

Responses to Public Comment

El Dorado County 2021-2029 Housing Element Update

Public Review Draft

El Dorado County held a joint public workshop with the Board of Supervisors and the Planning Commission on July 19, 2021, to discuss the 2021 – 2029 Housing Element update.

The Public Review Draft Housing Element Update was released for public comment on June 4, 2021, and submitted to the California Department of Housing and Community Development (HCD) for review on June 7, 2021.

The revised Housing Element is an update, not a comprehensive rewrite. The workshop covered the Housing Element’s established goals, policies, and implementation measures that have been updated to reflect public comment and Board direction in addition to changes in state law between 2013 and today as well as discussion about the Regional Housing Needs Allocation (RHNA) and an update of the vacant land inventory.

Below is a list of the questions and comments received prior to and during the workshop and the County’s responses. For additional comments and questions please contact C.J. Freeland at cynthia.freeland@edcgov.us.

Question/Comment	Response
Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)	
The County should ideally continue to permit larger ADUs of up to 1600 square feet for parcels of 1 acre or larger, using the provision for less restrictive options available to local jurisdictions under Government Code section 65852.2 (g).	ADU Ordinance Update will include the provision for ADUs of up to 1,600 sq. ft. on parcels of one or more acres.
On p. 4-43, the table states that a minimum of 1 parking space per unit is required. Please check state law as there are exceptions to this.	The ADU Ordinance Update will include the list the exceptions to parking requirements in Government Code (GC) 65852.2.
The county should also magisterially permit a combined separate ADU+Junior ADU in accordance with Government Code section 65852.2(e)(1)(B):	ADU Ordinance Update will include the provision for ministerial approval of ADUs and JADUs on the same parcel, however, JADUs are confined to the primary dwelling.

<p>The proposal for county pre-approved plans for ADUs is a great idea. The county should also pre-approve plans for certain factory built ADUs, with an emphasis on those that meet Chapter 7A fire resistant codes for installation in the WUI (wildland urban interface)</p>	<p>Manufactured housing (factory built) is allowed as an ADU.</p>
<p>Measure HO-33 on p. 4-105 references “second units,” which presumably means ADUs.</p>	<p>Thank you for your comments. “Second Units” has been changed to “Accessory Dwelling Units.”</p>
<p>HO -9. Overall comment: The goal of 584 ADU’s, particularly if you’re expecting a portion of these units to address the need for extremely low- and low-income housing units, is very significant part the overall strategy. Monitoring and adjusting this strategy will be very important. Therefore, I suggest modifying the Timeframe section of HO -9 to read: As projects are processed through the Planning and Building Department, have preapproved plans available by June 2022. Create an ADU monitoring program by June 2022 and evaluate effectiveness of ADU approvals and affordability by year 3 June 2023 of the planning period, and if needed, identify and rezone sites by the end of year 4 December 2024. Amend the Zoning Ordinance within one year of adoption.</p>	<p>ADU Ordinance Update will include the provision for ministerial approval of ADUs and JADUs. The status of ADUs are included in the state-required Annual Progress Report.</p>
<p>Broadband</p>	
<p>To achieve minimized employment related commuting, availability of high quality broadband services in affordable housing should be a priority. Broadband is also critical to accessing telemedicine and advocacy for people with IDD.</p>	<p>At present, internet access is not considered a barrier to housing development. The County will continue to evaluate this concern to identify opportunities to address broadband capacity through programs outside of the Housing Element update.</p>
<p>Design Standards</p>	
<p>Emphasize Community Planning/Design Standards. The most important thing the county can do to facilitate development that is in line</p>	<p>Measure HO-38 is added to confirm the county’s commitment to the Community Design Standards project,</p>

<p>with the community’s expectations is to sponsor the creation of design standards and other community planning initiatives.</p>	<p>which includes a provisions for Rural Centers as well as Community Regions, Measure HO-10 also addresses the need for objective design standards.</p>
<p>Inclusionary Housing Policy</p>	
<p>Require new residential developments of greater than 25 units to include 10% affordable and low income units.</p>	<p>Measure HO-37 has been added to confirm the County’s commitment to an Affordable Housing Ordinance that will provide options for Board of Supervisors, including the option to explore inclusionary housing</p>
<p>Prioritize affordable housing over above-moderate housing by requiring affordable units in developments for moderate and above moderate housing.</p>	
<p>I did not find any reference to the use of Inclusionary Zoning in the HEU. Inclusionary Zoning is very damaging to real estate values and destroys the intent of producing quality housing. Just think if Serrano was built with that zoning there would be 20% of the homes built that would border all the main streets and be two story, 1,200 square foot units with one car garages. Check out the city of Milpitas who tried this along Great America Parkway and destroyed a neighborhood. Thank you for leaving this out of the HEU.</p>	
<p>Land Inventory</p>	
<p>Parcel 083-465-28 is listed in the current Housing Element as a viable parcel for development. This was determined after a vacant land analysis was conducted using the major considerations (reference page 85, section 3): Historical densities in the vicinity of the parcel (THIS WASN’T CONSIDERED) - Known restrictions to land division such as Covenants, Conditions and Restrictions (CC&Rs): (THIS WASN’T CONSIDERED). CC&R’s especially state only single family homes shall be constructed).</p>	<p>Individual parcels were analyzed based on historical densities of development in the unincorporated area of the County (see Table HO-31 Built Densities of Multi-family housing in El Dorado County.) The reference to Covenants, Conditions and Restrictions specifically relates to “land division” not density. A parcel listed in the land inventory does not preclude that land from rezoning in the future.</p>

<p>Based on these considerations, this parcel should not be listed as a viable parcel. Please remove it on the final draft.</p>	
<p>HO-2 - In the 2013-21 City of Placerville Housing Element, included an Appendix B, "Upzoning/Rezoning Analysis". The Placerville Appendix B evaluated 11 specific APNs for potential upzoning or rezoning to provide additional inventory of multi-family zoned parcels to facilitate the development of housing to lower- and moderate-income households. This document provided prospective developers with very useable information and, I believe, was a key factor in Placerville now being on track to meet their RHNA targets.</p> <p>I highly recommend that El Dorado County develop and include a similar "Upzoning/Rezoning Analysis", especially for the West Slope.</p>	<p>The County has identified sufficient land inventory appropriately zoned to accommodate the Regional Housing Needs Allocation for the 2021-2029 planning period, including surplus sites. It is therefore unnecessary at this time to consider a County effort to rezone or up zone parcels.</p>
<p>Land Trusts</p>	
<p>Suggesting specific language in Section 4: Housing Resources and Opportunities include community land trusts.</p>	<p>Thank you for your comments. Measure HO-5 is amended to include: The policy or policies shall also consider partnerships with nonprofit housing organizations whose mission it is to expand and preserve permanently affordable rental and ownership housing for low and moderate-income housing such as community land trusts.</p>
<p>Policy HO-1.20. The County shall investigate the potential of developing a land bank for the development of housing for very low- and low-income households. To The County shall investigate the potential of developing a land bank for the development of a range of much needed affordable housing including very low-, low and moderate-income households.</p>	
<p>Policy HO-1.19 The County shall review its surplus land inventory for potential sites to meet its affordable housing needs. A priority consideration for the use of surplus county land shall be projects provided by organizations or entities that will provide permanent affordability for a range of low and moderate-income households.</p>	<p>Thank you for your comments. Government Code Section 54222 provides the prescribed requirements for the disposal of surplus land by a local agency related to affordable housing.</p>

<p>Add language to Policy HO-1.18 as underlined: The County shall develop incentive programs and partnerships to encourage private development of affordable housing. Specifically, the County shall consider partnerships with nonprofit organizations whose mission it is to expand and preserve permanently affordable rental and ownership housing for low and moderate-income housing such as community land trusts. Through community land trust ownership and control public subsidies of land or dollars are leveraged to provide permanent affordability.</p>	<p>Thank you for your comments. Policy HO-1.19 is amended to include “housing partnerships.”</p>
<p>Mobile Home Parks</p>	
<p>HO-21. Define the word “conversion”. It’s not clear what is meant by “conversion.”</p>	<p>Thank you for your comment. Clarification has been added.</p>
<p>HO-23. Repeatedly during the recent forums on mobile home park rents, it’s very evident that we don’t have solid county level data on mobile home space rent costs both now and going back 10 years. There’s a clearly defined need for this data, so that we can better understand the affordability of mobile homes. I recommend that the county fund an independent, objective mobile home rental cost study.</p>	<p>The County Board of Supervisors formed an Ad Hoc Committee on July 13, 2021, to work with community members, stakeholders, and non-profit organizations to better understand the affordability of mobile homes parks. There is no commitment of funding at this time.</p>
<p>HO-7 and HO-9: Both of these measures would benefit from actively publicizing the availability of these programs to homeowners throughout El Dorado. I encourage you to consider adding funding to publicize these measures/programs.</p>	<p>Thank you for your comment. This concern will be noted for consideration.</p>
<p>Suggest stronger language than “discourage” to protect Mobile Home Park conversions.</p>	<p>Measure HO-21 directs the County to “develop a mobile home park conversion policy with measures to <i>encourage</i> retention of mobile home and manufactured home housing.</p>
<p>Parks and Trails</p>	
<p>The El dorado Hills Community Services District is supportive of the 2021-2029 Housing</p>	<p>Thank you for your comments.</p>

<p>Element. Goals and polices related to parks, trails and open space are a priority for the District. These priorities are reflected in the update, specifically Policy HO-2.6. When opportunities arise to further these policies through implementation, the District welcomes the chance to participate in any appropriate settings</p>	
<p>Land Use and Zoning</p>	
<p>Remove Policy HO 1.5 (Directing high density development to community regions and rural centers) The county should encourage high density development in areas that are zoned for high density development, regardless or community boundary or rural center lines</p>	<p>The General Plan Land Use Element directs higher density development to areas with available infrastructure and services, primarily found in Community Regions, which is expected to maintain the rural character of the county. The Housing Element is required to be consistent with other Elements of the General Plan.</p>
<p>It is unfair to the county to assign 90% of all new housing to only one unincorporated area in the county, i.e. El Dorado Hills. It deprives the other areas in the county of the revenue resource created by new development and leaves the other unincorporated areas without the financial resources to operate appropriately. I suggest as clearly as possibly that the numbers be reconsidered by the county Board of Supervisors and the housing be distributed fairly among all unincorporated areas.</p>	<p>The General Plan Land Use Element directs higher density development to areas with available infrastructure and services, primarily found in Community Regions, which is expected to maintain the rural character of the county. The Housing Element is required to be consistent with other Elements of the General Plan.</p>
<p>Public Participation</p>	
<p>It does not appear that in developing the draft the county consulted with organizations that often express concerns about development project. This omission is apparent throughout the document, as there is minimal discussion of</p>	<p>The County provided several opportunities for public participation and comment over the past two years and encourages continued discussion</p>

<p>how we can encourage development projects that respect the community's concerns.</p>	<p>The organization consulted include representatives from 26 organizations that include social service organizations, economic development and community groups, and housing developers, all serving El Dorado County, who have expressed an interest in housing and/or who were identified for the Board of Supervisions Ad Hoc Housing Group discussions.</p>
<p>Smoke Free Multifamily</p>	
<p>We recommend that the Housing Element in the General Plan promote safe and healthy homes by establishing multi- unit housing as 100% smoke-free spaces.</p>	<p>Thank you for your comments. With Board direction, HO-31 is amended to Promote safe and healthy homes by exploring a policy or ordinance establishing multi- unit housing as 100 percent smoke-free spaces.</p>
<p>Special Needs Population</p>	
<p>Suggest stronger language in Policy HO-4 to end homelessness through emergency shelters, transitional and supportive housing for at least 700 people by 2025.</p>	<p>The Housing Element supports programs and objectives that contribute to ending homelessness (Measure HO-26) and is working with partner organizations and the Continuum of Care. Measure HO-27 specifically directs the County to "Amend the County's Zoning Ordinance to ensure compliance with State Law and encourage emergency shelter, supportive housing, transitional housing, and related services for persons experiencing homelessness."</p>
<p>Add quantifiable objectives for the development of emergency shelter beds (200) and transitional/supportive housing (500 beds).</p>	<p>Thank you for your comments. This concern will be noted for consideration.</p>
<p>The County should consider educational programs regarding appropriate accommodations for disabled rental applicants, for both landlords and prospective disabled renters</p>	<p>This is not a function of the Housing Element, but a suggestion well taken and forwarded to the appropriate department.</p>

<p>There are a number of potential actions the County could take to promote development of Community Care Facilities people with developmental disabilities: Promote 5-bedroom homes Provide property tax relief</p>	<p>Thank you for your comments. This concern will be noted for consideration.</p>
<p>The County should enable any licensee or administrator of a licensed or vendored facility to rent both buildings on a property with one or more ADUs on it with an exemption to the owner occupancy requirements for the duration of the facility's operation on that property.</p>	<p>This provision is being addressed in the County's Accessory Dwelling Unit (ADU) Ordinance Update project currently underway.</p>
<p>The County should plan for the coming exodus of senior-owned housing, much of which was purchased in prior years at low cost, and create incentives for families to plan to deploy this housing to meet the housing needs of people with disabilities</p>	<p>Thank you for your comments. This concern will be noted for consideration.</p>
<p>Housing (including ADUs) left to a Special Needs Trust where a disabled beneficiary is living in at least one of the units on a given parcel should ideally qualify for a property tax assessment break from the county.</p>	<p>Thank you for your comments. This concern will be noted for consideration.</p>
<p>The owner occupancy requirement that prohibits renting both an ADU and a primary residence unless one is occupied by the property owner has been suspended under state law until 2025. The county should waive the owner occupancy requirement on an ongoing basis for any parcel with one or more ADUs that are owned or leased to a licensed community care facility, owned by a special needs trust, or owned by a non-resident where are least one of the units is deed restricted as affordable housing.</p>	<p>The owner-occupancy provision for licensed care facilities and special needs trust recipients is being addressed in the County's ADU Ordinance Update project currently underway.</p>
<p>The listing of organizations that serve the developmentally disabled should include Alta California Regional Center, or ACRC; the ARC of California (as opposed to the Association for Regarded Citizens); the Sacramento Regional</p>	<p>Thank you for your comments. The additional service providers have been included in Section 2: Housing Assessment and Needs, Special Needs Groups.</p>

<p>office of the State Council on Developmental Disabilities; MORE, Elder Options, In-Alliance and many others. A more complete listing can be found at the ACRC Service provider directory at https://www.altaregional.org/service-provider-directory which lists numerous service categories by county.</p>	
<p>Given that close proximity to commercial business is often desired by people with disabilities, consider administrative permitting of CG, CRU and CR parcels for mixed use if the residential use is affordable housing (which would be an enhancement of Policy HO-1.8). On 4-40, the last sentence on the page will need to be checked as CG and CR and CRU are not currently allowed for Mixed Use (per Table 130.22.030 in the ordinance code).</p>	<p>Thank you for your comments. This concern will be noted for consideration.</p>
<p>Special Needs Policies on p. 4-89: Please clarify that this section includes the developmentally disabled. Also, please reconsider the wording of Policy HO-4.3 which supports universal design features only if they do not increase housing costs, and which as stated would likely create challenges for people who use wheelchairs. The basic principle of universal design is that economies of scale can deliver offsetting cost savings.</p>	<p>Thanks you for your comment. Additional wording will be added to Policy HO-4.2 to include developmentally disabled persons</p>
<p>Measure HO-4 on p. 4-92 should also encourage the prioritization of community Mobility Plans which provide critical wheelchair access to people with disabilities, and enable those who cannot drive to walk to local destinations safely.</p>	<p>Thank you for your comments. This concern will be noted for consideration.</p>
<p>Please establish a timeframe for the Measure HO-25 Expected Outcome: Establish the model within 1 year, and achieve implementation within 2 years.</p>	<p>Measure HO-25 includes a timeframe "Within two years of Housing Element adoption."</p>
<p>Table HO-32 on p. 4-109 expects to rehab 200 extremely low income units and construct 138 new extremely low income units. The data from DDS and SCDD indicate that will not be</p>	<p>Thank you for your comments. This concern will be noted for consideration.</p>

<p>sufficient to house the IDD population, which will require an additional extremely low income 600+ units in the next 8 years</p>	
<p>Vacation Home Rentals</p>	
<p>The housing Element is missing comments about Air bnbs. The County needs a plan to manage this issues that does not further decrease the availability of affordable housing in our County.</p>	<p>Section 3 of the Housing Element includes an analysis of Housing constraints and a Review of Local Ordinances that includes discussion regarding vacation home rentals (aka Air Bnbs) and actions taken by the County to address these concerns.</p>
<p>Housing Choice Vouchers</p>	
<p>The County has not mandated that eligible rentals be certified for Housing Choice Voucher (HCV) compliance by its Housing Authority. It should create a program to ensure that HUD-compliant rentals are certified for HCV eligibility.</p>	<p>Housing inspections are required for Housing Choice Voucher (HCV) units and conducted under the Federal Housing and Urban Development (HUD) provisions for the HCV program including assuring compliance with housing quality standards and rent reasonableness.</p>
<p>The County’s Housing Element should quantify the number of Housing Choice Vouchers that it manages and analyze the pattern of usage of these vouchers, the time between waitlist openings since the last Housing Element update and the duration of the average wait on the waitlist. It should also describe how the County prioritizes people with disabilities on the Section 8 HCV waitlist, including people with developmental disabilities</p>	<p>The El Dorado County Housing Authority (PHA) publishes an annual Administrative Plan which is available on the County website under Human Services. -</p>
<p>At present, the County has no Project-Based Vouchers for new affordable housing projects that wish to set aside units for developmentally disabled individuals.</p>	<p>The PHA is allocated a limited number of federal housing vouchers for the entire county and is restricted by federal law as to the percent of those that may be assigned as project-based. However, the PHA is activity seeking and acquiring alternative program project-based</p>

	housing vouchers such as Veterans' and Mainstream housing, and is conducting outreach to interested developers.
Affirmatively Furthering Fair Housing (AFFH)	
The El Dorado County (EDC) Housing Element (HE) draft was recently published, and although its provisions are a step forward, we at LSNC believe it fails to reach the requirements of California Government Code, Article 10.6, Housing Elements, sections 655880 through 65589.11, and Chapter 15, Affirmatively Furthering Fair Housing, section 8899.50.	The Housing Element includes an analysis of current fair housing concerns, as is required by State Housing Element law. Measure HO-35 expands AFFH analysis and development of appropriate future action.