



September 28, 2021

**Regarding:** September 28, 2021 Planning Commission Meeting - **General Plan Amendment GPA 21-01 (2021-2029 Housing Element Update)**

Dear Laguna Niguel Planning Commissioners Brown, Fisk, Green, Hersh and Whipple,

We write representing the Welcoming Neighbors Home (WNH) Initiative, a ministry of Tapestry Unitarian Universalist Congregation – which has members in South Orange County – including Laguna Niguel. The WNH initiative works to end homelessness and promote the development of more affordable housing – especially for those with extremely low and very low incomes.

We have reviewed the most recently [revised Laguna Niguel housing element draft dated September 2021](#) and we wish to amplify on some of our previously submitted comments (see attached).

1. **Inclusionary Housing Ordinance** - While we are glad to see that high-density housing is allowed in Laguna Niguel, we are concerned about the lack of an inclusionary housing requirement. The city risks giving away valuable land density benefits without getting commensurate community benefits.
  - a. The city should adopt an inclusionary housing ordinance that will require that at least 15% of any new development of 6 or more units be for very low income people, i.e., those earning less than \$50,000 per year. When this is not possible, we urge the city to require an in-lieu fee of at least \$10,000 to \$15,000 per unit - to build a fund for building affordable housing elsewhere.
  - b. We also recommend that other housing policies be adopted to facilitate the production of affordable housing, such as by-right development for 100% affordable developments.
  
2. **Site Inventory: Tables B-3 and B-4** - We have a few concerns about the inventory – and some suggestions.
  - a. It is concerning that 29% (160) of the 548 lower income sites in the inventory are allocated to existing sites vs. 71% (388) to vacant land. It's unclear, based on the site inventory list, how feasible it is that the existing sites will be developed for lower income housing. For example, has the city talked to the owners to determine their willingness to sell, or work with, affordable housing developers? Which of those sites have leases expiring – and when?



**Policy 1.4:** *Support innovative public, private, and non-profit efforts in development of affordable housing, particularly for special needs groups.*

- What specific activities are planned to achieve these goals? What exactly will staff be doing that will contribute to accomplishing these goals? How much of the city budget is being allocated to achieve these goals?

b. Again under Goal 1:

**Policy 1.6:** *Monitor the number of affordable housing units eligible for conversion to market-rate units and develop programs to minimize the loss of these units.*

- How often will staff monitor the number of affordable units eligible for conversion? What types of programs will be developed to minimize the loss of these units?

c. Under Goal 2: **Maintain equal housing opportunities for all residents in Laguna Niguel**

**Policy 2.2:** *Support actions to reduce regulatory constraints which impede equal housing opportunities.*

- What actions will the city support – and what does support look like? What actions will the city take?

d. **Program 2 – Sites for Emergency Shelters and Transitional/Supportive Housing**  
**Objective: Promote and assist in the development of emergency shelters and transitional/supportive housing.**

- We do not see any plans to create an Emergency Shelter. Also, the city plans to monitor the issue of homelessness. What specific actions will be taken to assess the degree to which homelessness exists in Laguna Niguel? Will the city conduct any systematic survey to assess this problem?

e. **Program 4 – Conserve and Improve Existing Low- and Moderate-Income Housing**

**Objective: There are two projects with 156 units in Laguna Niguel that are at risk of conversion to market-rate apartments by 2031. While the City supports efforts to conserve and improve the existing supply of housing affordable to low- and moderate-income households, the level of need is greater than the financial resources under the City's control.**

- Given the availability of HomeKey funds from the State of California, and American Rescue Plan Act funds from the federal government, it would

seem to us that the city could find funds to allocate to this purpose of preventing low income sites converting to market rate.

- We also think the city could enact more specific plans with regard to monitoring and working actively with affordable home developers to ensure that lower income housing is conserved. Here is an example of what another city is planning, from Page 104 of San Clemente’s August 2021 draft housing element:

**Program 10: Acquisition and Conversion of Market-Rate Housing to Affordable Housing**

Facilitate the acquisition and conversion of market-rate housing to affordable status by non-profit organizations, with priority on substandard properties in need of rehabilitation. Properties will be evaluated for acquisition with in-lieu fees.

***Objectives:***

- At least every other year, discuss with if approached by a non-profit organizations or affordable housing developers, the opportunity to collaborate -work with the organization or developer to assist in purchasing a site to be used as transitional housing and/or long-term permanent housing with the goal of increasing the affordable housing inventory by 446 lower income units by 2029.
- On an ongoing basis, work with Code Enforcement to evaluate substandard properties as opportunities for rehabilitation as affordable housing units. Develop a list of potential properties and update annually. Offer the list to nonprofit housing developers.

***Responsible Agency:*** San Clemente Community Development Department

***Funding Sources:*** Inclusionary Housing In-Lieu Fee

f. **Program 5 – Affirmatively Furthering Fair Housing**

**Objective: Affirmatively further fair housing in Laguna Niguel.**

- The single more important thing the city can do to affirmatively further fair housing it to ensure there is an adequate number of realistic sites zoned for lower income housing that are distributed throughout the city in high resource areas (close to schools, food shopping, transit, medical services, etc). We are concerned that the housing element, as now constructed, may not achieve this goal because we are unclear on how realistic the sites with existing uses are with respect to development of affordable housing.
- The plans for landlord and tenant education lack specifics. For example, how often will the education provided – and in what formats?
- When will the zoning ordinances be updated to comply with state law?
- How often, and in what format, will the city provide community education regarding transport services for persons with disabilities?
- What specific support will be given to implement local eviction prevention strategies to reduce the number of homeless individuals and families (homelessness prevention services)?

The need for more affordable housing for those earning less than \$50,000 per year is acute. We urge the city to take proactive steps, such as those outlined above, to promote the production of more affordable housing in Laguna Niguel.

Now, with funding available from the State of California's HomeKey funds ([https://homekey.hcd.ca.gov/sites/default/files/2021-09/NOFA\\_Homekey\\_0.pdf](https://homekey.hcd.ca.gov/sites/default/files/2021-09/NOFA_Homekey_0.pdf)), and the federal government American Rescue Plan Act funds, it is important for the city to take advantage of these funding sources to make important strides in the provision of affordable housing.

Thank you for considering our public comment – for your public service.

Sincerely,

Rona Henry  
Chair, Welcoming Neighbors Home, Tapestry Unitarian Universalist Congregation

Rev. Kent Doss  
Minister, Tapestry Unitarian Universalist Congregation

Debbie Salahi  
Resident, Laguna Niguel  
Volunteer Laguna Niguel City Monitor, Welcoming Neighbors Home Initiative

Cc: Tamara Letourneau, Laguna Niguel City Manager  
Justin Martin, Laguna Niguel Deputy City Manager  
Jonathan Orduna, Laguna Niguel Community Development Director  
Erich List, Senior Planner  
Fred Minagar, Mayor, Laguna Niguel  
Elaine Gennawey Mayor Pro Tem, Laguna Niguel  
Sandy Rains, Council Member, Laguna Niguel  
Kelly Jennings, Council Member, Laguna Niguel  
Rischi Paul Sharma, Council Member  
Cesar Covarrubias, Executive Director, Kennedy Commission  
Paul McDougall, Marisa Prasse, Chelsea Lee, Collin Cross, Mashal Ayobi - California State Housing and Community Development Office

**PREVIOUSLY SUBMITTED PUBLIC COMMENT**



May 23, 2021

**Regarding:** May 25, 2021 Planning Commission Meeting - General Plan Amendment GPA 21-01 (2021-2029 Housing Element Update)

Dear Laguna Niguel Planning Commission Chair Hersh, Vice Chair Fisk, Commissioners Brown, Green, Whipple,

I write as Chair of the Welcoming Neighbors Home Initiative - a ministry of the Tapestry Unitarian Universalist Congregation. Our congregation has many members who live in Laguna Niguel. Our ministry works to end and prevent homelessness by advocating for more affordable housing in South OC – including in Laguna Niguel.

**Three important requests up front.**

- 1) **Please use a track changes method as your team goes through its DRAFT revisions**, so content changes can be apparent to the reader.
- 2) Can you **provide us with an electronic file of the site inventory**, i.e., a spreadsheet so we may conduct our own analysis?
- 3) **We are requesting confirmation from the City that it will allow a public review period of at least 30 days before any version of the revised Housing Element (HE) – either the Draft HE or FINAL HE – is transmitted to HCD.** The city should publicly announce the dates for the commencement and end of the review period.

We realize that you are still early in the process of completing the update to the Housing Element. The draft to be presented to the Planning Commission on May 25, 2021 appears to be an excellent start to the process.

Here are two of our priorities that we hope the city will strive for as it finalizes its 6<sup>th</sup> cycle housing element:

- We urge you to be creative and intentional in meeting the need for more affordable housing – especially for those with extremely- low- incomes (e.g. \$28,250 and below) and very- low- incomes (\$47,100 and below).

- We also request that the city abide by Affirmatively Furthering Fair Housing principles in their planning and site selection. Affordable housing should be distributed evenly throughout the City so as to avoid economic segregation. Future affordable housing should be placed in high opportunity areas with good jobs, good schools, services, and public transportation. The City has a responsibility to plan thoughtfully and intentionally in order to create equitable growth. We look forward to reviewing the next version of the housing element draft and hope to see more specific milestones and metrics with regard to the plan for Affirmatively Furthering Fair Housing.

Here are some ideas for your consideration:

- We were glad to see Program 1, Action 1.2, *City staff will provide administrative assistance to affordable housing developers in preparing grant applications.*
  - We ask that if feasible, you **consider creatively using public lands** – e.g. partnering with a non-profit affordable housing developer, such as Jamboree or National CORE, to build an affordable housing complex on city owned land.
- **Institute an Inclusionary Housing policy that requires** all housing development projects have 15% of units as affordable, dedicated for extremely -low (5%), very -low (5%), and low-income (5%) residents.
- **Consider adopting an [Adaptive Reuse Ordinance](#)** such as the one used by the city of Santa Ana<sup>1</sup> that streamlines the regulatory process for converting non-residential buildings into affordable housing. This ordinance applied in the building of the [Santa Ana Arts Collective](#).<sup>2</sup>
- **Other Fiscal Incentives:** Emphasize, promote, and encourage the use of incentives available to those developers who include affordable housing such as waivers or reductions in fees, low interest loans or subsidies, and financial or mortgage assistance for acquisition of property.
- **Ease Governmental constraints for developers who build Inclusionary housing.**
  - **Streamlined Procedural Incentives:** Emphasize processes/procedures like the consolidation of applications to one hearing, fast-tracking of design, and review and inspections with priority processing and scheduling for interim inspections.
  - **Reduction in Development Standards:** Offer a reduction in setback and square footage requirements and in the ratio of required vehicle parking.
- **Prioritize getting access to affordable housing funding**

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<sup>1</sup> <https://www.santa-ana.org/sites/default/files/pb/planning/Counter%20Forms/Adaptive%20Reuse%20Ord.%206.30.20.pdf>

<sup>2</sup> <https://voiceofoc.org/2019/06/public-demand-for-affordable-artists-apartments-in-santa-ana-prompts-city-outreach-effort/>

- Increased diligence to identify and access new funding sources, state and federal, to facilitate solutions. Due to the economic crisis, there is more need, and more funds are available now for support of affordable housing.
- We recommend that the City work with the Orange County Board of Supervisors and neighboring cities to create a regional local housing bond program to help fund affordable housing and permanent supportive housing.
- Other California cities and counties have taken this approach or are in the process of creating such a program.<sup>3 4</sup>

Given the importance of the 6<sup>th</sup> Cycle Housing Element, Welcoming Neighbors Home representatives would like the opportunity to dialogue with Laguna Niguel City staff and their Housing Element consultant on how to achieve a 6<sup>th</sup> Cycle Housing Element plan that includes improved policies and processes which will result in new affordable homes for people with extremely- low, very- low- and low-incomes.

In the meantime if you have any questions, please feel free to me at 609-216-1784 or at rona.s.henry@gmail.com.

Sincerely,

*Rona Henry*

Rona Henry, Laguna Woods Resident  
Chair, Welcoming Neighbors Home Initiative

Cc: Rev. Kent Doss, Minister, Tapestry, a Unitarian Universalist Congregation  
Tamara Letourneau, Laguna Niguel City Manager  
Justin Martin, Laguna Niguel Deputy City Manager  
Jonathan Orduna, Laguna Niguel Community Development Director  
Fred Minagar, Mayor, Laguna Niguel  
Elaine Gennaway Mayor Pro Tem, Laguna Niguel  
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Paul McDougall, David Navarrette, Marisa Prasse, Chelsea Lee - California State Housing and Community Development Office

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<sup>3</sup> The San Diego City Council voted 6-3 to place on the November ballot a \$900 million housing bond that would raise taxes on city property owners to pay for roughly 7,500 subsidized apartments. ... The estimate had ranged from \$500,000 to \$785,000, but now it's \$700,000 to \$1.2 million per ballot measure. San Diego Union Tribune, July 14, 2020.

<sup>4</sup> Los Angeles also has a bond program, known as HHH.