



PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 30, 2022

SUBJECT: A subsequent draft revision to the City's 6th Cycle (2021-2029) Housing Element as adopted on February 1, 2022.

APPLICANT: City of Carson
701 E. Carson Street
Carson, CA 90745

REQUEST: Recommending to the City Council adoption of: (i) an addendum to the Initial Study/Negative Declaration (IS/ND) in compliance with the California Environmental Quality Act (CEQA); and (ii) the proposed subsequent draft revision to the City's 6th Cycle (2021-2029) Housing Element as adopted on February 1, 2022 (GPA No. 22-01).

PROPERTY INVOLVED: City Wide

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson (Vacant)			Hernandez
		Vice-Chair Palmer			Huff
		Diaz			Monteclaro
		Docdocil			Rashad
		Guerra			D. Thomas
					Alt. (Vacant) Alt. Mfume Alt. Wilson

Item No. 4A

I. Background

At the September 28, 2021, Planning Commission meeting, the Commission was provided a presentation regarding the City's 2021-2029 (Sixth Cycle) Draft Housing Element update. The Planning Commission was provided a copy of the then-current Draft Housing Element update that was submitted to the California Department of Housing and Community Development (HCD). A detailed background of the update process and the City's past multi-year effort (including extensive public and other stakeholder outreach, decision maker involvement, and required environmental review) was also included in the report.

At the October 5, 2021, City Council meeting, the Council approved the recommendation from the Planning Commission to forward the Draft Housing Element to HCD for its required pre-adoption review. The Draft Housing Element was also available for public review and comments, and any comments received were considered and incorporated, in accordance with the State Housing Element Law.

On December 10, 2021, HCD provided its 2021-2029 Draft Housing Element update review letter to the City. The letter was essentially a housing element "correction list" that the City was to follow to obtain housing element compliance. Staff reviewed the State's letter and updated the Draft Housing Element in an effort to address the comments.

At the January 11, 2022, Planning Commission meeting, the Commission was provided a presentation regarding the revised City's 2021-2029 (Sixth Cycle) Draft Housing Element update. The Planning Commission was provided a copy of the revised Draft Housing Element that addressed HCD's December 10, 2021, review letter. The Planning Commission recommended that the City Council adopt a negative declaration and adopt the Draft Housing Element as then-proposed, with minor modifications.

At the February 1, 2022, City Council meeting, the Council approved the recommendation from the Planning Commission to adopt negative declaration (Exhibit 3) and the revised Draft Housing Element and the City forwarded it to HCD for its required review.

On May 6, 2022, HCD provided its second review letter (Exhibit 2) to the revised Draft Housing Element (as adopted on February 1, 2022) to the City. The letter stated that the February 1, 2022 adopted housing element addressed many statutory requirements described in HCD's December 10, 2021 review, but that additional revisions are necessary to fully comply with State Housing Element Law. Staff reviewed the State's second letter and, following informal discussions with HCD, revised the Draft Housing Element to address HCD's May 6, 2022 comments.

Staff is of the opinion that the revised Draft Housing Element, attached as Exhibit A to the proposed resolution for the Commission's consideration of a recommendation of City Council adoption, complies with the State Housing Element Law. However, following a Planning Commission recommendation and City Council adoption, the revised draft would need to be forwarded to HCD for its final review and certification of compliance with the Housing Element Law. Staff has been in contact with HCD representatives and received positive tentative feedback on the proposed revisions.

Below, staff has highlighted the three sections of the HCD review letter and the corresponding revisions to the Draft Housing Element.

II. HCD Letter and Responsive Revisions

The HCD correction letter is generally divided into three sections: (1) Housing Needs, Resources, and Constraints, (2) Housing Programs, (3) Public Participation. Below is a non-exhaustive overview of the City's revisions made in response to HCD's comments in order to obtain housing element compliance. The full changes are shown in the redline attached as Exhibit 4.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively furthering fair housing.*

- a. Outreach and Enforcement. Additional detail was added to Section 1.6: Public Participation – Housing Element Stakeholder Meetings to specifically link Housing Element programs with issues, including barriers to fair housing, brought up during stakeholder outreach. This is also noted in the Outreach Efforts section of Chapter 3: Affirmatively Furthering Fair Housing as well as in Table 3-5.
- b. Disproportionate Housing Needs, Including Displacement Risk. Data from the Urban Displacement Project is used to assess Displacement Risk, discussed under the Disproportionate Housing subsection of Section 3.2: Assessment of Fair Housing. Stronger language was added to the Fair Housing Priorities and Goals (Table 3-6) and programs 13 and 14 to address the issues based on the findings of this analysis.
- c. Identified Sites and Affirmatively Further Fair Housing. Discussion of Improved or Exacerbated Conditions and Isolation of the RHNA (under the Sites Inventory and Fair Housing subsection of Appendix C) was expanded to address impacts by income group relative to census tracts in the city. Analysis is summarized in the newly added Table C-16.
- d. Goals, Priorities, Metrics, and Milestones. Program 14 has been revised to directly address the Fair Housing Priorities and Goals presented in Table 3-6. In addition to other programs of the Housing Action Plan, Program 14 will specifically target annual community engagement and outreach efforts in census tracts where lower-income communities, communities of color, and special needs households are concentrated and maintain annual records of outreach and education activities. Program 14 also requires a comprehensive mid-cycle review, which would identify whether corrective action is necessary, based on the priorities and goals in Table 3-6. Table 3-6 would be updated to reflect future Analyses of Impediments to continually progress toward fair housing goals.

2. *Inventory of land suitable and available for residential development.*

- a. Suitability of Nonvacant Sites. To better discuss the extent to which existing uses impede additional development, discussion of redevelopment trends was expanded in the Opportunity Sites section of Appendix C, and additional detail was added to Table C-13. The inventory has been revised and calculations have been adjusted to reflect updates to permitted densities in the draft General Plan Update – specifically noting the 40 du/ac minimum in the Downtown Mixed Use designation. The Park Avalon Mobilehome Estates site and the Carson Civic Center site have been removed from the inventory as existing uses that are unlikely to discontinue during the planning period.

In addition, the element relies on nonvacant sites to accommodate 50 percent or more of the housing needs for lower-income households, which triggers requirements to make findings based on substantial evidence that the existing use is not an impediment and will likely discontinue in the planning period. The proposed element and the adoption resolution make these findings, addressing this requirement to utilize nonvacant sites.

- b. Mobilehome Park Preservation. The Park Avalon Mobilehome Estates site has been removed from the inventory, and the element has been revised to clarify this, given withdrawal of the Park closure application and the Housing Element goals of preserving mobilehome parks. In addition, Program 11 was revised to reflect the anticipated adoption of the Mobilehome Park Overlay District, which would help protect existing mobilehome uses (discussed further below).

- c. Accessory Dwelling Units. The projected number of ADUs has been revised based on permitted units, and numbers for 2018 and 2019 revised to match HCD's records. This is shown in Table C-4, which maintains that there were 5 permits in 2020 (based on the City's APR) and it is noted that the City should take action to reconcile these records with HCD.
 - d. Electronic Sites Inventory. HCD's comments stated that an updated electronic sites inventory shall be provided to reflect changes to the re-adopted version of the element. This version of the inventory is now also included in the element as Table C-17.
3. *Potential and actual government constraints.*
- a. Land Use Controls. The impact of base line heights on achieving maximum densities is added to the discussion of Development Standards under Section 4.1: Governmental Constraints. The maximum base height for Downtown Mixed Use has been increased to reflect the increased base density. The forthcoming comprehensive Zoning Ordinance update is also noted to address constraints due to open space requirements, which were identified during stakeholder outreach. Program 5 has been correspondingly modified to add Open Space Requirement Review and further detail on Parking Standards Review.
 - b. Constraints on Housing for Persons with Disabilities. Discussion of CUP requirements for larger residential care facilities and analysis of need for residential care facilities was added to the Housing for Persons with Disabilities subheading of Section 4.1. Specifically, it is noted that current needs are met by a high number of smaller residential care facilities, which are permitted by right wherever residential uses are permitted, in accordance with State law. Further, analysis shows that Carson has a relatively higher capacity of community care facilities compared to neighboring jurisdictions and much higher than the county. It is also noted that Program 13 includes review of constraints to development of residential care facilities and potential revision to the Planning and Zoning Code as appropriate.

B. Housing Programs

- 1. *Actions that will be taken to make sites available during the planning period.*
 - a. Program 4 (Affordable Housing Strategy). Please note that the inventory and sites analysis has been revised, as discussed under Finding A2. The results of the complete sites inventory and analysis support adequacy of sites and zoning, and there is no shortfall of sites or zoning available to encourage a variety of housing types. Because the Carson Civic Center site was removed from the inventory (due to unlikelihood of discontinuation of existing uses on the site), the District at South Bay is the only City-owned site in the inventory that is not already a pipeline project; this site has already undergone the Surplus Land Act process. Additional language has been added regarding this site to commit to producing units and meeting quantified objectives. This includes providing streamlined entitlement or, in the case of no entitlements, the City will revise the RFP within one year of adoption and implement monitoring provisions including a comprehensive mid-cycle review to take corrective actions as necessary (Program 4). It is also noted that the City has recently received an exclusive negotiating agreement (ENA) that proposes development of 445 low- and 805 moderate-income units on the site.
- 2. *Housing to meet the needs of extremely low-, very low-, low- and moderate-income households.*
 - a. Program 14 (Special Needs Housing). Proactive outreach to assist in the development of housing for extremely low-income households (including persons

experiencing homelessness) is discussed under Program 13, which now specifies outreach will be conducted on an annual basis. A comprehensive mid-cycle evaluation was also added to the program. Program 14 further specifies how geographic targeting and prioritization will be conducted, in coordination with the Community Health and Environmental Justice Element of the 2040 General Plan. A comprehensive mid-cycle review will monitor progress and take corrective action as necessary.

3. *Remove governmental and nongovernmental constraints.*
 - a. Revisions pertaining to governmental and non-governmental constraints have been made, as noted in Finding A3.
4. *Conserve and improve the condition of the existing affordable housing stock.*
 - a. Program 11 (Mobilehome Park Maintenance and Preservation). Program 11 was revised to include specific and clear commitment to adopt a Mobilehome Park Overlay District via a separate Zoning Ordinance amendment (and as part of the General Plan Update) within one year of adoption of the element; this effort is currently underway. Additional detail is also provided in the revised element regarding the anticipated content and effect of this ordinance. Program 11 also specifies how the City will comply with various laws protecting mobile home parks, including updating the City's application/approval process for relocation impact reports related to park closures to ensure continuing compliance with updated State mobile home park closure law under AB 2782. Education and outreach to park owners and tenants under Program 11 will be conducted annually, and objectives have been quantified to preserve or provide an equal or greater number of units affordable to existing mobile home park residents.
5. *Promote and affirmatively further fair housing opportunities.*
 - a. Revisions pertaining to AFFH requirements have been made, as noted in Finding A1.

C. Public Participation

1. *Public participation of all economic segments of the community.*
 - a. The unique efforts to achieve public participation for this housing element update have been added to Section 1.6: Public Participation and the Outreach Efforts section of Chapter 3, as mentioned in Finding A1. Full details of outreach is included in Appendix A. Programs 13 and 14 entail future efforts by the City to employ additional methods for public outreach, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households.

III. General Plan Conformance

Once adopted by the City Council and certified by the State, the Housing Element will become a component of the City of Carson General Plan.

IV. Next Steps

City Council Meeting – A public hearing will be scheduled to review the Planning Commission recommendation, consider public testimony, and discuss the Housing Element Update. Once the City Council adopts the updated housing element, the City must again submit the element to HCD for review. Govt C §65585(b, g). HCD will then determine whether the element is in substantial compliance with state law.

V. Environmental Review

The Housing Element update is considered a General Plan amendment and is therefore subject to review under the California Environmental Quality Act (CEQA). In accordance with CEQA, based on an initial study, a Draft Negative Declaration (Exhibit 3) was prepared and made available for public review from November 29, 2021, through December 29, 2021. A Notice of Intent to Adopt a Draft Negative Declaration was posted with the City Clerk and LA County Clerk and sent to responsible agencies. An electronic copy of both documents was also posted on the Planning Division website (<https://www.carson2040.com/reports-and-products>). As demonstrated by the initial study and stated in the Draft Negative Declaration, which reflects the independent judgment and analysis of the City as lead agency, Planning staff determined that that the proposed project could not have a significant effect on the environment. No comments were received recommending that an Environmental Impact Report (EIR) should be prepared. The negative declaration was adopted by the City Council on February 1, 2022, pursuant to the Planning Commission's recommendation on January 11, 2022.

Staff and the City's environmental consultant have determined that none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent negative declaration have occurred with respect the revisions to the Draft Housing Element Update – accordingly, an addendum to the Negative Declaration may be prepared pursuant to CEQA Guidelines Section 15164. Alternatively, the proposed revisions are covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question (the proposed revisions to the Draft Housing Element as adopted on February 1, 2022) may have a significant effect on the environment, the activity is not subject to CEQA. CEQA Guidelines Section 15061(b)(3).

VI. Public Notice

Notice of public hearing was published on August 16, 2021. The agenda was posted at City Hall 72 hours prior to the Planning Commission Meeting.

VII. Recommendation

That the Planning Commission:

ADOPT Resolution No. 22-2838, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ADDENDUM TO THE NEGATIVE DECLARATION FOR AND APPROVE GENERAL PLAN AMENDMENT NO. 22-01 – A SUBSEQUENT DRAFT REVISION TO THE CITY OF CARSON'S 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT AS ADOPTED ON FEBRUARY 1, 2022 (GPA NO. 22-01)” (Exhibit 1).

VIII. Exhibits

1. Draft Resolution
 - a. [Draft Housing Element Update](#)
2. HCD Comment Letter – May 6, 2022
3. Adopted Initial Study/Negative Declaration
4. [Redline Version of the Revised Draft Housing Element](#)

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