

**DUE TO THE ONGOING EMERGENCY CONCERNING THE COVID-19 VIRUS, THIS MEETING WILL BE CONDUCTED PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT.**

**IN PERSON ATTENDANCE AT MEETINGS IS CURRENTLY NOT PERMITTED. RESIDENTS MAY OBSERVE THE MEETING REMOTELY VIA LIVESTREAM ON THE CITY WEBSITE OR ON SPECTRUM CABLE TV CHANNEL 3 AND FRONTIER CABLE TV CHANNEL 26**

**FOR DETAILED INFORMATION ON HOW TO PARTICIPATE IN REMOTE PUBLIC COMMENT PLEASE VISIT OUR WEBSITE AT: [www.uplandca.gov/city-council-agendasminutes](http://www.uplandca.gov/city-council-agendasminutes) OR CONTACT THE CITY CLERK'S OFFICE AT 909-931-4120**

**AGENDA ATTACHED**



## **Special Meeting**

**February 25, 2021**

**6:00 PM**

**City Council Chamber**

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### **Joint Workshop of the City Council and Planning Commission**

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1. CALL TO ORDER AND ROLL CALL OF THE CITY COUNCIL
2. CALL TO ORDER AND ROLL CALL OF THE PLANNING COMMISSION
3. ORAL COMMUNICATIONS  
Pursuant to Government Code Section 54954.2, any member of the public may address any item listed on the agenda. Anyone wishing to address the legislative body should submit a speaker card to the City Clerk at or prior to speaking. Speakers shall keep their comments to no more than three (3) minutes.
4. STUDY SESSION REGARDING THE 2021-2029 HOUSING ELEMENT UPDATE, SAFETY ELEMENT UPDATE, AND ENVIRONMENTAL JUSTICE UPDATE TO THE UPLAND GENERAL PLAN
5. ADJOURNMENT. The next regularly scheduled City Council meeting is Monday, March 8, 2021. The next regularly scheduled Planning Commission meeting is Wednesday, March 24, 2021.

**NOTE:** All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460 North Euclid Avenue and the City website at [www.uplandca.gov](http://www.uplandca.gov).

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 909.931.4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

**POSTING STATEMENT:** On February 18, 2021 a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall).



## STAFF REPORT

**ITEM NO. 4**

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DATE: FEBRUARY 25, 2021

TO: MAYOR AND CITY COUNCIL & PLANNING COMMISSION

FROM: ROSEMARY HOERNING, CITY MANAGER

PREPARED BY: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR

SUBJECT: JOINT CITY COUNCIL/PLANNING COMMISSION STUDY SESSION REGARDING THE 2021-2029 HOUSING ELEMENT UPDATE, SAFETY ELEMENT UPDATE AND ENVIRONMENTAL JUSTICE UPDATE TO THE UPLAND GENERAL PLAN.

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### **RECOMMENDATION**

It is recommended that the City Council and Planning Commission conduct a joint study session to initiate the 2021 update to portions of the Upland General Plan addressing the issues of Housing, Safety and Environmental Justice as required by State law.

### **DISCUSSION**

#### State Housing Element Requirements

State law requires each city to adopt a General Plan to guide land use and development. Among the various "elements" of the General Plan is the Housing Element, which describes City policies and programs for maintaining and improving existing housing, as well as encouraging development of new housing to meet the City's assigned share of regional growth needs under the Regional Housing Needs Assessment ("RHNA").

The Upland General Plan was comprehensively updated in 2015. While most portions of the General Plan have a 20-year time horizon, State law requires that the Housing Element be updated every 8 years. Housing Element planning periods are sometimes referred to as “cycles.” The City’s current Housing Element covers the planning period extending from 2013 to 2021, which is referred to as the “5th Housing Element cycle” in reference to the five required updates that have occurred since the comprehensive revision to State Housing Element law in 1980. Every city in the Southern California Association of Governments (“SCAG”) region is required to prepare a Housing Element Update for the 6<sup>th</sup> planning cycle, which spans the 2021-2029 period, regardless of when the other elements of the General Plan were adopted. The due date for the 6<sup>th</sup> cycle Housing Element Update is October 15, 2021.

### HCD Review and Certification

An important difference between the Housing Element and other elements of the General Plan is the extent of State oversight. The State legislature has declared that an adequate supply of housing is a matter of statewide importance, and has delegated authority to the California Department of Housing and Community Development (“HCD”) to review local government Housing Elements and issue opinions regarding their compliance with State law. A finding of compliance by HCD is referred to as “certification” of the Housing Element. Certification is important to enhance cities’ eligibility for grant funds and to support local land use authority.

### Regional Housing Needs Assessment (RHNA)

One of the most important aspects of Housing Element law is the requirement that each city adopt land use plans and regulations that can accommodate its assigned share of statewide housing need. The Regional Housing Needs Assessment (“RHNA”) is the process by which each city’s housing need is determined. Prior to each Housing Element planning cycle the region’s total housing need is established by HCD based upon economic and demographic trends, existing housing problems such as overcrowding and overpayment, and additional housing needed to ensure reasonable vacancy rates and replace units lost due to demolition or natural disasters. The total housing need for the Southern California region is then distributed to cities and counties by the Southern California Association of Governments (“SCAG”) based upon criteria established in State law.

In late 2019 HCD issued a RHNA determination of 1,341,827 additional housing units for the SCAG region during the 2021-2029 period. Following HCD’s RHNA determination, SCAG prepared a methodology for distributing a portion of the total RHNA to each jurisdiction in the SCAG region consistent with criteria established in State law. In early 2020 SCAG’s Regional Council adopted the RHNA methodology and draft RHNA allocations were published

last September. Following a series of public hearings, SCAG is expected to adopt the final RHNA Plan in March 2021.

In addition to total housing need, RHNA allocations are distributed among five income categories as shown in the following table.

**Table 1. RHNA Income Categories**

Income Category	% of county median income
Extremely low	Up to 30%
Very low	31-50%
Low	51-80%
Moderate	81-120%
Above moderate	Over 120%

Source: California Government Code Sec. 65584(f)

Affordable rents and purchase prices are based on the State policy that households should not pay more than 30% of their gross income for housing. Affordable housing costs for all jurisdictions in San Bernardino County that correspond to the various income categories are shown in Table 2. Affordability numbers are adjusted each year and are based on family size. Table 2 provides the current figures for a “4-person family” in San Bernardino County.

Income Category	Maximum Income	Affordable Rent	Affordable Price (est.)
Extremely low	\$26,200	\$655	*
Very low	\$37,650	\$941	*
Low	\$60,250	\$1,506	*
Moderate	\$90,350	\$2,259	\$365,000
Above moderate	Over \$90,350	Over \$2,259	Over \$365,000

Assumptions:  
 -Based on a family of 4 and State income limits  
 -30% of gross income for rent or principal, interest, taxes & insurance plus utility allowance  
 -10% down payment, 3.75% interest, 1.25% taxes & insurance, \$300 HOA dues  
 \* For-sale affordable housing is typically at the moderate-income level  
 Source: Cal. HCD; JHD Planning LLC

Table 3 shows the draft RHNA allocations for Upland, San Bernardino County, and the entire SCAG region.

	Upland	San Bernardino County	SCAG Region
Draft Housing allocation 2021-2029	5,673	128,972	1,341,834

Source: SCAG, 9/4/2020

The RHNA also distributes total housing need to the income categories described in Table 2 (the extremely-low and very-low categories are combined for RHNA purposes). The draft 6th cycle RHNA allocation by income category for Upland is shown in Table 4.

Table 4. Draft 6 <sup>th</sup> RHNA by Income Category: Upland				
Very Low	Low	Moderate	Above Moderate	Total
1,580	957	1,011	2,125	5,673
Source: SCAG, 9/4/2020				

The RHNA identifies the amount of additional housing at different price levels a jurisdiction would need in order to fully accommodate its existing population plus its assigned share projected growth over the next 8 years while avoiding problems like overcrowding and overpayment. The RHNA is a planning requirement based upon housing need, *not a construction quota or mandate*. The significance of the RHNA is that jurisdictions are required to adopt land use plans and development regulations that could accommodate different types of housing commensurate with the RHNA allocation. Under current law, cities are not penalized if actual housing production does not achieve the RHNA allocation, but some provisions of State law require cities to streamline the review and approval process for housing developments that meet specific standards (such as affordability and prevailing wage labor requirements) when housing production falls short of the RHNA allocation.

The Housing Element must demonstrate compliance with the RHNA by analyzing the city’s capacity for additional housing based on an evaluation of land use patterns, development regulations, potential constraints (such as infrastructure availability and environmental conditions) and real estate market trends. The analysis must be prepared at a parcel-specific level of detail and identify properties (or “sites”) where additional housing could be built under current regulations. This evaluation is referred to as the “sites analysis” and State law requires that the analysis demonstrate that the city has adequate capacity based on plans and zoning to fully accommodate its RHNA allocation in each income category. If the sites analysis does not demonstrate that adequate capacity exists to fully accommodate the RHNA, the Housing Element must describe proactive steps that will be taken to increase capacity commensurate with the RHNA – typically through amendments to land use plans and zoning regulations that could facilitate additional housing development. Such amendments typically include increasing allowable residential densities or allowing housing to be built in areas where residential development is not currently allowed, such as commercial areas.

State law recognizes that while cities play an important role in housing development through their planning and zoning powers, the total amount of new housing built is dependent on many factors including general economic conditions, market trends and developer interest. However, based on staff's preliminary analysis, it appears that some changes to the City's current General Plan land use and zoning designations may be necessary to accommodate the new RHNA allocation. Such changes could involve increased allowable densities or permitting residential use in areas where residential use is not currently allowed.

After the analysis of site capacity is completed, staff will provide a subsequent report to the City Council and Planning Commission regarding policy options for consideration. If zoning changes are necessary, State law allows up to three years for cities to complete those amendments.

### Safety Element

In addition to the Housing Element, State law requires that the Safety Element be updated concurrent with each Housing Element update. The key issues for the Safety Element will be updating information, policies and programs related to wildland fire hazards, flood hazards, geological hazards and the effects of climate change.

### Environmental Justice

In 2016 State law was amended (SB 1000) to add Environmental Justice to the required components of General Plans. Environmental justice may be addressed either as a separate General Plan element or as part of other elements. The analysis must identify whether any "disadvantaged communities" are located within the city, and if so, the General Plan must do all of the following:

- (A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity;
- (B) Identify objectives and policies to promote civic engagement in the public decision-making process; and
- (C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

"Disadvantaged communities" generally means low-income areas that are disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

Most portions of Upland south of Foothill Boulevard are designated by the State as being within disadvantaged communities.

## **NEXT STEPS**

Over the coming months staff will prepare draft documents for review by the City Council, Planning Commission and community stakeholders, and a series of public meetings will be conducted to solicit comments and policy recommendations. Prior to final adoption, the draft Housing, Safety and Environmental Justice Elements will be reviewed by the Planning Commission and City Council at formal public hearings.

State law also requires that the draft Housing Element be submitted for review by HCD and the draft Safety Element be submitted to both the State Board of Forestry and the California Department of Conservation for review prior to final adoption. As part of the City's update process, any comments from those agencies must be considered by the Planning Commission and City Council.

A page has also been created on the City website (<https://www.uplandca.gov/2021-2029-housing-element-update>) where a Housing Element "Frequently Asked Questions", meeting notices, draft documents and other reference materials will be posted. Interested parties may also submit questions or comments throughout the update process by e-mailing City staff at: [housingelement@UplandCA.gov](mailto:housingelement@UplandCA.gov).

The tentative schedule for the Housing, Safety and Environmental Justice Element updates is as follows:

<b>Date</b>	<b>Milestone</b>
Winter 2020/2021	Research & analysis Public review City Council/Planning Commission Study Session
Spring 2021	Prepare Draft Housing, Safety and EJ Elements Public review State review & consultation Prepare Rev. Draft Housing, Safety and EJ Elements Public review
Summer/Fall 2021	Planning Commission hearing & recommendation City Council hearing & adoption