

Housing Element and Safety Element Updates and Environmental Justice Compliance

Study Session

**COMMUNITY
DEVELOPMENT**

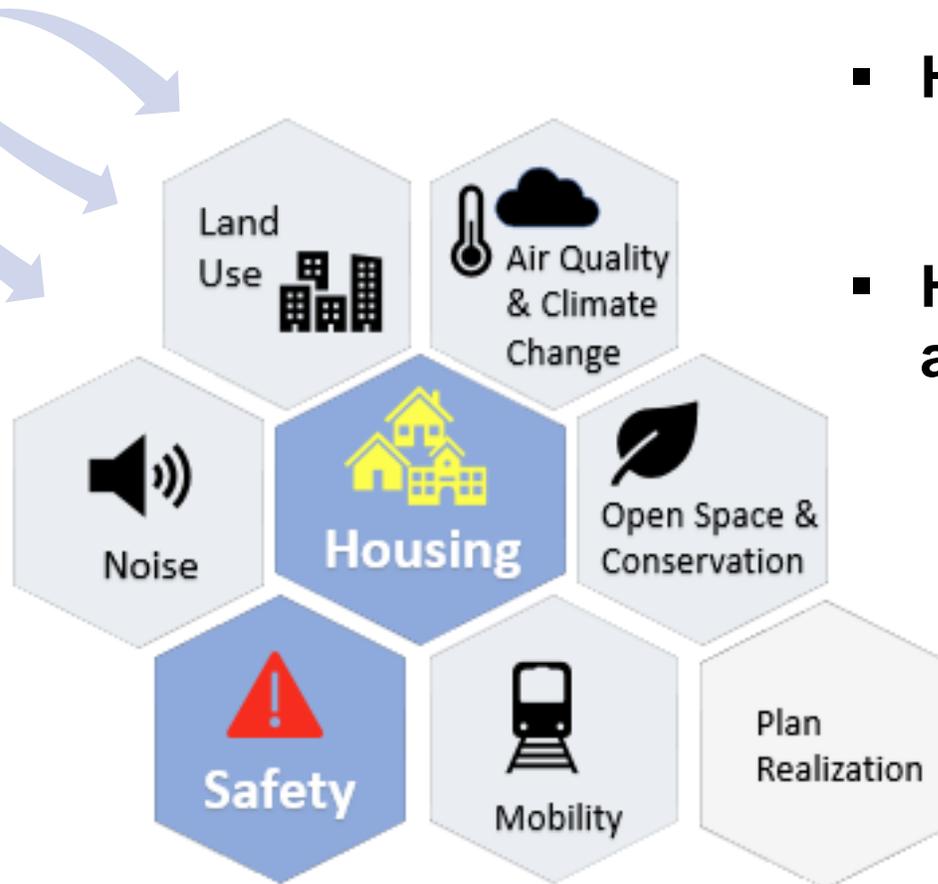
**City Council Meeting
07.21.2020**



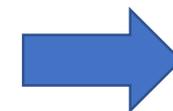
Overview

Burbank2035

Environmental
Justice



- **Burbank2035 - General Plan**
 - Adopted in 2013
 - Several Elements due for update
- **Housing Element**
 - Existing 2014-2021
 - Update every 8 years (2021-2029)
- **Housing Element Update triggers additional General Plan revisions:**
 - Safety Element Update
 - Environmental Justice Element
OR incorporate goals, policies, objectives into existing Elements



First Step: Assessment

Housing Element Context

NUMBER OF JOBS PER HOUSING UNIT



- 2017 Burbank Affordable Housing Analysis and Strategy
- ↓
- 2019 Council goal to produce 12,000 new housing units
- ↓
- 2021-2029 (6th cycle) Housing Element
 - ID sites for future development
 - ID programs to address housing needs

Housing Element 101

- Part of City's General Plan - statutes mandate that local governments *"adequately plan to meet existing and projected housing needs of all economic segments of the community"*
- Housing Element required to undergo State HCD review for compliance with State law
- Housing Element required to be updated according to a defined statutory schedule

State Compliance vs. Non-Compliance

Benefits of Compliance

- Maintain Local Control through City tailored Housing Policy
- Presumption of **legally adequate** Housing Element in courts
- Eligibility for **State housing funds**
- Avoid **RHNA carry-over** into next Housing Element cycle

Detriments of Non-Compliance

- Court-determined invalid Element may result in **suspended City authority** to issue building permits for non-housing projects
- **State Attorney General** has authority to sue cities

Burbank 2014-2021 HOUSING ELEMENT
CERTIFIED BY HCD

Progress under Current Housing Element

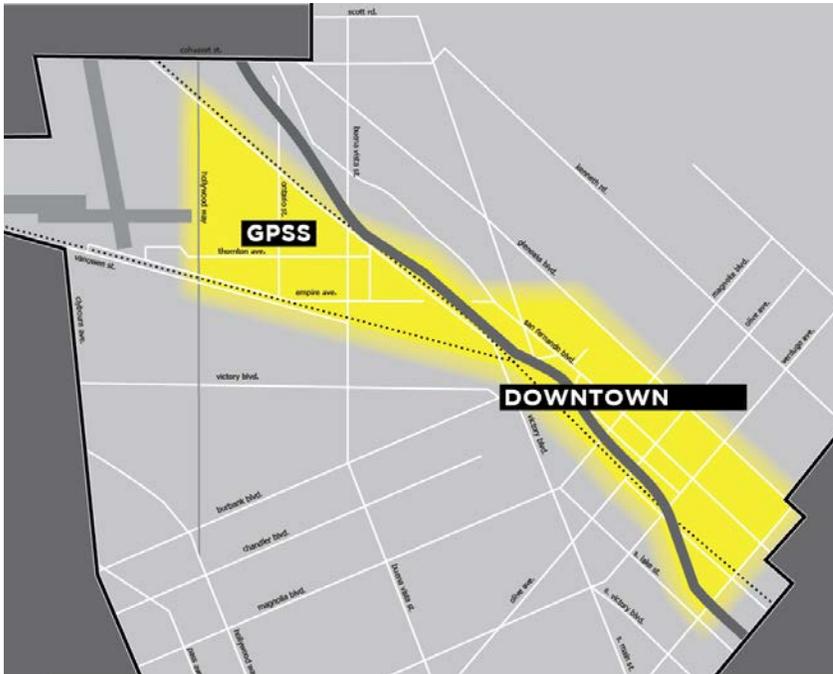
- **Highlights:**

- ✓ Acquired & rehabilitated 27 very low income units with affordability covenants thru BHC
- ✓ Approved 2 mixed use projects in Downtown and 1 in Media District, providing 1,089 new apartments, including 82 moderate income units
- ✓ Adopted new accessory dwelling unit (ADU) ordinances, producing >350 ADUs
- ✓ Approved development of a total of 90 affordable housing units, with 5 additional lower income units currently under review (601-615 E. Cedar, First Street Village, La Terra)

Progress under Current Housing Element

- **Highlights:**

- ✓ Initiated Golden State and Downtown Burbank Metrolink Station Transit Oriented Development specific plans
- ✓ Adopted Affordable Housing Analysis & Strategy and the 2018-2021 Homelessness Plan
- ✓ Adopted eviction moratorium for non-payment of rent and Rent Repayment Ordinance
- ✓ Maintained dialogue with property owners to extend affordability controls on 3 at-risk projects



Transit Oriented Development (TOD)

Burbank's 2014-2021 RHNA Progress

Income Level	RHNA Allocation (2014-2021)	RHNA Progress (2014-2019)	Remaining RHNA
Very Low	694	0	694
Low	413	71	342
Moderate	443	17	426
Above Mod	1,134	413	721
Total	2,684	501	2,183

- 150 new units are expected to receive Certificate of Occupancy during planning period, bringing City to 25% of total RHNA goal
- Progress in lower and moderate income needs even more limited, with ADUs representing majority of new dwelling units provided

Burbank's Draft 2021-2029 RHNA

Income Level	2021-2029 RHNA	% of Total
Very Low	2,546	29%
Low	1,415	16%
Moderate	1,406	16%
Above Mod	3,386	39%
Total	8,752	100%

- **1.34 million new housing units assigned to SCAG**
 - Over 3x RHNA for 5th cycle
- **Burbank's allocation also >3x compared to 5th cycle**
 - Falls within Council goal for 12,000 new units
 - Critical to identify opportunity sites within Golden State and Burbank Center Plan specific plan areas, with sufficient "buffer" to address new requirements

New State Laws

- **State legislature has enacted series of bills aimed at increasing housing production, promoting affordability and creating greater accountability**
- **Key bills affecting Housing Element sites inventory:**
 - ✓ SB 166 Strengthens No Net Loss Law
 - ✓ AB 1397 Additional Justification of Housing Element Sites
 - ✓ AB 686 Affirmatively Furthering Fair Housing
- **Several additional housing bills being proposed in 2020 legislative session**

New State Laws

SB 166 Strengthens No Net Loss Law

- Must make “no net loss” findings in order to approve projects with fewer units than identified in Housing Element and/or **projects that fall within a different income category, or zone a replacement site within 180 days**
- Doesn't permit city to deny a market-rate project because it doesn't contain lower or moderate income units assumed in the Housing Element sites inventory
 - ✓ *Housing Element Implications: Provide sufficient sites buffer, particularly for lower and moderate income units, or face continual re-zoning as sites are developed differently than envisioned in the Housing Element.*

New State Laws

AB 1397 Additional Justification of Housing Element Sites

- Provide “substantial evidence” on non-vacant sites
- Inability to re-use lower income sites from prior housing elements unless zoning allows for use “by-right” for projects with minimum 20% lower income units
- Unless minimum densities established in zoning, maximum site capacities reduced by various factors (e.g. land use controls/site improvements, development trends, typical densities)
 - ✓ *Housing Element Implications: Shift focus of sites inventory away from underutilized multi-family parcels to Burbank’s specific plan areas located near major transit and employment centers.*

New State Laws

AB 686 Affirmatively Furthering Fair Housing

- Conduct assessment of fair housing, prepare a citywide sites inventory and include programs to further fair housing
- Avoid concentrating lower income sites in low-resource areas (lack of access to high performing schools and jobs; increased air pollution/health impacts) or areas of segregation and concentrated poverty
 - ✓ *Housing Element Implications: Incorporate findings and recommendations from Burbank's 2020 Analysis of Impediments (AI). Ensure sites inventory includes locations for higher density/lower income housing in high-resource areas, and incorporate policies for environmental justice.*

Other General Plan Updates

Safety Element Update

- **SB 379 (2017) – Climate Change Adaptation**
 - ✓ Identify Climate Change Vulnerabilities
 - ✓ Create Adaptation Goals, Policies, and Programs
- **SB 2140 – Incorporation of Local Hazard Mitigation Plan**
- **Update other natural hazard mapping as necessary**

Other General Plan Updates

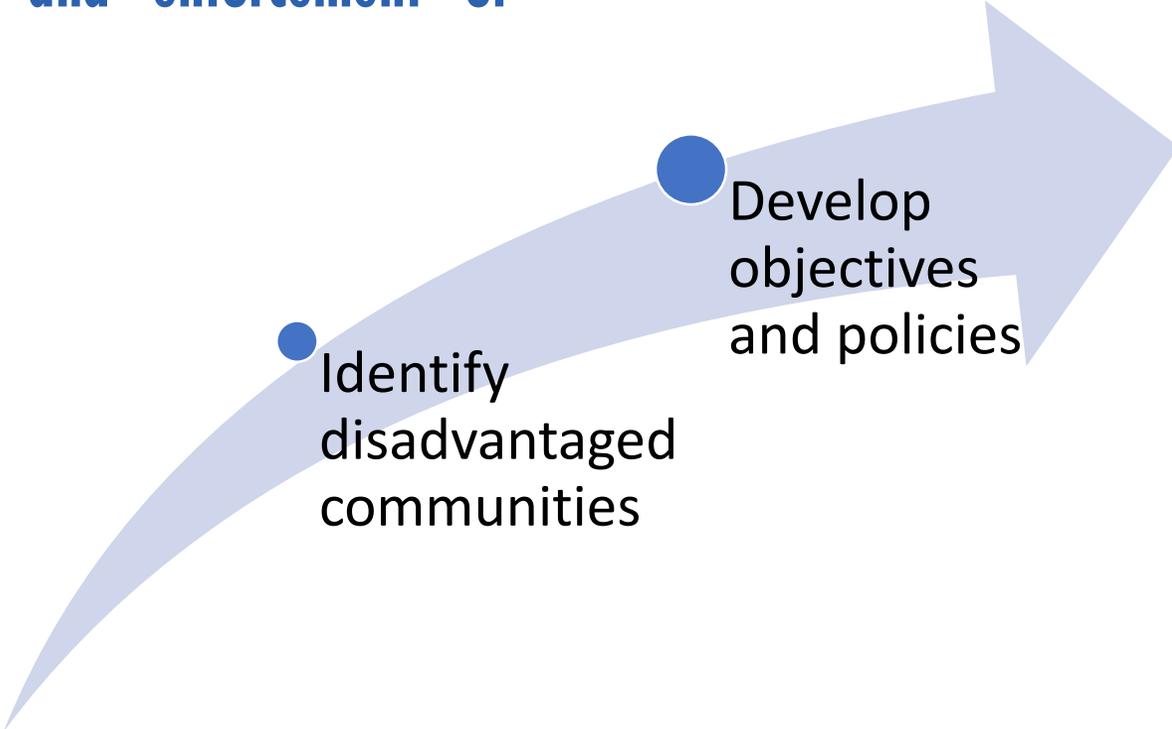
Incorporate Environmental Justice

- **SB 1000 – Environmental Justice (2016)**

- ✓ **Environmental Justice**: the fair treatment and *meaningful involvement* of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

(Government Code section 65040.12(e))

- ✓ **OPR updated Environmental Justice Guidance (June 24, 2020)**



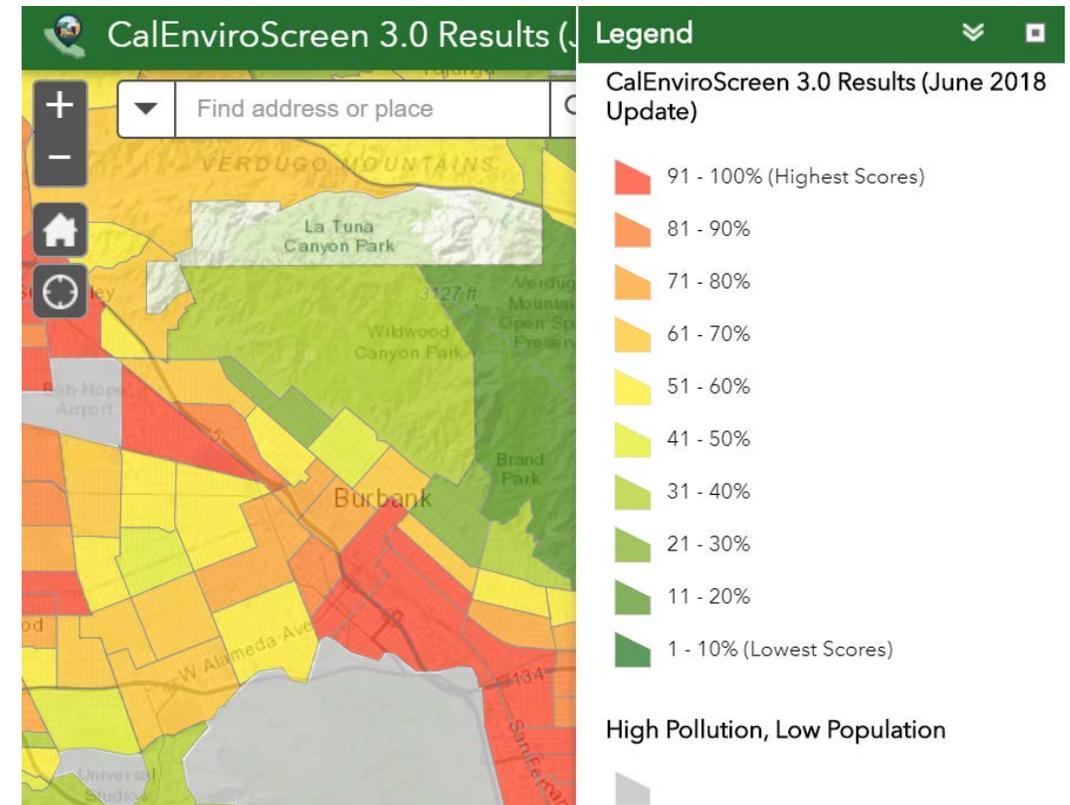
Identify disadvantaged communities

Develop objectives and policies

Other General Plan Updates

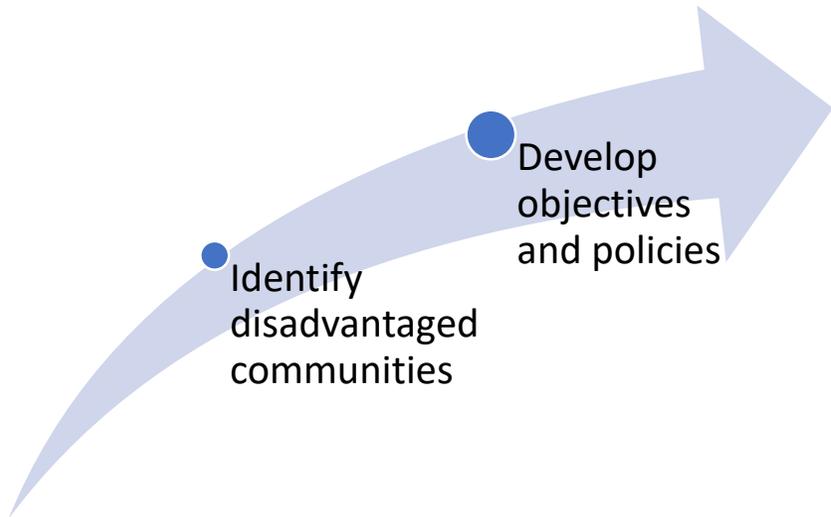
Incorporate Environmental Justice

- **How to Identify Disadvantaged Communities**
 - ✓ Indicators such as: Pollution, Income, Health, Age, Access to Healthy Food
 - ✓ New definition of Environmental Justice emphasizes *meaningful involvement*
 - ✓ Ensure consistency across City departments in identification of disadvantaged communities



Other General Plan Updates

Incorporate Environmental Justice



- ▶ **Reduce health risks in disadvantaged communities**
- ▶ **Promote civic engagement**
- ▶ **Prioritize improvements/ programs for disadvantaged communities**



Policies throughout Plan

Air Quality and Climate Change Element

Land Use Element

Mobility

Open Space and Conservation Element

Safety Element

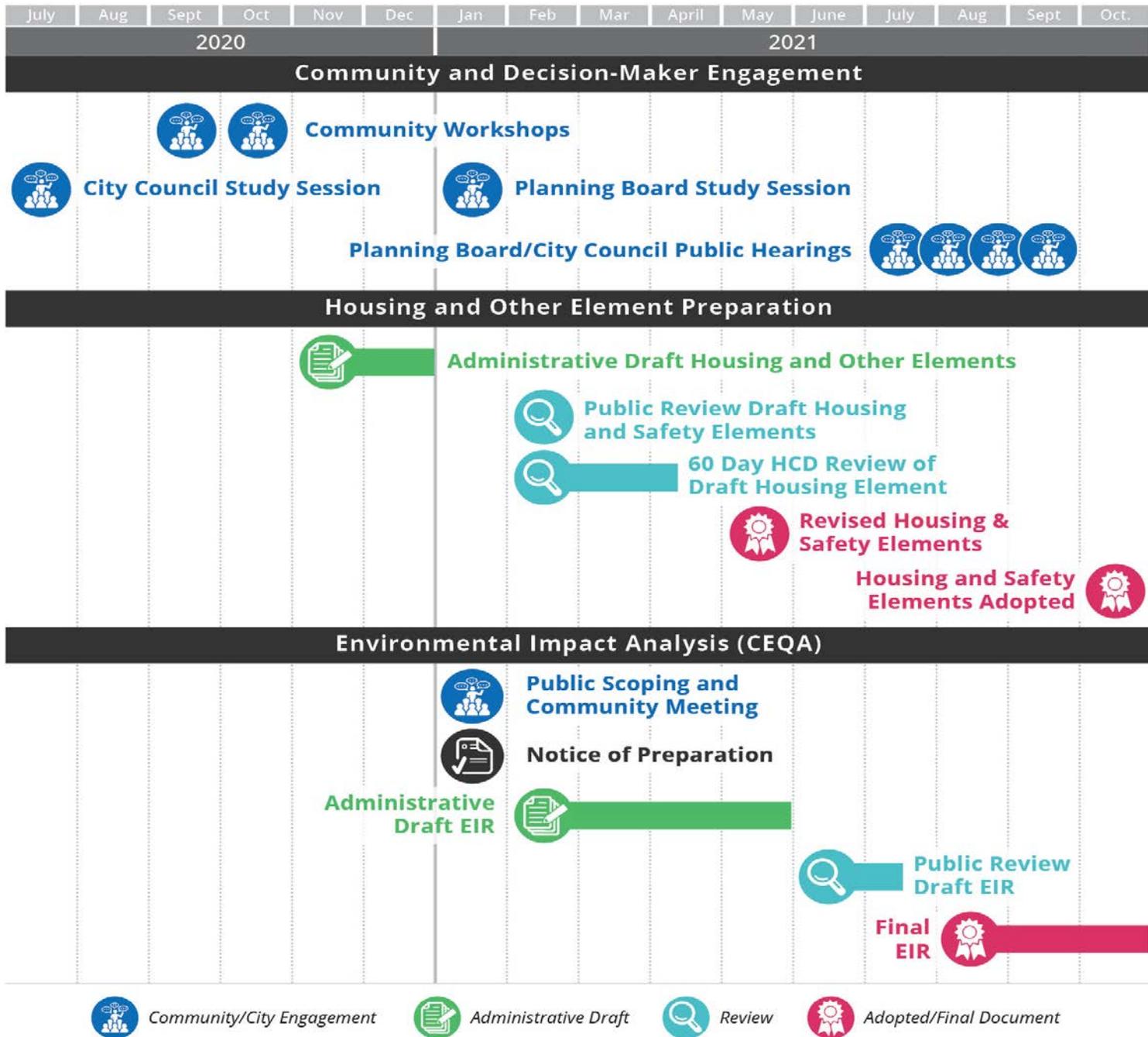
Housing

Next Steps

- **City Council input** on *Burbank2035* General Plan Update
- **Workshop with stakeholders** involved in housing issues in Burbank
- **On-line Housing Element survey** to solicit input on:
 - ✓ Priority housing programs
 - ✓ Preferred housing locations
 - ✓ Incentives to remove housing constraints
- **Community Workshops**
- **Report back to Council** on community input



Draft Housing & other General Plan Updates/EIR



Schedule

***HOUSING ELEMENT UPDATE:**

MUST BE ADOPTED BY OCTOBER 2021