

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



November 2, 2022

Sam Booth, Director
Community Development Department
County of Alpine
50 Diamond Valley Rd
Markleeville, CA 96120

Dear Sam Booth:

RE: County of Alpine's 6th Cycle (2019-2024) Draft Housing Element

Thank you for submitting the County of Alpine's (County) draft housing element update received for review on August 4, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

1. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Housing Cost: While the element includes estimated rents based on American Community Survey (ACS) data, it should supplement census data with other local sources.

2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... for persons with disabilities... including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)

Building Codes and Enforcement: While the element notes the County adopted and enforces the 2019 California Building Code (CBC), it should also describe and evaluate local amendments for impacts on housing costs. In addition, the element should describe how the County enforces the CBC for existing structures (e.g., complaint-based).

Fees and Exactions: While the element describes all required fees for single family and multifamily housing development, it should specifically evaluate utility connection, grading, and engineering fees for impacts on housing costs and supply and add or modify programs as appropriate.

Programs: As noted above, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, as noted in the element (p. 85), the element should include a program to address residential care facilities serving more than six persons. While Program 3b addresses residential care facilities for six or less persons, it should also address residential care facilities serving more than six persons to ensure zoning and permit procedures permit these uses in all residential zones with objectivity to promote approval certainty.

3. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

To have a beneficial impact within the planning period and achieve the goals and objectives of the housing element, programs should be revised with specific commitment and discrete timing (e.g., at least every other year), as follows:

- *Program 3 (Zoning and Subdivision Regulations)*: The Program currently has a date that has since passed and should be updated with a new date, as appropriate.
- *Program 3c (Residential Neighborhood Zoning)*: The Program should specify the allowed densities to be updated on the zoning map.
- *Program 3d (Single Room Occupancy)*: The Program should clarify zoning amendments to be updated in compliance with Health and Safety Code section 17021.5.
- *Program 5 (Employee Housing)*: The Program should go beyond “explore” and commit to establish an inclusionary requirement or other strategies to

promote affordability of employee housing. The Program could also include an evaluation of the effectiveness of approaches within one year and pursuit of alternatives as appropriate.

- *Program 6 (Water and Wastewater Districts)*: The Program should commit to when and how often the County will assist utility service providers and local agencies.
 - *Program 7 (Assist Non-profits and Private Developers)*: Given past performance of this program, the Program should go beyond determining the interest of developers and specifically commit to identify development opportunities and assist in the development of housing for lower-income and special needs households, including a numerical target for the planning period.
 - *Program 9 (Rehabilitation)*: In addition to maintaining a list of funding and distributing information, the Program should seek additional actions such as building partnerships with non-profit developers and property owners and pursuing and assisting with funding. The Program should also target areas of higher need as employee housing in Kirkwood as noted in the element (p. 59).
 - *Program 13 (Continuum of Care)*: The Program should go beyond attending meetings and participating in surveys and take action by a specified date if necessary, such as applying for funding or collaborating on funding applications.
 - *Program 16 (Conservation of Mobile Home Parks)*: The Program should go beyond scheduling inspections such as applying for funding or other strategies toward conservation of mobile home parks by a specified date.
4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).*

The element must include a program to provide a means for the resolution of local housing discrimination complaints and disseminate fair housing information (including fair housing laws) and resource information throughout the County. The local program must also provide referrals to appropriate investigative or enforcement agencies. Where appropriate, communities should distribute fair housing information in languages other than English. Fair housing information could be displayed on buses/at bus stops, at community and senior centers, local social service offices, and other public locations, such as County administrative offices. Please see the HCD's Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/provide-equal-housing-opportunities>.

5. *The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)*

While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements.

As a reminder, the County's 6th cycle housing element was due August 19, 2019. As of today, the County has not completed the housing element process for the 6th cycle. The County's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the County to revise the element as described below, adopt, and submit to HCD to regain housing element compliance.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the County meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

Sam Booth, Director
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HCD appreciates your hard work and dedication in preparation of the County's housing element. If you have any questions or need additional technical assistance, please contact Jose Armando Jauregui, of our staff, at jose.jauregui@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager