

CITY COUNCIL RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS, CALIFORNIA, ADOPTING A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2023 HOUSING ELEMENT AND ADOPT THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 AND MITIGATED NEGATIVE DECLARATION IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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” (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 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 Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Los Altos, California regional housing need allocation (RHNA) of 1,958 housing units, comprised of 501 very-low-income units, 288 low-income units, 326 moderate-income units, and 843 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Los Altos, California has prepared 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, an Initial Study and Mitigated Negative Declaration for the 2023-2031 Housing Element was prepared pursuant to California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et esq., CEQA Guidelines Section 15070, and the City of Los Altos local process for implementing CEQA, assessing the potential environmental impacts that might

result from the adoption of the 2023-2031 Housing Element, a Mitigated Negative Declaration (MND) was prepared to address potential environmental impacts;

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the City 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 conducted substantial and broad public engagement using a methodical process including 1) the establishment of a Housing Element page on the City's website, through which the city has received input directly from residents and businesses; 2) six Housing Element pop-up events; 3) ongoing small group virtual meetings on the Housing Element, ranging from 2 to 10 attendee; 4) two double page ads in the Town Crier; 5) Housing Element newsletters and alerts for over 200 persons; 6) two Community Workshops, over two hundred attendees; 7) informational flier sent to every household in Los Altos; and five banners (8' by 3') posted on various City Buildings and street corners advertising the Housing Element Update website and opportunity for continued public input; and

WHEREAS, in accordance with Government Code Section 65585 (b), on June 22, 2022 the Housing Element was posted, the City posted the draft Housing Element and requested public comment for a 30-day review period, and on August 12, 2022 the draft Housing Element was submitted to HCD, after responding to public comments, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on November 10, 2022, the City received a letter from HCD providing its findings regarding the draft Housing Element; and

WHEREAS, on November 30, 2022, the City released the draft Initial Study and Mitigated Negative Declaration for a public comment period of 30-days; and

WHEREAS, on December 29, 2022, the City published a revised draft Housing Element responding to HCD's findings and requested public comment on the draft; and

WHEREAS, on December 30, 2022, the City closed the public comment period for the draft Initial Study and Mitigated Negative Declaration and considered all public comments received; and

WHEREAS, on January 5, 2023, the Planning Commission held a duly and properly noticed public hearing and recommended that the City Council adopt the Housing Element and Initial Study and Mitigated Negative Declaration; and

WHEREAS, on January 10, 2023, the City Council held 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's response to HCD's findings, the staff report and all attachments, and oral and written public comments; and

WHEREAS, on January 10, 2023, the City Council at a duly and properly noticed public hearing directed the Development Services Director to make necessary changes to the draft housing element based on public testimony received, and City Council direction; and

WHEREAS, on January 10, 2023, the City Council continued the housing element agenda time to a separately noticed public hearing on January 24, 2023 to provide staff with the necessary time to revise the draft housing element and return to the City Council for final consideration; and

WHEREAS, on January 24, 2023, the City Council held 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'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 hereby finds that, based on substantial evidence in the record:

SECTION 1. The foregoing recitals are true and correct and are incorporated by reference into this action.

SECTION 2. 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 Attachment A to this resolution, incorporated herein.

SECTION 3. Based on substantial evidence in the record, based on the age, and in some cases, the declining or deteriorating conditions of primarily non-residential structures located on non-vacant sites, as well as the likelihood of commercial uses on non-vacant sites converting to mixed-use residential development due to the continued decline of existing retail-only uses, as well as the currently moderate commercial use vacancy rates in the City; together with recent regional development trends (where conversion of non-residential uses on non-vacant sites to housing development to accommodate a range of household types such as multi-family and smaller unit sizes), the documented interest in recent years from developers and land owners; the lack of developable vacant sites in the City; and the existing uses on the sites identified in the site inventory to accommodate RHNA are likely to integrate with new residential uses, or discontinue during the planning period; the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore

do not constitute an impediment to planned residential development on the site during the planning period.

SECTION 4. As required by Government Code Section 65585(e), the Los Altos 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 Los Altos dated November 10, 2022, consistent with Government Code Section 65585(f), and as described in Attachment B to this resolution, incorporated herein, the Los Altos 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.

SECTION 5. That exercising its independent judgement, the City Council approves the Initial Study and Mitigated Negative Declaration for the 2023-2031 Housing Element Attachment D and IS-MND Mitigation Monitoring and Reporting Program Attachment E.

SECTION 6. The City of Los Altos 2015-2023 Housing Element is hereby repealed in its entirety, and the City of Los Altos 6th Cycle Housing Element 2023-2031, as shown in Attachment C to this Resolution, incorporated herein, is adopted.

SECTION 7. This Resolution shall become effective upon adoption by the Los Altos City Council.

SECTION 8. The Development Services Director, Nick Zornes 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.

SECTION 9. The Development Services Director, Nick Zornes is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the ___ day of ___, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sally Meadows, Mayor

Attest:

Angel Rodriguez, Interim City Clerk

ATTACHMENTS:

Attachment A: Compliance with Statutory Provisions.

Attachment B: Findings Responding to Letter from Department of Housing and Community Development dated November 10, 2022.

Attachment C: 2023 – 2031 Housing Element.

Attachment D: Initial Study and Mitigated Negative Declaration for the 2023-2031 Housing Element.

Attachment E: IS-MND Mitigation Monitoring and Reporting Program