

RESOLUTION NO. 41-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2023 CITY OF OAKLEY HOUSING ELEMENT AND ADOPT THE CITY OF OAKLEY HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW

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 Oakley City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Oakley’s regional housing need allocation (RHNA) of 1,058 housing units, comprised of 279 very-low income units, 161 low-income units, 172 moderate-income units, and 446 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Oakley 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 of Oakley’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 Oakley mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, the City of Oakley conducted extensive community outreach over the last 11 plus months including distribution of bilingual flyers, a bilingual online survey, in-person workshop with Staff and Consultants (noticed directly to over 3,500 residents, included on the front page of the City newsletter and webpage, advertised on electronic reader boards throughout the City, and shared on the City's social media accounts), and a public presentation and workshops with the Planning Commission and City Council; and

WHEREAS, in accordance with Government Code Section 65585 (b), on June 29, 2022, the City of Oakley posted the draft Housing Element and requested public comment for a 30-day review period, and on August 31, 2022, after responding to public comments, the City of Oakley submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on November 29, 2022, the City of Oakley received a letter from HCD providing its findings regarding the draft Housing Element (Exhibit C); and

WHEREAS, on January 19, 2023, the City of Oakley published a revised draft Housing Element responding to HCD's findings and requested public comment on the draft; and

WHEREAS, on January 27, 2023, the City of Oakley submitted the revised draft Housing Element Update to HCD for its review; and

WHEREAS, on March 24, 2023, the City of Oakley received a letter from HCD stating that the draft 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, on March 29, 2023, the City of Oakley published the final draft Housing Element (determined to be in substantial compliance by HCD) on the City of Oakley website and requested public comment on the final draft; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15164, the City prepared an Addendum to the City of Oakley Focused General Plan Initial Study/Negative Declaration ("IS/MND") for adoption of the 2023-2031 Housing Element Update ("CEQA Addendum"). The CEQA Addendum found that the proposed Housing element Update would not result in any new environmental effects, or an increased severity of environmental effects documented in the Focused General Plan Update IS/MND because no new direct or indirect physical changes to the environment would occur with its adoption; and

WHEREAS, on March 7, 2023, the Planning Commission held a duly and properly noticed public hearing and recommended that the City Council adopt the Housing Element; and

WHEREAS, on or before March 17, 2023, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista

Middle School located at 4901 Frank Hengel Way, and outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to all to parties requesting such notice, and to outside agencies; and

WHEREAS, on March 28, 2023, the City Council conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City of Oakley's response to HCD's findings, the staff report, and all attachments, and oral and written public comments; and

WHEREAS, these Findings are based on the City's General Plan, and the information submitted to the Planning Commission at its March 28, 2023 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, BE IT RESOLVED, that on the basis of the above findings of fact and the entire record, the City Council hereby finds that:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The proposed project conforms to the provisions and standards of the General Plan;
3. The proposed project is consistent with the balance of the General Plan;
4. The proposed project is necessary to implement the goals and objectives of the General Plan;
5. The public necessity, convenience, and general welfare require the proposed General Plan Amendment;
6. The proposed project will not cause any environment damage;
7. The Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 et seq., and contains all provisions required by State Housing Element Law, as shown in Exhibit C to this resolution, incorporated herein.
8. 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 of Oakley dated March 24, 2023, consistent with Government Code Section 65585(f), and as described in Attachment B to this resolution, incorporated herein, the City Council has changed 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.
9. The 2015-2023 City of Oakley Housing Element is hereby repealed in its entirety, and the 2023-2031 City of Oakley Housing Element, as shown in Exhibit A to this Resolution, incorporated herein, is adopted.
10. This Resolution shall become effective upon adoption by the City Council.
11. The Community Development Director 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.

12. 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.

PASSED AND ADOPTED by the City Council of the City of Oakley this 28th day of March 2023, by the following vote:

AYES: Henderson, Meadows, Shaw, Williams

NOES: Fuller

ABSTENTIONS:

ABSENT:

APPROVED:


Aaron Meadows, Mayor

ATTEST:


Libby Vreonis, City Clerk

3/28/23
Date

Exhibits:

- A. 2023-2031 City of Oakley Housing Element
- B. 2023-2031 City of Oakley Housing Element Errata
- C. HCD Finding Letter, dated November 29, 2022