

DEVELOPMENT SERVICES DEPARTMENT

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TO: Planning Commission **Agenda of:** March 12, 2009

FROM: Shawna Purvines, Senior Planner **Item #:** 10

DATE: February 5, 2009

RE: A07-0004R: Amend 2008 Housing Element to address HCD Comments and Requested Modifications

Discussion:

This is the first amendment to the Housing Element of the General Plan adopted by the Board of Supervisors on July 1, 2008. The purpose of the amendment is to update the Element with changes that are necessary for certification of the Element by the State Department of Housing and Community Development (HCD).

The amendment consists of modifications to the text and implementation program. There are no required changes to the goals and policies of the Element. The draft of the amended Housing Element has been reviewed and verbally accepted for certification by HCD, with one exception, related to language proposed in Implementation Measure HO-31. Staff is requesting further discussion with your Commission and the Board of Supervisors as to HCD's proposed language for this implementation measure.

Provided for your review and recommendation is a draft of the revised Housing Element addressing comments contained in the State Housing and Community Development Departments (HCD) review letters, dated June 2, 2008 and October 21, 2008. Key revisions to address HCD comments include:

- Changes to the land inventory, including the addition of a limited number of underutilized parcels, to accommodate the RHNA.
- Commercial properties on which mixed-use development is permitted have been removed from the land inventory.
- Additional analysis on the County's progress toward meeting past housing element objectives.
- Additional analysis regarding the needs of extremely low-income households.

- Expanded discussion of known environmental constraints.
- Clarification of how TIM fees are applied to single family and multi-family developments and County actions to continue annual reviews of the TIM Fee program.
- Description of modifications to Measure Y to facilitate multi-family housing (passed by County voters in November 2008).
- Expanded discussions of at-risk housing and emergency housing (required by SB2), and the public participation process for this update.
- Numerous revisions to Implementation Measures to address HCD comments.

The proposed Housing Element revisions are summarized, including page number references, in the enclosed HCD Housing Element Comments and Reponses Matrix that was provided to HCD in August 2008. Upon further discussion with HCD staff, we believe these revisions will satisfactorily address HCD's comments and that with the approval of the proposed amendments, HCD can find the 2008-2013 Housing Element Amendment in compliance with State Government Code Chapter 10.6. The draft Housing Element shows the proposed revisions made in responses to HCD's written and subsequent verbal comments. Added text is underlined and deleted text is shown in ~~strikeout~~ format.

Environmental Review

An Initial Study was prepared by staff in conformance with the provisions of the California Environmental Quality Act (CEQA) and a Negative Declaration was adopted on July 1, 2008 for the current Housing Element. The proposed amendment does not affect the goals and policies, with the exception of Policy HO 3.7 (formally HO-3g), of the Element and does not result in any physical change in the environment. The amendment consists of updates and expansions of the Element text and programs to comply with the State Government Code as interpreted by HCD. Any programs adopted as part of the Implementation program will require a separate CEQA review and approval. General Plan Housing Element Policy HO 3.7 (formally HO-3g) was amended by Resolution of the Board of Supervisors on March 13, 2007 (Res. No. 061-2007), but was inadvertently not updated in the Housing Element adopted on July 1, 2008.

The Initial Study and Negative Declaration are on file in the Planning Services Division of the Development Services Department. Therefore, the project has been found to be exempt from CEQA pursuant to Section 15061(b)(3), which states that projects are exempt if it can be seen that there is no possibility that the action would have a significant effect on the environment.

RECOMMENDATION:

Forward a recommendation to the Board of Supervisors to take the following actions:

1. Certify the project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines;
2. Direct staff as to the use of "may", "will" or "will consider" in regards to ...*revise fees, as necessary, for impacts on the cost and supply of residential development, including revising the proportion of traffic improvements paid by residential versus commercial and ensure TIM fees do not constrain development of a variety of housing types*...for Implementation Measure HO-31; and

3. Approve A07-0004R revising the Housing Element as proposed, including direction from item 2 above, to address changes necessary for certification of the Element by the State Department of Housing and Community Development.

ATTACHMENTS

- Attachment 1 Findings
- Attachment 2 HCD Housing Element Comments and Responses Matrix
- Attachment 3 Draft Housing Element Underline/~~Strikeout~~ Version
- Attachment 4 Draft Housing Element (Draft Final - not showing mark-ups)

ATTACHMENT 1

Findings

1.0 CEQA Findings

- 1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendment to the Housing Element would not permit any new construction other than that already authorized by the zoning ordinance, nor would it result in any additional environmental impacts.

2.0 General Plan Findings

- 2.1 The proposed General Plan amendment is consistent with applicable Articles 5, 6 and 7 of Government Code Chapter 3 governing General Plan requirements and implementation. Amendments are also consistent with Government Code 10.6; Housing Element Law.