

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 23-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (PLAN-2022-0003) ADOPTING THE 2021-2029 HOUSING ELEMENT UPDATE AND FIND THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in accordance with California state law, the City of La Cañada Flintridge (the “City”) adopted an updated General Plan in 2013, a legislative act which serves as a comprehensive, long-term plan to guide the physical development of the City and serves as the official statement of policies governing all City Council, advisory commission, and administrative decisions regarding zoning and land use, subdivisions, and public improvements; and

WHEREAS, the State of California Government Code Section 65588 requires the review and adoption of a Housing Element that may be updated according to the Southern California Association of Governments Regional Housing Needs Assessment (“RHNA”) planning cycle; and

WHEREAS, the State of California Government Code Section 65583(c)(9) requires that local jurisdictions 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, the City conducted two virtual stakeholder sessions on March 5, 2021, held two Planning Commission study sessions on March 11, 2021 and June 10, 2021, held a special City Council meetings on February 8, 2022, meet with industry professionals on February 18, 2022, conducted a Planning Commission workshop on March 10, 2022, held a joint City Council/Planning Commission workshop on April 5, 2022, posted a Regional Housing Needs Assessment (RHNA) video on the City’s website on April 25, 2022, directly contacted property owners that could potentially be included on the Sites Inventory on June 20, 2022 and July 14, 2022, and posted the revised Sites Inventory for public review and comment on the City’s website from July 20-29, 2022. Comments provided and issues raised during these public participation events were addressed in the 2021-2029 Housing Element; and

WHEREAS, on October 3, 2021, a draft of the 2021-2029 Housing Element was submitted to the California Department of Housing and Community Development (HCD) and on December 3, 2021, per Government Code Section 65585(b), a response/comment letter from HCD was received by the City for the review of the draft 2021-2029 Housing Element. The document was subsequently revised to comply with State Housing Element law (Article 10.6 of the Government Code) and the comments received from HCD; and

WHEREAS, on August 25, 2022, the Planning Commission held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence on the 2021-2029 Housing Element Update. After deliberating, the Planning Commission adopted Resolution No. 22-51 recommending that the City Council approve the

General Plan Amendment adopting the 2021-2029 Housing Element; and

WHEREAS, on September 12, 2022, and October 4, 2022, the City Council held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence on the 2021-2029 Housing Element Update; and

WHEREAS, on October 4, 2022, the City Council of the City of La Cañada Flintridge adopted Resolution No. 22-35 adopting the 2021-2029 Housing Element, which was submitted to the HCD on October 7, 2022 for review; and

WHEREAS, on December 6, 2022, a response/comment letter from HCD was received by the City; and

WHEREAS, on January 12, 2023, the City and HCD had a technical discussion on the items identified within HCD's letter, during which HCD representatives determined that there were no substantive changes or new data or policy decisions required, but rather only clarifications of existing information in the Housing Element; and

WHEREAS, these discussions with HCD have resulted in the following clarifications to the Housing Element which is now proposed for adoption by this Resolution:

a. HCD confirmed that there are no litigation matters involving the City as stated in HCD's letter dated December 6, 2022. Accordingly, no further action is required by the City on this point;

b. The City identifies that the existing distribution improves access to high resource opportunity areas. City identifies that all sites are along the Foothill Boulevard corridor and within proximity to the 210-freeway and SR 2; however, future units must comply with current building codes and construction techniques, which include advanced ventilation requirements, all of which will mitigate the potential risk. The Housing Element cites the Mitigation Monitoring Program from the General Plan EIR that anticipated mitigation measures for potential adverse air quality impacts would be needed for development in proximity to the freeways. These mitigation measures are outlined in the Housing Element, and additional mitigation measures are listed to be imposed during development review if appropriate. Additionally, Program 24 was added to provide mitigation for housing in proximity to freeways. The City includes within the Housing Element explanation of the limited opportunities for new housing in that the city is largely built-out with: 1) Very little undeveloped land; 2) A 3-4% commercial vacancy rate; 3) Small and narrow/shallow commercial parcels that make redevelopment difficult; 4) HCD has advised City that since there is no history of single family being redeveloped to multifamily, zoning additional single-family areas is not feasible option to meet RHNA; 5) Parks/open space are generally joint use facilities owned by other entities; 6) The City owns no surplus land; and 7) There is no land in the City zoned for Industrial use. The Housing Element includes an expanded explanation that the Foothill Boulevard corridor is the only area with access to public sewer, public transportation and commercial services. With the use of mitigation measures to address potential health risks from freeway proximity, conditions for the development of affordable housing in the City is improved.

c. For religious overlay sites, the City has identified that existing development on parcels will not be an impediment given that acreage identified on the Sites Inventory was limited to 50% of the parking area and open space areas. Existing buildings may remain and will not be an impediment to housing development. Some of the faith-based institutions (United Methodist and Congregational Churches) have indicated their interest in working with non-profit housing providers to build needed low-income housing. The United Methodist Church has provided written confirmation of this interest and has included this correspondence within the Housing Element (letter # 2-0098). Further outreach will continue to be conducted with the Lutheran Church, Jehovah's Witnesses, and Church of the Latter Day Saints.

d. City has included within Housing Element narrative associated with the Sites Inventory that all commercial property owners and religious institutions were contacted twice for information as to whether there were impediments that would preclude a site being included on the Sites Inventory. Those that provided information to insurmountable impediments were removed from inventory. The City's response include information as to why sites were included/excluded, including: 1) Very little undeveloped land; 2) A 3-4% commercial vacancy rate; 3) Small and narrow/shallow commercial parcels that make redevelopment difficult; 4) HCD has advised City that since there is no history of single family being redeveloped to multifamily, zoning additional single-family areas is not feasible option to meet RHNA; 5) Parks/open space are generally joint use facilities owned by other entities; 6) The City owns no surplus land; and 7) There is no land in the City zoned for Industrial use. Regarding big box stores such as JoAnn Fabric and Big Lots that have announced store closures nationwide (although LCF is currently not included on those lists), they have been included on the Sites Inventory with justification. These sites have been identified as buffer sites, as they may not be immediately available for redevelopment, but could be toward the end of the planning period.

e. City has revised the adoption resolution findings to include the standard language contained within state law where more than 50% of the RHNA is accommodated on non-vacant sites. In addition, the information identified above on religious overlay sites and inclusion/exclusion of commercial/mixed use sites was added to the resolution language. The adoption language includes a statement that all commercial and religious institutions were contacted twice and asked for information on impediments, and where such impediments were identified, sites were removed from the inventory. Justification for inclusion of non-vacant sites include the bullet points identified above.

f. The first draft of the Housing Element was submitted before the deadline; therefore, the City is not required to provide additional analysis to show compliance with AB 2339.

g. The Housing Element expands on the proposed amendments to the Reasonable Accommodation Ordinance, including removing any associated fees. The Housing Element provides additional information about the number of reasonable accommodation requests received and approved in recent years and explains the process the City followed with a recent reasonable accommodation request in detail.

h. Because the revisions are primarily focused on providing additional detail and further information, and no additional substantive policy changes are needed, the Housing Element provides explanation of further efforts to contact those property owners on the Sites Inventory,

including religious institutions, and the responses received. The City continues to follow noticing requirements for all public hearings related to housing element compliance.

WHEREAS, the City's Housing Element was substantially compliant with Housing Element law as of October 4, 2022, because the version of the Housing Element to be adopted by this Resolution includes no substantive changes or new data or policy decisions, but rather, only clarifications of existing information are being provided; and

WHEREAS, on February 10, 2023, the amended draft of the Housing Element was posted on the City's website (<https://cityoflcf.org/housing-element-update/>) for the mandatory seven-day public review period for subsequent versions of a Housing Element; and

WHEREAS, on February 21, 2023, the City Council held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence on the 2021-2029 Housing Element Update; and

WHEREAS, the City Council has considered said 2021-2029 Housing Element and all comments pertaining thereto, finds there have been no substantive changes in said project and that the 2021-2029 Housing Element should be approved subject to any changes the City Council should insert in this Resolution; and

WHEREAS, the adoption of the 2021-2029 Housing Element is exempt under the "Common Sense" exemption of the California Environmental Quality Act (CEQA). The project is exempt pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since no development project or other physical change to the environment would be approved by the adoption of the Housing Element, it can be seen with certainty that there is no possibility that Housing Element adoption may have a significant effect on the environment and will not result in any changes in the existing physical environment, and therefore is not subject to CEQA. Any future project, including ordinances required to implement the 2021-2029 Housing Element or development projects will be reviewed for compliance with CEQA at the time submitted once sufficient project details are known; and

WHEREAS, all legal prerequisites for the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds and determines that the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). Based upon the foregoing facts and based upon substantial evidence, the City Council hereby finds as follows:

A. The adoption of the 2021-2029 Housing Element is exempt under the "Common

Sense" exemption of the California Environmental Quality Act. The project is exempt pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since no development project or other physical change to the environment would be approved by the adoption of the Housing Element, it can be seen with certainty that there is no possibility that Housing Element adoption may have a significant effect on the environment and will not result in any changes in the existing physical environment, and therefore is not subject to CEQA. Any future project, including ordinances required to implement the 2021-2029 Housing Element or development projects will be reviewed for compliance with CEQA at the time submitted once sufficient project details are known.

B. The custodian of records for the Notice of Exemption and all other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, is the Director of Community Development of the City of La Cañada Flintridge. Those documents are available for public review in the Community Development Department of the City of La Cañada Flintridge located at One Civic Center Drive, La Cañada Flintridge, California, 91011, telephone (818) 790-8881.

SECTION 3. The City Council finds the 2021-2029 Housing Element has been adopted in accordance with the terms and provision of the State of California Government Code, and after consideration and review by the City of La Cañada Flintridge Planning Commission and California Department of Housing and Community Development.

SECTION 4. Because more than 50 percent of the parcels included in La Cañada Flintridge's Housing Element Sites Inventory are non-vacant, the City hereby adopts a finding that the existing uses on these nonvacant parcels are likely to be discontinued during the planning period, and the development potential on these nonvacant sites would not constitute an impediment to future housing development. The City Council finds that there is substantial evidence contained within the Section 9.4 Housing Opportunities and Resources and Appendix C: Sites Inventory of the 2021-2029 Housing Element that the existing uses identified are not impediments to accommodate new housing and will likely be discontinued during the 2021-2029 planning period. In selecting parcels included on the Sites Inventory, the City:

A. Contacted all commercial and religious institutions twice regarding their interest in being included within the Sites Inventory, removing those that requested to be removed or provided information that existing conditions provided an insurmountable impediment to redevelopment within the planning period;

B. Increased the minimum density for lower income units from 20-30 du/ac to 25-30 du/ac based on an economic development analysis;

C. For religious institution overlay sites, the City has identified that existing development on parcels will not be an impediment given that acreage identified on the Sites Inventory was limited to 50% of the parking area and currently undeveloped areas;

D. In determining the inclusion of other sites, the City took the following factors into

consideration: 1) Very little undeveloped land; 2) A 3-4% commercial vacancy rate; 3) Small and narrow/shallow commercial parcels that make redevelopment difficult; 4) HCD has advised City that since there is no history of single family being redeveloped to multifamily, zoning additional single-family areas is not feasible option to meet RHNA; 5) Parks/open space are generally joint use facilities owned by other entities; 6) The City owns no surplus land; and 7) There is no land in the City zoned for Industrial use.

SECTION 5. The City Council hereby approves General Plan Amendment (PLAN-2022-0003) adopting the 2021-2029 Housing Element, which is hereby incorporated into the City of La Cañada Flintridge General Plan. Further, the City Manager or Community Development Director is hereby authorized to make minor modifications to the 2021-2029 Housing Element in response to comments from the California Department of Housing and Community Development, provided said modifications do not affect or contradict policies and programs adopted by the City Council. The City further certifies that the City's Housing Element was in substantial compliance with State Housing Element law as of the October 4, 2022 Housing Element adopted by the City Council, and will continue to be compliant with State Housing Element Law with the Housing Element adopted by this Resolution.

SECTION 6. The City Council directs the Planning Commission to comply with the requirements of state Housing law, including the Government Code commencing with Section 65580, including the requirement to review and revision the City's Housing Element as frequently as appropriate (Section 65588), and to report to the City Council annually pertaining to the progress in this regard (Annual Progress Report on the Housing Element).

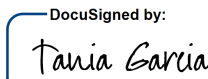
SECTION 7. The City Clerk shall certify to the page and adoption of this Resolution and enter it into the book or Resolutions. This Resolution shall be effective of the date of adoption.

PASSED, APPROVED and ADOPTED this 21st day of February, 2023.

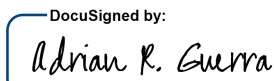
DocuSigned by:

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 Keith Eich, Mayor

ATTEST:

DocuSigned by:

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 Tania García, City Clerk

APPROVED AS TO FORM:

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 Adrian Guerra, City Attorney