

**DATE: JANUARY 18, 2023**

**TO: CITY COUNCIL**

**FROM: SUSAN M. PETERS, CONTRACT PLANNER**

**SUBJECT: 2021-2029 6<sup>TH</sup> CYCLE HOUSING ELEMENT UPDATE**

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## **RECOMMENDATION**

Review the 2021-2029 6<sup>th</sup> Cycle Housing Element Update of the Amador City General Plan and adopt City Council Resolution No. 2023-\*, amending the General Plan, updating the Housing Element.

## **BACKGROUND**

The housing element, one of the seven state mandated elements of the General Plan, is a guiding document for housing development, the allocation of housing resources, and the continuation of housing-related services during the planning period of 2021-2029. The 6<sup>th</sup> Cycle Housing Element was prepared jointly with the County of Amador and the cities of Ione, Jackson, Plymouth and Sutter Creek utilizing Regional Early Action Planning (REAP) Grant funds.

State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2021-2029 to accommodate the City of Amador City's regional housing need allocation (RHNA) of 117 housing units, comprised of 15 extremely low-income units, 15 very-low income units, 20 low-income units, 25 moderate-income units, and 42 above moderate-income units. The 6<sup>th</sup> Cycle Housing Element Update also includes the following:

- Goals, policies, and actions to address current and projected housing needs, including housing preservation, rehabilitation, and development;
- Analysis of housing-related constraints;
- Inventory of sites suitable to accommodate the housing needs allocation for the City;
- Assessment of financial and programmatic resources for housing; and
- Analysis of fair housing issues and constraints.

The Draft Countywide 6<sup>th</sup> Cycle Housing Element was released for public and stakeholder comment on November 10, 2022. The required 30-day comment period for the draft document ended on January 9, 2023. Comments were received from seven interested parties. The response to the comments can be found in Appendix C of the Housing Element.

## DISCUSSION

HCD Review and Certification: An important difference between the Housing Element and other elements of the General Plan is the extent of State oversight. Under California law, land use and development is generally within the authority of cities through the adoption of policies and regulations in General Plans and municipal codes. However, State law establishes many specific limitations on city land use authority with regard to housing.

The State legislature has also declared an adequate supply of housing to be a matter of statewide importance and has delegated authority to the California Department of Housing and Community Development (HCD) to review local government Housing Elements and issue opinions regarding their compliance with State law. A finding of Housing Element compliance by HCD is referred to as “certification” of the Housing Element. Certification is important to enhance cities’ eligibility for grant funds and also to support local land use authority. HCD review of Housing Elements is required both prior to and after final adoption by the City Council. Typically, the most critical issue in HCD’s review is whether the Housing Element demonstrates compliance with State law regarding the Regional Housing Needs Assessment (“RHNA”).

**RHNA Requirements:** One of the most important requirements of State Housing Element law is that each city must adopt land use plans and regulations that create opportunities for sufficient residential development to accommodate its assigned share of statewide housing need. The RHNA is the process by which each city’s need for additional housing is determined. Prior to each Housing Element planning cycle the region’s total housing need is established by HCD based primarily on population growth trends and existing housing problems such as overcrowding and overpayment.

In 2020 HCD issued a RHNA determination of 741 additional units for Amador County during the 2019-2029 period. HCD also distributed the units throughout the County, assigning a total of five to Amador City.

The Housing Element must demonstrate compliance with the RHNA by analyzing the city’s capacity for additional housing based on an evaluation of land use patterns, development regulations, potential constraints (such as infrastructure availability and environmental conditions) and real estate market trends. The analysis must be prepared at a parcel-specific level of detail and identify properties (or “sites”) where additional housing could be built under current regulations. State law requires that the sites analysis demonstrate that city land use plans and regulations provide adequate capacity to fully accommodate its RHNA allocation in each income category. If the current development capacity is not sufficient to fully accommodate the RHNA, the Housing Element must describe proactive steps the City will take to increase housing capacity commensurate with the RHNA – typically through amendments to land use plans and development regulations that could facilitate production of additional housing. Such amendments generally include increasing allowable residential densities, modifying other development standards, or allowing housing to be built in areas where residential development is not currently allowed, such as areas zoned for commercial use.

The Countywide 6<sup>th</sup> Cycle Draft Housing Element consists of three main parts, the Housing Plan, the Background Report, and each individual jurisdiction's Annex:

The Housing Plan contains the goals, policies and programs that the City, and other jurisdictions within the County including the County, will implement during the 2021-2029 planning period. Some of the Housing Plan programs call for changes to the City's Municipal Code required by State Law. Staff will work with the consultant to draft the necessary amendments to the Municipal Code.

The Background Report provides documentation and analysis in support of the goals, policies, programs and quantified objectives in the Housing Element policy document. The Report includes housing constraints and resources, an inventory of residential sites, fair housing affirmations, and an evaluation of the existing Housing Element.

The Amador City Annex identifies specific information for the City. The document reviews current zoning and evaluates potential constraints for development. The majority of the information in the Annex is taken from the City's municipal code.

**CEQA:** The Housing Element has been reviewed and analyzed pursuant to the California Environmental Quality Act (CEQA), and staff has determined that there is no substantial evidence that the 6<sup>th</sup> Cycle Housing Element may have a significant effect on the environment, and the Housing Element is therefore exempt from the provisions of CEQA as set forth in Public Resources Code Section 21080(c)(1) and Section 15061(b)(3) of the CEQA Guidelines. The Attached Resolution includes the language necessary to file the exemption.

## **ATTACHMENTS**

A Resolution of City Council of Amador City adopting a General Plan Amendment to Update the Housing Element of the General Plan for the 6<sup>th</sup> Cycle Period of 2021-2029 to Affirmatively Further Fair Housing and Substantially Comply With State Housing Element Law.

COUNTYWIDE 6TH CYCLE HOUSING ELEMENT, Part 1: Housing Plan

[https://drive.google.com/file/d/13\\_EPoiHv\\_NXMfonlUnBxa0pdGu\\_I14Tf/view?usp=drive\\_link](https://drive.google.com/file/d/13_EPoiHv_NXMfonlUnBxa0pdGu_I14Tf/view?usp=drive_link)

COUNTYWIDE 6TH CYCLE HOUSING ELEMENT, Part 2: Background Report

[https://drive.google.com/file/d/11NI0v7kG-ceFGc7EVpyM8NYaxN6ri8lj/view?usp=drive\\_link](https://drive.google.com/file/d/11NI0v7kG-ceFGc7EVpyM8NYaxN6ri8lj/view?usp=drive_link)

COUNTYWIDE 6TH CYCLE HOUSING ELEMENT, Part 3: Annex to the Background Report, City of Amador City Annex

[https://drive.google.com/file/d/11E5qzMTxXWOzl6pvvp5RsaljBdbwqRDE/view?usp=drive\\_link](https://drive.google.com/file/d/11E5qzMTxXWOzl6pvvp5RsaljBdbwqRDE/view?usp=drive_link)