

## **RESOLUTION NO. 22-193**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON TO ADOPT AN ADDENDUM TO THE NEGATIVE DECLARATION FOR AND APPROVE GENERAL PLAN AMENDMENT NO. 22-01 – A SUBSEQUENT DRAFT REVISION TO THE CITY OF CARSON’S 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT AS ADOPTED ON FEBRUARY 1, 2022 (GPA NO. 22-01)**

**WHEREAS**, California Government State Code Section 65358(a) authorizes the City Council to amend the General Plan if it is deemed to be in the public interest; and

**WHEREAS**, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of Carson; and

**WHEREAS**, by its very nature, the General Plan is subject to update and revision to account for current and future community needs; and

**WHEREAS**, the Housing Element is one of the seven State-mandated General Plan chapters or “elements” and is a component of the City of Carson General Plan; and

**WHEREAS**, California State Housing Element Law establishes the requirements for Housing Elements. California Government Code Section 65588, a provision of the State Housing Element Law, requires that local governments review and revise the Housing Element of their comprehensive General Plans not less than once every eight years. Additionally, the California State Legislature identifies overall housing goals for the State with the goal of ensuring every resident has access to housing and suitable living environments. The City’s Housing Element was last updated in 2014 for the period of 2014-2021, and an update is required for the planning period of October 2021- October 2029 (known as the 6th Cycle Housing Element Update); and

**WHEREAS**, the 6th Cycle Housing Element Update must be adopted by City Council and certified by California State Department of Housing and Community Development (HCD) for substantial compliance with the Housing Element Law, and the Planning Commission is required to make a recommendation regarding the Housing Element prior to City Council adoption; and

**WHEREAS**, the City of Carson has completed diligent and extensive public outreach related to its 6th Cycle Housing Element Update that included conducting four General Plan Advisory Committee meetings, four community workshops, three community outreach events, and a special study session with the Planning Commission and City Council; and

**WHEREAS**, duly noticed public hearings were held by the Planning Commission for the review of an initial draft of the City’s 6th Cycle Housing Element Update on September 28, 2021, and by the City Council on October 5, 2021, for purposes of considering submittal of the draft Housing Element update to HCD for a pre-adoption review for substantial compliance with the State Housing Law. Following such hearings, the draft Housing Element update was submitted by the City to HCD for its review on October 11, 2021; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration (“IS/ND”) was prepared for the draft Housing Element update in compliance with CEQA and the local environmental review guidelines; and

**WHEREAS**, the IS/ND was circulated for the required 30-day public review period from November 29, 2021 to December 29, 2021; and

**WHEREAS**, a Notice of Intent to Adopt a Negative Declaration (“NOI”) for the draft Housing Element update was posted with the City Clerk and LA County Clerk and sent to responsible agencies on or about November 29, 2021; and

**WHEREAS**, on December 10, 2021, HCD provided a comment letter to the City pursuant to Government Code Section 65585(b) reporting the results of its review of the draft Housing Element update for compliance with the State Housing Element Law. The comment letter indicated that revisions to the draft Housing Element update were needed; and

**WHEREAS**, the City revised the draft Housing Element update in an effort to address HCD’s December 10, 2021 comments. The City’s Planning Commission held a duly noticed public hearing and recommended City Council approval of the IS/ND and revised draft element on January 11, 2022, and following a duly noticed public hearing on February 1, 2022, the City Council, adopted the IS/ND and approved the revised draft Housing Element update (the “February 1 Adopted Element”); and

**WHEREAS**, the City submitted the February 1 Adopted Element to HCD for its review pursuant to Government Code Section 65585(b). On May 6, 2022, HCD submitted a further comment letter to the City, stating that although the February 1 Adopted Element addressed many statutory requirements described in HCD’s December 10, 2021 comment letter, additional revisions were necessary to fully comply with State Housing Element Law; and

**WHEREAS**, the City has now revised the February 1 Adopted Element as necessary to address all of HCD’s comments in its May 6, 2022 letter, which revisions have been integrated into the provisions of the February 1 Adopted Element as set forth in the comprehensive revised document attached hereto as Exhibit “A” (the “Subsequent Draft Revision”); and

**WHEREAS**, pursuant to Government Code Section 65585(b)(1), “the local government of the planning agency shall make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, the local government shall take at least 10 business days after the 30-day public comment period to consider and incorporate public comments into the draft revision prior to submitting it to the department. For any subsequent draft revision, the local government shall post the draft revision on its internet website and shall email a link to the draft revision to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting the draft revision to [HCD].” Because the Subsequent Draft Revision is a subsequent draft revision within the meaning of Government Code Section 65585(b)(1), no further public comment period is required for the Subsequent Draft Revision other than posting it on the City’s website and emailing a link to the draft revision to all individuals and organizations that have previously requested notices relating to the City’s housing element at least seven days before submitting the Subsequent Draft Revision to HCD (which would be done following Council approval); and

**WHEREAS**, on August 30, 2022, after a duly noticed public hearing was held by the Planning Commission for review of the Subsequent Draft Revision, the Planning Commission adopted Resolution No. 22-2838, recommending that the City Council of the City of Carson (a) adopt an addendum to the IS/ND for the Subsequent Draft Revision pursuant to CEQA Guidelines Section 15164 and alternatively, that the City Council find that the revisions contained in the Subsequent Draft Revision are covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and (b) approve and adopt the Subsequent Draft Revision (General Plan Amendment No. 22-01); and

**WHEREAS**, on September 6, 2022, the City Council conducted a public hearing on the Subsequent Draft Revision (General Plan Amendment GPA 22-01) to receive and consider public testimony, at which time all interested persons had an opportunity to present testimony on General Plan Amendment GPA 22-01.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct, and are incorporated herein by reference.

**SECTION 2.** The City Council finds as follows:

A. The Initial Study demonstrated that there is no substantial evidence, in light of the whole record, that the proposed project may have a significant effect on the environment.

B. The Negative Declaration was circulated for public review in accordance with CEQA Guidelines 15073, and the Negative Declaration circulated for public review included the contents required by CEQA Guidelines 15071.

C. The NOI was provided to the public, responsible agencies, trustee agencies, and the county clerk of the county within which the proposed project is located, sufficiently prior to adoption by the lead agency of the negative declaration to allow the public and agencies the required review period, and otherwise in compliance with CEQA Guidelines 15072.

D. The IS/ND and NOI, as well as the Subsequent Draft Revision and related documentation, are available at <https://www.carson2040.com/reports-and-products> and are on file with the City's Planning Division.

E. During the public review process, no comments were received recommending that an Environmental Impact Report should be prepared.

F. On January 11, 2022, the Planning Commission considered the ND together with any comments received and recommended that the City Council adopt the ND, and on February 1, 2022, the City Council adopted the ND, finding, on the basis of the whole record (including the IS/ND and any comments received), that there was no substantial evidence that the proposed project will have a significant effect on the environment. The ND was found to reflect the independent judgment and analysis of the City of Carson as lead agency for the proposed project.

G. None of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent negative declaration have occurred with respect the revisions contained in the Subsequent Draft Revision, and at most, only minor technical changes or additions are necessary. Accordingly, an addendum to the ND may be prepared for the Subsequent Draft Revision pursuant to CEQA Guidelines Section 15164. Alternatively, the revisions contained in the Subsequent Draft Revision are covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question (the proposed revisions contained in the Subsequent Draft Revision as compared to the Draft Housing Element as adopted on February 1, 2022) may have a significant effect on the environment, the activity is not subject to CEQA.

H. The City submitted the February 1 Adopted Element to HCD for review for substantial compliance with housing element laws on or about March 7, 2022, in accordance with Gov't Code Section 65588(b) and (d). State HCD reported its written findings to the City via a comment letter dated May 6, 2022. The Planning Commission and City Council have considered HCD's findings. All of the findings have been addressed as required via revisions that have been made by the City to the provisions of the February 1 Adopted Element, which revisions are integrated in the Subsequent Draft Revision. Adoption of the Subsequent Draft Revision will substantially comply with the requirements of State law applicable to the 6th Cycle update of the City's Housing Element.

I. In accordance with Government Code Section 65583.2(g)(2), the methodology used in the Subsequent Draft Revision to determine additional development potential demonstrates that the existing uses of nonvacant sites identified pursuant to Government Code Section 65583.2(b)(3) do not constitute an impediment to additional residential development during the 6th Cycle planning period. With respect to the nonvacant sites identified pursuant to Government Code Section 65583.2(b)(3) in the Subsequent Draft Revision as Tier 1 non-vacant sites, the Housing Element Update contains findings, and the City Council hereby expressly finds and reaffirms, based on substantial evidence in the record, that the existing uses are not an impediment to development and are likely to be discontinued during the planning period, for the reasons discussed in the Subsequent Draft Revision, including Appendix C thereof. There are a sufficient number of Tier 1 non-vacant sites identified in the Subsequent Draft Revision to meet the City's obligations pursuant to Government Code Section 65583.2(g)(2); Tier 2 non-vacant sites are included in Table C-13 of the Housing Element Update to ensure a sufficient buffer of low-income units above RHNA requirements.

**SECTION 3.** The City Council hereby adopts an addendum to the IS/ND for the Subsequent Draft Revision (General Plan Amendment GPA 22-01) pursuant to CEQA Guidelines Section 15164 and alternatively, finds that the revisions contained in the Subsequent Draft Revision are covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question (the proposed revisions contained in the Subsequent Draft Revision as compared to the Draft Housing Element as adopted on February 1, 2022) may have a significant effect on the environment, the activity is not subject to CEQA. CEQA Guidelines Section 15061(b)(3).

**SECTION 4.** The City Council hereby approves and adopts the Subsequent Draft Revision (General Plan Amendment No. 22-01), and authorizes the Director of Community Development to make minor modifications to the Subsequent Draft Revision (General Plan Amendment No. 22-01) and associated documents to ensure compliance with State regulations,

comments and directives prior to submitting to the California Department of Housing and Community Development (HCD) for acceptance.

**SECTION 5.** The City Manager is directed to transmit the adopted Housing Element to HCD for review and acceptance.

**SECTION 6.** The City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**SECTION 7.** The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

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PASSED, APPROVED AND ADOPTED this 6th day of September, 2022.

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Lula Davis-Holmes, Mayor

ATTEST:

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Dr. Khaleah R. Bradshaw, City Clerk

APPROVED AS TO FORM:

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Sunny K. Soltani, City Attorney

**EXHIBIT “A”**

**CITY OF CARSON 2021-2029 (6TH CYCLE) HOUSING ELEMENT UPDATE  
(SUBSEQUENT DRAFT REVISION)**

[https://ci.carson.ca.us/content/files/pdfs/planning/sr/2022-08-30/EXHIBIT\\_NO\\_1A\\_DRAFT\\_HE\\_Update.pdf](https://ci.carson.ca.us/content/files/pdfs/planning/sr/2022-08-30/EXHIBIT_NO_1A_DRAFT_HE_Update.pdf)