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Planning Commission Staff Report

Meeting Date: November 15, 2022
Item: 10.3 Amendments to 2021-2029 Housing Element
File: General Plan Amendment (GPA) 20-01
Prepared By: Pierre Rivas, Development Services Director



Request: Consider the amendments to the 2021-2029 Housing Element Update (GPA20-01) and Addendum to the 2013-2021 Housing Element Negative Declaration for the 2021-2029 Housing Element, then make recommendation to the Placerville City Council.

Background: A Housing Element is one of seven mandatory elements (per state law) of the City of Placerville General Plan. The purpose of a Housing Element is to identify and analyze existing and projected housing needs in an effort to preserve, improve and develop housing for all economic segments of the community in accordance with State Housing Element law, Article 10.6 of the Government Code. A Housing Element is the only General Plan element for which State certification is required. The review and certification is performed by the State Department of Housing and Community Development (HCD) after adoption by the City. A certified Housing Element may allow the City to be eligible for future state funding in areas of community development and affordable housing projects.

The current update of the Housing Element began in February 2020. The staff (administrative) draft was sent to HCD on May 14, 2021 for review and comment. Comments were received from HCD on July 13, 2021.

Due to recent changes to Housing Element Law under Assembly Bill (AB) 686 in 2018, beginning on January 1, 2019, all housing elements must include a program that promotes and affirmatively furthers fair housing opportunities throughout the community for all persons regardless of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information protected by the California Fair Employment and Housing Act. In addition, all housing elements due on or after January 1, 2021 must include an assessment of fair housing consistent with the core elements of the analysis required by the federal Affirmative Furthering Fair Housing (AFFH) Final Rule of July 16, 2015. To comply with the requirements under AB 686, the City utilized non-competitive planning grant funding administered by SACOG for the consultant services of BAE Urban Economics to prepare a fair housing assessment and related housing program for the 2021-2029 Housing Element Update.

Staff then prepared a revised draft that included a Fair Housing Assessment (Appendix B of the Housing Element) for review and consideration by the Planning Commission. The draft was considered by the Planning Commission on August 19, 2021 forwarding a recommendation to the City Council for adoption. The City Council adopted the Housing Element on August 31, 2021, and submitted it to the HCD for certification on September 2, 2021. HCD responded with a comment letter on December 1, 2021 (Attachment 2), which stated that additional revisions were needed to ensure compliance with State law.

Discussion: Following staff's review of HCD's December 1, 2021 comment letter, the City asked the Sacramento Area Council of Government (SACOG) for assistance in responding to HCD and bringing the Housing Element into compliance. SACOG was able to "re-purpose" REAP (Regional Early Action Planning) funds that were available to provide direct assistance to non-compliant jurisdictions. SACOG's consultant, Ascent Environmental, assisted with the effort providing the lead and Bay Area Economics (BAE) via a sub-contract through Ascent.

The City has revised the Housing Element incorporating the recommendations provided by Ascent and BAE in response to HCD comments. The review and amendment process was iterative, meaning City, Ascent and BAE staff held virtual meetings with key HCD staff until consensus was reached and HCD was (informally) satisfied with the proposed modifications allowing the City to move forward with the review and adoption process of the amended Housing Element.

The "Amended" Housing Element was posted on the City website and made available for a seven-day review period, between October 28, 2022 to November 7, 2022. Following completion of this review period, the City submitted the Amended Housing Element to HCD for review and formal response. As of the preparation of this staff report, the City has not received the formal response letter from HCD. (Note: The public is invited to review and provide comments on the Amended Housing Element up to the City Council hearing date.)

The Planning Commission is being asked to review and consider recommending approval to the Housing Element as amended to the City Council. The City Council is tentatively scheduled to consider adoption of the Housing Element on December 13, 2022.

Public notice was published in the Mountain Democrat, posted on the website created for the Housing Element update, and posted on the City's Facebook social media platform account. Public comment due date was November 9, 2022.

Planning Commission Authority: The proposed amendments to the Housing Element (GPA 20-01) is considered an amendment to the City's General Plan. State Planning and Zoning Law Section 65354, requires the Planning Commission to make a recommendation on the proposed amendments to the Housing Element, an element of the General Plan. A recommendation for approval must be made by the affirmative vote of not less than a majority of the total membership of the commission. The Planning Commission must send its recommendation to the legislative body. The legislative body for the City is the Placerville City Council.

Proposed 2021-2029 Housing Element Amendments: The City of Placerville General Plan is comprised of two components, the *Policy Document* and the *Background Report*. The Housing Element is comprised of amend Part II – Section II. *Housing*, of the Policy Document, and Chapter II – *Housing*, of the General Plan Background Report.

The Housing Element Update covers the City's housing policies, goals, objective and implementation programs for the eight-year planning period 2021 through 2029. The update reflects new and existing Housing Element law, analysis of available data from the US Census, the State Department of Finance, other sources where indicated, and the data packet prepared by SACOG for the City.

A copy of the proposed amendments to the Housing Element is provided as Attachment 1 to this report. Amended text in response to HCD review is shown as underlined for new text, with strikethrough denoting text that was removed, and highlighted for ease of identification.

The following are lists of the Implementation Programs that have been continued and renumbered as indicated and those new for this Housing Element Update. See the Policy Document for a complete program description.

Summary of Amendments: Part II – Section II. Housing

Goal D: Added additional language to better address to requirement to affirmatively pursue fair housing promoting inclusivity and equitable communities.

Goal D, Policy D.1: Added policy providing for the support of housing developments that promote inclusive, racially and ethnically diverse, and mixed income communities.

Goal A, Program A-2, Objective: Added specificity by reference to the City's RHNA (Regional Housing Needs Allocation).

Goal A, Program A-3, Timeframe: Changed time frame from December 2022 to June 2023.

Goal B, Program B-1, Objective: Added specificity regarding public outreach and number of workshops during the planning period (one per year).

Goal B, Program B-1, Timeframe: Changed first workshop from May 2022 to December 2022.

Goal B, Program B-3: Added provision for staff to provide information to tenants and landlords regarding reasonable accommodations requests.

Goal B, Program B-3, Objective: Added quantified specificity regarding number of reasonable accommodation requests.

Goal B, Program B-3, Timeframe: Added providing information to housing developers as projects are proposed.

Goal B, Program B-5, Objective: Added quantitative specificity to number of housing units to be modified to improve accessibility to persons with disabilities.

Goal B, Program B-5, Timeframe: Added specificity to annual outreach and addition of a website link by December 2023.

Goal B, Program B-6: Deleted requirement of provide information to non-profit organizations.

Goal B, Program B-6, Timeframe: Added specificity to the timeframe and addition of a website link by December 2023.

Goal B, Program B-7, Timeframe: Changed from “ongoing” to June 2023.

Goal B, Program B-8, Objective: Specified the focus of rezoning ordinance evaluation to be City wide.

Goal B, Program B-8, Timeframe: Changed timeframe from January 2023 to June 2023.

Goal B, Program B-9, Timeframe: Changed timeframe from June 2022 to February 2023.

Goal B, Program B-10: Added Program B-10 to provide for regional collaboration to address homelessness.

Goal C, Program C-1, Timeframe: Revised activity to occur annually beginning June 2023.

Goal C, Program C-2, Objective: Added quantitative specificity.

Goal C, Program C-2, Timing: Modified timing to amend zoning ordinance by March 2023 and provide handouts by June 2023.

Goal C, Program C-3, Timing: Changed timing from January 2023 to June 2023.

Goal C, Program C-4, Objective: Added specific target quantity of affordable housing units.

Goal C, Program C-5: Removed references to timing (moved to “Timeframe”).

Goal C, Program C-5, Timeframe: Changed review of fees from December 2022 to March 2023 and availability of information from March 2023 to April 2023.

Goal C, Program C-6, Objective: Added quantitative specificity.

Goal C, Program C-7, Objective: Added quantitative specificity.

Goal C, Program C-7, Timeframe: Added specific timeframe as opposed to “ongoing.”

Goal C, Program C-9: Added specific language regarding first time homebuyer assistance.

Goal C, Program C-9, Objective: Added an Objective statement.

Goal C, Program C-9, Funding Source: Added Community Reinvestment Act Programs.

Goal C, Program C-9, Timeframe: Revised timeframe from beginning fiscal year 2026 to 2024; and added specificity on actions to be taken.

Goal D, Program D-1, Objective: Added an Objective statement.

Goal D, Program D-1, Timeframe: Change from January 2022 to January 2023.

Goal D, Program D-2, Objective: Modify the Objective to better target those at risk for discrimination and/or displacement.

Goal D, Program D-2, Timeframe: Change timeframe from April 2022 to December 2022 (consistent with Program B-1).

Goal D, Program D-3, Objective: Added the targeting of landlords regarding fair housing rights.

Goal D, Program D-3, Timeframe: Change timeframe from November 2022 to December 2022.

Goal E, Program E-1: Added language to identify alternative transportation to include bicycle, pedestrian, and transit.

Goal E, Program E-1, Objective: Added specificity regarding number of projects to be made each year.

Goal F, Program F-1: Added identification of entities the City would partner with.

Goal F, Program F-1, Objective: Added specificity to the “objective” and benefit of a housing rehabilitation program.

Goal F, Program F-3: Added language to follow-up with Program F-1 on code enforcement cases.

Goal F, Program F-4: Added “rehabilitation” in addition to preservation.

Goal F, Program F-4, Objective: Added language to promote rehabilitation for continued use.

Goal F, Program F-5, Objective: Added objective statement to focus on prevention of displacement of lower income residents due to demolition projects.

Goal F, Program F-5, Timeframe: Change from November 2022 to May 2023.

Goal F, Program F-7: Addition of a new program regarding the regulation of short-term rentals to prevent the loss of housing stock, reduce displacement, and lessen gentrification of residential neighborhoods.

Goal G, Program G-1, Objective: Added language to strengthen affirmatively furthering fair housing by maintaining and increasing housing voucher usage.

Goal G, Program G-1, Timeframe: Changed from “ongoing” to annually.

Goal G, Program G-2, Objective: Added additional objective to prevent displacement of lower-income residents.

Goal G, Program G-3, Objective: Added additional objective to prevent displacement of mobile home park residents.

Goal H, Program H-1: Modified program to focus on energy conservation information to be provided at the public counter and on City website.

Goal H, Program H-1, Objective: Modified objective to be quantifiable.

Goal H, Program H-1, Timeframe: Changed timeframe from “ongoing” to December 2023.

Environmental Review: The amended Housing Element Update will serve as the City of Placerville’s guiding policy document that meets future needs of housing for all the City’s economic segments. An addendum to the City of Placerville 2013-2021 General Plan Housing Element Negative Declaration (ND), State Clearinghouse Number 2013122012, was prepared to evaluate the environmental impact of the proposed update. This addendum demonstrates that the analysis contained in that ND adequately addresses the potential physical impacts associated with implementation of the proposed 2021-2029 Housing Element and that none of the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Policies included in the Housing Element Update are designed to bring the City into compliance with state law, or to increase the availability of housing sites.

Attachment 3 contains the Addendum to 2013-2021 Housing Element Negative Declaration for the 2021-2029 Housing Element Update, which has been updated to include the subject amendments. Attachment 4 contains the 2013-2021 Housing Element Negative Declaration.

Recommendation: Staff recommends that the Planning Commission consider the proposed amendments to the 2021-2029 Housing Element, conduct a public hearing to receive and consider public comment, then take the following action:

1. Make the following findings:
 - (A) The amendments to the City of Placerville 2013-2021 General Plan Housing Element Negative Declaration (ND) (State Clearinghouse Number 2013122012) prepared for the 2021-2029 Housing Element, which adequately addressed the potential physical impacts associated with implementation of the proposed 2021-2029 City of Placerville Housing Element;
 - (B) The 2021-2029 Housing Element has been prepared, consisting of General Plan Amendment (GPA) 20-01, containing goals, policies, programs, and quantified objectives to meet projected housing needs to comply with State housing element law (Article 10.6 of the California Government Code).
 - (C) Public comments received have been considered and incorporated in to the 2021-2029 Housing Element, where appropriate.
2. Forward a recommendation to the City Council to approve the amendments to the 2013-2021 General Plan Housing Element Negative Declaration for the 2021-2029 Housing Element, and to adopt GPA20-01, adopting the amendments to the 2021-2029 Housing Element of the City of Placerville General Plan.

Attachments

1. Amended 2021-2029 Housing Element
2. Housing and Community Development Review Letter, December 1, 2021
3. Addendum to the 2013-2021 Housing Element Negative Declaration for the 2021-2029 Housing Element Amendments
4. 2013-2021 Housing Element Negative Declaration