

**HERCULES PLANNING COMMISSION
RESOLUTION NO. 24-XX**

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND HERCULES MUNICIPAL CODE LAND USE REGULATION TABLES 13-6.1, 13-12.1, 13-15.1, 13-18.1, AND 13-32.1; AND AMENDING SECTION 13-35.320 ACCESSORY DWELLING UNITS, CHAPTER 13-36 TWO-UNIT DEVELOPMENT, CHAPTER 13-42 DESIGN REVIEW, CHAPTER 13-53 REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES, AND CHAPTER 13-60 DEFINITIONS, TO IMPLEMENT THE 6TH CYCLE HOUSING ELEMENT; COMPLY WITH SENATE BILLS NO. 450, 477, 745 AND 1211, ASSEMBLY BILL NO. 2162, AND THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (RLUIPA); TO CORRECT IDENTIFIED INCONSISTENCIES AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City of Hercules has prepared a draft update to the Housing Element of the General Plan to actively promote fair housing and meet the Regional Housing Needs Allocation for the 2023-2031 cycle; and

WHEREAS, the draft 2023-2031 Housing Element has been designed to align with the requirements established by State law; and

WHEREAS, on October 21, 2024, the California Department of Housing and Community Development found the draft 2023-2031 Housing Element to be in substantial compliance with State Housing Element Law; and

WHEREAS, the Housing Element outlines the City's approach to meeting local housing needs through policies and programs specified in the draft document; and

WHEREAS, these policies and programs include measures to remove barriers within the Hercules Municipal Code that may affect low and moderate-income households; and

WHEREAS, amendments to the Hercules Municipal Code are necessary to support the City's commitment to expanding housing opportunities; and

WHEREAS, the Governor of California has enacted housing laws, including Senate Bills 450, 477, 745, and 1211, as well as Assembly Bill 2694; and

WHEREAS, the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws; and

WHEREAS, minor revisions to the Hercules Municipal Code are being made to ensure consistency and clarity.

WHEREAS, on December 2, 2024, the Planning Commission held a duly noticed public hearing to consider these amendments and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Hercules recommends that the City Council:

1. Find that this draft ordinance (Attachment 1a hereto) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. It can be seen with certainty that there is no possibility that the ordinance will result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. Further, none of the circumstances described in CEQA Guidelines § 15300.2 applies. No unusual circumstances are present. This determination reflects the City of Hercules' independent judgment and analysis.
2. Amend Hercules Municipal Code Land Use Regulation Tables 13-6.1, 13-12.1, 13-15.1, 13-18.1, and 13-32.1; and amending Section 13-35.320 Accessory Dwelling Units, Chapter 13-36 Two-Unit Development, Chapter 13-42 Design Review, Chapter 13-53 Reasonable Accommodations For Persons with Disabilities, and Chapter 13-60 Definitions, to implement the 6th Cycle Housing Element; comply with Senate Bills No. 450, 477, 745 and 1211, Assembly Bill No. 2162, and the Religious Land Use and Institutionalized Persons Act (RLUIPA); correct identified inconsistencies as noted by the additions and deletions shown in Attach 1a hereto.

PASSED AND ADOPTED by the Planning Commission of the City of Hercules on this 2nd day of December 2024 by the following vote:

AYES:

NOES:

ABSTAIN

ABSENT:

Robert Schaufenbil, Chair

ATTEST:

Timothy Rood, AICP
Community Development Director

Attach 1a: Draft Ordinance amending Hercules Municipal Code