

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



October 10, 2022

Matthew S. West, City Manager
City of Tustin
300 Centennial Way
Tustin, CA 92780

Dear Matthew West:

RE: City of Tustin 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the Tustin Housing Element housing element adopted October 4, 2022 and received for review on October 5, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the adopted housing element in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element was found to be substantially the same as the revised draft element that HCD's September 12, 2022, review determined met statutory requirements.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program 1.1 (Residential Development – Available Sites) – This program commits to process required zoning amendments to the Tustin Legacy Specific Plan (TLSP), Enderle Center, and Tustin Market Place and update its zoning code to allow by-right residential development pursuant to government code, 65583.2 provisions by October 2024.
- Program 1.2 (Objective Design Standards) – The program commits to remove subjective design guidance in TCC 9272 (Design Review) and adopt objective design standards by December 2024.
- Program 1.4 (Voluntary Workforce Housing & Specific Plan Reassessments) – This program commits to identify development constraints and adjustments necessary to incentivize housing development and subsequently amend the TCC to remove development as it relates to the City's current Voluntary Workforce Housing Ordinance and Residential Allocation Reservation (RAR) process by 2025.

- Program 1.5 (Zoning Code Streamlining Program) – This program commits to remove the Conditional Use Permit requirement for triplexes in the R2 and R3 zones and for residential uses Citywide in all zones by 2023.
- Program 1.10 (Development and Permit Streamlining) – This program will track the processing time frames for processing of reviews and permits for low- and moderate-income housing and adjust internal procedures to shorten review timeframes by June 2023.
- Program 1.19 (Lot Consolidation Overlay Program) – This program commits to adopting code amendment to provide lot consolidation development incentives by October 2024.
- Program 2.1 (Emergency, Transitional, and Supportive Housing) - The Municipal Code will be amended to include definitions of transitional and supportive housing, and explicitly permit transitional and supportive housing subject only to those zoning regulations that apply to other residential dwellings of the same type in the same zone by October 2023.
- Program 2.4 (Housing for Persons with Disabilities) – This program will revise its reasonable accommodation procedures to, among other things, remove the application fee, revise so that the reasonable accommodation can proceed without the need for any additional corrections of nonconformities to property, state that a reasonable accommodation may be acted upon independently of any other applications, remove the annual inspection requirement, and remove the deed restriction recordation by December 2023.

The City must monitor and report on the results of this and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585(i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

In addition, the element includes Program 1.1 (Residential Development – Available Sites) which commits to rezone at least 135 acres by October 2024 permitting multifamily uses without discretionary action, requiring a minimum density of 20 units per acre to address the identified shortfall of 3,790 units.

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

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

HCD appreciates the hard work and dedication Justina Willkom, Community Development Department Director; Irma Huitron, Assistant Community Development Director; and the housing element team provided throughout the course of the housing element review. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact me at Melinda.Coy@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Accountability Chief