

---

# INTRODUCTION TO THE HOUSING ELEMENT

---

The availability of decent housing and a suitable living environment for every family has been an ongoing concern to all levels of government. In California, this concern is addressed by the California Government Code requirement that each City adopt a Housing Element as a mandatory part of its General Plan. Of the mandated General Plan Elements, the Housing Element is the only one that is required to be updated on a specific schedule. The Housing Element is also subject to review by the State Department of Housing and Community Development (HCD).

In order to address a community's changing housing needs, Housing Elements are to be updated every four to eight years. State Planning Law mandates that jurisdictions within the Southern California Association of Governments (SCAG) region adopt revisions to their Housing Elements by October 15, 2021. There are two relevant Housing Element time periods:

- 2013-2021: The previous planning period began on October 15, 2013, and ~~ended~~ on October 15, 2021
- 2021 -2029: The current Housing Element planning period ~~begains~~ on October 15, 2021 and ends in October 15, 2029.

The planning period for the 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) as prepared by SCAG, is from June 30, 2021 to October 15, 2029, an eight-year period.

The Housing Element includes the following sections:

Section	I	Introduction
Section	II	Summary of Issues, Needs, Constraints and Opportunities
Section	III	Goals and Policies
Section	IV	Housing Programs
Appendix	A	Review of Past Performance
Appendix	B	Housing Sites Inventory Assessment
Appendix	C	Affordable Housing Resources
Appendix	D	Affirmatively Furthering Fair Housing
Appendix	E	Public Participation (Community Engagement Plan)
Appendix	F	References

---

## PURPOSE OF THE HOUSING ELEMENT

---

The purpose of the Housing Element is to achieve an adequate supply of safe, affordable housing for all economic segments of the community, including individuals with special housing needs. An effective housing element provides the necessary conditions for conserving, preserving and producing an adequate supply

of housing affordable at a variety of income levels and provides a vehicle for establishing and updating housing and land-use strategies to reflect changing needs, resources, and conditions.

The Land Use Element of the City's General Plan is concerned with housing in a spatial context while the Housing Element identifies housing programs aimed at meeting the identified housing needs of the City's population. The Tustin Housing Element includes the identification of goals, policies, and programs that focus on: 1) housing affordability, 2) rehabilitating substandard housing, 3) meeting the existing demand for new housing, and 4) conserving the existing affordable housing stock. Section II and Appendix D for additional information on the City's demographic profile.

## **SCOPE AND CONTENT OF ELEMENT**

---

The State Legislature recognizes the role of the local general plan, and particularly the Housing Element, in implementing statewide housing goals. Furthermore, the Legislature emphasizes the promotion of and affirmatively furthering fair housing opportunities throughout the State, regional and local levels of government and for all economic segments of a community. The Legislature's major concerns with regard to the preparation of Housing Elements are:

- Recognition by local governments of their responsibility to consider economic, environmental and fiscal factors and community goals set forth in the General Plan in contributing to the attainment of State housing goals;
- Recognition of responsibility by the State and local governments to utilize vested powers to facilitate, improve and ensure the provision adequate housing for all economic segments within a community;
- Cooperative efforts by all levels of government to provide housing to low- and moderate-income households;
- Cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate housing needs; and
- Designating and maintaining a supply of land and adequate suitable sites suitable, feasible and available for housing development.

The State Department of Housing and Community Development (HCD) set forth specific requirements regarding the scope and content of housing elements.

## **CONSISTENCY WITH STATE PLANNING LAW**

---

The preparation of the City's Housing Element is guided by and must conform to Section 65580 et seq. of the California Government Code. In the introduction of these Government Code sections, the Legislature establishes a policy that the availability

of housing in a suitable environment is of vital statewide importance, and a priority of the highest order. It further states that local governments are to address the housing needs of all economic segments, while considering the economic, environmental and fiscal factors and community goals set forth in the General Plan. This Housing Element complies with statutory requirements of Government Code Sections 65580 - 65588.

## **GENERAL PLAN CONSISTENCY**

---

According to State planning law, the Housing Element must be internally consistent with the other General Plan elements. Certain goals and policies of each element may also address issues that are primary subjects of other elements. This integration of issues throughout the General Plan creates a strong base for the execution of plans and programs and ultimate attainment of community goals. The Housing Element is most closely tied to the Land Use Element as residential development capacities established in the Land Use Element are incorporated into the Housing Element.

The Tustin General Plan includes the following elements:

- Land Use
- Housing
- Circulation
- Conservation/Open Space/Recreation
- Public Safety
- Noise
- Growth Management

The Land Use Element directly relates to the Housing Element by designating areas of the City in which a variety of residential types and densities exist.

The Housing Element's relationship to the Conservation, Open Space, and Recreation Element is conditioned by the need to serve a growing population's recreational needs in the areas of the City with the highest density. Also, housing needs for low cost land must be balanced by the need to conserve natural resources.

The Circulation Element attempts to provide an efficient and well-balanced circulation system. This system must be designed to accommodate allowed land uses, including residential uses, and the intensity of allowable uses should not exceed the ultimate capacity to accommodate them.

The Public Safety Element relates to the Housing Element by designating areas that are unsafe for development such as high fire severity zones, Alquist-Priolo Zones, floodplains, etcetera.

Similar to the Public Safety Element, the Noise Element relates to the Housing Element by addressing a health-related issue area. Techniques for reducing noise often involve buffers between land uses.

The Growth Management Element overlaps the issues raised in the Housing Element in its efforts to ensure that the planning, management, and implementation of traffic improvements and public facilities are adequate to meet the current and projected needs of Orange County.

The Tustin Housing Element is consistent with the goals and policies set forth in the adopted General Plan, ~~and but~~ also incorporates new [residential](#) development opportunities presented by the Red Hill Avenue Specific Plan and the Downtown Commercial Core Specific Plan, [Tustin Legacy Specific Plan and other parts of the City](#).

Pursuant to new State law, the City is updating the Public Safety Element, Land Use Element and Circulation Element following the Housing Element update as part of an overall Citywide General Plan update. This update is anticipated to be completed by January 2024. If additional elements in the General Plan are amended in the future, the Housing Element will be reviewed and modified if necessary to ensure consistency among the various elements. The City will ensure that updates to these Elements achieve consistency with the Housing Element.

## **PUBLIC PARTICIPATION**

---

The California Government Code section 65583, subdivision (c)(8) requires that local governments make diligent efforts to solicit public participation from all segments of the community in the development of the Housing Element. The City's comprehensive public participation plan is included in Appendix E - Community Engagement Plan. [The following provides a brief summary of the City public participation opportunities the City provided during the Housing Element preparation process.](#)

### **Public Engagement**

The City of Tustin recognizes the importance of public participation and consultation during the preparation of the 2021 - 2029 Housing Element Update, and, therefore, developed a comprehensive Community Engagement Plan (Appendix E) to solicit input from residents, community members and stakeholders throughout the update process. The following provides a summary of the City's Community Engagement Plan outreach efforts:

- **Public Meetings** - Multiple public workshops and public hearings held providing opportunities for community and public participation and input,

including with residents, stakeholders, Planning Commission and City Council, and options for virtual community participation.

- **Online Community Survey** - Two separate releases of an online community survey in English and Spanish to gather feedback related to local housing needs;
- **Mailings** - Direct mailing and email notifications delivered to Tustin residents, businesses, apartment owners, service providers, and other agencies in English and Spanish;
- **Stakeholders** - Individual stakeholder meetings held with multiple organizations as part of the consultation process;
- **Website** - Creation of a focused webpage on the City's website dedicated to the Housing Element Update which was routinely maintained and updated with pertinent information;
- **Social Media and Multi-Media News Releases** - Specific information, provisions and updates advertised in English and Spanish through the City's website, social media posts, paid advertising via social media and in newspaper and magazine publications, press releases, video features, flyers, postcards, and posters; and
- **On-going public input** - Continuous opportunities for review and comment of the Draft Housing Element update using all the community outreach methods and media listed above. Details of the City's outreach efforts are described in the Community Engagement Plan (Appendix E).

### Summary of Public Comments Received

The City received nineteen (19) public comments during the comment period. The majority of comments were received between June 30, 2021 and July 30, 2021 and a summary of all of the comments are provided below. The public comment period has been continuously open since June 30, 2021. More than half of the comments received during the beginning of the comment period expressed concern over the number of units planned, particularly the low-income distribution, being concentrated in one major area (Tustin Legacy) rather than distributed throughout the City. In response to these comments, the draft Housing Element, released in June 2021, was subsequently revised on August 17 and September 7, 2021 by the City Council during public meetings. Specifically, the revisions added and redistributed units to The Tustin Market Place and the Enderle Center sites ~~with no increase in the number of units at Tustin Legacy area~~. These revisions also included adjustments to the distribution of units at various income levels (based on RHNA percentages) evenly and proportionately throughout the sites.

- Concern over the apportionment, density and geographic placement of additional low-income housing primarily identified to occur within the Tustin Legacy area. Respondents encouraged the City to consider the overall housing increase, and, particularly the lower-income housing to be more equally apportioned/distributed throughout the City and be available to all rather than concentrated within the Tustin Legacy area.
- Affordable housing should be dispersed equitably throughout the community.
- Resident within current Tustin Legacy neighborhood expressed displeasure of current high taxes in addition to the Tustin Legacy identified to being the recipient of the majority of homeless and low-income housing allocations.
- Concern that they did not physically receive or receive communication about the available survey.
- Concern that the City is not providing enough site capacity for very low-income housing. RHNA requires 1,724 very low-income units and the Draft Element provides a capacity for 1,699; a deficiency. Their suggestion is to provide a fifteen (15) to thirty (30) percent capacity buffer at each level of income to avoid violating the No New Loss requirement.
- Concern regarding specific Site 6 being held by one (1) owner and unknown willingness by said owner to sell property to pursue housing which would result in a site inventory deficiency.
- Concern that the plan will not realize attainable housing options for residents and workers of Tustin.
- Encourage the City to adopt a compliant housing element update by the required due date of October 15, 2021.
- Inquiry regarding whether the City plans to build condominiums and small houses for young adults just starting their careers and want to live in the City of Tustin.
- Request for information regarding rental assistance programs.
- Request update regarding housing developments in Tustin.
- Request for the Housing Element Technical Memorandum.
- Concerns regarding the identification of zone or zones where emergency shelters are allowed without discretionary review and/or permit, assessing the need and capacity for emergency shelters, emergency shelter standards; analysis for special needs; analysis of governmental and nongovernmental constraints; site inventory analysis and capacity, including ADUs; assessment of fair housing issues related to AFFH; programs within the Draft Housing Element including preserving assisted housing developments, and public engagement and outreach efforts undertaken by the during the update process.

- Request for the City to consider utilizing skilled and trained workforce policies.

At the September 14, 2021 Planning Commission public hearing, the Commission received additional public comments from the Kennedy Commission and Tustin Planning Partnership. The concerns generally expressed include the following:

- Concern that site analysis is deficient relative to physical viability and allocation of lower income sites at Tustin Market Place and Enderle Center.
- Concern that proposed update is creating inconsistencies that are contrary to the City's land use and Zoning Code and affordable housing policies.
- Concern regarding public participation and outreach to underserved, minority and special needs population, site inventory analysis, bed counts of emergency and transitional housing projects within the City, ADU calculation and analysis, impact of local ordinances on the cost of housing and lack of analysis regarding special needs populations and resources available.

These comments were similar to those comments received by the City from HCD and Public Law Center which the City has addressed in the revised Draft Housing Element. At the conclusion of the September 14, 2021 meeting, the Planning Commission unanimously voted 5-0, adopting Resolutions No. 4439 and 4440 with the recommendations that the City Council approve the Housing Element Update and the accompanying Negative Declaration

The Notice of Intent to Adopt a Negative Declaration (ND) and the Initial Study (IS) were advertised for public review from August 24, 2021 to September 23, 2021. The City provided notification of the availability of the IS and ND to those included on the City's Interested Party List which includes various organizations (i.e. youth, seniors, veterans and disabled), homeless shelters, housing advocates, religious & cultural organizations, fair housing council, service providers, housing builders and developers, homeowners' associations, CDBG funding recipients, multi-family apartment managers (TEAMs), and online survey respondents.

As of September 23, 2021, two (2) public comments were received on the proposed Negative Declaration. The comment questioned whether the adequacy of the environmental analysis conducted based on the City's RHNA allocation and the number of units that could be potentially constructed within the City. A response was provided to this question along with other questions to the City's website for information and assist the public in the Housing Element update process. In response to this comment and other related-comments, it is important to note that the

Housing Element is a planning and policy document that does not approve, permit or entitle any residential development projects. A second comment letter was received by the City of Irvine but cited no major concerns.

The sites inventory and housing unit distribution has been modified several times since it was originally presented at the City Council and Planning Commission Housing Element Workshop held on May 11, 2021. In order for those properties identified in the Sites Inventory to accommodate additional housing units to meet the City RHNA allocation, it will require the creation of overlay zones and/or an amendment to Specific Plan and are therefore only considered candidate sites. Additional evaluation and a separate environmental assessment will be completed concurrently with the adoption of an overlay/rezone and/or amendment to the City's General Plan, and is required to take place with three years of the City's adoption of the 2021-2029 Housing Element.

On September 30, 2021, the ALUC ~~will~~ considered the draft Housing Element and determined that if-the Housing Element and it is consistent with Airport Environs Land Use Plans (AELUPs) for the John Wayne Airport and Heliports. The current draft Housing Element has carried over two (2) key policies from the previous element:

1. Buildings and structures shall not penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for John Wayne Airport unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, applicants proposing buildings or structures that penetrate the 100: 1 Notification Surface shall file a Form 7460 -1 Notice of Proposed Construction or Alteration with FAA. A copy of the FAA application shall be submitted to ALUC and, the applicant shall provide the City with FAA and ALUC responses.
2. Development projects that include structures higher than 200 feet above existing grade shall be submitted to ALUC for review. In addition, projects that exceed a height of 200 feet above existing grade shall file Form 7460 -1 with the Federal Aviation Administration FAA).

October 5, 2021, the Tustin City Council ~~will~~ considered and the adoption of the two Resolutions (No. 21-86 and 21-87), approving the 6<sup>th</sup> cycle of the City of Tustin Housing Element Update, and authorizing staff to submit the adopted Housing Element to HCD for certification.

The City subsequently submitted the draft Housing Element to HCD on October 14, 2021 and received a letter of finding from HCD on January 12, 2022. The City revised the draft Housing Element to address the findings and provided the public an opportunity to review the revisions in accordance to Assembly Bill No. 215 for a minimum of seven (7) days, from March 15, 2022 through March 21, 2022. Prior to resubmittal to HCD, the City considered public input and revised the draft Housing Element, as needed. On March 23, 2022, the City resubmitted a revised draft Housing Element, addressing HCD's finding.