

Appendix E: Public Participation Summary

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Section 65583(c)(5) of the *Government Code* states that "The local government shall make diligent effort to achieve public participation of all the economic segments of the community in the development of the housing element, and the program shall describe this effort." Public participation played an important role in the formulation and refinement of the City's housing goals and policies and in the development of a Land Use Plan which determines the extent and density of future residential development in the community.

The City conducted a diligent public outreach and engagement effort for development of the 2021-2029 Housing Element. The aim of this outreach was to better understand the perspective of all segments of the community and produce more effective and context-sensitive policies and programs to support housing development and address special needs populations. Public outreach also allowed the City to identify concerns of citizens and housing service providers and integrate local knowledge into the Housing Element that was not available in reports, online, or in City documents and may not have been initially apparent.



This Appendix summarizes the outreach efforts and input received in two sections:

- **Summary of Public Engagement:** An overview of the participants and public comments received.
- **Documentation:** Copies of the City's public notice list and a publicly available F&Q resource guide produced to support the outreach efforts.

Early in the Housing Element update process the City created a web page (<https://www.sealbeachca.gov/Departments/Community-Development/Planning-Development/Housing-Element-Update>) where Frequently Asked Questions (see below), an online housing survey, meeting notices, agendas, draft documents and other reference materials were posted for review. The City received 14 comments regarding the information presented on the website.

The City also created a Housing Element Ad Hoc Committee to assist in the selection of housing sites. This committee held two public meetings.

Housing organizations, service providers and other interested parties that were included in the distribution of public notices are shown in Table C-1. Table C-2 provides a summary of questions raised during Housing Element preparation and responses to those questions.

As shown in Table C-1, more than a dozen organizations representing the interests of lower-income households, persons with special needs, and affordable housing developers were invited to participate in the Housing Element update at each step of the process.

City residents and other interested stakeholders had many opportunities to recommend strategies, review, and comment on the Housing Element update.

City Council/Planning Commission study session	March 8, 2021
Housing Element Ad Hoc Committee meeting	April 5, 2021
Housing Element Ad Hoc Committee meeting	April 27, 2021
City Council/Planning Commission study session	September 20, 2021
Planning Commission public hearing	January 18, 2022
City Council public hearing	February 7, 2022
ALUC Hearing	February 17, 2022
City Council public hearing to overrule ALUC	August 29, 2022
Zoning Update Study Session	April 24, 2023
Zoning Update Community Meeting (Tentative Date)	October 11, 2023

During the review process, including review by HCD, three (3) letters or emails were received. These letters addressed a variety of issues and concerns, including the need to focus on households with extremely low and low incomes; compatibility with the adjacent JFTB; land use restrictions that may prevent housing development; and the desire for a more interactive public participation process.

The City has also engaged key stakeholders in discussions about the zoning changes that must be made to accommodate the RHNA. These stakeholders include planners, development professionals, a mortgage broker, real estate investors, property managers, an affordable housing advocate, affordable housing developers, and former City officials, both elected and appointed. Many were residents of Seal Beach. The stakeholders have informed the approach to promoting housing in the Main Street/Downtown area, and development of mixed-use areas. The City has also engaged in discussions with representatives from the Navy to discuss the need for affordable housing and how a collaboration might also address the Navy's needs for services for its employees and service members. Discussions with affordable housing developers occurred regarding potential development of the City's site on the Navy base (See Section 4 of the Housing Element for relevant programs).

Prior to submittal of the all drafts to HCD for review, this document was posted on the City's website for seven days to solicit public comment. Notice of the draft's availability was shared with all persons/organizations who requested to be notified of milestones in the Housing Element review process.

Table C-1
Public Notice Distribution List
City of Seal Beach Housing Element Update

<p>Kennedy Commission 17701 Cowan Ave., Suite 200 Irvine, CA 92614</p>	<p>League of Women Voters of Central Orange County P.O. Box 10621 Santa Ana, CA 92711</p>	<p>OC Association of Realtors 25552 La Paz Road Laguna Hills, CA 92653</p>
<p>Neighborhood Housing Services of OC 198 W. Lincoln Ave., 2nd Floor Anaheim, CA 92805</p>	<p>Habitat for Humanity of Orange County 2200 S. Ritchey St. Santa Ana, CA 92705</p>	<p>Jamboree Housing Corp. 17701 Cowan Avenue, #200 Irvine, CA 92614</p>
<p>The Related Companies of California 18201 Von Karman Ave Ste 900 Irvine, CA 92612</p>	<p>Community Housing Resources, Inc. 17701 Cowan Avenue, Suite 200 Irvine, CA 92614</p>	<p>BIA/OC 17744 Sky Park Circle #170 Irvine, CA 92614</p>
<p>Dayle McIntosh Center 501 N. Brookhurst Street, Suite 102 Anaheim, CA 92801</p>	<p>OC Housing Providers 25241 Paseo de Alicia, Suite 120 Laguna Hills, CA 92653</p>	<p>Regional Center of Orange County P.O. Box 22010 Santa Ana, CA 92702-2010</p>
<p>OC Business Council 2 Park Plaza, Suite 100 Irvine, CA 92614</p>	<p>OC Housing Trust 198 W. Lincoln Ave., 2nd Floor Anaheim, CA 92805</p>	<p>Neighborhood Housing Svcs of OC 198 W. Lincoln Ave., 2nd Floor Anaheim, CA 92805</p>
<p>Mercy Housing 480 S Batavia St Orange, CA 92868</p>	<p>OC Housing & Community Development Attn: Rebecca Leifkes 1501 E. St Andrew Place, First Floor</p>	<p>Orange County Housing Authority 1501 E St Andrew Pl Santa Ana, CA 92705</p>
<p>City of Long Beach Development Services Department Linda F. Tatum, Director 411 W. Ocean Blvd., 3rd Floor Orange County Water District Michael Markus, General Manager 18700 Ward St Fountain Valley, CA 92708</p>	<p>City of Los Alamitos Development Services Department Ron Noda, Acting Director 3191 Katella Avenue Orange County Sanitation District Jim Herberg, General Manager 10844 Ellis Avenue Fountain Valley, CA 92708</p>	<p>City of Huntington Beach Community Development Dept Ursula Luna-Reynosa, Director 2000 Main Street – 3rd Floor City of Garden Grove Comm. and Economic Development Lisa Kim, Director/ACM</p>

Rossmoor Community Services District Joe Mendoza, General Manager 3001 Blume Dr, California Coastal Commission South Coast District Amber Dobson, District Manager 301 E Ocean Blvd Suite 300, Long City of Westminster Community Development Department Alexa Smittle, Director 8200 Westminster Boulevard Gabrieleno Tongva Nation Sam Dunlap P.O. Box 86908 Los Angeles, California 90086 Juaneño Band of Mission Indians Joyce Stanfield Perry, Tribal Manager 4955 Paseo Segovia Irvine, California 90603 Soboba Band of Luiseño Indians Joseph Ontiveros, Cultural Resource Director P.O. Box 487 Coast Community College District 1370 Adams Avenue Costa Mesa, Ca. 92626	OC Development Services Amanda Carr, Interim Deputy Director P.O. Box 4048 Santa Ana, CA 92702-4048 Southern California Edison P.O. Box 800 Rosemead, CA 91770 Gabrieleño Band of Mission Indians Kizh Nation Andrew Salas, Chairman P.O. Box 393 Gabrieleño/Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson P.O. Box 693 Juaneño Band of Mission Indians - Acjachemen Nation David Balardes 32161 Avenida Los Amigos Ti 'AT Society Cindi Alvitre 6515 East Seaside Walk #C Long Beach, California 90803 Joint Forces Training Base, Los Alamitos 4522 Saratoga Ave, Building 15 Los Alamitos, CA 90720	Naval Weapons Station Seal Beach Gregg T. Smith, Public Affairs Officer SoCal Gas Company Centralized Correspondence PO Box 1626 Monterey Park CA 91754-8626 Gabrieleno Tongva Indians of CA Tribal Council 5450 Slauson Avenue, Suite 151 PMB Gabrielino Tongva Indians of California Tribal Council Robert Dorame, Chairperson P.O. Box 490 Juaneño Band of Mission Indians Alfred Cruz P.O. Box 25628 Santa Ana, California 92799 Los Alamitos Unified School District 10293 Bloomfield St. Los Alamitos, CA 90720 OC Airport Land Use Commission 3160 Airway Avenue Costa Mesa, CA 92626
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Table C-2
 Summary of Public Comments
 City of Seal Beach 2021-2029 Housing Element Update

Comment	Response
Since most single-family lots are allowed 2 ADUs, does the sites inventory allow the City to assume the total potential number of ADUs for RHNA purposes?	State policy does not allow the full ADU potential to be assumed for RHNA purposes. Cities may estimate potential future ADU production based on past trends.
What does “by-right” development mean?	“By-right” means the development review process must be based only on objective standards involving no personal judgment.
If a property is listed in the inventory of housing sites, is the City or the property owner required to develop the property during the 8-year planning period?	No – the sites listed in the inventory only indicates that the potential exists for additional housing development. However, through various programs, the City is encouraging and facilitating development at these sites.
If a property listed in the inventory of housing sites is shown as having potential for low-income housing, can the property only be developed with affordable housing?	No – sites shown as accommodating low-income housing only indicates that the property is considered suitable for low-income housing under State law. Generally, sites that allow a density of at least 30 units/acre are considered suitable for low-income housing in cities with a population of greater than 25,000 in Orange County.
How were the issues in Seal Beach that limit development areas, such as sensitive environmental areas and Federal Government land ownership, factored into the Housing Element and RHNA?	These issues were considered as part of the RHNA process and the Housing Element discusses these constraints to housing development. Moreover, environmental impacts are discussed in the CEQA document for this project.
Affordable housing is very unlikely to be built in high-cost areas like Seal Beach. What happens if the City doesn’t meet the RHNA goals?	Cities that do not achieve their RHNA allocations may be required to offer “streamlined” permit processing under SB 35.



City of Seal Beach

2021 Housing Element FAQ

1. What is a Housing Element?

State law¹ requires each city to adopt a comprehensive, long-term General Plan for its physical development. The Seal Beach General Plan² is divided into the following "elements" or chapters that contain goals, policies and programs intended to guide land use and development decisions:

- Land Use
- Circulation
- Cultural Resources
- Growth Management
- Housing
- Noise
- Open Space
- Safety

The purpose of the Housing Element is to evaluate the housing needs of current and future residents of Seal Beach and set forth policies and programs to address those needs.

While most portions of General Plans typically have a time horizon of 20-25 years, State law requires that Housing Elements be updated on 8-year "cycles." The City is now preparing a Housing Element update for the 2021-2029 planning period, which is referred to as the "6th Housing Element cycle" in reference to the six required updates that have occurred since the comprehensive revision to State Housing Element law in 1980.

State law³ establishes detailed requirements for Housing Elements, which are summarized in California Government Code Section 65583:

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.

¹ California Government Code Sec. 65300 et seq.

² <https://www.sealbeachca.gov/Departments/Community-Development/Planning-Development/General-Plan>

³ California Government Code Sec. 65580 et seq.



Seal Beach 2021 Housing Element FAQ

2. What is Housing Element “certification” and why is it important?

The State Legislature has delegated to the California Department of Housing and Community Development (“HCD”) the authority to review Housing Elements and issue findings regarding the elements’ compliance with the law.⁴ When HCD issues a letter finding that the Housing Element is in substantial compliance with State law it is referred to as “certification” of the Housing Element.

Housing Element certification is important for two main reasons:

- **Local control.** The General Plan and its various elements provide the foundation for the City’s land use plans and development regulations, and the Housing Element is part of the General Plan. If the City were challenged in court on a planning or zoning matter and the General Plan were found by the court to be invalid, the court could order changes to City land use plans or regulations and assume control over City land use decisions. HCD certification establishes a “rebuttable presumption of validity”⁵ that the Housing Element complies with State law, which would support the City’s legal defense. Recent laws also allow courts to impose fines on a jurisdiction if it fails to adopt a Housing Element in compliance with State law.⁶
- **Eligibility for grant funds.** Some State grant funds are contingent upon Housing Element certification. Grants can help to cover the cost of some projects that would otherwise rely on the City’s General Fund.

Seal Beach adopted its last Housing Element update in 2013, which was certified by HCD as fully compliant with State law.

3. What are the most important issues that must be addressed in the Housing Element update?

The major issues that must be addressed in the Housing Element update are: 1) how City policies, plans and regulations help to meet the region’s housing needs for persons and families of all income levels; and 2) how City land use regulations accommodate the special housing needs of those with disabilities or other difficulties.

- **Accommodating Regional Housing Needs.** Under State law⁷ all cities are required to plan for additional housing to accommodate population growth and address existing housing problems such as overcrowding and high housing cost. State law recognizes that cities generally do not build housing, since that is typically the role of private developers and builders. However, cities are required to adopt policies and development regulations to encourage a variety of housing types that are affordable for persons of all income levels. The Regional Housing Needs Assessment (“RHNA”) is the method by which each jurisdiction’s share of new housing needs is determined (see #5 below).

⁴ California Government Code Sec. 65585

⁵ California Government Code Sec. 65589.3.

⁶ AB 101 of 2019

⁷ California Government Code Sec. 65583



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- **Housing for Persons with Special Needs.** Under State law⁸ cities must also ensure that their plans and regulations encourage the provision of housing for persons with special needs including:
 - ✓ Reasonable accommodation for persons with disabilities
 - ✓ Transitional housing
 - ✓ Supportive housing
 - ✓ Emergency shelters and other facilities serving the homeless
 - ✓ Large (5+) families

4. What is “affordable” housing?

By definition, housing is considered “affordable” when total housing cost, including utilities, is no more than 30% of a family’s gross income. State law describes five income categories, which are based on county median income as shown in Table 1.

Table 1. Household Income Categories

Income Category	% of county median income
Extremely low	Up to 30%
Very low	31-50%
Low	51-80%
Moderate	81-120%
Above moderate	Over 120%

Source: California Government Code Sec. 65584(f)

Affordable housing costs for all jurisdictions in Orange County are determined based on the income categories shown in Table 2. These incomes, rents and housing prices are based on a 4-person family and are adjusted for different family sizes.

Table 2. Income Categories and Affordable Housing Costs - Orange County

Income Category	Maximum Income	Affordable Rent	Affordable Price (est.)
Extremely Low	\$38,450	\$961	(1)
Very Low	\$64,050	\$1,601	(1)
Low	\$102,450	\$2,562	(1)
Moderate	\$123,600	\$3,090	\$500,000
Above moderate	Over \$123,600	Over \$3,090	Over \$500,000

Assumptions:

- Based on a family of 4 and current State income limits
- 30% of gross income for rent or principal, interest, taxes & insurance
- 5% down payment, 3.75% interest, 1.25% taxes & insurance, \$350 HOA dues

Notes:

- (1) For-sale affordable housing is typically at the moderate income level
- Source: Cal. HCD; JHD Planning LLC

5. What is the “RHNA” why is it important?

Each California city is required to plan for new housing to accommodate a share of regional needs. The Regional Housing Needs Assessment (“RHNA”) is the process established in State law⁹ by which housing needs are determined.

⁹ California Government Code Sec. 65583(a)(5)



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Prior to each planning cycle the total new housing need for each region of California is determined by HCD based upon economic and demographic trends, existing housing problems such as overcrowding and overpayment, and additional housing needed to ensure reasonable vacancy rates and replace units lost due to demolition or natural disasters.

Seal Beach is located within the Southern California Association of Governments (“SCAG”) region, which includes Los Angeles, Orange, Riverside, San Bernardino, Imperial and Ventura counties. The total housing need for the SCAG region is distributed to cities and counties by SCAG based upon objectives and criteria established in State law.¹⁰

In 2019 HCD determined that the total new housing need for the entire SCAG region in the 6th Housing Element cycle is 1,341,827 units. SCAG then prepared a RHNA plan, which fully allocated the total RHNA to jurisdictions in the SCAG region.¹¹

Table 3 shows the RHNA allocations for Seal Beach, Orange County, and the entire SCAG region.

Table 3. 6th Cycle RHNA - Seal Beach, Orange County and SCAG Region

	Seal Beach	Orange County	SCAG Region
Housing need allocation 2021-2029	1,243	183,861	1,341,827

Source: SCAG, 3/4/2021

The RHNA also distributes each jurisdiction’s total housing need into four income categories (the extremely-low and very-low categories are combined for RHNA purposes). The 6th cycle RHNA allocation for Seal Beach by income category is shown in Table 4.

Table 4. 6th Cycle RHNA by Income Category - Seal Beach

Extremely Low + Very Low	Low	Moderate	Above Moderate	Total
258	201	239	545	1,243

Source: SCAG, 3/4/2021

6. Is the RHNA a construction mandate?

The RHNA allocation identifies the projected amount of additional housing a jurisdiction would need in order to have enough housing at all price levels to fully accommodate its assigned share projected growth over the 8-year planning period while also eliminating existing problems of overcrowding and overpayment. The RHNA is a *planning requirement* based upon housing need, *not a construction quota or mandate*. Jurisdictions are not required to build housing or issue permits to achieve their RHNA allocations, but some provisions of State law establish specific requirements when housing production falls short of RHNA allocations. One such requirement is streamlined review and approval of housing development applications that meet specific

⁹ California Government Code Sec. 65584 et seq.

¹⁰ California Government Code Sec. 65584(d)

¹¹ <https://scaq.ca.gov/housing>



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standards.¹² Other than requirements for streamlined permit processing, there are currently no legal or financial penalties imposed on cities for failing to achieve their RHNA allocations.

7. What must cities do to comply with the RHNA?

The Housing Element must provide an evaluation of the city's capacity for additional housing based on land use patterns, development regulations, other development constraints (such as infrastructure availability and environmental conditions) and real estate market trends. The analysis must be prepared at a parcel-specific level of detail and identify properties (or "sites") where additional housing could be built consistent with City regulations. This evaluation is referred to as the "sites analysis" and State law requires the analysis to demonstrate that the city has adequate capacity to fully accommodate its RHNA allocation in each income category. If the sites analysis does not demonstrate that adequate capacity exists to fully accommodate the RHNA, the Housing Element must describe what steps will be taken to increase capacity commensurate with the RHNA – typically through amendments to land use and zoning regulations that could facilitate additional housing development. Such amendments typically include increasing the allowable residential density or allowing housing to be built in areas that are currently restricted to only non-residential land uses.

8. Why are cities in high-cost areas expected to have affordable housing? Low-cost housing is not economically feasible here due to high land prices.

State housing laws are based on the premise that every city has an obligation to accommodate a range of housing types for persons at all income levels. Every community is dependent on a variety of low- and moderate-income workers in jobs such as landscaping, building maintenance, child and elder care, medical technicians, personal services, clerical support and retail trade. While the existing housing stock serves the needs of many residents, market rents and prices are higher than some families can afford. In addition, low-wage jobs have increased at a much faster rate than affordable housing is being built.

While cities are not required to build new housing, they must ensure that their land use regulations encourage a full range of housing types. Rental apartments typically provide the majority of affordable housing, but other types of housing such as accessory dwelling units (ADUs) can also help to address this need. Various governmental programs provide funding assistance for affordable housing, but if a city's development regulations do not allow development of additional housing commensurate with projected need, the housing needs of the local workforce may be shifted to other cities.

¹² California Government Code Sec. 65913.4 (SB 35 of 2017)



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9. Seal Beach is fully developed. Why is the RHNA allocation so high?

SCAG's 6th cycle RHNA allocation for the entire 6-county region is 1,341,827 units compared to 412,137 units in the 5th cycle. There are two main reasons why the 6th RHNA allocation is so much higher than the 5th cycle.

First, the 5th cycle RHNA allocation was established in 2012 while the severe economic effects of the "Great Recession" were discouraging growth. As a result, the 5th RHNA was uncharacteristically low. For comparison, SCAG's 4th cycle (2006-2013) RHNA allocation was approximately 700,000 housing units.

Second, for the 6th cycle the State made a major modification to the process for determining RHNA allocations. In prior RHNA cycles, total housing need was based only on *projected population growth*. However, for the 6th RHNA cycle the State added *existing need* to the total RHNA calculation. Existing need includes households that are currently overcrowded (defined as more than one person per room) or are overpaying for housing (defined as more than 30% of gross income). The total 6th cycle RHNA allocation for the SCAG region is comprised of the sum of existing need and projected need, as follows:

Existing need:	577,422 units
Projected need:	<u>764,405 units</u>
Total need:	1,341,827 units

As seen from this breakdown, if existing need were excluded (as was the case in prior RHNA cycles) the total need would be similar to the 4th cycle RHNA.

With regard to jurisdictional RHNA allocations, the methodology adopted by SCAG for the 6th cycle places greater emphasis on the proximity of housing to jobs and public transit rather than availability of vacant developable land. As a result, the urbanized areas of Los Angeles and Orange counties are assigned much higher housing need as compared to prior cycles even though they generally have much less vacant land than inland areas.

The RHNA allocations assume that in many urbanized cities of Orange and Los Angeles counties, a significant portion of new housing needs will be met through the redevelopment of older commercial properties.

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