



Department of Conservation and Development
County Board of Supervisors
Tuesday, June 13, 2023

STAFF REPORT

Project Title:	6 th Cycle Housing Element
County File Number:	GP22-0004
Applicant/Owner:	N/A
Project Location:	(Unincorporated) Countywide
California Environmental Quality Act (CEQA) Status:	Environmental Impact Report
Project Planner:	Maureen Toms, Deputy Director, (925) 655-2895
Staff Recommendation:	Staff recommends the Board of Supervisors adopt the 6 th Cycle Housing Element (see Section II for more complete recommendations).

I. Introduction

California's Housing Element Law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain) housing development. As a result, housing policy in California rests largely on the effective implementation of local general plans and, in particular, local housing elements. The Department of Conservation and Development, in coordination with consultant PlaceWorks, has been preparing an update to the County's Housing Element as required by State Law. The updated Housing Element addresses how the County plans to meet its Regional Housing Needs Allocation (RHNA) share of units assigned by the Department of Housing and Community Development (HCD) and Association of Bay Area Governments (ABAG).

On November 18, 2022, the County released a first draft of the Housing Element for public review and comment. During the public review period, the County Planning Commission held a public study session on November 30, 2022, and the Board of Supervisors held a public study session on December 6, 2022. The public review period ended on December 19, 2022. Over 22 people commented during the Study Sessions and 75 emails/letters were received. Following the end of the public review period, staff reviewed the comments received, and made corrections and revisions to the draft Housing Element. On January 20, 2023, staff submitted the draft Housing Element to HCD for review as required by State law on January 20, 2023. Following its 90-day

review, HCD took submitted comments on the draft Housing Element to the County on April 21, 2023. County staff reviewed the comments and met with HCD staff to discuss proposed revisions. County staff then revised the draft Housing Element to address each of HCD's comments. A revised Housing Element, dated May 31, 2023, was posted and is included in the staff report as Exhibit B.

II. Recommendation

1. OPEN the public hearing on the 6th Cycle Housing Element (2023-2031), RECEIVE testimony, and CLOSE the public hearing.
2. CERTIFY that the environmental impact report prepared for the 6th Cycle Housing Element (2023-2031) for Contra Costa County (unincorporated) was completed in compliance with the California Environmental Quality Act (CEQA), was reviewed and considered by the Board of Supervisors before Project approval and reflects the County's independent judgement and analysis.
3. CERTIFY the environmental impact report prepared for the 6th Cycle Housing Element (2023-2031) for Contra Costa County (unincorporated).
4. ADOPT the attached CEQA Findings and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the Project.
5. SPECIFY that the Department of Conservation and Development, located at 30 Muir Road, Martinez, CA, is the custodian of the documents and other material that constitute the record of proceedings upon which the decision of the Board of Supervisors is based.
6. ADOPT the General Plan Amendment Findings in support of the 6th Cycle Housing Element (2023-2031) for Contra Costa County (unincorporated).
7. ADOPT Resolution No. 2023/242, amending the General Plan by adopting the 6th Cycle Housing Element (2023-2031) for Contra Costa County.
8. DIRECT staff to file a Notice of Determination with the County Clerk.
9. AUTHORIZE submittal of the adopted 6th Cycle Housing Element (2023-2031) to the State Department of Housing and Community Development for final certification.

III. Background

The development and preservation of housing is important to all the people within Contra Costa County. To plan for the development of adequate housing for all income segments, a Housing Element is prepared as a part of the General Plan. The Housing

Element is the chapter of the General Plan related to affordable housing and other housing options in a jurisdiction, and must be updated every eight years. It is the only element of a General Plan subject to review and certification by HCD. All Bay Area jurisdictions must update their Housing Elements and have them approved by HCD by the start of the next cycle. The time period for which the subject Housing Element was prepared is 2023-2031, also referred to as the "6th Cycle."

State housing law continues to change, and requirements for Housing Elements have evolved since the Board approved the 5th Cycle Housing Element, which covers the 2015-2023 planning period. In particular, HCD has updated the targets for every region in California for new residential units for the 6th Cycle planning period of 2023-2031. Using those targets, ABAG assigned a regional housing needs allocation ("RHNA") for bay area land use jurisdictions. Unincorporated Contra Costa County's RHNA requires it to show capacity for 7,610 (see table below) new units in the planning period, and then report annually on progress in meeting that target. Failure to make satisfactory progress or achieve milestones may affect the County's discretionary approval authority over certain land use decisions.

In the current 5th Cycle, the County's RHNA was 1,367, and as of the April 1, 2022, reporting period, a total of 2,408 units had been constructed, exceeding the RHNA for the 5th Cycle planning period. Below is a comparison of the 5th and 6th Cycle RHNA.

Regional Housing Needs Allocation			
Income Category	Area Median Income Percentage	5 th Cycle 2015-2023	6 th Cycle 2023-2031
Very Low	<50%	374	2,072
Low	50-80%	218	1,194
Moderate	80-120%	243	1,211
Above Moderate	>120%	532	3,133
Total		1,367	7,610

The deadline for the County to approve its 6th Cycle Housing Element was January 31, 2023. As a result, the County faces an accelerated timeline to rezone properties referenced in the Housing Element consistent with the uses and residential densities provided for in the Housing Element. The County must effectuate the required rezonings within one year (not later than January 31, 2024), as opposed to normal three-year rezoning deadline. A Certified Housing Element is a prerequisite for most funding programs the County relies upon for its grantmaking to affordable housing projects. Additionally, until the County adopts a Housing Element in substantial compliance with State law, the County may be precluded from denying certain eligible housing development projects on the basis that the project that does not comply with the County's General Plan or zoning.

A. Draft Housing Element

While the housing element must address specific state statutory requirements identified in Government Code section 65580 – 65588, it is ultimately a local plan and should reflect the vision and priorities of the community. The Housing Element is comprised of six chapters, the contents of which are described below.

1. Housing Element Introduction 6.1

Section 6.1, Introduction, reviews the geographic areas covered by the Contra Costa County Housing Element, the purpose and content of the Housing Element, the public participation process undertaken to assist in the development of the Housing Element, and its relationship with the rest of the General Plan.

In preparation of the Housing Element, opportunities are provided for the public to help shape the County's housing goals, policies, and strategies. Opportunities for input on the County's 2023–2031 Housing Element have been provided so far through various forums. One significant method was via outreach for the General Plan Update currently underway through the Envision Contra Costa 2040 process. The <https://envisioncontracosta2040.org/> website is primary means for sharing information with the public about the Housing Element Update and General Plan Update.

The County sought participation and input from people who represent the full range of demographics, perspectives, and experiences in Contra Costa County, including existing residents, local workers, the residential development community, nonprofit housing developers, housing advocates, historically underrepresented community members, and community organizations representing special needs groups such as older adults, youth and students, immigrants, people experiencing homelessness and people with disabilities. Details of the outreach efforts are described in the Draft Housing Element.

2. Housing Needs Assessment (6.2)

The Housing Needs Assessment section of the Draft Housing Element includes an analysis of demographic, socioeconomic, housing characteristics, and market data of the county as a whole and the unincorporated areas of the county to determine the nature and extent of housing needs now and in the future. It should be noted that the main source of the information in this section is from an approved data set provided by the Association of Bay Area Governments.

3. Housing Constraints (6.3)

Housing constraints, such as development costs, government constraints, lack of infrastructure, and environmental issues, affect the supply of housing in the

unincorporated areas of the county. The Housing Constraints section of the Housing Element assesses realistic development potential, considering the market trends, development standards, environmental constraints, and infrastructure/public facility/service constraints.

4. Housing Resources (6.4)

ABAG is responsible for developing the RHNA, which assigns a share of the region's future housing need to each jurisdiction in the ABAG region. State law requires communities to demonstrate that they have sufficient land to accommodate their share of the region's need for housing during the 6th Cycle Housing Element period. For the current planning period, ABAG has determined that the County's share of the RHNA is 7,610 new housing units.

The Housing Resources section of the Draft Housing Element analyzes the resources available for the development, rehabilitation, and preservation of housing in the unincorporated areas of Contra Costa County. This analysis includes an evaluation of the availability of land resources for future housing development, the County's ability to satisfy its share of the region's future housing needs, the financial resources available to support housing activities, and the administrative resources available to assist in implementing the County's housing programs.

5. Housing Accomplishments (6.5)

This section of the Housing Element summarized the County's housing accomplishments during the current 5th cycle Housing Element for the period of 2015 through 2022. The 2014 RHNA Allocation was 1,367 total units (374-very low, 218-low, 243 moderate, and 532 above moderate units). As of the April 1, 2022, reporting period, a total of 2,408 units have been constructed.

6. Housing Plan (6.6)

The Housing Plan section of the Draft Housing Element presents the County's eight-year plan which sets forth goals, policies, and programs to address the identified housing needs and other important housing issues. The County's housing plan for addressing the identified housing needs is detailed according to the following six areas:

- Provision of Adequate Residential Sites (including an adequate buffer)
- Assist in the Development of Adequate Housing to Meet the Needs of Low- and Moderate-Income Households, and Persons with Special Needs
- Conserve and Improve the Existing Housing Stock
- Preserve Units at Risk of Conversion to Market-Rate Units
- Address and Remove or Mitigate Governmental Constraints
- Equal Housing Opportunities

B. Appendices

Appendix A of the Housing Element includes site inventory maps, broken down by community (Pages A-1 through A-20). Beginning on page A-21 of Appendix A, there are site specific maps and descriptions of parcels that address the lower income RHNA. There are 91 sites identified in this section of the Housing Element.

Table A: Housing Element Sites Inventory, identifies the parcels, existing general plan and zoning designations, density ranges, and the income category capacity for each of the parcels.

Table B: Candidate Sites Identified to be Rezoned to Accommodate Shortfall Housing Need, identifies the existing and proposed general plan and zoning designations, and density ranges of sites that will meet the RHNA.

Appendix B of the Housing Element is the review of previous, 5th Cycle, Housing Element programs, including the implementation, status of the programs, and whether these programs will continue in the 6th Cycle Housing Element.

C. Housing Element Update Timeline

The Table below provides a summary of all Housing Element public meetings held to date. While the Housing Element kick-off officially began in December 2021 after the Board of Supervisors held a Study Session, there were Housing Element pre-work meetings held prior to that date where staff provided Housing Element and state law updates. In addition, the Envision Contra Costa 2040 effort, which began in 2019, included numerous public meetings on the topics of land use and housing.

Housing Element Update Timeline

Date	Meeting Body	Topic
3/28/19-9/22/22	Numerous Community Meetings	A total of 46 community meetings were held for the Envision Contra Costa General Plan Update project where Housing and Land Use policy was discussed.
5/2/19, 5/7/19 5/9/19	Regional Open Houses	Three regional, two-hour, meetings were organized in an open house format to allow residents to participate at their own pace. Attendees were provided with an informational handout about Envision Contra Costa 2040, a worksheet, and a comment card. A facilitated station of several topics, including Housing, sought feedback on these issues.
12/7/21	Board of Supervisors	Study Session
7/27/22 – 8/26/22		CEQA Notice of Preparation Issued
11/18/22		Draft Housing Element Released
11/30/22	County Planning Commission	Study Session – Draft Housing Element
12/6/22	Board of Supervisors	Study Session – Draft Housing Element
12/19/22 – 1/18/23		CEQA Notice of Preparation Issued #2 Issued
1/20/23		Revised Draft Housing Element sent to Department Housing and Community
2/3/23		Public Review Period for Draft Environment Impact Report Public
3/20/23		End of Public Review Period for Draft Environment Impact Report Public
4/21/23		HCD Comments Received
5/26/23		Final EIR Posted
5/31/23		Revised Housing Element (dated 5-31-23) Posted
6/7/23	County Planning Commission	Review Draft Housing Element
6/13/23	Board of Supervisors	Consider Adoption of the Housing Element

D. California Department of Housing and Community Development (HCD) Review

The County submitted a draft 6th Cycle Housing Element to HCD on January 20, 2023, for a 90-day review period. HCD's April 21, 2023, Comment Letter included several 10 primary comments in three general remaining categories that need to be addressed. Following receipt of the HCD Comment Letter, on May 9, 2023, PlaceWorks and County staff met with HCD to review and seek clarification on HCD's comments. Based on HCD's Comment Letter and its meeting with HCD, County staff revised the draft Housing Element to address each of HCD's comments. The revised draft Housing Element was released on May 31, 2023, and is attached as Exhibit B. Revisions made to the draft Housing Element are detailed in Exhibit J-CCC Response Table and include the following:

1. Chapter 6.2: Housing Needs Assessment

- Additional information that quantifies and analyzes the number of overpaying households by tenure (i.e., renter and owner) and the lower-income households paying more than 30 percent of their income on housing by tenure was added to the Housing Element (Pages 6-57 through 6-59). Tables 6-17 Lower-Income Households Overpaying and 6-18 Cost Burden by Tenure were added to the Housing Element. Table 6-30 – Senior Households by Income and Tenure, and Table 6-31 Senior Household by Income Overpaying for Housing were also added.
- Additional information about disability type was added to Page 6-73. Table 6-32 Disability by Type was added.
- Additional information about Single-Parent Households was added to Page 6-75 and additional information about Extremely Low-Income Households as added to Pages 6-81 through 6-82.
- Additional information using local data and knowledge was added to the Housing Element (Pages 6-96 through 6-98).
- Additional information regarding mobility for seniors and people with disabilities was added to Page 6-101.
- Additional information about local and regional patterns of income and concentrated areas of affluence were added to the Housing Element. Additional information regarding the environmental burdens was added to Page 6-111.
- Background on areas within the unincorporated County where unhoused people are more frequently located is described on Pages 6-119 through 6-123, including Figure 6-14 Homeless Encampments in Contra Costa County, and the proximity of those areas to transit was added to the Housing Element. There was also additional information provided on unincorporated areas

where there is a greater need for housing rehabilitation or replacement, and the characteristics of these areas (Page 6-119 through 6-123).

- Further information about displacement risk was added to Pages 6-124 through 6-125.
- Additional information about compliance with fair housing laws was added to Pages 6-128 through 6-129.
- Additional discussion regarding potential constraints, parcel shape, conditions, easements, remediation, reclamation, and compatibility requirements were added. Additional information was provided in the Site Inventory Analysis Section of the Housing Element Pages 6-131 through 6-167, including the following Table and Figures
 - Table 6-43 Site Capacity by Census Tract on Page 6-130 was added to the Housing Element
 - Figure 6-17 Percentage of Unit Capacity by TCAC/HCD Resource Area Designation on Page 6-137 was modified.
 - Figure 6-18 Percentage of Unit Capacity by Median Income on Page 6-140 was modified.
 - Figure 6-19 Percentage of Unit Capacity by Percentage of Population Below the Poverty Line on Page 6-141 was modified.
 - Figure 6-20 Percentage of Unit Capacity by Predominant Population on Page 6-143 was modified.
 - Figure 6-21 Percentage of Unit Capacity in Female-Headed Households With Children on Page 6-144 was modified.
 - Figure 6-22 Percentage of Unit Capacity by Percentage of Population With a Disability on Page 6-145 was modified.
 - Figure 6-23 Percentage of Unit Capacity By Jobs Proximity Index Score on Page 6-146 was modified.
 - Figure 6-24 Percentage of Unit Capacity By Educational Domain Score on Page 6-148 was modified.
 - Figure 6-25 Percentage of Unit Capacity by CalEnviroScreen Score on Page 6-149 was modified.
 - Figure 6-26 Percentage of Unit Capacity by Percentage of Overcrowded Households on Page 6-150 was modified.
 - Figure 6-27 Percentage of Unit Capacity By Percentage of Homeowners Overpaying for Housing on Page 6-151 was modified.
 - Figure 6-28 Percentage of Unit Capacity by Percentage of Renters Overpaying for Housing on Page 6-152 was modified.
- Figures 6-29 through 6-47, Census Tract maps for the unincorporated areas with housing sites were added to the end of Chapter 6.2-Housing Needs Assessment (Pages 6-156 through 6-174)

2. Chapter 6.3: Housing Constraints

- A footnote referring to the proposed Action HE-A6.1 regarding parking requirements for emergency shelters was added to Table 6-49 Parking

Requirements on Page 6-181.

- A statement about fewer land use permits required for residential uses following approval of proposed Zoning Ordinance update was added. (Page 6-187)
- Footnote #2 of Table 6-52 was expanded to describe housing be right and with a use permit on Page 6-189.
- Further description of sites that can accommodate Emergency Shelters, as well as parking requirements was added to Pages 6-191 through 6-194.
- Further discussion of compliance with ADA was added to Page 6-194.
- A statement about when applicants typically apply for building permits following planning approval was added to Page 6-203.
- A statement confirming the lack of constraints from Williamson Act contracts, conservation easements, or parking obligations was added to the end of Chapter 6.3.

3. Chapter 6.4 Housing Resources

- Table 6-57 (formerly 6-50) was updated to provide status changes that have occurred since November 2022.
- The Housing Element was amended to provide additional examples demonstrating the County's experience in promoting and processing applications on smaller sites to accommodate housing for lower-income households. In addition, the element identifies one large site and further discussion about affordability on that site was provided. (Pages 6-221 through 6-222).
- Table 6-61 Communities and Service Districts was updated. (Page 6-227)
- Progress toward RHNA section of Chapter 6.4 was updated, including Table 6-62 (formerly 6-55) to include data since November 2022. (Page 6-237)

4. Chapter 6.6 Housing Plan

- Eight-Year Objective for HE-A1.1 was amended by targeting older housing stock, including North Richmond, Rodeo, Crockett, Montalvin, and Bay Point.
- HE-A1.3 was modified to add more specifics on the timing and the deliverable for the Action. (Page 6-263)
- The Eight-Year Objective for HE-A1.4 was modified to quantify the objectives.
- HE-P2.4 was amended to add more specifics on the timing and deliverable for the Action.
- The Background section for HE-A2.1 was amended to provide further description of activities of the County related to surplus property. (Page 6-266).
- The Eight-Year Objectives for HE-A2.1 were expanded. The Timeframe for this Action was also modified to state the County's commitment to annual outreach regarding surplus land. (Page 6-267)
- Action HE-A2.2 was expanded to include public-owned property. The Background for this Action was also amended to provide background on efforts

to develop publicly-owned property. The Timeframe for this Action was also amended to commit to annual Notices of Surplus Lands. Further discussion was added regarding the County's efforts to develop County-owned properties and partner with the West Contra Costa Unified School District and Office of Education on the development of surplus land owned by these public agencies, as well as a mobile home park site, and identified as housing sites. (Pages 6-267 through 6-268)

- Two new Actions (HE-A2.10 and HE-A2.11) regarding accessory dwelling units were added under the Goal of increasing the supply of housing. (Pages 6-272 through 6-273)
- The Eight-Year Objective for HE-A3.1 was amended to quantify the objective. (Page 6-274)
- The Timeframe for HE-A3.2 was amended to add an expected date for the Action. (Page 6-275)
- The Eight-Year Objective for HE-A3.3 was amended to identify more specifics of the objectives.
- The Eight-Year Objective for HE-A4.1 was amended to state which communities (RCAA) the objective would focus on.
- Action HE-A5.1 was modified as follows (underline text was added text): "Some of the requirements of this action will be achieved through inclusion of new or revised development standards (e.g., setbacks, heights, and lot coverage) or updates to processes and procedures in the County Ordinance Code to address constraints identified in this Housing Element and facilitate achieving maximum densities.
- HE-A5.1, HE-A5.3 and HE-A5.5 were amended to state the applicable areas (RCAA's) of the county to which the action would apply.
- The Eight-Year Objectives for HE-A6.1 were amended to include more specifics about the amendments to the Zoning Ordinance that will be pursued. (Pages 6-282 through 6-283)
- A program to modify uses/zones where land use permits are required for residential development was clarified. Information was provided about land use permit requirements for a second primary residential unit – most frequently used in agricultural zones. The requirements for the permit are geared towards site and building design in Action HE-A6.2
- Action HE-A6.2 was amended to include the development of objective design standards to the action. (Pages 6-283 through 6-284)
- Action HE-A7.1 was amended to establish a right to return program to the list of actions.
- Action HE-A8.3, under Goal of Promoting Energy Efficiency, was added. (Pages 6-289 through 6-290)
- Table 6-65 was amended to increase the eight-year objectives for New Construction, Rehabilitation, and Acquisition/Preservation.

5. Appendix A

- Further descriptions of Sites 16, 19, 23, 24, 31, 32, 35, 42, 50, 80, 82 and 91 to include the degree of underutilization, expressed interest in residential development from property owners or developers or absence of leases or other conditions that prevent redevelopment, were added to the Housing Element.
- Site 18, Danville Blvd. at Casa Maria Court was removed from the site inventory.

E. California Environmental Quality Act (CEQA)

1. Environmental Impact Report (EIR)

The California Environmental Quality Act (CEQA) requires public agencies to consider the environmental impacts of discretionary actions and projects before making a decision on their implementation. The purpose of CEQA is to inform decision makers and members of the public regarding potential environmental impacts. If it is determined that a project or activity may have a significant effect on the environment, an EIR must be prepared.

An EIR is an informational document that describes the significant environmental effects of a project, identifies possible ways to minimize the significant impacts, and describes reasonable alternatives to the project. A Program EIR is prepared when a plan or program has multiple components that are related geographically, through applications of rules or regulations, or as logical parts of a long-term plan. A Program EIR has been prepared for the Housing Element Update.

2. EIR Process

A summary of the required CEQA environmental review process that has been completed is listed below. A more detailed discussion of this process can be found in the draft EIR.

- *Notice of Preparation* – Once it is determined that an EIR is required, a Notice of Preparation (NOP) must be filed to solicit input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing. The NOP was posted in the County Clerk’s office on July 27, 2022. State Clearinghouse No. 2022070481 has been assigned to the Housing Element (CEQA Guidelines Section 15082; Public Resources Code [PRC] Section 21092.2). The County re-issued the NOP on December 19, 2022, because substantial changes were made to the County’s Housing Sites Inventory, including addition of 42 new sites and deletion of 114 sites.
- *Draft EIR* – The draft EIR (DEIR) must include a) a table of contents; b) summary; c) project description; d) environmental setting; e) discussion of

significant impacts; f) discussion of project alternatives; g) mitigation measures; and h) discussion of irreversible changes.

- *Notice of Completion/Notice of Availability* – A Notice of Completion (NOC) must be filed with the State Clearinghouse when a DEIR is complete, and a Notice of Availability (NOA) must be published. The NOC must be posted in the County Clerk’s office for 30 days (PRC Section 21092) and must also be sent to anyone requesting it (CEQA Guidelines Section 15087). The DEIR public review period must be a minimum of 45 days. The NOC and NOA were filed, published, and posted in conjunction with the Draft EIR on February 3, 2023, and the comment period spanned February 3 – March 21, 2023.
- *Final EIR* – The final EIR (FEIR) must include a) the DEIR; b) copies of comments received during the DEIR public review period; c) list of persons and entities commenting; and d) a response to timely comments on the DEIR.

3. Draft EIR

The DEIR was released for a 45-day public review period on February 3, 2023. The DEIR includes a project description to describe the project and analyzes 62 environmental impacts. Nine environmental impacts were determined to be significant and unavoidable, one less than significant with mitigation, and 52 environmental impacts were determined to be less than significant.

Summary of Draft EIR Environmental Impacts

<i>No Impact or Less than Significant Impact</i>	<i>Potentially Significant Impact - Less than Significant with Mitigation</i>	<i>Significant and Unavoidable Impact</i>
<i>Aesthetics</i>	<i>Hazards and Hazardous Materials</i>	<i>Air Quality</i>
<i>Agricultural and Forestry Resources</i>		<i>Biological Resources</i>
<i>Energy</i>		<i>Cultural Resources</i>
<i>Geology and Soils</i>		<i>Greenhouse Gas Emmissions</i>
<i>Hydrology and Water Quality</i>		<i>Noise</i>
<i>Land Use and Planning</i>		<i>Wildfire</i>
<i>Mineral Resources</i>		
<i>Population and Housing</i>		
<i>Public Services and Recreation</i>		
<i>Transportation</i>		
<i>Utilities and Service Systems</i>		

A more detailed description of these issues areas can be found in Chapter 5 of the DEIR.

4. Project Alternatives

The EIR is required to analyze project alternatives that would meet most of the project objectives and reduce or avoid significant environmental impacts of the project. Two project alternatives were analyzed in the DEIR:

Alternative 1 – No Project/Existing General Plan Alternative

An EIR must always analyze a no project alternative. The No Project/Existing Housing Element Alternative assumes that the proposed project would not be adopted, and the development intensity assumed in the existing Housing Element would be followed. Although the Planning Area would be the same under the proposed project and existing Housing Element, the footprint-related impacts (e.g., biological resources, cultural resources) of the No Project Alternative would be the less than the proposed project as development intensity would be less. The proposed project would result in an increase in population and housing units, and therefore, this Alternative would result in a reduction in intensity-related impacts. With Alternative 1, there would be no change to the General Plan or zoning and planning for the County's RHNA would not be achieved. This Alternative would not meet any of the proposed project's objectives.

Alternative 2 – Removal of Sites in a Fire Hazard Severity Zone Alternative

The "removal of sites in a fire hazard severity zone" alternative would remove four sites in the Housing Element Sites Inventory that border a Very High Fire Hazard Severity Zone (VHFHSZ), as designated by the Department of Forestry and Fire Protection (CAL FIRE), near the El Sobrante Ridge and Pinole Valley Park.

These sites include APN's 430-012-022, 433-460-007, 435-080-005, and 430-161-020 in the El Sobrante community. This alternative would ensure that no sites included in the Housing Element's site inventory are within a VHFHSZ, reducing potential Wildfire impacts and Hazards and Hazardous Materials impacts. This alternative would result in the loss of up to 58 units from the Housing Element's sites inventory. However, this alternative would maintain sufficient units available in the remaining sites to meet the County's RHNA. Therefore, this alternative meets all project objectives by allowing the County to adopt its 6th Cycle Housing Element Update, provide a list of potential housing sites that meet the County's RHNA, and determine significant environmental issues that would preclude future decisions to consider land use changes to the housing sites.

5. Final EIR

The FEIR provides a written response to each comment received during the DEIR public comment period and lists all revisions made to the DEIR. A total of 47 written comments were received during the DEIR public comment period, two from public agencies and 45 comments from members of the public. The FEIR includes three chapters:

- *Introduction* – An overview of the purpose, environmental review process, and document organization.
- *Written Comments and Responses* – A response to written comments received during the 45-day public comment period.
- *Revisions to the Draft EIR* – Each proposed text change, listed by page number in the DEIR is identified in this section.

6. Findings/Statement of Overriding Considerations/MMRP

Findings/Statement of Overriding Considerations – For each significant impact identified in the EIR, the Board of Supervisors must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the project; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091).

Staff has prepared CEQA Findings and a Statement of Overriding Considerations supporting the County's decision to certify the EIR and approve the 6th Cycle Housing Element. The CEQA Findings and the Statement of Overriding Considerations is attached as Exhibit E. Considerations warranting approval are summarized below:

- Implements the objectives established for the proposed project.
- Provides a variety of housing options for a variety of income levels and meets the County's RHNA.
- Identifies and provides resources for special needs groups.
- Identifies and provides resources to preserve and maintain housing stock.
- Includes policies that incorporate sustainable project design features.
- Ensures consistency with regional goals of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).
- *Mitigation Monitoring Reporting Program* – Staff has prepared a mitigation monitoring and reporting program. The MMRP is included as Exhibit F.

F. Planning Commission

The County Planning Commission held a public hearing on June 7, 2023, to consider a recommendation to the Board of Supervisors. There were four public speakers at the meeting and written correspondence received for the meeting. The Planning Commission approved staff's recommendation to recommend that the Board of Supervisors adopt the 6th Cycle Housing Element (2023-2031), but with the following additional changes:

1. Development of any site in the Housing Element's sites inventory be required to submit a site-specific infrastructure evaluation for water, sewer, and stormwater services.
2. Developments of more than 30 units be required to have a Project Labor Agreement (PLA).
3. Police Service Impact fees be doubled for sites in the Housing Element.

Staff response:

1. Development of any site in the unincorporated county is subject to the requirements of the local water and sewer providers. The County refers development applications to service providers for review and comment as part of the normal application review process. The process provides opportunities for service providers to identify and address deficiencies, such as inadequate infrastructure or supplies (e.g., lack of water availability), that could be exacerbated by the proposed development. In addition, the County Ordinance Code requires new development to collect and convey storm water into adequate drainage facilities. Therefore, additional requirements for Housing Element sites are not necessary and staff does not recommend this change.
2. A PLA is required for County-owned projects and certain other publicly-funded projects. Developers that receive public funds for development are required to pay the prevailing wage as a condition of receiving funds. Private development projects that do not receive public funds cannot be conditioned to require a PLA. Additionally, a PLA requirement would be considered a housing constraint which must be analyzed and addressed in Chapter 6.3 of the Housing Element. Adding such a constraint could jeopardize certification of the Housing Element with HCD. For the foregoing reasons, staff does not recommend this change.
3. Increasing the Police Services Impact fees would require a separate legislative action separate from the Housing Element that is being considered. Any development impact fee must comply with the Mitigation Fee Act, including that there must be reasonable relationship between the amount of the fee and the cost of the services attributable to the development. Staff believes that requiring an increase in fees for Housing Element sites only, and not for other adjacent or similarly situated sites,

would not meet this requirement. Additionally, increased development fees specific to Housing Element sites would be considered a housing constraint which must be analyzed and addressed in Chapter 6.3 of the Housing Element. Adding such a constraint could jeopardize certification of the Housing Element with HCD. For the foregoing reasons, staff does not recommend this change.

G. Housing Element Next Steps

Staff believes that the revisions made to the latest draft Housing Element address each of HCD's comments in HCD's April 21, 2023, comment letter, and that the latest draft substantially compiles with all requirements of State Housing Element Law as interpreted by HCD.

Following the Board of Supervisor's approval of the 6th Cycle Housing Element, staff will submit the adopted Housing Element to HCD for review and certification. If HCD has additional comments and does not certify the Housing Element as complying with State Housing Element Law, staff will work to address the comments. Following HCD's certification of the Housing Element, staff will process the required zoning amendments and other actions identified in the Housing Element to implement the goals and policies.

BOS EXHIBITS

- A. Staff Report
- B. Housing Element (5/31/23)
- C. Draft Environmental Impact Report
- D. Final Environmental Impact Report
- E. CEQA Findings and Statement of Overriding Considerations
- F. Mitigation Monitoring and Reporting Program
- G. General Plan Amendment Findings
- H. Public Comments
- I. HCD Comment Letter (April 21, 2023)
- J. CCC Response Table
- K. Presentation