

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

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June 18, 2024

Alexa Smittle, Director
Community Development Department
City of Seal Beach
211 Eight Street
Seal Beach, CA 90740

Dear Alexa Smittle:

RE: City of Seal Beach's 6th Cycle (2021-2029) Subsequent Draft Housing Element

Thank you for submitting the City of Seal Beach's (City) revised draft housing element update received for review on April 19, 2024. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The draft housing element addresses many statutory requirements described in HCD's October 30, 2023 review; however, additional revisions are necessary to fully comply with State Housing Element Law (Gov. Code, § 65580 et seq), as follows:

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))*

Goals, Priorities, Metrics, and Milestones: While the element was revised to include Program actions to address housing mobility enhancement, it must be further revised to include actions that provide new housing choices and affordability in high opportunity areas, and place-based strategies for community preservation and revitalization and displacement protection. As stated in HCD's prior review, all program actions must have specific commitment, metrics, and milestones as appropriate.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Realistic Capacity: While the element was revised to state sites in the City's sites inventory are assumed to develop at a capacity of 80 percent of maximum density, the element does not fully address the likelihood of 100 percent nonresidential uses on sites in the inventory in nonresidential zones. The element should analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

Suitability of Nonvacant Sites: While the element was revised to provide clearer examples of development surrounding the City in Table B-4 and discusses certain characteristics that these sites share with sites in the inventory on pg. B-12, the characteristics of these sites are not clearly linked to sites selection criteria on Page B-15, nor are they linked to specific sites in the City's inventory. In addition, the examples in Table B-4 for comparable residential/mixed-use redevelopment projects in neighboring cities should include all projects within a specific timeframe (e.g., last five years). The element should analyze all development activity in these nonresidential zones, how often residential development occurs and adjust residential capacity calculations, policies, and programs accordingly.

In addition, absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the regional housing need allocation (RHNA). Please see HCD's prior review for additional information.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Programs: As noted above, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other*

exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). (Gov. Code, § 65583, subd. (a)(5).)

Local Processing and Permit Procedures: The element was revised to clarify that the City does not have an approval procedure for housing for agriculture employees and supportive housing. The element includes Program r (Allow Employee/Farmworker Housing Consistent with State Law.); however, this program should be revised to provide a specific date as to when the City will amend the Zoning Code to allow employee housing consistent with Health and Safety Code §17021.5 and 17021.6. In addition, the element includes Program 1k (Emergency Shelters, Low Barrier Navigation Centers and Transitional/Supportive Housing) to address supportive housing; however, this program should also be revised to clarify that the code amendment related to addressing emergency shelter requirements will also address requirements relating low barrier navigation centers and supportive housing.

4. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Approval Time: While the element states approval timelines for single-family and multi-family projects in Seal Beach are difficult to estimate because the City has not received any housing applications in last several years, the City should still provide an estimate on the length of time between receiving approval for a housing development and submittal of an application for building permits based on the level of review, approval findings and any discretionary approval procedures.

5. *Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*

The housing element was not revised to meet this requirement. As noted on the previous review the element must discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, and participation in community workshops, and if translation services were provided. In addition, the element should describe when the element was made available to the public and summarize the public comments and describe how they were considered and incorporated into the element.

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

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed. As this year has passed and Program 1A (Provide Adequate Sites for Housing Through Updates to the General Plan and Zoning Ordinance) has not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning have been completed.

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

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

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

HCD appreciates the assistance the City's housing element team provided during the course of our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Reid Miller, of our staff, at Reid.Miller@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', followed by a long, sweeping horizontal stroke.

Melinda Coy
Proactive Housing Accountability Chief