

DEVELOPMENT SERVICES DEPARTMENT

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EL DORADO

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September 28, 2006

TO: Planning Services Staff

FROM: Greg Fuz, Director, Development Services

SUBJECT: Evaluating General Plan Consistency in Relation to Density and Affordable Housing Policies

The General Plan establishes minimum density requirements for multiple family residential (MFR) land use designations and provides for a range of densities for all other residential land use designations. These density requirements are, in part, intended to help ensure that the County maintains an adequate inventory of land to satisfy its affordable housing obligations under State law.

General Plan law recognizes that decision makers can balance various policy objectives in reviewing projects for consistency with the General Plan. During pre-application review, if an applicant demonstrates that a project subject to discretionary review is physically constrained in a manner that would prevent minimum (or lowest) specified density requirements identified for that General Plan designation from being achieved, then staff should work with the applicant to: a) identify whether clustering through a planned development concept could allow the project to meet minimum (or lowest) specified density requirements, and b) explore whether limited relief from those General Plan policies which reduce the potential density (e.g. setbacks, oak canopy retention, etc.) may be recommended to ensure that minimum (or lowest) specified densities can be achieved. Work closely with your Principal Planner and Deputy Director to determine the extent of any relief that may be recommended.

For projects in these circumstances, Staff's recommendations are advisory only and subject to review and approval by the Zoning Administrator, Planning Commission and/or Board of Supervisors through the discretionary review process. Any relief recommended must consider the potential for changing the environmental effects of the project and will need to be addressed in the CEQA analysis for the project. If such relief would result in significant unavoidable impacts on the environment, an environmental impact report would be required. In those instances, the County's decision makers would potentially need to consider whether findings of Overriding Considerations pursuant to CEQA Guidelines Section 15093 are applicable.

If site specific analysis during the pre-application review shows that the project is not amenable to clustering, and could only meet minimum specified densities if substantial relief from applicable General Plan policies is provided, and/or significant unavoidable impacts to the environment would result without evidence of overriding considerations, staff may recommend a reduction in the minimum specified (or lowest) density for the project site. If staff determines during the pre-application review that a reduction in planned densities will be recommended, the project should be referred to the Planning Commission for a study session at the earliest opportunity to consider initiation of the necessary amendment(s) and so that the Planning Commission can determine whether a reduction in density would undermine the County's ability to fulfill its affordable housing obligations under State law (see Policy 2.2.5.19). Work closely with County Counsel in those circumstances to ensure that appropriate findings are drafted for Planning Commission consideration.

The General Plan and State housing law also allow the effects of costs arising from County requirements to be considered for projects that provide affordable housing. Specifically, Policy HO-1c of the Housing Element allows consideration of the cost of providing housing in relation to public health, safety and environmental protection. Therefore for projects that provide housing for very low, lower and moderate income families, as defined in the Housing Element and State law, staff may recommend during the pre-application review that regulatory relief and/or modifications to the strict application of General Plan policies relating to the physical development of the site be considered if necessary to ensure the financial or physical feasibility of the affordable housing component of the project. In order to be eligible for relief, the project must include mechanisms acceptable to the County and consistent with State law (specific County requirements are currently being determined) for ensuring long term affordability. The Zoning Administrator, Planning Commission and/or Board of Supervisors may grant such relief if the applicant demonstrates by substantial evidence that such relief is necessary to ensure the financial/physical feasibility of the affordable housing component of the project. Relief may only be granted for projects that meet State and County requirements to ensure the long term affordability of these units. Relief shall only be applicable to the affordable housing component of the project.

For projects with an affordable housing component proposing a density bonus under the applicable provisions of State law, the applicant should specify the incentives/regulatory relief requested during the pre-application review and the project should be scheduled at the earliest opportunity for a study session with the Planning Commission to obtain direction on which incentives/regulatory relief the County will support. One important factor to consider in reviewing requests for incentives with the Planning Commission would be to identify which incentives would cause the least need for relief from strict adherence to General Plan requirements in order to achieve the greatest possible overall consistency with the General Plan.

c: Planning Commission
 Board of Supervisors
 County Counsel