



Legislation Text

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MEMORANDUM

TO: Board of Supervisors

FROM: Michalyn DelValle, Community Development Director
Byron Turner, Principal Planner

DATE: March 26, 2019

SUBJECT: Update to the Lake County General Plan, Chapter Four, the Housing Element 2014-2019, GPAP 16-05; Negative Declaration (IS 16-11)

EXHIBITS:

- A. Board Resolution
- B. 2014-2019 Housing Element, as amended by the State Department of Housing and Community Development.
- C. Planning Commission Staff Report, including Initial Study

I. SUMMARY OF REQUEST

State Housing Law (Government Code §6580 et seq.) requires all communities to assess the affordability of their housing and to maintain an inventory of resources relevant to meeting the needs of both existing and future populations, every five years. This document is an update to the previous 2009-2014 Housing Element, adopted in 2012, and amends Chapter four of the Lake County General Plan (2008).

The Lake County Community Development Department (CDD) requests that the Board of Supervisors review revisions to the 2014-2019 Housing Element Update and adopt the document as part of the Lake County General Plan. The Department of Housing and Community Development has requested that the County make revisions to the document in order to comply with State housing element law.

Once the amendments are adopted by the Board of Supervisors the 2014-2019 Housing Element Update must be re-sent again to HCD for certification. The Document must be certified by the state in order to remain eligible for state funding sources.

The 5th cycle planning period for the County of Lake is June 30, 2014 to August 14, 2019. On May 24, 2016, the County of Lake submitted a draft housing element to HCD for review. On June 22, 2016, HCD issued an 8-page findings letter to Lake County noting multiple necessary revisions to the housing element for compliance with state housing element law. On June 29, 2016, the County of Lake submitted an adopted housing element to HCD for review. On September 27, 2016, HCD issued findings that the adopted housing element was identical to the June 22, 2016 draft housing element. The housing element would not be found in compliance unless and until it was revised and adopted.

Please note that this is not the 2019-2027 comprehensive housing element update, which will be addressed later in the year. Numerous new policies will be discussed and analyzed as part of that review.

Upon completion of this public hearing, it is recommended that the Board of Supervisors adopt the Draft Housing Element 2014-19, as amended by the State Department of Housing and Community Development (HCD), and approve the Negative Declaration for same, based on Initial Study IS 16-11.

II. HOUSING ELEMENT OVERVIEW

The Housing Element consists of four main components: affordable housing need; available resources; constraints to development; and county policies and implementation programs to help address needs.

Section 1 is comprised of goals, policies and implementation measures. These measures are geared towards meeting the statewide housing goals of “...ensuring all Californians the opportunity to obtain safe, adequate housing in a suitable living environment.” through the:

- *Provision of new housing;*
- *Preservation of existing housing and neighborhoods;*
- *Reduction of housing costs; and*
- *Improvement of housing conditions for special needs groups.*

Section 2 contains an Affordable Housing Site Inventory for Vacant and Underutilized parcels, presented in both table and map formats. State Law requires that each jurisdiction provide adequate land area and zoning densities to accommodate projected needs for the 2014-2019 planning cycle. In accordance with the 2013 Lake County Regional Housing Needs Plan, the unincorporated areas of the County should have land suitable for the provision of 200 very low-income, 122 low-income, 142 moderate-income, and 332 above moderate-income housing units.

Section 3 discusses housing needs through the analysis of household demographics, employment characteristics, existing housing stock, and other special housing needs and considerations. The county has more than enough land available to meet both near and long term housing needs.

Section 4 details the current adequacy of public facilities infrastructure, and inventories available to non-profit, local, State and Federal housing assistance programs. Central water and sewer have created some constraints in the past few years. Additionally, well and septic systems in many areas are inadequate for the clusters of population densities in many rural locations.

Section 5 focuses on real and potential constraints to the development of affordable housing such as financial realities, government regulations and process requirements, and environmental site challenges. Most notably, in this Housing Element constraints also include infrastructure availability and the necessity of forming strong partnerships between non-profit housing organizations and government agencies, since the dissolution of the Redevelopment Agency.

Lastly, **Section 6** evaluates progress made in addressing goals and implementation measures that have been accomplished during the 2009-2014 Housing Element planning cycle. A few important zoning ordinance amendments were passed in 2014 and 2015 that addressed Emergency Shelters, Density Bonus's for low income units, expansion of “Granny Unit” definitions, parking reductions and priority water and sewer service for affordable units.

III. DISCUSSION

The Planning Commission reviewed these changes during their February 28, 2019 meeting, and approved a recommendation of approval to the Board of Supervisors. CDD has been working diligently with HCD staff over the past couple of months to meet all required compliance issues. In most cases, CDD staff has found that clarification is needed, and that amendment of the document is not necessary. Staff does, however, request that the following amendments be made:

Section 1:1 shall be amended to add the following:

The County will perform consistency review as part of the General Plan implementation report as required under Government Code Section 65400.

Analysis: As HCD pointed out, the Housing Element was missing a statement regarding General Plan consistency.

Table 1.1 shall be amended to include the following:

HE-3 The County shall apply, based on the availability of staff resources, for funds available from state and federal programs which provide for low to moderate income housing. *Time Frame* **Ongoing Annual**

HE-6 The County shall develop policies and procedures to give priority or expedited processing to residential developments that include a significant portion of units restricted to very-low, low-, or moderate income households. *Time Frame* **Ongoing 2019**

HE-7 To increase the development community's awareness of the availability of sites for affordable projects, the County shall take the following actions:

- a). Prepare and mail out to affordable housing developers in nearby counties, information about housing development opportunities in the county.
- b). Sponsor a tour of potential affordable housing sites in the county for potential developers *Time Frame* **Ongoing 2019**

HE-8 The County shall develop and set priorities for the types of affordable housing projects needed to meet the most urgent needs of the community.

a.)The County shall publicize priorities as well as the potential availability of funds for certain projects in order to identify interested developers.

b).The County shall publicize the availability of the grants and loans
Time Frame **Ongoing 2019**

HE-16 The County will work to preserve existing subsidized housing developments, considered at risk for transfer to market rate. The County will contact interested non-profit and for profit organizations who manage affordable and subsidized housing developments in Northern California providing information on possible financing opportunities and linking potential organizations with housing developments at risk. *Time Frame:* **Monitor Annually**

HE-23 The County shall monitor the status of Orchard Garden Apartments and Nice Village Apartments and contact the owners concerning their plans to maintain affordability of these projects. *Time Frame:* **Monitor Annually**

HE-27 The County ~~should~~ shall adopt universal design accessibility and adaptability standards. This Ordinance should be similar to the Model Universal Design Ordinance provided by the State of California Department of Housing and Community Development. *Time Frame* **Ongoing**

HE-28 The County shall adopt a policy requiring all housing rehabilitation and new housing construction projects to include universal design accessibility and adaptability features. *Time Frame* **Ongoing**

HE-29 The County shall identify potential partners and assist, based on available staff resources, in the construction of farmworker housing which meets the needs of both the migrant and the permanent resident workforce. *Time Frame* **Ongoing 2019**

HE-43 Inform the various service districts of the location of medium and high density residential designations, to enable the districts to identify capacity improvements. Notify the districts of applicable grant opportunities that facilitate sustainable, compact development that the County has knowledge of. *Time Frame* **Ongoing 2019**

HE-52 The County will work directly with service providers of the developmentally disabled such as, Redwood Coastal Regional Center to identify the number of residents who are developmentally disabled. The County shall also assess housing currently being utilized by those with developmental disabilities and whether additional housing and housing related services are necessary to provide housing to this special needs group. *Time Frame* **Ongoing 2019**

Analysis: These programs were identified by HCD as needing revision due to open-ended timeframes for compliance.

Section 1.2 shall be amended to include:

Program HE-55. Reduce Minimum size for residential units

To encourage local housing to be affordable to extremely low, very low, low and moderate-income families and members of the local workforce, the County shall amend the Zoning Ordinance to reduce minimum home size from 720 sq. ft. to 360 sq. ft.

Time Frame: 2019

Responsible Agency: Community Development

Objectives: Help ensure that housing is available and affordable to extremely low, very low, low and moderate-income families and members of the local workforce (e.g. teachers, fire and police, farm workers).

Funding Sources: Staff time

Program HE-56. Higher-Density Housing

The County shall consider an amendment to its General Plan Land Use Element to include a land use district permitting residential density of up to 40 dwelling units per acre. The County shall also consider a concurrent amendment to its Zoning Ordinance to include a zone permitting residential density of up to 40 dwelling units per acre and requiring that any development occur at no less than 20 dwelling units per acre. In addition, if the County favors making these amendments, the County shall identify locations feasible for development permissible under such a land use district and zone, especially those close to urban services of the incorporated cities, and shall study establishing said land use district and zone there.

Time Frame: Ongoing

Responsible Agency: Community Development

Objectives: Allow opportunities for development of housing types of economical design and density.

Funding Sources: Staff time

Analysis: Program HE-55 has been added in order to reduce potential governmental constraints on affordable housing. Reducing minimum size requirements can increase affordability. Program HE-56 is provided to explore the potential of higher-density development where services exist. State housing law permits local jurisdictions to accommodate regional housing need allocations for lower-income groups by identifying sufficient land area within zones allowing "default density," or a minimum residential density predetermined by the State and considered dense enough to allow housing that, through economies of scale and efficient land consumption, is affordable by virtue of its higher-density design. In its December-January review of the draft 2014-2023 Housing Element, HCD found that Lake County's highest permissible density of 20 dwellings per acre was not sufficient to meet "default density" and constituted a regulatory barrier to affordable housing. This program could remove that barrier by potentially allowing a residential density regarded by State law as being sufficiently affordable for jurisdictions within Lake County.

Section 2.1 shall be amended to read:

In 2013 future housing needs were projected for the time horizon 2014-2019, and then allocated to each jurisdiction, by the California Department of Housing and Community Development (HCD). The 2013 Lake County Regional Housing Needs Plan for unincorporated Lake County should plan to absorb at least 69%% percent of the total countywide affordable housing need, or 1,430 housing units for this Housing Element cycle. This translates to 286 affordable homes per year, for the 5-year time period. Housing needs are broken down by four income categories: very low (0-50% of area median income >\$18,000), low (50-80% of area median income \$18,000 - \$28,797), moderate (80-120% of area median income), and above median (above 120% of area median income). This document presumes that 50 percent of very low-income allocation qualify as ELI (extremely low income). With a 2014 median household income of \$35,997, the unincorporated portions of the county need housing that is affordable to households making \$43,196 or less.

**Table 2-1: Regional Housing Need & Unincorporated
Needs Allocation by Income, January 1, 2014 - Ju**

Income Category	County Totals	Unincorp County Totals	Unincorp Percentage
Very Low	510	352 368	69%
Low	320	224 231	69%
Moderate	370	256	69%
Above Moderate	870	601	69%
TOTAL	2070	1430	69%

Source: Lake County - City Area Planning C
HCD

Analysis: As suggested by HCD, the County of Lake is presuming that 50% of very-low income allocation qualify as Extremely Low Income (ELI) households. Additionally, Table 2.1 has been updated to reflect the correct housing needs allocation that was required at the time.

Section 2.3 Affordable Housing Sites, shall be amended to include:

The following Zoning Designations have been identified to allow Affordable Housing to be constructed:

The sites identified in the 2014-2019 Lake County Housing Element have base zoning designations of Single-family Residential (R1), Two-family Residential (R2), Multi-family Residential (R3), and Planned Development Residential. Each one of these districts are appropriate to accommodate lower-income need.

R1 - The purpose of the R1 designation is to establish areas for individual residential dwelling units at relatively low densities where the traditional neighborhood character of single-family units prevail. Uses permitted by right in the R1 include one (1) single-family dwelling or mobile home, one (1) foster or small family home, family care home, supportive housing, transitional housing or small family day care home not to exceed six (6) persons in addition to the resident family, and one (1) granny unit or one (1) residential second unit. All of these types of housing could be considered affordable for lower-income households.

R2 - The purpose of the R2 designation is to establish areas for individual and common wall, shared residential dwelling units at low to medium densities while promoting the amenities of a traditional residential neighborhood. Uses permitted by right in the R2 include one (1) single-family dwelling or mobile home, duplexes up to five (5) per project, one (1) foster or small family home, family care home, supportive housing, transitional housing or small family day care home not to exceed six (6) persons in addition to the resident family, and one (1) granny unit or one (1) residential second unit. All of these types of housing could be considered affordable for lower-income households.

R3 - The purpose of the R3 designation is to establish areas for high density residential development while allowing for a wide range of living accommodations from duplex units to townhouses to apartment buildings. Permitted uses include duplexes, triplexes, fourplexes or apartment buildings; multi-family dwelling groups up to twenty (20) dwelling units per project.

PDR - The intent and purposes of the "PDR" district are as follows:

(a) To provide a means for encouraging creative and innovative developments that are environmentally pleasing through the application of imaginative land planning techniques not permitted within other residential zones with fixed standards;

(b) To assure conformance of the project with the Lake County General Plan with respect to use, density, open space, circulation, public facilities, and the preservation of natural features;

(c) To maximize public and private open space areas, including but not limited to: scenic easements, historical areas, scenic areas, active and passive recreational areas, pedestrian ways, equestrian and hiking trails, plazas, environmentally sensitive areas, and distinct spatial separations between pedestrian and vehicular areas;

(d) To provide for an orderly and cohesive growth and physical development pattern and the efficient delivery of County or community services;

(e) To encourage the design of all residential planned developments to be compatible with both existing and potential land uses, including a proper functional relationship with such adjacent areas;

(f) To encourage the optimal utilization of land to provide a full range of dwelling unit types, sites, rents and sales prices;

(g) To assess the residential development's impacts on public and private support services through the submittal of cost/revenue analyses;

(h) To promote an equitable distribution of public facilities by encouraging developers to provide educational, recreational, water and wastewater, fire protection and other public services in order to avoid the overcrowding of existing facilities used by established residents and provide for a balance of community services;

(i) To provide the County and developer with alternative standards in return for increased amenities to serve the inhabitants of the development and surrounding areas.

The flexibility provided in the PDR zone is conducive to accommodating affordable housing, specifically, the ability with regard to provide mixed types of housing without adhering to fixed standards.

Analysis: While the existing Housing Element identified General Plan Designations appropriate for Affordable Housing as part of the analysis as future sites suitable for housing, it failed to identify specific zoning designations that were appropriate.

IV. FISCAL IMPACT: Budgeted: N/A Not Budgeted: N/A None:

V. FISCAL IMPACT (Narrative): Approval of the amendments by the Board will allow the County to maintain eligibility for state funding resources.

VI. STAFFING IMPACT (if applicable): N/A

VII. RECOMMENDATIONS

Staff and the Planning Commission recommend that the Board of Supervisors take the following actions:

1. Find that the negative declaration that was previously prepared for GPAP 16-05 does meet the requirements of Section 15162(a) of the CEQA guidelines, and that no additional review need be prepared with the following findings:
 - A. This update to the Housing Element is consistent with the Lake County General Plan.
 - B. Adoption of this update to the Lake County Housing Element will not result in any adverse land use impacts.
 - C. This update to the Housing Element is consistent with the State General Plan Guidelines and State Housing Element Law.
 - D. There is no evidence that this general plan amendment will result in adverse impacts to wildlife.
2. Recommend that the Board of Supervisors approve the General Plan Text Amendment for the following reasons:
 - A. This update to the Housing Element is consistent with the Lake County General Plan.
 - B. Adoption of this general plan amendment to update the Lake County Housing Element is in compliance with the California Government Code.
 - C. This Housing Element update is in the public interest, and is necessary for the promotion of the general health, safety, convenience and welfare of the citizens of Lake County.
 - D. This update to the Housing Element will not result in any significant adverse environmental impact, and a previous negative declaration has been recommended.

SAMPLE MOTIONS:

RESOLUTION ADOPTING 2014-2019 HOUSING ELEMENT AND ASSOCIATED NEGATIVE DECLARATION

I move that the Board of Supervisors approve the Final Draft Housing Element 2014-2019, as amended, and direct staff to submit this update to the State Department of Housing and Community Development (HCD) for certification. Further, I move that on the basis of Initial Study IS16-11, the Board of Supervisors approve the Negative Declaration for the 2014-2019 Housing Element.

General Plan Amendment Approval

I offer the resolution approving the updated Lake County Housing Element.