



**SOLANO COUNTY**  
**Department of Resource Management**  
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Clifford K. Covey, Interim Director

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**MEMORANDUM**

**Agenda Item No. 3**

**TO:** Solano County Planning Commission  
**FROM:** Matt Walsh, Principal Planner  
**DATE:** July 15, 2010  
**SUBJECT:** 2009 Housing Element Update

**RECOMMENDATION**

That the Planning Commission:

1. Open a public hearing; and
2. Recommend that the Board of Supervisors adopt the Negative Declaration and approve the updated Housing Element.

**BACKGROUND**

The Housing Element is one of seven elements mandated under state law to be included in the General Plan. The purpose of the Housing Element is to establish a comprehensive plan to address housing needs in the unincorporated area of Solano County. The Element addresses the housing needs of all economic segments of the county including low and moderate income households and populations with special housing needs.

The Housing Element is considered the primary policy document for any given jurisdiction to guide the development, rehabilitation, and preservation of housing for all economic segments of the County's population. Accordingly, the County's Housing Element includes the identification and analysis of the existing and projected housing needs of the County. The document also contains goals, policies, and objectives along with implementation programs for the preservation, improvement, and development of

the range of housing needs. Per HCD's guidelines, the Association of Bay Area Governments (ABAG) determined that the County's new housing need over the Housing Element period of 2007-2014 totals 99 dwelling units through the Regional Housing Needs Allocation process (RHNA). State housing law requires that the County's Housing Element include site-specific data showing that adequate land is available to meet its housing need as determined by ABAG.

The County entered into contract with the planning firm PMC in January 2009 to prepare the updated Housing Element, the required CEQA document, and facilitate coordination with HCD. PMC and staff have compiled, updated, and analyzed demographic, economic, and housing data to update the Housing Element's Needs Assessment. Efforts have also included updating the County's housing development potential, identifying governmental and non-governmental constraints to meeting the County's housing needs, and evaluating the past performance of the current Housing Element.

A publicly noticed study session was held before the Planning Commission on May 21, 2009 to obtain comments from both the public and the Commission. A similar study session was held before the Board of Supervisors on July 21, 2009. After the Planning Commission and Board study sessions with public testimony, PMC examined, refined, updated, and incorporated policies and programs, as necessary, to the Housing Element that will focus the County's efforts on removing constraints and taking the most effective steps towards meeting the housing needs of the community over the next five years. A draft Housing Element has been generated and has been sent to HCD twice for the state to review and provide comments. The most recent set of comments are attached and indicate that the Housing Element in its current state meets HCD's requirements and is suitable to adopt. To meet CEQA requirements, a draft Initial Study and Negative Declaration has been prepared, published, and circulated for public comment. The public comment period ended on June 15, 2010. No comments were submitted.

## **DISCUSSION**

The updated draft Housing Element does not propose significant changes. The notable changes include the necessary review and analysis of the RHNA, as well as updates and program changes to address recent legislation relating to housing requirements.

### **Regional Housing Needs Allocation**

The RHNA assignment from ABAG for the 2007 to 2014 planning period totals 99 units and is broken down according to income level as follows:

<b>Income Level</b>	<b>Units</b>	<b>Percentage</b>
Extremely Low	13	13%
Very Low	13	13%
Low	16	16%
Moderate	18	18%
Above Moderate	39	39%
<b>Total</b>	<b>99</b>	<b>100%</b>

The County must ensure that policies and programs are included in the Housing Element that show how the County will meet these requirements. Though RHNA does not require the units to be built, it does require that the County's zoning identify sites that have the ability to accommodate the minimum

number of units in each income category. As of April 2010, all units have actually been constructed with the exception of 9 extremely low income units and 8 above moderate income units. Taking into consideration the amount of vacant parcels in the County that can accommodate single family homes and factoring in the ability of the County to accommodate farm labor housing and secondary living units, HCD determined that the County has the ability to meet these requirements by the end of the planning period.

#### Revisions Resulting from Legislative Direction

Over the course of the last six years, changes to state law related to housing requirements have

**SB 2 (Cedillo, 2007):** Requires local jurisdictions to strengthen provisions for addressing the housing needs of the homeless, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit and allowing transitional and supportive housing types as residential uses. This legislation took effect January 1, 2008, and applies to jurisdictions with Housing Elements due for update June 30, 2008, and after.

*This requires the County to identify at least one zone that will allow emergency shelters by right, the number of acres of vacant land in that zone and provide justification for why that zone was selected. This also requires the County to define transitional and supportive housing and allow these types of housing uses in all residential zones as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure.*

#### Housing Element Response:

D.3 Sites for Special Needs Housing (pg. HE-22). The County will continue to provide opportunities for development of facilities for emergency shelters ("community care facilities" with seven or more persons) in all residential zones with a use permit. The County's zoning regulations recognize residential care facilities with 6 or fewer persons as residential uses of property and therefore allow the development of a residential care facility (emergency shelter) with 6 or fewer persons as a permitted use subject to the same development standards as all other residential use types. The County's definition of community care facilities specifically includes emergency shelters, transitional housing and facilities for persons with disabilities. The County's Zoning Regulations identify emergency shelters as a residential care facility use type as part of the definition of a community care facility. In addition, the County will continue to fund the development of emergency shelters in neighboring incorporated cities that provide adequate water and sewer services.

In addition to the standards for emergency shelters listed above, and to further comply with SB 2, the County has identified sites within a yet to be created Commercial Service type district. This district includes approximately 10.34 acres of existing buildings that range in size from 1000sf buildings to a couple of buildings with around 30,000sf of roof coverage. Most of the structures are commercial service or storage types of structures with some small offices which are all in good condition and can be reused for an emergency shelter. Reuse of any preexisting structure for an emergency shelters will be allowed by right without any discretionary review and will be consistent with the same zone. These identified sites have services available to the preexisting structures and are located within close proximity to the proposed Fairfield/Vacaville train station.

**AB 2348 (Mullin, 2004):** Requires a more detailed inventory of sites to accommodate projected housing needs and provide greater development certainty.

*This requires the County to provide a site by site vacant land inventory that includes, APN number, Zoning Designation, General Plan Designation, acreage of the site, density of the site, whether the site has adequate infrastructure and if there are any environmental constraints on the site.*

Housing Element Response:

B.1. Countywide Housing Production and Coordination (pg. HE-11). The County will coordinate its planning and program efforts with the cities to ensure that adequate quantities of various housing types are provided to meet the County's total projected housing needs. The County inventoried its available sites for housing development and identified sites by zoning category that are available to meet its housing need allocation for the Housing Element Planning period. The inventory summarized in Appendix A of the Housing Element includes sites for housing by income category. There are approximately 1,890 acres, which can accommodate 5,674 units.

In addition to meeting the RHNA, the County has additional sites to accommodate a variety of housing types. The County General Plan identifies an Urban Residential designation which allows for up to 25 units per acre but does not have a corresponding zoning district that allows for the same density. This is because the County believes while some development has been allowed to occur where limited urban services were provided by cities and special districts, present General Plan policies maintain that "what is urban should be municipal," meaning that development requiring urban services should occur within an incorporated city.

To encourage the development of these sites the County will work with the adjacent cities to ensure that their rezoning of these sites can accommodate housing for up to 25 units per acre and the County will facilitate the annexation process of these sites into the cities when the cities are ready to annex. Upon annexation of these sites into the cities, the County, if necessary will also negotiate a transfer of RHNA units that will be accommodated on these sites. The County has negotiated successful RHNA transfers in the past and will continue to work with the neighboring cities to facilitate compact development to address climate change, energy conservation and maximize land resources to preserve agricultural and open space resources.

**AB 2634 (Lieber, 2006):** Requires quantification and analysis of existing and projected housing needs of extremely low-income households. Elements must also identify zoning to encourage and facilitate supportive housing and single room occupancy units.

*The County will need to identify its extremely low-income RHNA allocation number (half of the very low-income number) and identify all programs associated with meeting the needs of the County's extremely low-income households. The State would also like to see what zone or zones allow for Single Room Occupancy (SRO's) units.*

Housing Element Response:

D.6 Extremely Low-Income Households (pg. HE-26) – Special Needs Housing. Assembly Bill 2634 requires the quantification and analysis of existing and projected housing needs of extremely low-income households and requires Housing Elements to identify zoning to encourage and facilitate supportive housing and single-room occupancy units (SROs).

Currently, the County does not explicitly define SROs in the Zoning Code, but defines "rooming or boarding house" in the Zoning Code as "A dwelling, other than a hotel, where lodging or meals, or both, for four or more persons are provided for compensation." The County's Zoning Code currently permits rooming or boarding houses in the R-M and R-E zones. The County will amend the Zoning Code to include SROs under the definition of "rooming and boarding houses" and allow them in the same zones as "rooming and boarding houses". In addition, to support the development of single room occupancy units or other types of housing affordable to extremely low-income households, the County will prioritize and leverage federal and state funding for the development of these units. The County is projecting to assist with the construction of approximately 2 units.

## **Additional Programs**

The following is a listing of new programs that the County will need to complete by 2014.

B.3 Housing Element Annual Report (pg. HE-12). As part of the Housing Element annual report the County will monitor the affordability of newly approved manufactured homes and second units to meet the needs of lower income households and review and revise programs as appropriate to maintain effective strategies to accommodate the housing needs of lower income households in the planning period.

C.3 Zoning Codes and Development Standards to Encourage and Facilitate Alternative Housing (pg. HE-15). To create opportunities for the private marketplace to produce additional affordable housing for extremely low-, very low-, low- and moderate-income households, including farm workers and the elderly, the County will continue to implement building and zoning codes to accommodate manufactured dwelling units and secondary dwelling units in all residential zoning districts by-right. The County is projecting the market will construct approximately 3 units.

D.2 Farm Worker Housing – Production (pg. HE-21). The County will seek to coordinate programs and funding from State and Federal programs through the Dixon Housing Authority. The County will work with the Dixon Housing Authority to explore opportunities for expanding the Dixon Migrant Center. The County, through the County Housing Authority, will provide assistance to the farming community and housing developers in obtaining loans and grants and processing applications for the rehabilitation and/or establishment of new farm labor housing under U.S.D.A. Rural Development and State Department of Housing and Community development programs and other funding sources that may become available. The County will develop an informational brochure explaining options, permitting process and possible funding sources for the development of farmworker housing. The County will also contact agricultural stakeholders and the non-profit community to discuss possible options for locating suitable and available sites for farmworker housing. The County will then, as needed, assist non-profit groups and stakeholders to pursue funding resources, water and sewage availability, and entitlements if necessary. In addition, the County will formulate and provide development incentives as funding permits for the provision of farmworker housing, expedite the permitting process for all farmworker housing projects, defer development fees for housing projects that provide farmworker housing, and provide special technical assistance from County staff for developers of farmworker housing projects.

Farmworker housing, permitted by the State Department of Housing and Community Development, is an allowed use without the necessity of obtaining a use permit from the County. The State Department of Housing and Community Development will continue site inspections of migrant farm labor camps to ensure proper maintenance.

E.2 Parking Requirements (pg. HE-29). The County will consider revising its parking standards to include a sliding scale based on bedroom type (i.e. studio and 1-bedroom). In addition, the County will annually review its parking requirements to ensure they do not constrain the development of affordable housing.

I.3 Energy Conservation Assistance Programs (pg. HE-37). The County will partner with PG&E to promote energy saving programs such as, the California Alternate Rates for Energy (CARE), the Relief for Energy Assistance through Community Help (REACH) and the Family Electric Rate Assistance (FERA). In addition, the County will work with PG&E to encourage existing residents to participate in energy efficiency retrofit programs.

## **Housing Element Approval Process**

The draft Housing Element has been sent to HCD twice for comments, requiring a 60 day comment period for each submittal to the state. HCD has now provided the County with a "conditional approval" letter, indicating that the current draft of the document, once adopted by the County, will comply with state requirements.

At the conclusion of the Planning Commission's public hearing, the Commission will be asked to recommend to the Board of Supervisors approval of the draft updated Housing Element. The Board of Supervisors will then conduct a public hearing prior to adoption of the Housing Element. The adopted Housing Element will then be submitted back to HCD for final certification that the Housing Element is consistent with the requirements of State Law. HCD has 90 days to certify the Housing Element.

## **Environmental Review**

A Negative Declaration was prepared for the 2009 Housing Element. The Negative Declaration has been published and circulated through the State Clearinghouse and made available for public review. The Negative Declaration did not identify any significant impacts to the environment related to the adoption of the 2009 Housing Element, and no comments have been submitted at this time.

### **Attachments:**

- Exhibit 1: Updated Draft Housing Element (previously forwarded to Planning Commission)
- Exhibit 2: Draft Initial Study/Negative Declaration (previously forwarded to Planning Commission)
- Exhibit 3: Conditional Approval Letter from HCD

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
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May 3, 2010

Ms. Birgitta Corsello, Director  
Department of Resource Management  
County of Solano  
675 Texas Street, Suite 5500  
Fairfield, CA 94533

Dear Ms. Corsello:

**RE: Review of the County of Solano's Revised Draft Housing Element**

Thank you for submitting Solano County's revised draft housing element received for review on March 4, 2010 along with additional revisions on April 21, 30, and May 3, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with Mr. Matt Walsh, Principal Planner, and Ms. Jennifer Gastelum and Ms. Cynthia Deane-Alviso, of PMC, facilitated the review.

The Department recognizes the County of Solano for assisting in the development of housing for farmworkers and amending zoning to provide incentives beyond the minimum requirements of the Employee Housing Act. The revised draft housing element addresses the statutory requirements described in the Department's September 21, 2009 review. As a result, the revised draft element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585g).

The Department wishes Solano County success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports, pursuant to Government Code Section 65400. If the Department can provide assistance in implementing the housing element, please contact Brett Arriaga, of our staff, at (916) 445-5888.

Sincerely,

A handwritten signature in cursive script that reads "Cathy E. Creswell".

Cathy E. Creswell  
Deputy Director

Exhibit 3