

CITY OF BELVEDERE

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE CITY OF BELVEDERE CITY COUNCIL
FINDING THAT THE DRAFT 6TH CYCLE HOUSING ELEMENT UPDATE
2023 - 2031 AND DRAFT SAFETY ELEMENT ARE EXEMPT FROM
CEQA AND ADOPTING THE DRAFT 6TH CYCLE HOUSING ELEMENT
UPDATE 2023 - 2031 AND DRAFT SAFETY ELEMENT**

WHEREAS, California State legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront the 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 climate objectives.” (Government Code 65589.5); and

WHEREAS, the legislature recently adopted the Housing Crisis Act of 2019 (Senate Bill 330), which states that “In 2018, California ranked 49th out of 50 states in housing 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 (Article 10.6 of Title 7, Division 1, Chapter 3 of the California Government Code) requires that the City adopt a Housing Element Update for the eight-year period 2023-2031 on or before January 31, 2023 to accommodate the City of Belvedere’s regional housing needs allocation (RHNA) of 160 units as determined by the California Housing and Community Development Department (HCD) and the Association of Bay Area Governments (ABAG); and

WHEREAS, State law requires that the Housing Element Update include meaningful steps to promote and affirmatively further fair housing (California Government Code § 65583 (c)(5)); and

WHEREAS, in addition to the new fair housing requirements, state law and administrative regulations have significantly increased the time and resources required for a housing element update, both in terms of substantive content and process, including substantial public input and revisions; and

WHEREAS, City staff and the City’s consultant team have worked diligently to produce a draft housing Element Update that complies with state law; and

WHEREAS, despite those diligent efforts, the City was not able to submit a draft to the State Department of Housing and Community Development ninety days before the January 31, 2023, deadline for adopting the Housing Element Update; and

WHEREAS, the Housing Element update process started in October of 2021 when the council approved a Professional Service Agreement for the Housing Element Update; and

WHEREAS, the City Council held a duly noticed and advertised public meeting on January 24, 2022, at the Council & Senior Management Retreat, and attendees discussed an update of the Housing Element. The discussion included the State's new requirements for this cycle as well as next steps; and

WHEREAS, the City developed a website (Blueprint for Belvedere) to provide updated information on milestones and next steps and an opportunity for comments, and the City provided updates via the City website and the City newsletters; and

WHEREAS, the Planning Commission held a duly noticed and advertised public meeting on March 15, 2022, and a presentation and introduction to the Housing Element update was provided at a Planning Commission meeting; and

WHEREAS, the Planning Commission held a duly noticed and advertised public meeting on April 13, 2022, and the Planning Commission held a workshop of the Housing Element at a special meeting; and

WHEREAS, on May 21, 2022, City consultants and staff held an Open House in Community Park to provide an in-person opportunity for the public to ask questions about the process and to discuss the sites analysis map along with a discussion of equity; and

WHEREAS, the City Council held a duly noticed and advertised public meeting on September 12, 2022, and staff and the consultants provided an update to the City Council and the public on the milestones made and the next steps in the update process; and

WHEREAS, the City held a focus group meeting on September 21, 2022, to solicit input from persons who have secured affordable housing in the neighboring community and to gain new policy ideas when considering future affordable housing development in Belvedere; and

WHEREAS, the City Council and the Planning Commission held a duly noticed and advertised public joint meeting on October 20, 2022 to hear an overview of the updated draft that the City had released for the 30-day public review and comment; and

WHEREAS, the Planning Commission held a duly noticed and advertised public special meeting on November 15, 2022, to hear verbal comments from the public on the draft Housing Element Update, as well as an opportunity to ask questions; and

WHEREAS, City staff has completed a comprehensive draft update of the Housing Element of the Belvedere General Plan; and

WHEREAS, City staff has also completed revisions to the Safety Element of the City's General Plan (Environmental Hazards: Safety & Stability Element) as a required component of the 6th Cycle 2023-2031 Housing Element Update; and

WHEREAS, the City has determined that the Housing Element Update and revisions to the Safety Element are exempt from the California Environmental Quality Act, Public Resource Code Sections 21000 *et seq.* ("CEQA") as set forth below:

1. Most of the Housing Element Update's new policies and programs will not increase density beyond what is allowed by the current General Plan and are therefore exempt from CEQA under 14 Cal. Code of Regulations Section 15183.
2. Where the Housing Element Update allows increased density beyond that allowed by the current General Plan, those increased densities are non-discretionary because they reflect mandatory requirements of state housing law and accordingly are exempt from CEQA under Section 21080 of the California Public Resources Code § 21080.
3. To the extent that the Housing Element Update implements Assembly Bill 2011, it is exempt from CEQA under California Government Code § 65912.124(o).
4. To the extent that the Housing Element Update implements Senate Bill 10, it is exempt from CEQA under California Government Code § 65913.5(a)(3).
5. California Government Code § 65302(g) mandates the changes to the Safety Element because of the Housing Element Update's changes to the General Plan. Accordingly, the draft Safety Element is exempt as non-discretionary under Section 21080 of the California Public Resources Code § 21080.
6. Given the existing General Plan and the constraints of state law, the City has determined with certainty that the Housing Element Update will not have a significant adverse effect on the environment and is therefore exempt from CEQA under 14 Cal. Code of Regulations Section 15061(b)(3).
7. The Safety Element Update contains updated information regarding the environmental hazards facing the City of Belvedere but does not contain any new policies or programs and is therefore exempt from CEQA as an information gathering activity (14 Cal. Code of Regulations Section 15306) and because the City can see with certainty that it will not have any significant environmental effects. 14 Cal. Code of Regulations Section 15061(b)(3).

WHEREAS, based on a letter received by the Belvedere Land Company, the existing uses on the sites identified in the site inventory to accommodate the RHNA are likely to be available for redevelopment during the planning period, and therefore do not constitute an impediment to additional residential development during the period covered by the housing element.

WHEREAS, the Planning Commission held a duly noticed and advertised public meeting on December 14, 2022, and considered any testimony received during the public hearing; and

WHEREAS, the City Council held a duly noticed and advertised public meeting on January 9, 2023, heard public testimony during a public hearing, discussed the draft, gave direction for modifications, created a temporary advisory subcommittee to work with staff and the consultant team on those revisions and continued the item to a Special meeting of the Council on January 24, 2023 for further consideration; and

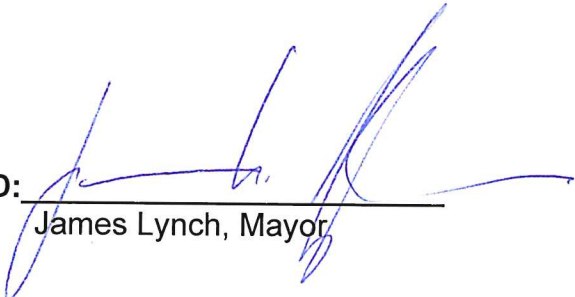
WHEREAS, the City Council held a duly noticed and advertised public Special meeting on January 24, 2023, and considered the revised documents; and

WHEREAS, the City Council understands and acknowledges that it may have to amend the Housing Element Update in the near future to conform to any comments from the State Department of Housing and Community Development and intends and expects to make such amendments on or before May 31, 2023.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Belvedere hereby adopts the draft Housing Element Update set forth in **Exhibit "A,"** entitled 6th Cycle Housing Element Update (2023-2031) City of Belvedere dated January 24, 2023, and **Exhibit B** entitled City of Belvedere Safety Element entitled Environmental Hazards: Safety & Stability Element (2023-2031) dated December 14, 2022.

PASSED AND ADOPTED at a Special meeting of the City Council of the City of Belvedere on January 24, 2023, by the following vote:

AYES: Cooper, Kemnitzer, Mark, Lynch
NOES:
ABSENT: Wilkinson
ABSTAIN:

APPROVED: 
James Lynch, Mayor

ATTEST: 
Leticia I. Miguel, City Clerk