

**RESOLUTION NO. PC #14-02**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MARTINEZ, RECOMMENDING A CEQA EXEMPTION AND  
MAKING FINDINGS RELATED THERETO IN ACCORDANCE WITH CEQA  
GUIDELINES SECTIONS 15301, 15305, AND 15061(b)(3) AND  
RECOMMENDING THE CITY COUNCIL ADOPT GENERAL PLAN TEXT  
AMENDMENTS TO THE 2007-2014 HOUSING ELEMENT AND ZONING TEXT  
AMENDMENTS TO THE MARTINEZ MUNICIPAL CODE, FOR THE PURPOSE OF  
COMPLIANCE WITH STATE AND FEDERAL HOUSING LAWS.**

**WHEREAS**, in 2005 the State of California enacted changes to the State's density bonus law, Government Code Section 65915 which requires that cities and counties provide for mandated density bonuses, incentives and concessions for affordable housing developments in a quantity, form, and manner that satisfy the criteria contained in Government Code Section 65915-65918; and

**WHEREAS**, the California State Legislature passed Senate Bill 2 in 2007 for local planning and approval of emergency homeless shelters and transitional and supportive housing; and

**WHEREAS**, California Government Code Section 65583(a)(4) requires the identification of a zone or zones where emergency homeless shelters are allowed as a permitted use without a conditional use or other discretionary permit, and the identified zone or zones shall include sufficient capacity to accommodate the local need for emergency homeless shelters; and

**WHEREAS**, California Government Code Section 65583(a)(5) requires that transitional and supportive housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential uses and dwellings types of the same type and in the same zone; and

**WHEREAS**, the Federal Fair Housing Act (42 U.S.C. Section 3601) and California Fair Employment and Housing Act (Government Code Section 12926 and 12955) impose an affirmative duty on local governments to make reasonable accommodation (modifications or exceptions) in their land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing; and

**WHEREAS**, eligibility for the streamlined update of the 5th Housing Element Cycle for the California Department of Housing and Community Development necessitates amendments to the General Plan and Zoning text for compliance with the above State and Federal housing laws; and

**WHEREAS**, General Plan text amendments to the 2007-2014 Housing Element would adjust permitted locations for emergency homeless shelters to include areas that would be able to be adaptively reused for emergency homeless shelter use; and

**WHEREAS**, the Zoning text amendments are intended to fulfill the City's obligation under Goal 3 and Implementing Programs 18, 22, 23, and 24 of the City's 2007-2014 Housing Element; and

**WHEREAS**, the Planning Commission held a public hearing on January 21, 2014, and listened to testimony from the public who were notified of the public hearing by the notice publication in the Martinez News-Gazette and by posting of the notice on the outside announcement board at City Hall; and

**WHEREAS**, the Planning Commission considered CEQA exemptions under Sections 15301 (Existing Facilities), Section 15305 (Minor Alterations in Land Use Limitations) and Section 15061(b)(3) (General Rule) prior to taking action on the proposed General Plan and Zoning text amendments.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby recommends that the City Council find the General Plan and Zoning text amendments proposed herein are categorically exempt from the requirements of CEQA, pursuant to California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines), Sections 15301 (Existing Facilities), Section 15305 (Minor Alterations in Land Use Limitations) and Section 15061(b)(3) (General Rule). Based on the following facts. Emergency homeless shelters and reasonable accommodation and transitional & supportive housing would generally be expected to utilize existing structures or large scale warehouse type of buildings, with no new construction likely to occur. Any new construction would be subject to standard building and zoning regulations existent for other structures in the same zoning district and all emergency homeless shelter uses would be subject to size and operational regulations set forth in the zoning ordinance and designed to prevent impacts to surrounding properties. Density bonus provisions for affordable housing are intended to implement State law. Any impacts associated with a property receiving a density bonus would be evaluated as part of the CEQA review specific to such project when said project is proposed and its particulars are known. The General Plan and Zoning text amendments are exempt from environmental review under the general rule of CEQA because the City has determined with certainty that there is no possibility that the passage of the proposed text amendments amending the General Plan and Zoning Ordinance could have an adverse or significant effect on the environment as the proposed amendments are simply intended to implement and adopt what is required by State and Federal housing laws.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby recommends that the City Council find the General Plan and Zoning text amendments proposed herein are policies and implementing programs directed by the 2007-2014 Housing Element and the related Negative Declaration adopted on January 19, 2011 which evaluated the impacts of implementing these policies and programs, and as pursuant to California Code of

Regulations, Title 14, Chapter 3 (CEQA Guidelines), Sections 15162 (Subsequent EIRs and Negative Declarations) there are no new changes or circumstances since the adoption of the Negative Declaration by the City Council on January 19, 2011.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby finds that the proposed General Plan and Zoning text amendments are consistent with the General Plan and adopts the findings set forth in Exhibit A, attached hereto and incorporated herein by reference.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby recommends that the City Council adopt the General Plan text amendments to the 2007-2014 Housing Element adjusting permitted locations for emergency homeless shelters and Zoning text amendments to the Martinez Municipal Code to incorporate provisions for emergency homeless shelters, density bonus for affordable housing, reasonable accommodation, and transitional and supportive housing, as set forth in Exhibit B and Exhibit C, attached hereto and incorporated herein by this reference.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 21<sup>st</sup> day of January 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: \_\_\_\_\_  
Rachael Ford  
Planning Commission Chair

\_\_\_\_\_  
Corey M. Simon  
Senior Planner

**EXHIBIT A**  
**FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN**

**EXHIBIT B**  
**GENERAL PLAN – HOUSING ELEMENT –**  
**PROPOSED TEXT AMENDMENTS, January 2014**

**EXHIBIT C**  
**PROPOSED ZONING AMENDMENTS**  
**IMPLEMENTING 4TH CYCLE HOUSING ELEMENT**  
(2007-2014, adopted January 19, 2011)

*AS REQUIRED BY CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT  
FOR 5th HOUSING ELEMENT CYCLE, 2014-2021*