

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: August 17, 2021

Staff: C.J. Freeland

GENERAL PLAN AMENDMENT

FILE NUMBER: GPA21-0002/2021-2029 Housing Element Update

APPLICANT: El Dorado County

REQUEST: Amendment to General Plan to incorporate the 2021-2029 Housing Element Update

ENVIRONMENTAL DOCUMENT: Addendum to El Dorado County's General Plan Environmental Impact Report (EIR), certified in May 2003 (State Clearinghouse Number 2001082030) demonstrating that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed project and the proposed project would not trigger any of the conditions described in the California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared by staff.

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Addendum to El Dorado County's General Plan EIR, certified in May 2003 (State Clearinghouse Number 2001082030) demonstrating that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed project and the proposed project would not trigger any of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared by staff; and
2. Approve General Plan Amendment GPA21-0002 amending the General Plan to incorporate the 2021-2029 Housing Element Update based on Findings as presented.

BACKGROUND / HISTORY

Section 65588(e)(3) of the Government Code requires all jurisdictions within the Sacramento Area Council of Governments (SACOG) to adopt a revised Housing Element by May 15, 2021, allowing an additional 120-day grace period to September 10, 2021. Consideration of adoption is scheduled for action by the Board of Supervisors on August 31, 2021, in order to meet as closely as possible the timeline established by this code.

ENVIRONMENTAL REVIEW

The proposed 2021–2029 Housing Element (proposed project) will replace the existing 2013–2021 Housing Element and serve as El Dorado County’s (County’s) guiding policy document that meets future needs of housing for all the County’s economic levels. The Housing Element is only one of nine elements of the County’s General Plan.

The General Plan is the foundation development policy document of El Dorado County. It defines the framework by which the physical, economic, and human resources of the County are to be managed and used over time. The General Plan acts to clarify and articulate the intentions of the County with respect to the rights and expectations of the public, property owners, and prospective investors and business interests. The General Plan informs these citizens of the goals, objectives, policies, and standards for development of the County and the responsibilities of all sectors in meeting these. While the General Plan EIR did not address the current or proposed Housing Element, the policies in the General Plan address all physical impacts resulting from development in El Dorado County.

As a policy document, the Housing Element does not result in physical changes to the environment but encourages the provision of affordable housing within the housing development projected within the existing land use designations in the Land Use Element of the General Plan. None of the policies in the proposed project would change the existing land use pattern, as established by the General Plan and evaluated in the General Plan EIR. All future construction within El Dorado County must comply with the General Plan, zoning ordinance, state and federal permits, and local development standards. In addition, future discretionary actions (i.e., use permits, site plan review) require independent and project-specific environmental review to comply with CEQA.

The Addendum to El Dorado County’s General Plan EIR, certified in May 2003 (State Clearinghouse Number 2001082030), Exhibit A, demonstrates that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed project and the proposed project would not trigger any of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration.

STAFF ANALYSIS

The Housing Element is a comprehensive report by El Dorado County describing the housing needs of the unincorporated area and how the County’s plans, policies, programs and regulations facilitate the development, improvement and preservation of housing for all economic segments of the community. State law requires that the Housing Element consist of “an identification and

analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement and development of housing.”

The Housing Element sets forth the County's strategy for enhancing and preserving the housing stock, for expanding housing opportunities for various economics segments, and along with the Land Use Element, provides policy guidance for decision-making related to housing. The Housing Element also provides implementation strategies for effectively addressing the housing needs of the unincorporated area during the 2021-2029 planning period.

Each jurisdiction is required by state law to ensure that sufficient land with appropriate zoning is available to accommodate its fair share of the region’s future housing needs for all income groups for the 2021-2029 planning period. SACOG is the agency tasked with identifying housing needs for each jurisdiction, consistent with state-approved regional forecast totals. On March 19, 2020, the SACOG Board of Directors adopted the Cycle 6 (2021-29) Regional Housing Needs Plan, which includes the Regional Housing Needs Assessment (RNHA) that provides the number of total housing units that each jurisdiction in the SACOG region must zone for during the 8-year period in accordance with the state requirement to determine the number of housing units cities and counties must plan for in their Housing Element Updates.

Through this process, SACOG determined that the new housing need for the El Dorado County unincorporated West Slope area is 4,994 additional housing units for this planning period, representing 3.27% of the region’s total allocation of 153,512 units. The new housing need for the unincorporated East Slope/Tahoe Basin is 359 additional housing units. This need is allocated to four income categories as shown in Table 1.

Because the Tahoe Basin is subject to federal law and to the land use authority of the Tahoe Regional Planning Agency (TRPA), the local governments in Placer and El Dorado Counties have no land use authority to manage growth rates. While SACOG has no authority to determine the number of overall units allocated to the areas in the Tahoe Basin, SACOG coordinated with TRPA for its housing projections and applied the same income category distribution methodology to the overall number of units assigned to these jurisdictions.

Table 1

Income Category	Unincorporated EDC	Tahoe Basin	Zoning Required to Meet Need
Very Low Income (<50% of AMI*)	1350	91	High density residential (20-30 units/acre min.)
Low Income (50% to 80% of AMI)	813	55	High density residential (20-30 units/acre min.)
Moderate Income (81% to 120% of AMI)	840	63	Any residential density
Above Moderate (>120% of AMI)	1991	150	Any residential density
Total	4994	359	

*Area Median Income

A key assumption of the RHNA requirements is that the higher the allowed density in the zoning, the more likely it is to be able to accommodate affordable housing. While above moderate-income RHNA can be accommodated on single family zoned sites, the lower income categories (very low- and low-income) can only be accommodated on sites zoned for higher densities (zoned multi-family, typically 20 or 30 units per acre). If a jurisdiction does not have enough zoning capacity to accommodate all income categories of its RHNA, it must identify sites and rezone them by 2024.

PROPOSED REVISIONS

This revision is an update to the element, not a comprehensive rewrite. The major changes are centered on the revised allocations based on the RHNA, an update of the vacant land inventory, and a review of the success in meeting the goals and objectives of the previously adopted element. Furthermore, the goals, policies, and implementation measures have been updated to reflect changes in state law between 2013 and today.

In addition, the state requires a Fair Housing Assessment. State Government Code Section 65583 (10)(A)(ii) requires El Dorado County to analyze areas of segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs including displacement risk. According to an analysis of the Opportunity Areas Map developed by California Department of Housing and Community Development (HCD) in partnership with the California Tax Credit Allocation Committee (TCAC), there are no census tracts identified as High Segregation and Poverty in El Dorado County.

However, as a result of the Fair Housing Assessment and in accordance with state law, Measure HO-35 was added to direct the County to develop a plan to Affirmatively Further Fair Housing (AFFH). The AFFH Plan shall take actions to address significant disparities in housing needs and in access to opportunity for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8, commencing with Section 12900, of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

Additional revisions were made to the Public Draft in response to direction received during the Joint workshop with the Board and Planning Commission on July 17, 2021, as well as in response to public comment and comment received from HCD. Those revisions or additions to the Public Draft 2021-2029 Housing Element to address new state law and public feedback as shown as track changes in Exhibit B and a clean version as Exhibit C. The revisions are also summarized in Exhibit D.

In all, the 2021-2029 Housing Element Update includes 39 Implementation Measures; 17 are from the prior Housing Element that have been amended or revised, 13 are in progress or ongoing and have been rolled over from the previous Housing Element, and nine (9) new measures have been added.

PUBLIC PARTICIPATION

Opportunities for residents to provide input on housing issues and recommend strategies are critical to the development of appropriate and effective housing programs. In order to facilitate this process and ensure the broadest range of input during the state-wide health emergency and stay-at-home orders, two virtual public workshops were conducted.

On August 18, 2020, the County hosted two virtual community workshops, one for the western portion of the county (“West Slope”) and one for the eastern portion of the county (“Tahoe Basin”). Fifty-five community members registered for the workshops. The presentation included the goals and process of the Housing Element Update, the County’s RHNA targets, and some of the preliminary housing affordability and need identified. Participants brought forward a range of questions and concerns, including an interest in exploring inclusionary zoning, support for accessory dwelling units and protections for affordability on those units, interest in the availability of utilities, and interest for supportive housing for special-needs populations.

Verbal comments were recorded at the meetings, and written comment was also received. In addition, the County’s web site provided status updates for the Housing Element project, invited users to receive e-mail updates and comment on the draft, and provided information on the Housing Element process and copies of draft documents.

The County’s Consultant, PlaceWorks Inc., conducted individual stakeholder interviews between April and September 2020 to involve a wide variety of interested groups and individuals in the process to articulate housing issues, take stock of the County’s resources and opportunities, and engage in a meaningful discussion about El Dorado County’s priorities. Interested parties that took part in these discussions include representatives from LifeSTEPS, Skills Training and Educational Programs, Marshall Medical Center Foundation, El Dorado County Community Health Center, El Dorado County Housing Authority, Association of Realtors, House Sacramento, El Dorado County Health and Human Services Agency, and Legal Services of Northern California.

On October 22, 2020, staff held a workshop for the Planning Commission and on November 10, 2020, staff held a workshop for the Board of Supervisors. In each workshop, new proposed programs to comply with state laws were described. The workshops also discussed current local needs and the County’s RNHA targets. As part of the public comment and workshop discussions, participants were interested in encouraging programs to support first-time homebuyers and the development of “missing middle housing”, a term used to describe a variety of housing types such as duplexes, triplexes, and townhomes. There was also a discussion of the need for affordable and supportive housing for persons with disabilities as well as affordable workforce housing.

Input received at the workshops has been considered and incorporated into the Housing Element, if appropriate. Comments and questions have been addressed in the Frequently Asked Questions section of the Housing Element website and on the Public Workshop web page.

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 HCD for review on June 7, 2021.

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 RHNA and an update of the vacant land inventory. Response to public comment was posted on the Housing Element website and attached here as Exhibit E.

RATIONALE FOR RECOMMENDATION

Staff has revised the draft Element to address HCD comments and recommended revisions and, upon adoption by the Board, will secure final finding by HCD of substantial compliance with the State Housing Element law. Once the adopted Housing Element Update is submitted, HCD has 90-days to make a finding of Substantial Compliance and issue a final Certification unless additional statutory revisions are required. Additional revisions to the document would require a separate project for an amendment to the Housing Element of the County's General Plan.

The State of California has determined that housing is of vital importance to the economic, environmental, and social quality of life in California. As a result the state imposes consequences for failure to timely adopt and obtain certification of the Housing Element. For example, should the Housing Element not be adopted as required by the September 10, 2021 deadline, the County would not be eligible to apply for upwards of \$9.0 million in funding opportunities for various housing, recreation and transportation grant funding. In addition, the County would be placed on a 4-year update cycle for the Housing Element instead of the current 8-year cycle per Government Code Section 65588(e)(4). Such a requirement would double the County's workload and cost relative to future Housing Element Updates.

NEXT STEPS

Following this Planning Commission public hearing, staff will review the comments received from the public and the Planning Commission, and will prepare any necessary revisions to the proposed General Plan Amendment. Staff will present the proposed General Plan Amendment and the Planning Commission recommendation for the Board of Supervisors consideration and approval. The Board of Supervisors public hearing will be held on August 31, 2021.

SUPPORT INFORMATION

Findings

EXHIBITS

- Exhibit A..... CEQA - Addendum to El Dorado County’s General Plan
EIR, certified in May 2003 (State Clearinghouse Number
2001082030)
- Exhibit B2021-2029 Housing Element Update - Track Changes
- Exhibit C2021-2029 Housing Element Update - Clean
- Exhibit D.....Summary of Revisions to Public Review Draft
- Exhibit EPublic Review Draft Public Comment and Response