

Agenda Report

May 23, 2022

TO: Honorable Mayor and City Council
FROM: Planning & Community Development Department
SUBJECT: GENERAL PLAN TEXT AMENDMENT TO THE LAND USE ELEMENT PERTAINING TO DEVELOPMENT CAPACITY POLICIES

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the General Plan Text Amendment is exempt from the California Environmental Quality Act (CEQA) because it qualifies for Categorical Exemption pursuant to Section 15305 (Class 5 – Minor Alterations in Land Use Limitations), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances;
2. Make the findings for approval of the General Plan Text Amendment in Attachment A; and
3. Adopt a resolution approving the General Plan Text Amendment.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the proposed General Plan Text Amendment on April 27, 2022. The Planning Commission recommended that the City Council find that the proposed project is exempt from CEQA, and that the City Council make the findings and approve the proposed General Plan Text Amendment as proposed by the Planning and Community Development Department.

BACKGROUND:

On January 12, 2022, the City received a letter of inquiry from the Department of Housing and Community Development (HCD) explaining that, in light of the Housing Crisis Act of 2019 (SB 330), no city in California may enforce development caps or similar tools. Separately, HCD's February 25, 2022 comment letter on the City's draft Housing Element includes identification of the City's development capacities as a constraint on the development of housing, and requests removal of the capacities in order to attain a compliant Housing Element.

ANALYSIS:

In response to the correspondence from HCD, staff recommends removing the policies related to development capacities at this time. Specifically, staff recommends removing:

- Land Use Element Policy 1.3 (Development Capacities);
- Land Use Element Policy 1.4 (Conversion of Development Capacities);
- Land Use Element Policy 1.5 (Growth and Change Evaluation),
- Land Use Element Policy 1.6 (General Plan);
- References to, and definitions relating to, development capacities (Attachment B); and
- Land Use Element Section 4: Development Capacity Appendix in its entirety.


CONCLUSION AND RECOMMENDATION:

Staff recommends amending the General Plan Land Use Element to eliminate the policies related to development capacities and bring the City into compliance with State law.

FISCAL IMPACT:

This action will not have a direct fiscal impact.

Respectfully submitted,



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Attachments: (3)

- Attachment A: Findings for General Plan Text Amendment
- Attachment B: Amendments to the General Plan Land Use Element (strikeout pages only)
- Attachment C: Current General Plan Land Use Element