

RESOLUTION CCR-24-26

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MT. SHASTA
APPROVING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
EXEMPTION PURSUANT TO CEQA SECTION 15061(b)(3) AND AMENDMENT TO
THE ADOPTED 2023-2031 HOUSING ELEMENT UPDATE WITH FINDINGS
THAT IT SUBSTANTIALLY COMPLIES WITH STATE HOUSING ELEMENT LAW**

WHEREAS, the State of California Government Code at Article 10.6 (sections 65580 through 65589.8) states that the availability of housing is of vital statewide importance and directs the preparation, content, and adoption of housing elements; and

WHEREAS, state Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element update every eight years. The current update is referred to as the 6th cycle update for the 2023-2031 planning period. In order to comply with state law, the City of Mt. Shasta has undertaken the review and update of the Housing Element for the 6th cycle planning period that sets forth housing policies and programs to facilitate the preservation and development of housing; and

WHEREAS, as provided in Government Code Sections 65352 - 65352.5 in December 2022 and January 2023, the City of Mt. Shasta 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, Chapter 1 of the 6th cycle 2023-31 Housing Element describes the public participation effort undertaken to update the housing element; and

WHEREAS, in accordance with Government Code Section 65585 (b), on April 5, 2023, the City posted the Public Review Draft Housing Element and requested public comment for a 30-day review period, and on June 7, 2023, after responding to public comments, the City submitted the Draft 2023-31 Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on September 5, 2023, HCD issued a letter with written findings regarding the Draft 2023-2031 Housing Element update. This letter states that while the Draft Housing Element addresses most of the statutory requirements certain portions needed additional information in order for HCD to consider the Housing Element for certification; and

WHEREAS, the City has considered HCD's recommended modifications and incorporated revisions into the document and produced the Final 2023-31 Housing Element as needed in order to respond to HCD's specific requirements to ensure the Housing Element substantially complies with Housing Element law; and

WHEREAS, on November 22, 2023, the City published the Final 2023-31 Housing Element responding to HCD's findings and invited continued public input; and

WHEREAS, on November 28, 2023, the Planning Commission of the City of Mt. Shasta conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the Final 2023-2031 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 November 28, 2023, the Planning Commission of the City of Mt. Shasta approved Resolution No. 2023-01 recommending the City Council find the Housing Element exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines and the Housing Element complies with State Housing Law, and provide direction of staff to submit the Final 2023-31 Housing Element to HCD for final 60-day review and anticipated certification; and

WHEREAS, on December 20, 2023, the City published notice of the January 8th City Council meeting public in the Mt. Shasta Herald, and published all Housing Element documents on the City's website; and

WHEREAS, on January 8, 2024, City Council held a public hearing to consider Planning Commission recommendation, receive public comment, and provide direction of staff to submit the Final 2023-31 Housing Element to HCD for final 60-day review and anticipated certification; and

WHEREAS, on March 12, 2024, HCD issued a letter with written findings regarding the Adopted 2023-2031 Housing Element update. This letter states that while the Adopted Housing Element addresses most of the statutory requirements, certain portions needed revisions in order for HCD to consider the Housing Element for certification, most substantively eliminating the Conditional Use Permit requirement for multi-family housing in R-3, C-1 and C-2 zoning districts; and

WHEREAS, City Staff considered HCD's recommended modifications and incorporated revisions into the document and produced the Amended 2023-31 Housing Element as needed in order to respond to HCD's specific requirements to ensure the Housing Element substantially complies with Housing Element law; and

WHEREAS, on June 5, 2024, the City published the Amended 2023-31 Housing Element responding to HCD's findings and invited continued public input; and

WHEREAS, on July 16, 2024 Planning Commission held a duly noticed public hearing and adopted Resolution PC-2024-02 recommending City Council find the Housing Element amendment exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines and the amended Housing Element complies with State Housing Law, and provide direction of staff to submit the Amended 2023-31 Housing Element to HCD for certification; and

WHEREAS, the City Council finds, as conveyed in Attachment 1, Exhibit A of the Staff Report, that the Amended 2023-31 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 City as lead agency determined the 2023-21 Housing Element amendment does not have the potential to cause a significant impact to the environment and is hereby found to be exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines as the Housing Element will 1) not result in any direct or indirect physical changes to the environment; 2) the Housing Element does not make any changes to the General Plan land use map and would not modify any land use designations, allowed densities, or land use intensities established by the General Plan; 3) the revisions would not result in any changes to the intensities or densities of allowed uses beyond those allowed by the General Plan and those standards currently required by State law; 4) the Housing Element does not entitle, propose, or otherwise require the construction of new development or rehabilitation of existing development, but rather updates housing policies and programs in order for the City of Mt. Shasta to comply with State housing law; and

WHEREAS, the City Council finds the Amended 2023-31 Housing Element, and the programs and housing action plan contained in Chapter 2 take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics, consistent with the City's obligation to affirmatively further fair housing pursuant to Government Code Section 8899.50; and

WHEREAS, the City Council finds that the Amended 2023-31 Housing Element is in the public interest because it provides the City with a mechanism to further social, economic, housing and other goals that have been adopted by the City Council and the State Legislature. The Amended 2023-31 Housing Element will help the City achieve the following housing goals:

1. Provide Adequate Sites
2. Ensure the Availability of a Variety of Housing Types
3. Conserve, Rehabilitate, and Enhance the Condition of the Existing Housing Stock and Residential Neighborhoods.
4. Facilitate the Provision of Housing Suited to Persons with Special Needs
5. Encourage and Support the Development of Affordable Housing
6. Encourage Sustainable Housing Development and Energy Conservation
7. Promote Equal and Fair Housing Opportunities for All People

WHEREAS, the City Council finds the Amended 2023-31 Housing Element is consistent with a comprehensive view of the Mt. Shasta General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mt. Shasta as follows:

1. The above recitations are true and correct and are incorporated by reference into this action; and

2. Finds that the Amended 2023-31 Housing Element is exempt from the CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as Housing Element adoption will not have a significant effect on the environment; and
3. 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 Mt. Shasta dated March 12, 2023 consistent with Government Code Section 65585(e), and the Housing Element has been amended in response to the findings of the Department, as set forth in Attachment B to the staff report, to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.
4. The Housing Element as amended substantially complies with State Housing Element Law, as provided in Government Code 65580 et seq. and contains all provisions required by State Housing Element Law.
5. Adopts the General Plan Amendment 2023-2031 Housing Element as amended; and
6. Directs the Planning Director or designee, pursuant to Section 65585(b)(1) of the California Government Code, post the amended 2023-31 Housing Element on the City's website and email a link to all individuals and organizations that have previously requested notices for at least seven (7) days; and
7. Authorizes the City's Planning Director or designee to transmit the Amended 2023-31 Housing Element to HCD for review upon completion of the seven-day period prescribed by Government Code Section 65585(b)(1).

BE IT FURTHER RESOLVED that minor changes to the Amended Housing Element that do not substantially change the goals, policies, programs, or objectives, that are reasonably based on credible information that is readily accessible to the public, to make the draft internally consistent or to address any non-substantive changes or amendments suggested or requested by HCD, and that are published in accordance with Government Code Section 65585(b)(1) shall not be considered to be substantial changes requiring further review by the City Council. However, should HCD require substantial modifications to the adopted Housing Element not previously considered by the City Council, City staff shall bring such modifications back to the City Council for its recommendation pursuant to Government Code Section 65356.

IT IS HEREBY CERTIFIED that the foregoing Resolution CCR-24-26 was duly adopted on a motion by Councilmember Sterns and seconded by Councilmember Clure a regular meeting of the City of Mt. Shasta City Council held on the 12th day of August 2024, by the following vote:

AYES: Sterns, Clure, Stackfleth, Collings

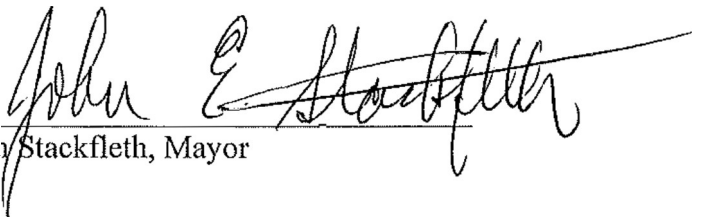
NOES:

ABSENT: Redmond

ABSTAIN:

DATED: August 12, 2024

MT.SHASTA


John E. Stackfleth, Mayor

ATTEST:

Kathryn M. Joyce, Deputy City Clerk