

Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

AUTHORIZING APPLICATION TO AND PARTICIPATION IN THE STATE OF CALIFORNIA PROHOUSING DESIGNATION PROGRAM

WHEREAS, Government Code section 65589.9 established the Prohousing Designation Program (“PDP” or “Program”), which creates incentives for jurisdictions that are compliant with state housing element requirements and that have enacted Prohousing local policies; and

WHEREAS, such jurisdictions will be designated Prohousing, and, as such, will receive additional points or other preference during the scoring of their competitive applications for specified housing and infrastructure funding; and

WHEREAS, the Department of Housing and Community Development (“Department”) has adopted emergency regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) to implement the Program (“Program Regulations”), as authorized by Government Code section 65589.9, subdivision (d); and

WHEREAS, the City of Petaluma (“Applicant”) desires to submit an application for a Prohousing Designation (“Application”).

WHEREAS, the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that applying for a designation or grant funds does not meet CEQA's definition of a “project,” because the action does not commit the City to a definite course of action (See City of Irvine v. County of Orange (2013) 221 Cal 4th 846, 865 (County’s decision to apply for state funding for potential jail expansion was not project approval) and as there is no definite course of action, there is not the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes an administrative and fiscal activity of the governments which does not involve any commitment to any specific project which that may result in direct or indirect physical changes in the environment, and furthermore any use of the funds will result in its own CEQA analysis.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. The above recitals are declared to be true and accurate and are incorporated into this Resolution as findings of City Council.
2. Finds that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378, in that applying for a designation or grant funds does not meet CEQA's definition of a “project,” because the action does not commit the City to a definite course of action (See City of Irvine v. County of Orange (2013) 221 Cal 4th 846, 865 (County’s decision to apply for state funding for potential jail expansion was not project approval). As there is no definite course of action, there is not the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes an administrative and fiscal activity of the governments which does not involve any commitment to any specific project which that may result in direct or indirect physical changes in the environment, and furthermore any use of the funds will result in its own CEQA analysis.
3. Applicant is hereby authorized and directed to submit an Application to the California Department of Housing

and Community Development.

4. Applicant acknowledges and confirms that it is currently in compliance with applicable state housing law.
5. Applicant acknowledges and confirms that it will continue to comply with applicable housing laws and to refrain from enacting laws, developing policies, or taking other local governmental actions that may or do inhibit or constrain housing production. Examples of such local laws, policies, and action include moratoriums on development; local voter approval requirements related to housing production; downzoning; and unduly restrictive or onerous zoning regulations, development standards, or permit procedures. Applicant further acknowledges and confirms that it commits itself to affirmatively furthering fair housing pursuant to Government Code Section 8899.50.
6. If the Application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver all documents required or deemed necessary or appropriate to participate in the Program, and all amendments thereto (the "Program Documents").
7. Applicant acknowledges and agrees that it shall be subject to the Application; the terms and conditions specified in the Program Documents; the Program Regulations; and any and all other applicable law.
8. The City Manager is authorized to execute and deliver the Application and the Program Documents on behalf of the Applicant for participation in the Program.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 6th day of March 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor