

RESOLUTION PC24-05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF SAN PABLO REPEAL THE 2015-2023 HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031; ADOPT A NEW COMMUNITY HEALTH & ENVIRONMENTAL JUSTICE ELEMENT INCLUDING AMENDMENTS TO THE HEALTH ELEMENT OF THE SAN PABLO GENERAL PLAN 2030; AND ADOPT AMENDMENTS TO THE SAFETY & NOISE ELEMENT OF THE SAN PABLO GENERAL PLAN 2030.

WHEREAS, the California Legislature (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” (Gov. 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” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature 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 Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of San Pablo’s (City) regional housing need allocation (RHNA) of 746 housing units, comprised of 173 very-low income units, 100 low-income units, 132 moderate-income units, and 341 above moderate-income units; and

WHEREAS, because the proposed Housing Element does not rely on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site uses are not presumed to impede residential development; and

WHEREAS, to comply with State Housing Element Law, the City has prepared the Housing Element 2023-2031 (the Housing Element) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City’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, to comply with Government Code Section 65302(h) requiring all local jurisdictions with identified disadvantaged communities to adopt a General Plan Environmental Justice Element or to adopt environmental justice goals, policies, and objectives as integrated into other general plan elements upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018, the City has prepared environmental justice goals, policies, and objectives and integrated them with the Health Element of the San Pablo General Plan 2030 to create a new Community Health & Environmental Justice Element; and

WHEREAS, to comply with Government Code Section 65302(g) requiring all local jurisdictions to update their General Plan Safety Element upon each revision of the housing element or local hazard mitigation plan, but not less than once every eight years, the City has prepared an update and amendment to its Safety & Noise Element to update flood and fire hazard information, incorporate climate adaptation and resiliency strategies, and provide additional information on evacuation routes; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 and in compliance with all requirements of SB 18, the City referred the Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission; and

WHEREAS, the Confederated Villages of Lisjan Nation requested consultation which was held on January 18, 2023, during which the Tribal leaders noted that there are areas in San Pablo containing known resources and that the areas within one-half mile of San Pablo and Wildcat Creeks are sensitive and that continued coordination with the Tribe regarding development in these areas is requested; 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, beginning in early 2022, the City conducted extensive community engagement efforts, as detailed in the Housing Element on pages I-5 through I-7 and in Appendix F, with residents, businesses, and other stakeholders in order to involve the public in the planning process for the Housing, Safety & Noise, and Community Health & Environmental Justice Element updates, including engagement of Spanish speakers and residents of environmental justice communities via a Community Planning Survey, Housing Focus Group, Housing Survey, Targeted Stakeholder Interviews, Affordable Housing Forums, and Environmental Justice Pop-Up Outreach, and numerous study sessions or public hearings before the Planning Commission; Economic Development, Housing & Project Management Standing Committee of the City Council; and the City Council; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 19, 2022, the City posted the first draft Housing Element and requested public comment for a 30-day review period; a public hearing on the first draft was held at the Planning Commission on August 30, 2022 and at the City Council on September 19, 2022; and on September 30, 2022, the revised first draft of the Housing Element was submitted to the California Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on January 3, 2023, the City received a letter from HCD providing its findings regarding the first draft Housing Element; and

WHEREAS, on September 14, 2023, the City published a second draft Housing Element responding to HCD's findings and requested public comment on the second draft for a 15-day review period, and on September 22, 2023, after reviewing public comments and incorporating any necessary updates in response, the City submitted a revised second draft Housing Element to HCD for its review; and

WHEREAS, on November 22, 2023, the City received a response letter from HCD providing additional comments and requests for revisions, and indicating that once these revisions were made the Element would meet the statutory requirements of State Housing Law; and

WHEREAS, on February 15, 2024, the City published a further revised second draft Housing Element responding to HCD comments and requesting additional public comment prior to its adoption by the City of San Pablo and submittal to HCD for further review and certification; and

WHEREAS, on April 18, 2011 by Resolution 2011-045 the City Council of San Pablo certified a Final Environmental Impact Report (EIR) for the San Pablo General Plan 2030, and adopted a Statement of Overriding Considerations regarding significant and unavoidable transportation impacts; and

WHEREAS, an Addendum to the EIR for the San Pablo General Plan 2030 was prepared for the Housing Element for 2023-2031, Community Health & Environmental Justice Element, and updates to the Safety & Noise Element ("the Project" for purposes of California Environmental quality Act) and determined that there are no substantial changes proposed by the Project or the circumstances in which the Project would be undertaken that would require major revisions to the General Plan 2030 EIR, that there are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible, and that the Project would be consistent with and within the scope of the General Plan 2030 EIR; and

WHEREAS, on February 27, 2024, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding adoption of a Housing Element for 2023-2031, Community Health & Environmental Justice Element, and updates to the Safety & Noise Element (collectively, the Project), reviewed the new and updated elements and all pertinent maps, documents

and exhibits, including HCD's comments and findings; the Addendum to the EIR for the San Pablo General Plan 2030; the staff report and all attachments, and oral and written public comments; and

WHEREAS, notice of this public hearing was published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Saturday, February 17, 2024, in accordance with the requirements of Government Code Section 65091.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF SAN PABLO AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are hereby incorporated herein by this reference as findings.

Section 2. With respect to the Project (consisting of the Housing Element for 2023-2031, Community Health & Environmental Justice Element, and updates to the Safety & Noise Element), the Planning Commission finds:

- A. The amendments contained in the Project are internally consistent and consistent with the stated vision and policies of the General Plan.
- B. The amendments contained in the Project are in the public interest and will contribute to the public health, safety, and general welfare and will be of benefit to the public by facilitating development, maintenance, and improvement of adequate and affordable housing for new and existing residents.
- C. A Final EIR for the San Pablo General Plan 2030 was prepared and certified by the San Pablo City Council on April 18, 2011 by Resolution in 2011-045 and an Addendum to this EIR was prepared for the Project which determined that there are no substantial changes proposed by it or the circumstances in which the Project would be undertaken that would require major revisions or the need for additional mitigation measures and that the Project would be consistent with and within the scope of the project and impacts evaluated in the General Plan 2030 EIR. The findings and contents of Resolution 2011-045 made in connection with certification of the General Plan 2030 EIR, including any and all mitigation measures, are hereby incorporated by reference.

Section 3. The Project complies with state law governing preparation, adoption, and amendment of general plans at Government Code sections 65350 et seq., and the Housing Element substantially complies with the statutory requirements of State Housing Law.

Section 4. The Planning Commission recommends that the City Council repeal the 2015-2023 Housing Element, adopt the 2023-2031 Housing Element attached hereto as Exhibit A, incorporated by this reference; adopt the Environmental Justice Element to be

combined with an updated Health Element as a new Community Health & Environmental Justice Element included as Exhibit B; and adopt the updates to the Safety & Noise Element included as Exhibit C, all incorporated by this reference.

Section 5. The Planning Commission recommends that the City Council authorize staff to make any and all non-substantive changes to the 2023-2031 Housing Element attached hereto as Exhibit A following approval to achieve certification by HCD.

Section 6. This Resolution shall go into effect immediately upon adoption.

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Adopted this 27th day of February, 2024, by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

ATTEST:

APPROVED:

Elizabeth H. Tyler, Secretary

Jerome Jackson, Chair

Exhibit A: Housing Element 2023-2031
Exhibit B: Community Health & Environmental Justice Element
Exhibit C: Safety & Noise Element Update