



# City of Rialto

## Legislation Details (With Text)

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**Title:** Request City Council to Set a Public Hearing for June 9, 2020, to Consider and Approve General Plan Amendment 2020-0002 for the 2014-2021 Four Year (Mid-Cycle) Housing Element Update and Zoning Code Amendment 2020-0003 for amendments to various provisions of the Rialto Municipal Code (Title 18 - Zoning Code) related to manufactured housing, accessory dwelling units, reasonable accommodations, and emergency shelters, transitional and supportive housing, and density bonuses for affordable housing projects.

**Sponsors:**

**Indexes:**

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**Attachments:** 1. CC Public Hearing Notice - 6-9-20.pdf

Date	Ver.	Action By	Action	Result
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For City Council Meeting [May 26, 2020]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Manager

FROM: Matt Schneider, Community Development Director

Request City Council to **Set a Public Hearing for June 9, 2020**, to Consider and Approve General Plan Amendment 2020-0002 for the 2014-2021 Four Year (Mid-Cycle) Housing Element Update and Zoning Code Amendment 2020-0003 for amendments to various provisions of the Rialto Municipal Code (Title 18 - Zoning Code) related to manufactured housing, accessory dwelling units, reasonable accommodations, and emergency shelters, transitional and supportive housing, and density bonuses for affordable housing projects.

### **BACKGROUND**

All California cities are required to adopt and periodically update their Housing Elements as part of their General Plans and submit draft and adopted elements to the California State Department of Housing and Community Development (HCD) for review and determination of compliance with State law. Government Code Section 65588 and SB 375 established an eight-year update cycle, or four-year cycle for Housing Elements that are submitted late.

On December 12, 2017, the City Council adopted the 2014-2021 (5th Cycle) Housing Element Update. Because it was submitted to HCD past the statutory deadline of October 15, 2013, the City is on a four-year update cycle and is required to submit a "mid-cycle update" to HCD.

### **ANALYSIS/DISCUSSION**

In 2019, the City initiated work on the 2014-2021 Four Year (Mid-Cycle) Housing Element Update with the assistance of Kimley-Horn and Associates, Inc. In December 2019, the City Council endorsed the submittal of the draft document to HCD for review. City staff received comments from HCD and Inland Counties Legal Services, Inc. and has made necessary changes to the draft document to ensure compliance with State law.

HCD has worked closely with the City to ensure that the City's Senate Bill (SB) 2 grant application for \$310,000 will be forwarded to their loan committee for processing in anticipation of the Planning Commission and City Council adopting the Housing Element by June 9, 2020. The grant application will cover costs related to City's 6<sup>th</sup> Cycle Housing Element Update, enhancements to the Trakit permit software system, and preparation of the housing-related ordinances outlined in this report.

The 2014-2021 Four Year (Mid-Cycle) Housing Element Update focuses on a review and update of all sections of the currently adopted Housing Element to comply with current State law, including housing needs and demographics, housing constraints, housing resources, status of housing programs, and public participation.

As a result of this required review and update, staff and the consultant identified several requirements to bring the City's municipal code into compliance with State law. In addition, several new housing laws went into effect in 2019. As part of being deemed in substantial compliance with State law by HCD and ensuring the Housing Element will be certified by HCD following adoption by the City Council, several Housing Programs require new ordinances to be considered by the Council by the end of June 2020, including the following:

#### *Program 5.2E (Accessory Dwelling Units)*

The intent of this program is to comply with State law and accommodate additional housing opportunities for very-low, low and moderate-income households.

ADUs are currently addressed in Section 18.10.020(J) of the Rialto Municipal Code, which was enacted on June 13, 2017, by the City Council through the adoption of Ordinance No. 1590. However, additional changes are needed to comply with Assembly Bill (AB) 68, AB 881, AB 587, and AB 671, along with Senate Bill (SB) 13, which became effective on January 1, 2020. This legislation further facilitates the development of ADUs and limits the City's ability to regulate ADUs outside of the prescribed State regulations.

#### *Program 5.2F (Emergency Shelters)*

Program 5.2F requires the adoption of an ordinance to permit emergency shelters by-right in compliance with Senate Bill (SB) 2. The proposed ordinance would establish a Precise Plan of Design process rather than a Conditional Development Permit process to permit emergency shelters within the Industrial Park (I-P) zoning district, subject to specific development standards. The intent is to accommodate emergency shelters to ensure the needs of homeless and extremely low-income residents are met.

#### *Program 5.2G (Transitional and Supportive Housing)*

Program 5.2G requires the adoption of an ordinance to permit transitional and supportive housing by-right in all zones allowing residential uses in compliance with SB 2 and SB 745. The intent is to

accommodate transitional and supportive housing to help ensure the needs of homeless and extremely low-income residents are met.

#### Program 5.2I (Manufactured Housing)

This program requires the adoption of an ordinance to permit manufactured homes in the same manner and in the same zone as conventional homes are permitted in compliance with Government Code Section 65852.3. The Rialto Municipal Code currently does not contain provisions for allowing the installation of manufactured homes, other than as accessory dwelling units. Implementation of these provisions will provide opportunities for community members to utilize an additional form of housing that will likely cost less than constructing or purchasing a single-family residence of traditional construction.

#### Program 5.4A (Density Bonus)

This program requires the adoption of ordinance to grant density bonuses and development incentives (i.e., reduced parking, etc.) for affordable housing projects, when requested by developers, in compliance with State law. The intent is to facilitate the development of affordable housing opportunities.

#### Program 5.5B (Reasonable Accommodation)

This program requires the adoption of an ordinance to remove potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities. The Fair Housing Act, as amended in 1988, requires that cities and counties provide reasonable accommodation to rules, policies, practices, and procedures where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities. The intent is to provide a process for residents with disabilities to request flexibility in the application of land use and zoning regulations.

The Planning Commission is scheduled to hold a public hearing on the 2014-2021 Four Year (Mid-Cycle) Housing Element Update and the related implementation ordinances at their June 3, 2020, meeting, and make a recommendation for the City Council's consideration at a public hearing on June 9, 2020.

### **ENVIRONMENTAL IMPACT**

Pursuant to Section 15378 of the California Environmental Quality Act (CEQA), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Approval of a policy or regulatory document is an administrative function and is not a project as defined by CEQA.

### **GENERAL PLAN CONSISTENCY**

The Housing Element and its implementation plan are a required component of the General Plan. This activity is consistent with Goal 6-2, which is to "promote and encourage housing development that adequately meets the needs of all socioeconomic segments of the community and region.

### **LEGAL REVIEW**

The City Attorney has reviewed and supports this staff report.

### **FINANCIAL IMPACT**

Adopting the Housing Element does not have a direct impact on the City's General Fund. However, the City Council authorized a Professional Services Agreement and two amendments with Kimley Horn and Associates, Inc. in the amount of \$167,000, which includes the preparation of the 2014-2021 Four Year (Mid-Cycle) Housing Element Update and preparation of necessary zoning code amendments to ensure Housing Element compliance. The City Council authorized a professional services agreement for \$75,000 on March 13, 2019, a first amendment for \$33,000 on July 9, 2019, and a second amendment for \$59,000 on November 12, 2019, for these planning services.

### **Capital Improvement Budget Impact**

There is no capital improvement budget impact

### **Licensing**

There is no licensing associated with this request.

### **RECOMMENDATION**

Staff recommends that the City Council Set a Public Hearing for June 9, 2020, to solicit public comments and consider and adopt General Plan Amendment 2020-0002 for the 2014-2021 Four Year (Mid-Cycle) Housing Element Update and Zoning Code Amendment 2020-0003 for amendments to various provisions of the Rialto Municipal Code (Title 18 - Zoning Code) related to manufactured housing, accessory dwelling units, reasonable accommodations, and emergency shelters, transitional and supportive housing, and density bonuses for affordable housing projects.