



VIA ELECTRONIC MAIL: irvin.saldana@hcd.ca.gov

November 15, 2019

Mr. Irvin Saldana
Dept. of Housing and Community Development
Division of Housing Policy Development
2020 West El Camino Ave.
Sacramento, CA 95833

Re: County of Mendocino 2019-2027 Draft Housing Element

Dear Mr. Saldana:

Please accept this letter as a continuation of comments I submitted yesterday by separate letter of November 14, 2019 regarding the County of Mendocino's Draft Housing Element (DHE).

A. Housing Needs, Resources and Constraints

Sites Inventory

The DHE must include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites. *Gov. Code* §65583(a)(3). The inventory of land suitable for residential development is used to identify sites that can be developed for housing within the planning period. *Gov. Code* §65583.2.

The DHE states that for the next planning period (2019-2027), the County's Regional Housing Needs Allocation (RHNA) is 1,349 units, of which 470 are for lower income households. (Table 5-1-1, p. 23.¹) The DHE states that this RHNA allocation could be "accommodated on lands already zoned for multi-family (or equivalent) that have water or sewer availability or constraints that could be addressed within the planning period." (p. 117-118) and that based on both the selected inventory of potential housing sites and the complete GIS analysis of all vacant and developable residential zoning districts within the County, more than enough residentially zoned land exists in all densities to support new housing developments for all income categories" (p. 118). This representation does not square with the sites described in the DHE and the major constraints described at Table 5-4.5 (p. 21) and at pages 213, 223, 228, 272-273, 299 and 302.

¹ The table references the planning period as 2018-2027; I am assuming the reference to 2018 was a typo.

The sites identified by the DHE are set out in about 100 pages of the document. However, based on my limited review, many of the sites designated for lower income households have serious infrastructure and other issues.

Many sites are constrained by sewer, water, floodplain areas, and zoning. For example, the DHE describes about 11 parcels in Laytonville (Region 1) that are allegedly appropriate for development of lower income housing totaling about 225 “realistic units.” However, Laytonville is severely restricted by lack of a centralized water system and lack of a sewage system (pp.213-214). Covelo (Region 2) suffers similar constraints (p. 223) yet the DHE claims 7 separate parcels are available to produce about 250 *realistic* lower income household units—three of these sites are also in floodplain areas. The sites identified in Calpella are all constrained by a water hook-up moratorium (p. 272); also all three sites designated for lower income households in Calpella are in C-2 zones and are in floodplains (p. 279). Additionally, in Potter Valley, water rights are only granted for agriculture (p. 272). In Redwood Valley, both of the sites claimed adequate for lower income units are located in floodplains (p. 274). In the Forks area, two of the sites identified for lower income households are in SR zoning (p. 280). The site in Region 11 is impacted by the water moratorium (p. 320).

While the County lays out some policies regarding these constraints (Policies 3.1 and 3.5 in particular for example, pp. 14, 16), are vague and lack any measurable actions and outcomes. For example, at Action 3.1a, the DHE states that the county will “consider development incentives such as setbacks, density bonuses, fee assistance, etc.” There should be more precise actions that align with the sites identified as adequate to meet the RHNA. The County should include programs to address the shortfall of sites.

Additionally, many of the selected sites allow less than 30 units. Often, small parcels render the development of affordable housing infeasible. For the smaller sites needed to address the RHNA, the DHE should include current or proposed programs or policies or incentives to facilitate small lot development, and evaluate the potential to develop these small sites for housing affordable to lower income households.

B. Consistency

All elements within the General Plan must be consistent with each other. *Gov. Code* § 65300.5. And the DHE must be consistent with land use law. *Gov. Code* §§65860, 65454, 65867.5.

Certain areas within Mendocino County are covered by community plans. These local plans include the Gualala Town Plan, the Mendocino Town Plan, the Ukiah Valley Area Plan, and the Brooktrails Township Specific Plan. These local plans are described a couple of times in the DHE but no further mention or analysis is made as to how policies of these plans are integrated into the sites inventory list and other policy updates. Additionally, no discussion is had regarding the Airport Comprehensive Land Use Plan (ACLUP), which impacts the level of development.

C. Housing Programs

The DHE should include programs the County is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land-use and development controls, provision of regulatory concessions and incentives and the use of appropriate federal and state financing and subsidy programs when available. *Gov. Code §65583(c)*.

In the DHE, most actions describe an *ongoing* implementation schedule (pages 9-24). Of course, ongoing implementation is totally appropriate for some programs, but where programs include specific deliverables or implementation actions, the timeframes should indicate specific completion or initiation dates. For example, see actions: 3.5a, 3.5b, 3.5c, 4.2b, 5.2c and 6.2b.

As noted above, the programs overall do not have specific deliverables or outcomes. For example, at Action 4.3f, the DHE states that the county will “provide support to the Mendocino County Health and Human Services Agency on housing and services available for persons with developmental disabilities.” No description is provided regarding what support is currently being provided or what that support entails. Also, at action 4.3a, while the County describes meeting with the agricultural employer community and Farm Bureau, there is no additional action to contact the farmworkers themselves or their representatives (unclear what “farm advocacy groups” means—if that means “farmworker” advocacy groups) that would assist the county in understanding the population’s needs. The programs to affirmatively further fair housing, which are few, are additionally vague (Action 4.3c). Finally, as noted in my correspondence of yesterday, the County needs to more accurately describe its efforts regarding homelessness and then amend Actions 4.3d, 4.3e and possibly others accordingly.

I appreciate your time and consideration of these comments. We hope that we will have additional opportunity for review and additional comment as the DHE is processed. Again, if you have any questions or wish to discuss anything in this letter, please feel free to contact me.

Sincerely,

/s/

Angélica M. Millán
Managing Attorney

cc: Client

Brent Schultz, County of Mendocino’s Director of Planning and Building Services



VIA ELECTRONIC MAIL: irvin.saldana@hcd.gov

November 14, 2019

Mr. Irvin Saldana
Dept. of Housing and Community Development
Division of Housing Policy Development
2020 West El Camino Ave.
Sacramento, CA 95833

Re: County of Mendocino 2019-2027 Draft Housing Element

Dear Mr. Saldana:

Legal Services of Northern California provides free legal services to low-income persons in 23 northern California counties, including Mendocino County. The Ukiah Regional Office is located in Ukiah and serves Mendocino and Lake Counties. The County of Mendocino (hereinafter "County") recently submitted a draft housing element to your agency for review. On behalf of our client, Gris Mendoza, please consider the following comments to the County's October 2019 Draft Housing Element (hereinafter "DHE").

Based on our limited review of the County's DHE, we believe it does not substantially comply with State housing element law as described below. By separate correspondence, we will provide further comments regarding the adequacy of the site inventory, consistency requirements and proposed programs; we expect to submit those comments by tomorrow morning.

A. Public Participation

The DHE must demonstrate the "diligent effort to achieve public participation from all economic segments of the community in the development of the housing element." *Gov. Code* §65583(c)(8). The DHE must describe who was invited to participate, which groups actually participated, how comments were incorporated into the housing element, and should also describe any ongoing efforts to engage the public and stakeholders in the implementation of the housing element. *Building Blocks'* website at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation>.

While the County held five meetings in four towns in the month of August 2019, which the County said resulted in a total of 60 attendees between the five meetings (Appendix A, p.195), the County does not elaborate on how any input from the public at these meetings informed the DHE or were otherwise incorporated into the DHE. The County (at p. 4 of the DHE) also

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writes that the DHE (344 pages long) was available for public review on the County's website but fails to specify the exact date it was posted and how the public, including those that participated in the August meetings were specially notified both of the DHE's posting in October 2019 and its calendaring before the Planning Commission. The DHE does not describe any additional outreach (press releases, etc.) or ongoing efforts to inform the public that the DHE was prepared and ready for review and comment.

Moreover, merely holding public meetings does not ensure that members of all economic segments of the community are reached. The County does not describe the efforts it made to invite such broad participation. For example, as identified elsewhere in the DHE, Native Americans are recognized as a special needs group, yet there is no discussion on particular efforts to encourage participation from this group which, according to the DHE, makes up 7.5% of the population (Table 5-2-3, p.28). Additionally, the DHE does not describe any efforts to reach limited-English proficient residents who speak Spanish as their primary language.

The County has not sufficiently demonstrated the diligent effort to encourage inclusive participation and true engagement.

B. Past Performance: Review and Revision

The DHE should include a review of the prior element to evaluate the appropriateness, effectiveness and progress in implementation. *Gov. Code* §65588. It should provide information, which would allow the reader to determine the results achieved through the implementation of the previous element's policies and programs. Those results should be quantified where possible and the differences between what was projected or planned and what was actually achieved should be clearly defined. There should be a description of how the goals, objectives, policies and programs in the updated element are being changed or adjusted to incorporate what has been learned from the previous element. *Building Blocks'* website at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/review-revise>

While the DHE lists prior programs (pages 138-194), it does not sufficiently describe or analyze the difference between what was planned and accomplished. For example, Program 2.1b (p.145) commits to continuing "code enforcement action to identify substandard unsafe housing and sanitary facilities." For this program, the DHE states: "no units were identified during this planning period." The DHE, however, notes in several other sections that substandard housing is a problem in the county (see p. 35 "farmworkers often live in substandard housing"; p.55: "a major concern as of the 2015 housing conditions survey was substandard housing"). Thus, the resulting finding that "no units" were found to be substandard does not align with the county's overall findings about the state of its housing stock. The DHE should provide additional description of how the program result came to be in order to incorporate changes.

As another example, Program 4.1a (p. 165) commits to continuing to support the local public housing authority "in their effort to conduct landlord-tenant workshops throughout the County to educate tenants and landlords about their rights and responsibilities and address concerns." To describe the County's accomplishment, the DHE merely states that the county continues its support. No description is provided of the results achieved through such workshops, including for example whether this lead to additional landlords accepting tenants with vouchers, certificates, VASH, etc. or whether it led to improved fair housing situations, etc.

Yet another example, Program 4.3h (p.175) commits the county to providing planning assistance to address homelessness in the county. To describe its accomplishment with this program, the DHE merely states that the county provides planning assistance “by supporting the COC Plan by assisting the Homelessness Services Planning Group through a coordinated approach countywide.” The DHE provides no further analysis or description (additionally, as noted further below, the “Homelessness Services Planning Group” has not existed under that name for about 7 years now, formalizing itself into the “Mendocino County Homeless Services Continuum of Care”).)

Since the DHE does not provide a clear picture of the past, planning for the future is severely hampered.

C. Housing Resources and Constraints

Emergency Shelters and Unhoused Persons.

The DHE makes a number of misstatements regarding the current state of emergency shelters in the County. Without correct data, the County cannot adequately address the housing needs in the County. *Gov. Code §65583*.

According to the DHE, based on a 2017 Point in Time (PIT) Count there were approximately 1,238 unhoused persons in Mendocino County (p. 39.) Additionally, the DHE states that emergency shelters located in the county provided 129 to 139 beds (p. 39 and Table 5-2-11). This statement creates the impression that such number of beds (and vouchers since the County appears to count motel vouchers as emergency shelter) are available at any given time. However, there is no *year-round* inland emergency shelter other than 14 beds for domestic violence survivors and 6 beds for transition aged youth (ages 18-21). On the coast, the year round emergency shelter in Fort Bragg has 24 beds (Table 5-2-11, p. 40). According to the DHE, in the winter months, the emergency shelter in Ukiah is allowed to open to accommodate up to 46 single persons. Thus, during the non-winter months, there are no shelter beds unless you are a domestic violence survivor or a youth---and even then you may not have access to a shelter bed if the shelters have reached the limited capacity. Thus, the 129-139 bed number is inflated or otherwise misleading. Also, it is unclear why the County is relying on data from 2017 when the PIT count is done every year. In this same section, the County (at p. 39) states that it continues active outreach and coordination with agencies such as “Homeless Services Planning Group.” However, this Group no longer exists under this name and has been known as the Mendocino County Homeless Services of Continuum of Care for approximately seven years.

Additionally, at page 107 of the DHE, in its discussion of housing resources and constraints, the County writes that the “Community Development Commission has assisted local non-profit service providers such as the Ford Street Project with developing several emergency shelters and homeless facilities in the cities of Ukiah, Willits and Fort Bragg.” However, Ford Street Project does not currently operate any emergency shelters in any cities or unincorporated areas in Mendocino County. Additionally, currently, most state and federal funds for homeless services, including emergency shelters, go “through” the Mendocino County Homeless Services of Continuum of Care (CoC), which is a collaboration of homeless services providers,

government staff and officials, the local housing authority, law enforcement, health personnel, unhoused persons and others. The CoC became more formalized after 2012, adopting its own Governance Charter and Board and many funds for services and shelter for the homeless are now channeled through the CoC.

The County should update its information and then re-assess whether it can or should include any programs to address any unmet needs.

Also, while the DHE states that emergency shelters are allowed by right in the inland R-3 and MU-2 and coastal and inland C-1 and C-2 zones, it should more precisely describe how these zones have sufficient capacity to accommodate the needs for shelters identified in the element (once the proper inventory and other information about resources is obtained). *Gov. Code* §65583(a)(4).

Thank you for considering some of our concerns. As noted above, I will be submitting additional comments tomorrow morning. If you have any questions, please do not hesitate to contact me at (707) 513-1023 or amillan@lsnc.net.

Sincerely,

/s/

Angélica M. Millán
Managing Attorney

cc: Client

Brent Schultz, County of Mendocino's Director of Planning and Building Services



November 22, 2019

Mendocino County Department of Planning and Building Services
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Ukiah, CA 95482
VIA EMAIL: pbs@mendocinocounty.org

Re: Mendocino County Housing Element 2019-2027 Update – Administrative Draft and
Addendum to General Plan Environmental Impact Report (EIR) – Mendocino County Housing
Element 2019-2027

The City of Ukiah Community Development Department has conducted a review of Mendocino County's Draft Housing Element, as posted on the webpages of the Mendocino County Planning Commission and Mendocino County Department of Planning and Building Services on October 17, 2019, and respectfully submits the following proposed revisions to the administrative draft of the Housing Element for the County's consideration. Revisions proposed are representative of comments submitted by the City on October 16, 2019 (Attachment 1).

A. Mendocino County Housing Element Update and Ukiah Valley Area Plan

In the current draft 2019-2027 Housing Element Update ("HEU"), very little information from the Ukiah Valley Area Plan ("UVAP") is discussed besides four paragraphs on page 110, and it appears few if any of the UVAP's policies have been integrated into the HEU. This is of concern from a consistency standpoint and may create conflicts with how future housing projects are developed. To address these areas of inconsistency, we suggest the following revisions:

1. Page 10-11, Goal 1, revise Actions as follows:

- Add the following new Action, "1.3b," under Policy 1.3: → "Coordinate all new housing development projects within the planning areas of incorporated cities with representatives of incorporated cities to ensure adequacy of infrastructure, to promote orderly development and the vision and policies of the Ukiah Valley Area Plan, and to protect agricultural lands."
- Change the time frame listed for development of a master tax sharing agreement between the County and its incorporated cities from "annually/ongoing" to → "by December 2020."
- Add the following new Action, "1.3c," under Policy 1.3: → "Support annexation applications to the Mendocino County Local Agency Formation Commission from incorporated cities for annexations of contiguous lands within each city's Sphere of Influence."
 - Add "Responsibility: Planning and Building Services"
 - Add "Time frame: Ongoing, as new applications for annexation by cities are submitted."

- Add the following new Action, “1.3d,” under Policy 1.3: → “Work with the incorporated cities to develop a regional housing plan. The regional housing plan would prioritize new housing development projects within the boundaries of incorporated cities such that adequate infrastructure, including but not limited to water and sewer and transportation infrastructure, is in place to support the development of sustainable communities.” The plan should also, as stated in UVAP Land Use Action 4.2a “restrict issuance of development entitlements until infrastructure is known to be available.”
 - Add “Responsibility: Planning and Building Services”
 - Add “Timeframe: “Draft Regional Housing Plan completed by December 2020;” Final Regional Housing Plan adopted by Board of Supervisors by December 2021.”
- 2. **Page 16, Policy 3.4, change the first sentence of Action 3.4c to read** → “Prior to future Regional Housing Needs Allocation (RHNA) processes, advocate before the Mendocino Council of Governments (MCOG) the County’s strong support for higher density housing development in urbanized or incorporated parts of the County and the shifting of regional housing needs allocation housing unit production numbers to its incorporated cities to be reflective of the adopted regional housing plan” (new Action 1.3c) “and the Ukiah Valley Area Plan.”
- 3. **Page 16, Policy 3.5, add the following actions to reduce constraints to housing production under Action 3.5a** (note these are taken from the UVAP, pages 2-11, 3-14): → “(9) Coordinate permitting requirements for review of new housing projects with all other regulatory agencies. (10) Revise zoning regulations to accommodate mixed-use/compact development and a variety of housing at urban/village densities, and offer incentives such as density bonuses within the code.”
- 4. **Page 110- revise the description under Ukiah Valley Area Plan as follows:**
 - Delete last phrase of last sentence of first paragraph that reads: “many of which increase the availability of single- and multiple-family units.” This statement is not contained in the UVAP and thus not consistent with UVAP principles.
 - Add the following excerpt from page 1-3 of the UVAP to the end of the first paragraph:
→ “The Ukiah Valley Area Plan represents a commitment to a comprehensive and long range inter-jurisdictional planning document that represents the vision and foresight of the people who live and work in the Ukiah Valley.”
 - Also add an excerpt from page 1-5 (under 1.2 Elements of the Ukiah Valley Area Plan) of the UVAP to the end of this first paragraph, with an additional revision proposed within the brackets [] by the City:
→ “If policy or implementing action is in conflict with the adopted General Plan [and by extension this 2019-2027 Housing Element Update], the policy or implementing action from the UVAP shall take precedence over the General Plan.”

B. Mendocino County HEU and Airport Comprehensive Land Use Plan (“ACLUP”)

As stated in our October 16 letter, we find only one instance in the HEU, on page 177, where airports are mentioned (on this page, “airport zones” are noted as constraining development). We suggest the following revisions to ensure consistency between the HEU and ACLUP:

1. **Page 93, Governmental Constraints- add the Airport Comprehensive Land Use Plan in bold font with the following information beneath** (please note that the sections below are taken from the City of Ukiah's adopted 2019-2027 Housing Element):

→ "Based on the Mendocino County Airport Comprehensive Land Use Plan (ACLUP), airport compatibility zones around the Ukiah Municipal Airport create constraints on residential development, regardless of the underlying zoning district.

- Zone A does not allow residential development, and therefore no parcels within Zone A were included in the inventory.
- Zone B1 allows a parcel size of 10 acres with restrictions (Appendix D, ACLUP). For the purposes of this analysis, one unit is assumed per parcel. Zone B1 is appropriate for above moderate-income housing.
- Zone B2 allows a minimum parcel size of 2 acres (Appendix D, ACLUP). For the purposes of this analysis, one unit is assumed per parcel. Zone B2 is appropriate for above moderate-income housing.
- Zone C allows a maximum density of 15 du/ac which meets the default density requirement set by HCD for this area. Sites within Zone C can be counted toward the lower-income housing RHNA, depending on its underlying zone. In certain cases, such as in Low Density Residential areas where the maximum density is 7 du/ac, the allowed maximum density in the underlying zoning district would not qualify a site to be counted as lower-income housing.
- Zone D has no restrictions other than uses that are hazards to flight, and so the underlying zoning district is relied upon to determine the allowed density.

Table 4.2 summarizes the Airport Compatibility Zone Criteria used for this analysis.

**TABLE 4.2
AIRPORT COMPATIBILITY ZONE CRITERIA**

Zone	Location	Maximum Residential Density	Maximum Persons Per Acre	Income Category
A	Runway Protection Zone or within Building Restriction Line	0	10	n/a
B1	Approach/Departure Zone and Adjacent to Runway	10 acres	60	Above-Moderate
B2	Extended Approach/Departure Zone	2 acres	60	Above-Moderate
C	Common Traffic Pattern	15 du/ac	150	Lower-Income
D	Other Airport Environs	No Limit	No Limit	Any



The Ukiah Municipal Airport is the largest airport in Mendocino County and provides an important regional service, both for public safety purposes and local economic development. Ensuring development that is compatible with existing airport environs is an essential function of the Mendocino County Airport Land Use Commission, which reviews projects under requirements in the existing Airport Comprehensive Land Use Plan.

Adopted in 1996, the existing Plan sets both density and height limitations, including that three-story buildings (other than for public facilities) are disallowed in the B2 Infill area north of the airport.

See Figure 5.2 for the Compatibility Zoning Map from the Mendocino County Airport Comprehensive Land Use Plan. Table 5.3 provides details on the compatibility criteria in each of the compatibility zones.

FIGURE 5.2

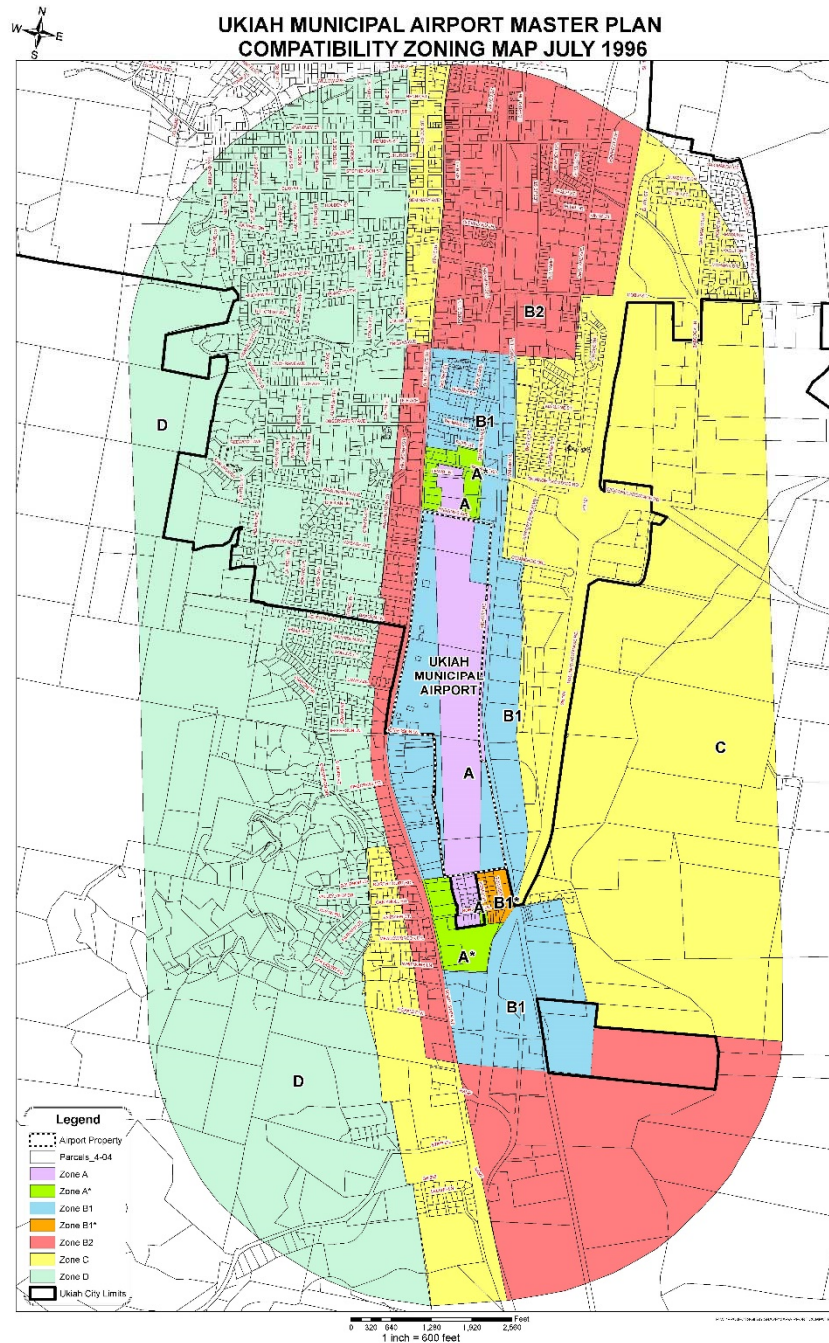


TABLE 5.4
1996 AIRPORT COMPREHENSIVE LAND USE PLAN COMPATIBILITY CRITERIA
 (Excerpt from Table 2A of Plan)

Airport Zone/Location	Open Space Req.	Maximum Densities		Prohibited Uses / Uses Not Normally Acceptable
		Residential	Other Uses (people/ac.)	
A – Runway Protection Zone	All Remaining	0	10	All structures except ones with aeronautical function; objects exceeding FAR Part 77 height limits
B1 – Approach / Departure Zone	30% Required	10 acres	60	Multi-family residential, residential subdivisions
B2 – Extended Approach / Departure Zone	30% Recommended	2 acres	60	Multi-family residential, residential subdivisions

If development projects in the zones listed above can meet the requirements, they can proceed without an Airport Comprehensive Land Use Plan consistency determination from the Mendocino County Airport Land Use Commission (ALUC). However, if any project involves a General Plan amendment, rezoning, or specific plan, or there is a question of compatibility, then the project is required to be submitted to the ALUC for a consistency determination.

As noted in the Table, the Ukiah Airport Master Plan indicates that residential subdivisions and multi-family residences are not normally acceptable in the B1 and B2 airport compatibility zones. However, the Plan also indicates that “These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative exists.”

These constraints result in less opportunity for housing development.

Update to the Mendocino County Airport Comprehensive Land Use Plan

The process of referring a project to the Mendocino County Airport Land Use Commission for a consistency determination, with a possible overrule decision from the Board of Supervisors, can result in months added to the entitlement process timeline, which affordable housing developers in particular often cannot accommodate due to timing requirements of funding sources. County staff and City of Ukiah staff have thus been working with the Mendocino County Airport Land Use Commission to facilitate an update to the ACLUP.

The update to the ACLUP was initiated in February 2019. The updated plan will be approved and adopted by the Airport Land Use Commission, with staff support and funding provided by Mendocino County Planning and Building Services and the City’s Community Development Department.”



C. Other Suggested Revisions

1. **Page 17, Action 3.5a, change (7) to** → “Amend the County’s Inclusionary Housing requirements to allow more flexibility, encouraging greater use of the program.”
 - Add “Responsibility: PBS” and “Timeline: by December 2020”
2. **Page 107, Housing for Homeless Individuals and Families-** the information in the first and second sentences of the second paragraph of this section is inaccurate. We recommend its removal. Additionally, as described in our October 16 letter, under SB 2 the County must identify and list all emergency shelters operating within County unincorporated areas.
3. **Page 119, Circulation- remove the last paragraph of this section** (the paragraph begins “Outside of those two specific areas...”)

Please contact me at cschlatter@cityofukiah.com or 463-6219 with any additional questions.

Sincerely,

Craig Schlatter
Director

CC: 1st District: Supervisor Carre Brown
2nd District: Supervisor John McCowen
3rd District: Supervisor John Haschak
4th District: Supervisor Dan Gjerde
5th District: Supervisor Ted Williams
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Jesse Davis, Senior Planner
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Doug Crane, Vice-Mayor, Ukiah City Council
Steve Scalmanini, Ukiah City Council
Jim Brown, Ukiah City Council
Juan Orozco, Ukiah City Council
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October 16, 2019

County of Mendocino
Department of Planning and Building Services
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Ukiah, CA 95482
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Re: Mendocino County Housing Element 2019-2027 Update – Administrative Draft and
Addendum to General Plan Environmental Impact Report (EIR) – Mendocino County Housing
Element 2019-2027

The City of Ukiah Community Development Department has conducted a review of Mendocino County's Draft Housing Element, first made available for public review on October 7, 2019, and respectfully submits the following comments for consideration regarding the aforementioned project, the Mendocino County Housing Element 2019-2027 Update.

Given the relatively short public review period for the 344-page document, the City's comments below may not fully represent all potential concerns related to the draft Housing Element update. Therefore, we respectfully recommend that the Planning Commission approve the Draft Housing Element for the County Board of Supervisors' adoption with direction to the appropriate staff and consultants that they work with City staff to address comments with the Draft Housing Element before it is presented to the Board of Supervisors. Currently identified comments are discussed below.

A. General Comments

These comments are concerned with the consistency of the Mendocino County Housing Element 2019-2027 Update ("HEU Update") with other Mendocino County planning documents such as the Ukiah Valley Area Plan ("UVAP") and Airport Comprehensive Land Use Plan ("ACLUP"). Comments are also made to address information contained in the HEU Update related to the City's water supply.

1. HEU Update and Ukiah Valley Area Plan

Very little information from the UVAP is discussed in the HEU Update besides four paragraphs on page 110, and it appears few if any of the UVAP's policies have been integrated into the HEU Update. This is of concern from a consistency standpoint and may create conflicts with how future housing projects are developed.



COMMUNITY DEVELOPMENT DEPARTMENT

Page 110, second paragraph, of the HEU Update notes: "As part of the UVAP process, background research indicated that a total of 1,430 new single-family and 296 multiple-family units could be developed throughout the Valley."

- a. We would appreciate if the County could please cite the page number and section in the UVAP as to where this information on potential new housing unit potential in the Ukiah Valley is located.
- b. The vacant and underutilized sites inventory in the HEU Update, reflected for Regions 7 and 10 in Tables 5-4-18 and 5-4-24, appear to demonstrate a total potential unit number in the Ukiah Valley of 499 units. This is significantly different from 1,430 single-family and 296 multiple-family units that are stated as being noted in the UVAP. We would appreciate if the County could please describe the reasons for this significant numerical difference.
- c. The County's population projections on page 26 are significantly different than population projections in the UVAP. For example, in the UVAP, the 2030 population projection in Mendocino County is 111,151, compared to a Housing Element 2030 population projection of 92,655. We would appreciate if the County could please describe the reasons for this significant difference.

2. HEU Update and Airport Comprehensive Land Use Plan

We only find one instance in the HEU Update, on page 177, where airports are mentioned (on this page, "airport zones" are mentioned as constraining development). There is no description of the Mendocino County Airport Comprehensive Land Use Plan, nor of any of the airports within Mendocino County. This seems to be an oversight but should be corrected to ensure consistency between the HEU Update and ACLUP.

Additionally, State Housing Element Law requires identification of all constraints to housing development. We recommend the County describe the ACLUP and basic airport compatibility limitations, including an evaluation of their potential impact on density. We also recommend the County describe the update to the ACLUP for Ukiah Municipal Airport currently underway.

3. Recommendation for a Regional Housing Plan

Section 2-4 of the UVAP states: "by coordinating road, water, sewer, and other infrastructure improvements" [between the City of Ukiah and the County] "before development occurs, we can be sure that it can be implemented concurrent with development and not in response to it."

We recommend the County add a program to its Housing Plan (page 9) to develop a Regional Housing Plan with the incorporated cities of Mendocino County. Such a plan should be designed such



that it articulates the principles of the UVAP. The program should include a deadline within the 8-year planning cycle as to when the regional plan would be completed.

Such a plan should also set hard metrics to inform our community whether the vision articulated in the UVAP is being adequately implemented. Such an approach would have the additional benefit of shifting some of the County's Regional Housing Needs Plan's housing production numbers to those incorporated cities within the County which are best suited to provide municipal services that sustainable communities require.

4. Concern regarding accuracy of the City's Water Resources Data

Table 5-3-21 presents significant issues with the way in which The City's water rights are described. First, from an organizational standpoint, the treatment of the two columns "Water Rights" and "Water Supply" are inconsistent between agencies, and as a result provide redundant information or information that does not speak to what is intended. As an example, for the Russian River Water Conservation and Flood Control District ("RRFC"), the two columns present virtually the same – imprecise (for an example, RRFC has a License, not a Permit) – information, whereas for most of the other entities, the information presented in the two pertinent columns is different, even if that information is imprecise and inaccurate. As another example, the information for Millview County Water District under the "Water Supply" column does not speak to supply at all, but rather to demand.

The City respectfully suggests that the "Water Rights" column be used instead to characterize the right in question – i.e., whether it is a right based on appurtenancy to a stream, appropriation, overlying ownership of land, contract, etc.; the water source of the right; the amount legally available; the season of diversion; etc. For this information, we respectfully direct the County's attention to the State Water Resources Control Board's eWRIMS website so that the County can accurately and precisely characterize the nature of the right in question.

That research will demonstrate in part that the City's Water Right Permit 12952 from 1954 provides that the City has the right to divert 20 cubic feet per second, or approximately 14,480 acre-feet annually. Additionally, the City has a pre-1914 water right to divert approximately 2,047 acre-feet of water annually, and diverts approximately 4,000 acre-feet of groundwater annually.

The City also respectfully suggests that the "Water Supply" column be used to demonstrate how the respective entities manage the water supplies available to them to serve the residents in their jurisdictions.

Second, the County's description of the City of Ukiah's rights to water and its water supplies suffer from significant imprecision and subjective descriptions. The City's rights to water are inaccurately described. While the City does have a right to water that pre-dates 1949, California Water Law provides no such characterization as "pre-" or "post-1949." The City has a Pre-1914 right to divert water from the Russian River. While the City appreciates the parenthetical that properly notes that



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what is its Pre-1914 water right “predate[es] Lake Mendocino”, none of the City’s rights, other than those that lie in contract through RRFC, are based or rely upon Lake Mendocino or the flows from the East Fork of the Russian River upon which all rights based on Lake Mendocino lie. This Pre-1914 right to divert water is the most senior municipal right in Ukiah Valley. Further, what is described as the City’s “post-1949” right is more properly described as its 1954 right to divert approximately 14,480 acre-feet of water from the Russian River. This 1954 right to divert water is the second-most senior municipal right in Ukiah Valley. In addition, the City diverts approximately 4,000 acre-feet of groundwater annually (the Draft Housing Element incorrectly states 1,000 acre-feet), and has a right with RRFC for 800 acre-feet of water per year, which the Draft Housing Element properly notes.

The seniority and resilience of Ukiah’s water resources are further reinforced by the recent curtailments the Ukiah Valley suffered from during the recent drought of record, whereby the City’s right to divert water was not curtailed by the State Water Board, while every other entity in Ukiah Valley which has an appropriative or riparian right was curtailed. During this period, the City donated back to RRFC the contracted 800 acre-feet of water so that that water could be provided to other areas in Ukiah Valley and provided water to our sister entities to mitigate the very real consequences of those curtailments to our community in Ukiah Valley.

Finally, and of concern, is the County’s subjective description of the City of Ukiah’s water supply as “not nearly as robust as face value of water rights would suggest.” The statement is without merit, even upon cursory review of the City’s water rights, public information, and the recent history of curtailment in the Ukiah Valley.

B. Other Comments and Suggested Revisions

We understand Mendocino County is on a short timeline for adoption of the Housing Element. In the period of time the City has had to review the document, we noticed instances of potential inconsistencies and inaccuracies. Consequently, we make the following specific comments and suggested revisions to assist the County in producing a Housing Element Update in full compliance with existing State Housing Element law.

- Page 1- should state the Housing Element is one of seven, not eight, required Elements.
- Page 1- under Legal Basis and Requirements, should state a planning period of eight years.
- Page 4- community participation should note the length of time the Housing Element was made available for public review.
- Page 7- definition of Article 34 should either provide the full definition outlined in Government Code or should be expanded to explain the purpose and applicability of Article 34. This is an often misunderstood term.
- Page 9- the date range for the RHNA process should be 2019 to 2027.
- Page 10- Housing Plan
 - Nearly all the timeframes for implementation for programs listed within the Housing Plan are “ongoing” or “ongoing as projects are processed through the Planning



COMMUNITY DEVELOPMENT DEPARTMENT

Department.” This should instead list out actual dates (within the 8-year planning period) when the implementing action will be completed.

- For example- 1.3a is to “facilitate future annexation and housing development by pursuing a master tax sharing agreement between the County and its cities.”
 - The County should list a date when this will be accomplished.
- Many of the implementing actions are very general. We recommend editing these programs such that they are more prescriptive and measurable.
 - For example, Action 4.3f states “Provide support to the Mendocino County Health and Human Services Agency on housing and services available for persons with developmental disabilities.” Responsibility is PBS and time frame is annually/ongoing.
 - What support will be provided, and how will it be measured? When will this program be completed?
- Page 24- the section related to quantified objectives for housing rehabilitation is to list the number of housing units rehabilitated within the next planning cycle, not what has been accomplished in the previous planning period. If the County has not been successful in rehabilitating housing units, it should list an implementing program to address how it will achieve success in the future.
- Page 39- under viii) homeless, the County has identified number of homeless residents as 1,238. Under SB 2, the Housing Element must describe the capacity and suitability of land/parcels for emergency shelters within the unincorporated areas of the County of Mendocino to accommodate this population. The County cannot rely on the incorporated Cities of Ukiah and Fort Bragg to meet the requirements under SB 2.
- Page 107- under Housing for Homeless Individuals and Families- as stated above, under SB 2 the County must list all emergency shelters operating within County unincorporated areas. The shelter formerly operated by the Ford Street Project is listed in this section, but this shelter closed several years ago and is misrepresentative if still listed. Additionally, the County should address efforts by the Continuum of Care and Health and Human Services Agency to serve this population.
- Page 108- it appears the County is suggesting utilizing its Public Facilities (PF) zoning districts to meet the requirements under SB 2 related to provision of emergency shelters for homeless persons, i.e.: “Therefore, it is reasonable to conclude that there is an adequate supply of land on which to develop group care housing for transitional housing or emergency shelters.”
 - The City has completed its own Housing Element review process with the HCD Division of Housing Policy Development. Our understanding from this review process is the County’s description on page 108 will not be adequate for meeting the requirements under SB 2, unless the PF districts have vacant parcels/buildings suitable for future development of emergency shelters.



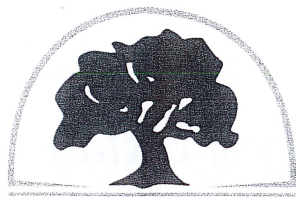
COMMUNITY DEVELOPMENT DEPARTMENT

- Page 119- we do not see the following statement supported by any documented data:
"Outside of those two specific areas, circulation infrastructure plays only a minor role in affecting residential development in the County. Traffic impacts are minor, for the most part, and would not affect potential residential development."
 - The County should cite the study or analysis completed to qualify this statement.
- Pages 323-340 maps are challenging to understand, even using the zoom-in feature. We suggest additional description or identification so that these maps are more accessible.

Please include the City of Ukiah Community Development Department in future correspondence related to this item.

Sincerely,

Craig Schlatter
Director



City of Ukiah

Mendocino County

SEP 09 2019

Planning & Building Services

September 4, 2019

Mendocino County Department of Planning and Building Services
Attn: Brent Schultz, Director
501 Low Gap Road
Ukiah, CA 95482

Re: City of Ukiah comments – Mendocino County Housing Element Update

Dear Mr. Schultz:

Thank you for hosting a recent Housing Element workshop in the Ukiah area. We appreciate the County's early engagement with the community as you begin preparation of the draft document. This letter contains initial comments from the City of Ukiah for the County's consideration.

As the Mendocino County seat and the business, education, and shopping center for much of the region, the City of Ukiah will continue to attract commercial and residential development. Recent State regulatory changes intended to accelerate the production of housing, especially within suburban and urban areas with close proximity to transit and infrastructure, are expected to further increase pressure to construct housing in the Ukiah Valley.

Therefore, and to avoid piecemeal development, the Ukiah City Council requests programs be added to the Mendocino County Housing Element that 1) promote the development of housing of all types and for all income levels; 2) limit outward development beyond urbanized areas and services; 3) encourage higher density development and infill; 4) protect open space and agricultural lands; and 5) limit development in high risk fire zones. Besides ensuring adequate infrastructure is in place for new housing projects, this would also assist in facilitating regional cooperative planning for any transportation improvements, connectivity concerns, and increased needs for public services and public safety.

We look forward to continuing this dialogue and request the County adds the City of Ukiah to its contact list for further updates regarding the Housing Element and opportunities for comments. Please direct future announcements to the City's Community Development Director Craig Schlatter, at (707) 463-6219 and cschlatter@cityofukiah.com.

Sincerely,

Maureen "Mo" Mulheren
Mayor



City of Ukiah

City of Ukiah

CC:

1st District: Supervisor Carre Brown

2nd District: Supervisor John McCowen

3rd District: Supervisor John Haschak

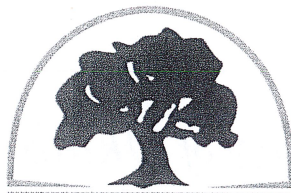
4th District: Supervisor Dan Gjerde

5th District: Supervisor Ted Williams

Julia Acker Krog, Chief Planner

Jesse Davis, Senior Planner

Carmel Angelo, County CEO



City of Ukiah

August 12, 2019

Mendocino County

AUG 15 2019

Mendocino County Board of Supervisors
Attn: Carre Brown, 1st District Supervisor
501 Low Gap Road
Ukiah, CA 95482

Planning & Building Services

Re: County of Mendocino Housing Element – Request for Workshop in Ukiah Valley

Dear Chair Brown:

The City of Ukiah is aware that the County of Mendocino is updating its Housing Element and hosting- or has hosted- community workshops in Fort Bragg and Willits. We are writing to urgently request a workshop be held in the Ukiah Valley.

As the county seat and most populous city, Ukiah is the employment, services, and shopping center for Mendocino County. Ukiah and the Ukiah Valley have the highest concentration of residential housing units in the county, and the need for additional housing units is increasing. In the last five years alone, 145 new housing units have been or are currently under construction in the City of Ukiah, with another 31 entitled.

Additionally, the vast majority of new housing projects proposed or constructed in Mendocino County unincorporated areas within the last five years have been located within the City of Ukiah's Sphere of Influence, with four of these projects located in close proximity to Ukiah City limits.

As the population of the Ukiah Valley continues to grow, it is critical that Valley communities be part of this regional conversation about the need for and allocation of housing countywide. We hope you agree and work with County staff to host a workshop in the Ukiah Valley. If we can assist in any way with the hosting of this workshop, please contact Kerry Randall, Facilities Administrator for the City of Ukiah, at (707) 463-6706.

Sincerely,

Maureen "Mo" Mulheren
Mayor
City of Ukiah



City of Ukiah

CC:

2nd District: Supervisor John McCowen

3rd District: Supervisor John Haschak

4th District: Supervisor Dan Gjerde

5th District: Supervisor Ted Williams

Brent Schultz, Director of Planning and Building Services

Julia Acker Krog, Chief Planner

Jesse Davis, Senior Planner

Carmel Angelo, County CEO

From: Saldana, Irvin@HCD<Irvin.Saldana@hcd.ca.gov>
To: gonzalez@mendocinocounty.org<gonzalez@mendocinocounty.org>
CC: Julia Acker<ackerj@mendocinocounty.org>; Jesse Davis<davisj@mendocinocounty.org>
Date: 11/13/2019 9:12 AM
Subject: Jacob Patterson Comments

[Jacob's initial comments](#)

Irvin,

Thanks. I have many concerns about the Mendocino County draft housing element and will prepare written comments. My concerns fall into two areas: lack of meaningful effort to develop programs to address unmet housing needs for various constituent groups (e.g., the lack of any attention of addressing the already significant and growing mobile homeless population who live in vehicles, including no safe parking pilot program), and lack of necessary content in the analysis sections of the housing element (e.g., completely omitting any analysis or review of components of many of the existing programs/actions and misrepresentations of various facts, including concerning the failure to implement past required actions). In addition, the administrative draft fails to account for the numerous changes in state law that have occurred since the last housing element was adopted and omits necessary new content. The crux of the problem is that the County failed to even start working on the update until it was too late to do an adequate job and still try to meet the adoption deadline to be able to transition to an eight-year planning cycle and now they are rushing an incomplete draft through to try to short-cut the public participation process. For example, the held community meetings seeking public input, as is required, but they failed to incorporate even a single new action or program to address any of the comments or concerns expressed by the public. Moreover, their consultant presented the housing element as a relatively meaningless regulatory compliance document and they purposefully omitted pending relevant actions from the draft because they did not want to have to analyze or address the actual programs in development by the County. In fact, the document was described as a minimal regulatory compliance document. This is opposed to a meaningful effort to try to address the County's serious housing crisis. A huge issue is the lack of reasonable development opportunities for any housing on the vacant sites in the unincorporated county because of a lack of transportation and utility infrastructure that would facilitate development, particularly a lack of adequate water and sewer capacity or infrastructure coupled with outdated County policies concerning water and septic requirements applicable to residential development. Was any of this analyzed or addressed? No or only superficially with unsupported conclusory assertions in place of actual analysis of the very real development constraints that have been hindering the local development of housing for decades.

I would like to schedule a call so we can discuss Mendocino County's administrative draft, which can assist your review and hopefully result in some meaningful improvements during the iterative process. Unfortunately, the draft is so lacking in necessary content that adequate improvements may not be possible due to the constrained timeline.

Regards,

--Jacob

[Jacob's Follow up email.](#)

One thing I can express now was highlighted by the Mendocino County Planning Commissioners during their review of the administrative draft is the observation that section including the evaluation of the effectiveness of the existing programs omits the subparts of several of the programs, which you would only notice if you review the list of programs and check it against how the programs are described in that section of the analysis. The County omitted parts of programs as if they did not exist, usually parts of the programs that they failed to even attempt to implement. In addition, some of the statements regarding the progress of particular programs presents information that doesn't even relate to the program they purport to analyze. Again, this is an attempt to mask the partial or complete lack of progress implementing existing programs. For example, the County's program to complete mandated APRs and submit them to HCD, which they have failed to do until this last year when questioned about it but the analysis of the effectiveness of that program ignores this reality and substitutes reference to completely different periodic reporting of building permit data to the Board of Supervisors as the "progress" meeting that program.

These omissions or irrelevant substitutions highlight an underlying issue of why so little progress has been made in the past planning periods, namely that the housing element is treated as a meaningless administrative burden rather than is ignored and shelved until they are required to update it again. When they do update it, they attempt the bare minimum.