

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

**ADOPTING A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2023 HOUSING ELEMENT,
ADOPT THE CITY OF PETALUMA HOUSING ELEMENT OF THE GENERAL PLAN
FOR THE PERIOD OF 2023-2031 WITH FINDINGS THAT IT SUBSTANTIALLY
COMPLIES WITH STATE HOUSING ELEMENT LAW, AND INCLUDING APPROVAL
OF AN ADDENDUM TO THE PREVIOUSLY APPROVED NEGATIVE DECLARATION
FOR THE 2015-2023 HOUSING ELEMENT**

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Government Code Section 65589.5.); and

WHEREAS, the Legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Government Code Section 65589.5.); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City of Petaluma’s City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Petaluma’s regional housing need allocation (RHNA) of 1,910 housing units, comprised of 499 very-low income units, 288 low-income units, 313 moderate-income units, and 810 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Petaluma has prepared the Housing Element 2023-2031 (the Housing Element) in compliance with State Housing Element Law and has identified sites that demonstrate the City’s capacity to accommodate housing units necessary to comply with the City of Petaluma’s RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, the City of Petaluma mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, a request for consultation was received from the Federated Indians of Graton Rancheria in response to the mailed public notice; and

WHEREAS, the City of Petaluma consulted with the Federated Indians of Graton Rancheria; and

WHEREAS, the Federated Indians of Graton Rancheria expressed no objection to the 2023-3031 Housing Element as drafted following the completion of the requested consultation; and

WHEREAS, the preparation, adoption, and implementation of the Housing Element requires a diligent effort to include all economic segments of the community; and

WHEREAS, the City of Petaluma conducted extensive community outreach as part of their General Plan Update process, which was initiated in 2020 with a community-wide survey and community focus groups; and

WHEREAS, the City conducted engagement related specifically to the Housing Element starting in March 2022 and including multiple public meetings with the General Plan Advisory Committee, Planning Commission, and City Council; and

WHEREAS, additional engagement specific to the Housing Element took place as part of a community workshop on April 7, 2022; and

WHEREAS, in accordance with Government Code Section 65585(b), on August 29, 2022, the City of Petaluma posted the draft Housing Element and requested public comment for a 30-day review period, and on October 30, 2022, after responding to public comments, the City of Petaluma submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, the City held a Community Open House on September 20, 2022, to solicit community input on the Draft Housing Element; and

WHEREAS, the City developed a public online survey that was available to solicit public comments during the 30-day public review period for the Draft Housing Element; and

WHEREAS, all comments generated during the public review period for the Draft Housing Element were compiled in the Housing Element Comment Matrix and submitted to HCD; and

WHEREAS, in January 2023, HCD contacted the City of Petaluma to discuss the adequacy of the draft Housing Element, and based upon this, the City revised the draft Housing Element to include the additional information and data that was requested; and

WHEREAS, the City posted the revised draft on January 20, 2023, seven days prior to the conclusion of HCD's 90-day review period; and

WHEREAS, on January 27, 2023, the City of Petaluma received a letter from HCD providing its findings and comments on the draft Housing Element; and

WHEREAS, at their regular meeting on February 14, 2023, the Planning Commission received a presentation and provided feedback on policy items to respond to HCD comments; and

WHEREAS, at their regular meeting on February 16, 2023, the General Plan Advisory Committee received a presentation and provided feedback on policy items to respond to HCD comments; and

WHEREAS, at their regular meeting on February 27, 2023, the City Council received a presentation, considered feedback from the previous Planning Commission and General Plan Advisory Committee meetings, and provided direction on policy items to incorporate into the final Housing Element; and

WHEREAS, on March 3, 2023, the City published public notification as a 1/8-page ad in the Argus Courier of the Planning Commission’s consideration and recommendation of a General Plan Amendment to repeal the 2015-2023 Housing Element and adopt the Housing Element for the 2023-2031 planning period; and

WHEREAS, on March 6, 2023, the City of Petaluma published the final draft of the Housing Element and requested public comment on the final draft; and

WHEREAS, the City of Petaluma finds that the Housing Element is in substantial compliance with State Housing Element Law and will comply with State Housing Element Law when it is adopted; and

WHEREAS, the final Housing Element does not involve site-specific projects or changes in the currently adopted General Plan land uses; and

WHEREAS, the adoption of the Housing Element is consistent with the City of Petaluma, 2015-2023 Housing Element Initial Study – Negative Declaration (IS-ND) (5th Cycle Housing Element IS-ND). State Clearinghouse Number 2014102018 adopted on December 1, 2014; and

WHEREAS, no substantial environmental changes beyond what was studied in the 5th Cycle Housing Element IS-ND would result from the implementation of the 2023-2031 Housing Element, and there are no substantial changes in the circumstances under which the Housing Element will be implemented that will require major revisions to the previous IS-ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no “new information of substantial importance” as that term is used in CEQA Guidelines Section 15162(a)(3); and

WHEREAS, the previously adopted IS-ND is adequate and the City of Petaluma prepared an Addendum to the 5th Cycle Housing Element IS-ND for the 2023-2031 Housing Element (6th Cycle); and

WHEREAS, the Addendum to the 5th Cycle Housing Element IS-ND contains all the requirements of CEQA Guidelines Section 15164, inclusive of the references, appendices, and all attachments thereto; and

WHEREAS, on March 14, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider the final Housing Element, reviewed the final Housing Element and all pertinent maps, documents, and exhibits, including HCD’s findings, the City of Petaluma’s response to HCD’s findings, the staff report and all attachments, and oral and written public comments; and

WHEREAS, on March 14, 2023, the Planning Commission approved Resolution No. 2023-023 recommending that the City Council approve a General Plan Amendment to repeal the 2015-2023 Housing Element, adopt the Housing Element of the General Plan for the period of 2023-2031 with findings that it substantially complies with State Housing Law, and including approval of an addendum to the previously approved Negative Declaration for the 2015-2023 Housing Element; and

WHEREAS, on March 10, 2023, the City published public notification as a 1/8 page ad in the Argus Courier of the City Council’s consideration of the General Plan Amendment to repeal the 2015-2023 Housing Element and adopt the Housing Element for the 2023-2031 planning period; and

WHEREAS, on March 20, 2023, the City Council conducted a duly and property noticed public hearing to take public testimony and consider the final Housing Element, reviewed the final Housing Element and all pertinent maps, documents, and exhibits, including HCD’s findings, the City of Petaluma’s response to HCD’s findings, the staff report and all attachments, and oral and written public comments.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Petaluma hereby finds, based on substantial evidence in the record, that:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 establishes criteria to assess which level of environmental review is appropriate when a project analyzed in a previously approved CEQA Analysis (e.g., Initial Study/Negative Declaration [ND]) has changed, or the environmental setting within which the review was carried out has changed. It is up to the Lead Agency to determine whether an addendum, supplemental, or subsequent environmental document is appropriate. The lead or responsible agency may choose to prepare an Addendum rather than a supplemental or subsequent ND if the following findings can be made:
 - No new significant impacts will result from the project or from new mitigation measures.
 - No substantial increase in the severity of the environmental impact will occur.
 - No new feasible alternatives or mitigation measures that would reduce impacts previously found not to be feasible have, in fact, been found to be feasible.
3. As outlined in the Addendum, which is incorporated by reference, it was determined that based on the proposed Housing Element (6th Cycle 2023-2031) relative to the previously adopted Housing Element (5th Cycle 2015-2023), changes to the approved project (Housing Element) and/or changes to the project setting will not result in potentially significant impacts not previously identified or analyzed nor would they increase the severity of any previously identified impacts. Further, there are no previously infeasible alternatives that are now considered feasible. Finally, none of the factors set forth in 15162(a)(3) were found to exist.
4. Only minor additions or changes are necessary to make the previous environmental document (Initial Study/Negative [IS/ND] Declaration adopted for the 5th Cycle Housing Element) (SCH #2014102018) adequately apply to the proposed Housing Element (6th Cycle). As such, the City of Petaluma, as the Lead Agency, has determined that an Addendum to the IS/ND is the appropriate review level and is sufficient to address any revisions or changes to the project and/or that of the environmental setting.
5. The conclusions of the Addendum to the adopted Initial Study/Negative Declaration prepared for the Housing Element (6th Cycle) remain consistent with those findings made in the IS/ND prepared for the 2015-2023 (5th Cycle) Housing Element adopted December 1, 2014 (State Clearinghouse Number 2014012018). There is no indication that the Housing Element Update would generate new impacts or more severe impacts beyond those identified in the adopted IS/ND.
6. The Planning Commission approved Resolution No. 2023-023 recommending the City Council approve a General Plan Amendment to repeal the 2015-2023 Housing Element, adopt the 2023-2031 Housing Element, and approve the addendum to the Negative Declaration approved by the City Council (December 2014) for the 2015-2023 Housing Element (SCH #2014102018) containing all the requirements of CEQA Guidelines Section 15164, inclusive of the references, appendices, and all attachments thereto.
7. Government Code Section 65358 allows General Plan amendments when it is deemed in the public interest to do so.
8. The City Council finds that the proposed amendments to the General Plan to repeal the 2015-2023 Housing Element and adopt the 2023-2031 Housing Element are in the public interest as the Housing Element enables the City to comply with State Housing Element Law and makes the City eligible for State housing funding.

9. The City Council approves a General Plan Amendment to repeal the 2015-2023 Housing Element and adopt the Housing Element for the 2023-2031, as shown in Exhibit A to this resolution, incorporated herein, finding that it is in substantial compliance with State Housing Element Law as provided in Government Code 65580 et seq., and contains all provisions required by State Housing Element Law.
10. As required by Government Code Section 65585(e), the City Council has considered the findings made by the Department of Housing and Community Development included in the Department's letter to the City dated January 27, 2023, consistent with Government Code Section 65585(f), and as described in Staff Report to this resolution, incorporated herein, the City Council has amended the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.
11. With approval of this resolution the City Council self certifies Petaluma's Housing Element as consistent with applicable state requirements.
12. The City Manager or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification.
13. The Community Development Director or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.
14. This resolution shall become effective upon adoption by the City Council.

Exhibit A: 2023-2031 City of Petaluma Housing Element

Exhibit B: Addendum to the previously approved Negative Declaration for the 5th cycle Housing Element

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 DD day of Month YYYY, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor