

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2024-029

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA,
ADOPTING A GENERAL PLAN AMENDMENT TO REPEAL THE 2015-2023 HOUSING
ELEMENT AND ADOPT THE 2023-2031 HOUSING ELEMENT OF THE GENERAL PLAN 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 Carmel-by-the-Sea regional housing need allocation (RHNA) of 349 housing units, comprised of 113 very-low income units, 74 low-income units, 44 moderate-income units, and 118 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Carmel-by-the-Sea has prepared the 6th cycle 2023-2031 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 sections 65352 – 65352.5 the City of Carmel-by-the-Sea mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, one California Native American Tribe requested consultation and were provided with information, including documents, website resources, and notification of public meetings. No further requests were received from the Tribe; 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 of Carmel-by-the-Sea conducted extensive community outreach over the last 17 months including five Housing Ad Hoc Committee workshops, five City Council meetings; one Joint Planning Commission and City Council meeting; one Planning Commission adoption recommendation hearing, and one City Council adoption hearing; and

WHEREAS, in accordance with Government Code Section 65585 (b), on June 5, 2023, the City of Carmel-by-the-Sea posted the draft Housing Element and requested public comment for a 30-day review period from June 5 to July 6, 2023; and

WHEREAS, on August 3, 2023, after responding to public comments, the City of Carmel-by-the-Sea submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on September 15, 2023, HCD contacted the City of Carmel-by-the-Sea to discuss the adequacy of the draft Housing Element, and based upon this, the City of Carmel-by-the-Sea revised the draft Housing Element to include additional information and data; and

WHEREAS, on November 1, 2023, the City of Carmel-by-the-Sea received a letter from HCD providing its findings regarding the draft Housing Element; and

WHEREAS, on January 16, 2024, the City of Carmel-by-the-Sea posted a revised draft Housing Element responding to HCD's findings for a 7-day public review and comment period from January 16 to January 23, 2024; and

WHEREAS, on January 24, 2024, after responding to public comments, the City of Carmel-by-the-Sea re-submitted the draft Housing Element to the HCD for its review; and

WHEREAS, on February 6, 2024, HCD contacted the City of Carmel-by-the-Sea to discuss the adequacy of the draft Housing Element, and based upon this, City of Carmel-by-the-Sea staff revised the draft Housing Element to include additional information and data; and

WHEREAS, on March 1, 2024, the City of Carmel-by-the-Sea posted a revised draft Housing Element responding to HCD's findings for a 7-day public review and comment period from March 1, 2024 to March 7, 2024; and

WHEREAS, on March 8, 2024, after responding to public comments, the City of Carmel-by-the-Sea re-submitted the draft Housing Element to HCD for its review; and

WHEREAS, on March 20, 2024, the City of Carmel-by-the-Sea received a letter from HCD providing its findings regarding the draft Housing Element; and

WHEREAS, on March 26, 2024, the City of Carmel-by-the-Sea posted a revised draft Housing Element responding to HCD's findings for a 7-day public review and comment period from March 27, 2024 to April 2, 2024; and

WHEREAS, on April 4, 2024, after responding to public comments, the City of Carmel-by-the-Sea re-submitted the draft Housing Element to HCD for its review; and

WHEREAS, on April 5, 2024, the City of Carmel-by-the-Sea 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 April 8, 2024, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider 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, on April 8, 2024, the Planning Commission adopted Resolution 2024-025-PC recommending that the City Council adopt the Housing Element; and

WHEREAS, on April 8, 2024, the City Council conducted a duly and properly noticed public hearing 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 et seq., and contains all provisions required by State Housing Element Law.
3. Based on substantial evidence in the record, the existing parking lots on the City-owned non-vacant sites identified to accommodate the RHNA will be incorporated into a future housing project resulting in no net loss of public parking and therefore do not constitute an impediment to planned residential development on the site during the planning period.
4. As required by Government Code Section 65585(e), the City Council has considered the findings made by the Department of Housing and Community Development included in

the Department's letter to the City dated November 1, 2023, and March 20, 2024, consistent with Government Code Section 65585(f), the City Council has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.

5. The 2015-2023 Carmel-by-the-Sea Housing Element is hereby repealed in its entirety, and the 2023-2031 Carmel-by-the-Sea Housing Element, as shown in **Exhibit A** to this Resolution, incorporated herein, is adopted.
6. This Resolution shall become effective upon adoption by the City Council.
7. The Community Planning & Building Director or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification.
8. The Community Planning & Building Director or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.

BE IT FURTHER RESOLVED that the City Council hereby approves the 2023-2031 Housing Element in its revised form, which HCD has found to be substantially compliant.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 8th day of April, 2024, by the following vote:

AYES: Councilmembers Baron, Ferlito, Richards, and Mayor Potter

NOES: Councilmember Dramov

ABSENT: None

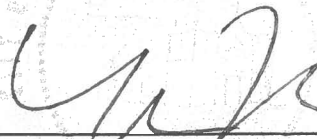
ABSTAIN: None

APPROVED:



Dave Potter, Mayor

ATTEST:



Nova Romero MMC, City Clerk

Exhibit A: 2023-2031 Carmel-by-the-Sea Housing Element