

RESOLUTION NO. 2023-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2021 - 2029 GENERAL PLAN HOUSING ELEMENT, AND RELIANCE ON AN ADOPTED ADDENDUM TO AN ADOPTED EIR PREPARED FOR THE PROJECT

WHEREAS, the State of California requires cities and counties adopt a comprehensive long-term General Plan for the social, physical, and economic development of the City; and

WHEREAS, California Government Code section 65588 requires all city and county General Plans to include a Housing Element, and further requires that the Housing Element be updated regularly to reflect current conditions and legal requirements; and

WHEREAS, the content of the Housing Element is mandated by the California Government Code, which also requires review by the California Department of Housing and Community Development ("HCD") to determine compliance with State law. HCD is the state agency charged with reviewing draft and adopted Housing Elements to determine whether the element substantially complies with the statutory requirements. HCD has published multiple documents to guide local governments through the Housing Element process, all of which are available on its website; and

WHEREAS, public participation in the development, adoption and implementation of the housing element is essential to effective housing planning and the City did as follows: engage with the community, including organizations that represent lower-income and special needs households; and comply with Government Code Section 65585(b); and

WHEREAS, the City of Escondido ("City") is the lead agency, pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.), for the 2021-2019 Housing Element Update; and

WHEREAS, the 2021-2029 General Plan Housing Element update is considered a "Project" as defined by the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; and

WHEREAS, on May 23, 2012, the City Council certified the Final Environmental Impact Report for the 2012 General Plan Update (SCH # 20100716054) ("FEIR") for the 2012 Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, City staff evaluated the environmental impact of the proposed modifications to the Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162; and

WHEREAS, based on this evaluation, staff concluded that the EIR had fully analyzed and mitigated, where feasible, in compliance with CEQA, all potentially significant environmental impacts, if any, that would result from the Project modifications, that the impacts to the environment as a result of the modifications are consistent with and would not create substantial new or increased impacts beyond those that were evaluated in the EIR, and that, therefore, no subsequent EIR or mitigated negative declaration is now required; and

WHEREAS, as a result of the proposed modifications to the Project, and to document staff's evaluation of the environmental impact of said modifications, staff prepared Addendum #3 to the Final EIR pursuant to CEQA Guidelines section 15164; and

WHEREAS, on August 11, 2021, the City Council adopted the Third Addendum to the FEIR, and the 2021-2029 Housing Element for the sixth cycle planning period; and

WHEREAS, the Project relies on the previously adopted Third Addendum to the FEIR; and

WHEREAS, the 2021-2029 Housing Element Update was adopted by City Council on August 11, 2021, and;

WHEREAS, the City's share of the regional housing need for the 2021-2029 Regional Housing Need Allocation ("RHNA") period is allocated by the San Diego Association of Governments based on several factors including recent growth trends, income distribution, and capacity for future growth. Each local government must demonstrate that it has planned to accommodate all its regional housing need allocation in its Housing Element. Escondido's share of regional future housing needs is a total of 9,607 new units for the period of April 15, 2021, to April 15, 2029; and

WHEREAS, the draft 2021-2029 Housing Element Update has been prepared to identify enough land to meet the RHNA; and

WHEREAS, Government Code Section 65583.2(b)(3) allows for the inventory of sites identified for potential residential development to include non-vacant and underutilized sites with an explanation and methodology for determining the realistic buildout potential of these sites within the planning period; and

WHEREAS, if a housing element relies on non-vacant sites to accommodate 50% or more of its RHNA for lower income households, the nonvacant site's existing use is presumed to impede additional residential development, unless the housing element describes findings based on substantial evidence that the use will likely be discontinued during the planning period; and

WHEREAS, the 2021-2029 Housing Element relies upon nonvacant sites to accommodate more than 50% of the RHNA for lower-income households, and

WHEREAS, the City Council finds, based on substantial evidence, that the use of said nonvacant sites is likely to be discontinued during the planning period as substantiated in the 2021-2029 Housing Element; and

WHEREAS, the Planning Commission reviewed working drafts of the 2021-2029 Housing Element Update and discussed its content or related scope at public meetings on March 23, April 13, April 27, June 8, June 22, July 13, 2021, and May 10, 2022; and

WHEREAS, Government Code Section 65585 provides that a city or county must submit a draft Housing Element to HCD prior to the adoption of a Housing Element, and that HCD shall review the draft and provide written findings as to whether the draft substantially complies with the requirements of the Housing Element Law; and

WHEREAS, City staff submitted the draft 2021-2029 Housing Element Update to HCD for comment on March 26, 2021, June 17, 2021, June 2, 2022, and October 18, 2022; and

WHEREAS, HCD submitted written comments to the City on May 25, 2021, August 10, 2021, August 2, 2022, and December 8, 2022, and stated in their December 8, 2022, letter the Housing Element Update would meet the statutory requirements of law in its current draft form; and

WHEREAS, HCD stated in their December 8, 2022, letter that the Housing Element Update cannot be found in full compliance until the City completed the necessary rezones to accommodate the shortfall of sites for the City's above-moderate and moderate units through the adoption of the East Valley Specific Plan; and

WHEREAS, on January 20, 2023, HCD recommended the City move forward with adopting the revisions to the 2021-2029 Housing Element so as to formally submit for HCD's review of an adopted housing element while the City's rezoning effort continues to progress; and

WHEREAS, all evidence of records, the 2021-2029 Housing Element Update, staff reports, correspondence, and Addendum #3 are on file in the offices of the City of Escondido Planning Division and the offices of the City Clerk and constitute the record for making the decision to approve the Project; and

WHEREAS, the City Council has reviewed and considered the information, findings, and conclusions contained in Addendum #3 including, without limitation, the EIR and supporting documents; and

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the Project shown in Exhibits "B" and "C" which are attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, approving the Project would modify the 2021-2029 Housing Element and adopt new text, graphics, and figures as shown in Exhibit "B;" and

WHEREAS, prior to adopting or amending a General Plan, Government Code section 65355 requires the legislative body to hold at least one public hearing, notice of which shall be given pursuant

to Government Code section 65090 and in accordance with City and State public noticing requirements;
and

WHEREAS, City staff provided public notice of the housing element update in accordance with City and State public noticing requirements; and

WHEREAS, the Planning Division scheduled a duly noticed public hearing regarding the Project before the Planning Commission on February 28, 2023, at which interested persons were given the opportunity to appear and present their views with respect to said Project. Following said public hearing, the Planning Commission adopted Resolution No. 2023-05, recommending that the City Council approve the Project; and

WHEREAS, on March 22, 2023, the City Council of the City of Escondido did hold a duly noticed public hearing as prescribed by law. At said hearing, this City Council received and considered the reports and recommendations of the Planning Commission and City staff, and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the City Council, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted as part of the Project;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated March 22, 2023, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, the City Council has reviewed and considered the information, findings, and conclusions contained in Addendum #3, including without limitation the FINAL EIR and supporting documents; and

WHEREAS, approving the Project would modify in the 2021-2029 Housing Element by amending text, graphics, and figures within the 2021-2029 Housing Element Update to the General Plan as outlined in Exhibit "B" of Resolution No. 2023-31; and

WHEREAS, an original copy of the 2021-2029 General Plan Housing Element General Plan Amendment, Addendum #3, and all other related Project materials are on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California as follows:

1. That the above recitations are true.
2. That through reliance on the previously adopted Addendum #3 to the Final EIR, all requirements of CEQA have been met.
3. That the Project satisfies the requirements of the state Planning and Zoning Law.
4. That the amendment to the 2021-2029 Housing Element of the General Plan is consistent with the Escondido General Plan because all General Plan Chapters were reviewed as part of the amendment drafting process to ensure consistency.

5. That, after consideration of all evidence presented, and studies and investigations made by the City Council and on its behalf, the City Council makes the substantive Findings of Fact and determinations attached hereto as Exhibit "A," relating to the information that has been considered.

6. That, considering the Findings of Fact and applicable law, the City Council hereby approves the General Plan Amendment to the 2021 – 2029 General Plan Housing Element, attached hereto as Exhibit "B," and relies on the Addendum #3 to the Final EIR, attached hereto as Exhibit "C," for the purpose of compliance with CEQA.

7. That the Planning Division is hereby directed to file a copy of the General Plan Amendment to the 2021 – 2029 General Plan Housing Element with the California Department of Housing and Community Development.