



AGENDA ITEM: 4.

DATE: 8.21.23

STAFF REPORT

ZONE TEXT AMENDMENTS TO TITLE 15, 16, AND 17 OF THE LANCASTER MUNICIPAL CODE

DATE: August 21, 2023

TO: Lancaster Planning Commission

FROM: Cynthia Campaña, Senior Planner
Community Development Department

APPLICANT: City of Lancaster

LOCATION: Citywide

REQUEST: Recommendation approval to the City Council for Zone Text Amendments to Title 15, 16 and 17 of the Lancaster Municipal Code to implement 2021-2029 Housing Element programs and provide clarification, consistency, and compliance with State codes and update standards and regulations.

RECOMMENDATION: Planning Commission adopt Resolution 23-21 recommending approval to the City Council for Zone Text Amendments to Title 15, 16 and 17 of the Lancaster Municipal Code to implement 2021-2029 Housing Element programs and provide clarification, consistency, and compliance with state code and update standards and regulations.

BACKGROUND

On June 14, 2022, the City of Lancaster adopted the 6th cycle 2021-2029 Housing Element. The 2021-2029 Housing Element implemented goals, policies, and programs with the intent of providing a variety of housing (single and multi-family housing) to meet the existing and future needs of residents of the City, facilitate the development of affordable housing through the incorporation of housing assistance programs and resources, and improve and preserve the existing supply of low-income housing. Additional programs focused on the encouragement of housing in mixed use zones, and amended the Zoning Ordinance to be in line with current state mandates.

After the adoption of the Housing Element, City Staff began working on the implementation of goals, policies and programs which initiated Zone Text Amendments to Title 15, 16, and 17 of the Lancaster Municipal Code. The Zone Text Amendments complete the following programs in the Housing Element:

Table 1: Housing Element Programs

PROGRAM POLICY	PROGRAM REQUIREMENT
<p>PROGRAM H-1.5: ACCESSORY DWELLING UNIT</p>	<p>Update the City’s ADU ordinance to comply with State law. Remove regulations that are not compliant with State law, including subjective development standards in the MDR and HDR zones and parking requirements that do not comply with State law. As revisions to State law occur, update the City’s ADU Ordinance accordingly.</p>
<p>PROGRAM H-2.3: EXTREMELY LOW-INCOME AND SPECIAL NEEDS HOUSING</p>	<p>Revise the Zoning Ordinance to expand incentives available to senior housing to all special needs housing types. Include reduced parking standards.</p>
<p>PROGRAM H-4.2: ENCOURAGE HOUSING IN MIXED USE ZONES</p>	<p>Review the existing standards for Mixed Use zones (MU-N, MU-C, MU-E, MU-TOD) and consider changes that would further encourage residential development.</p>
<p>PROGRAM H-4.4: DENSITY BONUS</p>	<p>Update the City’s density bonus ordinance to comply with Government Code §65915. In addition, the density bonus ordinance is currently referenced in the Residential Zones Chapter of Title 17 in the Municipal Code. Ensure it clearly applies to both Residential and Mixed-Use zones, as well as Commercial zones where housing may be conditionally allowed, by also cross referencing the density bonus in other chapters of the Zoning Ordinance.</p>
<p>PROGRAM H-4.5: ZONING ORDINANCE COMPLIANCE WITH HOUSING ACCOUNTABILITY ACT AND MINISTERIAL APPROVAL OF PROJECTS</p>	<p>Amend the Zoning Ordinance to comply with the Housing Accountability Act which requires that multi-family housing (and mixed-use buildings containing at least two-thirds residential) cannot be denied or density be reduced unless specific findings can be made.</p> <ol style="list-style-type: none"> 1. Adopt objective design standards to ensure that the City can provide local guidance on design and standards for by-right projects as allowed by State law. The adoption of objective design standards will facilitate high-quality residential development and guarantee compliance with State objectives. The objective design standards will ensure provision of adequate private open

	<p>space, parking, and related features, as well as architectural design.</p> <ol style="list-style-type: none"> Review findings of approval for Director's Review and ensure that review complies with requirements for ministerial approval of particular projects, including ADUs (Government Code Section 65852.2[a][3]), supportive housing, emergency shelters, manufactured housing, etc.; amend the Zoning Ordinance as necessary to comply and remove subjective findings. Amend the Zoning Ordinance to identify projects that require Site Plan Review and Director's approval.
<p>PROGRAM H-4.6: FARMWORKER HOUSING IN RESIDENTIAL ZONES</p>	<p>Amend Zoning Ordinance regulations for the Residential zones (RR-1, RR-2.5, and SRR) to comply with California Health and Safety Code Section 17021.6, which generally requires that employee housing consisting of no more than 36 beds in group quarters (or 12 units or less designed for use by a single household) be treated as an agricultural use.</p>
<p>PROGRAM H-4.7: ZONING FOR EXTREMELY LOW- INCOME AND SPECIAL NEEDS HOUSING</p>	<p>To fully comply with Government Ordinance Section 65583(a)(4), clearly indicate that emergency shelters are a permitted use in the LI zone, without any discretionary permits required, and add a new section to the Zoning Ordinance outlining additional performance criteria for the use, as specifically outlined by State law.</p> <ol style="list-style-type: none"> Review the Zoning Ordinance and make any necessary changes to ensure compliance with the Supportive Housing Streamlining Act (AB 2162) and AB 101 (Low-Barrier Navigation Centers).
<p>PROGRAM H-4.9: LARGE HOUSING FACILITIES FOR PERSONS WITH DISABILITIES</p>	<p>Review and revise the Zoning Ordinance as needed to similarly permit large residential care facilities in zones where residential uses are permitted or pursue other mitigating options to remove constraints to development. Ensure that permit requirements and necessary findings for residential care facilities and other housing facilities for persons with disabilities of seven or more people are consistent with State law and fair housing requirements.</p>

DISCUSSION:

Title 15- Building and Construction Ordinance

The City of Lancaster Building and Safety Division implemented standard plans for housing subdivisions to help streamline the issuance of building permits. The California Building Code periodically changes and in order to help housing production during a Building Code change a Zone Text Amendment is proposed in Title 15 that would include the ability for a time extension on building permits issuance based on the progress of the building permit.

Title 16- Subdivisions Ordinance

Tentative Tract Maps (TTM) are valid for two years after Planning Commission approval and an applicant may request for an extension that shall not exceed three years. Time extensions of approved TTM's require approval of the Planning Commission. In 2022, Planning Commission approved 11-time extensions for TTM's that did not include any changes or modifications of the approved maps. In order to be consistent with the standard practice of Conditional Use Permit time extensions and to align with Housing Element goals, policies and programs, a Zone Text Amendment is proposed that would change the approving authority to the Community Development Director for TTM time extensions. The TTM time extensions would be approved with the original conditions of approval. In addition, the Urban Lot Split section was updated to reflect State Law.

Title 17- Zoning Ordinance

The majority of the changes are within Title 17 and the amendments include, but are not limited to the following subjects: Definitions, Development Standards, Mixed Use Zones, Accessory Dwelling Units, Density Bonus, Objective Design Standards, and Emergency Shelters and Low Barrier Navigation Centers (Attachment B). These changes are a result of the City implementing program requirements that are within the Housing Element noted in Table 1.

The proposed Zone Text Amendments would ensure consistency with the 2021-2029 Housing Element and State law improve clarity, become user-friendly, and provide staff the ability to better serve the public. The amendments would offer more flexibility, incentivize housing production and support a business-friendly environment. In addition, these updates would allow the City to continue establishing the fundamental framework to guide future decision-making about housing development, high quality design and general community wellbeing.

ENVIRONMENTAL REVIEW

Pursuant to Sections 15162 and 15168(c)(2) of the State CEQA Guidelines, the proposed ordinance amendment is within the scope of the Program Environmental Impact Report (SCH #2007111003) for the existing Lancaster General Plan and within the scope of the Negative Declaration of the Housing Element Update, Safety Element Update and Environmental Justice Element (State Clearinghouse # 2021080292), and no further environmental review is required.

FINDINGS

Section 17.24.140 “Amendments—Commission findings and decision” of the Lancaster Municipal Code contains the following finding:

- 1. The Commission may recommend approval where the information presented at public hearing shows that such amendment is necessary to implement the general plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.**

The proposed Zone Text Amendment is consistent with the goals and policies of the General Plan, as the General Plan designation and zoning designations within the City will not change and the text amendments will result in clarifying the implementation of the goals, policies and programs of the General Plan, specifically the Housing Element. The Zone Text Amendment would allow the City to continue establishing the fundamental framework to guide future decision-making about housing development, high quality design and general community wellbeing.

LEGAL NOTICE

A notice of Public Hearing was posted in three places, and noticed in Antelope Valley Press on August 11, 2023.

RECOMMENDATION

Planning Commission adopt Resolution 23-21 recommending approval to the City Council Zone Text Amendments to Title 15, 16 and 17 of the Lancaster Municipal Code to implement 2021-2029 Housing Element programs and provide clarification, consistency, and compliance with State code and update standards and regulations.

Attachments:

- A. Resolution No. 23-21
- B. ZTA Chart