

**HERCULES CITY COUNCIL
RESOLUTION NO. 24-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES ADOPTING THE HERCULES 2023-2031 HOUSING ELEMENT INITIAL STUDY/NEGATIVE DECLARATION AND A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2023 HERCULES HOUSING ELEMENT AND ADOPTING THE HERCULES HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031, IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW.

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives” (Government Code Section 65589.5.); and

WHEREAS, the Legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Government Code Section 65589.5.); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Hercules regional housing need allocation (RHNA) of 995 housing units, comprising 344 very low-income units, 198 low-income units, 126 moderate-income units, and 327 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Hercules (“City”) has prepared the 2023-2031 City of Hercules Housing Element (the Housing Element) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City’s RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Section 65300 et. seq., the Housing Element does not create any policy conflicts between the components of the General Plan; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the City mailed a public notice to a list of local tribes with traditional lands or places located within

the City's jurisdiction provided by the Native American Heritage Commission and to other entities listed and notified these tribes of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located in Hercules; and

WHEREAS, the City consulted with the Confederated Villages of the Lisjan Nation regarding the updated Housing Element and the cultural resources mitigation measures that are in effect from prior Environmental Impact Reports and are referenced in the Housing Element Initial Study/Negative Declaration; and

WHEREAS, the preparation, adoption, and implementation of the Housing Element requires a diligent effort to include all economic segments of the community; and

WHEREAS, the City conducted extensive community outreach over the last three years, including two public workshops, an online survey, and four reports to the Planning Commission and City Council; and

WHEREAS, in accordance with Government Code Section 65585 (b), the City posted the first draft Housing Element and requested public comment, and on June 17, 2022, after receiving no public comments, the City submitted the first draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on August 25, 2022, the City posted a Notice of Availability for an Initial Study/Negative Declaration (IS/ND) for the City of Hercules 2023-2031 Housing Element Update and posted the IS/ND on the City website; and

WHEREAS, on November 7, 2022, the City received a letter from HCD providing its findings regarding the draft Housing Element; and

WHEREAS, on December 22, 2022, the City published a revised draft Housing Element responding to HCD's findings and requested public comment on the first draft; and

WHEREAS, on December 29, 2022, after receiving no public comments, the City submitted the second draft Housing Element to HCD for its review; and

WHEREAS, on March 6, 2023, the City received a letter from HCD providing its findings regarding the second draft Housing Element; and

WHEREAS, on March 15, 2023, the City published a revised draft Housing Element responding to HCD's findings and requested public comment on the third draft; and

WHEREAS, on March 22, 2023, after receiving no public comments, the City submitted the third draft Housing Element to HCD for its review; and

WHEREAS, on June 2, 2023, the City received a letter from HCD providing its findings regarding the third draft Housing Element; and

WHEREAS, on June 26, 2023 and August 16, 2023, HCD staff met with the City to discuss the adequacy of the draft Housing Element, and based upon this, the City revised the draft Housing Element to include additional information and data; and

WHEREAS, on September 21, 2023, HCD staff provided additional technical assistance resources, and based upon this, the City revised the draft Housing Element to include additional information and data; and

WHEREAS, on November 2, 2023, the City published a revised draft Housing Element responding to HCD's findings and requested public comment on the fourth draft; and

WHEREAS, on November 10, 2023, after receiving no public comments, the City submitted the fourth draft Housing Element to HCD for its review; and

WHEREAS, on January 12, 2024, the City received a letter from HCD providing its findings regarding the fourth draft Housing Element; and

WHEREAS, on January 31, 2024, HCD staff met with the City to discuss the adequacy of the draft Housing Element, and based upon this, the City of Hercules staff revised the draft Housing Element to include additional information and data; and

WHEREAS, on March 8, 2024, the City submitted draft revisions of Chapter 5 of the Housing Element to HCD for informal review; and

WHEREAS, on March 28, 2024, the City submitted draft revisions of Chapter 2 of the Housing Element to HCD for informal review; and

WHEREAS, on April 24, 2024, the City received a letter from HCD providing its findings regarding the informal review of the chapter revisions; and

WHEREAS, between May 16 and June 13, 2024, the City and its consultants participated in weekly technical assistance meetings with HCD regarding its findings regarding the informal review of the chapter revisions; and

WHEREAS, on June 18, 2024, the City submitted a revised draft of the full Housing Element to HCD for informal review; and

WHEREAS, on July 16, 2024, the City received a letter from HCD providing its findings regarding the informal review of the chapter revisions; and

WHEREAS, on July 23, 2024, the City submitted draft revisions of affected housing programs to HCD for informal review; and

WHEREAS, on July 26, 2024, the City received a letter from HCD providing its findings regarding the informal review of the draft revisions to affected housing programs; and

WHEREAS, on August 2, 2024, the City submitted draft revisions of affected housing programs to HCD for informal review; and

WHEREAS, on August 12, 2024, the City received an email from HCD stating that it had no further comments; and

WHEREAS, on August 14, 2024, the City published a revised draft Housing Element including all revisions informally reviewed and agreed to by HCD and requested

public comment on the fifth draft; and

WHEREAS, on August 22, 2024, after receiving no substantive public comments, the City submitted the fifth draft Housing Element to HCD for its review; and

WHEREAS, on September 17, 2024, the City received an email from HCD requesting additional information and clarifications; and

WHEREAS, on October 7, 2024, the City responded to HCD's request with an updated community engagement appendix and an updated page H6-22, which were posted on the City website on October 7, 2024; and

WHEREAS, on October 21, 2024, the City received a letter from HCD stating that the draft Housing Element is in substantial compliance with State Housing Element Law, and will comply with State Housing Element Law when it is adopted; and

WHEREAS, on October 22, 2024, the City published the final draft Housing Element (determined to be in substantial compliance by HCD) on the City website and requested public comment on the final draft; and

WHEREAS, the Planning Commission did hold a properly noticed public hearing on November 18, 2024 to take public testimony and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments; and

WHEREAS, the Planning Commission at its November 18, 2024 meeting passed Resolution #24-06 recommending City Council adoption of a resolution to adopt the Hercules 2023-2031 Housing Element Initial Study/Negative Declaration and a General Plan Amendment to repeal the 2015-2023 Hercules Housing Element and adopt the Hercules Housing Element of the General Plan for the period of 2023-2031, in compliance with State Housing Element Law; and

WHEREAS, on December 4, 2024, the City Council held a duly noticed public hearing to consider the proposed Resolution related to the 2023-2031 Housing Element and the environmental review, received the staff report and staff presentation, received comments from the public and interested parties and discussed the matter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules as follows:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The City Council has considered the Initial Study/Negative Declaration for the 2023-2031 Housing Element together with all comments received during the public review process and hereby finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment, that the Initial Study/Negative Declaration for the 2023-2031 Housing Element reflects the independent judgment and analysis of the City Council, and that the Initial

Study/Negative Declaration for the 2023-2031 Housing Element is hereby adopted. The custodian of records for the Initial Study/Negative Declaration for the 2023-2031 Housing Element shall be the Community Development Department.

3. The Housing Element substantially complies with State Housing Element Law, as indicated in HCD's letter dated October 21, 2024. City staff is authorized to make non-substantive or clerical changes and corrections to the Housing Element to respond to comments received during the adoption process.
4. The 2023-2031 Housing Element attached hereto as Attachment 1a, incorporated by this reference, is hereby adopted and the 2015-2023 Housing Element is hereby repealed.
5. City staff is authorized to submit the approved 2023-2031 Housing Element to the Department of Housing and Community Development (HCD) for their certification.

The foregoing Resolution was duly and regularly adopted at a special meeting of the City Council of the City of Hercules held on the 4th day of December, 2024 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Dan Romero, Mayor

ATTEST:

Eibleis Melendez, City Clerk

Exhibit 1a – 2023-2031 City of Hercules Housing Element
Exhibit 1b – Appendix A: Community Engagement
Exhibit 2 – Initial Study and Negative Declaration