



- CITY OF BIGGS -
PLANNING DEPARTMENT ACTIVITY REPORT
January 2019

465 C Street /
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5493
FAX: (530) 868-5239

DATE: February 6, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Bob Summerville, AICP - City Planner
SUBJECT: Planning Department Monthly Activity Report – January 2019

DEPARTMENT ACTIVITY SUMMARY

Contract Staff Days/ Agency Meetings / Code Enforcement Activity:

- Planning Contract Staffing Hours (avg. 6 hrs./wk., Wednesdays, 9:00 a.m. – 4:00 p.m.).
- City Council Meeting: January 8, 2019.

Major Project Activity and Work Effort Update:

1. Land Use / Development Activity:

- Lot Line Adjustment 19-01 (Smith) - 3066 5th and 444 'D' Streets. A request to modify the common property lines between two adjacent parcels held under common ownership to create additional off-street parking area for the benefit of the owner's home at 3066 5th Street. This application has been deemed complete and is currently being circulated for comments to internal City staff.

2. The General Plan Elements of Housing, Public Health and Safety, and Circulation will require state-mandated updates. Planning staff will present an overview and work plan at the Council's March 12th meeting. Update topics regard the following:

Housing Element Update: Several new laws (and revisions to current laws) are effective this year as administered by the State Department of Housing and Community Development (see attached HCD letter, January 2, 2019). In addition to preparing an annual Regional Housing Needs Assessment (RHNA), the new laws are intended to further housing assistance and opportunities to lower income households. While not all of the new legislation will necessarily affect the City of Biggs, Planning staff will provide the City Council in March an overview of which new laws or reporting will require immediate attention, and a schedule of remaining related work efforts.

In addition, Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year. Planning staff is also beginning that work effort.

Public Health and Safety Element: Updates to housing elements of the general plan on or after January 1, 2014 will require a review and update to the safety element of that respective jurisdiction. These updates shall address the risk of fire for land classified as state responsibility areas. The State Board of Forestry and Fire Protection (BOF/Board) is required to review and make recommendations to the fire safety element of general plan updates.

Circulation Element Update: Changes to the California Environmental Quality Act (CEQA) will require all analysis of traffic impacts to change metrics from the current Level of Service (LOS) to Vehicle Miles Traveled (VMT). Since most General Plan Circulation Elements (including the City of Biggs) relies on LOS analysis, the Biggs Circulation Element will require a revised analysis based on VMT. This change is required to be effective by July 2020.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
LEGAL AFFAIRS DIVISION**

2020 W. El Camino Avenue, Suite 525, 95833
P. O. Box 952052, Sacramento, CA 94252-2052
(916) 263-2769 / FAX: (916) 274-0408
www.hcd.ca.gov



January 2, 2019

Gregory P. Einhorn, City Attorney
City of Biggs
P.O. Box 307
Biggs, CA 95917

Dear Gregory P. Einhorn:

RE: Housing Accountability and Enforcement

The 2017 Legislative Housing Package enacted obligations for local governments to deliver on housing commitments, and it provided the Department of Housing and Community Development (Department) with the authority to enforce those commitments (attached). On January 1, 2019, additional laws will enhance the ability and authority of the Department and local governments to provide housing opportunities to all Californians. These laws provide a renewed focus on housing and local government accountability, and they provide the tools necessary for local governments and the Department to work toward availability of housing for all Californians.

The following provides a brief summary and reference to housing legislation from the most recent legislative session, effective January 1, 2019, to assist your jurisdiction in compliance with the newly enacted laws:

Housing Discrimination: Affirmative Furtherance of Fair Housing AB 686 (Santiago) - Requires local governments to administer programs relating to housing and community development in a manner that furthers fair housing, and to not take any action materially inconsistent with this obligation. Requires revisions to the housing element occurring on and after January 1, 2021, to include an assessment of fair housing implementation within its jurisdiction. (Gov. Code § 65583 and Chapter 15 (commencing with §8899.50).

Planning and Zoning: Charter Cities SB 1333 (Wieckowski) - Expressly clarifies that provisions of Planning and Zoning Law regarding general plans, specific plans and the adoption and review of housing elements, apply to charter cities. (Gov. Code, §§65356, 65852.150, 65852.25, 65860, 65863, 65863.4, 65863.6, 65863.8, 65866, 65867.5 and 65869.5, 65300.5, 65301.5, 65359, 65450, 65454, 65455, 65460.8, 65590, 65590.1 and Article 10.6).

Planning and Zoning: Regional Housing Needs Assessment AB 1771 (Bloom) - Revises the objectives required in a regional housing needs allocation plan (Gov. Code §§ 65584, 65584.01, 65584.04, 65584.05 and 65584.06), and requires the regional housing needs allocation plan to include an objective to increase access to areas of opportunity for lower income residents while avoiding displacement and furthering the goals of fair housing.

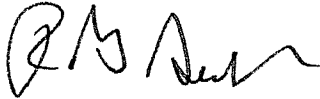
Land Use Housing Element: SB 828 (Wiener) – Prohibits the continued underproduction of housing by relying on static population numbers from a previous housing element cycle as justification for a determination or reduction in the jurisdiction's share of the regional housing need. (Gov. Code §§ 65584, 65584.01 and 65584.04).

Planning and Zoning: Housing Element and Development AB 2162 (Chiu) – Authorizes supportive housing as a use by right in zones where multifamily and mixed uses are permitted and the development meets enumerated criteria. Expands the exemption for the ministerial approval of projects under the California Environmental Quality Act. (Gov. Code §§ 65583 and 65650).

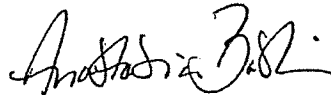
The laws enacted during the last two Legislative Sessions offer new regulatory and financial resources that (1) increase the enforcement authority of the Department against local governments that fail to adopt compliant housing elements and/or violate the Housing Accountability Act, Density Bonus Law or discriminate in the provision of housing; (2) provide critical funding for new affordable homes; (3) accelerate development to increase housing supply; (4) add certain accountability to localities in order to address housing needs in their communities; and (5) create opportunities for new affordable homes while preserving existing affordable homes.

This letter is for informational purposes only and is designed to facilitate dialogue and training of your jurisdiction's staff and management. For additional guidance or technical assistance, please contact Ryan Seeley or Anastasia Baskerville at 916-263-2769.

Sincerely,



Ryan Seeley
General Counsel



Anastasia Baskerville
Attorney IV

Attachment

2017 Housing Package

Housing Accountability Act: AB 678 (Bocanegra)/SB 167 (Skinner) and AB 1515 (Daly) – Strengthens the Housing Accountability Act (Gov. Code, § 65589.5). For example, the statute now (1) requires findings made by a locality to deny or reduce the density of a housing development to be based on a preponderance of the evidence, (2) requires courts to impose a fine of \$10,000 or more per unit on localities that fail to comply with court orders to comply with the act, and (3) states that a housing development conforms with local land use requirements if there is substantial evidence that would allow a reasonable person to reach that conclusion. Housing organizations, market rate developers and tenants eligible to live in proposed developments prevailing in litigation regarding the Act are entitled to reasonable attorney fees in addition to the developer proposing the projects. The statute now states the Legislature's intent that the section shall be interpreted and implemented to give the fullest possible weight to the interest of the local approval and provision of housing.

HCD Enforcement Authority: AB 72 (Santiago) – Authorizes the Department of Housing and Community Development (Department) to review any local action it determines is inconsistent with an adopted housing element, including failure to implement program actions, and requires the Department to issue findings as to whether the local action is out of compliance with state housing element law. If the Department finds the local action out of compliance, the legislation authorizes the Department to revoke a previous finding that a housing element is in compliance and to refer violations to the Attorney General. Housing element compliance is utilized as eligibility and scoring criteria in several funding programs. Localities out of compliance with housing element law could be ineligible or less competitive for funding. The Department may also refer violations to the Attorney General related to the Housing Accountability Act (Gov. Code, § 65589.5), No Net Loss Law (Gov. Code, § 65863), State Density Bonus Law (Gov. Code, §§ 65915-65918) and Anti-discrimination in Housing and Land Use (Gov. Code, § 65008).

No Net Loss: SB 166 (Skinner) – Amends the existing No Net Loss statute to require that a locality make sites available at all times throughout the planning period to accommodate its unmet share of the regional housing need for all income levels. Requires that at no time shall a locality cause its housing element sites inventory to be insufficient to meet its share of the regional housing need for lower- and moderate-income households. Requires a locality to make written findings supported by substantial evidence as to whether remaining sites in the housing element are adequate to accommodate its share of the regional housing need for each income category if any action results in reduction of density to, or the development of, fewer units by income category on a parcel than was indicated in the housing element for that parcel. If the approval of a specific development results in fewer units by income category, then the local government must identify and make available additional adequate sites to accommodate the remaining share of the regional housing need by income category within 180 days.

RHNA Performance and Streamlined Approvals: SB 35 (Wiener) – Creates a streamlined approval process for developments in localities that have not yet met their allocation of the regional housing need, as determined by the Department, or have failed to submit its annual housing reports for two consecutive years, provided that the development includes a specified level of affordability, is on an infill site, complies with existing residential and mixed use general plan or zoning provisions, and complies with other requirements such as locational and demolition provisions.

Housing Element Sites Inventory: AB 1397 (Low) – Makes a number of changes related to the inventory of sites requirement under Housing Element Law to ensure that localities are including sites that are available and developable within the planning period. Strengthens analysis requirements to demonstrate the suitability of non-vacant sites. For example, if more than 50 percent of the housing need for lower-income households is accommodated on non-vacant sites, the statute requires findings based on substantial evidence that existing uses are likely to be discontinued in the planning period. It also requires that a non-vacant site identified in a prior planning period may not be re-identified in a subsequent planning period unless the site will be rezoned within three years to allow development by-right for projects in which 20% of the units will be affordable to lower-income households. For vacant sites, the same by-right requirement applies if the site has already been included in two planning periods without developing.

Rental Inclusionary Requirements: AB 1505 (Bloom) – Authorizes localities to require rental housing developments to include a certain percentage of lower- or moderate-income units. These ordinances must provide alternative means of compliance that may include in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units. The legislation provides limited authority to the Department to review inclusionary ordinances adopted or amended on or after September 15, 2017, that require more than 15 percent lower-income rental units in a development when the locality has failed to either meet 75% of its above moderate-income RHNA share over five consecutive years or submit its annual performance report for the last two years. The Department's review is limited to whether the locality submits an economic feasibility study in support of the ordinance that was prepared by a qualified entity and followed best professional practices.

Housing Sustainability Districts: AB 73 (Chiu) – Authorizes localities to create housing sustainability districts as a way to streamline the development of housing meeting various requirements. Provides state financial incentives to cities and counties that create sustainability districts, if the Legislature appropriates funds for that purpose.

Annual Progress Reports and Fee Study: AB 879 (Grayson) - Make various updates to housing element and annual report requirements to provide data on local implementation, including number of project application and approvals, processing times, and approval processes, and requires charter cities to submit housing element annual reports to the Department. It also requires the Department to deliver a report to the Legislature on how local fees impact the cost of housing development.

Affordable Housing Preservation: AB 1521 (Bloom and Chiu) - Strengthens the state's Affordable Housing Preservation Notice Law (Gov. Code. §§ 65863.10 and 65863.11) and supports the preservation of deed-restricted affordable housing at risk of losing affordability. The revised law expands owner-noticing requirements and clarifies transactional provisions regarding owner acceptance of a bona fide offer to purchase from a qualified preservation purchaser. The law clarifies the types of injunctive relief available for affected tenants and public entities in the event of violations of the statute and provides the Department with additional tracking and enforcement responsibilities to ensure compliance.