

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YORBA LINDA RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT 2023-01 RELATED TO AN UPDATE TO THE HOUSING ELEMENT FOR 2021-2029

WHEREAS, the original General Plan of the City of Yorba Linda was adopted in 1971, under City Council Resolution No. 328; and,

WHEREAS, the City of Yorba Linda General Plan was updated and approved under City Council Resolution No. 93-2815 on June 1, 1993; and,

WHEREAS, the City of Yorba Linda General Plan was updated and approved under City Council Resolution No. 2015-5412 on October 28, 2016; and

WHEREAS, Government Code Section 65580 et seq. (Housing Element Law) requires that every city prepare and periodically update the housing element of the general plan; every city is mandated to include statutory requirements in the 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 comment as to whether the city's draft 2021-2029 Housing Element substantially complies with Housing Element Law; and

WHEREAS, the City's Housing Element will cover the 2021-2029 planning period and plan for the provision of housing accessible to all income categories; and

WHEREAS, the City's draft 2021-2029 Housing Element was structured to adhere to the Housing Element Building Blocks created by HCD to assist jurisdictions in preparing the document; and

WHEREAS, the Housing Element is a policy document intended to facilitate decision making relative to the physical development of the City and to reflect the existing conditions, requirements, and constraints of the City, specifically as it relates to housing; and,

WHEREAS, numerous public workshops were held in 2020 and 2021 in order to receive to receive input from community stakeholders and residents relative to the Housing Element; and

WHEREAS, on August 27, 2021, the City submitted its draft Housing Element to HCD for its 60-day review and received comments back from HCD on October 26, 2021; and

WHEREAS, on December 8, 2021, the City resubmitted its Housing Element to HCD after addressing all of the comments provided by HCD in its October 26, 2021 letter, and received comments back from HCD on February 4, 2022; and

WHEREAS, on February 9, 2022, the City conducted a public hearing approving the

RESOLUTION NO.
PAGE 2

2021-2029 Housing Element and resubmitted its Housing Element to HCD after addressing all of the comments provided by HCD in its February 4, 2022 letter; 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, in accordance with State and City laws, on August 2, 2022, the City Council adopted General Plan Amendments GPA 2022-01 and GPA 2022-02 and Zoning Code Amendments ZCA 2022-01 and ZCA 2022-02 as part of the consideration of the Housing Element implementation programs included therein; and

WHEREAS, General Plan Amendment 2022-02 and Zoning Code Amendment 2022-02 were presented to the electorate of the City as Measure Z as part of the November 2022 General Election; and

WHEREAS, the Orange County Registrar of Voters determined that Measure Z failed to receive the approval of a majority of the electorate of the City, and therefore, General Plan Amendments 2022-01 and 2022-02 and Zoning Code Amendments 2022-01 and 2022-02 did not become effective; and

WHEREAS, in order to retain its conditional certification of its Housing Element from the State Department of Housing and Community Development, the City is required to present a rezoning plan to the general electorate of the City by the General Election in November 2024, the City has revised its Housing Element and its associated implementation programs; and

WHEREAS, since November 2022, the City has prepared a revised draft Housing Element update through a robust public outreach effort of seven public workshops, which attracted nearly 400 residents from a diversity of backgrounds, ethnicities, age groups, political affiliations, geography within the city, housing tenure, and varying perspectives on housing; and

WHEREAS, this revised draft Housing Element was submitted to HCD for consideration and it was determined on February 23, 2024, that the City's draft Housing Element update was found to be in substantial conformance with State housing laws; and

WHEREAS, based on a variety of factors including development trends, property owner interest, structure age, property valuation, and development capacity, the existing uses on the sites identified in the site inventory to accommodate the lower-income RHNA are likely to be discontinued during the planning period, and therefore do not constitute an impediment to additional residential development during the period covered by the Housing Element; and

WHEREAS, on August 2, 2022, the City Council certified a Program Environmental Impact Report (PEIR) for the 2021-2029 Housing Element through Resolution No. 2022-5817; and

WHEREAS, pursuant to Government Code Section 15164, the City has prepared an addendum to the previously certified PEIR by determining that the proposed changes do not meet the conditions in Government Code Section 15162 calling for the preparation of a subsequent EIR; and

WHEREAS, this Housing Element Update requires a public hearing before the Planning Commission, and public notice has been provided in accordance with State law; and,

WHEREAS, on May 15, 2024, the Planning Commission held a public hearing concerning General Plan Amendment 2023-01; and

WHEREAS, after consideration of the staff report and all information, testimony, and evidence presented at the public hearing, the Planning Commission recommends that the City Council find and determine as follows:

SECTION 1. On August 2, 2022, the City Council certified a Program Environmental Impact Report (PEIR) for the 2021-2029 Housing Element through Resolution No. 2022-5817. Pursuant to Government Code Section 15164, the City has prepared an addendum to the previously certified PEIR by determining that the proposed changes do not meet the conditions in Government Code Section 15162 calling for the preparation of a subsequent EIR.

SECTION 2. The findings in support of the update of the General Plan are as follows:

- A) The proposed General Plan Amendment is consistent with other elements of the City's General Plan pursuant to Government Code Section 65300.5. The 2021-2029 Housing Element is a general plan amendment required by Housing Element Law. Furthermore, the proposed General Plan Amendment is consistent with the other elements of the City of Yorba Linda General Plan.
- B) The proposed General Plan Amendment responds to changes in state and/or federal law pursuant to Government Code Section 65300.9. The 2021-2029 Housing Element has been initiated in response to state law and the requirements of Housing Element Law.
- C) The proposed general plan amendment has been referred to the County of Orange and any adjacent cities abutting or affected by the proposed action and any other federal agency whose operations or lands may be affected by the proposed decision pursuant to Government Code Section 65352. Notification of a public hearing for the proposed General Plan Amendment was sent to the County of Orange and several adjacent cities that may be affected by the proposed action.
- D) The proposed General Plan Amendment will not be detrimental to the public health, safety, and welfare of the community. The 2021-2029 Housing Element will not result in any surrounding uses or activities that would impact the public health, safety, or welfare of the community. The General Plan Amendment

implementing the Housing Element will ensure the provision of housing accessible to all income categories and will ensure consistency with applicable provisions of the Zoning Code.

SECTION 3. The Planning Commission hereby recommends that the City Council approve the 2021-2029 Housing Element in its amended form as contained in Exhibit A that has addressed and incorporated the findings from HCD, as presented to the City Council on the date of this Resolution and on file with the City Clerk.

SECTION 4. Pursuant to Section 18.36.675 of the Yorba Linda Zoning Code, the Planning Commission recommends that the City Council find that General Plan Amendment 2023-01 is necessary to ensure that the Housing Element is consistent within the City's General Plan policies, goals and objectives and is consistent with the objectives of the Zoning Code.

SECTION 5. The Planning Commission recommends that the City Council hereby find that Yorba Linda Municipal Code Chapter 18.01 (the Yorba Linda Right-to-Vote Amendment also known as Measure B) is inapplicable to this General Plan Update; however, subsequent to the adoption of the Housing Element, amendments to the General Plan text, General Plan Land Use Diagram, Zoning Ordinance and Zoning Map will be necessary in order to implement Housing Element programs, and compliance with Measure B ("The Yorba Linda Right-to-Vote Initiative") will be prepared in connection with those amendments.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Yorba Linda on the 15th day of May, 2024.

SHIVINDER SINGH
CHAIRMAN

TO WIT:

I HEREBY CERTIFY the foregoing Resolution was duly adopted at a regular meeting of the Yorba Linda Planning Commission on May 15, 2024, and carried by the following roll call vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

NATE FARNSWORTH, AICP
SECRETARY TO THE PLANNING COMMISSION