabled and the homeless.



Topics for Discussion

- Affordable Housing Strategies
- New changes in state housing law
- Inclusionary Zoning
- Mixed-Use housing opportunities
- Green building standards
- Mobile home rent control/mobile home park conversions

IV. Conclusion

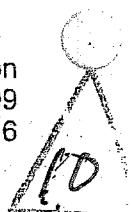
If, after receipt of public testimony and Commission discussion, the Commission concurs that the Housing Element update is ready for inclusion in the General Plan, staff recommends that it be forwarded to the State Housing and Community Development and to the City Council with a recommendation of adoption.

The draft Housing Element will be submitted to the State Department of Housing and Community Development (HCD) in accordance with state law. HCD will submit its comments on the Element and may request certain changes and additions. These changes will be incorporated into the draft Element reviewed by the Commission. If the changes are minimal and do not significantly impact policy decisions, staff recommends that the revised Element be submitted directly to the City Council. If the changes are more substantial in nature, the revised Element will be returned to the Planning Commission. Upon final adoption of the Element by the City Council, the Element will be re-submitted to HCD. Per Section 65585 of the Government Code, HCD will then review the adopted Housing Element within 90 days of receipt and submit its findings back to the City.

V. Recommendation

That the Planning Commission:

1. OPEN the public hearing and receive public testimony;
2. COMPLETE review of the Housing Element in light of testimony received; and
3. FORWARD the Housing Element to the State Housing and Community Development and to the City Council with a recommendation of adoption.



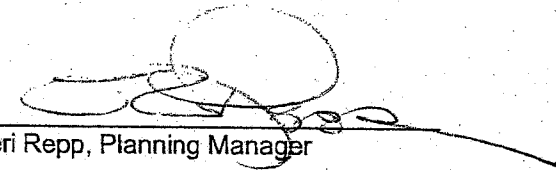
VI. Exhibits

1. Draft Housing Element (under separate cover/refer to previously provided copy)
2. Copies of Draft Housing Element Update revisions/summary
3. Affordable Housing Fact Sheets
4. Draft Housing Element Update Schedule

Prepared by:


Zak Gonzalez II, Associate Planner

Approved by:


Sheri Repp, Planning Manager



REVISIONS TO CARSON ELEMENT
SUMMARY OF REVISED CHANGES TO BE INSERTED INTO DOCUMENT

Page 6 A paragraph has been added at the top of the page to discuss recent revisions to State Law regarding new requirements for transitional supportive housing, emergency shelters and single-room occupancies (SRO's)

Page 37 Table 27 has been revised to correct the name and tenancy of the Carson Terraces Senior's with senior tenants

Page 43 Table 29 was revised to add some column headings to add clarity to the table

Page 55 The discussion on Transitional Housing and Emergency Shelters has been corrected to indicate that there are emergency shelter services and transitional housing in the City of Carson

Page 56 The top paragraph has been corrected to identify the conditions by which transitional supportive housing and emergency shelter facilities are permitted

Pages 74, 75 and 76 Additional information has been added to Table 40

Page 76 Section C title has been changed

Page 80 The section heading was changed and the discussion on Homeless Programs in the City was revised to show the Peace and Joy Care Center as the only service provider in the City

Pages 81-84 The table title for Table 41 was changed and some new programs were added

identified for housing in the prior Element (AB 1233); and notifying water and sewer purveyors of Housing Element goals and policies and establishing priority service for units affordable to lower-income households (SB 1087). The contents of this updated Housing Element comply with these amendments and all other requirements of Housing Element law.

Recent revisions to State law require that the City's zoning code permit transitional supportive housing (7 or more persons) and emergency shelters in at least one non-residential zone as permitted uses and transitional supportive housing (7 or more persons) as a conditionally permitted use in appropriate residential zones. Similarly, in providing for a variety of housing types, appropriate zoning must be identified for single-room occupancies (SRO's). Standards for said transitional housing and shelters shall be no more restrictive than standards that apply to other residential uses of the same type permitted in the same zone. The City has identified the ML (Manufacturing Light) zone district to permit transitional supportive housing and emergency shelter facilities by right in a non-residential zone in the City and will allow transitional supportive housing with the approval of a conditional use permit in at least one residential zone in the City.

The City is obligated, under the California Government Code Section 65583, to remove potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities. Specifically the City must adopt a program to provide for reasonable accommodation of housing for the disabled which may include adoption of a "reasonable accommodation" ordinance or the State's ordinance addressing the housing needs of the disabled.

Regional Housing Needs Assessment

Section 65583 of the Government Code sets forth the specific components to be contained in a community's housing element. Included in these requirements is an obligation on the part of local jurisdictions to provide their "fair share" of regional housing needs. Local governments and Councils of Governments (COGs) are required to determine the existing and future housing need and the allocation of said need must be approved by the California Department of Housing and Community Development (HCD). Carson is a member of the Southern California Association of Governments and SCAG is responsible for preparing the Regional Housing Needs Assessment (RHNA) for the six-county territory that it represents.

HCD established the planning period for the current Regional Housing Needs Assessment from January 1, 2006, to June 30, 2014. The planning period originally ran from July 1, 2005, to June 30, 2014, however, it was reduced by six months (eliminating the last 6 months of 2005) by HCD, thus shortening the planning period from 9 years to 8½ years.

SCAG's allocation for Carson was a total of 1,812 units. The allocation of 1,812 units for Carson is broken down into the four categories as follows; 461 very low income households, 287 low income households, 307 moderate income households, and 757 above moderate income households.



Table 27
City of Carson
Assisted Housing Inventory

Project Name, Address & Telephone Number	Address	Types of Project-Based Govt. Assistance	Earliest Potential Conversion Dates	Total # Units in Project	# of Units Subj. to Conver- sion	Tenant	Bdrm.	Reported Condition
Carson Gardens Retirement Apts.*	21811 So. Main St. Carson, CA 90745	HUD 221 D4	Applying for a 5-year extension on 10/09 10/20/00	101	101	Senior	1 & 2	Good
El Camino Village Senior Complex	21735 So. Main St. Carson, CA 90745	Redev. Agency Set- Aside	2022	45	0	Senior	0,1,2	Poor
Avalon Courtyard Senior Project	22121 So. Avalon Blvd. Carson, CA 90745	Low Income Housing Tax Credits/Agency Set-Aside	2024	92	0	Senior	0,1,2	Very Good
Carson Terraces Senior's	632 E. 219 th Carson, CA 90745	Low Income Housing Tax Credits/Agency Set-Aside	2029	62	0	Seniors	0,1,2	Very Good
Villagio	545 E. Carson St. Carson, CA 90745			148	0	Family	1,2,3,4	Very Good
Grace Manor* Apartments	223 rd & Grace Carson, CA 90745	HUD Section 236	7 units are market rate & 30 units are Section 8 Vouchers	38	38	Family	1,2,3	Very Good

Source: Willdan and City of Carson Community Development

* At Risk of Converting to Market Rate

F. Energy Conservation

The affordability of housing can be reduced by increases in utility costs. The City of Carson has opportunities to directly affect energy use within its jurisdiction. In addition to compliance with the California building standards of the International Building Code and Title 24 of the California Administrative Code related to energy conservation, the City has set forth goals and policies which encourage the conservation of non-renewable resources in concert with the use of alternative energy sources to increase energy self-sufficiency. A Green Task Force (GTF) was established in the City of Carson to develop programs to promote energy efficiency and pursue alternative energy sources.

In large part, energy savings and utility bill reductions can be realized through the following energy design standards:

Table 29
City of Carson
Existing Housing Needs

Housing Need	Less Than 30%	30 to 50%	50 to 80%	Greater Than 80%	Total
All Households *					
Renters	776	738	1,039	2,638	5,191
Owners	923	1,356	2,188	14,299	18,766
Total Households	1,699	2,094	3,227	16,937	23,957
Households with any Housing Problems					
Renters	671	677	831	1,068	3,247
Owners	640	875	1,448	5,362	8,325
Total Households	1,311	1,552	2,279	6,430	11,572
Households with Overpayment					
Renters	651	617	478	200	1,946
Owners	594	818	1,293	3,117	5,822
Total Households	1,245	1,435	1,771	3,317	7,768
Substandard Housing					
Suitable for Rehab					332
Needs Replacement					0
Total Units					332
Special Needs					
Elderly Persons					9,561
Disabled Persons					6,638
Extremely Low Income					1,840
Large Families					6,989
Female-headed Hhlds					4,244
Farmworkers					68
Homeless Persons**					1,332

Source: 2000 U.S. Census Report
HUD CHAS Data Set for 2000 Census*

Note: Special needs figures cannot be totaled because categories are not exclusive of one another.

**Homeless figure based on estimates from the 2007 LAHSA Greater Los Angeles homeless count

Special Needs Groups: Certain households in Carson may have a more difficult time finding decent, affordable housing, including the elderly, disabled persons, extremely low income households, large families, female-headed households, farmworkers, and the homeless. The special needs of elderly households result from their limited and fixed incomes, physical disabilities and dependence needs. Female-headed households also tend to have lower incomes, thus limiting housing availability for this group, while the special housing needs of farmworkers often stem from their low wages and the transitional nature of their employment. It is extremely low income persons who are the highest need group because they require the deepest subsidies to make housing affordable.

Second Units: The City's Zoning Ordinance provides for the ministerial approval of second dwelling units on single-family zoned lots which can serve to create new cost-effective housing opportunities while using existing infrastructure. Development standards that are applicable to second units include the following:

A. Minimum Lot Size

1. Seven thousand five hundred square feet required within the RS (Residential, Single-Family) Zone.
2. Six thousand five hundred square feet required within the RM (Residential, Multiple-Family) Zone.

B. Unit Sizes

1. Zero (0) bedroom, one bathroom and kitchen: five hundred square foot maximum.
2. One (1) bedroom, one bathroom and kitchen: six hundred fifty square foot maximum.
3. Two (2) bedrooms, one bathroom and kitchen: seven hundred square foot maximum.

C. Required Setbacks

1. A detached second dwelling is required to be set back a minimum of ten feet from the primary residential structure and a minimum of six feet from accessory structures. Side yard setbacks are five feet and rear yard setbacks are fifteen feet.
2. If a second unit is proposed above an accessory structure, the minimum side yard setback is ten (10) feet, including the accessory structure.

D. Permitted Height

1. A second dwelling unit is limited to two stories, with the maximum building height for a second dwelling unit established at thirty feet.

E. Required Parking

1. Studio Unit: 1 uncovered off-street parking space
2. 1 Bedroom Unit: 1 space in a garage or carport
3. 2 Bedroom Unit: 2 spaces within a garage (applies also to any unit exceeding 700 square feet).

Transitional Housing and Emergency Shelters: There are emergency shelter services within the City of Carson. Pursuant to State law, the City permits transitional or supportive housing (when there are 6 or fewer residents) in all residential zones in the City. These types of facilities are subject to the same underlying zoning standards as other residential uses in the same residential zoning district. The City funds one transitional and supportive housing organization (Peace and Joy Care Center) in the City. This organization is designed to primarily serve abused and battered women and their children.



The City has identified the ML (Manufacturing Light) zone district as an appropriate zone district to permit transitional supportive housing and emergency shelter facilities by right. Furthermore, the City intends to modify its code to permit transitional supportive housing in at least one residential zone in the City with the approval of a conditional use permit (see Table 41).

Planning Entitlement and Building Permit Fees

Planning entitlement and building permit fees are collected by the City to defray project entitlement and review costs incurred by the Planning and Building and Safety Divisions. Table 34 includes the fees charge for basic planning entitlement applications. Building permit fees, on the other hand, are based on the total valuation of the property, which are depicted in Table 35.

Table 36 identifies an entitlement fee comparison survey of the planning and building fees of Carson's surrounding communities. The survey indicates that Carson has much lower fees than these communities thereby making it less costly to build in Carson. In addition, to help keep costs down, the City Council may waive building fees or the Redevelopment Agency may pay the fees for the developer.

Table 34
Carson Planning Entitlement Fees

Fee	Fee Schedule	Fee	Fee Schedule
General Plan Amendment	\$2,500	Development Agreement	\$5,000
Zone Change	\$2,500	Environmental Review	\$500
Ordinance Amendment	\$1,500	Specific Plan	\$4,000
Variance	\$1,000	Landscape Plan Check	
Conditional Use Permit	\$1,500 - \$2,500	2,500-7,500 sq.ft.	\$120
Tentative Tract Map	\$3,000	7,501-15,000 sq.ft.	\$180
Tentative Parcel Map	\$3,000	15,001-30,000 sq.ft.	\$360
		30,001 to one acre	\$440



Table 40
Evaluation of Program Accomplishments

Program Name	Description	Goals	Accomplishments/ Recommended Actions
Housing Improvement			
Residential Rehabilitation Program	Provides financial assistance through loans and grants and technical assistance to repair code violations and provide basic housing repairs.	Continue to provide loans and grants to qualified homeowners	200 loans and grants provided totaling \$3.8 million (Continue Program)
Code Enforcement Program	Building and Safety Division responds to complaints of violations of the City's building codes and provides inspections and notices to property owners to bring their units into compliance.	1,870 annually	(Continue Program)
Residential Property Report (RPR) Program	This program established by City ordinance requires that a RPR be obtained from the City before the sale, exchange, or transfer of a previously occupied residential property. The report allows the City to verify that residential buildings meet certain Zoning and Building Code requirements at the time of sale.	600 Annually	(Continue Program)
Residential Neighborhood Safety Program	Offers a range of neighborhood safety programs through the Public Safety Department including: neighborhood watch; property identification; community forums; residential security survey and crime prevention and community relations.		(Continue Program)
Historic Preservation Program	Incentives are offered through this program to encourage owners of historic designated properties to maintain and preserve their structures.	Not implemented	Program Discontinued
Carson Beautiful Program	This program honors excellence in property upkeep by selecting "award winning" properties that reflect hard work and pride of ownership.		(Continue Program)
Mobile Home Park Maintenance Program	Protect the affordability of mobile home units through the requirement of rent control, and provide loan assistance for mobile home rehabilitation	Continue to provide loans to mobilehome parks to ensure proper property maintenance	\$316,000 in Loans (Continue Program)
Housing Development			
Development Funding for Multifamily Housing	The City's Redevelopment Agency provides development assistance through Redevelopment Set-Aside funds to promote the development of affordable multifamily housing	Continue to encourage developers to submit qualified proposals for Agency consideration	Redevelopment Agency Agreement for Carson City Center provides \$13.9 million (expected completion 2011) (Continue Program)



Program Name	Description	Goals	Accomplishments/ Recommended Actions
Housing Development Through Development Agreements	Development Agreements between a developer and local government outlines the regulations and policies governing the development with the requirement for affordable housing often included.	Encourage the development of safe and affordable housing	\$15 million in financial assistance (Continue Program)
Assess use of City-owned/publicly-owned land for affordable housing	This program evaluates alternative means to provide for affordable housing including long-term leasing of City-owned or public-owned land for housing development.	Assess feasibility of retaining a qualified development project on agency/city land meeting agency criteria	\$20 million in land value (Continue Program)
Alternative Affordable Housing Finance Programs	The City will assess a variety of alternative funding mechanisms for the construction of new affordable housing.	Pursue and retain several qualified financing sources and investment partners of affordable housing development	\$100 million in alternative financing solutions and investment opportunities (Continue Program)
Development of Special Needs Housing	Facilitate the development and maintenance of Special Needs Housing for seniors, the homeless, and physically and mentally disabled.	Evaluate and encourage development opportunities for special needs housing.	\$15 million provided for developer assistance (Continue Program)
Support Affordable Housing			
Facilitate the Preservation of At-Risk Housing	This program will monitor at-risk housing, inform tenants of potential conversion to market rate, and educate tenants on potential tenant purchase of units.	Monitor the affordable housing stock for units that are at risk of conversion	150 units have five year renewal contract with HUD or Section 8 Vouchers and no current units at risk of conversion (Continue Program)
Facilitate the Development of Multifamily Housing	Facilitate the development of multifamily housing through the rezoning of appropriate commercial, industrial and residential zones and through the removal of the conditional use permit requirements for affordable multifamily programs.	Identify potential sites suitable for multifamily housing development and acquire site or retain qualified developer to acquire the site	\$15 million provided for developer assistance (Continue Program)
Rental Assistance			
Section 8 Rental Assistance Program	Provide rental subsidies to very low income households.	Work with Los Angeles Housing Authority to monitor existing vouchers and certificates and pursue additional assistance.	Approximately 378 Section 8 rental assisted units are provided in Carson by the Los Angeles County Housing Authority (Continue participation in Section 8 rental assistance program)
Rental Assistance	Redevelopment Set-Aside funds are used to provide on-going rental subsidies to maintain affordable rental units for very low income households.	Foster and maintain quality affordable rental housing for low and very low income residents	Approximately 125 households assisted with \$206,000 in subsidies annually (Continue Program)

Program Name	Description	Goals	Accomplishments/ Recommended Actions
Homeownership Assistance			
First Time Home Buyer Program	Provide first time homebuyers with a deferred/amortized second mortgage up to \$100,000 per household.	Support homeownership opportunities for low and moderate income households- 50 households annually	Assisted approximately 60 households with silent second trust deeds at more than \$5.74 million (Continue Program)
Fair Housing			
Tenant/landlord Mediation and Legal Services Assistance	Provide funding to non-profit organization(s) to provide dispute resolution services, legal advice and representation on tenant/landlord matters, as well as other civil and consumer issues.	Support efforts to mediate tenant/landlord disputes	Annual funding for Fair Housing Services (Continue Program)
Energy Conservation			
Energy Conservation	The City shall continue to support and assist in publicizing energy conservation programs offered through Los Angeles County and Edison International.	Encourage use of energy saving programs through the utilities companies.	 (Continue Program)

C. Affordable Housing Implementation Strategies

The Housing Element describes the housing needs of the City's current and projected population, as well as the specific needs resulting from the deterioration of older units and special needs for certain segments of the City's population. The goals and policies contained in the Housing Element address the City's identified housing needs. These goals and policies are implemented through a series of housing programs that are funded and administered through a variety of local, regional, state and federal agencies. The following comprehensive program strategy consists of both programs currently in use in the City and additional programs to provide the opportunity to adequately address the City's housing needs.

The housing programs in this section include: programs which were set forth in the previous 1998-2005 Housing Element; programs which the City has undertaken since the adoption of the prior Housing Element; and new programs which have been added to address an unmet housing need. The City's 2006-2014 program strategy builds upon the evaluation of program accomplishments under the 1998-2005 Housing Element contained in the previous section. This section provides a description of each housing program, previous program accomplishments, and future program goals. The Housing Program Summary (Table 41) at the end of this section summarizes the future 5-year goals of each program, along with the identification of the program funding source and agency responsible for implementation.



Special Needs Housing

13. Homeless Programs

Homeless programs serving the City of Carson are administered by the Los Angeles County Homeless Services Authority (LAHSA). LAHSA is a joint powers authority created by the City and the County of Los Angeles for the purpose of planning, coordinating, and managing resources for homeless programs. LAHSA is the lead agency for developing a Continuum of Care (COC) strategy for the region to meet the needs for homeless persons for emergency shelter and to provide services and housing to transition homeless from emergency housing to transitional and permanent housing. For a variety of services, Los Angeles County is divided into eight Service Planning Areas (SPAs). LAHSA utilizes these SPAs in planning, coordinating, and managing resources for homeless programs. The City of Carson is located in SPA 8—South Bay.

There is one agency that provides homeless services located in the City of Carson. The Peace and Joy Care Center provides 15 beds of transitional housing and supportive services for homeless families facing domestic violence with dual diagnosis including mental illness and substance. Supportive services include crisis hotline intervention, counseling, life skills training, childcare, case management services and employment preparation, among others.

Fair Housing

14. Fair Housing Program

Fair Housing services are provided to the residents of the City of Carson by the Housing Rights Center. The City funds an annual contract for the Housing Rights Center to provide a variety of fair housing services including: annual housing audits, fair housing workshops for property managers, owners and tenants education, fair housing outreach, and enforcement of housing complaints within the Civil Rights (Federal and State) laws. Services are provided to more than 300 persons annually. This program serves to meet a City housing goal to support the enforcement of fair housing laws and services to affirmatively further fair housing within the City.

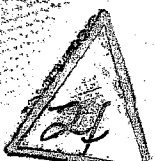


Table 41
Affordable Housing Strategies and Programs

Housing Program	Program Objective	5-Year Action	Funding Source	Responsible Agency	Time Frame
Housing Improvement					
Residential Rehabilitation Program	Provides financial assistance through loans and grants and technical assistance to repair code	125 Households Annually	CDBG and Redevelopment	Housing and Neighborhood and Development Division	Ongoing
Code Enforcement Program	Respond to complaints of violations of the City's building codes and provides inspections and notices to Program requires an RPR be obtained from the City before the sale, exchange, or transfer of a previously occupied residential property allowing City to verify residential buildings meet certain Zoning and Building Codes.	1,800 complaints annually	Redevelopment	Building and Safety Division	Ongoing
Residential Property Report (RRP) Program		600 annually		Development Services Department and Building and Safety Division	Ongoing
Residential Neighborhood Safety Program	Offers a range of neighborhood safety programs through the Public Safety Department.			LA County Sheriffs Department, Public Safety and Development Services	Ongoing
Mobile Home Park Maintenance Program	Protect the affordability of mobile home units through the requirement of rent control and provide loan assistance for mobile home rehabilitation	60 units annually		Housing and Neighborhood and Development Division	Ongoing
Lead Base Paint Testing and Abatement Program	Provide testing and abatement to housing and mobile home structures that are acquired or rehabilitated with HUD funds	150 units tested		Housing and Neighborhood Development Division	Ongoing
Development Assistance					
Development Funding for Multifamily Housing	Development assistance to promote the development of affordable multifamily housing	50 units annually		Development Services Department	Ongoing

Table 41
Affordable Housing Strategies and Programs
(continued)

Housing Program	Program Objective	5-Year Action	Funding Source	Responsible Agency	Time Frame
Development Assistance (Cont'd)					
Housing Development Through Development Agreements	Development Agreements outline the regulations and policies governing the development with the requirement for affordable housing often included.	See above goal		Development Services Department, Planning Division, City Attorney's Office	Ongoing
Assess use of City-owned/publicly-owned land for affordable housing	Evaluates alternative means to provide for affordable housing development.	See above goal		Development Services Department, Planning Division	Ongoing
Alternative Affordable Housing Finance Programs	Assess a variety of alternative funding mechanisms for the construction of new affordable housing.			Development Services Department	Ongoing
Development of Special Needs Housing	Facilitate the development and maintenance of Special Needs Housing.	See above goal		Development Services Department	Ongoing
Facilitate the Preservation of At-Risk Housing	Monitor housing at-risk of potential conversion to market rate.			Development Services Department	Ongoing
Facilitate the Development of Multifamily Housing	Facilitate the development of multifamily housing			Development Services and Planning Division	Ongoing
Density Bonus Program	Continue to implement density bonus program.			Development Services and Planning Division	Ongoing
Mobile Home Park Ownership/Conversion Program	City or Agency will assess a variety of alternative funding mechanisms for mobile home parks the convert to condominium use.	Monitor and evaluate conversion application process and provide alternative financial analysis		Development Services Department and Planning Division	Ongoing

Table 41
Affordable Housing Strategies and Programs
(continued)

Housing Program	Program Objective	5-Year Action	Funding Source	Responsible Agency	Time Frame
Rental Assistance					
Section 8 Rental Assistance Program	Provide rental subsidies to very low-income households.	378 units annually		Los Angeles County Housing Authority	Ongoing
Rental Assistance	Provide on-going rental subsidies for affordable rental units for very low income households.	125 households annually	Redevelopment Funds	Development Services	Ongoing
Homeownership Assistance					
First Time Home Buyer Program	Provide first time homebuyers with a deferred/amortized second mortgage up to \$100,000 per household.	50 units annually		Housing and Neighborhood Development Division	Ongoing
Mortgage Credit Certificate Program	Offers first time homebuyers a federal tax credit reducing the amount of federal taxes to be paid, thus assisting first-time homebuyers to qualify for a mortgage loan.	See above goal		Housing and Neighborhood Development Division	Ongoing
Fair Housing					
Tenant/Landlord Mediation and Legal Services Assistance	Provide dispute resolution services, legal advice and representation on tenant/landlord matters.	Continue to provide fair housing services		Development Services Department, City Attorneys Office and Public Information Office	Ongoing
Energy Conservation					
Energy Conservation	Support and assist in publicizing energy conservation programs.			Development Services Department and Planning Division	Ongoing
Foreclosure Programs					
Foreclosure Crises Program	Provide pre-foreclosure services and post-foreclosure activity to assist residents in need of counseling and rehabilitation and resale of blighted properties to moderate income families.	7-10 homes		Housing and Neighborhood Development Division	Ongoing

Table 41
Affordable Housing Strategies and Programs
(continued)

Housing Program	Program Objective	5-Year Action	Funding Source	Responsible Agency	Time Frame
Zoning Changes					
Transitional and Emergency Shelters	The City will amend its zoning ordinance to permit transitional supportive housing and emergency shelters in the ML zone as a permitted use and transitional supportive housing as a conditionally permitted use in at least one residential zone.	Ordinance Approval	General Fund	Planning Division	By year 2010
Single Room Occupancy (SRO)	The City will amend its zoning ordinance to permit SRO's in at least one non-residential zone as a permitted use and as a conditionally permitted use in appropriate residential zones.	Ordinance Approval	General Fund	Planning Division	By year 2010
Reasonable Accommodation Ordinance	Adopt a "reasonable accommodation" ordinance to facilitate housing for the disabled.	Ordinance Approval	General Fund	Planning Division	By year 2010

Housing » Multi-Unit Housing Developers » Affordable Housing » Affordable Housing Fact Sheet, California Clean Air Project (CCAP)

Affordable Housing Fact Sheet, California Clean Air Project (CCAP)

✉ EMAIL THIS PAGE TO A FRIEND

What is Affordable Housing?

- **According to the federal government, housing is considered "affordable" if it consumes no more than 30 percent of a household's income.** Housing that is commonly referred to as "affordable housing" is developed using government assistance to ensure that housing costs do not exceed this level. Only households which meet certain income restrictions, qualify for subsidized affordable housing. They must have an income that equals or exceeds a lower limit and their income must not exceed an upper limit. It is important to remember that most residents of affordable housing are employed. *Source~ Non Profit Housing Association of Northern California (NPH)*
- At the Federal level, housing assistance programs are the responsibility of the Department of Housing and Urban Development (HUD). HUD places these housing assistance programs into four categories.
 1. Public housing is housing that is affordable to the lowest-income households. It is built by the federal government and operated by local housing authorities.
 2. Privately owned subsidized housing consists of privately owned buildings, subsidized directly by HUD, the rent charged to tenants is set by HUD. These buildings are often owned and operated by non-profits.
 3. Block grant: In this system federal money is distributed to individual states and local governments, who administer programs tailored to their own needs, but approved by HUD.
 4. Section 8: This is run by individual local housing authorities. A prospective tenant having qualified for Section 8 assistance is issued a certificate and other documents and sent to find a rental unit.
- In California, there are approximately 149,000 units of privately owned, federally-assisted multifamily rental housing plus additional tax credit* and mortgage revenue bond properties, many with project-based rental assistance. Elderly persons and families (also including low-income single adults, people with disabilities, farm workers and more with lower-incomes who cannot afford to pay market rate rents occupy these units.

Source~ www.hcd.ca.gov

- In addition to HUD funding for affordable housing, in February, 2006, the California Department of Housing and Community Development (HCD), awarded \$181.7 Million in Proposition 46 funding to create housing opportunities for thousands of Californians. The awards were distributed among 28 counties to provide housing opportunities for more than 3,100 of California's hardworking families and neediest residents. Proposition 46 is the \$2.1 billion housing bond approved by voters in November 2002.

Source~ Janet Huston, Director of Communications and Government Affairs, HCD.

- These Proposition 46 awards will assist over 2,000 Californians --seniors, disabled, homeless and those transitioning from homelessness--to realize the dream of an affordable rental home. \$145.3 million has been made available through the Multifamily Housing Program (MHP) to provide permanent low-interest loans for the construction of new affordable apartment homes and rehabilitation of existing affordable units.

Source~ Janet Huston, Director of Communications and Government Affairs, HCD.

Why Smoke-free Affordable Housing?

- **There is no constitutional right to smoke.** "The right to smoke or not to smoke is not a right that is protected under the Civil Rights Act of 1964 or any other HUD enforced civil rights authorities and because neither smokers or non-smokers are groups that receive special recognition under the Civil Rights Act of 1964, the restriction of smoking in privately owned apartment complexes does not violate the statute."

Exhibit 3

Source~ HUD Legal Counsel Letter of July 2003

- HUD Detroit Regional Office Legal Counsel letter of July 2003 states that apartment owners are free under federal law to make buildings totally smoke-free, so long as they "take caution to grandfather in those smoking residents currently residing at the complex."*. However, an October 2004 letter from the Seattle HUD office states "You asked if there is any policy or legal basis that would require grandfathering-in smoking residents and if it is permissible to require existing tenants to stop smoking in their units as long as they are given sufficient notice and the change occurs at the time of lease renewal. There is no written HUD policy requiring the grandfathering of any tenant."**

"Grand-fathering," means for a reasonable period, such as until lease renewal. "The Chief Counsel recently clarified that the term 'grandfather' as used in her letter does not mean a permanent exemption for existing smokers. She said that the landlord could either wait until the annual review or expiration of the smoker's lease, or, in the case of a long-term lease, until after the provision of legally adequate notice. She said that it was reasonable to require tenants with long-term leases to move or cease smoking, as long as the smoker received reasonably adequate advance notice and had the option of moving to an apartment in which smoking was permitted." ***

Source~ *HUD Legal Counsel Letter of July 2003; ** Seattle HUD Office Letter of October 2004:

<http://www.tcs.org/sfelp/HUD2004.pdf> *** MEMORANDUM To: Jim Bergman From: Susan Schoenmarklin, May 2005 In Re: Analysis of the authority of Housing Authority Directors and Section 8 multiunit housing owners to ban smoking in their residential units.

- To implement a smoke-free policy affordable housing agencies may:

~ Add smoke-free provisions to the "house rules" in public housing authority buildings.

As long as the no smoking policies meet the normal house rules criteria HUD approval is not required.

Source~ HUD Legal Counsel Letter of July 2003

- If affordable housing operators wish to make no-smoking policies a condition of the lease, HUD approval is required to the extent that the owner is bound to utilize HUD's model lease.

Source~ HUD Legal Counsel Letter of July 2003

IMPORTANT TO REMEMBER!

Since affordable housing residents have fewer housing options, affordable housing advocates are very sensitive (and rightly so) to the possibility of people losing their housing altogether – for any reason. Educating tenant advocates about ways to successfully implement smoke-free or smoking- restricted policies is a first step toward smoke-free affordable housing.

CCAP- California's Clean Air Project, a statewide project of ETR Associates

2210 21st Street, Sacramento CA 95818

Phone: (916) 452-8065 Fax: (916) 452-7374 E-Mail: ccap@etr.org website: www.ccap.etr.org

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Why Affordable Housing Does Not Lower Property Values

From HomeBase/The Center For Common Concerns, San Francisco

Common Attitudes vs. the Facts

It is a common belief that affordable housing, including residential care facilities and supportive housing, will lower neighboring property values. However, numerous studies conducted over a period of many years and in various locations find that this widely held preconception is incorrect. Why? Because property values are primarily determined by the condition of the particular property for sale and other broader, more complex forces such as overall area development and prosperity. The location of affordable housing has no significant impact on these other conditions which determine property values.

A Wide Variety of Types of Housing and Residential Areas Were Studied

The studies cover a wide scope both of kinds of housing and of residential areas. Elaborate studies have been conducted regarding affordable rental housing, owner-occupied housing, and housing for the physically and developmentally disabled, mentally ill, the elderly and homeless women and children. The actual housing structures vary from single family houses to high-rise apartment buildings, from manufactured housing to multiple family units in garden clusters. Areas examined range from prosperous suburbs to rural routes to densely populated urban areas in locations all over the United States. Despite this variety of factors, all of the studies except one reach the same conclusion -- facilities of this kind simply do not affect neighboring property values.

Studies Were Conducted By A Variety of Public and Private Sector Experts

Some studies come from the academic community, others are conducted by independent researchers, still more are government reports. The available studies have been conducted by the U.S. General Accounting Office, Coopers and Lybrand, U.C.B.'s Institute for Urban and Regional Development, California's Department of Housing and Community Development, and Princeton University's Woodrow Wilson School of Public and International Affairs.

Studies Used Many Different Methods to Detect Effects

The studies assess the potential effect of housing facilities on neighboring property values in many ways. Some compare the sale prices of neighboring housing to prices in a similar control area. Some compare sale prices before, during and after the construction of a facility to determine changes and then compare this data to statistics on the prevailing trends in that community. Others utilize a sophisticated statistical technique called "regression analysis" to determine the effect of proximity to affordable housing.

Almost No Effects on Nearby Property Values Were Found

Except for one, all of the studies, utilizing many methodologies, determined that property values are not affected by these housing facilities. The only study examined which suggested that facilities might have a negative effect on neighboring property values could not conclusively determine whether the affordable housing in question was responsible for lower property values, or whether it was caused by other neighborhood concerns.

Conclusion

It is a common assumption that property values will go down in areas where affordable housing is located. Contrary to popular beliefs, studies indicate conclusively that affordable housing has little or no effect on neighboring property values. No one really knows what determines property values -- they are a complex phenomenon, and seem to be most closely related to the condition of the particular property for sale and broad trends in neighborhood prosperity, urban and suburban expansion, road and highway construction and nearby large-scale commercial and industrial developments.

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The assumption that property values will decline with the location of affordable housing is based on the idea that one facility can affect a whole neighborhood, and that such facilities will be conspicuous, unattractive, poorly maintained and poorly managed. The studies cited on the following sample bibliography as well as others show that these assumptions are incorrect.

A Sample of the Research of Property Value Effects

1. Habitat for Humanity South Ranch 2 Community Impact Study (Coopers & Lybrand, 1994)

Study of potential impact of a proposed 196 owner-built and occupied home development on a previously unoccupied area of Phoenix concluded that the development would benefit the overall community by bringing in community-committed, stable, working families, drawing commercial development to a new area and spatially linking existing developed areas of Phoenix.

2. Relations between Affordable Housing Development and Property Values (Institute for Urban and Regional Development, University of California, Berkeley, Working Paper 599, 1993)

Determined that proximity to affordable housing is not a significant factor in determining sales prices, and in one instance it may have had a positive impact on sales prices.

3. Measuring the Effects of Affordable Housing on Residential Property Values (San Francisco State University, unpublished master's thesis, Smith, B., 1992)

Analysis found that among thirteen "proximity zones" the highest increases in value and the lowest turnover were in areas closest to an affordable housing facility.

4. The Effect of Group Homes for the Mentally Ill on Residential Property Values (*Hospital and Community Psychiatry*, Boydell, Katherine M., M.H.Sc., John N. Trainor, MSW, Anna M. Pierri, 1989)

Determined that property values in a suburban area with a group home increased more than a similar area without such a facility.

5. Texas Department of Mental Health and Mental Retardation Questions and Answers (Johnson and Olson Associates of Austin, 1988.)

This summary finds no evidence of property values declining because of the location of a group home for the mentally retarded, and finds that there was less residential turnover near the group home than in other similar areas.

6. The Effects of Subsidized and Affordable Housing on Property Values: A Survey of Research (Department of Housing and Community Development, State of California, 1988.)

Out of 15 published papers on subsidized housing, group homes for the disabled, and manufactured housing, 14 concluded that this housing had no significant negative effects on the values of neighboring properties. Some reported positive property value effects.

7. The Impact of Group Homes on Residential Property Values (The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department, 1988)

Study found that most areas around group homes appreciated more than other similar areas in the country. Determined that there is no correlation positive or negative between location of group homes and neighboring property values.

8. Impact Study for Sacramento Housing and Redevelopment Agency (Spear Street Advisors, Inc., San Francisco, Calif., 1988)

Determined that proximity to affordable housing was not a statistically significant factor affecting property values.

9. Impacts on the Surrounding Neighborhood of Group Homes for Persons with Developmental Disabilities (Illinois Planning Council on Developmental Disabilities, Daniel Lauber, Springfield, Ill., 1986)

Research ascertained that the location of group homes had no effect on property values, mean sales price, or residential turnover rates.

10. Impact of Affordable Housing on Property Values
(Lynn Sedway & Associates, 1983)

Study determined that appreciation rates near affordable housing were at least as high as the area average.

11. Long Term Neighborhood Property Impacts of Group Homes for Mentally Retarded People
(Woodrow Wilson School of Public and International Affairs, Princeton University, 1982)

Of 32 group homes all over New York State, none had a short or long term impact on neighboring property values.

Source: "Building Inclusive Community: Tools to Create Support for Affordable Housing,"
HomeBase/The Center for Common Concerns, San Francisco, 1996. Reprinted with permission.

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Making Housing Affordable: A Solution For The Communities Of The Capay Valley

Like other attractive rural communities in California, Capay, Esparto, Guinda, Madison and Rumsey are facing the challenges of growth and change. At the core of these challenges are the very features that make these communities such desirable places to live, work or operate a business in. For the Capay Valley, it is its own natural beauty, outdoor recreation opportunities, small-town rural character, proximity to freeways, nearby Yolo County job centers and relatively inexpensive land and housing that is attracting the growth and changes that threatens the character of local communities. Unless change is planned for and managed appropriately, the future for larger communities such as Esparto and Madison is a transformation into sprawling commuter suburbs dominated by expensive subdivisions of tract homes. For the smaller towns of Capay, Guinda and Rumsey the impacts will be on local agriculture. Demand for upscale country homes and ranchettes will drive the conversion of long-time family farms into luxurious country estates. As wealthy homeowners replace farmers, pressure will be exerted on these communities to also grow and expand.

As the housing market spirals upward, local families, retirees, farmworkers, school teachers and local businesses will be pushed out. Traffic will increase dramatically in the form of reverse commutes, as workers who used to live and work locally now must commute into the Valley from outside communities. Farmers will sell off their lands for luxury homes as farmworkers are driven out of the Capay Valley by high-cost housing. Escalating land costs, demands for new services and opportunities for shopping centers and national chain stores will eventually replace local businesses.

Already the warnings signs of these trends are present:

- Single family home prices are increasing dramatically
- New construction is primarily high-cost tract homes
- Lack of rental housing in all communities in Capay Valley
- Very little housing for elderly and retirees
- Local employees have difficulty finding housing they can afford
- Employers report workforce recruitment and retention problems
- Three-fourths of local businesses and farms report a serious shortage of affordable and workforce housing

While growth cannot be totally stopped, communities can manage growth in a way that preserves their character and maintains the local residents. The key to doing this, however, is ensuring that quality housing is available for local employees, families with children and local retirees at a price that they can afford. To do this will require that state and local government provide some of the financing. Nonprofit organizations that specialize in helping working families and local employees may have to build the housing. Also, the housing is reserved for those whose earnings or income aren't high enough income to affordable the housing now on the market.

Although affordable housing is an tool for responding to growth and change, it also means communities need to take a fresh look at what is often known as "affordable

housing'. Understandably questions arise about affordable housing when it is proposed in a community. It is not uncommon for there to be a lack of information and sometimes misunderstandings about who lives in the housing, what the housing looks like and how it will affect property values. Fortunately the record and evidence shows housing that is designed for and affordable to employee in neighborhood businesses, working families and local residents is an asset for the community. Some of the common questions and concerns are:

Concern: People who live in affordable housing won't fit into my neighborhood.

Fact: Many are surprised to learn that people who need affordable housing are neighbors who already live and work in the community and are at risk of being priced out. According to the definition of affordable housing, it is housing where households should pay no more than 30% of their income to rent or mortgage payments. All "affordable housing" means is that the residents don't pay too large a share of their income on rent or mortgage. Using this definition many local workers such as teachers, librarians, police and many other vital members of communities qualify and need affordable housing.

Concern: Affordable housing means crime and drugs in the neighborhood

Fact: There is absolutely no evidence of an increase in crime resulting from the affordable housing in a neighborhood. Those who live in affordable housing - whether renter or owner - also value their homes and community too. They work, shop, raise families, worship and attend school in the community like everyone else. They want the same things everyone else does - to peacefully enjoy life in the surrounding community

Concern: Affordable housing is poorly maintained and lowers property values.

Fact: Study after study has shown that an affordable housing development does not affect property values. Precisely because the process of affordable housing development is so heavily scrutinized and must address these concerns in order to win approval, contemporary affordable housing is attractively designed, professionally managed, and well-maintained. In some cases, affordable housing is actually more attractive and better maintained than similar housing in the neighborhood. Consequently affordable housing maintains its good appearance and value over time. Remember: property values result primarily from neighborhood desirability, characteristics of comparable housing sales and the overall quality of a community.

Concern: Affordable housing represents just another government welfare handout.

Fact: Affordable housing is financed partially by mortgages from banks and other private sector lenders at market interest rates. Those who live in this housing do make rental or mortgage payments. Additional financing in the form of low interest loans and a limited amount of grant funding from government sources and charitable foundations is needed only to reduce the cost of building and operating the housing in order to make it affordable. It is important to remember that other homeowners benefit from federal housing subsidies in the form of income tax deduction for mortgage interest paid - the largest housing subsidy program in the U.S.



Anti-Nimby Tools

© 2006 California Housing Law Project, Marc Brown and Christine Minnehart, Co-Directors.

By Mike Rawson.
*California Affordable Housing
Law Project*

Historically, local governments have had broad discretion in the approval of residential development. However, local parochialism and prejudices often result in policies and practices that exclude the development of affordable housing, thereby exacerbating patterns of racial and economic segregation and creating a substantial imbalance of jobs and housing. In recent years, several laws have been adopted that place important limitations and obligations on local decision-makers in the area of affordable housing.

Housing Element Law (Gov. Code Sec. 65580 et seq.) Every city and county must adopt a housing element as part of its general plan. Most importantly, a housing element must identify sites appropriate for affordable housing and address governmental constraints to development. If the locality fails to adopt a housing element or adopts one that is inadequate, a court can order the locality to halt development until an adequate element is adopted or order approval of specific affordable housing developments.

In most cases, the identification of sites must include sites zoned for multi-family development by right.

Section 65583.2 (AB 2348) requires the element to specifically identify sites and demonstrate their availability without restrictive zoning burdens. See our Housing Element Fact Sheet for additional detail.

"Anti-Nimby" Law (Gov. Code Sec. 65589.5). Even in communities with valid housing elements, local governments often deny approval of good developments. Misinformation and prejudice can generate fierce opposition to proposed projects. Recognizing this, state law prohibits a local agency from disapproving a low income housing development, or imposing conditions that make the development infeasible, unless it finds that one of five narrow conditions exist. Of the five, three are of most import: 1) the project would have an unavoidable impact on health and safety which cannot be mitigated; 2) there is no need for the project; or 3) the project is inconsistent with the general plan and the housing element is in compliance with state law. SB 948 (Alarcon) (Chapter 968, Statutes of 1999): (1) narrowed the definition of what constitutes an impact on health and safety; (2) applied the law to middle income housing; and (3) clarified the authority of courts to order localities to approve illegally denied projects. AB 369 (Dutra) (Chapter 237, Statutes of 2001) provided

attorneys fees and costs against localities that violate the law. SB 619 (Ducheny) (Chapter 793, Statutes of 2003) expanded the law to mixed use developments. SB 575 (Torlakson) (Chapter 601, Statutes of 2005) narrowed the "no need" and "zoning inconsistency" conditions for turning down affordable housing.

Prohibition of Discrimination Against Affordable Housing (Gov. Code Sec. 65008). This statute forbids discrimination against affordable housing developments, developers or potential residents by local agencies when carrying out their planning and zoning powers. Agencies are prohibited not only from exercising bias based on race, sex, age or religion, but from discriminating against developments because the development is subsidized or occupancy will include low or moderate income persons. Local governments may not impose different requirements on affordable developments than those imposed on non-assisted projects. Just as with the other state and federal fair housing laws (see below), this law applies even if the discrimination is not intentional. It applies to any land use action that has a disproportionate impact on assisted developments or the potential minority or low income occupants. SB 619 (Ducheny) (Chapter 793, Statutes of 2003) prohibited

discrimination against multi-family housing.

California and Federal Fair Housing Laws. These laws prohibit discrimination by local government and individuals based on race, color, religion, sex, familial status, marital status, national origin, ancestry or mental or physical disability. The California Fair Employment and Housing Act (Gov. Code Sec. 12900 et seq.) expressly prohibits discrimination through public or private land use practices and decisions that make housing opportunities unavailable. Similarly, the federal Fair Housing Act (42 U.S.C. Sec. 3601 et seq., or "Title VIII") has been held to prohibit public and private land use practices and decisions that have a disparate impact on the protected groups. The federal Fair Housing Amendments Act of 1988 requires local governments considering housing projects for the disabled to make reasonable accommodations in rules, policies and practices if necessary to afford disabled persons equal opportunity for housing (42 U.S.C. Sec. 3604(f)(3)(B)).

Water/Sewer Service (Gov Code Sec. 65589.7). Local water and sewer districts must grant priority for service hook-ups to projects that help meet the community's fair share housing need.

Density Bonus Law (Gov Code Sec. 65915-16). Local governments must grant projects with a prescribed minimum percentage of affordable units up to a 35% increase in density and up to 3 incentives. An incentive can include a reduction in development, parking or design standards,

modification of zoning requirements or direct financial aid. See our Fact Sheet on Density Bonuses for additional detail on new laws.

Permit Streamlining Act (Gov Code Sec. 65920 et seq.) This law requires localities to publish a description of the information that project applicants must file and mandates a time-line for making a decision on the application. If the local government fails to act within the prescribed time limits, a development project is "deemed" approved. SB 948 (Alarcon) (Chapter 968, Statutes of 1999) reduced the time period for action on affordable housing applications from 180 days to 90 days.

Bonds/Attorney Fees in NIMBY Lawsuits. A court may require persons suing to halt affordable housing projects to post a bond (Code of Civil Procedure Sec. 529.2) and to pay attorney fees (Gov. Code Sec. 65914). SB 619 (Ducheny)(Chapter 793, Statutes of 2003) permits nonprofit project proponents to intervene and collect attorneys fees in such suits.

CEQA Exemption. In 2002, the Legislature replaced Pub Res Code Sec. 21080.14 (100 unit exemption for affordable housing in urbanized areas, provided the site is less than 5 acres, not a wildlife habitat and is assessed for toxic contaminants, etc) and Section 21080.10 (45 unit exemption for farmworker housing) with a new "infill" exemption that also combines the former exemptions. SB 1925 (Sher) enacted Pub Res Code Sections 21159.22-25, and provided additional qualifi-

cations for those exemptions in Sections 21159.20 and 21159.21. Importantly, SB 1925 eliminated the discretion of localities to deny the exemption based on "unusual circumstances".

Multi-Family Moratoria. In order to circumvent Anti-Nimby law, some communities have adopted moratoria on all multifamily housing. SB 1098 (Alarcon), (Chapter 939, Statutes of 2001) amended Gov Code Sec 65858 to prohibit the extension of a multifamily moratorium beyond 45 days unless the locality makes written findings that the development of multifamily housing would have a specific, adverse impact upon public health or safety.

Conditional Use Permits. Most commercial, industrial and single-family residential uses do not require a conditional use permit, but many communities require a conditional use permit for multifamily housing. SB 619 (Ducheny)(Chapter 793, Statutes of 2003) prohibits conditional use permits on multifamily housing developments that meet the CEQA affordable housing, farmworker or infill exemption, and on affordable multifamily housing with 100 or fewer units, a density of at least 12 units/acre, located on an infill site in an urbanized area, consistent with the zoning and general plan, and has a neg dec or mitigated neg dec. In 2005, SB 326 (Dunn) (Chapter 598, Statutes of 2005) expanded this law to apply to attached duplexes, triplexes and fourplexes as well as multifamily housing.



CITY OF CARSON HOUSING ELEMENT UPDATE SCHEDULE

TASKS	2008												2009												
	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
1. Community Outreach Program (MIG)	1	2	3	4	5	6	7	8	9	10	11	12	13												
2. Community Factors/Profile																									
3. Review of Housing Element Performance to Date																									
4. Residential Land Inventory																									
5. Housing Needs																									
6. Reexamine Constraints																									
7. Quantified Objectives/ Policy and Implement. Plan																									
8. Reexamine Energy Saving Opportunities																									
9. Prepare Draft Initial Study/Negative Declaration																									
10. Staff/Public Review of Administrative Draft Element																									
11. Prepare Draft Element																									
12. HCD Review of Draft Element (60 days)																									
13. Prepare Final Element																									
14. HCD Review of Final Element (up to 90 days)																									
15. Community Forum (February 25)																									
16. Planning Commission Meetings/Public Hearings																									
17. City Council Public Hearing																									
18. City Staff Meetings																									

MINUTES
CITY OF CARSON
PLANNING COMMISSION REGULAR MEETING
CITY COUNCIL CHAMBERS
701 East Carson Street, 2nd Floor
Carson, CA 90745

May 12, 2009 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:34 P.M.
2. **PLEDGE OF ALLEGIANCE** The Salute to the Flag was led by Commissioner Graber.
3. **ROLL CALL**

Planning Commissioners Present:
*Brimmer, Brown, Faletogo, Gordon, Graber, Park, Saenz, Schaefer, Verrett

*(Commissioner Brimmer arrived at 6:45 P.M.)

Planning Staff Present: Planning Manager Repp, City Attorney Wynder, Senior Planner Signo, Associate Planner Newberg, Associate Planner Gonzalez, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Vice-Chairman Saenz moved, seconded by Commissioner Verrett, to approve the Agenda as submitted. Motion carried (Commissioner Brimmer had not yet arrived).
6. **INSTRUCTIONS TO WITNESSES** Chairman Faletogo requested that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the secretary for recordation.
7. **SWEARING OF WITNESSES** City Attorney Wynder
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None.

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9. CONSENT CALENDAR

A) Minutes: April 28, 2009

Motion: Commissioner Brown moved, seconded by Vice-Chairman Saenz, to approve the April 28, 2009, Minutes as presented. Motion carried as follows:

AYES: Brown, Faletogo, Gordon, Graber, Saenz, Verrett
NOES: None
ABSTAIN: Park, Schaefer
ABSENT: Brimmer

9. NEW BUSINESS CONSENT

B) Modification No. 1 to Design Overlay Review No. 808-02

Applicant's Request:

The applicant, Sonic Automotive, is requesting to permit a remote new vehicle parking/storage facility as an accessory use to an existing automotive dealership (Carson Honda). The property is located at 640 East 213th Street (remote parking site) and 1463 East 223rd Street (Carson Honda).

Staff's Report and Recommendation:

Planning Manager Repp advised that the applicant has withdrawn this request.

Planning Commission Decision:

This matter was withdrawn at the request of the applicant.

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

A) Draft 2006-2014 Housing Element Update

Applicant's Request:

The applicant, city of Carson, Planning Division, is requesting the Planning Commission review, evaluate and provide comments and recommendations on the Draft 2006-2014 Housing Element Update. The properties involved would be citywide.

Staff's Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation for the Planning Commission to review, evaluate and provide comments and recommendations on the Draft 2006-2014 Housing Element Update.

Donyea Adams, Housing and Neighborhood Development Manager, provided additional input on affordable housing strategies and programs.

Commissioner Verrett expressed some concern that if all of the housing stock requirements were met, this city would become overpopulated.

Associate Planner Gonzalez commented on the mix of housing opportunities and added that providing this housing is all market driven.

Chairman Faletogo opened the public hearing.

Michael Chang, representing public counsel for a nonprofit legal service for affordable housing, addressed lower income housing needs; and stated they have not completed a full analysis of the Draft Housing Element and requested 30 more days to review this document before it is forwarded to State Housing and Community Development for its review.

Dean Shear, representing Willdan Engineering, stated that the City has undertaken an extensive public outreach effort on this housing element update in an attempt to gather community input; and expressed his belief there is no need to delay forwarding this document to State Housing and Community Development for its comments, pointing out this is still in draft form. He advised that any comments by that agency will be forwarded to City Council for final approval; and stated the City has met the requirements of state law and even gone above and beyond the requirements to solicit public comments.

Senior Planner Signo noted the importance of adopting a housing element for current and future developer proposals, allowing their plans/projects to move forward.

Planning Manager Repp noted that if State Housing and Community Development has any suggested policy changes, those will come back to the Planning Commission for review; otherwise, this document will go from State Housing and Community Development to City Council for final approval.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Graber moved, seconded by Commissioner Brown, to forward the Draft 2006-2014 Housing Element Update to State Housing and Community Development and then on to City Council with a recommendation for adoption. Motion unanimously carried.

12. NEW BUSINESS DISCUSSION -- Workshop

- A) Workshop to discuss existing regulations for auto repair uses located within 100 feet of any residentially zoned property and/or within the CR (Commercial, Regional) zone.**

Applicant's Request:

The applicant, city of Carson, Planning Division, is requesting the Planning Commission discuss and consider policy direction on implementing provisions for anticipated conditional use permit applications for properties citywide.



Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation for the Planning Commission to CONSIDER and DISCUSS existing regulations and project proposals; and, DIRECT staff to draft an ordinance for consideration by the Planning Commission at a later date; or RECEIVE and FILE.

Responding to Commissioner Park's inquiry about how the minimum standards will be met on very small lots, Planning Manager Repp explained that if a business cannot comply with the minimum standards, it may have to close down; and added that staff will assist the businesses in whatever way it can.

Commissioner Gordon questioned if there is a maximum amount of money a business will have to spend in order to comply with the standards, including new landscaping and new signage.

Associate Planner Newberg stated there is no cap on money needed for compliance.

Commissioner Graber asked staff to consider amending the code for measuring the 100-foot rule from lot line to lot line, noting that a business on a large parcel may not operate close to a residential area. He asked if any of these businesses have storm water reporting plans and he questioned the necessity of a clarifier for the small businesses.

Commissioner Schaefer expressed her concern with the poor economy and the financial impact this will have on these small businesses; and she asked if the City can provide any financial assistance.

Planning Manager Repp stated that the City can provide more time for the businesses to comply; that the City's Commercial Rehab program may be of assistance; and that there may be some assistance for those businesses located in a redevelopment project area.

Commissioner Brown pointed out that most of these businesses were informed five years ago of this process and that they should have been saving up for this time; and stated that while this is a sensitive issue, it's in the City's best interest to move forward with this process.

George Lowey, business property owner, expressed his concern this effort will put some small establishments out of business.

Luis Mender, business property owner, stated this effort is causing instability for his tenants because it is not known what will be required of each business; and he highlighted the poor economy and the financial impact upon these businesses.

Ralph Ohanessinze, business property owner, expressed his concern with this effort and the poor economy; requested that the existing establishments be grandfathered in; stated that it will cost him over \$200,000 to comply with what the City is requiring for his property; expressed his belief a clarifier is not necessary for the small businesses; and stated that the City's conditional use permit (CUP) process is expensive.

Planning Manager Repp mentioned there are code enforcement issues with the prior speaker's property.

William Henry, business property owner, stated that the existing establishments should be grandfathered in; expressed his belief the CUP process is expensive, especially with this economy; noted his concern that compliance may put some of these establishments out of business; and pointed out that a lot of these business operators don't own the buildings they are operating from and stated these changes to the properties may be difficult. He noted that some buildings will have to be reconstructed to provide for parking.

Francis Hsu, business property owner, stated he owns one parcel that houses eight auto businesses and questioned whether each business needs to apply for a CUP. He pointed out that this building has been on this site for over 40 years and was there prior to the adjoining condominiums. He stated these existing businesses should be grandfathered in.

Associate Planner Newberg noted for Mr. Hsu that each business on that parcel will have to obtain a CUP.

Mr. Hsu stated that because of the poor economy, the City should postpone this effort for five years.

Don Albin, business property owner, questioned how this will impact the freight forwarding business on his property.

Planning Manager Repp asked Mr. Albin to contact her and Associate Planner Newberg to discuss the situation on his property.

Planning Manager Repp noted for Vice-Chairman Saenz that the City's CUP process is less costly than other cities.

Commissioner Graber expressed his belief a 3-stage clarifier is overkill for small businesses.

Chairman Faletogo noted his support to allow another three to five years for these businesses to comply, highlighting the poor economy.

City Attorney Wynder stated he would not recommend a blanket extension of three to five years, that it should be done on a case-by-case and phased development basis.

Chairman Faletogo noted his concern with the potentially high cost for these upgrades at this time and the hardship it is likely to place upon these small businesses.

Commissioner Verrett expressed her concern with the high cost of signage, landscaping and code compliance in these difficult economic times; and asked staff for further clarification on what they would like to see for landscaping around the mall area.

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Commissioner Schaefer stated she'd like to have more information on the financial resources available to these businesses and that these businesses also be given that information.

Planning Commission Decision:

Commissioner Schaefer moved, seconded by Commissioner Brown, to continue this matter to the June 9, 2009, Planning Commission meeting; for staff to clarify the signage recommendations around the shopping mall; that staff provide the Commission with the average cost for new signage; that staff clarify what landscaping is being proposed near the shopping mall and how much that might cost the businesses; and to further explore the necessity of SUSMP requirements on these establishments. Motion unanimously carried.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Manager Repp welcomed the new Planning Commissioners; mentioned that more workshops will be coming before this body; and she encouraged the Commissioners to do their field work.

15. COMMISSIONERS' REPORTS

Commissioner Schaefer expressed her delight in being on the Planning Commission.

Commissioner Gordon, echoed by Commissioners Verrett, Brimmer, Graber, Brown, welcomed the new Commissioners.

Commissioner Verrett thanked staff for an excellent workshop this evening.

Vice-Chairman Saenz requested, and received, input on the status of the former Fletcher Oil Refinery property, with Planning Manager Repp indicating there are no current proposals for this site.

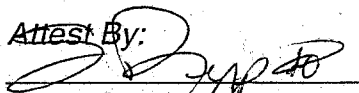
Commissioner Park noted his delight on being back on the Planning Commission.

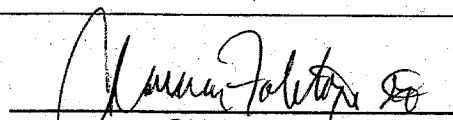
Chairman Faletofo thanked staff for their presentations this evening and welcomed the new Commissioners.

16. ADJOURNMENT

At 9:51 P.M. the meeting was formally adjourned to Tuesday, May 26, 2009, 6:30 P.M., City Council Chambers.

Attest By:


Secretary


Chairperson

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GOVERNMENT CODE

SECTION 65580-65589.8

65580. The Legislature finds and declares as follows:

(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.

(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.

(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.

(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.

65581. It is the intent of the Legislature in enacting this article:

(a) To assure that counties and cities recognize their responsibilities in contributing to the attainment of the state housing goal.

(b) To assure that counties and cities will prepare and implement housing elements which, along with federal and state programs, will move toward attainment of the state housing goal.

(c) To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the state housing goal, provided such a determination is compatible with the state housing goal and regional housing needs.

(d) To ensure that each local government cooperates with other local governments in order to address regional housing needs.

65582. As used in this article:

(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.

(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) "Department" means the Department of Housing and Community Development.

(d) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.

EXHIBIT NO. 2 -



65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, and mobilehomes, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(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. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities as identified in the analysis pursuant to paragraph (6), 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 identified pursuant to paragraph (6).

(5) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(6) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter.

(7) An analysis of opportunities for energy conservation with respect to residential development.

(8) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify



for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions 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, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to

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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. 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, emergency shelters, and transitional housing.

(A) 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 identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of low- and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental 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, or provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) (A) Preserve for lower income households 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.

(B) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government 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 program shall describe this effort.

(d) The analysis and program for preserving assisted housing developments required by the amendments to this section enacted by the Statutes of 1989 shall be adopted as an amendment to the housing element by July 1, 1992.

(e) Failure of the department to review and report its findings pursuant to Section 65585 to the local government between July 1,

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1992, and the next periodic review and revision required by Section 65588, concerning the housing element amendment required by the amendments to this section by the Statutes of 1989, shall not be used as a basis for allocation or denial of any housing assistance administered pursuant to Part 2 (commencing with Section 50400) of Division 31 of the Health and Safety Code.

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for second units based on the number of second units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount



of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

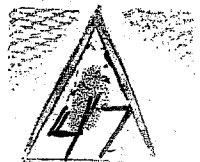
(B) Units that are located in a multifamily rental housing complex of four or more units, are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

(i) The unit is made available at a cost affordable to low- or very low income households.

(ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:

(I) Low-income households, if the unit will be made affordable to low-income households.

(II) Very low income households, if the unit will be made



affordable to very low income households.

(iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.

(C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

(i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to and reserved for occupancy by persons of the same or lower income group as the current occupants for a period of at least 40 years.

(ii) The unit is multifamily rental housing that receives governmental assistance under any of the following state and federal programs: Section 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715l(d)(3) and (5)); Section 236 of the National Housing Act (12 U.S.C. Sec. 1715z-1); Section 202 of the Housing Act of 1959 (12 U.S.C. Sec. 1701q); for rent supplement assistance under Section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. Sec. 1701s); under Section 515 of the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485); and any new construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance, under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437f); any state and local multifamily revenue bond programs; local redevelopment programs; the federal Community Development Block Grant Program; and other local housing assistance programs or units that were used to qualify for a density bonus pursuant to Section 65916.

(iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.

(3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any such housing unit that a building permit has been issued and all



development and permit fees have been paid or the unit is eligible to be lawfully occupied.

(4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the first two years of the housing element planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.

(5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) On July 1 of the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

65583.2. (a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development"



includes all of the following:

- (1) Vacant sites zoned for residential use.
 - (2) Vacant sites zoned for nonresidential use that allows residential development.
 - (3) Residentially zoned sites that are capable of being developed at a higher density.
 - (4) Sites zoned for nonresidential use that can be redeveloped for, and as necessary, rezoned for, residential use.
- (b) The inventory of land shall include all of the following:
- (1) A listing of properties by parcel number or other unique reference.
 - (2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.
 - (3) For nonvacant sites, a description of the existing use of each property.
 - (4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.
 - (5) A general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. This information need not be identified on a site-specific basis.
 - (6) Sites identified as available for housing for above-moderate income households in areas not served by public sewer systems. This information need not be identified on a site-specific basis.
 - (7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan for reference purposes only.
- (c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:
- (1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulations requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.
 - (2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (4) of subdivision (a) of Section 65583.
 - (3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:
 - (A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.
 - (B) The following densities shall be deemed appropriate to

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accommodate housing for lower income households:

(i) For incorporated cities within nonmetropolitan counties and for nonmetropolitan counties that have micropolitan areas: sites allowing at least 15 units per acre.

(ii) For unincorporated areas in all nonmetropolitan counties not included in clause (i): sites allowing at least 10 units per acre.

(iii) For suburban jurisdictions: sites allowing at least 20 units per acre.

(iv) For jurisdictions in metropolitan counties: sites allowing at least 30 units per acre.

(d) For purposes of this section, metropolitan counties, nonmetropolitan counties, and nonmetropolitan counties with micropolitan areas are as determined by the United States Census Bureau. Nonmetropolitan counties with micropolitan areas include the following counties: Del Norte, Humboldt, Lake Mendocino, Nevada, Tehama, and Tuolumne and such other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.

(e) A jurisdiction is considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it is considered metropolitan. Counties, not including the City and County of San Francisco, will be considered suburban unless they are in a MSA of 2,000,000 or greater in population in which case they are considered metropolitan.

(f) A jurisdiction is considered metropolitan if the jurisdiction does not meet the requirements for "suburban area" above and is located in a MSA of 2,000,000 or greater in population, unless that jurisdiction's population is less than 25,000 in which case it is considered suburban.

(g) For sites described in paragraph (3) of subdivision (b) the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c) and at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed-uses are not permitted.

(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a



conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21100) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21100) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) While it is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, it is recognized, however, that future housing production may not equal the regional housing need established for planning purposes.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the councils of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall be consistent with all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low and very low income households.

(2) Promoting infill development and socioeconomic equity, the

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protection of environmental and agricultural resources, and the encouragement of efficient development patterns.

(3) Promoting an improved intraregional relationship between jobs and housing.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census.

(e) For purposes of this section, "household income levels" are as determined by the department as of the most recent decennial census pursuant to the following code sections:

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate income level of Section 50093 of the Health and Safety Code.

(f) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, or 65584.07 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

65584.01. (a) For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(b) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the planning period, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 3 percent of the total regional population forecast for the planning period over the same time period by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population growth projected by the council of governments and the total population growth projected for the region by the Department of Finance is greater than 3 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(c) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and



consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

- (A) Anticipated household growth associated with projected population increases.
- (B) Household size data and trends in household size.
- (C) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.
- (D) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs.
- (E) Other characteristics of the composition of the projected population.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to (E), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments.

(d) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (c). Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (b), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (c). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (c), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (c).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

65584.02. (a) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the existing and projected



need for housing may be determined for each region by the department as follows, as an alternative to the process pursuant to Section 65584.01:

(1) In a region in which at least one subregion has accepted delegated authority pursuant to Section 65584.03, the region's housing need shall be determined at least 26 months prior to the housing element update deadline pursuant to Section 65588. In a region in which no subregion has accepted delegation pursuant to Section 65584.03, the region's housing need shall be determined at least 24 months prior to the housing element deadline.

(2) At least six months prior to the department's determination of regional housing need pursuant to paragraph (1), a council of governments may request the use of population and household forecast assumptions used in the regional transportation plan. For a housing element update due date pursuant to Section 65588 that is prior to January 2007, the department may approve a request that is submitted prior to December 31, 2004, notwithstanding the deadline in this paragraph. This request shall include all of the following:

(A) Proposed data and assumptions for factors contributing to housing need beyond household growth identified in the forecast. These factors shall include allowance for vacant or replacement units, and may include other adjustment factors.

(B) A proposed planning period that is not longer than the period of time covered by the regional transportation improvement plan or plans of the region pursuant to Section 14527, but a period not less than five years, and not longer than six years.

(C) A comparison between the population and household assumptions used for the Regional Transportation Plan with population and household estimates and projections of the Department of Finance.

The council of governments may include a request to extend the housing element deadline pursuant to Section 65588 to a date not to exceed two years, for the purpose of coordination with the scheduled update of a regional transportation plan pursuant to federal law.

(b) The department shall consult with the council of governments regarding requests submitted pursuant to paragraph (2) of subdivision (a). The department may seek advice and consult with the Demographic Research Unit of the Department of Finance, the State Department of Transportation, a representative of a contiguous council of governments, and any other party as deemed necessary. The department may request that the council of governments revise data, assumptions, or methodology to be used for the determination of regional housing need, or may reject the request submitted pursuant to paragraph (2) of subdivision (a). Subsequent to consultation with the council of governments, the department will respond in writing to requests submitted pursuant to paragraph (1) of subdivision (a).

(c) If the council of governments does not submit a request pursuant to subdivision (a), or if the department rejects the request of the council of governments, the determination for the region shall be made pursuant to Sections 65584 and 65584.01.

65584.03. (a) At least 28 months prior to the scheduled housing element update required by Section 65588, at least two or more cities and a county, or counties, may form a subregional entity for the purpose of allocation of the subregion's existing and projected need for housing among its members in accordance with the allocation methodology established pursuant to Section 65584.04. The purpose of establishing a subregion shall be to recognize the community of

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interest and mutual challenges and opportunities for providing housing within a subregion. A subregion formed pursuant to this section may include a single county and each of the cities in that county or any other combination of geographically contiguous local governments and shall be approved by the adoption of a resolution by each of the local governments in the subregion as well as by the council of governments. All decisions of the subregion shall be approved by vote as provided for in rules adopted by the local governments comprising the subregion or shall be approved by vote of the county or counties, if any, and the majority of the cities with the majority of population within a county or counties.

(b) Upon formation of the subregional entity, the entity shall notify the council of governments of this formation. If the council of governments has not received notification from an eligible subregional entity at least 28 months prior to the scheduled housing element update required by Section 65588, the council of governments shall implement the provisions of Sections 65584 and 65584.04. The delegate subregion and the council of governments shall enter into an agreement that sets forth the process, timing, and other terms and conditions of the delegation of responsibility by the council of governments to the subregion.

(c) At least 25 months prior to the scheduled revision, the council of governments shall determine the share of regional housing need assigned to each delegate subregion. The share or shares allocated to the delegate subregion or subregions by a council of governments shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan. Prior to allocating the regional housing needs to any delegate subregion or subregions, the council of governments shall hold at least one public hearing, and may consider requests for revision of the proposed allocation to a subregion. If a proposed revision is rejected, the council of governments shall respond with a written explanation of why the proposed revised share has not been accepted.

(d) Each delegate subregion shall fully allocate its share of the regional housing need to local governments within its subregion. If a delegate subregion fails to complete the regional housing need allocation process among its member jurisdictions in a manner consistent with this article and with the delegation agreement between the subregion and the council of governments, the allocations to member jurisdictions shall be made by the council of governments.

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

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(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

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(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (8) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High housing costs burdens.

(8) The housing needs of farmworkers.

(9) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

65584.05. (a) At least one and one-half years prior to the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, based on the methodology adopted pursuant to Section 65584.04. The draft allocation shall include the underlying data and methodology on which the allocation is based. It is the intent of the Legislature that the draft allocation should be distributed prior to the completion of the update of the applicable regional transportation plan. The draft allocation shall distribute to localities and subregions, if any, within the region the entire regional housing need determined pursuant to Section 65584.01 or within subregions, as applicable, the

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subregion's entire share of the regional housing need determined pursuant to Section 65584.03.

(b) Within 60 days following receipt of the draft allocation, a local government may request from the council of governments or the delegate subregion, as applicable, a revision of its share of the regional housing need in accordance with the factors described in paragraphs (1) to (9), inclusive, of subdivision (d) of Section 65584.04, including any information submitted by the local government to the council of governments pursuant to subdivision (b) of that section. The request for a revised share shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation.

(c) Within 60 days after the request submitted pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall accept the proposed revision, modify its earlier determination, or indicate, based upon the information and methodology described in Section 65584.04, why the proposed revision is inconsistent with the regional housing need.

(d) If the council of governments or delegate subregion, as applicable, does not accept the proposed revised share or modify the revised share to the satisfaction of the requesting party, the local government, may appeal its draft allocation based upon either or both of the following criteria:

(1) The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04, or a significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted pursuant to that subdivision.

(2) The council of governments or delegate subregion, as applicable, failed to determine its share of the regional housing need in accordance with the information described in, and the methodology established pursuant to Section 65584.04.

(e) The council of governments or delegate subregion, as applicable, shall conduct public hearings to hear all appeals within 60 days of the date established to file appeals. The local government shall be notified within 10 days by certified mail, return receipt requested, of at least one public hearing on its appeal. The date of the hearing shall be at least 30 days and not more than 35 days from the date of the notification. Before taking action on an appeal, the council of governments or delegate subregion, as applicable, shall consider all comments, recommendations, and available data based on accepted planning methodologies submitted by the appellant. The final action of the council of governments or delegate subregion, as applicable, on an appeal shall be in writing and shall include information and other evidence explaining how its action is consistent with this article. The final action on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the allocation of a local government that is not the subject of an appeal.

(f) The council of governments or delegate subregion, as applicable, shall issue a proposed final allocation within 45 days of the completion of the 60-day period for hearing appeals. The proposed final allocation plan shall include responses to all comments received on the proposed draft allocation and reasons for any significant revisions included in the final allocation.

(g) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the appeals process specified in this section. If the adjustments total



7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03, then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. In no event shall the total distribution of housing need equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03. Two or more local governments may agree to an alternate distribution of appealed housing allocations between the affected local governments. If two or more local governments agree to an alternative distribution of appealed housing allocations that maintains the total housing need originally assigned to these communities, then the council of governments shall include the alternative distribution in the final allocation plan.

(h) Within 45 days of the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. Within 60 days of adoption by the council of governments, the department shall determine whether or not the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

(i) Any authority of the council of governments to review and revise the share of a city or county of the regional housing need under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.

65584.06. (a) For cities and counties without a council of governments, the department shall determine and distribute the existing and projected housing need, in accordance with Section 65584 and this section. If the department determines that a county or counties, supported by a resolution adopted by the board or boards of supervisors, and a majority of cities within the county or counties representing a majority of the population of the county or counties, possess the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the distribution of the regional housing need, the department shall delegate this responsibility to the cities and county or counties.

(b) The distribution of regional housing need shall, based upon available data and in consultation with the cities and counties, take into consideration market demand for housing, the distribution of household growth within the county assumed in the regional transportation plan where applicable, employment opportunities and



commuting patterns, the availability of suitable sites and public facilities, agreements between a county and cities in a county to direct growth toward incorporated areas of the county, or other considerations as may be requested by the affected cities or counties and agreed to by the department. As part of the allocation of the regional housing need, the department shall provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Consideration of suitable housing sites or land suitable for urban development is not limited to existing zoning ordinances and land use restrictions of a locality, but shall include consideration of the potential for increased residential development under alternative zoning ordinances and land use restrictions.

(c) Within 90 days following the department's determination of a draft distribution of the regional housing need to the cities and the county, a city or county may propose to revise the determination of its share of the regional housing need in accordance with criteria set forth in the draft distribution. The proposed revised share shall be based upon comparable data available for all affected jurisdictions, and accepted planning methodology, and shall be supported by adequate documentation.

(d) (1) Within 60 days after the end of the 90-day time period for the revision by the cities or county, the department shall accept the proposed revision, modify its earlier determination, or indicate why the proposed revision is inconsistent with the regional housing need.

(2) If the department does not accept the proposed revision, then, within 30 days, the city or county may request a public hearing to review the determination.

(3) The city or county shall be notified within 30 days by certified mail, return receipt requested, of at least one public hearing regarding the determination.

(4) The date of the hearing shall be at least 10 but not more than 15 days from the date of the notification.

(5) Before making its final determination, the department shall consider all comments received and shall include a written response to each request for revision received from a city or county.

(e) If the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the department grants a revised allocation pursuant to subdivision

(d), the department shall ensure that the total regional housing need is maintained. The department's final determination shall be in writing and shall include information explaining how its action is consistent with this section. If the department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share that was originally determined by the department. The department, within its final determination, may adjust the allocation of a city or county that was not the subject of a request for revision of the draft distribution.

(f) The department shall issue a final regional housing need allocation for all cities and counties within 45 days of the completion of the local review period.

65584.07. (a) During the period between adoption of a final regional housing needs allocation until the due date of the housing element update pursuant to Section 65588, the council of governments, or the department, whichever assigned the county's share, shall reduce the share of regional housing needs of a county if all of the



following conditions are met:

(1) One or more cities within the county agree to increase its share or their shares in an amount equivalent to the reduction.

(2) The transfer of shares shall only occur between a county and cities within that county.

(3) The county's share of low-income and very low income housing shall be reduced only in proportion to the amount by which the county's share of moderate- and above moderate-income housing is reduced.

(4) The council of governments or the department, whichever assigned the county's share, shall approve the proposed reduction, if it determines that the conditions set forth in paragraphs (1), (2), and (3) above have been satisfied. The county and city or cities proposing the transfer shall submit an analysis of the factors and circumstances, with all supporting data, justifying the revision to the council of governments or the department. The council of governments shall submit a copy of its decision regarding the proposed reduction to the department.

(b) The county and cities which have executed transfers of regional housing need pursuant to this section shall amend their housing elements and submit them to the department for review pursuant to Section 65585.

All materials and data used to justify any revision shall be made available upon request to any interested party within seven days upon payment of reasonable costs of reproduction unless the costs are waived due to economic hardship. A fee may be charged to interested parties for any additional costs caused by the amendments made to former subdivision (c) of Section 65584 that reduced from 45 to 7 days the time within which materials and data were required to be made available to interested parties.

(c) In the event an incorporation of a new city occurs after the council of governments, or the department for areas with no council of governments, has made its final allocation under this section, the city and county may reach a mutually acceptable agreement on a revised determination and report the revision to the council of governments and the department, or to the department for areas with no council of governments. If the affected parties cannot reach a mutually acceptable agreement, then either party may request the council of governments, or the department for areas with no council of governments, to consider the facts, data, and methodology presented by both parties and make the revised determination.

The revised determination shall be made within one year of the incorporation of the new city based upon the methodology described in subdivision (a) and shall reallocate a portion of the affected county's share of regional housing needs to the new city. The revised determination shall neither reduce the total regional housing needs nor change the previous allocation of the regional housing needs assigned by the council of governments or the department, where there is no council of governments, to other cities within the affected county.

65584.1. Councils of government may charge a fee to local governments to cover the projected reasonable, actual costs of the council in distributing regional housing needs pursuant to this article. Any fee shall not exceed the estimated amount required to implement its obligations pursuant to Section 65584. A city, county, or city and county may charge a fee, not to exceed the amount charged in the aggregate to the city, county, or city and county by the council of governments, to reimburse it for the cost of the fee



charged by the council of government to cover the council's actual costs in distributing regional housing needs. The legislative body of the city, county, or city and county shall impose the fee pursuant to Section 66016, except that if the fee creates revenue in excess of actual costs, those revenues shall be refunded to the payers of the fee.

65584.2. A local government may, but is not required to, conduct a review or appeal regarding allocation data provided by the department or the council of governments pertaining the locality's share of the regional housing need or the submittal of data or information for a proposed allocation, as permitted by this article.

65584.3. (a) A city that is incorporated to promote commerce and industry, that is located in the County of Los Angeles, and that has no residentially zoned land within its boundaries on January 1, 1992, may elect to adopt a housing element that makes no provision for new housing or the share of regional housing needs as determined pursuant to Section 65584 for the current and subsequent revisions of the housing element pursuant to Section 65588, for the period of time that 20 percent of all tax increment revenue accruing from all redevelopment projects, and required to be set aside for low- and moderate-income housing pursuant to Section 33334.2 of the Health and Safety Code, is annually transferred to the Housing Authority of the County of Los Angeles.

(b) (1) The amount of tax increment to be transferred each year pursuant to subdivision (a) shall be determined at the end of each fiscal year, commencing with the 1992-93 fiscal year. This amount shall be transferred within 30 days of the agency receiving each installment of its allocation of tax increment moneys, commencing in 1993.

(2) On or before December 31, 1992, the agency shall make an additional payment to the Housing Authority of the County of Los Angeles that eliminates any indebtedness to the low- and moderate-income housing fund pursuant to Section 33334.3. This amount shall be reduced by any amount actually expended by the redevelopment agency for principal or interest payments on agency bonds issued prior to the effective date of the act that adds this section, when that portion of the agency's tax increment revenue representing the low- and moderate-income housing set-aside funds was lawfully pledged as security for the bonds, and only to the extent that other tax increment revenue in excess of the 20-percent low- and moderate-income set-aside funds is insufficient in that fiscal year to meet in full the principal and interest payments.

(c) The Department of Housing and Community Development shall annually review the calculation and determination of the amount transferred pursuant to subdivisions (a) and (b). The department may conduct an audit of these funds if and when the Director of Housing and Community Development deems an audit appropriate.

(d) The amount transferred pursuant to subdivisions (a) and (b) shall fulfill the obligation of that city's redevelopment agency to provide for housing for low- and moderate-income families and individuals pursuant to Sections 33334.2 to 33334.16, inclusive, of the Health and Safety Code. The use of these funds for low- and moderate-income families in the region of the Southern California Association of Governments within which the city is located shall be



deemed to be of benefit to the city's redevelopment project areas.

(e) (1) The amount transferred pursuant to subdivisions (a) and (b) to the Housing Authority of the County of Los Angeles shall be expended to provide housing and assistance, including, but not limited to, that specified in subdivision (e) of Section 33334.2 of the Health and Safety Code for low-and moderate-income families and individuals, in the region of the Southern California Association of Governments within which the city is located.

(2) Funds expended pursuant to this subdivision shall be expended in accordance with all of the following:

(A) The funds shall be expended for the construction of low- and moderate-income housing located no further than 15 miles from the nearest boundary line of the City of Industry.

(B) The low- and moderate-income housing constructed pursuant to this subdivision shall be in addition to any other housing required by the housing element of the general plan of the jurisdiction in which the low- and moderate-income housing is constructed.

(C) Funds may be encumbered by the Housing Authority of the County of Los Angeles for the purposes of this subdivision only after the authority has prepared a written plan for the expenditure of funds to be transferred to the authority pursuant to this subdivision and has filed a copy of this expenditure plan with the Department of Housing and Community Development.

(f) A city that meets the conditions specified in subdivision (d) shall continue to have responsibility for preparing a housing element pursuant to Section 65583 only to the extent to which the assessment of housing needs, statement of goals and objectives, and the five-year schedule of actions relate to the city's plan to maintain, preserve, and improve the housing that exists in the city on the effective date of the act which adds this section.

(g) This section shall not become operative unless and until a parcel of land, to be dedicated for the construction of a high school, is transferred pursuant to a written agreement between the City of Industry and the Pomona Unified School District, and a copy of this agreement is filed with the County Clerk of the County of Los Angeles.

65584.5. (a) A city or county may transfer a percentage of its share of the regional housing needs to another city or county, if all of the following requirements are met:

(1) Both the receiving city or county and the transferring city or county comply with all of the conditions specified in subdivision (b).

(2) The council of governments or the department reviews the findings made pursuant to paragraph (2) of subdivision (c).

(3) The transfer does not occur more than once in a five-year housing element interval pursuant to subdivision (b) of Section 65588.

(4) The procedures specified in subdivision (c) are met.

(b) (1) Except as provided in paragraph (5) of subdivision (c) of Section 65584, a city or county transferring a share of its regional housing needs shall first have met, in the current or previous housing element cycle, at least 15 percent of its existing share of the region's affordable housing needs, as defined in Section 65584, in the very low and lower income category of income groups defined in Section 50052.5 of the Health and Safety Code if it proposes to transfer not more than 15 percent. In no event, however, shall the city or county transfer more than 500 dwelling units in a housing



element cycle.

(2) A city or county shall transfer its regional housing needs in the same proportion by income group as the jurisdiction has met its regional housing needs.

(3) The transfer shall be only between jurisdictions that are contiguously situated or between a receiving city or county that is within 10 miles of the territory of the community of the donor city or county. If both the donor community and receiving community are counties, the donor county shall be adjacent to, in the same council of governments region as, and in the same housing market as, the receiving county. The sites on which any transferred housing units will be constructed shall be in the receiving city or county, and within the same housing market area as the jurisdiction of the donor city or county.

(4) The transferring and receiving city or county shall have adopted, and shall be implementing, a housing element in substantial compliance with Section 65583.

(5) The transferring city or county and the receiving city or county shall have completed, and provided to the department, the annual report required by subdivision (b) of Section 65400.

(c) (1) The donor city or county and the receiving city or county shall, at least 45 days prior to the transfer, hold a public hearing, after providing notice pursuant to Section 6062, to solicit public comments on the draft contract, including its terms, conditions, and determinations.

(2) The transferring and the receiving city or county shall do all of the following:

(A) Adopt a finding, based on substantial evidence on the record, that the transfer of the regional housing need pursuant to the terms of the agreement will not cause or exacerbate racial, ethnic, or economic segregation and will not create a detrimental financial impact upon the receiving city or county.

(B) Adopt a finding, based on substantial evidence on the record, that the transfer of the regional housing need will result in the construction of a greater number of similar type dwelling units than if the transfer does not occur.

(3) (A) The transferring city or county and the receiving city or county shall enter into an agreement to transfer units eligible under subdivision (b). A copy of this agreement shall be sent to the council of governments and the department to be kept on file for public examination.

(B) The agreement shall include a plan and schedule for timely construction of dwelling units, including, in addition to site identification, identification of and timeframes for applying for sufficient subsidy or mortgage financing if the units need a subsidy or mortgage financing, and a finding that sufficient services and public facilities will be provided.

(4) At least 60 days prior to the transfer, the receiving city or county planning agency and the transferring city or county planning agency shall submit to the department a draft amendment to reflect the identified transferred units. A transferring agency may reduce its housing needs only to the extent that it had not previously reduced its housing needs pursuant to paragraph (2) of subdivision (b) of Section 65583. A county planning agency that has its share of the regional housing need reduced pursuant to paragraph (5) of subdivision (c) of Section 65584 shall comply with this section. A receiving city or county shall, in addition to any other provisions of the article, identify in its housing element sufficient sites to meet its initial low- and moderate-income housing needs and sufficient sites to meet all transferred housing needs.



(5) The department shall review the draft amendment and report its written findings to the planning agency within 45 days of its receipt.

(6) The department's review shall follow the same procedure, requirements, and responsibilities of Sections 65583, 65585, 65587, and 65589.3. The court shall consider any written findings submitted by the department.

(d) No transfer made pursuant to this section shall affect the plans for a development that have been submitted to a city or county for approval 45 days prior to the adoption of the amendment to the housing element.

(e) No transfer made pursuant to this section shall be counted toward any ordinance or policy of a locality that specifically limits the number of units that may be constructed.

(f) The Attorney General or any other interested person shall have authority to enforce the terms of the agreement and the provisions of this section.

(g) For a period of five years after the transfer occurs, the report required by subdivision (b) of Section 65400 shall include information on the status of transferred units, implementation of the terms and conditions of the transfer contract, and information on any dwelling units actually constructed, including the number, type, location, and affordability requirements in place for these units.

(h) (1) At least 60 days prior to the proposed transfer, the donor city or county shall submit the proposed agreement to the council of governments, or to the department if there is no council of governments that serves the city or county, for review. The governing board of the council or the director shall determine whether there is substantial evidence to support the terms, conditions, and determinations of the agreement and whether the agreement complies with the substantive and procedural requirements of this section. If the council or the director finds that there is substantial evidence to support the terms, conditions, and determinations of the agreement, and that the agreement complies with the substantive and procedural requirements of this section, the participating jurisdictions may proceed with the agreement. If the governing board or the director finds that there is not substantial evidence to support the terms, conditions, and findings of the agreement, or that the agreement does not comply with the substantive and procedural requirements of this section, the board or the director may make recommendations for revising or terminating the agreement. The participating jurisdictions shall then include those revisions, if any, or terminate the agreement.

(2) The council or the director may convene a committee to advise the council or the director in conducting this review. The donor city or county and the receiving community shall pay the council's or the department's costs associated with the committee. Neither the donor city or county, nor the receiving city or county, may expend moneys in its Low and Moderate Income Housing Fund of its redevelopment agency for costs associated with the committee.

(3) Membership of the committee appointed pursuant to paragraph

(2) shall include all of the following:

(A) One representative appointed by the director.

(B) One representative appointed by the donor agency.

(C) One representative appointed by the receiving community.

(D) Two low- and moderate-income housing advocates, appointed by the director, who represent those persons in that region.

(i) (1) The receiving city or county shall construct the housing units within three years of the date that the transfer contract is entered into pursuant to this section. This requirement shall be met



by documenting that a building permit has been issued and all fees have been paid.

(2) Any portion of a regional share allocation that is transferred to another jurisdiction, and that is not constructed within the three-year deadline set forth in paragraph (1), shall be reallocated by the council of governments to the transferring city or county, and the transferring city or county shall modify its zoning ordinance, if necessary, and amend its housing element to reflect the reallocated units.

(3) If, at the end of the five-year housing element planning period, any portion of a regional share allocation that is transferred to another jurisdiction is not yet constructed, the council of governments shall add the unbuilt units to the normal regional fair share allocation and reallocate that amount to either of the following:

(A) The receiving city, if the three-year deadline for construction has not yet occurred; or

(B) The transferring city, if the three-year deadline for construction has occurred.

(4) If the transferred units are not constructed within three years, the nonperforming jurisdictions participating in the transfer of regional share allocations shall be precluded from transferring their regional shares, pursuant to this section, for the planning period of the next periodic update of the housing element.

(j) On or after January 1, 2000, no transferring city or county shall enter into an agreement pursuant to this section unless a later enacted statute, which is enacted before January 1, 2000, deletes or extends that date.

(k) If Article XXXIV of the California Constitution is applicable, the receiving city or county shall certify that it has sufficient authority under Article XXXIV of the California Constitution to allow development of units transferred pursuant to this section.

(l) The receiving city or county shall not, within three years of the date of the transfer agreement entered into pursuant to this section, or until transferred units are constructed, whichever is longer, enter into a contract to transfer units outside the territorial jurisdiction of the agency pursuant to this section.

(m) Communities that have transferred a portion of their share of the regional housing need to another city or county pursuant to this section shall comply with all other provisions of law for purposes of meeting the remaining regional housing need not transferred, including compliance with the provisions of Section 65589.5.

(n) As used in this section, "housing market area" means the area determined by a council of governments or the department pursuant to Section 65584, and based upon market demand for housing, employment opportunities, the availability of suitable sites and public facilities, and commuting patterns.

(o) This section shall not be construed to interfere with the right of counties to transfer shares of regional housing needs pursuant to paragraph (5) of subdivision (c) of Section 65584.

65584.6. (a) The County of Napa may, during its current housing element planning period, identified in Section 65588, meet up to 15 percent of its existing share of the regional housing need for lower income households, as defined in Section 65584, by committing funds for the purpose of constructing affordable housing units, and constructing those units in one or more cities within the county, only after all of the following conditions are met:



(1) An agreement has been executed between the county and the receiving city or cities, following a public hearing held by the county and the receiving city or cities to solicit public comments on the draft agreement. The agreement shall contain information sufficient to demonstrate that the county and city or cities have complied with the requirements of this section and shall also include the following:

(A) A plan and schedule for timely construction of dwelling units.

(B) Site identification by street address for the units to be developed.

(C) A statement either that the sites upon which the units will be developed were identified in the receiving city's housing element as potential sites for the development of housing for lower-income households, or that the units will be developed on previously unidentified sites.

(D) The number and percentage of the county's lower-income housing needs previously transferred, for the appropriate planning period, pursuant to this section.

(2) The council of governments that assigned the county's share receives and approves each proposed agreement to meet a portion of the county's fair share housing allocation within one or more of the cities within the county after taking into consideration the criteria of subdivision (a) of Section 65584. If the council of governments fails to take action to approve or disapprove an agreement between the county and the receiving city or cities within 45 days following the receipt of the agreement, the agreement shall be deemed approved.

(3) The city or cities in which the units are developed agree not to count the units towards their share of the region's affordable housing need.

(4) The county and the receiving city or cities, based on substantial evidence on the record, make the following findings:

(A) Adequate sites with appropriate zoning exist in the receiving city or cities to accommodate the units to be developed pursuant to this section. The agreement shall demonstrate that the city or cities have identified sufficient vacant or underutilized or vacant and underutilized sites in their housing elements to meet their existing share of regional housing need, as allocated by the council of governments pursuant to subdivision (a) of Section 65584, in addition to the sites needed to construct the units pursuant to this section.

(B) If needed, additional subsidy or financing for the construction of the units is available.

(C) The receiving city or cities have housing elements that have been found by the Department of Housing and Community Development to be in compliance with this article.

(5) If the sites upon which units are to be developed pursuant to this section were previously identified in the receiving city's housing element as potential sites for the development of housing sufficient to accommodate the receiving city's share of the lower income household need identified in its housing element, then the receiving city shall have amended its housing element to identify replacement sites by street address for housing for lower-income households. Additionally, the Department of Housing and Community Development shall have received and reviewed the amendment and found that the city's housing element continues to comply with this article.

(6) The county and receiving city or cities shall have completed, and provided to the department, the annual report required by



subdivision (b) of Section 65400.

(7) For a period of five years after a transfer occurs, the report required by subdivision (b) of Section 65400 shall include information on the status of transferred units, implementation of the terms and conditions of the transfer agreement, and information on any dwelling units actually constructed, including the number, type, location, and affordability requirements.

(8) The receiving city demonstrates that it has met, in the current or previous housing element cycle, at least 20 percent of its share of the regional need for housing for very low-income households allocated to the city pursuant to Section 65584.

(b) The credit that the county receives pursuant to this section shall not exceed 40 percent of the number of units that are affordable to lower income households and constructed and occupied during the same housing element cycle in unincorporated areas of the county. The county shall only receive the credit after the units have been constructed and occupied. Within 60 days of issuance of a certificate of occupancy for the units, the county shall inform the council of governments and the department in writing that a certificate of occupancy has been issued.

(c) Concurrent with the review by the council of governments prescribed by this section, the Department of Housing and Community Development shall evaluate the agreement to determine whether the city or cities are in substantial compliance with this section. The department shall report the results of its evaluation to the county and city or cities for inclusion in their record of compliance with this section.

(d) If at the end of the five-year period identified in subdivision (c) of Section 65583, any percentage of the regional share allocation has not been constructed as provided pursuant to subdivision (a), or, after consultation with the department, the council of governments determines that the requirements of paragraphs (5) and (7) of subdivision (a) have not been substantially complied with, the council of governments shall add the unbuilt units to Napa County's regional share allocation for the planning period of the next periodic update of the housing element.

(e) Napa County shall not meet a percentage of its share of the regional share pursuant to subdivision (a) on or after June 30, 2007, unless a later enacted statute, that is enacted before June 30, 2007, deletes or extends that date.

65585. (a) In the preparation of its housing element, each city and county shall consider the guidelines adopted by the department pursuant to Section 50459 of the Health and Safety Code. Those guidelines shall be advisory to each city or county in the preparation of its housing element.

(b) At least 90 days prior to adoption of its housing element, or at least 60 days prior to the adoption of an amendment to this element, the planning agency shall submit a draft element or draft amendment to the department. The department shall review the draft and report its written findings to the planning agency within 90 days of its receipt of the draft in the case of an adoption or within 60 days of its receipt in the case of a draft amendment.

(c) In the preparation of its findings, the department may consult with any public agency, group, or person. The department shall receive and consider any written comments from any public agency, group, or person regarding the draft or adopted element or amendment under review.

(d) In its written findings, the department shall determine



whether the draft element or draft amendment substantially complies with the requirements of this article.

(e) Prior to the adoption of its draft element or draft amendment, the legislative body shall consider the findings made by the department. If the department's findings are not available within the time limits set by this section, the legislative body may act without them.

(f) If the department finds that the draft element or draft amendment does not substantially comply with the requirements of this article, the legislative body shall take one of the following actions:

(1) Change the draft element or draft amendment to substantially comply with the requirements of this article.

(2) Adopt the draft element or draft amendment without changes. The legislative body shall include in its resolution of adoption written findings which explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with the requirements of this article despite the findings of the department.

(g) Promptly following the adoption of its element or amendment, the planning agency shall submit a copy to the department.

(h) The department shall, within 90 days, review adopted housing elements or amendments and report its findings to the planning agency.

65585.1. (a) The San Diego Association of Governments (SANDAG), if it approves a resolution agreeing to participate in the self-certification process, and in consultation with the cities and county within its jurisdiction, its housing element advisory committee, and the department, shall work with a qualified consultant to determine the maximum number of housing units that can be constructed, acquired, rehabilitated, and preserved as defined in paragraph (11) of subdivision (e) of Section 33334.2 of the Health and Safety Code, and the maximum number of units or households that can be provided with rental or ownership assistance, by each jurisdiction during the third and fourth housing element cycles to meet the existing and future housing needs for low- and very low income households as defined in Sections 50079.5, 50093, and 50105 of the Health and Safety Code, and extremely low income households. The methodology for determining the maximum number of housing units that can be provided shall include a recognition of financial resources and regulatory measures that local jurisdictions can use to provide additional affordable lower income housing. This process is intended to identify the available resources that can be used to determine the maximum number of housing units each jurisdiction can provide. The process acknowledges that the need to produce housing for low-, very low, and extremely low income households may exceed available resources. The department and SANDAG, with input from its housing element advisory committee, the consultant, and local jurisdictions, shall agree upon definitions for extremely low income households and their affordable housing costs, the methodology for the determination of the maximum number of housing units and the number each jurisdiction can produce at least one year before the due date of each housing element revision, pursuant to paragraph (4) of subdivision (e) of Section 65588. If SANDAG fails to approve a resolution agreeing to participate in this pilot program, or SANDAG and the department fail to agree upon the methodology by which the maximum number of housing units is determined, then local



jurisdictions may not self-certify pursuant to this section.

(1) The "housing element advisory committee" should include representatives of the local jurisdictions, nonprofit affordable housing development corporations and affordable housing advocates, and representatives of the for-profit building, real estate and banking industries.

(2) The determination of the "maximum number of housing units" that the jurisdiction can provide assumes that the needs for low-, very low, and extremely low income households, including those with special housing needs, will be met in approximate proportion to their representation in the region's population.

(3) A "qualified consultant" for the purposes of this section means an expert in the identification of financial resources and regulatory measures for the provision of affordable housing for lower income households.

(b) A city or county within the jurisdiction of the San Diego Association of Governments that elects not to self-certify, or is ineligible to do so, shall submit its housing element or amendment to the department, pursuant to Section 65585.

(c) A city or county within the jurisdiction of the San Diego Association of Governments that elects to self-certify shall submit a self-certification of compliance to the department with its adopted housing element or amendment. In order to be eligible to self-certify, the legislative body, after holding a public hearing, shall make findings, based on substantial evidence, that it has met the following criteria for self-certification:

(1) The jurisdiction's adopted housing element or amendment substantially complies with the provisions of this article, including addressing the needs of all income levels.

(2) For the third housing element revision, pursuant to Section 65588, the jurisdiction met its fair share of the regional housing needs for the second housing element revision cycle, as determined by the San Diego Association of Governments.

In determining whether a jurisdiction has met its fair share, the jurisdiction may count each additional lower income household provided with affordable housing costs. Affordable housing costs are defined in Section 6918 for renters, and in Section 6925 for purchasers, of Title 25 of the California Code of Regulations, and in Sections 50052.5 and 50053 of the Health and Safety Code, or by the applicable funding source or program.

(3) For subsequent housing element revisions, pursuant to Section 65588, the jurisdiction has provided the maximum number of housing units as determined pursuant to subdivision (a), within the previous planning period.

(A) The additional units provided at affordable housing costs as defined in paragraph (2) in satisfaction of a jurisdiction's maximum number of housing units shall be provided by one or more of the following means:

(i) New construction.

(ii) Acquisition.

(iii) Rehabilitation.

(iv) Rental or ownership assistance.

(v) Preservation of the availability to lower income households of affordable housing units in developments which are assisted, subsidized, or restricted by a public entity and which are threatened with imminent conversion to market rate housing.

(B) The additional affordable units shall be provided in approximate proportion to the needs defined in paragraph (2) of subdivision (a).

(4) The city or county provides a statement regarding how its



adopted housing element or amendment addresses the dispersion of lower income housing within its jurisdiction, documenting that additional affordable housing opportunities will not be developed only in areas where concentrations of lower income households already exist, taking into account the availability of necessary public facilities and infrastructure.

(5) No local government actions or policies prevent the development of the identified sites pursuant to Section 65583, or accommodation of the jurisdiction's share of the total regional housing need, pursuant to Section 65584.

(d) When a city or county within the jurisdiction of the San Diego Association of Governments duly adopts a self-certification of compliance with its adopted housing element or amendment pursuant to subdivision (c), all of the following shall apply:

(1) Section 65585 shall not apply to the city or county.

(2) In any challenge of a local jurisdiction's self-certification, the court's review shall be limited to determining whether the self-certification is accurate and complete as to the criteria for self-certification. Where there has not been a successful challenge of the self-certification, there shall be a rebuttable presumption of the validity of the housing element or amendment.

(3) Within six months after the completion of the revision of all housing elements in the region, the council of governments, with input from the cities and county within its jurisdiction, the housing element advisory committee, and qualified consultant shall report to the Legislature on the use and results of the self-certification process by local governments within its jurisdiction. This report shall contain data for the last planning period regarding the total number of additional affordable housing units provided by income category, the total number of additional newly constructed housing units, and any other information deemed useful by SANDAG in the evaluation of the pilot program.

(e) This section shall become inoperative on June 30, 2010, and as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

65585.2. Notwithstanding any other provision of law, any city or county that has a housing element that has been self-certified pursuant to the requirements of Section 65585.1 shall be considered to be fully eligible to participate in any program created by, or receiving funds through, the Housing and Emergency Shelter Trust Fund Act of 2002 in an identical manner and to the same degree, as those local jurisdictions deemed in substantial compliance with the requirements of this article by the Department of Housing and Community Development pursuant to Section 65585.

65586. Local governments shall conform their housing elements to the provisions of this article on or before October 1, 1981. Jurisdictions with housing elements adopted before October 1, 1981, in conformity with the housing element guidelines adopted by the Department of Housing and Community Development on December 7, 1977, and located in Subchapter 3 (commencing with Section 6300) of Chapter 6 of Part 1 of Title 25 of the California Administrative Code, shall be deemed in compliance with this article as of its effective date. A locality with a housing element found to be adequate by the



(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Notwithstanding subdivision (b) or the date of adoption of the housing elements previously in existence, the dates of revisions for the housing element shall be modified as follows:

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: December 31, 2000, for the third revision, and June 30, 2006, for the fourth revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: December 31, 2001, for the third revision, and June 30, 2007, for the fourth revision.

(3) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(4) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(5) Local governments within the regional jurisdiction of the San Diego Association of Governments: December 31, 1999, for the third revision cycle ending June 30, 1999, and June 30, 2005, for the fourth revision.

(6) All other local governments: December 31, 2003, for the third revision, and June 30, 2009, for the fourth revision.

(7) Subsequent revisions shall be completed not less often than at five-year intervals following the fourth revision.

65588.1. (a) The planning period of existing housing elements prepared pursuant to subdivision (b) of Section 65588 shall be extended through the housing element due date prescribed in subdivision (e) of Section 65588. Local governments shall continue to implement the housing program of existing housing elements and the annual review pursuant to Section 65400.

(b) The extension provided in this section shall not limit the existing responsibility under subdivision (b) of Section 65588 of any jurisdiction to adopt a housing element in conformance with this article.

(c) It is the intent of the Legislature that nothing in this section shall be construed to reinstate any mandates pursuant to Chapter 1143 of the Statutes of 1980 suspended by the Budget Act of 1993-94.

65589. (a) Nothing in this article shall require a city, county, or city and county to do any of the following:

(1) Expend local revenues for the construction of housing, housing subsidies, or land acquisition.

(2) Disapprove any residential development which is consistent with the general plan.

(b) Nothing in this article shall be construed to be a grant of authority or a repeal of any authority which may exist of a local



(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Notwithstanding subdivision (b) or the date of adoption of the housing elements previously in existence, the dates of revisions for the housing element shall be modified as follows:

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: December 31, 2000, for the third revision, and June 30, 2006, for the fourth revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: December 31, 2001, for the third revision, and June 30, 2007, for the fourth revision.

(3) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(4) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(5) Local governments within the regional jurisdiction of the San Diego Association of Governments: December 31, 1999, for the third revision cycle ending June 30, 1999, and June 30, 2005, for the fourth revision.

(6) All other local governments: December 31, 2003, for the third revision, and June 30, 2009, for the fourth revision.

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(b) The extension provided in this section shall not limit the existing responsibility under subdivision (b) of Section 65588 of any jurisdiction to adopt a housing element in conformance with this article.

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65589. (a) Nothing in this article shall require a city, county, or city and county to do any of the following:

(1) Expend local revenues for the construction of housing, housing subsidies, or land acquisition.

(2) Disapprove any residential development which is consistent with the general plan.

(b) Nothing in this article shall be construed to be a grant of authority or a repeal of any authority which may exist of a local



government to impose rent controls or restrictions on the sale of real property.

(c) Nothing in this article shall be construed to be a grant of authority or a repeal of any authority which may exist of a local government with respect to measures that may be undertaken or required by a local government to be undertaken to implement the housing element of the local general plan.

(d) The provisions of this article shall be construed consistent with, and in promotion of, the statewide goal of a sufficient supply of decent housing to meet the needs of all Californians.

65589.3. In any action filed on or after January 1, 1991, taken to challenge the validity of a housing element, there shall be a rebuttable presumption of the validity of the element or amendment if, pursuant to Section 65585, the department has found that the element or amendment substantially complies with the requirements of this article.

65589.4. (a) A multifamily residential housing project shall be a permitted use not subject to a conditional use permit on any parcel zoned for multifamily housing if it satisfies the requirements of subdivision (b) and either of the following:

(1) The project satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The project meets all of the following criteria:

(A) The project is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the project may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The project is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that a project shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the project site has not been rezoned to conform with a more recently adopted general plan.

(C) The project is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction within five years of the date the application for the project was deemed complete:

(i) A general plan.

(ii) A revision or update to the general plan that includes at least the land use and circulation elements.

(iii) An applicable community plan.

(iv) An applicable specific plan.

(D) The project consists of not more than 100 residential units with a minimum density of not less than 12 units per acre.

(E) The project is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with population density of at least 5,000 persons per square mile or, if the project consists of 50 or fewer units, within an



incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The project is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.

(b) At least 10 percent of the units of the project shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the project shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing is a critical problem that threatens the economic, environmental, and social quality of life in California.

(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments that contribute to meeting the housing need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in



filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low- or moderate-income households or condition approval, including through the use of design review standards, in a manner that renders the project infeasible for development for the use of very low, low- or moderate-income households unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588 and that is in substantial compliance with this article, and the development project is not needed for the jurisdiction to meet its share of the regional housing need for very low, low-, or moderate-income housing.

(2) The development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.

(4) The development project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a housing element in substantial compliance with this article. This subdivision cannot be utilized to disapprove a housing development project defined in subdivision (a) if the development project is proposed on a site that is identified for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the



jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development project. Nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of either of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Neighborhood" means a planning area commonly identified as such in a community's planning documents, and identified as a neighborhood by the individuals residing and working within the neighborhood. Documentation demonstrating that the area meets the definition of neighborhood may include a map prepared for planning purposes which lists the name and boundaries of the neighborhood.

(6) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.



(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are

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fulfilled.

(1) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure, all or part of the record may be filed (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

65589.6. In any action taken to challenge the validity of a decision by a city, county, or city and county to disapprove a project or approve a project upon the condition that it be developed at a lower density pursuant to Section 65589.5, the city, county, or city and county shall bear the burden of proof that its decision has conformed to all of the conditions specified in Section 65589.5.

65589.7. (a) The housing element adopted by the legislative body and any amendments made to that element shall be delivered to all public agencies or private entities that provide water services at retail or sewer services within the territory of the legislative body. When allocating or making plans for the allocation of available and future resources or services designated for residential use, each public agency or private entity providing water services at retail or sewer services, shall grant a priority for the provision of these available and future resources or services to proposed housing developments which help meet the city's, county's, or city and county's share of the regional housing need for lower income households as identified in the housing element adopted by the legislative body and any amendments made to that element.

(b) This section is intended to neither enlarge nor diminish the existing authority of a city, county or city and county in adopting a housing element. Failure to deliver a housing element adopted by the legislative body or amendments made to that element, to a public agency or private entity providing water services at retail or sewer services shall not invalidate any action or approval of a development project. The special districts which provide water services at retail or sewer services related to development, as defined in subdivision (e) of Section 56426, are included within this section.

(c) As used in this section, "water services at retail" means supplying water directly to the end user or consumer of that water, and does not include sale by a water supplier to another water supplier for resale.

65589.8. A local government which adopts a requirement in its housing element that a housing development contain a fixed percentage of affordable housing units, shall permit a developer to satisfy all or a portion of that requirement by constructing rental housing at affordable monthly rents, as determined by the local government.

Nothing in this section shall be construed to expand or contract the authority of a local government to adopt an ordinance, charter amendment, or policy requiring that any housing development contain a fixed percentage of affordable housing units.





RESOLUTION NO. 10-091

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING THE 2006-2014 CARSON HOUSING ELEMENT UPDATE, AMENDING THE GENERAL PLAN AND ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. State law requires all cities to update the Housing Element for the planning period of January 1, 2006 through June 30, 2014. The city's current housing element was certified by the State Housing and Community Development Department (HCD) in July 2002.

Section 2. On May 12, 2009, the Planning Commission held a public hearing on the draft Housing Element, and after receiving public testimony made a unanimous motion authorizing staff to submit the draft element to HCD for review and comment and recommended approval of the element by the Carson City Council. Since that time, staff worked with HCD to make the necessary modifications to the element in order to obtain certification of the element by HCD.

Section 3. On August 5, 2010, pursuant to the requirements of California Environmental Quality Act (CEQA), a Notice of Intent to adopt a Negative Declaration and of the public hearing to adopt the 2006-2014 Carson Housing Element Update was filed with the Los Angeles County Recorder's office.

Section 4. A public hearing was duly held on September 7, 2010, at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearing.

Section 5. The City Council hereby finds that:

- a) The Initial Study was prepared in compliance with the requirements of CEQA which found that there would be no significant environmental impacts created by the proposed 2006-2014 Carson Housing Element Update amending the General Plan and a Negative Declaration was prepared.
- b) The proposed Housing Element Update is consistent with the goals, policies programs, and land uses of applicable elements of the General Plan. The Housing Element sets forth policies to encourage quality affordable residential construction, mixed-use developments, and maintaining/improving residential neighborhoods. This is consistent with the policies in the Land Use Element.

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- c) The proposed Housing Element Update will promote the public health, safety, and general welfare. Furthermore, the element provides policies and programs to increase affordable housing opportunities within Carson and provides programs/policies to address housing for special needs homeless/disabled populations.

Section 6. Based on the aforementioned findings, the City Council hereby adopts a Negative Declaration and adopts the Carson 2006-2014 Housing Element Update amending the General Plan.

Section 7. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

PASSED, APPROVED and ADOPTED this 7th day of September, 2010.

Mayor Jim Dear

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 10-091

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CARSON, CALIFORNIA, ADOPTING THE 2006-2014
CARSON HOUSING ELEMENT UPDATE, AMENDING THE
GENERAL PLAN AND ADOPTING A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND
ORDERS AS FOLLOWS:

Section 1. State law requires all cities to update the Housing Element for the planning period of January 1, 2006 through June 30, 2014. The city's current housing element was certified by the State Housing and Community Development Department (HCD) in July 2002.

Section 2. On May 12, 2009, the Planning Commission held a public hearing on the draft Housing Element, and after receiving public testimony made a unanimous motion authorizing staff to submit the draft element to HCD for review and comment and recommended approval of the element by the Carson City Council. Since that time, staff worked with HCD to make the necessary modifications to the element in order to obtain certification of the element by HCD.

Section 3. On August 5, 2010, pursuant to the requirements of California Environmental Quality Act (CEQA), a Notice of Intent to adopt a Negative Declaration and of the public hearing to adopt the 2006-2014 Carson Housing Element Update was filed with the Los Angeles County Recorder's office.

Section 4. A public hearing was duly held on September 7, 2010 and September 21, 2010, at Carson City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meetings was duly given. Evidence, both written and oral, was duly presented to and considered by the City Council at the said hearing.

Section 5. The City Council hereby finds that:

- a) The Initial Study was prepared in compliance with the requirements of CEQA which found that there would be no significant environmental impacts created by the proposed 2006-2014 Carson Housing Element Update amending the General Plan and a Negative Declaration was prepared.
- b) The proposed Housing Element Update is consistent with the goals, policies programs, and land uses of applicable elements of the General Plan. The Housing Element sets forth policies to encourage quality affordable residential construction, mixed-use developments, and maintaining/improving residential neighborhoods. This is consistent with the policies in the Land Use Element.

EXHIBIT NO. - 3

[MORE]



RESOLUTION NO. 10-091

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CARSON, CALIFORNIA, ADOPTING THE 2006-2014
CARSON HOUSING ELEMENT UPDATE, AMENDING THE
GENERAL PLAN AND ADOPTING A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY FINDS, RESOLVES, AND
ORDERS AS FOLLOWS:

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[MORE]



- c) The proposed Housing Element Update will promote the public health, safety, and general welfare. Furthermore, the element provides policies and programs to increase affordable housing opportunities within Carson and provides programs/policies to address housing for special needs, homeless and disabled populations.
- d) The City Council finds that the proposed Housing Element has been prepared in accordance with all applicable provisions of state law. The proposed Housing Element, will not, in it and of itself, change prevailing patterns of development and will not result in development that would be injurious to the City.
- e) The proposed Housing Element Update has been revised as requested by HCD to: clarify potential housing development capacity calculations for the proposed Boulevards at South Bay; to state that the Mixed-Use Carson Street zone designation dwelling unit yield calculation is based upon thirty-five (35) units per acre density; and that the CMC be amended to remove the conditional use permit requirement from all multifamily zone districts, thereby eliminating perceived potential governmental constraints and impediments to housing production.

Section 6. Based on the aforementioned findings, the City Council hereby adopts a Negative Declaration and adopts the Carson 2006-2014 Housing Element Update amending the General Plan, attached hereto as Exhibit "A", subject to certain modifications as shown on Exhibit "B" attached hereto.

Section 7. The City Clerk shall certify to the adoption of the Resolution.

PASSED, APPROVED and ADOPTED this 21st day of September, 2010.

Mayor Jim Dear

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney





CITY OF CARSON

NOTICE OF PUBLIC HEARING AND INTENTION TO ADOPT A NEGATIVE DECLARATION

ORIGINAL FILED

AUG 05 2010

LOS ANGELES, COUNTY CLERK

2006-2014 Housing Element Update

The City Council of the City of Carson, California, will conduct a Public Hearing, at which time you may be present and be heard, concerning an update to the 1998-2005 Carson Housing Element. The Housing Element update consists of the adoption of an updated Housing Element of the City of Carson General Plan. The current Housing Element, which was prepared in 2002, has been updated in accordance with Article 10.6, Sections 65580-65589.5 of the California Government Code. This includes, but is not limited to, updating the population and housing characteristics to reflect current conditions, including the housing needs estimates for the City of Carson presented in SCAG's Regional Housing Needs Assessment for the 2006-2014 planning period; examining the current inventory of potential housing sites to determine the continued availability and appropriateness of these sites, particularly in terms of the type and density of housing to be developed; updating the Affordable Housing Strategies and Programs and extending it to cover the 2006-2014 planning period; and reexamining and updating constraints on the production, maintenance, and affordability of housing to reflect current conditions.

Also to be considered in conjunction with the subject matter will be a Negative Declaration that has been prepared pursuant to the California Environmental Quality Act. After reviewing the Initial Study and any applicable mitigating measures for the project, the Planning Division has determined that this project will not have a significant effect on the environment. Accordingly, a Negative Declaration has been prepared.

The City will receive public comments on this Negative Declaration during a 30 day public comment period which will expire on September 4, 2010.

If you challenge the approval or denial of this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at or prior to, the public hearing. If you are no longer the owner of the property, please forward this notice of hearing to the current owner.

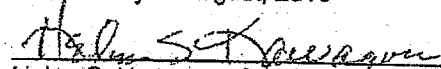
Address any communications to the office of the Planning Division, 701 East Carson Street, Carson, California 90745. Documents and additional information may be obtained from Zak Gonzalez II, Planner of the Planning Division, City Hall, or by telephone (310) 952-1761.

TIME: 6:00 P.M., September 7, 2010.

PLACE: Council Chambers, City Hall
701 East Carson Street
Carson, California 90745

APPLICANT: City of Carson

DATED: This 3rd day of August, 2010


Helen S. Kawagoe, City Clerk
City of Carson, California

CITY HALL • 701 E. CARSON STREET • P.O. BOX 6234 • CARSON, CA 90749 • (310) 830-7600
WEBSITE: ci.carson.ca.us

EXHIBIT NO. 4 -



Initial Study/Negative Declaration

Environmental Checklist Form

1. **Project Title:** Housing Element Update
2. **Lead agency name and address:** City of Carson
701 E. Carson Street
Carson, California 90745
3. **Contact person and telephone number:** Zak Gonzalez II
(310) 952-1700 Ext: 1301
4. **Project location:** City of Carson (citywide)
5. **Project sponsor's name and address:** City of Carson
701 E. Carson Street
Carson, California 90745
6. **General plan designation:** Not Applicable
7. **Zoning:** Not Applicable
8. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or offsite features necessary for its implementation. Attach additional sheets if necessary.)

The proposed project consists of the adoption of the updated Housing Element of the City of Carson General Plan. The 2006 - 2014 Housing Element, which started preparation in 2009 and which is scheduled for adoption in September 2010, was updated in accordance with Article 10.6, Sections 65580-65589.8 of the California Government Code by:

- a. Updating the population and housing characteristics to reflect current conditions, including the housing needs estimates for the City of Carson presented in SCAG's Regional Housing Needs Assessment for the 2006-2014 planning period;
- b. Expanding and updating the discussion that addresses the housing needs of the elderly, homeless, disabled, very low-income, extremely low-income and other segments of the population, including any at-risk housing units;
- c. Updating the introductory section of the element, including discussion on the purpose and content of the element and its relationship to the other elements of the City's General Plan, as well as discussing recently-enacted changes to State Housing Element law;
- d. Identifying the data sources used in updating the element along with the opportunities that were extended for the public to participate in the update process;



- e. Examining the appropriateness of the City's housing goals and the City's accomplishments since the last Housing Element was updated in 2002;
- f. Examining the current inventory of potential housing sites to determine the continued availability and appropriateness of these sites, particularly in terms of the type and density of housing to be developed;
- g. Analyzing the inventory of vacant land for its potential to support new housing construction;
- h. Analyzing the availability and adequacy of public services, facilities and infrastructure, as well as any physical/environmental constraints existing on vacant land, underutilized or redevelopable land, and surplus government property;
- i. Updating the discussion of both governmental and non-governmental factors that affect the availability and cost of housing to determine whether they represent actual or potential constraints, if either;
- j. Reexamining the policies contained in the 1998 - 2005 Housing Element to determine their continued relevancy to the community's needs and attitudes;
- k. Examining the opportunities for energy conservation in new residential development;
- l. Updating the Affordable Housing Strategies and Programs and extending it to cover the current 7½-year period; and
- m. Reexamining the implementation measures discussed in the 1998 - 2005 Housing Element to determine their effectiveness in addressing the City's housing policies, including the discussion on new implementation measures addressing the following:
 - (1) The identification of adequate sites with appropriate zoning, development standards, and public services, and facilities to achieve the stated housing goals and objectives;
 - (2) The adequate provision of housing for all economic segments of the community;
 - (3) The removal of governmental and non-governmental constraints, where possible;
 - (4) The conservation and improvement of the City's existing affordable housing stock, including the preservation or replacement of any at-risk housing, if any; and
 - (5) The continued accessibility to decent housing for all persons.



9. The following discussion offers an explanation in addition to the explanations for every "No Impact" answer on the checklist:

The adoption of the updated Housing Element will not in itself result in any environmental impact as the project is a policy document on housing issues. Further, the adoption of the element will not result in any change in the physical conditions that exist in the City. Based on the amount of residentially zoned vacant land available in the City and the maximum unit densities established by the General Plan Land Use Element, It was determined that a maximum of approximately 2,487 new units can be built in the City under the governance of the current municipal code. Potential housing units were counted for each parcel in the City under the current maximum general plan densities permitted, solely for vacant parcels, and in all areas of the city, where housing is permitted in one form or another.

Environmental impacts resulting from the anticipated development of approximately 2,487 new residential units (full residential buildout based on net density) have been previously documented and addressed in the Draft Environmental Impact Report (EIR) for the Carson General Plan (re-circulated), July 2003. Furthermore, mitigation measures that are integrated into the General Plan EIR will reduce the level of impacts to less than significant. Moreover, the updated element does not introduce new impacts that have not been previously addressed in the EIR for the Carson General Plan.

The adoption of the updated Housing Element will not change nor conflict with any of the existing policies of the General Plan that perform as mitigation measures. The updated Housing Element foresees the potential development of approximately 2,487 net new residential units within the planning period of the updated element compared to 1,047 units identified in the inventory included in previously adopted (2002) Housing Element. Although the updated element identifies more units at full buildout (on vacant land) compared to the previous element, the impacts of this additional increment of housing has been addressed in the Draft Environmental Impact Report (EIR) for the Carson General Plan (re-circulated), July 2003. Hence, no new analysis of environmental impacts is warranted.

The level and significance of environmental impacts resulting from future projects will be further assessed through a Negative Declaration or EIR that may be prepared for site specific developments.

10. Surrounding Land Uses and Setting: Briefly describe the project's surroundings.

The City of Carson covers approximately 19.2 square miles in the southern area of Los Angeles County. See Exhibit 1, Regional Location. It is located in the South Bay/Harbor area of the County and is bordered by Long Beach to the east, Compton to the north, Torrance to the west, and Los Angeles to the south and west. Unincorporated areas of Los Angeles County also surround Carson to the north, east and west. The western boundary of the City is formed by Interstate 110 (south of 190th Street/Victoria Street) and by Figueroa Street (north of 190th Street/Victoria Street). The northernmost boundary is Alondra Street until it enters the City of Compton at Haskins Avenue. The majority of the City is located south of State Route 91. The southern boundary generally follows Lomita Boulevard, while the eastern boundary is rather erratic following portions of Central Avenue, Wilmington Avenue, Interstate 710, Santa Fe Avenue and just west of the Union Pacific Railroad lines. See Exhibit 2, *Planning Area*, which forms a portion of the eastern boundary of the City; Redondo Beach/Artesia Freeway (State Route 91)

in the northern portion of the City; and the Harbor Freeway (Interstate 110) which forms much of the western boundary.

The City of Carson is relatively flat with most elevations ranging between 20 to 40 feet above sea level with the exception of Dominguez Hills in where elevations reach 195 feet above sea level. The lowest points in the City are at Del Amo Park (five feet below sea level) and under water in the Dominguez Channel (almost 15 feet below sea level).

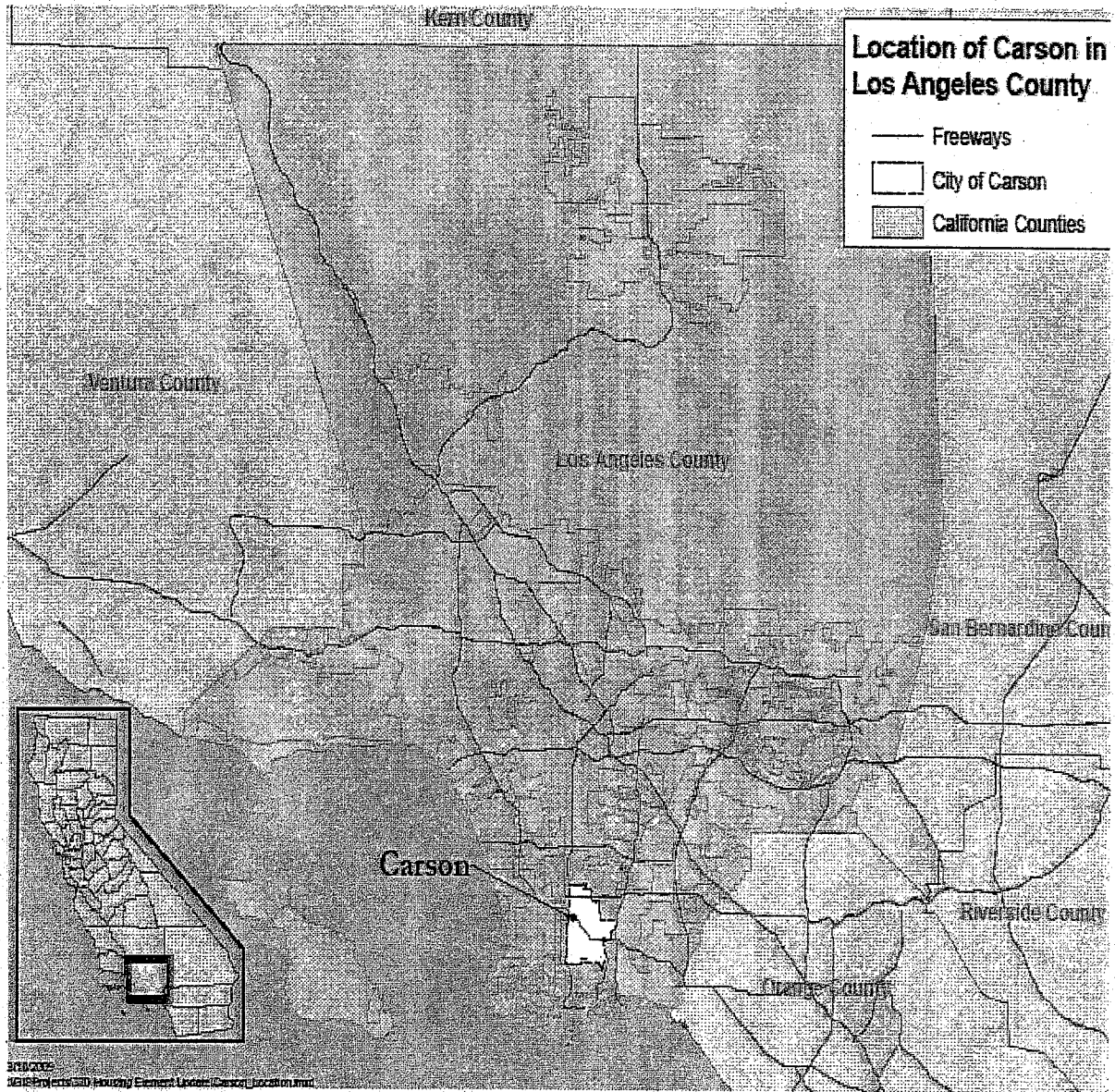
Though considered an urban city, Carson has an abundance of recreational activities. There are 14 city-operated parks in the City of Carson (including two mini-parks), as well as one county-operated park, three public swimming pools (one county-operated), two golf courses (non-city operated), a 25,000-square foot Sports Complex, and a 31,000 square foot Community Center.

11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

The State Department of Housing and Community Development will be requested to certify the updated Housing Element for compliance with State law.



Figure 1
Regional Location Map
City of Carson



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology / Soils |
| ☐ Hazards and Hazardous Materials | ☐ Hydrology / Water Quality | ☐ Land Use / Planning |
| ☐ Mineral Resources | ☐ Noise | ☐ Population / Housing |
| ☐ Public Services | ☐ Recreation | ☐ Transportation / Traffic |
| ☐ Utilities / Service Systems | ☐ Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an EIR is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

City of Carson
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- a. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factor as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
- b. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- c. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- d. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- e. Earlier analyses may be used where, pursuant to the tiring, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - (1) Earlier Analysis Used. Identify and state where they are available for review.
 - (2) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (3) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- f. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- g. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.



- h. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- i. The explanation of each issue should identify:
 - (1) the significance criteria or threshold, if any, used to evaluate each question; and
 - (2) the mitigation measure identified, if any, to reduce the impact to less than significant.

SUPPORTING DOCUMENTATION:

City of Carson General Plan, adopted October 2004.
Draft EIR for the Carson General Plan (Re-circulated) July 2003
City of Carson General Plan 1998 – 2005 Housing Element, 2002



ENVIRONMENTAL CHECKLIST:

I AESTHETICS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- I(a) **No Impact.** The adoption of the updated Housing Element will not in itself have a substantial adverse effect on a scenic vista. In addition, there are no officially designated scenic vistas within the City of Carson. Therefore, the proposed Housing Element update would not result an adverse effect on scenic vista. In addition, no State scenic highways run through the City of Carson, therefore, there would be no impact to scenic highways.
- I(b). **No Impact.** The adoption of the updated Housing Element will not in itself substantially damage scenic resources. Since there are no important scenic resources in Carson, there is no potential to impact such resources, including trees, rock outcroppings, historic buildings or a state scenic highway.
- I(c). **No Impact.** The adoption of the updated Housing Element will not in itself substantially degrade the existing visual character or quality of the City and its surroundings. There are no officially designated scenic vistas or scenic highways within Carson. Development as a result of adoption of the Housing Element would alter Carson's visual environment and character. However, residential or mixed-use development projects would under go environmental and design review on a project-by-project basis to ensure visual compatibility and enhancement with the surrounding environment.
- I(d). **No Impact.** The adoption of the updated Housing Element will not in itself create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Issues related to substantial light and glare resulting from the anticipated future growth and development of the City will be addressed on a case-by-case basis through the City's environmental review and design review process to ensure that potential light and glare impacts are reduced to levels of insignificance.



II AGRICULTURE RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- II(a). **No Impact.** The adoption of the updated Housing Element will not in itself convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Carson has approximately 62 acres of existing farmland located within the City and although the land is currently being farmed, it is not specifically zoned for agricultural uses. Therefore, no conversion of farmland zoned for agricultural uses to nonagricultural uses would occur with implementation of the proposed General Plan.
- II(b). **No Impact.** The adoption of the updated Housing Element will not in itself conflict with existing agricultural uses, or a Williamson Act contract. There is no farmland in Carson subject to a Williamson Act contract.
- II(c). **No Impact.** The adoption of the updated Housing Element will not in itself involve changes in the existing environment, which, due to their location or nature, could result in the conversion of farmland, to non-agricultural use. As previously stated, Carson has approximately 62 acres of farmland within the City. However, the land is not specifically zoned for agricultural uses. No conversion of farmland zoned for agricultural uses to non-agricultural uses would occur with adoption of the Housing Element.



III <u>AIR QUALITY</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relief upon to make the following determinations. Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- III(a). **No Impact.** The adoption of the updated Housing Element will not in itself conflict with or obstruct implementation of the Air Quality Management Plan for the South Coast Air Basin. Air quality impacts resulting from the anticipated growth and development of the City were addressed in the EIR for the Carson General Plan in which it was determined that air quality impacts resulting from development contemplated under the General Plan would create significant and unavoidable impacts even after the incorporation of mitigation measures to reduce construction related and mobile sources of emissions. The adoption of a Statement of Overriding Considerations (SOC) determined that the benefits of accommodating new development contemplated in the General Plan outweighed the detrimental air quality impacts it would cause.
- III(b). **No Impact.** The adoption of the updated Housing Element will not in itself violate any air quality standard or contribute substantially to an existing or projected air quality violation. The violation of air quality standards resulting from the anticipated growth and development of the City were addressed in the EIR for the Carson General Plan in which it was determined that said violations of air quality impacts resulting from development contemplated under the General Plan would create significant and unavoidable impacts even after the incorporation of mitigation measures to reduce construction related and mobile sources of emissions. The adoption of a Statement of Overriding Considerations (SOC) determined that the benefits of accommodating new development contemplated in the General Plan outweighed the detrimental air quality impacts it would cause.
- III(c). **No Impact.** The adoption of the updated Housing Element will not in itself result in a cumulatively considerable net increase of any criteria pollutant. Impacts associated with cumulatively significant levels of pollutants resulting from the anticipated growth and development of the City were addressed in the EIR for the Carson General Plan in which it was determined that said cumulatively significant air quality impacts resulting from development contemplated under the General Plan would create significant and unavoidable impacts even after the incorporation of mitigation measures to reduce construction related and mobile sources of emissions. The adoption of a Statement of

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Overriding Considerations (SOC) determined that the benefits of accommodating new development contemplated in the General Plan outweighed the detrimental air quality impacts it would cause.

III(d). **No Impact.** The adoption of the updated Housing Element will not in itself expose sensitive receptors to substantial pollutant concentrations. Impacts associated with air quality impacts on sensitive receptors resulting from the anticipated growth and development of the City were addressed in the EIR for the Carson General Plan in which it was determined that said impacts would create significant and unavoidable impacts even after the incorporation of mitigation measures to reduce construction related and mobile sources of emissions. The adoption of a Statement of Overriding Considerations (SOC) determined that the benefits of accommodating new development contemplated in the General Plan outweighed the detrimental air quality impacts it would cause. Nevertheless, the level and significance of impacts associated with the exposure of sensitive receptors to substantial pollutant concentrations will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments.

III(e). **No Impact.** The adoption of the updated Housing Element will not in itself create objectionable odors affecting a substantial number of people. No significant impacts associated with the creation of objectionable odors resulting from the anticipated development of the City's vacant residentially zoned lands have been identified in the EIR for the Carson General Plan. The level and significance of impacts associated with the creation of objectionable odors that could affect a substantial number of people will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments.

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IV BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Explanation of Checklist Judgements:

IV(a). **No Impact.** The adoption of the updated Housing Element will not in itself have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species. The adopted General Plan EIR indicates that there are no sensitive or special status species in the City.

IV(b). **No Impact.** The adoption of the updated Housing Element will not in itself have a substantial effect on any riparian habitat or other sensitive natural community. Riparian habitat currently only exists at the Carson Harbor Village Mobile Home Park located within the northwest portion of the City. This area has been identified and currently has deed restrictions to protect the habitat. Adoption of the Housing Element would not adversely affect this riparian habitat.

IV(c). **No Impact.** Approximately 17 acres of wetlands currently exist at the Carson Harbor Village Mobile Home Park located within the northwest portion of the City. As previously stated, this area has been identified and has deed restrictions to protect the wetland habitat. Adoption of the updated Housing Element would not adversely affect any federally protected wetlands.



- IV(d). **No Impact.** The adoption of the updated Housing Element will not in itself interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. No such wildlife corridors exist in Carson.
- IV(e). **No Impact.** The adoption of the updated Housing Element will not in itself conflict with any local policies or ordinances protecting biological resources. Carson does not have any local policies or ordinances protecting biological resources or tree preservation policy. As a result, adoption of the updated Housing Element of the General Plan would not conflict with any local policies or ordinances protecting biological resources.
- IV(f). **No Impact.** The adoption of the updated Housing Element will not in itself conflict with the provisions of any other approved local, regional, or state habitat conservation plan. There are not such plans applicable to any area of the City. Therefore, adoption of the updated Housing Element will not change nor conflict with any such plans.

V CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- V(a). **No Impact.** The adoption of the updated Housing Element will not in itself cause a substantial adverse change in the significance of a historical resource. Impacts on historical resources resulting from the anticipated growth and development of the City or from the removal, modification or demolition of existing residential units have been addressed in the EIR for the Carson General Plan. Mitigation measures included in the EIR for the Carson General Plan will reduce all significant impacts to a level of less than significant.
- V(b). **No Impact.** The adoption of the updated Housing Element will not in itself cause a substantial adverse change in the significance of an archaeological resource. Impacts on archaeological resources resulting from the anticipated growth and development of the City or from the removal, modification or demolition of existing residential units have been addressed in the EIR for the Carson General Plan. Mitigation measures included in the EIR for the Carson General Plan will reduce all significant impacts to a level of less than significant. Furthermore, level and significance of impacts of future residential development on the City's archaeological resources will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific developments.
- V(c). **No Impact.** The adoption of the updated Housing Element will not in itself disturb any human remains, including those interred outside of formal cemeteries. Impacts on any human remains resulting from the anticipated growth and development of the City or from the removal, modification or demolition of existing residential units have been



addressed in the EIR for the Carson General Plan. Mitigation measures included in the EIR for the Carson General Plan will reduce all significant impacts to a level of less than significant.

VI GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risk to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Explanation of Checklist Judgements:

VI(a). **No Impact.** The adoption of the updated Housing Element will not in itself expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction and landslides. Impacts (present and future) on people and property associated with geologic forces and activities have been addressed in the EIR for the Carson General Plan. Furthermore, California Building Codes have been substantially updated to protect future residential dwelling damage due to earthquake faults, seismicity, liquefaction, and landslides.

VI(b). **No Impact.** The adoption of the updated Housing Element will not in itself result in substantial soil erosion or the loss of topsoil. Impacts to soils resulting from the anticipated growth and development of the City have been addressed in the EIR for the Carson General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant.



- VI(c). **No Impact.** The adoption of the updated Housing Element will not in itself result in projects that would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts (present and future) on people and property associated with such geologic units or soils have been addressed in the EIR for the Carson General Plan. Also, the City requires soils and geology reports for projects proposed to be located in geologically unstable areas.
- VI(d). **No Impact.** The adoption of the updated Housing Element will not in itself result in projects that would be located on expansive soils, creating substantial risk to life or property. Impacts (present and future) on people and property associated with expansive soils have been addressed in the EIR for the Carson General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant. The level and significance of such impacts will be further assessed through a detailed soils and geological investigations for site specific developments.
- VI(e). **No Impact.** None of the new housing development envisioned in the updated element will be served by septic tanks or alternative wastewater disposal systems.

VII HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- VII(a). **No Impact.** The adoption of the updated Housing Element and the anticipated continued residential development of the City does not involve the routine transport, use, or disposal of hazardous materials. Further, issues relative to hazardous materials transport have been addressed in the EIR for the Carson General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce all significant impacts to a level of less than significant.
- VII(b). **No Impact.** The adoption of the updated Housing Element will not, in and of itself, create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, impacts relative to hazardous materials, including the accidental release of hazardous materials associated with future development, have been described as significant and unavoidable in the EIR for the Carson General Plan.
- Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures will reduce some, but not all, impacts to a level of less than significant. Consequently, a Statement of Overriding Considerations (SOC) was adopted which described the benefits of allowing future development in Carson contemplated in the General Plan despite unavoidable hazardous wastes impacts. Furthermore, goals and policies in the General Plan require the preparation of site specific studies and mitigation plans for projects on a case-by-case basis where hazardous wastes may impact future development.
- VII(c). **No Impact.** The adoption of the updated Housing Element itself will not result in hazardous waste emissions. However, anticipated continued residential development of the City may have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. These impacts were addressed in the EIR for the Carson General Plan and, in some instances, will be significant and unavoidable. When warranted, however, separate analyses of hazardous materials exposure (ground contamination, oil well contamination, asbestos, lead-based paint, etc), will be undertaken for individual future projects which will be required to implement measures to insure that future residents and the community as a whole are protected from hazardous wastes or emissions.
- VII(d). **No Impact.** The updated Housing Element does not promote the development of housing on sites which are included on a list of hazardous materials complied pursuant to Government Code Section 65962.5
- VII(e). **No Impact.** The adoption of the updated Housing Element and the anticipated continued residential development of the City related to LAX aviation hazards have been addressed in the Carson General Plan. No Mitigation measures were deemed necessary in the General Plan EIR beyond existing policies in the General Plan which address aviation hazards.
- VII(f). **No Impact.** There are no private airports in Carson or within the Carson vicinity.



VII(g). **No Impact.** The adoption of the updated Housing Element and the anticipated residential development of the City's vacant residentially zoned land will not have the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Further, potential impacts relative to an emergency response plan or an emergency evacuation plan have been addressed in the EIR for the Carson General Plan and were deemed less than significant.

VII(h). **No Impact.** The adoption of the updated Housing Element will not in itself expose people or structures to a significant risk of loss, injury or death involving wildland fires. There are no wild lands in the City.

VIII <u>HYDROLOGY AND WATER QUALITY</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

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Explanation of Checklist Judgements:

- VIII(a). **No Impact.** The adoption of the updated Housing Element will not in itself violate any water quality standards or waste discharge requirement. Water quality issues associated with the anticipated growth and development of the City have been addressed by policies in the General Plan and by mitigation measures in the EIR for the General Plan. Taken together, these policies and mitigation measures will reduce all potentially significant water quality impacts to a level of less than significant.
- VIII(b). **No Impact.** The adoption of the updated Housing Element will not in itself substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. However, the General Plan EIR describes the depletion of groundwater supplies as a significant and unavoidable impact even after the implementation of General Plan policies and mitigation measures. The use of reclaimed water and implementation of water saving measures are described as the most effective methods of reducing the depletion of groundwater supplies.
- VIII(c). **No Impact.** The adoption of the updated Housing Element will not in itself substantially alter existing drainage patterns in a manner that would result in substantial erosion or siltation on or offsite. Erosion or siltation resulting from the anticipated growth and development of the City has been adequately addressed by policies contained in the Carson General Plan.
- VIII(d). **No Impact.** The adoption of the updated Housing Element will not in itself substantially alter existing drainage patterns in a manner that would result in flooding on- or off-site. Potential flooding impacts associated with the anticipated growth and development in the City, have been adequately addressed by existing policies in the Carson General Plan.
- VIII(e). **No Impact.** The adoption of the updated Housing Element will not in itself create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Issues associated with runoff water resulting from the anticipated growth and development in the City, have been addressed by policies in the Carson General Plan. Furthermore, site specific drainage and storm water runoff issues will be addressed and, if necessary, fully mitigated in future environmental documentation prepared for individual projects on a case-by-case basis.
- VIII(f). **No Impact.** Through the application of the erosion control and other NPDES measures, the anticipated new housing development in the City is not expected to substantially degrade local water quality.
- VIII(g). **No Impact.** The adoption of the updated Housing Element will not in itself result in the placement of structures within a 100-year flood hazard area. Issues associated with flood hazard areas and future construction activity have been addressed in the EIR for the Carson General Plan. In addition, Carson has identified the minimization of risk and damage from flood hazards within the City as a planning goal (SAF-2). Policies SAF-2.1, 2.2, 2.3, 2.4 and 2.5 included in the adopted General Plan would decrease potential flood hazards. Also, implementation of the City's Master Plan of Drainage (combined with the policies included in the General Plan) would further reduce impacts to less than significant impacts in regards to flooding.



- VIII(h). **No Impact.** See response to VIII(g), above. The adoption of the updated Housing Element will not in itself result in the placement of structures within a 100-year flood hazard area that would impede or redirect flood flows. Issues associated with flood hazard areas and future construction activity has been addressed by policies in the General Plan.
- VIII(i). **No Impact.** The adoption of the updated Housing Element will not in itself expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Also, according to the City of Carson's SEMS Multi-hazard Functional Plan, the City is not subject to inundation associated with dam failure.
- VIII(j). **No Impact.** The adoption of the updated Housing Element and the anticipated continued residential development of the City will not in itself have a significant hazard to the public or the environment nor increase the number of persons subject to the ocean generated hazardous events. The City of Carson is located in a region that is sufficiently removed from tsunami hazards.

IX <u>LAND USE AND PLANNING</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- IX(a). **No Impact.** Adoption of the updated Housing Element will not in itself physically divide an established community. The level and significance of future development impacts will be further assessed through a Negative Declaration or an EIR that will be prepared for site-specific development.
- IX(b). **No Impact.** The updated Housing Element is consistent with all other elements of the General Plan, including its policies, and all other plans and regulations adopted for the purpose of regulating land use and avoiding or mitigating an environmental effect.
- IX(c). **No Impact.** As previously indicated, the proposed Housing Element update does not conflict with any habitat conservation plan or natural community conservation plan (see explanation for IV(f)).

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X MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result /in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- X(a). **No Impact.** The adoption of the updated Housing Element will not in itself substantially result in the loss of the availability of mineral resources, particularly petroleum resources. There are no known mineral resources in Carson.
- X(b). **No Impact.** The adoption of the updated Housing Element will not in itself substantially result in the loss of the availability of mineral resources. In addition, there are no locally important mineral resource recovery sites within the City.

XI NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- XI(a). **No Impact.** The adoption of the updated Housing Element will not in itself result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts (both current and future) associated with noise have been addressed by policies in the General Plan and by mitigations in the General Plan EIR, with the exception of roadway and railroad noise impacts which were determined to be significant and unavoidable noise impacts. All future residential projects, however, will



be analyzed for noise exposure from road and railway resources on a case-by-case basis with appropriate mitigation measures incorporated into the design of the project(s) to reduce noise impacts to less than significant levels.

- XI(b). **No Impact.** The adoption of the updated Housing Element will not in itself result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. Impacts (present and future) associated with noise and vibration have been addressed in the Carson General Plan. Goals and policies included in the General Plan will reduce all significant impacts to a level of less than significant.
- XI(c). **No Impact.** The adoption of the updated Housing Element will not in itself result in a substantial permanent increase in ambient noise levels in the City above levels existing without the project. Impacts (present and future) associated with the permanent increase in ambient noise levels in the City have been addressed in the Carson General Plan with the exception of railroad and roadway noises which will remain significant and unavoidable. All future residential projects, however, will be analyzed for noise exposure from road and railway resources on a case-by-case basis with appropriate mitigation measures incorporated into the design of the project(s) to reduce noise impacts to less than significant levels.
- XI(d). **No Impact.** The adoption of the updated Housing Element will not in itself result in a substantial temporary or periodic increase in ambient noise levels in the City above levels existing without the project. Impacts (both present and future) associated with the temporary or periodic increase in ambient noise levels in the City have been addressed in the EIR for the Carson General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures are designed to reduce all significant impacts to a level of less than significant.
- XI(e). **No Impact.** The primary source of aircraft noise within the City of Carson is the Compton Airport located immediately north of the City. At its closest distance, the runway is located approximately 3,000 feet from the City's northern boundary. It is used exclusively for general aviation and as an alternative to Los Angeles International Airport which is located about 8 miles (13 km) to the west. According to the General Plan EIR, the Compton Airport does not generate a significant high level of noise.
- XI(f). **No Impact.** No private airstrip exists within or adjacent to the City.

XII POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

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Explanation of Checklist Judgements:

- XII(a). **No Impact.** The adoption of the updated Housing Element will not in itself induce substantial population growth in the area. As required by State law, the Housing Element is designed to address the housing needs estimates forecasted for the City of Carson for this 8½-year planning period. The population growth estimated for this housing element is consistent with the housing growth estimated in the Carson General Plan. New housing development on existing and available vacant land and within the parameters of housing densities established by the Land Use Element will not induce substantial population growth beyond that estimated by the General Plan.
- XII(b). **No Impact.** The adoption of the updated Housing Element will not result in the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The City is largely built out with most residential development consisting of infill development.
- XII(c). **No Impact.** The adoption of the updated Housing Element will not result in the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere. The City is largely built out with most residential development consisting of infill development. One principal objective of the element is to facilitate housing production for future residents of the City. No aspect of the project involves the displacement of any number of people.

XIII PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?</i>				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- XIII(a). **No Impact.** The adoption of the updated Housing Element will not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities. Impacts associated with new fire protection facilities resulting from the anticipated growth and development of the City have been adequately addressed by policies in the Carson General Plan.

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- XIII(b). **No Impact.** The adoption of the updated Housing Element will not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities. Impacts associated with new police protection facilities resulting from the anticipated growth and development of the City have been adequately addressed by policies the Carson General Plan. Mitigation measures integrated into the General Plan in the form of goals, policies, and implementation measures are designed to reduce all significant impacts to a level of less than significant.
- XIII(c). **No Impact.** The adoption of the updated Housing Element will not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities. Impacts associated with new school facilities resulting from the anticipated growth and development of the City have been addressed in the EIR which found that impacts of new residential development would be significant and unavoidable. The expansion of school facilities (provided by the Compton Unified School District and the Los Angeles Unified School District) are generally funded through State resources and through the payment of school impact fees for the two school districts.
- XIII(d). **No Impact:** The adoption of the updated Housing Element will not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities. Impacts associated with new park facilities resulting from the anticipated growth and development of the City have been adequately addressed in the Carson General Plan.
- XIII(e). **No Impact.** The adoption of the updated Housing Element will not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities. Impacts associated with new public facilities resulting from the anticipated growth and development in the city, have been adequately addressed in the Carson General Plan.

XIV RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Explanation of Checklist Judgements:

- XIV(a). **No Impact.** The adoption of the updated Housing Element will not in itself result in an increase of the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Impacts to existing recreational facilities resulting from population growth have been adequately addressed in the Carson General Plan. No additional mitigation measures were proposed in the General Plan EIR.



XIV(b). **No Impact.** The updated Housing Element does not have provisions or requirements for the construction or expansion of recreational facilities. However, impacts associated with the construction or expansion of recreational facilities in response to population growth has been addressed in the Carson General Plan.

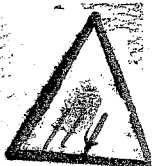
XV <u>TRANSPORTATION/TRAFFIC</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Explanation of Checklist Judgements:

XV(a). **No Impact.** The adoption of the updated Housing Element will not in itself cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. Increase in traffic resulting from the anticipated growth and development of the City has been addressed in the EIR for the Carson General Plan which concluded that most traffic impacts (traffic volumes/roadway capacities) resulting from General Plan build out would be less than significant in 2020, except for 41 roadway segments. The 41 identified deficient segments that would operate at LOS E or F in 2020. Additionally, the EIR concluded that General Plan build out would also result in inconsistencies with Congestion Management Plan (CMP) standards. Six freeway segments were identified in which the AM or PM peak hours would have increases of 0.02 or more in demand to capacity with a resulting level of service of F.

Site-specific environmental analysis will be conducted for any new residential projects in the City and the traffic impacts of any new residential development will be addressed in separate site-specific traffic studies. Traffic mitigation measures will be incorporated, where necessary, to reduce impacts on nearby streets, intersections and freeway segments.

XV(b). **No Impact.** See response to XV(a), above. The adoption of the updated Housing Element will not in itself cause to exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways. Impacts resulting from the anticipated growth and



development of the City on the level of service for roads or highways have been addressed in the EIR for the Carson General Plan have been found to be significant and unavoidable along six freeway segments in the City. However, site specific traffic studies will be prepared for new residential projects with mitigation measures included to reduce traffic impacts on the affected CMP segments.

- XV(c). **No Impact.** Adoption of the Housing Element will not have any impact on air traffic patterns, given the nature and location of the anticipated residential development. Most residential in-fill sites are located outside of established airport flight patterns..
- XV(d). **No Impact.** The adoption of the Housing Element, a policy document, does not involve construction or physical design. Therefore, hazards due to design features or incompatible uses are not likely.
- XV(e). **No Impact.** The adoption of the Housing Element, a policy document, does not involve construction or physical design. No implementation measure or policy of the element would result in the construction of residential units that could result in inadequate emergency access.
- XV(f). **No Impact.** The adoption of the Housing Element, a policy document, does not involve parking as no construction or physical design is proposed as part of the element. No implementation measure or policy of the element would result in the construction of residential units that could negatively affect parking capacity.
- XV(g). **No Impact.** None of the policies or implementation measures contained in the updated Housing Element conflict with adopted policies, plans, or programs supporting alternative modes of transportation (e.g., bus turnouts, bicycle racks).

XVI UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

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Explanation of Checklist Judgments:

- XVI(a). **No Impact.** The adoption of the updated Housing Element will not in itself cause to exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The impact of full residential build out on wastewater treatment requirements has also been addressed in the EIR for the Carson General Plan. The EIR concluded that implementation of the proposed General Plan would cause additional demand on the wastewater treatment facilities; however, these facilities would not be significantly impacted by such demands.
- XVI(b). **No Impact.** The adoption of the updated Housing Element will not in itself require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The Issues relative to environmental effects resulting from the construction of expansion of existing sewer lines have been addressed in the EIR for the Carson General Plan. The EIR concluded that implementation of the proposed General Plan would cause additional demand on the existing sewer system from increased sewage flows; however, the sewer lines (maintained by Consolidated Sewer Maintenance District) would not be significantly impacted with implementation of the proposed General Plan.
- XVI(c). **No Impact.** The adoption of the updated Housing Element will not in itself require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Issues relative to environmental effects resulting from the construction of new facilities or expansion of existing facilities have been addressed in the EIR for the Carson General Plan and were found to be less than significant. In addition, the potential need for such facilities will be addressed in site-specific studies for individual projects.
- XVI(d). **No Impact.** The adoption of the Housing Element will not in itself cause the need to build additional capacity or new sources of water, since the Housing Element is a policy document. Impacts related to future water supplies have been addressed by policies in the General Plan which the General Plan EIR found sufficient to address future water needs. In addition, as noted in the EIR, upon requests for new customer service, a site-specific evaluation of the existing water system's capacity to serve is completed. If additional water supplies and/or water system facility improvements are required, the developer may be required to pay the cost of all or portions of the needed improvements.
- XVI(e). **No Impact.** The adoption of the Housing Element will not in itself cause the need to build additional capacity for wastewater conveyance and treatment. Impacts related to future waste water conveyance and treatment have been addressed by policies in the General Plan which the General Plan EIR found sufficient to address future waste water conveyance and wastewater treatment needs.
- XVI(f). **No Impact.** A Housing Element document is not the type of project that would generate solid waste, as the project is a policy document. Impacts related to future solid waste generation and disposal have been addressed by policies in the General Plan which the General Plan EIR found sufficient to address future solid waste impacts.

XVI(g). **No Impact.** See response to XVI(g), above. A Housing Element is not a project subject to solid waste regulations as the project is a policy document, involving no new construction. Anticipated future residential development and impacts related to solid waste have been adequately addressed by policies in the Carson General Plan.

XVII MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Does the project:</i>				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Explanation of Checklist Judgements:

XVII(a). **No Impact.** The adoption of the updated Housing Element will not in itself have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. All aforementioned environmental impacts that could result from the anticipated growth and development of the City have been addressed either by policies in the Carson General Plan or by mitigation measures in the EIR for the Carson General Plan.

XVII(b). **No Impact.** The adoption of the updated Housing Element will not in itself result in impacts that are individually limited, but cumulatively considerable as the project is merely a policy document. All cumulative environmental impacts that could result from the anticipated growth and development of the City have been addressed in the EIR for the Carson General Plan. The updated Housing Element does not introduce new impacts that have not been previously addressed in the EIR for the Carson General Plan. Mitigation measures integrated into the various elements of the General Plan in the form of goals, policies, and implementation measures will reduce all cumulatively significant impacts to a level of less than significant.

XVII(c). **No Impact.** The Housing Element is a policy document that addresses various issues related to housing needs of the City of Carson. No aspect of the document, including its implementation measures has the ability to cause substantial adverse effects on human beings, either directly or indirectly.



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

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



September 7, 2010

Ms. Sheri Repp-Loadsman
Planning Manager
Economic Development Department
City of Carson
P.O. Box 6234
Carson, CA 90749

Dear Ms. Repp-Loadsman:

RE: Review of the City of Carson's Revised Draft Housing Element

Thank you for submitting Carson's revised draft housing element received on July 9, 2010 along with additional revisions on August 17 and 25, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). The review was facilitated by communications with you, Messrs. Zak Gonzalez, Associate Planner and your consultant, Dean Shearer of Wildan Engineering.

The revised draft element addresses most of the statutory requirements described in the Department's January 21, 2010 review (see link below). However, the following revisions are still necessary to comply with State housing element law (Article 10.6 of the Government Code):

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 analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing (Section 65583.2).*

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)).

EXHIBIT NO. - 6

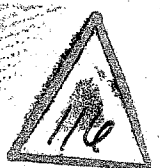


The Boulevards at South Bay: Please see the prior review. The City is relying on The Boulevards at South Bay (The Boulevards) Specific Plan to accommodate its regional housing need, particularly for lower-income households. The element identifies acreage in The Boulevards by Assessor Parcel Number (APN). However, based on conversations with the City, the area has not been subdivided, parcel numbers do not reflect anticipated parcelization from the land-use map for the specific plan and as noted (page 64), the City anticipates adoption or establishment of 5 to 10 acre parcels. As a result, the element should also list acreage in The Boulevards by anticipated parcel sizes, unique reference and realistic capacity. This is particularly important because, as described in the prior review, several sites, as listed by APN, in The Boulevards are greater than 20 acres and the element was not revised with any analysis or programs to demonstrate how these large sites can facilitate the development of housing affordable to lower-income households. ✓

Realistic Capacity: The element now describes capacity calculations in the Carson Street and Sepulveda Boulevard mixed-use overlay areas assume 55 units per acre even though the maximum allowable density is 35 units per acre. While the City provides exception to allow 55 units per acre for projects with units designated for seniors or affordable to lower-income households, residential capacity estimates should not assume all identified sites will be developed as housing for seniors or affordable to lower-income households. Capacity estimates should be calculated according to allowable densities under the City's existing zoning (i.e., 35 units per acre).

For your information, pursuant to Government Code Section 65863, local governments must ensure the inventory of sites or any site programs accommodate the regional housing need throughout the planning period of the element. In addition, no local government action shall reduce, require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density than identified in the site inventory or program unless the local government makes written findings, the reduction is consistent with the adopted General Plan, including the housing element and the remaining sites identified in it are adequate to accommodate the jurisdiction's share of the regional housing need.

As noted above, the element still does not include a complete site inventory or analysis and the adequacy of sites and zoning cannot be 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 and encourage a variety of housing types to accommodate the regional housing need. Programs to address a shortfall of sites must meet requirements pursuant to Government Code Sections 65583(a)(3) and 65583.2 (h) and (i) such as permit owner-occupied and rental multifamily uses by-right, without a conditional use permit (CUP), planned-unit development or other discretionary review or approval. Technical assistance can be found on the Department's *Building Blocks*' website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_adqsites.php#Program_Requirements. ✓



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)).*

As described in the prior review, the element must analyze and address Carson's requirement subjecting multifamily projects to a CUP in multifamily zones (page 60). The element now lists required findings and mentions findings are "rudimentary" but includes no analysis of the potential impacts of the findings on approval certainty. For example, the element includes no discussion of the potential impacts of findings such as "compatible with the intended character of the area." While the element includes a program to exempt projects seeking a density bonus, this is already required by Government Code Section 65915(f)(5). Additional review and complex discretionary findings can add significant time and uncertainty to the approval process and consequently can impact the cost and supply of housing, particularly a variety of housing types and housing affordable to low- and moderate-income households. Consequently, the element must include an analysis of the CUP requirement and a program to address the constraint. ✓

Once the element has been revised to address these requirements, it will comply with State housing element law. The Department is committed to assisting Carson in meeting the statutory requirements of housing element law. If you have questions or would like further assistance, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

Cathy E. Creswell

Cathy E. Creswell
Deputy Director

Enclosure - http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_letters/lancarson012110.pdf

