



**DATE:** October 27, 2021

**TO:** Orange County Planning Commission

**FROM:** OC Development Services

**SUBJECT:** Study Session for General Plan Amendment H 20-01 – Housing Element Update

**PROPOSAL:** Staff will present information regarding proposed General Plan Amendment H 20-01, Housing Element Update. The proposed Amendment will ensure continued compliance with State law.

**ZONING/  
GENERAL PLAN:** N/A

**LOCATION:** Unincorporated Areas of Orange County

**APPLICANT:** OC Development Services

**STAFF  
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**RECOMMENDED ACTION:**

OC Development Services recommends the Planning Commission:

- a. Receive staff report and public testimony as appropriate.
- b. Provide feedback to staff as appropriate.

**BACKGROUND:**

State law requires jurisdictions to adopt and periodically update a General Plan. Under California law (Government Code Section 65580 et seq.), jurisdictions must update the Housing Element every eight years. The Housing Element serves as a policy guide to address the comprehensive housing needs of the unincorporated areas within Orange County. More specifically, the Housing Element shall (1) analyze existing housing stock, projected housing needs, and housing for special needs groups; (2) provide an inventory of land suitable for residential development; (3) identify and analyze potential and actual barriers to providing housing; and (4) identify specific programs that will allow implementation of the stated goals and objectives. In addition to complying with State law, the Housing Element must also demonstrate how the strategies to meet the jurisdiction's locally determined housing needs are addressed through plans, programs, and projects.

On December 10, 2013, the County of Orange Board of Supervisors adopted the County's Fifth Cycle Housing Element, which covered the 2013-2021 planning period (through June 30, 2021). The adopted Housing Element was submitted to the State Department of Housing and Community Development (State HCD) for review and certification, and on January

29, 2014, the County’s Housing Element was certified by State HCD. The County will need to attain a certified Sixth Cycle Housing Element, which covers 2021-2029, to ensure compliance with State law.

**DISCUSSION:**

On May 27, 2020, the Planning Commission authorized staff to initiate General Plan Amendment H 20-01, an update to the County’s Housing Element to ensure continued compliance with existing State law, and recent State mandated changes regarding housing.

On March 4, 2021, the Southern California Association of Governments (SCAG) Regional Council adopted the Sixth Cycle Final Regional Housing Needs Assessment (RHNA) Allocation Plan, which assigns a housing need allocation for each jurisdiction in the SCAG region for the October 2021 through October 2029 planning period.

The County of Orange’s RHNA for this upcoming Sixth Cycle Housing Element is 10,406 units, which is a significant increase from the 5,272 units in the County’s Fifth Cycle Housing Element. This allocation of RHNA units is broken down into income categories (as shown below). Though the County is required to identify areas with adequate zoning to accommodate this future growth, it is not required to develop these housing units.

<b>Income Category</b>	<b>Units</b>
Very Low (50% AMI and below)	3,139
Low (50% - 80% AMI)	1,866
Moderate Income (80% to 120% AMI)	2,040
Above Moderate (120% AMI and above)	3,361
<b>TOTAL</b>	<b>10,406</b>

Since February 2021, OC Development Services hosted four (4) community workshops and stakeholder meetings to ensure that the Housing Element is developed collaboratively and takes into consideration various perspectives. To increase public engagement, a Housing Element Update website was created to provide updates, drafts, and meeting dates, and an online survey was circulated to attain a better understanding of the community’s housing needs and concerns. (See <https://ocds.ocpublicworks.com/service-areas/oc-development-services/planning-development/current-projects/all-districts-2>.) Notifications sent to advisory committees, non-advisory committees, community centers, and advocacy groups were provided in Spanish and Vietnamese, and translation services were available upon request.

The study session will include a discussion of the following contents of the Housing Element: (1) Introduction; (2) Community Profile; (3) Constraints; (4) Affirmatively Furthering Fair Housing; (5) Housing Resources; (6) Housing Action Plan; (7) Evaluation of the 2013-2021 Housing Element; (8) Land Inventory; and (9) Public Participation Summary. The primary revisions made as part of the Sixth Cycle Housing Element Update include the following:

- *Community Profile:* Updates have been made to reflect current data on population, demographics, employment trends, household characteristics, along with affordable housing and homeless prevention projects. Much of the data was derived from American Community Survey, SCAG, Department of Finance, and local data.
- *Constraints:* A variety of governmental and non-governmental factors can constrain the development of housing. The Draft Housing Element provides an analysis of influences, such as land use controls, fees, procedures, regulations, and environmental conditions.
- *Affirmatively Furthering Fair Housing:* All Housing Elements due on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal

Affirmatively Further Fair Housing Final Rule of April 23, 2020. On June 23, 2020, the Board of Supervisors approved the FY 2020-24 County of Orange Analysis of Impediments to Fair Housing. The purpose of this document is to affirmatively further fair housing opportunities.

- *Goals, Policies and Programs:* Most of the goals, policies, and programs have remained the same since the Fifth Cycle Housing Element. Whereas some have been updated to reflect current practice, new strategies have been provided, such as pre-approved ADU plans and increased density within the Housing Opportunities Overlay, along with a new County policy that all projects recently annexed or affordable housing developments funded by the County within City limits be considered for RHNA transfers.
- *Land Inventory:* The most significant update included in the Sixth Cycle Draft Housing Element is the identification of sites to accommodate the RHNA. Under Housing Element Law, the County identifies and analyzes specific sites that are available and suitable for residential development to accommodate the RHNA. The County is not responsible for building the units. Though the land inventory includes potential sites for residential development, market conditions dictate whether development comes to fruition. The County's draft site inventory includes, but is not limited to, potential sites within County's Housing Opportunities Overlay, Rancho Mission Viejo, Coyote Canyon, Santa Ana Country Club, and Brea Canyon.
- *Public Participation:* The County's First Draft of the Housing Element Update was released on September 16, 2021 for a 30-day public review period, which ended on October 15, 2021. Twenty-five (25) written comments were received and uploaded to the County's Housing Element Update webpage<sup>1</sup>, and both written and verbal comments received since the beginning of this year are discussed in Appendix C of the Draft Housing Element. Public comments ranged from the need for community outreach, affordable housing, innovative strategies, along with inquiries related to site selection. Based on a careful review of the comment letters, edits have been incorporated into the Second Draft (see attached).

#### Review Process

Once any additional comments or direction derived from the Planning Commission Study Session have been addressed, the Draft Housing Element will be forwarded to State HCD for a mandatory 60-day review for consistency with State law. State HCD will then provide a comment letter to the County for review. Upon incorporation of State feedback, staff will present the Sixth Cycle Final Draft Housing Element to the Planning Commission and Board of Supervisors for formal adoption. Though the statutory deadline is October 15, 2021, recent legislation allows a 120-day grace period for adoption. Upon submittal of the Final Housing Element to State HCD for certification, State HCD will have 90 days to confirm whether the Housing Element is consistent with State law.

Submitted by:



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OC Development Services

Concurred by:



Amanda Carr, Interim Deputy Director, OC  
Development Services, OC Public Works

#### **ATTACHMENTS:**

1. County of Orange 2021-2029 Housing Element Update (Second Draft, Clean Version)
2. County of Orange 2021-2029 Housing Element Update (Second Draft, Strikethroughs)
3. Public Comments received as of October 21, 2021

<sup>1</sup> [https://ocds.ocpublicworks.com/sites/ocpwcods/files/2021-10/V\\_2\\_REDACTED\\_Public\\_Comments\\_First\\_Draft\\_of\\_HE\\_Update.pdf](https://ocds.ocpublicworks.com/sites/ocpwcods/files/2021-10/V_2_REDACTED_Public_Comments_First_Draft_of_HE_Update.pdf)