

RESOLUTION NO. 2022-5817

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF YORBA LINDA 2021-2029 HOUSING ELEMENT IMPLEMENTATION PROGRAMS (INCLUDING GENERAL PLAN AMENDMENT 2022-01, GENERAL PLAN AMENDMENT 2022-02, ZONING CODE AMENDMENT 2022-01, AND ZONING CODE AMENDMENT 2022-02 TO IMPLEMENT PROGRAMS 8 – 11 FROM THE HOUSING ELEMENT) AS ADEQUATE AND COMPLETE, APPROVING CERTAIN FINDINGS AND FACTS IN SUPPORT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City of Yorba Linda (City) is a duly organized California municipal corporation; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, on October 28, 2016, the City of Yorba Linda (City) adopted its current General Plan (General Plan); and

WHEREAS, the City may amend all or part of its adopted General Plan to promote the public interest up to four times during any calendar year pursuant to Government Code Section 65358; and

WHEREAS, under California law, Government Code Section 65580 *et seq.* (Housing Element Law), every city in the State is required to periodically review and update the housing element of a general plan for the city, every city is mandated to include State-specified content in a housing element, and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (HCD) for review and determination as to whether the city's draft housing element substantially complies with the Housing Element Law; and

WHEREAS, since October 2020, City staff conducted numerous study sessions and community workshops with stakeholders, consultants, and members of the public to comment and provide direction on the content of the City's draft housing element; and

WHEREAS, since October 2020, the City Council for the City of Yorba Linda (City Council) and Planning Commission of the City of Yorba Linda (Planning Commission) held study and scoping sessions at public meetings to inform and receive comments from

the general public regarding the procedure and required content of the City's housing element; and

WHEREAS, the Planning Commission on multiple dates between February 24, 2021 and July 28, 2021, and the City Council on August 3, 2021, reviewed a draft of the City's housing element that, in accordance with State law, was submitted to HCD for review and comment; and

WHEREAS, since submitting the City's draft housing element to HCD, City and HCD staff have reviewed and revised the draft housing element to accommodate all State-mandated content, and the City Council and Planning Commission have periodically held public meetings to inform and receive comments from stakeholders, consultants, and members of the public with respect to the draft housing element process; and

WHEREAS, on January 12, 2022, the Planning Commission conducted a public hearing recommending that the City Council approve the final Housing Element; and

WHEREAS, on February 9, 2022, the City Council conducted a public hearing approving the 2021-2029 Housing Element; and

WHEREAS, on April 8, 2022, HCD determined that the City's 2021-2029 Housing Element was substantially complying with State Housing Element law; and

WHEREAS, the City of Yorba Linda 2021-2029 Housing Element identifies for the applicable 2021-2029 planning period the housing needs in the community and programs to achieve the housing goals, policies and objectives of the City, which substantially comply with State-mandated content under the State Housing Element law pursuant to the certification issued by HCD on April 8, 2022; and

WHEREAS, the City, for purposes of the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (CEQA), is the lead agency that must review and determine whether the Housing Element Implementation Programs may have any significant impacts on the environment, as analyzed pursuant to CEQA; and

WHEREAS, Draft Program Environmental Impact Report (Draft PEIR), SCH No. 2022040574 was prepared for the Housing Element Implementation Programs, in which the Draft PEIR provided an assessment of the environmental impacts associated with the Housing Element Implementation Programs in accordance with CEQA and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines); and

WHEREAS, on April 29, 2022, the City of Yorba Linda released a Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) for the City of Yorba Linda Adopted 2021-2029 Housing Element Implementation Programs and accepted written public comments through May 30, 2022, pursuant to Section 15082 of the State of California Environmental Quality Act Guidelines; and

WHEREAS, on May 23, 2022, as part of the NOP process, the City conducted a public scoping meeting in order to present the proposed Project and environmental process and to receive public comments and suggestions regarding the proposed Project; and

WHEREAS, on May 31, 2022, the City published a Notice of Availability of a Draft PEIR accepted written public comments for a 45-day public comment period through July 15, 2022, pursuant to the requirements of the California Environmental Quality Act; and

WHEREAS, such comments and testimony were responded to through a Response to Comments as part of the Final Program Environmental Impact Report (Final PEIR) for the Housing Element and implementing programs; and

WHEREAS, such comments and testimony were fully and adequately responded to in the manner set forth in Section 15088 of the CEQA Guidelines; and

WHEREAS, on June 29, 2022, the Planning Commission, at a regular public meeting, considered and decided to recommend to the City Council the approval of General Plan Amendment 2022-01, General Plan Amendment 2022-02, Zoning Code Amendment 2022-01, and Zoning Code Amendment 2022-02, subject to compliance, as applicable, with the requirements of Yorba Linda Right-to-Vote Amendment (Measure B), in furtherance of the implementation programs included in the Housing Element; and

WHEREAS, the Planning Commission conducted a public hearing on July 27, 2022, to receive public testimony with respect to the Draft PEIR; and

WHEREAS, at the July 27, 2022 public hearing, the Planning Commission independently reviewed the Draft PEIR and Final PEIR; and

WHEREAS, the Planning Commission adopted a Resolution on July 27, 2022, recommending to the City Council approval of the Draft PEIR, Draft Responses to Comments for the Housing Element, and Draft Mitigation Monitoring and Reporting Plan; and

WHEREAS, the Final Program Environmental Impact Report Yorba Linda 2021-2029 Housing Element and Implementation Programs, SCH No. 2022040574 was prepared for the Housing Element, in which the Final PEIR includes, as required by the CEQA Guidelines, the Draft PEIR, comments and recommendations from persons, organizations, and public agencies on the Draft PEIR, responses to the comments and recommendations on the Draft PEIR, and revisions to the Draft PEIR, all as more specifically provided for in the Final PEIR; and

WHEREAS, the City Council conducted a public hearing on August 2, 2022, to receive public testimony with respect to the Final PEIR; and

WHEREAS, at the August 2, 2022 public hearing, the City Council independently reviewed and considered all of the information and environmental documentation

comprising the Final PEIR and has found that the Final PEIR adequately considers all of the environmental impacts of the Housing Element implementation programs, a reasonable range of feasible alternatives to the Housing Element implementation programs, and mitigation measures that will reduce the Housing Element implementation programs on the environment, and fully complies with all requirements of CEQA and the State CEQA Guidelines, and asserts that the findings of said Final PEIR have been taken into consideration in approving the Housing Element implementation programs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YORBA LINDA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The foregoing Recitals are true and are based upon substantial evidence in the record, including the Final PEIR. The Recitals are incorporated herein by reference.

Section 2. The City Council hereby confirms that the Final PEIR, as certified by this Resolution, is composed of the following:

- a. Draft PEIR
- b. Technical Appendices
- c. Final PEIR, which includes Responses to Comments

Section 3. The facts set forth in the Findings and Facts in Support of Findings and Statement of Overriding Considerations set forth in Exhibit 1 attached to this Resolution are true and are based upon substantial evidence in the record, including the Final PEIR. The Findings and Facts in Support of Findings and Statement of Overriding Considerations in Exhibit 1 are incorporated herein by reference.

Section 4: The Final PEIR has identified all significant environmental effects of the Housing Element implementation programs, and there are no known potentially significant environmental impacts that are not addressed in the Final PEIR.

Section 5 All significant effects of the Housing Element implementation programs that are not mitigated to a level of significance are adequately addressed in the Findings and Facts in Support of Findings and Statement of Overriding Considerations.

Section 6: Although the Final PEIR identifies several certain significant environmental effects that will result if the Housing Element implementation programs are approved, all significant effects that can feasibly be avoided or mitigated will be avoided or mitigated by the imposition of conditions on the approved Housing Element implementation programs and the imposition of mitigation measures as set forth in the Final PEIR, the Findings and Facts in Support of Findings and Statement of Overriding Considerations in Exhibit 1, and the Mitigation Monitoring and Reporting Program in Exhibit 2, attached to this Resolution and incorporated herein by this reference.

Section 7: Potential mitigation measures and alternatives not incorporated into the Housing Element implementation programs were rejected as infeasible, based upon

specific economic, social, and other considerations as set forth in the Final PEIR and Findings and Facts in Support of Findings and Statement of Overriding Considerations in Exhibit 1.

Section 8: The significant impacts of the Housing Element implementation programs that have not been reduced to a level of insignificance will have been substantially reduced in their impacts by the imposition of mitigation measures. The City Council finds that the significant unavoidable adverse impacts of the Housing Element implementation programs are clearly outweighed by the economic, social and other benefits of the Housing Element implementation programs, as set forth in the Findings and Statement of Overriding Considerations in Exhibit 1.

Section 9: The Final PEIR has described all reasonable alternatives to the Housing Element implementation programs that could feasibly obtain the basic objectives of the Housing Element, even when those alternatives might impede the attainment of Housing Element objectives and might be more costly.

Section 10: A good faith effort has been made to seek out and incorporate all points of view in the preparation of the Final PEIR as indicated in the public record on the Housing Element and its implementation programs and the Final PEIR.

Section 11: The City Council hereby certifies that the Final PEIR for the Housing Element implementation programs, on file with the Community Development Department/Planning Division and in the form presented to the City Council at the time of the adoption of this Resolution, is adequate and complete in that it addresses all environmental effects of the Housing Element implementation programs and fully complies with the requirements of CEQA and the CEQA Guidelines.

Section 12: The City Council hereby approves the Findings and Facts in Support of Findings and Statement of Overriding Considerations for the Housing Element implementation programs as set forth in Exhibit 1.

Section 13: The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Housing Element implementation programs as set forth in Exhibit 2.

Section 14: The City Clerk is hereby directed to deliver and publish, in accordance with applicable law, notices of the City Council's determination to certify the Final PEIR as provided herein.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 2nd day of August, 2022.

CARLOS RODRIGUEZ
MAYOR

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

(SEAL)

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF YORBA LINDA)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 2nd day of August, 2022, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA