

Status Report on the General Plan Housing Element Update for the 6th Cycle



**Planning Commission
Study Session
February 22, 2022**



Objectives of Tonight's Study Session

- Receive the report on recent and upcoming efforts on the 6th Cycle Housing Element Update, including:
 - Refresher on Housing Element statute and amendment process
 - Overview of the environmental review process for the Housing Element
 - Demonstration of Balancing Act housing planning and community engagement platform



Review of Legislative Context for the Housing Element



Housing is a Mandatory General Plan Element

Every California city and County must have a general plan, and every general plan must address eight mandatory elements, one of which is housing. The housing element of a general plan must:

“...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, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.” (Government Code Section 65583)



Required Components of a Housing Element

- a) An **assessment of existing and projected needs for housing households of all income levels, including an inventory of resources and regulatory and financial constraints** to meeting those needs; an inventory of lands suitable for residential development and the jurisdiction's regional housing needs allocation (RHNA); an evaluation of existing household characteristics and housing stock condition; identification of locations for emergency shelter; and analysis of affordable units at-risk of conversion to market-rate.
- b) A statement of the community's **goals, quantified objectives, and policies** relative to the maintenance, preservation, improvement, and development of housing.
- c) A program of **actions that the jurisdiction commits to implementing** during the eight-year housing cycle to achieve the goals and policies of the housing element. Such actions must include, but are not limited to, actions to rezone properties as needed to achieve densities that would accommodate the RHNA; removal of governmental and nongovernmental constraints to the maintenance, improvement, or development of housing for people of all income levels and abilities; and incentives for construction of affordable accessory dwelling units. The housing element must also commit to **affirmatively furthering fair housing by identifying and correcting disparities in access to housing for all persons**, "regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act...and any other state and federal fair housing and planning law."

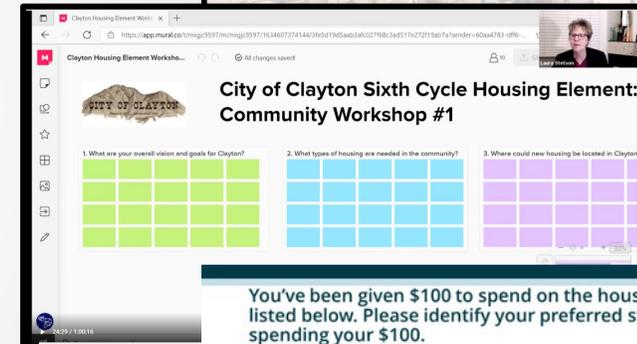


Recent Efforts on Clayton's 6th Cycle Housing Element Update



Recent Efforts

- Introductory meetings with stakeholders, members of the City Council and Planning Commissioners to obtain early feedback (September 2021)
- Kickoff study session at a joint meeting of the Planning Commission and City Council on September 28, 2021
- Interactive virtual community workshop with residents and interested parties on October 20, 2021
- Online survey to residents and interested parties to share their housing preferences, priorities and opinions about Downtown and housing in Clayton (survey was available between November 5 and December 10, 2021)
- City Council study session to discuss housing goals, present potential housing sites for future study, and share results of the online survey (January 4, 2022)



Upcoming Efforts

- Release of a Notice of Preparation of an Environmental Impact Report (EIR) to be prepared pursuant to the requirements of the California Environmental Quality Act. The Notice will start a 30-day window of opportunity for interested public agencies and parties to give input on the scope of the analysis to include in the EIR.
- Engagement of the Planning Commission at its meetings to discuss draft policies and programs that will implement the Housing Element goals.
- Second online community engagement opportunity, where community members and interested parties are invited to offer feedback on potential housing development sites. Using an interactive online platform, participants will be invited to shift densities and development potential among the various opportunity sites to achieve or exceed the City's RHNA.



Overview of the California Environmental Quality Act (CEQA)



CEQA Overview

- CEQA is a State law, embedded in Public Resources Code (PRC), Division 13, Section 21000 *et seq.*
- In PRC Sections 21000 and 21001, the State Legislature declares the primary intents of CEQA to “[maintain] a quality environment for the people of this state now and in the future,” and to “take all action necessary to protect, rehabilitate and enhance the environmental quality of the state [and] provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic and historic environmental qualities, and freedom from excessive noise.”
- Guidance to agencies for implementing CEQA are contained with the “State CEQA Guidelines,” California Code of Regulations (CCR) Section 15000 *et seq.*



CEQA Overview

- CEQA applies to a “project”, which is defined in PRC Sections 21065 as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:
 - (a) An activity directly undertaken by any public agency.
 - (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
 - (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.”



CEQA Overview

- Pursuant to PRC Section 20180, CEQA also applies to “discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps unless the project is exempt from this division.” Actions related to governing and policy documents such as general plans and zoning ordinances can result in reasonably foreseeable indirect physical changes to the environment.
- CEQA does not apply to ministerial projects, emergency repairs to existing public service facilities, or projects that are not approved.



CEQA Overview

There are classes of projects that fall within the definition of a project as defined in CEQA, but for which the State has identified exemptions. These classes of exemptions include, but are not limited to:

- Replacement of or small additions to existing facilities, roadways or structures
- Interior changes to existing structures
- New, small structures such as fences, signs or sheds
- A limited number of new single-family homes, multifamily residences, and small commercial buildings
- New landscaping
- Certain administrative actions taken by public agencies, such as land sales to create new parks
- Infill projects occurring on sites of no more than 5 acres



CEQA Overview

For a project that is subject to CEQA and does not qualify for an exemption, the agency tasked with deciding whether to approve the project (“lead agency”) must consider the potential environmental impacts of approving or denying the project. There are three types of documents that an agency could prepare for that assessment:

- **Negative Declaration:** Initial study of the project finds that the project would have impacts on the environment, but the severity of the impact is within an acceptable threshold defined by the lead agency.
- **Mitigated Negative Declaration:** Initial study of the project finds that the project would have significant impacts on the environment, but measures can be taken to reduce the severity of the impacts to an acceptable threshold defined by the lead agency.
- **Environmental Impact Report:** The project would have severe or significant environmental impacts for which mitigation measures are not possible or not known at the time of initial study of the project.



CEQA Overview

- Negative Declarations, Mitigated Negative Declarations and Environmental Impact Reports must evaluate potential impacts of a project on the following environmental resource areas, which are listed in the Environmental Checklist Form (Initial Study) in Appendix G of the CEQA Guidelines:

Aesthetics

Agriculture / Forest Resources

Air Quality

Biological Resources

Cultural Resources

Energy

Geology / Soils

Greenhouse Gases

Hazards & Hazardous Materials

Hydrology / Water Quality

Land Use / Planning

Mineral Resources

Noise

Population / Housing

Public Services

Recreation

Transportation / Traffic

Tribal Cultural Resources

Utilities / Service Systems

Wildfire



EIR Process for the Housing Element (CEQA Guidelines Section 15080 *et seq.*)

Notice of Preparation of an EIR
(March 2022)

30 days

The Notice of Preparation (NOP) is a notice that a lead agency intends to prepare an EIR and invites public agencies and interested parties to comment on the scope of the analysis to be included in the EIR (environmental issues, reasonable alternatives and mitigation measures).

Draft EIR

45 days

The Draft EIR contains the evaluation of project impacts on environmental resources and must include:

- Project description
- Mitigation measures for impacts
- Growth-inducing impacts of the project
- Cumulative impacts of the project plus other projects
- Alternatives to the proposed project

Final EIR

10 days

The Final EIR must include:

- The Draft EIR or a revision of the Draft EIR
- Comments received on the Draft EIR
- The persons, agencies and organizations that commented on the Draft EIR
- Responses to the significant environmental comments on the Draft EIR

Certification of Final EIR

The decision-making body must certify the adequacy of the EIR before approving the project and make findings with respect to each significant impact, that mitigation measures would reduce an impact to an acceptable threshold, or that specific considerations make mitigation infeasible (statement of overriding considerations).



Indicates length of public comment period on the document

Role of the Planning Commission in the Housing Element Update and CEQA Process

- The Planning Commission is an advisory body to the City Council on any amendment to the General Plan or Zoning Ordinance, and in that capacity, holds public hearings and makes recommendations to the City Council on these types of amendments. (Government Code Sections 65353 and 65855)
- As the City Council is the final deciding body on amendments to the General Plan and Zoning Ordinance, the responsibility of making the requisite CEQA findings and taking action with respect to the project lies with the Council. However, the Planning Commission, before making its recommendation, must consider the information in the EIR (CEQA Guidelines Section 15074).
- A public review draft Housing Element and community meetings are scheduled for this Spring 2022
- Recommendation public hearing scheduled for Fall 2022



Questions?



Balancing Act Demonstration

