

Appendix C: Housing Constraints

Contents

Appendix C: Housing Constraints	1
Contents	1
Section C.1 Introduction and Summary	2
C.1.1 Introduction	2
C.1.2 Summary	2
Section C.2 Governmental Constraints	3
C.2.1 Land Use Controls	3
C.2.2 Building and Housing Codes and Enforcement	32
C.2.3 Permits and Procedures.....	34
C.2.4 On and Off-site Improvements	40
C.2.5 Federal Land Uses (NWS Seal Beach)	41
C.2.6 Airport Land Use Commission.....	42
Section C.3 Non-Governmental Constraints.....	43
C.3.1 Housing Supply/Conditions	43
C.3.2 Development Costs.....	44
C.3.3 Availability of Financing.....	46
C.3.4 Market Constraints Summary.....	46
C.3.5 Community Resistance to Housing	46
Section C.4 Environmental and Infrastructure Constraints	47
C.4.1 Environmental Constraints	47
C.4.2 Infrastructure Constraints.....	48

Section C.1 Introduction and Summary

C.1.1 Introduction

This Appendix covers local governmental, non-governmental, environmental, and infrastructure constraints to housing production in Seal Beach.



C.1.2 Summary

City policies and regulations, such as the Zoning Ordinance, and market factors outside of the City's control affect the quantity and type of residential development that occurs in Seal Beach. The following summarizes key governmental and non-governmental constraints to housing development as detailed in this Appendix:

- The minimum unit size requirements (ranging from 950 sq. ft. or 1,200 sq. ft. in certain zoning districts) constrain developing a range of housing types and higher densities.
- Current parking standards limit the feasibility of studio and one-bedroom unit types.
- The City currently does not have an approved Local Coastal Program (LCP), impacting development review period and costs for projects in the Coastal Zone.
- Maximum density standards affect development feasibility by determining the land cost per unit. Even though allowable multi-family residential densities in Seal Beach are technically sufficient to facilitate development of affordable housing, additional incentives/subsidies may be required due to high land values to achieve the City's desired number of affordable housing goals.
- Due to recent legislative updates, zoning provisions for certain residential uses are not consistent with State law (e.g., Low Barrier Navigation Centers, employee/farmworker housing, density bonus, accessory dwelling units, etc.).

- Economic conditions in Seal Beach reflect a competitive housing market for both for-sale and rental housing.

Section C.2 Governmental Constraints

C.2.1 Land Use Controls

General Plan Land Use Designations

Each city and county in California must prepare a comprehensive, long-term General Plan to guide its future. The Land Use Element of the General Plan establishes the basic land uses and density of development within the various areas of the city. Under state law, the General Plan elements must be internally consistent, and the City's zoning must be consistent with the General Plan. Thus, the Land Use Element must provide suitable locations and densities to implement the policies of the Housing Element.

The Land Use Element of the Seal Beach General Plan sets forth the City's policies for guiding local development. These policies, together with the zoning regulations, establish the amount and distribution of land to be allocated for different uses within the city. The Land Use Element provides three different densities of residential land uses displayed in Table C-1. The Land Use Element identifies 1,471 acres for residential uses. Residential uses represent 20 percent of the total acreage in the city and nearly 64 percent of the acreage designated for non-military uses.

Table C-1: Residential Land Use Categories – Seal Beach General Plan

Designation	Maximum Density*	Total Acreage
Low Density Residential (LR)	9	353.7
Medium Density Residential (MR)	17.0	505.4
High Density Residential (HR)		166.4
Planning Area 1 (Old Town/Surfside)	20.0	150.7
Planning Areas 2-3 (Marina Hill/Hellman Ranch/Boeing/Leisure World)	32.2	1,007
Planning Area 4 (College Park)	45.3	15.7

Source: City of Seal Beach General Plan, 2021

*Density expressed in dwelling units per net acre.

Low Density Residential: A minimum lot size of 5,000 square feet is required. Neighborhoods within this designation are developed with stable, high-quality homes and no change in land use patterns in these neighborhoods is expected, with the exception of the addition of ADUs. Low Density Residential neighborhoods include Marina Hill, Surfside, College Park West, and most of College Park East.

Medium Density Residential: The intent of this classification is to allow the development of two units on the typical coastal lot. Nevertheless, many of the properties within this classification are developed with single family homes. A minimum of 2,500 sq. ft. of land area is required for each unit. Areas within this designation include Bridgeport, portions of College Park East, and a neighborhood adjacent to Old Ranch Town Center.

High Density Residential: Three areas of the City fall within this district, which requires 1,350 sq. ft. of land area per unit. In Old Town, single family uses are mixed with multi-family uses including apartments and a mobile home park. The Leisure World development as well as high density developments adjacent to the Shops at Rossmoor represent other examples of this land use.

In addition to these residential land use designations, the Limited Commercial area along Seal Beach Boulevard between Landing Avenue and Electric Avenue contains a mixture of high-density residential, low-intensity office, and small commercial uses. Both mixed-use and exclusive residential development are allowed in this area.

Zoning Districts

The Seal Beach Zoning Code was comprehensively updated in 2010. The Zoning Code provides three residential zones: Residential Low Density (RLD), Residential Medium Density (RMD) and Residential High Density (RHD). The Limited Commercial/Residential Medium Density district also allows exclusive residential or mixed-use development. The relationship between General Plan land use categories and zoning districts is shown in Table C-2.

Table C-2: Residential Zoning Districts

Map Symbol	Zoning District	General Plan Category	Intended Uses
RLD-9	Residential Low Density - 9	Low Density Residential	Single-unit and small, zero-lot line neighborhoods at a base density of up to 15 dwelling units per net acre.
RLD-15	Residential Low Density – 15		
RMD-18	Residential Medium Density - 18	Medium Density Residential	Duplexes, townhouse projects, apartments, and small-lot, single-unit residential uses, at a density of 15 to 18 dwelling units per net acre. Additional density may be achieved through density bonuses.
RHD-20	Residential High Density - 20	High Density Residential	Multi-unit residential developments at a base density of 20 to 46 dwelling units per net acre. Additional density may be achieved through density bonuses.
RHD-33	Residential High Density – 33		
RHD-46	Residential High Density – 46		
L-C/RMD	Limited Commercial/Residential Medium Density	Mixed Use	Limited commercial and office uses in conjunction with residential uses.

Source: City of Seal Beach Zoning Code, 2023

Allowable Residential Uses

There are seven base zoning districts in the city that permit residential use, ranging in allowable density from 9 units/acre in the RLD-9 district to 46 units/acre in the RHD-46 district (Table C-2). Allowable uses include single-family detached houses in the RLD-9 and RLD-15 districts, to multi-family residential condominiums and apartments with base densities from 20 to 46 units/acre in the RHD-20, RHD-33 and RHD-46 districts. As shown in Table C-3, most residential uses are permitted by-right, without discretionary review or design review. Exceptions include large group homes, and some types of residential care facilities, which require approval of a use permit by the Planning Commission. The Limited Commercial/Residential Medium Density (L-C/RMD) district allows commercial use, exclusive residential use, or commercial/residential mixed use.

Table C-3: Permitted Residential Uses by Zoning District

Housing Type	RLD	RMD	RHD	L-C/RMD	PO	SC	GC
Single-Unit Residential	P	P	P	P	-	-	-
Duplex	-	P	P	P	-	-	-
Multi-Unit Residential	-	P	P	P	-	-	-
Manufactured Housing ¹	P	P	P	-	-	-	-
Second Units ¹	P	P	P	-	-	-	-
Group Homes ²	-	-	M	-	-	-	-
Residential Care-General ³	-	-	C	-	C	C	C
Residential Care-Limited ³	P	P	P	P	C	C	C
Residential Care-Senior ³	-	-	C	-	C	C	C
Transitional & Supportive Housing	4	4	4	4	4	4	4

Source: Seal Beach Municipal Code, 2023

Notes:

RLD=Residential Low Density

RMD=Residential Medium Density

RHD=Residential High Density

L-C/RMD=Limited Commercial/Residential Medium Density

PO=Professional Office

SC=Service Commercial

GC=General Commercial

P=permitted as of right

M=minor use permit

C=conditional use permit

1. A manufactured home on a permanent foundation is considered a single-family dwelling

2. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. Includes rooming houses and dormitories but excludes residential care facilities

3. See discussion under Special Needs Housing

4. Permitted subject to the same regulations as for other residential uses of the same type in the same zone

Development Standards

Development standards vary by zone and are described below. During the Zoning Code update process, development standards were reviewed to ensure that they do not prevent projects from achieving densities at the upper end of the allowable density range.

Residential Districts

The zoning district suffix indicates the allowable base density. One house per lot is permitted in the RLD district. In the RMD and RHD districts, multi-family housing is allowed with density determined by the parcel size and the required square footage of lot area per unit. For example,

in the RHD-20 district, the allowable base density is 20 units/acre, which requires at least 2,178 square feet of lot area per unit¹. Additional density is possible through density bonus provisions (Chapter 11.4.55 of the Municipal Code).

The Zoning Code currently requires a minimum unit size of 950 sq. ft. or 1,200 sq. ft., depending on the zoning district (not including ADUs and JADUs). In recognition of the need to promote higher densities and a range of housing types, the City proposes to eliminate or substantially reduce the minimum unit size in the Code. This change will occur as part of a broader Zoning Code update to implement various provisions of the Housing Element. Please see Program 3h (Remove Minimum Unit Size Requirements) to this effect.

Other development standards regulate building height, lot size, unit sizes, setbacks, off-street parking, lot coverage, building separation and landscaping (see Table C-4 below). Setbacks and lot coverages² in particular have been reviewed and found not to be an impediment to achieving maximum permitted density. In general, setbacks have already been designed to accommodate maximized lot use, with three-foot side setbacks in many districts. With the addition of ADU and JADU-related zoning updates, single family zones may further intensify lot use (see Programs 1h, 1i, and 1j for more information).

Limited Commercial/Residential Medium Density (L-C/RMD) District

The only existing base by-right mixed-use or commercial district that allows residential development³, including 100 percent residential developments, is the LC/RMD zoning district. The LC/RMD district allows by-right single-unit residential, duplexes, and multiple-unit residential projects, as well as Residential Care-Limited Uses. The allowable base density for exclusively residential projects in the L-C/RMD district is one unit per 2,500 square feet of lot area (17.4 units/acre) and projects must comply with the development standards of the RHD-20 district. Mixed-use projects allow second floor residential use with a base density of one unit per 2,000 square feet of lot area (21.8 units/acre). For narrow lots (<37.5 feet) there is a 30-foot height limit, while wider lots are allowed a height of 25 feet/2 stories on the front half of the lot and 35 feet/3 stories on the rear half of the lot. Additional height may be allowed at specific locations designated in design guidelines, planned unit developments, or specific plans, or pursuant to density bonus regulations. Development standards for the L-C/RMD district are shown in Table C-5 below.

¹ One acre contains 43,560 square feet of land. At a ratio of 2,178 square feet of lot area per unit, 20 units per acre would be permitted ($2,178 \times 20 = 43,560$).

² As shown in Table C-4 and consistent with Seal Beach Municipal Code Table 11.2.05.015 and Section 11.2.05.015.B, lot coverages of at least 50 percent are allowed for all multi-family housing projects.

³ The Main Street Specific Plan and Service Commercial districts only allow existing residential, which are considered nonconforming uses that may be continued; however, new residential uses are prohibited.

Mixed Commercial/Residential High Density Zone (M-C/RHD)

In addition, to facilitate the development of housing affordable to all income levels and to meet its RHNA, the City is developing a new mixed-use zoning district under Program 1b: Mixed Commercial/Residential High Density Zone. This new district will include development standards that allow for the achievement of a maximum density of 46 dwelling units per acre, and 100 percent residential development, consistent with the assumptions used in preparation of the sites inventory in Appendix B.

Other Districts

Other, special types of zoning districts, such as the Planned Development (PD) Overlay District and Specific Plan Regulation (SPR) District, allow residential development through discretionary actions. These special districts allow for deviations from residential development standards in the underlying base zoning district on a case-by-case basis.

Floodplain Management⁴

Table 11.2.05.015 of the Municipal Code (shown as Table C-4 below) identifies that flood zone heights do apply in all residential districts, as described in Section 11.2.05.015.F of the Municipal Code. Section 11.2.05.015.F identifies that in special flood hazard zones, the maximum allowable height for residential structures is increased by the increase in elevation required to reach the base flood elevation. Therefore, the City's zoning regulations on flood zone heights allow for greater permissiveness in terms of maximum height allowed for residential uses in flood zones, and are not a constraint to housing development.

⁴ Chapter 9.45 of the Municipal Code provides additional floodplain management regulations for uses within Federal Emergency Management Agency (FEMA) special flood hazard areas, but these are also typical of municipal floodplain management procedures and do not represent constraints to housing development.

Table C-4: Development Standards for Residential Zoning Districts

	RLD-9	RLD-15	RMD-18	RHD-20	RHD-33	RHD-46	Supplemental Regulations
Density/Intensity of Use - Lot Dimensions							
Maximum Density (The zoning district suffix indicates the allowable base density in dwelling units per acre)	1 unit per 5,000 sq. ft. of lot area , plus an “Accessory Dwelling Unit”	1 unit per 3,000 sq. ft. of lot area, plus an “Accessory Dwelling Unit”	1 unit per 2,500 sq. ft. of lot area	1 unit per 2,178 sq. ft. of lot area	1 unit per 1,350 sq. ft. of lot area	1 unit per 960 sq. ft. of lot area	See Section 11.4.05.115 for Accessory Dwelling Unit standards. See subsection A for Surfside Standards
Maximum Density with State Affordable Housing Bonus (du/ac)							See Chapter 11.4.55: Affordable Housing Bonus
Minimum Lot Area (sq. ft.)							
Interior Lots	5,000	3,000	5,000	2,500	5,000	5,000	(W) See Section 11.4.05.115 for Accessory Dwelling Unit standards.
Corner Lots	5,500	3,000	5,500	2,500	5,500	5,500	(W) See Section 11.4.05.115 for Accessory Dwelling Unit standards.
Nonresidential Uses	10,000	10,000	10,000	10,000	10,000	10,000	

Table C-4: Development Standards for Residential Zoning Districts

	RLD-9	RLD-15	RMD-18	RHD-20	RHD-33	RHD-46	Supplemental Regulations
<i>Minimum Lot Size (ft.)</i>							
Interior Lots	50 x 100	30 x 80	50 x 100	25 x 100	50 x 100	50 x 100	(W)
Corner Lots	55 x 100	35 x 80	50 x 100	25 x 100	55 x 100	55 x 100	(W)
<i>Minimum Floor Area (sq. ft.)</i>							
Primary Dwelling Unit	1,200	1,200(E)	950	950	950	950	
Junior Accessory Dwelling Unit	150	150	150	150	150	150	
1-Bedroom Accessory Dwelling Unit	400	400	400	400	400	400	
2+-Bedroom Accessory Dwelling Unit	600	600	600	600	600	600	
<i>Maximum Floor Area for Accessory Dwelling Units (sq. ft.)</i>							
Junior Accessory Dwelling Unit	500	500	500	500	500	500	
Detached Accessory Dwelling Unit	1,200 (L-4)	1,200 (L-4)	1,200 (L-4)	1,200 (L-4)	1,200 (L-4)	1,200 (L-4)	
Attached Accessory Dwelling Unit	1,200 (L-4)	1,200 (L-4)	1,200 (L-4)	1,200 (L-4)	1,200 (L-4)	1,200 (L-4)	L-3
Maximum Lot Coverage (%)	(B)	67	50	75 (B)	60	80	(B) (W)
Substandard Lot Standards	Yes	Yes	Yes	Yes	Yes	Yes	(C)

Building Form and Location							
Minimum Yards (ft.)							
Front - Minimum	(D)	(E)	Average 12; minimum 6	Average 12; minimum 6	18	18	(D) (E) (W); L-2
Interior Side - Minimum	(A) (D)	(E)	10% of lot width; 3 ft. minimum; 10 ft. maximum	10% of lot width; 3 ft. minimum; 10 ft. maximum	10% of lot width; 3 ft. minimum; 10 ft. maximum	10% of lot width; 3 ft. minimum; 10 ft. maximum	(A) (D) (E) (W)
Corner Side - Minimum	15% of lot width; 10 ft. maximum	(E)	15% of lot width; 10 ft. maximum	15% of lot width; 10 ft. maximum	15% of lot width; 10 ft. maximum	15% of lot width; 10 ft. maximum	(E) (W)
Rear	10	(E)	5 ft.; but when abutting an alley 24 ft. minus width of the alley	24 ft. minus width of the alley	24 ft. minus width of the alley		(E) (W)
Main Building Envelope							
Flood Zone Heights	Yes	Yes	Yes	Yes	Yes	Yes	(F)
Maximum Height (ft.)	25 (A) (G) (not to exceed 2 stories)	25 (E)	(G)	25 (not to exceed 2 stories)	35	35	(A) (G) (E) (W)
Maximum Height of Downslope Skirt Walls (ft.)	6	6	6	6	6	6	(H)
Projections	Yes	Yes (E)	Yes	Yes	Yes	Yes	(I) (E) (W)

Minimum Distance Between Buildings on the Same Lot (ft.)	6	6	6	6	6	10-20	(J)
Minimum Court Dimensions (ft.)	—	—	—	—	15	15	
Building Design							
Exterior Stairways Prohibited	Yes	Yes	Yes	Yes	No	No	L-1
Porches	Yes	—	—	Yes	—	—	(K)

Vehicle Accommodation							
Off-Street Parking and Loading	See Chapter 11.4.20: Off-Street Parking and Loading						
Maximum Number of Curb Cuts for Driveway	1 (L)	1	1	1	1	1	(L)
Maximum Width of Driveway (ft.)	18	—	—	—	—	—	(M)
Limitations on Parking and Garage Frontage	Yes	Yes	Yes	Yes	Yes	Yes	(N)
Landscaping and Open Space							
Minimum Permeable Surface/Maximum Paving in Street-Facing Yards (%)	60/50	60/50	60/50	60/50	60/50	60/50	(O)
Minimum Site Area Devoted to Landscaping (%)	25	15 (E)	15	Yes	15	15	(E), (P); See also Section 11.4.30.015
Planting Required on Downslope Lots	Yes	Yes	Yes	Yes	Yes	Yes	(Q)
Pedestrian Walkways	—	—	Yes	Yes	Yes	Yes	(R)
Other Development Standards							

Accessory Structures	Yes	Yes	Yes	Yes	Yes	Yes	See Section 11.4.05.100; (W)
2-Story Cabanas/Manufactured Homes	—	—	—	—	Yes	—	(S)
Roof Decks	Yes	—	Yes	Yes	Yes	Yes	(T)
Solar Access	Yes	Yes	Yes	Yes	Yes	Yes	See Section 11.4.10.045
Walls and Fences	Yes	Yes	Yes	Yes	Yes	Yes	See Chapter 11.4.15
General Site Standards	See Chapter 11.4.10: General Site Standards						
Landscaping and Buffer Yards	See Chapter 11.4.30: Landscaping and Buffer Yards						
Signs	See Chapter 11.4.25: Sign Regulations						
Nonconforming Structures	See Chapter 11.4.40: Nonconforming Uses, Structures, and Lots						
Coastal Development Permit	See Chapter 11.4.35: Coastal Development Permit						
Reasonable Accommodations	See Chapter 11.5.30: Reasonable Accommodations						

L-1: Exterior stairways providing access from the ground level and/or the first floor to the second floor or above are prohibited when such stairways are not specifically required by the [California Building Code](#). Exterior stairways may be permitted through the building permit process in the RLD-9 district on properties with a second story kitchen existing as of March 9, 1998. In such a case, a covenant shall be recorded on the title of the property stipulating the property is to be used only as a Single-Unit dwelling. Exception #1: Exterior stairways may be permitted on Single-Unit dwellings located within identified flood zones upon approval of an administrative use permit pursuant to Chapter 11.5.20: Development Permits. Exception #2: Exterior stairways may be permitted on a residential lot to provide ingress and egress to an accessory dwelling unit or junior accessory dwelling unit constructed in accordance with Section 11.4.05.115 of this title.

L-2: Refer to Appendix A - City Council Approved Blanket Setback Variances.

L-3: As used in this section, “living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

L-4: An ADU with a gross floor area between 1,001 and 1,200 square feet is allowed provided a minimum of one parking space is provided for the ADU.

Table C-5: Residential Development Standards for Commercial/Mixed-Use Zoning Districts

DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED-USE DISTRICTS						
	LC/RMD	PO	MSSP	SC	GC	Additional Regulations
Lot Size and Density						
Minimum Lot Size (sq. ft.)	2,500	7,000	2,750	7,000	10,000	
Maximum Floor Area Ratio	0.90	--	--	--	--	
Maximum Residential Density – lot area per unit (sq. ft.)						
Base Density	2,500	--	--	--	--	(A)
Density for Mixed Use Development	2,000	--	--	--	--	(A)
Density – Affordable Housing Bonus	See Additional Regulations	--	--	--	--	See Chapter 11.4.55: Affordable Housing Bonus
Building Form and Location						
Maximum Building Height (ft.)	35	35	30	35	35	(B)
Building Setback on Street Frontages	varies	varies	varies	varies	varies	(C)
Minimum Yard Requirements						
Interior Side	varies	varies	varies	varies	varies	(C)
Rear	varies	varies	varies	varies	varies	(C)
Building Transition Zone Adjacent to R Districts	Yes					(D)
Landscaping and Open Space						
Public Open Space	Yes					(E)
Minimum lot area to be landscaped	5%	10%	0%	10%	10%	See Chapter 11.4.30: Landscaping and Buffer Yards
Minimum required front yard area to be landscaped	60%	--	--	--	--	

	LC/RMD	PO	MSSP	SC	GC	Additional Regulations
Circulation and Parking						
Limitations – Location of Parking	Yes			(F)		
Limitations on Curb Cuts	Yes			(G)		
Limitations – Location of Truck Docks; Loading and Service Areas	Yes			(H)		
Off-Street Parking and Loading	Yes			See Chapter 11.4.20: <i>Off-Street Parking and Loading</i>		
Reduced Parking Requirements	Yes			See Chapter 11.4.20: <i>Off-Street Parking and Loading</i>		
Building Design						
Building Orientation	Yes					(I)
Design Provisions	--	--	Yes	--	--	(J)
Special Requirements for Residential Development						
Open Space (sq. ft. per unit)	100	--	--	--	--	(K)
Side and Rear Yard Setbacks	Yes	--	--	--	--	(L)
Other Applicable Development Standards						
Consistency with Council Adopted Design Guidelines, Area Plans, or Specific Plans	(M)					
Pedestrian Access to Buildings Setback from the Street	(N)					
Projections in to Required Yards	(O)					
General Site Standards	See Chapter 11.4.10: <i>General Site Standards</i>					
Fencing	See Chapter 11.4.15: <i>Fences, Hedges, and Walls</i>					
Parking and Loading	See Chapter 11.4.20: <i>Off-Street Parking and Loading</i>					
Signs	See Chapter 11.4.25: <i>Sign Regulations</i>					
Landscaping and Buffer Yards	See Chapter 11.4.30: <i>Landscaping and Buffer Yards</i>					
Coastal Development Permit	See Chapter 11.4.35: <i>Coastal Development Permit</i>					
Non-conforming Structures and Lots	See Chapter 11.4.40: <i>Non-conforming Uses, Structures, and Lots</i>					

Parking Requirements

Regulations for Off-Street Parking and Loading are provided in Chapter 11.4.20 of the Municipal Code. The City's parking requirements for residential uses vary by residential type. Single-family dwellings require two garage parking spaces per unit with up to 5 bedrooms, three spaces for homes with 6 bedrooms, plus one additional space for each bedroom over 6. In Surfside and in the RLD-9 and RHD-20 districts, the required number of spaces may be reduced by one space if suitable driveway parking is available. Multi-family dwellings require two covered parking spaces plus one uncovered guest spaces for each seven units. A reduction in required parking can be approved through the CUP process (Section 11.4.20.020.B). The parking requirements are summarized in Table C-6 below.

In order to enhance the development feasibility of small apartments, the Municipal Code was amended in 2013 to reduce the required off-street parking for studio and one-bedroom apartments in multi-family projects to one space when the units are reserved for low- or moderate-income households. As part of the Zoning Code Update, to facilitate housing, including the development of "affordable-by-design" units, the City will reduce its parking requirement for studios and one-bedroom units from 2 spaces to 1 space under Program 3j (Reduce Parking Requirements for Studios and 1-Bedroom Units).

Table C-6: Residential Parking Requirements

Type of Unit	Minimum Parking Space Required
Single-Unit Dwelling	2 spaces per studio unit
Attached or Detached Single-Family Dwellings	2 spaces per dwelling unit for each unit with up to 5 bedrooms. 3 spaces per dwelling for each unit of 6 bedrooms or more plus 1 additional space for each bedroom above 6 total bedrooms in the dwelling unit All required spaces must be located in a garage except that parking for single-unit dwellings with 6+ bedrooms in Surfside and in the RLD-9 and RHD-20 districts may be reduced by one space if driveway parking is available.
Multi-Family Units	2 spaces per dwelling unit plus 1 guest space for every 7 units (1 space for studio and 1-bedroom units when restricted to low/moderate-income tenants) All spaces except guest spaces must be located in a garage or carport.
Accessory dwelling units	1 space per unit.
Small Family Day Care	No additional spaces required (besides the required spaces for the residential dwelling)
Large Family Day Care	1 space per employee, with a minimum of 3 provided
Group Housing	0.5 space per unit
Senior Citizen Housing	0.5 space per unit
Transitional Housing	0.5 space per unit
Residential Care, General	1 space per 2 employees, plus 1 space per facility vehicle
Residential Care, Limited	None required above the requirement for the residential dwelling type
Residential Care, Senior	1 space per 5 beds
Live/Work Unit	1 space per unit for each unit smaller than 1000 square feet 1.5 spaces per unit for each unit containing 1000 square feet or greater floor area or 2 or more bedrooms

Source: Seal Beach Zoning Code, Table 11.4.20.015.A.1 State law prohibits cities from imposing parking standards on most ADU's including those located within ½ mile of public transit. 2. States law also prohibits requiring the replacement of parking for conversion of an existing garage, carport conversion, or if a covered parking structure is demolished to be replaced with an ADU or is converted to an ADU.

Planned Development (PD) Overlay District

The purpose of the Planned Development Overlay District (–PD) is to provide for detailed review of development that warrants special review and deviations from underlying development standards. This overlay district is also intended to provide opportunities for creative development approaches that will achieve superior design solutions to that which would be possible if the project were built in full compliance with the required standards of the base district, and will not cause a significant adverse impact on residences to the side, rear, or directly across a street with respect to solar access, privacy and compatibility. Currently there is only one area of the City within a –PD overlay – Leisure World.

The land use and density requirements within a –PD Planned Development Overlay District shall be those of the underlying base district. An application for a Planned Development and any amendment to the Plan shall be processed in accordance with the procedure for conditional use permits.

The City Council may approve a Planned Development Plan that deviates from the minimum lot area, yard requirements, building heights, and other physical development standards defined in the base district, while ensuring compliance with the land use and density requirements of the base district. Physical development standards may be modified if the Planned Development Plan includes examples of superior community design, environmental preservation and/or public benefit amenities.

Prior to submitting an application for a Planned Development Plan an applicant proposing a project over one acre in gross area or that includes publicly owned land is required to schedule a pre-application study session with the Planning Commission to discuss the general acceptability of the project proposal, issues that need to be addressed, and the need, if any, for any interagency coordination. This preliminary consultation helps to streamline the development review process by identifying issues early in the planning process.

Findings for Approval. The City shall approve a PD Overlay District Zoning Map Amendment and Planned Development Plan only if all of the following findings are made:

- The project meets all of the findings required for a conditional use permit pursuant to Section 11.5.20.020: *Required Findings* and the finding that the approved plan is consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and any specific plan.
- Development within the PD Overlay District is demonstratively superior to the development that could occur under the standards applicable to the underlying base district and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors shall be considered:
 - Appropriateness of the use(s) at the proposed location.

- The mix of uses, housing types, and housing price levels.
- Provision of units affordable to persons and families of low and moderate income or to lower income households.
- Provision of infrastructure improvements.
- Provision of open space.
- Compatibility of uses within the development area.
- Quality of design, and adequacy of light and air to the interior spaces of the buildings.
- Overall contribution to the enhancement of neighborhood character and the environment of Seal Beach in the long term.
- Creativity in design and use of land.

Because the PD overlay district creates additional options for projects within the overlay, it does not pose a constraint to residential development.

Specific Plans

Chapter 11.3.25 of the Zoning Code allows the adoption of specific plans pursuant to State law. The City has five specific plans. Only the Hellman Ranch Specific Plan and DWP Specific Plan allow for residential uses, and both are fully developed.

Development Agreements

On August 23, 1999, the City adopted Ordinance No. 1440-A, approving a Development Agreement (DA) between the then-owner of the Old Ranch Golf Course and the City, entitled Development Agreement and Amendment to Memorandum of Understanding Dated July 14, 1997 - Bixby Ranch Towne Center Development Project, August 23, 1998 for the Bixby Ranch Towne Center Development Plan. Pursuant to Sections 3.1.1.3 and 3.2.5.11 of the DA, the owner agreed that uses on parcels within the Golf Course are restricted for a thirty-year period to the following: commercial golf course, public or private; golf course clubhouse; golf driving range and appurtenant driving range uses; golf course maintenance operations; open space; landscaping, and parking for golf course uses. These land use restrictions will end in 2029. The underlying General Plan and zoning provisions applicable to the Golf Course would not currently operate as a constraint on development in the absence of the DA. The Golf Course is designated in the Land Use Element of the General Plan as Quasi-Public (Open Space/Golf), and the property is zoned Recreation Golf (RG); under the Zoning Code, single-unit residential and multi-unit residential are allowed in the RG zoning district with a conditional use permit in conjunction with a golf course.

Effects of Zoning Regulations on the Provision of Low- and Moderate-Income Housing

Zoning regulations have a considerable effect on the development of low- and moderate-income housing. In urban areas, and particularly coastal jurisdictions, high land costs can make affordable housing infeasible without large public subsidies.

In 2004, State law was amended (AB 2348) to identify “default densities” that are considered suitable for lower-income housing. For small metropolitan jurisdictions with less than 25,000 population, the default density is 20 units/acre. However, Seal Beach’s population threshold was adjusted above the 25,000-person threshold in 2022, making the new default density 30 units/acre. Some of the existing Residential High Density (RHD) zoning districts allow densities of 30 units/acre or more, with designations for 33 and 46 units per acre.

Development standards in the RHD districts allow projects to be built at or near the maximum densities. Height limits are 25 feet in the RHD-20 district, allowing for 2-story structures consistent with a voter-approved height restriction; and 35 feet in the RHD- 33 and RHD-46 districts, which allows 3-story structures. Other development standards such as setbacks and lot coverage are typical for the allowable densities. These regulations help to facilitate the production of low- and moderate-income housing.

During the 2010 comprehensive Development Code update process, architects and builders indicated that development standards do not pose any significant constraints to achieving maximum allowable densities. However, nearly all residentially-zoned land is developed, and there is limited capacity for additional housing on these properties. As discussed in Appendix B, the greatest potential for additional residential development is within underutilized commercial areas.

The lack of vacant land is a constraint to new housing development. The City will rezone various parcels in the City to provide additional sites for residential development. This action will require the creation of a new mixed-use zoning district. The City intends to collaborate with design professionals, affordable housing developers, and affected property owners to ensure the new mixed-use standards can result in higher density development that includes an affordability component.

However, due to the lack of vacant land, the City expects developers will rely in part on density bonus provisions to ensure new residential developments include affordable units in developments (refer to Housing Element Program 1c). The City will also revise to its Density Bonus Ordinance to provide incentives for the provision of affordable units (Program 2a).

Seal Beach is committed to implementing a review process and development standards which facilitate, and do not serve to constrain, quality multi-family housing.

Local Coastal Program

Seal Beach does not currently have an approved Local Coastal Program (LCP). As a result, all projects located within the portion of the city that is within the Coastal Zone are subject to review by the California Coastal Commission. This additional requirement represents an impediment to housing development within the Coastal Zone. To address this issue, the City is currently working on the preparation of an LCP. An Ad Hoc General Plan/LCP Committee has been established to provide guidance to staff in this effort. Program 3c describes the City’s efforts toward the

completion of the LCP during the current planning period. Completion of the LCP is targeted for 2025, depending upon funding availability and review times.

While a certified LCP will allow the City to have local control regarding coastal zone land use decisions, the City will still be responsible for implementing the Coastal Act. Policy directives from the California Coastal Commission and HCD often conflict with each other, creating challenges for cities like Seal Beach where a significant portion of the jurisdiction and its residential base is located within the coastal zone.

Provisions of the Coastal Act can come at the detriment of maximum unit yield for residential developments within the coastal zone. For example, the recent Ocean Place housing development at Marina Drive and 1st Street (known as the DWP Property in the former Housing Element) submitted Coastal Development Permit (CDP) Application No. 5-13-003 to the Coastal Commission in 2013 to create a 6.4-acre passive open space park and 32 residential units on the remaining 4.5 acres. The site was originally zoned for visitor-serving commercial use in the 1980s. Coastal Commission originally denied the proposal, on the basis that changing land use from visitor-serving to residential use was inappropriate. A staff report from the Coastal Commission dated August 11, 2014, specifically states: "Private residential use, which is a low priority use under the Coastal Act, is not one of the allowed uses." This statement is followed by: "The applicant continues to propose a residential use, which is a low priority use under the Coastal Act."⁵

The applicant and the City had to spend extensive time and resources to demonstrate that market conditions have changed in the forty years since the visitor-serving use was originally established. Coastal Commission staff preference for the site to be used as a hotel/motel, park, or other visitor-serving commercial over residential use is reiterated several times in documentation associated with this CDP. The project was ultimately approved in March 2015, after two years of complex permitting and negotiation with Coastal Commission.⁶ Several conditions of approval and project changes were imposed by the Coastal Commission, including:

- Park proposal changed from a passive park to active park, including addition of several amenities adding cost to the developer.
- Park and trail improvements must be open for use by the general public prior to any residential occupancy.
- Parcel along Marina Drive was required to be dedicated free of charge, to be developed with visitor-serving uses including lower-cost overnight accommodations.

⁵ California Coastal Commission, *Staff Report: Appeal of Executive Director Determination, Dispute Resolution No. 5-13-1233-EDD*, Submitted June 17, 2014, Staff Report Published August 1, 2014.

⁶ California Coastal Commission, *Staff Report: Revised Findings, Application No. 5-12-1233*, filed October 21, 2014 and approved March 12, 2015.

Over 60% of Seal Beach is located within the Coastal Zone. The Coastal Commission's directive clearly favors uses other than residential on vacant parcels within the coastal zone, which poses a significant regulatory barrier to additional housing projects in over half of the city. CDP processing further complicates the approval process and introduces entitlement risk for a developer. There is also a financial burden for CDP processes that extend into several years or require additional studies to be submitted for Coastal Commission consideration. After the City has an approved LCP, there still is the potential for future residential project challenges and appeals to be raised to the Coastal Commission for decision-making purposes.

Further, sea level rise now must be taken into consideration when issuing CDPs per Coastal Commission's directive. In 2019, a project applicant submitted a CDP to Coastal Commission proposing a lot split at APN 199-064-55 to build two detached housing units on a single vacant lot. Though this property is surrounded on both sides by residential uses in similar size/density, is not waterfront, and does not currently experience flooding or other sea level rise related impacts, Coastal Commission denied the CDP. The property is mapped within a sea level rise hazard zone in a model called CoSMoS (Coastal Storm Modeling System, prepared by the US Geologic Survey). The basis for this decision was stated as "The proposed project was inconsistent with Section 30253 of the Coastal Act, to minimize risks to life and property and assure stability and structural integrity, as the proposal would effectively increase the density and intensity of use of a site in a manner that is different than if the same density were built on a single, unsubdivided lot, in a highly vulnerable area of Seal Beach."

The applicant ultimately withdrew the proposal and resubmitted a new application in 2021. This new application included the same development footprint but eliminated the lot split component and was approved with conditions as application No. 5-20-0646. While the desired density was accomplished without the lot split, Coastal Commission has now introduced concern that lot splits and lot line adjustments in other inland parts of the city will be prohibited in the future. Coastal Commission will continue to evaluate properties within Seal Beach against CoSMoS Sea level rise modeling and the City of Seal Beach Sea Level Rise Vulnerability Analysis, both of which indicate significant portions of the City may be at risk in the future.

Coastal Commission reluctance to increase density can also be found in the Coastal Commission's decision-making regarding ADUs and off-street parking requirements. While Government Code Section 65852.2 and the Seal Beach Municipal Code Section 11.4.05.115 allow some types of ADUs to be exempt from parking requirements, the Coastal Commission historically has not permitted ADUs created through garage conversion projects that eliminate parking in the coastal zone.⁷ The basis for this decision is that eliminating off-street parking would

⁷ The Coastal Commission affirmed this practice recently in its guidance memorandum dated January 21, 2022, entitled "Updates Regarding Implementation of New ADU Laws." This guidance memorandum was issued following the 2020 enactment of AB 68, AB 587, AB 881, AB 670, AB 671 and SB 13.

require residents to park on-street, thus taking away parking spots from potential visitors, particularly in high visitor-serving areas and/or areas with significant public recreational access opportunities, and where on-street parking is heavily used. Allowing for parking exemptions to be made for specific types of ADUs is anticipated to be included in the Seal Beach LCP, but further coordination and approval from Coastal Commission will be required on this topic.⁸

Lastly, as a condition of certain CDPs, some residential properties have deed restrictions that require property owners to waive their right to future shoreline protective devices. Depending how sea level rise hazards materialize, property owners in Seal Beach with recorded waivers would be prohibited by Coastal Commission to construct protective devices. This could result in residential unit loss in the future, and an overall negative impact on housing stock and availability.

Based on the examples covered above, land use decision making and policy directives from the California Coastal Commission significantly impact residential development within the coastal zone. Because directives from the Coastal Commission and HCD may be in conflict, cities like Seal Beach face challenges in trying to meet the expectations of both agencies. The adoption of the LCP and the addition of procedures for CDP waiver or other types of expedited processing, will eliminate a significant time constraint and reduce the level of uncertainty developers face when proposing residential development in Seal Beach.

Provisions for a Variety of Housing

Persons with special needs include those in residential care facilities, persons with disabilities, the elderly, persons needing emergency shelter, transitional or supportive living arrangements, and single room occupancy units. The City's provisions for these housing types are discussed below. Many of these households also fall into the extremely-low-income category.

Definition of "Family"

The Municipal Code defines "family" as "1 or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a "family" need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house." This definition is consistent with current law.

Group Homes

The Municipal Code defines Group Home as:

"A dwelling unit licensed or supervised by any Federal, State, or local health/welfare agency which provides 24-hour non-medical care of unrelated persons who are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Includes: children's homes; orphanages;

⁸ The guidance memorandum also emphasizes the need to ensure that new ADUs or JADUs protect coastal resources

rehabilitation centers; self-help group homes. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of Medical Services - Extended Care.”

Group homes are permitted in the RHD district subject to approval of a Minor Use Permit by the Planning Commission. There are no separation requirements for group homes. However, in order to comply with State law and remove governmental constraints and facilitate special needs housing, the City will amend its Zoning Code as described in Program 3g (Facilitate Residential Care Facilities/Group Homes).

Residential Care Facilities

The Municipal Code allows facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This category excludes transitional housing and community social service facilities. (§ 11.4.85.020.N)

Three types of residential care facilities are recognized in the Code:

1. Residential Care, General. A residential care facility providing 24-hour non-medical care for more than 6 persons in a single unit in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California.

These facilities are conditionally permitted in the RHD (High-Density Residential), PO, (Professional Office), SC (Service Commercial), and GC (General Commercial) districts. Residential care, General uses are subject to the following required findings:

- a. The proposal is consistent with the general plan and with any other applicable plan adopted by the city council;
- b. The proposed use is allowed within the applicable zoning district with use permit approval and complies with all other applicable provisions of the Municipal Code;
- c. The site is physically adequate for the type, density and intensity of use being proposed, including provision of services, and the absence of physical constraints;

- d. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect uses and properties in the surrounding neighborhood; and
- e. The establishment, maintenance, or operation of the proposed use at the location proposed will not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity of the proposed use.

However, to remove governmental constraints and facilitate special needs housing, the City will amend the Zoning Code as described in Program 3g (Facilitate Residential Care Facilities/Group Homes) to review residential care facilities against objective zoning standards that apply to all single-family residences.

2. Residential Care, Limited. A residential care facility providing 24-hour non-medical care for 6 or fewer persons in a single unit, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California. Under state law, a state-licensed residential care facility with 6 or fewer persons is considered a residential use and is permitted subject to the same regulations as other residential uses of the same type in the same zone. This classification includes residential care facilities restricted to persons 60 years of age or older if there are 6 or fewer residents. Six or fewer persons does not include the licensee or members of the licensee's family or persons employed as facility staff.

In accordance with state law, under the Zoning Code, these facilities are permitted by-right in all zones where single-family uses are permitted, including all three residential zoning districts, RLD (Single-Unit Residential), RMD (Medium-Density Residential) and RHD (High-Density Residential) and in the LC-RMD (Limited Commercial/Residential Medium Density Zone) district, and are conditionally permitted in the PO, SC and GC districts. However, to facilitate special needs housing, the City will amend the Zoning Code as described in Program 3g (Facilitate Residential Care Facilities/Group Homes) to allow unlicensed residential care facilities that serve 7 or more residents by-right in residential zones.

3. Residential Care, Senior. A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. Any younger residents must have needs compatible with other residents, as provided in Health & Safety Code §1569.316 or a successor statute. This classification includes continuing care retirement communities and lifecare

communities licensed for residential care by the State of California. These facilities are conditionally permitted in the RHD, PO, SC, and GC districts.

The Special Use provisions of the Municipal Code recognize the following specific types of Residential Care Facilities for the Elderly (RCFE) projects:

- Assisted Living Facility: a residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink, microwave oven) within individual rooms. Assisted Living Facilities include congregate care, board and care homes, and skilled nursing facilities are required to be licensed by the California Department of Social Services.
- Independent Living Center/ Senior Apartment: independent living centers and senior apartments that are multifamily residential projects reserved for senior citizens, where common facilities may be provided, but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
- Life Care Facility: sometimes called “Continuing Care Retirement Communities”, or “Senior Continuum of Care Complex”, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

Development Standards for Residential Care Facilities

Residential care facilities in a residential district must maintain a minimum distance of 300 feet from another such facility. Facilities in all districts must comply with development standards for landscaping, walls, traffic level of service, passenger loading, and delivery hours. (§11.4.05.105) While these regulations are generally consistent with State law and do not pose a significant constraint to their development, the City will amend its zoning code to ensure its residential care facility regulations comply with State law (see Program 3g).

Mobile Home Parks

Mobile home parks are regulated under the Residential High Density (RHD) provisions of the Code. There is one mobile home park in Seal Beach (Seal Beach Shores Trailer Park). In 2000, the Redevelopment Agency issued bonds to allow for LINC Housing, a 501(c)(3) non-profit agency to acquire and manage the park. In 2009, the ownership of the park was transferred to Seal Beach Shores, Inc, a resident-owned 501(c)(3) non-profit entity.

The City recognizes this mobile home park for its contribution to affordable housing. As noted in Chapter III, the Redevelopment Agency has provided rental assistance and rehabilitation loans and grants to residents of the Seal Beach Shores Trailer Park in order to maintain this important supply of affordable housing in the city. Programs 2d and 4b support continued affordability and rehabilitation activities in this park.

Manufactured Housing

The manufacturing of homes in a factory is typically less costly than the construction of individual homes on site thereby lowering overall housing costs. State law precludes local governments from prohibiting the installation of mobile homes on permanent foundations on single-family lots. It also declares a mobile home park to be a permitted land use on any land planned and zoned for residential use and prohibits requiring the average density in a new mobile home park to be less than that permitted by the Municipal Code. A city or county may, however, require use permits for mobile home parks.

Regulations governing manufactured housing are provided in §11.4.05.075 of the Municipal Code and in state regulations (Title 25, California Code of Regulations). As provided for in §11.4.05.075 of the Municipal Code, a manufactured home shall constitute a permitted use in all residential districts, provided that any such manufactured home is certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976 (42 USC 5401 et. seq.), as amended at the time of any application for placement of such manufactured home. Moreover, manufactured homes are included under the definition of a single-family dwelling per Municipal Code §11.6.05.010, and are treated by the City as such for permitting purposes. The City's development standards for mobile homes do not present an unreasonable constraint to this type of development.

Employee/Farmworker Housing

As described in Section A.3.4 of Appendix A, farm workers are traditionally defined as persons whose primary income is from seasonal agricultural work. Historically, Orange County's economy was linked to agriculture. While there are still active farming areas on the Irvine Ranch and in some other cities, shifts in the local economy to production and service-oriented sectors have significantly curtailed agricultural production within the county. Today, Orange County is a mostly developed urban/suburban region with a strong local economy. According to recent Census employment data there are no farmworkers living in Seal Beach.

However, the California Legislature has established that cities must allow the development of employee/farmworker housing commensurate with local needs. State Health and Safety Code (Section 17021.5) requires that cities treat employee housing for six or fewer employees as single-family residential uses and allowed by right in residential zones which allow single-family uses. Employee housing may not be defined as "a boarding house, rooming house, hotel, (or) dormitory."

The City does not currently allow employee housing (also called farmworker housing) in any zoning districts. Pursuant to Program 1q (Allow Employee/Farmworker Housing Consistent with

State Law.), the City will amend the Zoning Code to allow employee housing consistent with Health and Safety Code §17021.5 and 17021.6.

Accessory Dwelling Units (ADUs) and Junior ADUs

Accessory dwelling units (ADUs) and Junior ADUs are regulated by §11.4.05.115 of the Municipal Code, which is intended to implement State law (Government Code §65852.150, §65852.2 and §65852.22) or any successor statutes. ADUs and JADUs that comply with applicable standards are approved ministerially without discretionary review or public hearing.

Several amendments to ADU law have been adopted by the State legislature in recent years. In October 2022 pursuant to Ordinance 1699, the City adopted revised ADU/JADU development standards reflecting legislation from 2019 and 2020 and comments from the California Department of Housing and Community Development. Since that time, additional amendments have been made to State law, and in August 2023, the City again revised the Zoning Code related to incorporate these changes. Program 1h is included in the Housing Action Plan to continue to monitor legislation and update City regulations in conformance with changes in State law, as necessary. In addition, the City will take steps to encourage the development of ADUs, such as creating an amnesty program for units constructed without permits, and provide incentives and other measures to facilitate the construction of ADUs (Programs 1h, 1i and 1j).

Emergency Shelters

California *Health and Safety Code* (§50801) defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.”

In 2013, the Boeing Specific Plan was amended to permit emergency shelters by-right subject to the following development standards:

- Maximum of 25 beds
- Minimum separation of 300 feet between emergency shelters

Sites within this specific plan are located within walking distance of services and employment centers and are served by public transportation. This specific plan encompasses approximately 107 acres of land, which includes two underutilized parking lots in two parcels of approximately 16 and 12 acres that are suitable for shelters. These emergency shelter regulations are consistent with SB 2 and do not pose a constraint to the establishment of such facilities. The maximum shelter size of 25 beds is appropriate in consideration of the number of unsheltered homeless persons in Seal Beach, which was estimated in the most recent Point in Time count to be 8 persons. Under Section 65583 of the Government Code, emergency shelters may include other interim interventions such as a navigation center, bridge housing, and recuperative care. These facilities, in particular navigation centers and recuperative care centers, can operate successfully on limited scales. A 20-bed recuperative care center has operated in conjunction with a non-profit

developer's headquarters in nearby Midway City (unincorporated Orange County island) for many years.

AB 139 (2019) revised State law regarding parking standards for emergency shelters. AB 2339 (2022) made further changes to state laws regarding shelters. To ensure that City development standards and procedures continue to provide adequate sites for emergency shelters, Program 1k includes a Zoning Code amendment to revise zoning standards for emergency shelters consistent with current law.

Low Barrier Navigation Centers

In 2019, the State Legislature adopted AB 101 establishing requirements related to local regulation of low barrier navigation centers, which are defined as "Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing." *Low Barrier* means best practices to reduce barriers to entry, and may include, but is not limited to:

4. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth
5. Accommodation of residents' pets
6. The storage of possessions
7. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms

Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. The Housing Element includes Program 1k to address this requirement.

The City does not have specific parking standards for emergency shelters or other low barrier navigation centers, defined as Community Social Service Facilities in the Zoning Code. The Zoning Code will be amended to include parking standards for emergency shelters, consistent with State law, including establishment of objective standards to provide sufficient parking to accommodate all staff working in the emergency shelter, while not requiring more parking for emergency shelters than for other residential or commercial uses within the same zone. (Program 1k).

Transitional Housing and Supportive Housing

Transitional/supportive housing is normally temporary housing (generally six months to two years) for an individual or family who is transitioning to permanent housing. This type of housing can take several forms, including group housing or multi-family units, and often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living.

In 2013, the Zoning Code was amended to clarify that transitional/supportive housing is a residential use subject to the same standards and requirements as other residential uses of the same type in the same zone, in conformance with SB 2.

In 2018, AB 2162 amended State law to require that supportive housing be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria. The Housing Element includes Program 1k to address this requirement.

Single Room Occupancy (SROs)

Single-room-occupancy (SRO) facilities are small studio-type units intended for one or two persons. SROs can provide an affordable housing option for small households with very low or extremely low incomes. In 2013, the Zoning Code was amended to allow SROs subject to a conditional use permit in the RHD zone. However, to facilitate housing for special needs groups, especially lower-income persons, the City will amend its Zoning Code to allow SROs by-right in the RHD zone.

Housing for Persons with Disabilities

Persons with disabilities normally have certain housing needs that include accessibility of dwelling units, access to transportation, employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services. The Lanterman Developmental Disabilities Services Act (Sections 5115 and 5116) of the California Welfare and Institutions Code declares that mentally and physically disabled persons are entitled to live in normal residential surroundings. This classification includes facilities that are licensed by the State of California to provide permanent living accommodations and 24 hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. It includes hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. The use of property as a licensed residential care facility for the care of six or fewer persons must be considered a residential use that is permitted in all residential zoning districts. No local agency can impose stricter zoning or building and safety standards on these homes than otherwise required for homes in the same district.

Reasonable Accommodation

State law requires that local housing elements “shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.” (Government Code §65583(c)(3)).

Chapter 11.5.30 of the Seal Beach Municipal Code (Reasonable Accommodations) provides standards and procedures for ensuring compliance with federal and state law in order to allow persons with disabilities to have equal access to housing on the same basis as individuals without disabilities. The ordinance includes the following provisions:

- Application procedures, including the accommodation requested and the basis for the request.
- No fee is charged for a Reasonable Accommodation application.
- Concurrent processing may be requested by an applicant when another discretionary permit is also required.
- Decision by the Planning Commission following a noticed public hearing and based on specialized findings, with a right of appeal to the City Council.
- Required findings for approval of a reasonable accommodation, in light of fair housing concerns, as follows:
 1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.
 2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
 3. The requested accommodation will not impose an undue financial or administrative burden on the City as “undue financial or administrative burden” is defined in fair housing laws and interpretive case law.
 4. The requested accommodation will not result in a fundamental alteration in the nature of the City’s zoning program, as “fundamental alteration” is defined in fair housing laws and interpretive case law.
 5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

The Zoning Code also provides factors to guide the decision-maker in making findings on each relevant factor. The City will review its Zoning Code to ensure its reasonable accommodation procedures and findings comply with State and federal law (see Program 5e). The City has also updated its website to describe the reasonable accommodation process. Given the high percentage of elderly persons residing in the City who may require accommodations to age in place, the City will also take steps to disseminate information to this population group.

Density Bonus and Incentives for Affordable Housing

Under State density bonus law, cities must provide a density increase above the otherwise maximum allowable residential density under the Municipal Code and the Land Use Element of the General Plan and other incentives when builders agree to construct housing developments with units affordable to low- or moderate-income households. Chapter 11.4.55 of the Municipal Code (“Affordable Housing Bonus”) sets forth regulations and procedures for providing density bonus or other incentives. In recent years the State Legislature has adopted changes to density bonus requirements. Program 2a in the Housing Action Plan proposes to amend the Zoning Code

to ensure density bonus provisions comply with State law. In addition, the City will amend the Zoning Code to allow density bonus applications to be approved ministerially to provide additional incentives (Program 2a: Streamline the Density Bonus Review Process).

Condominium Conversions

The conversion of apartments to condominiums is regulated by Chapter 11.4.80 of the Municipal Code for all areas of Seal Beach except Leisure World. Key requirements that must be satisfied are summarized as follows:

- Approval of a Conditional Use Permit and a subdivision map.
- Each building as of the date of conversion shall comply with all applicable requirements of the Municipal Code, and the goals and policies of the General Plan, except where the building is nonconforming in compliance with Chapter 11.4.40: Nonconforming Uses, Structures, and Lots.
- Condominium conversions shall observe the following standards for density.
 - RMD-18 District: 2,500 sq. ft. of land per dwelling unit.
 - RHD-20 District: 2,178 sq. ft. of land per dwelling unit.
 - RHD-33 District: 1,350 sq. ft. of land per dwelling unit.
 - RHD-46 District: 960 sq. ft. of land per dwelling unit.
- Separate space heating, water heating, and metering/shutoff valves for water, gas, and electricity for each unit.
- All common attic areas over individual dwelling units shall be separated by sound-rated assemblies and access to each attic space shall be provided in compliance with the California Building Code.
- Tenant's Right to Purchase. As provided in Government Code 66427.1.D., any present tenant of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 90 days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.
- Each non-purchasing tenant not in default under the obligations of the rental agreement or lease under which he occupies his unit shall have not less than 180 days from the date of receipt of notification from the owner of his intent to convert, or from the filing date of the final subdivision map, whichever date is later, to find substitute housing and to relocate. Once notice of intent to convert is served to a tenant, any existing long-term lease agreement may be rescinded by the tenant without penalty. Notification of such termination shall be submitted in writing to the landlord 30 days prior to the termination of the lease.

- From the date of approval of the Tentative Map until the date of conversion, no tenant's rent shall be increased more frequently than once every 6 months, and at a rate not greater than 50% of the rate of increase in the Consumer Price Index (all items, Los Angeles-Long Beach), on an annualized basis, for the same period. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the Tentative Map.
- The subdivider shall provide moving expenses of 2.0 times the monthly rent, but in no case less than \$3,000, to any tenant who relocates from the building to be converted after approval of the condominium conversion by the City, except when the tenant has given notice of his intent to move prior to receipt of notification from the subdivider of his intent to convert.

When a condominium conversion is permitted, the increase in the supply of less expensive for-sale units helps to compensate for the loss of rental units. No requests for condominium conversions have been filed in recent years. Program 4a calls for the continued implementation of the City's condominium conversion Municipal Code section.

Short Term Rentals

A short-term vacation rental (STR) is a rental of a residential dwelling unit or accessory building for periods of less than 30 consecutive days. Over the past few years, short-term rentals have become an increasingly popular form of lodging throughout the country. The City recognizes the potential land use issues that can arise from operating short-term rentals in Seal Beach's neighborhoods, such as parking, noise and trash. In addition, housing units that might otherwise provide long term rental housing for tenants are removed from the rental market, further impacting the shortage of available rental housing in the community. Due to these factors, Section 11.4.05.135 of the Seal Beach Municipal Code formerly prohibited short term rentals of residential properties in all areas of the City. However, two appellate courts have concluded that prohibition of short-term rentals in the Coastal Zone is inconsistent with the Coastal Act. Therefore, the City Council amended the Zoning Code in 2023 to allow STRs within the Coastal Zone, not to exceed one percent of the residential units, pursuant to Ordinance 1701. The City has applied to the Coastal Commission for a Coastal Development Permit, and through that process the regulations adopted by the City Council must be reviewed, potentially modified, and ultimately approved by the Coastal Commission to remain in compliance with the Coastal Act.

C.2.2 Building and Housing Codes and Enforcement

State law prohibits the imposition of building standards that are not necessitated by local geographic, climatic or topographic conditions and requires that local governments making changes or modifications in building standards must report such changes to the Department of Housing and Community Development and file an expressed finding that the change is needed.

The City's building codes are based upon the current California Building Standards Code. Local amendments to the State code have been adopted to require fire sprinklers for some residential construction. Local amendments to Seal Beach Municipal Code Section 9.60.020.060.20 requires an automatic sprinkler system be installed throughout the following residential buildings:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists:

1. New Buildings: Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.

Exception: Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.

2. Existing Buildings: Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
 - a. When an addition exceeds 2000 square feet and the resulting building area exceeds 5000 square feet.
 - b. 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:
 - i. New Buildings: An automatic sprinkler system shall be installed throughout all new buildings, including attached garages.
 - ii. An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 1. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more.
 2. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, is 50%

⁹ Group R is defined by the California Building Code Section 310 as R-1 (transient occupancy sleeping units such as boarding houses, congregate residents, hotels/motels), R-2 (permanent occupancy sleeping units such as apartments, congregate residences, hotels/motels, live work units, vacation timeshares), R-2.1(occupancy in a supervised residential care environment), R-3 (occupants are primarily permanent in nature but not classified in R-1, R-2 or R-4), and R-4 (occupants are primarily permanent in nature, reside in a 24-hour basis in a supervised residential environment and receive custodial care).

or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

- c. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

Sprinklers are generally required throughout Orange County due to the hot, dry and strong Santa Ana winds, particularly in the fall and spring seasons and the potential of fires. While the amended building codes and enforcement increase the cost of development, the requirement for fire sprinklers does not pose a constraint to affordable housing or other residential development within the city.

C.2.3 Permits and Procedures

Residential Permit Processing

State Planning and Zoning Law provides permit processing requirements for residential development. Within the framework of State requirements, the City has structured its development review process to minimize the time required to obtain permits while ensuring that projects receive an appropriate level of review.

Municipal Code Table 11.5.05.025, Review Authority, identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit, and other entitlements required by the Zoning Code. Three levels of review are identified: the

Community Development Director, Planning Commission, and City Council. The typical planning approvals and their respective level of review are as shown in Table C-7.

Table C-7: Residential Permit/Procedure Review Authority

Permit Type	Director	Planning Commission	City Council
Development Permit (Zoning Conformance)	Decision	Appeal	Appeal
Minor Use Permit	-	Decision	Appeal
Conditional Use Permit	-	Decision	Appeal
Subdivision Maps	-	Recommendation	Decision
<i>Source: Seal Beach Zoning Code, Table 11.5.05.025</i>			

However, as shown in Table C-3, all residential uses, from single family detached homes to multi-family apartments, are permitted by-right with no discretionary review if the development application meets the zoning standards and obligations under the California Environmental Quality Act (CEQA) are adequately addressed. This means that no discretionary approvals or public hearings for the residential land use entitlement are needed (except as appropriate for CEQA purposes). It should be noted that the City complies with the Permit Streamlining Act when processing all applications, including applications for residential development.

It should also be noted that if a subdivision map is required, the project must be reviewed by the Planning Commission and approved by the City Council. Residential developments outside the Coastal Zone only require review of project plans by the Planning Division during the plan check process to ensure conformance with applicable regulations and development standards. Projects in the Coastal Zone are currently reviewed for consistency with zoning before the applicant can apply for a Coastal Development Permit. Upon the applicant's submittal of documentation confirming that any required Coastal Development Permit has been obtained, the applicant may apply for approval of a building permit; the building permit process is described below. Assuming development conforms to zoning regulations, no public hearing is required. The typical time required to process these approvals is 30 days.

Required findings for the Community Development Director's development permit (zoning conformance) approval are as follows (Municipal Code Section 11.5.25.010.D):

1. The proposed use and structure conform with the provisions of the Zoning Code;
2. The proposed use and structure are compatible with uses and structures in the immediate neighborhood;
3. The plans provide protection to adjacent structures from noise, vibration and other undesirable environmental factors;
4. Proposed lighting is directed inward and downward to reflect light away from adjoining properties;

5. The following are designed to avoid traffic congestion, protect pedestrian and vehicular safety and welfare and eliminate any adverse effect on surrounding property:
 - a. Structures and improvements;
 - b. Vehicular ingress and egress and internal circulation;
 - c. Setbacks;
 - d. Height of buildings;
 - e. Walls; and
 - f. Landscaping.

Although these findings have not been used to constrain the development of housing supply, Program 3i (Update Findings for Housing Projects to Ensure Objectivity) will modify these findings to ensure that they are objective findings that require no discretion on the part of the Director when applied to housing projects.

In addition to the permit types/procedures identified in Table C-7 above, Chapter 11.5.25 of the Municipal Code (Director Determinations) establishes the procedures for determinations by the Community Development Director. The Municipal Code Section 11.5.25.020 (Minor Modifications) does allow for the Community Development Director to approve minor modifications (including to residential projects) from dimensional requirements of the Code, specifically for setbacks, fences or walls, and buffer yards, as well as to floor or lot coverage for approved plans, up to 5 percent.

Table C-8 reflects the fact that approval timelines for single-family and multi-family projects in Seal Beach are difficult to estimate, since the City has not received single-family or multi-family housing applications in the last several years¹⁰, due in part to process and procedural requirements from the California Coastal Commission. Therefore, representative data to provide an accurate estimate of approval timelines for single-family or multi-family housing in Seal Beach is not available. However, at HCD's request, the City has included estimated approval timeframes based on the level of review (in many cases Director review), approval findings, and discretionary approval procedures (the latter applies for projects that are not exempt from CEQA). The City is anticipating receiving housing development applications during the 6th Housing Element Update Cycle given the many programs in the Main Body Section 4 (Goals, Policies, and Programs) that

¹⁰ While the current, in process Old Ranch Country Club specific plan application includes a housing component, as well as a hotel and modifications to the existing clubhouse and golf facilities, and also includes components to be negotiated under a development agreement. The complexity of this type of project makes the project not representative of typical approval timeframes for housing developments. See Section B.2.2 (Current Projects Pending Approval) in Appendix B for more information.

are designed to facilitate the development of housing, including Programs 1b: Mixed Commercial/Residential High Density Zone and 3c: Local Coastal Program.

Table C-8: Estimated Approval Timelines

Permit/Approval Type	Approval Authority	Estimated Approval Timelines
Development Permit for Single-Family Dwelling/Duplex	Director	1 month
Development Permit for Multi-Family (3+ units)	Director	1 month for CEQA-exempt projects; 6 to 12 months or more for projects that require CEQA review

Note: As stated and shown in Table C-3 above, all residential uses, from single family detached homes to multi-family apartments, are permitted by-right with no discretionary review if the development application meets the zoning standards and obligations under the California Environmental Quality Act (CEQA) are adequately addressed. This means that no discretionary approvals or public hearings for the residential land use entitlement are needed (except as appropriate for CEQA purposes).

Source: City of Seal Beach

In addition, although the City does not have recent data on this, at HCD's request, the City estimates that the time lapse between project approval and application for building permit would typically be six months or less. However, larger projects may see lapses of a year or more, depending on the complexity of the project. More complex projects may take a longer period to prepare a full set of plans and meet any CEQA mitigation measures that might be required prior to securing the building permit. In addition, development projects within the Coastal Zone require discretionary review and approval by the Coastal Commission following review and approval by the City. Coastal Commission review may take as little as two months to more than a year, depending on the complexity of the project. In the future, if the Coastal Commission certifies a Local Coastal Program (LCP) for the City, less complex projects may be reviewed by City staff for compliance with the LCP and Coastal Act, but more complex projects may still require direct Coastal Commission review. See Program 3c (Local Coastal Program) for more information.

Minor and Conditional Use Permits

The City's use permit process is described in Chapter 11.5.20 (Development Permits) of the Municipal Code. This includes both minor use permits and conditional use permits; but again, as described in Table C-3, no use permits are required for single or multi-family residential development in residential zones.

A Minor Use Permit (MUP) is required for Group Housing in the RHD district. A MUP is reviewed and approved by the Planning Commission. The typical time required to process a MUP is 45 days. A Conditional Use Permit (CUP) is required for Group Housing in the PO (Professional Office) district and for Single Room Occupancy units in the RHD district. A CUP is reviewed and approved by the Planning Commission, and the typical time to process a CUP is 60 days. To the extent required by law, the City will modify its group home requirements to ensure compliance with State law as part of a Zoning Code update to occur following adoption of this Housing Element. See Programs 3g (Facilitate Residential Care Facilities/Group Homes) and 3j (Reduce

Parking Requirements for Studios and 1-Bedroom Units) for more information as part of the City's efforts to facilitate development of these types of housing.

An MUP or CUP shall only be granted if the reviewing body finds, based upon evidence presented at the hearing, that the proposal conforms to all of the following criteria as well as to any other special findings required for approval of use permits in specific zoning districts:

1. The proposal is consistent with the General Plan and with any other applicable plan adopted by the City Council;
2. The proposed use is allowed within the applicable zoning district with use permit approval and complies with all other applicable provisions of the Municipal Code;
3. The site is physically adequate for the type, density and intensity of use being proposed, including provision of services, and the absence of physical constraints;
4. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect uses and properties in the surrounding neighborhood; and
5. The establishment, maintenance, or operation of the proposed use at the location proposed will not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity of the proposed use.

Once a project requiring discretionary approval is approved by the Planning Commission, applicants outside the Coastal Zone may move immediately into plan check and building permit issuance. Any documents or information required to satisfy conditions of approval may be submitted and resolved during the plan check process. Upon submittal to the Building Division, which may be done electronically for faster and simpler access, the initial review typically takes 14 to 30 days, depending upon complexity of the project. Corrections, should they be needed, take less than two weeks and often only a few days to review. Once construction commences, building inspections and subsequent permits as needed are almost immediate, with inspections typically being available the day after requested.

Coastal Development

For projects within the Coastal Zone, the applicant must submit an application to the Coastal Commission and obtain approval of a Coastal Development Permit prior to submittal of an application for a building permit from the City. The City has no control over the Coastal Commission review and decision-making timeline. Adoption of the City's LCP (Program 3c) will eliminate this step in the review process for most projects, reducing the overall time required to permit residential development in the Coastal Zone.

Design Review

There are no design review requirements in the city, with exception for some provisions in the Main Street Specific Plan, affecting a very limited geographic area and primarily targeting

commercial street fronts. Objective design standards will be incorporated into the Zoning Code update proposed by Program 1b.

Environmental Review

Environmental review is required for all developments meeting the definition of “projects” under CEQA. Seal Beach has a number of environmental and development constraints due to its sensitive environmental resources and coastal location.

Under State law, an Environmental Impact Report (EIR) is required for any development that has the potential of creating significant impacts that cannot be mitigated, which is typical of large projects. Some residential projects are either Categorical Exempt or require only an Initial Study and Negative Declaration. A Negative Declaration typically takes four to six weeks to prepare, depending on complexity of the project and required technical studies, followed by a state-mandated public review period. Categorical Exempt developments require a minimal amount of time. As a result, environmental review does not pose a significant constraint to housing development in the city.

Residential uses are permitted by right and environmental review is not required, unless the applicant proposes to amend the General Plan or Zoning Code, or deviate from certain standards. As a part of the Zoning Code update (Program 1a), a Program EIR is being developed, which will streamline future development proposals that are consistent with the Program EIR.

Requests to Develop Below Anticipated Densities

Requests to develop housing at densities below those anticipated in the Housing Element may also constitute a constraint to housing development. Over the last housing cycle, the City received one application to develop a site with less units than anticipated. The Ocean Place development (known in the previous Housing Element as the DWP Specific Plan Property) originally proposed to construct 32 units; however, as discussed under the Local Coastal Program in the Governmental Constraints Section, only 30 units were ultimately constructed specifically due to restrictions placed on the project by the California Coastal Commission.

In order to ensure future development implements densities planned for in the Housing Element sites inventory, the City will increase the minimum densities at most housing opportunity sites to 40 units/acre. See Appendix B for more information on the sites inventory.

Permit and Development Fees

State law limits fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Various fees and assessments are charged by the City and other public agencies to cover the costs of processing permit applications and providing services and facilities such as schools, parks and infrastructure. Almost all of these fees are assessed through a pro rata share system, based on the magnitude of the project's impact or on the extent of the benefit that will be derived. Development fees will vary from project-to-project

depending on the specific characteristics. Table C-9 summarizes the development fees for typical residential projects.

Table C-9: Planning and Development Fees

Fee Category	Fee or Deposit Amount
Planning and Application Fees¹	
Pre-Application Conference	\$1,000
Parcel Map	\$7,968
Tentative Tract Map	\$9,960 (varies by size)
Concept Approval (coastal)	\$1,328
Major Site Plan Review	\$6,375
Minor Use Permit	\$885
Conditional Use Permit	\$4,427
Planned Unit Development	\$26,561
Specific Plan	\$26,561
Environmental Review¹	
Categorical Exemption	\$664
Initial Study (review and preparation)	\$2,500 deposit
Negative Declaration	\$10,000 deposit
Environmental Impact Report (review) ²	\$20,000 deposit
Regional Development Impact Fees³	
Water connection fees ⁴	\$5,307
Sewer connection fees	\$2,754
Traffic Impact fees (per unit)	\$789 (condo) \$960 (apartment) \$1,463 (single-family house)
Est. total fee % of total development cost ⁵	SF – 1-3% MF – 3-5%

Source: City of Seal Beach Development Services Department, June 2023

Notes:

1. Items with deposits are based on actual processing costs which may exceed initial deposit amount.
2. Applicant is required to reimburse City for consultant costs.
3. Impact Fees are imposed by regional agencies and vary by location
4. Assuming 1" water service line
5. Assumes development cost of \$1,000,000 for SF and \$600,000 for MF and CEQA exemption

The City periodically evaluates the actual cost of processing the development permits when revising its fee schedule. The current fee schedule is based on a fee study completed in 2021.

C.2.4 On and Off-site Improvements

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, cities and counties have faced increasing difficulty in providing public services and facilities to

serve their residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on land developers.

Developers of residential tracts in the City are required to install arterial and local streets; sewer; water lines; storm drainage; curbs, gutters, sidewalks; street lighting; underground utilities; and landscaping in the public right-of-way within and adjacent to a tract. These facilities are in most cases dedicated to the City or other agencies that are responsible for maintenance. Without the site improvement requirement there are no other means of providing necessary infrastructure to the City's land parcels. Requirements for site improvements are at a level necessary to meet the City's costs and/or service obligations and are necessary to protect health, safety, and welfare. The costs of these required off-site improvements vary depending on the location and type of development. The City may also impose development fees on future housing developments in order to recover some of the cost of installing off-site improvements including upgrading the circulation system and other urban service systems to serve increased density. Seal Beach has the vast majority of necessary infrastructure, such as streets, electrical and water facilities, already in place. Dedication of land or in-lieu fees may also be required of a project for rights-of-way, transit facilities and recreational facilities, consistent with the Subdivision Map Act.

A typical local street requires a 60-foot right-of-way, with two 12-foot travel lanes. The City's road standards are typical for cities in Orange County and do not act as a constraint to housing development. Table C-10 illustrates the City's road improvement standards.

Table C-10: Road Improvement Standards

Roadway Designation	Number of Lanes	Right-of-Way Width	Curb-to-Curb Width
Principal Arterial	8	140'	120'
Major Arterial	6	120'	102'
Primary Arterial	4	100'	84'
Secondary Arterial	4	80'	64'
Local Street	2	60'	36'

Source: City of Seal Beach Public Works Department

The City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets and other public works projects to facilitate the continued build-out of the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with private development.

C.2.5 Federal Land Uses (NWS Seal Beach)

The Naval Weapons Station (NWS) Seal Beach was established in 1944 for weapons and munitions loading, storage and maintenance and has operated continuously into present day. This federal land use occupies 8.2 square miles within the city, accounting for approximately 70% of the jurisdiction. It is estimated that NWS Seal Beach employs about 740 military and civilian

personnel on the installation, with about 320 family members and up to 850 reservists that may be present on training weekends. NWS Seal Beach housing includes 178 enlisted family housing units, 36 units of unaccompanied housing (formerly known as bachelor enlisted quarters or barracks), and eight officer houses; these units are limited to service members stationed on-site.

This federal land use constitutes the majority of land within Seal Beach. Within NWS Seal Beach, the Seal Beach National Wildlife Refuge constitutes approximately 900 acres as a marine protected area to protect environmentally sensitive habitat areas. The Navy contracts with farmers for agricultural uses on-site, primarily north of Westminster Boulevard. While significant acreage of vacant land exists on NWS Seal Beach, federal ownership and active military use prevents additional residential units from being developed on-site without initiative from the federal government. As noted in the land inventory, the Navy is currently moving forward with one site for development.

In the unlikely event military uses are ever vacated from this site, existing environmental constraints would limit development. The Seal Beach National Wildlife Refuge would remain protected, and other sensitive habitats on-site could be identified as well. Contamination and hazardous material clean-up would also be required.

C.2.6 Airport Land Use Commission

The Orange County Airport Land Use Commission (ALUC) is the county entity under the Public Utilities Code (PUC) Section 21670 that assists local agencies in assuring land use compatibility near Orange County airports. The Joint Forces Training Base (JFTB) Los Alamitos is located just north of Seal Beach, and includes the Los Alamitos Army Airfield. As such, portions of the City are located within the Airport Influence Area that ALUC reviews under its Airport Environs Land Use Plan (AELUP). Standards include restrictions on height for safety purposes, as well as noise considerations for compatibility. Most development proposals are accommodated under approvals from the Director or Planning Commission, although amendments to the General Plan and Zoning Code would be reviewed by the ALUC for consistency with the AELUP when required by State law. As the updated Housing Element and Zoning Code Update undertaken as a part of Program 1a would need to be presented to the ALUC, it is not anticipated that individual projects would require further General Plan or Zoning Code amendments, and therefore would not require ALUC review.

Nevertheless, to provide further information on this potential constraint, the following analysis is provided. Nine housing opportunity sites are within planning areas identified in the AELUP, and in drafting the Housing Element, the City reviewed the adopted AELUP for compatibility (also see Section B.2.5 in Appendix B for an in-depth discussion of how the City's housing sites relate to the AELUP). As set forth in the City's General Plan, all development on the proposed housing opportunity sites shall comply with the noise criteria and safety standards set forth in the AELUP. The adopted Housing Element acknowledges the requirement that all elements of the General Plan must be internally consistent, and residential development capacities established in the Land

Use Element and constraints to development identified in the Safety/Noise Element are reflected in the Housing Element. Should a future development trigger review by the ALUC, noise and safety are expected to be the key issues the ALUC would consider. The following sections provide more detail on these topics.

Noise

The AELUP uses the Community Noise Equivalent Level (CNEL) system for measuring noise impacts, which is a weighted average of noise over time. The AELUP defines the noise exposure in the 60-65 dBA CNEL noise contour (Noise Impact Zone 2) as “Moderate Noise Impact” and in the 65-70 dBA CNEL noise contour (Noise Impact Zone 1) as “High Impact.” (AELUP Sections 3.2.3, 3.2.4.) Residential uses are identified as “conditionally consistent” for the 60-65 dBA CNEL noise contour and “normally inconsistent” for the 65-70 dBA CNEL noise contour (AELUP Section 3, Table 1 “Limitations on Land Use Due to Noise”). The AELUP does not prohibit residential uses in either Noise Impact Zone 1 or Noise Impact Zone 2. Instead, the AELUP provides that residential uses should be developed with insulation systems that bring the sound attenuation to no more than 45 dB inside, consistent with the City’s General Plan Noise Element and State Building Code. The City’s Noise Element acknowledges the AELUP; it further states that up to 70 dBA CNEL is conditionally acceptable for multi-family residential uses.

Safety

AELUP Section 2.1.2 (Safety) describes accident potential zones and clear zones at the JFTB. Accident potential zones (APZ) and clear zones (CZ) were set in 1994 and based on Department of Defense criteria. According to the AELUP, prior to 1995, the ALUC utilized a 10-year accident history which found that the accident potential zone was located within the boundaries of JFTB, and no additional accident potential zones are identified in the adopted AELUP beyond the clear zones. No development is proposed by the Housing Element within CZs.

Section C.3 Non-Governmental Constraints

C.3.1 Housing Supply/Conditions

Market Overview: For-Sale Development

As shown in the Needs Assessment (Appendix A, Table A-20), the Region’s home values have increased significantly since 2000 and again in 2012, when they had reached a low point following the Great Recession (2009-2012). From 2000 to 2018, the median home value in the SCAG region and in Seal Beach increased by approximately 151 percent.

Following the recovery from the Great Recession and until 2020, interest rates remained at low levels of 3.5 to 4.5 percent. When interest rates are low, capital investment and housing production generally increase, and more buyers are likely to take out a mortgage than when

interest rates are higher. In addition, consumers are able to borrow more money for the same monthly payment. During the COVID-19 pandemic, national 30-year mortgage rates dropped to even lower levels, declining to as low as 2.65 percent in January 2021. However, interest rates began to increase in early 2022, to 5.3 percent by May 2022, the highest rate since June 2009.¹¹ The increase in home borrowing rates may impact the performance of the home buying market, but the severity of these impacts is uncertain due to the unusual conditions during the pandemic-recovery, including a shortage of housing supply, increased savings, and significant changes to how many Americans work and live.

Market Overview: Rental

As shown in the Needs Assessment (Appendix A, Section A.5.3, Rental Costs), similar to most beach communities in Southern California, Seal Beach rents are relatively high compared to comparable regional rental prices. According to U.S. Census data, the median rent in Seal Beach in 2019 was \$1,907 per month.

Renters bear the brunt of an overall rise in housing costs without the benefit of fixed-rate mortgages. Per the Needs Assessment (Appendix A, Section A.5.3, Rental Costs), Seal Beach renters are less cost-burdened and severely cost-burdened compared to the SCAG region. When looking at renters who are severely cost-burdened across income category in Seal Beach, 19 percent of renters spend 50 or more percent of their income on housing compared to 29 percent of renters in the SCAG region (Appendix A, Table A-22). Additionally, 42 percent of Seal Beach renters spend 30 percent or more of their income on housing and are considered cost-burdened, compared to 55 percent in the SCAG region. In total, 61 percent of Seal Beach renters compared to 84 percent of SCAG region renters experience some level of cost burden.

C.3.2 Development Costs

Land Costs

Land represents one of the most significant components of the cost of new housing. Land values fluctuate with market conditions, and ongoing increases in the housing market have affected land values. Changes in land prices reflect the cyclical nature of the residential real estate market. The high price of land throughout Orange County, especially in coastal areas, poses a significant challenge to the development of lower-income housing. Popular housing and real-estate websites demonstrate this issue; in the surrounding coastal cities of Orange County like Long Beach and Huntington Beach, an acre of land in a coastal city can sell at a premium. Land cost varies greatly depending on lot location, size, configuration, and the ability to support development. Proximity to the coast, San Gabriel River, or other desirable views can increase property value as well.

¹¹ Federal Home Loan Mortgage Corporation (Freddie Mac), [Primary Mortgage Market Survey®](#)

The limited availability of vacant land is a constraint to the development of new housing within the City. Underutilized commercial sites offer the greatest potential for new housing. Additionally, the demographic and customer shift from auto-oriented single-use retail centers to mixed-use, urban and walkable places makes existing successful retail centers candidates for residential development.

Density affects development feasibility by determining the land cost per unit. As discussed in the Governmental Constraints section of this chapter, allowable multi-family residential densities in Seal Beach are technically sufficient to facilitate development of affordable housing in that they allow 20 or more units per acre. Given the high land values, additional incentives/subsidies may be required to achieve the City's desired number of affordable housing goals (see Programs 1a, 1b, 1c, 1d, 1o, 1p, 2a and 2d).

Construction Costs

Construction cost is affected by the price of materials, labor, development standards and general market conditions. The City has no influence over materials and labor costs, and the building codes and development standards in Seal Beach are not substantially different than most other cities in Orange County. In recent years, construction costs for materials and labor have increased at a significantly higher pace than the general rate of inflation.

One indicator of construction costs is the Building Valuation Data, compiled by the International Code Council (ICC). The unit costs compiled by the ICC include structural, electrical, plumbing and mechanical work, in addition to interior finish and normal site preparation. The data are national, and do not account for regional differences, nor include the price of land upon which the building is constructed. The most recent Building Valuation Data, dated February 2021, reports the national average for development costs per square foot for apartments and single-family homes as follows: ¹²

- Type I or II, R-2 Residential Multi-family: \$157.74 to \$179.04 per square foot
- Type V Wood Frame, R-2 Residential Multifamily: \$120.47 to \$125.18 per square foot
- Type V Wood Frame, R-3 Residential One- and Two-Family Swelling: \$130.58 to \$138.79 per square foot
- R-4 Residential Care/Assisted Living Facilities generally range between \$152.25 to \$211.58 per square foot

Additionally, labor costs are influenced by the availability of workers and prevailing wages. In January 2002, SB 975 expanded the definition of public works and the application of the State's

¹² International Code Council, *Building Valuation Data – FEBRUARY 2021*, <https://cdn-web.iccsafe.org/wp-content/uploads/BVD-BSJ-FEB21.pdf>, accessed December 15, 2021.

prevailing wage requirements. It also expanded the definition of what constitutes public funds, capturing significantly more projects (such as housing) beyond just public works that involve public/private partnerships. Except for self-help projects, SB 975 requires payment of prevailing wages for most private projects constructed under an agreement with a public agency aiding the project. As a result, prevailing wage requirement substantially increases the cost of affordable housing construction. In addition, a statewide shortage of construction workers may be further exacerbated by limitations and restrictions due to the current COVID-19 pandemic. Although construction costs are a significant factor in the overall cost of residential development, the City of Seal Beach has no direct influence over materials and labor costs and must comply with regulations under SB 975.

C.3.3 Availability of Financing

Seal Beach is typical of Southern California communities with regard to private sector home financing programs and interest rates. In recent years, mortgage interest rates have been very low by historic standards, resulting in increased affordability for home purchasers with good credit. However, as interest rates rise, purchasing power declines. The high cost of housing units in the city may create challenges for the ability of potential buyers to fulfill down-payment requirements on a home that is not affordable. Conventional home loans typically require 5% to 20% of the sales price as a down payment. Program 3b, which would support a federal tax credit program, may assist in making home ownership more affordable.

C.3.4 Market Constraints Summary

Higher for-sale prices and comparable market rents and higher land costs compared to other parts of the SCAG region impose constraints for attracting new housing development in Seal Beach. Additionally, due to high housing demand, Seal Beach is generally built out, so future housing development will be constrained by existing development, require demolishing existing structures, improvements, and uses, and/or be developed on infill sites (the latter forms the majority of the City's sites inventory as described in Appendix B). The lack of available vacant land may constrain housing production due to the increased costs associated with redevelopment.

C.3.5 Community Resistance to Housing

Another constraint to housing production in Orange County and Seal Beach is community resistance to new developments. There are various concerns often expressed, including new housing developments will cause increased traffic, place a burden on other infrastructure (e.g., water supply, schools, etc.), adversely affect community character, and result in loss of valuable open space. Regardless of the factual basis of the concern, vociferous opposition can slow or stop development.

While potential opposition to affordable housing exists in many communities throughout Southern California, Seal Beach allows multi-family developments by-right in residential zones to facilitate project review and approval. The City continues to inform the community about State requirements for streamlining housing and works diligently to maintain compliance with ongoing amendments to State law.

Section C.4 Environmental and Infrastructure Constraints

C.4.1 Environmental Constraints

Environmental constraints include physical features such as steep slopes, fault zones, floodplains, sensitive biological habitat, and agricultural lands. In many cases, development of these areas is constrained by state and federal laws (e.g., FEMA floodplain regulations, the Clean Water Act and the Endangered Species Act, and the state Fish and Game Code and Alquist-Priolo Act).

The most noteworthy environmental constraints in Seal Beach are seismicity and soil stability related to a shallow groundwater. The Newport-Inglewood fault runs through the city. Since the city's topography is relatively gentle, steep slopes and landslides are not a major concern.

The City's land use plans have been designed to protect sensitive areas from development, and also to protect public safety by avoiding development in hazardous areas. While these policies constrain residential development to some extent, they are necessary to support other public policies. In Southern California, nearly all development projects face potential community-wide environmental constraints such as traffic, noise and air quality impacts, in addition to site-specific constraints. None of the sites identified in the land inventory (Appendix B) have site-specific environmental constraints that would preclude the assumed level of development.

Coastal constraints related to sea level rise are discussed alongside the Local Coastal Program in the Governmental Constraints section. Additionally, two major wetland areas are located within the City: the Los Cerritos Wetlands, located on the Hellman Ranch Property, and the Seal Beach National Wildlife Refuge, located on the NWS Seal Beach property. Several development proposals were issued over the years to develop Hellman Ranch and failed for various reasons. In 1981, the City approved a 1,000-unit project by Ponderosa homes that was ultimately denied by Coastal Commission because the project did not provide for wetlands conservation. In 1989, the City approved a 329-unit project by Mola Development Corp., but the project was ultimately blocked by lawsuits. In 1996, John Lang Homes proposed a 70-unit project to occupy about 10 percent of the property. As part of this proposal, Coastal Commission required portions of the Hellman Ranch Property to be deed restricted for future wetland restoration. During the grading process, cultural resources and Native American burials were found on-site. Ultimately, the project was scaled back to 64 homes. While Hellman Rancho/Los Cerritos Wetlands area

constitutes a significant acreage of vacant space within the city, this area is not suitable for residential development in the future.¹³

Similarly, the 900+ acre wetlands located on NWS Seal Beach are protected as a National Wildlife Refuge. In the unlikely event the US Navy elects to vacate its property in Seal Beach, these wetlands would continue to be protected by US Fish and Wildlife Service. Other land use limitations associated with NWS Seal Beach is discussed under Federal Land Uses within the Governmental Constraints section, above.

Wildfire severity zones and FEMA flood zones can also pose constraints to development. The CalFire Fire Hazard Severity Zone map does not identify any very high fire hazard severity zones in Seal Beach. The AFFH mapping tool identifies some areas that are within a FEMA 100-year flood zone. The only significant flood zone in the city exists almost entirely within the NWS Seal Beach area. Some minor flood zones exist along the coast, a small flood zone at the western edge of Census Tract 995.04, and a small flood zone surrounding Old Ranch Country Club in Census Tract 1100.12. It is unlikely that these hazard zones would significantly hinder housing development. See Appendix C.2.1 (Land Use Controls) above for an analysis of the City's existing floodplain management regulations.

C.4.2 Infrastructure Constraints

The majority of Seal Beach is built out and has the necessary infrastructure, streets, electrical lines, and water distribution already in place for new development. New development is able to tap into existing water and sewer lateral lines, with no new sewer or water mains necessary. The City's General Plan identifies adequate infrastructure and public service capacity to accommodate the anticipated build out. As part of the zoning effort, environmental review will be conducted and all service providers asked to identify any potential deficiencies and means to provide the required capacity.

The City of Seal Beach provides several utilities and services to customers within the city including water, sewer, street sweeping, and tree trimming. External providers provide customers with dry utilities. Electricity is provided through Southern California Edison. Internet service is provided through Spectrum. The City's Urban Water Management Plan was updated in 2021, and recognizes the 6th Cycle RHNA allocation. Furthermore, the Urban Water Management Plan forecasts residential water savings over time due to anticipated changes in codes, standards, and public outreach on water conservation.

The City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets and other public works projects to maintain existing infrastructure and facilitate

¹³ The Orange County Register, *New hands at the ranch*, <https://www.ocregister.com/2006/08/19/new-hands-at-the-ranch/>, accessed December 15, 2021.

the continued build-out of the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with development. Capacity for additional units would be created as build-out continues and specific projects are proposed. Providers have priority for low-income units.