



AGENDA
CITY OF GUSTINE
PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
352 5th STREET GUSTINE, CALIFORNIA
FEBRUARY 26, 2020 – 6:00 P.M.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL

Commission Members: Gomes, Giles, Bruck, Vice-Chairperson Marsigli,
Chairperson Gandy & Ex-Officio Alexander

PRESENTATIONS

ORAL COMMUNICATIONS

At this time, any person may comment on an item, which is not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Members of the public, who have questions regarding a specific agenda item, may comment on that item before consideration of that item by the Planning Commission, when recognized to do so by the Chairman.

CONSENT CALENDAR

1. **Minutes, Planning Commission Regular Meeting of January 22, 2020**
 1. Recommendation: Review and approve.

ADMINISTRATIVE AGENDA

2. **PUBLIC HEARING – Consider Resolution Recommending Approval of the Gustine 5th Cycle Housing Element Four-Year Update**
 1. Receive Staff Report
 2. Open the public hearing
 3. Receive public comment
 4. Close the public hearing
 5. Consider a motion to approve the resolution recommending that the City Council approve the Gustine 5th cycle Housing Element 4-year update

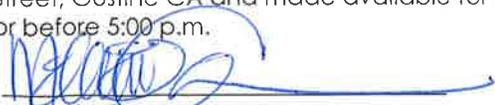
ADJOURNMENT

Note:

1. In compliance with the Americans with Disabilities Act, a disabled person requesting a disability-related modification or accommodation to participate in this meeting, must contact City Hall at (209) 854-6471 or (209) 854-2127 (fax). Requests must be made as early as possible, preferably one-full business day before the start of the meeting.
2. Any document provided to a majority of the Planning Commission regarding any open session item on this agenda is available for public inspection during normal business hours at the front counter of City Hall located at 352 5th Street, Gustine, CA. Documents or writings received after the general distribution of the agenda are also available for inspection.

CERTIFICATION

I, Melanie Correa, Deputy City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted on the outdoor bulletin board at the Gustine City Hall, 352 5th Street, Gustine CA and made available for public review on this 20th day of February, 2020, at or before 5:00 p.m.



Melanie Correa

**MINUTES OF GUSTINE
PLANNING COMMISSION
REGULAR MEETING
JANUARY 22, 2020**

CALL TO ORDER - PLEDGE OF ALLEGIANCE

Chairperson Gandy called the meeting to order at 6:00 P.M. and conducted the pledge of allegiance.

ROLL CALL

Commission Members: Gomes, Bruck, Marsigli, Gandy, Ex-Officio Alexander

Staff Present: City Manager Doug Dunford

PRESENTATIONS

PUBLIC COMMENT

There was no public comment.

CONSENT CALENDAR

1. Minutes, Planning Commission Special Meeting of December 11, 2019

1. Recommendation: Review and approve.

Chairperson Gandy introduced the consent calendar. There was no public comment. Vice Chairperson Marsigli made a motion to approve the consent calendar. The motion was seconded by Commissioner Gomes and carried 4-0.

ADMINISTRATIVE AGENDA

2. PUBLIC HEARING – Consider Resolution Recommending Approval of an Urgency and Non-Urgency Ordinance Amending the Gustine Municipal Code Relating to Accessory and Junior Accessory Dwelling Units

- 1. Receive Staff Report*
- 2. Open the public hearing*
- 3. Receive public comment*
- 4. Close the public hearing*
- 5. Consider a motion to approve the resolution recommending that the City Council both adopt an Urgency Ordinance and a Non-Urgency Ordinance amending the Gustine Municipal Code Relating to Accessory and Junior Accessory Dwelling Units*

City Manager Dunford presented the staff report. Chairperson Gandy opened the public hearing at 6:08 P.M. Craig Turner, 266 1st Street Gustine, inquired how the interpretation would be made on the 40% lot coverage language. Mr. Turner further inquired on the impact fees as they relate to the ordinance. City manager Dunford provided information. Mr. Turner further inquired on the square footage restrictions as they relate to accessory dwelling units. City Manager Dunford provided information. There was some discussion from the commission. The public hearing was closed at 6:26 P.M. There was some additional discussion from the commission. Commissioner Gomes made a motion to approve the resolution. The motion was seconded by Commissioner Bruck and carried.

ADJOURNMENT

Chairperson Gandy adjourned the meeting at 6:40 P.M.



ITEM NO. 2

PLANNING COMMISSION AGENDA ITEM

FEBRUARY 26, 2020

PREPARED BY: Doug Dunford, City Manager
Martin Carver, ZeroCity

SUBJECT: General Plan Amendment #20-XX: Recommendation to the City Council re: the adoption of the Gustine 5th Cycle Housing Element Four-Year Update (2019-2023)

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Receive a report from City staff and the City's Housing Element consultant;
2. Hold a public hearing to receive public comment; and
3. Adopt Resolution PC-2020-XX (Attachment 1), which recommends to the City Council approval of the Gustine 5th Cycle Housing Element Four-Year Update (2019-2023);

BACKGROUND/DISCUSSION:

State law requires housing elements to be updated periodically, and the last update for Gustine was required in 2015. The City completed its 2015 Housing Element in late 2019 (certified by HCD on October 8, 2019), but because the City missed its 2015 deadline, the State Housing and Community Development Department (HCD) now requires the City to adopt housing elements on a four-year cycle. This means that the City must complete its four-year update by March 31, 2020. If the City can meet the March 31st deadline for adopting the four-year update and also complete its 2023 update on time, then the City returns to the standard eight-year housing element update cycle after 2023.

City staff and consultant have prepared a second housing element update, and this draft was sent to HCD for its initial 60-day review on November 29, 2019. City Staff recently received HCD comments on this draft, and a revised document that responded to HCD comments was sent back to HCD in January 2020.

The 4-Year Update includes the following major revisions:

1. Updated information on public participation;
2. New analysis on employee housing in agricultural districts;
3. Updated information on changes to the Zoning Ordinance made during the course of the previous housing element update;
4. New analysis and information on SB 35 that exempts qualifying affordable housing projects from CEQA review and requires "by right" development;
5. New information on lack of inclusionary housing ordinance;

6. Revised account of vacant and underutilized housing sites;
7. Updated analysis of progress made on last housing element; and
8. Revised Implementation Program 1-A (Adequate Sites for a Variety of Housing Types) to conform with "no net loss" rules;
9. Revised Implementation Program 1-B (Information on Affordable Housing Programs) to include information on reasonable accommodations for persons with disabilities;
10. Six new housing programs
 - a. Farm Employee Housing;
 - b. Single-Room Occupancies;
 - c. SB 35 Permit Streamlining;
 - d. Objective Design Standards;
 - e. Support for Displaced Residents; and
 - f. Density Bonus and Accessory Dwelling Unit Updates.

City Staff is now requesting that the Planning Commission make a formal recommendation to the City Council to adopt this four-year housing element update. The recommendation must take the form of a resolution, which is attached (see Attachment 1). The Gustine 5th Cycle Housing Element Four-Year Update (2019-2023), which contains the edits suggested by HCD, is attached to the resolution as Exhibit A.

To support the adoption of this four-year housing element update, staff and consultant conducted a public workshop on October 24, 2019. Noticing for the workshop was mailed to various housing organizations in the region. Notices were also posted on the City's main website, on social media, and at City Hall.

The proposed adoption of the Gustine 5th Cycle Housing Element Four-Year Update (2019-2023) is supported by an Initial Study and Negative Declaration on April 2, 2019.

Attachment:

Resolution recommending approval of four-year housing element update, with Housing Element document attached as Exhibit A

FISCAL IMPACT:

None.

SUMMARY:

Staff recommends that the Planning Commission adopt Resolution PC-2020-XX, recommending to the City Council that it adopt the Gustine 5th Cycle Housing Element Four-Year Update (2019-2023).

EXHIBIT(S):

- A) Resolution with Housing Element attached
- B) HCD Comment Letter (1/31/2020)

Approved by:

Doug Dunford, City Manager

PLANNING COMMISSION RESOLUTION PC-2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GUSTINE RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT GPA-2020-XX, TO UPDATE THE GENERAL PLAN HOUSING ELEMENT CONSISTENT WITH SECTION 65580 ET SEQ. OF THE CALIFORNIA GOVERNMENT CODE

WHEREAS, the City of Gustine is required by State law to prepare and adopt a General Plan for the long-term physical growth and development of the City; and

WHEREAS, the Housing Element is one of seven State mandated elements to be included in the General Plan; and

WHEREAS, the California Department of Housing and Community Development has established a new State planning period (2014 to 2023) and is requiring all local governments within the regional jurisdiction of the Merced County Association of Governments (MCAG) to update their Housing Elements by December 31, 2015; and

WHEREAS, a draft update to the Housing Element of the General Plan has been prepared for adoption by the City Council pursuant to the requirements of state Housing Element law (Government Code §65580 et seq.); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Initial Study of the possible environmental consequences of the updated Housing Element has been prepared by ZeroCity LLC; and

WHEREAS, it has been determined in the Initial Study that the project will have a less than significant effect on the environment, and a Negative Declaration was prepared and adopted on April 2, 2019.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Gustine as follows:

Section 1. The foregoing recitals are true and correct and constitute the Planning Commission's findings in this matter.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Gustine held on the 26th day of February 2020, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Planning Commission Chair

ATTEST:

Planning Commission Secretary

Exhibit A: Gustine 5th Cycle Housing Element Four-Year Update (2019-2023)

EXHIBIT A

City of Gustine Housing Element (2020)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



January 31, 2020

Jami Westervelt
Economic/Community Development Director
City of Gustine
P.O. Box 16
Gustine, CA 95322

Dear Jami Westervelt:

RE: Review of the City of Gustine's 5th Cycle (2016-2024) Draft Four-Year Housing Element Update

Thank you for submitting the City of Gustine's revised draft Housing Element update received for review on December 6, 2019, along with revisions received on January 16, 22, and 23, 2020. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on January 9, 2020 with Martin Carver, the city's consultant.

The revised draft element meets the statutory requirements of state Housing Element law. The Housing Element will comply with state Housing Element law (Article 10.6 of the Government Code) when it is adopted, submitted to and approved by HCD, in accordance with Gov. Code section 65585, subd. (g).

Government Code section 65588, subdivision (e)(4), requires a jurisdiction that failed to adopt its Housing Element within 120 calendar days from the statutory due date to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates. The city is subject to the four-year revision requirement. Provided the city adopts its Housing Element on or before March 31, 2020, it will meet the first four-year update requirement.

Public participation in the development, adoption and implementation of the Housing Element is essential to effective housing planning. Throughout the Housing Element process, the city must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. HCD recommends translational services and written documents be available in a variety of languages during public meetings to maximize language access and community engagement.

For your information, some General Plan element updates are triggered by Housing Element adoption. For example, a jurisdiction must address environmental justice in its General Plan by the adoption of an environmental justice element, or by the integration of environmental justice goals, policies, and objectives into other General Plan elements upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. (Gov. Code, § 65302, subd. (h).) In addition, the safety and conservation elements of the General Plan must include analysis and policies regarding fire and flood hazard management and be revised upon each Housing Element revision. (Gov. Code, § 65302, subd. (g).) Also, the land-use element must identify and analyze disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long-established legacy communities) on, or before, the Housing Element's adoption due date. (Gov. Code, § 65302.10, subd. (b).) HCD reminds the City of Gustine to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Several federal, state, and regional funding programs consider Housing Element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; SB 2 Planning Grants as well as ongoing SB 2 funding (Permanent Local Housing Allocation) consider Housing Element compliance and/or annual reporting requirements pursuant to Gov. Code section 65400. With a compliant Housing Element, Gustine meets Housing Element requirements for these funding sources.

HCD appreciates the diligence and responsiveness Martin Carver, the city's consultant, provided throughout the Housing Element review process and looks forward to receiving Gustine's adopted Housing Element update. If you have any questions or need technical assistance, please contact Jamillah Williams, of our staff, at (916) 263-4849.

Sincerely,



Shannan West
Land Use & Planning Manager