



**CITY OF EL MONTE**  
ECONOMIC DEVELOPMENT DEPARTMENT  
CITY COUNCIL AGENDA REPORT

SPECIAL CITY COUNCIL MEETING OF DECEMBER 17, 2013

November 27, 2013

The Honorable Mayor and City Council  
City of El Monte  
11333 Valley Boulevard  
El Monte, CA 91731

Honorable Mayor and City Council:

**APPROVAL OF GENERAL PLAN AMENDMENT NO. 02-13 ADOPTING A MANDATORY UPDATE TO THE HOUSING ELEMENT OF THE EL MONTE GENERAL PLAN PURSUANT TO STATE HOUSING ELEMENT LAW AND APPROVAL OF CODE AMENDMENT NO. 731 ADOPTING UPDATED ZONING AND DEVELOPMENT REGULATIONS CONSISTENT WITH THE HOUSING GOALS AND POLICIES OF THE UPDATED 2014-2021 HOUSING ELEMENT**

**IT IS RECOMMENDED THAT THE CITY COUNCIL:**

1. Receive a report and presentation from City staff and the City's consultants regarding the requirements of State Housing Element Law and related zoning code amendments; and
2. Open the public hearing to receive public comment regarding the proposed actions; and
3. Close the public hearing regarding the proposed actions; and
4. Receive and file the Housing Technical Report prepared for the updated Housing Element; and
5. Adopt a Resolution approving General Plan Amendment No. 02-13 to amend the El Monte General Plan by adopting the updated Housing Element for the 2014-2021 planning period; and
6. Adopt an Ordinance approving Code Amendment No. 731 to amend Chapter 17 (Zoning) of the El Monte Municipal Code; and

**14.2**

7. Adopt a Negative Declaration for the proposed actions; and
8. Authorize staff to submit the Updated Housing Element and related documents to the State Department of Housing and Community Development for final review and certification.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:**

The intent and purpose of the updated Housing Element (HE), Technical Report and Code Amendment are to ensure compliance with State housing law and statutory requirements. A certified Housing Element will maintain the City's continuous conformance with State planning, land use, and housing laws; will provide the City with the opportunity to remain eligible for various State and Federal housing-related grants and funding sources; and will protect the City from potential General Plan non-conformity legal actions.

The Housing Element guides the City's actions, policies, and programs to facilitate the development, implementation, and preservation of housing commensurate with the City's housing needs as periodically determined for the region by the California Department of Housing and Community Development (HCD) and locally administered by the Southern California Association of Governments (SCAG) through the Regional Housing Needs Assessment (RHNA) allocation process.

In compliance with State law, housing elements adopted by localities must do the following:

1. Identify adequate sites for a range of housing opportunities;
2. Assist in the development of adequate and affordable housing;
3. Address constraints to meeting the City's housing needs;
4. Conserve and improve the condition of housing; and
5. Promote housing opportunities for all residents.

**BACKGROUND:**

***Summary of the Draft 2014-2021 Housing Element:*** All cities in California are required by State Law to produce, update, and certify their Housing Elements on a cyclical basis. Housing Elements are one (1) of seven (7) mandated documents that comprise a City's General Plan but is the only element that must be certified by the State under a process overseen by HCD.

In June 2013, the City Council authorized an agreement with the consulting firm of ESA to assist the City with the preparation and drafting of the statutory updates to the Housing Element. Since that time, staff and the consultants have developed an updated draft Housing Element and Housing Technical Report for the 2014-2021 planning period, also known as the "5<sup>th</sup> Planning Cycle." These two (2) documents are attached as Attachment 6 and 7 to this report.

The previous 2008-2014 Housing Element (the "4<sup>th</sup> Planning Cycle") was adopted by the City Council and certified by the State in 2009 based on the City adopting certain policies and development regulations to address mandatory Housing Law requirements. Specifically, the City agreed to adopt development regulations for new multi-family housing developments in the Mixed Multi-Use (MMU) zone by right and to establish Residential Density Bonus provisions as an incentive for affordable housing production. In addition, the passage of Senate Bill 2 (2008) requires every jurisdiction within California to adopt specific provisions and definitions for Emergency Shelters, Transitional Housing, Efficiency Units (SRO's) and Supportive Housing Units within the zoning codes and to permit the establishment of these various types of housing within the City. These mandated code amendments are set forth in the companion Code Amendment No. 731 and must be included with the proposed adoption of the 5<sup>th</sup> Planning Cycle HE to achieve successful HCD certification by February 15, 2014.

The HE must also address the City's fair share of the RHNA allocation established by SCAG. The RHNA allocation establishes the number of new units anticipated to be needed (by income category) to accommodate the expected population growth over the planning period. State law requires that cities incorporate this allocation into the Housing Element update and plan accordingly. The 2014-2021 HE identifies the City's RHNA allocation, sets forth housing goals, policies, and programs and plans housing production for all household types and income categories; including seniors, large families, and the workforce. Importantly, the draft HE demonstrates that the City can accommodate its RHNA goal of 2,142 units over the next eight-year planning period, of which, 529 units are for Very Low Income families, 315 units are for Low Income families, 352 units are for Moderate Income families, and 946 units are for Above Moderate Income families.

**Summary of Proposed Code Amendment No. 731:** As explained above, to achieve State Certification, the City is mandated to amend its zoning code to address the various statutory requirements in State housing law and to fulfill commitments contained in the previously certified 4<sup>th</sup> Planning Cycle Housing Element. The following is a brief summary of the major code amendments in the companion Code Amendment No. 731 and have been incorporated into the draft City Council Ordinance for adoption:

1. Adoption of Mixed Multi-use Development Regulations. The City's Land Use Element, adopted in 2011, includes a new land use designation for the major

corridors in El Monte entitled "Mixed Multi-Use" (MMU). The major corridors include Garvey Avenue, Peck Road and Valley Boulevard. Establishing development regulations in the zoning code is required as a follow-up to the General Plan update.

2. Inclusion of Density Bonus Provisions. El Monte committed to the adoption of a Density Bonus program in its 2008-2014 HE to promote the production of affordable housing units within the City. As such, a new zoning code section will be added to the El Monte Municipal Code which clearly identifies the implementation of density bonuses as an incentive for affordable housing.
3. Compliance with Senate Bill 2 (2008). This bill went into effect on January 1, 2008, and requires cities and counties to address efficiency units, emergency shelters, transitional housing, and supportive housing.
4. Consistency with HCD Definition. HCD requires all cities to adopt specific definitions of manufactured housing and mobile homes and to identify the zones where such housing types are permitted. HCD also requires cities to include specific definitions that are consistent with HCD's definition for "family," "emergency shelter," "single-room occupancy units," "supportive housing," "target population," "transitional housing," "manufactured home," "mobile home" and "integrated household."
5. Amendments to Conditional Use Permit Provisions. Given the necessary inclusion of specific types of housing and adoption of the MMU Zone, concurrent amendments to conditional use permit provisions (Chapter 17.24) are proposed.
6. Transition use area. An additional amendment is proposed to include a definition for "buffer uses." Planning staff and the Planning Commission recommend that such uses be allowed subject to a conditional use permit in the MMU zone to allow greater flexibility for buildings and uses that promote the transitioning between the MMU zone and a more intensive zone within the City or in a neighboring jurisdiction.

### **FISCAL IMPACTS**

The consulting firm has completed the contracted preparation work and the drafting of the various documents on time and within the approved budget and will have satisfied all requirements of their Professional Service Agreement when the City has received final certification by HCD. No fiscal impacts will occur as a result of the proposed actions.

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### **ENVIRONMENTAL COMPLIANCE**

The City of El Monte's adoption of an updated Housing Element and approval of related code amendments are actions subject to the California Environmental Quality Act (CEQA). Accordingly, the City conducted a CEQA Initial Study (IS) with the assistance of ESA for the proposed actions and determined that there will not be any significant impacts on the environment. A Negative Declaration has been prepared and the City filed a Notice of Intent (NOI) to adopt the IS/Negative Declaration. The NOI and the Negative Declaration have been attached as Attachment 3 to this report.

Adoption of the proposed Housing Element and associated code amendments will not result in any physical development or change to the environment. The Housing Element and code amendments are policy documents rather than a plan to build structures on any particular site. Any future housing development in El Monte will be subject to subsequent environmental review, and remains subject to the requirements of CEQA.

### **PUBLIC PARTICIPATION AND OUTREACH**

To solicit public participation during the preparation of the Housing Element and processing of proposed code amendments, City staff and ESA consultants conducted two (2) community workshops with the Planning Commission; one on July 23, 2013 and one on September 17, 2013. Notices of the workshops were published in the Mid-Valley News and flyers were distributed at libraries, City Hall, the Senior Center and the Aquatics Center. Over 30 non-profit/community stakeholders were directly notified by mail and information was posted on the City's website.

The Planning Commission reviewed the proposed actions during a regularly scheduled public hearing on November 19, 2013 and voted 5-0 to recommend that the City Council approve General Plan Amendment No. 02-13 and Code Amendment No. 731.

### **HCD STREAMLINED REVIEW AND MANDATES**

As part of the mandatory preliminary review process of the draft documents, the City submitted the first draft of the 5<sup>th</sup> Planning Cycle HE and Technical Report for review to HCD on August 19, 2013. In a letter dated October 18, 2013, HCD indicated that the City qualified for a streamlined review process by HCD and iterated that the City must meet its statutory obligations of State housing law by adopting the associated zoning code amendments to implement regulations that facilitate the various housing policies and programs identified in the previously certified 4<sup>th</sup> Cycle Housing Element and as mandated by statutes in the proposed 5<sup>th</sup> Cycle Housing Element. Attachment 4 to this report is a copy of the HCD letter.

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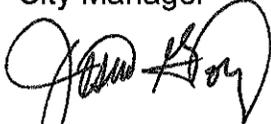
**CONCLUSION**

The adoption and approval of the draft 2014-2021 Housing Element, Technical Housing Report and the companion code amendments provide the necessary goals and policies and the implementing regulations that will allow the City to meet State housing law and mandatory requirements.

Respectfully submitted,



RAUL GODINEZ II  
City Manager



JESUS M. GOMEZ  
Assistant City Manager



DAMIEN R. ARRUELA  
Economic Development Director

Attachments(s):

1. City Council Resolution
2. City Council Ordinance
3. CEQA NOI & Negative Declaration
4. Letter from HCD dated October 18, 2013
5. Planning Commission Staff Report and Resolution
6. Draft 2014-2021 Housing Element
7. Draft Housing Technical Report

DATE: DECEMBER 17, 2013	
PRESENTED TO EL MONTE CITY COUNCIL	
<input checked="" type="checkbox"/>	APPROVED
<input type="checkbox"/>	DENIED
<input type="checkbox"/>	PULLED
<input type="checkbox"/>	RECEIVED AND FILE
<input type="checkbox"/>	CONTINUED
<input type="checkbox"/>	REFERRED TO
<i>Ord. 2834 (first reading)</i>	
<i>Reso. 9466</i>	
CHIEF DEPUTY CITY CLERK	

RESOLUTION NO. 9466

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA APPROVING GENERAL PLAN AMENDMENT NO. 02-13 THEREBY ADOPTING AN UPDATED 2014-2021 HOUSING ELEMENT AND A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City Council of the City of El Monte desires to comply with State law by adopting a revised and updated Housing Element and Housing Technical Report as part of the General Plan and desires to obtain State certification from the State of California Department of Housing and Community Development (HCD); and

WHEREAS, the City Council wishes to establish actions, policies and programs to facilitate the development, implementation, and preservation of housing commensurate with the City's Regional Housing Needs Assessment (RHNA) allocation as determined and allocated by HCD and the Southern California Association of Governments (SCAG) for the 2014-2021 housing planning cycle (the "5<sup>th</sup> Planning Cycle"); and

WHEREAS, on July 23, 2013, September 17, 2013, and November 19, 2013, the City of El Monte's Planning Commission conducted advertised public workshops and hearings to solicit public input and to discuss the proposed changes to the Housing Element and the El Monte Municipal Code; and voted 5-0 to forward approval of the proposed actions to the City Council; and

WHEREAS, extensive public outreach was conducted to generate community participation in the development of the Housing Element, Housing Technical Report, and companion Code Amendment No. 731 that involved mailing notices to community stakeholders, posting notices on the City website and at public libraries, distributing flyers at the Community Center and Senior Center and posting notices in two (2) locations at City Hall and publishing announcements in a newspaper of general circulation on two (2) occasions; and

WHEREAS, pursuant to California Government Code Sections 65587-65588, the City must update its Housing Element and Housing Technical Report of the General Plan to meet the provisions of Title 7, Division 1, Chapter 3, Article 10.6, commencing with Sections 65580, et seq.; and

WHEREAS, HCD informed the City that the Draft 2014-2021 Housing Element addresses all the requirements of State Law; and

WHEREAS, the Planning Commission carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing of November 19, 2013; and

WHEREAS, on December 4, 2013, a Notice of a Public Hearing was published in the Mid-Valley News, a newspaper of general circulation for public comment on the adoption of an updated Housing Element (General Plan Amendment 02-13) and Negative Declaration, which provided for a 10-day review period as required by State law.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. That pursuant to due notice as required by law, a full and fair public hearing was held by and before the El Monte City Council on December 17, 2013, at which time, all interested persons were given full opportunity to be heard and present evidence.

SECTION 2. That the City Council, based upon consideration, review and acknowledgement of the receipt of the staff report and presentation made to the City Council at the public hearing, the Planning Commission staff report and resolution on the proposed actions, the draft Housing Element, draft Housing Technical Report, draft companion regulations (CA 731), and public input, found that there is no evidence that a significance adverse effect on the environment, as defined under the California Environmental Quality Act (CEQA) of 1970, as amended, will occur as a result of the approval of General Plan Amendment No. 02-13 and in accordance with the criteria and authority contained in the California Environmental Quality Act of 1970 and the CEQA Guidelines as amended, it has been determined that the proposed actions will not result in any environmental impacts, as amended because the actions being considered are consistent with the Certified Program EIR adopted for the General Plan by the City Council on June 7, 2011 and are within the scope of the previous environmental determination and therefore does hereby adopt a Negative Declaration in connection with the approval of General Plan Amendment No. 02-13 pursuant to CEQA Guidelines, as amended.

SECTION 3. That General Plan Amendment 02-13 is in the public interest and that the public health, safety and welfare will be served by the adoption of the proposed amendment and that the updated Housing Element is a good planning practice and will promote conformity and consistency with the General Plan.

SECTION 4. That the City Council of the City of El Monte does hereby accept and reaffirm, and incorporate herein by reference for its own findings, the findings made by the Planning Commission in connection with the proposed actions as outlined in Planning Commission Resolution No. 3346.

SECTION 5. That the City Council does hereby also find that General Plan Amendment 02-13 adopting the 2014-2021 Housing Element and Technical Report should be approved for the following reasons and findings:

- a) The updated (2014-2021) Housing Element and Technical Report have been prepared in the interest of the existing and future residents of El Monte in order to ensure that sufficient housing opportunities exist for individuals at all income categories.
- b) The updated (2014-2021) Housing Element and Technical Report set forth policies which aim to provide quality housing opportunities for all income levels and age groups based upon the fair share of the regional housing need as determined by the Southern California Association of Governments (SCAG).
- c) The 2014-2021 Housing Element and Technical Report will not be detrimental to the health, safety and welfare of the El Monte community and is a good planning practice.
- d) General Plan Amendment 02-13 which adopts the updated 2014-2021 Housing Element and Technical Report is in compliance with the California Environmental Quality Act (CEQA) as determined in the Initial Study (IS) and Negative Declaration (ND).
- e) The California Department of Housing and Community Development has determined that the proposed 2014-2021 Housing Element and Technical Report addresses all the requirements of State law and requires formal adoption by the City Council for State certification.

SECTION 6. That the City Council does hereby approve General Plan Amendment 02-13 for adoption of the 2014-2021 Housing Element (Exhibit A attached and incorporated hereto by reference) and Housing Technical Report (Exhibit B attached and incorporated hereto by reference), in substantially the forms attached and incorporated by reference, to replace the 2008-2014 Housing Element and the 2008-2014 Housing Technical Report as part of the General Plan.

SECTION 7. That the City Council does hereby authorize the filing of a Notice of Determination with the Clerk of the County of Los Angeles within five (5) working days from the date of this approval.

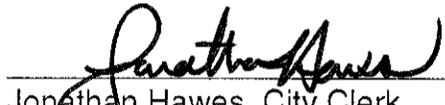
SECTION 8. That the City Clerk of the City of El Monte, California, shall certify to the adoption of this resolution.

PASSED AND ADOPTED by the City Council of the City of El Monte at a regular meeting on this 17th day of December, 2013.



Andre Quintero, Mayor  
City of El Monte

ATTEST:

  
Jonathan Hawes, City Clerk  
City of El Monte

STATE OF CALIFORNIA)  
COUNTY OF LOS ANGELES) SS:  
CITY OF EL MONTE)

I, Jonathan Hawes, City Clerk of the City of El Monte, County of Los Angeles, State of California, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 9466 adopted by the City Council of the City of El Monte, at a regular meeting by said Council held on December 17, 2013, by the following votes to wit:

AYES: Mayor Quintero, Mayor Pro-Tem Patel, Councilman Gomez and Councilwoman Martinez

NOES: None

ABSTAIN: Councilwoman Macias

ABSENT:

  
Jonathan Hawes, City Clerk  
City of El Monte