

CITY OF SAN CLEMENTE

HOUSING ELEMENT OF THE GENERAL PLAN July 2008 – July 2014



Adopted
July 5, 2011

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City of San Clemente Housing Element

Adopted July 5, 2011

City Council

Lori Donchak, Mayor

Bob Baker, Council member Tim Brown, Council Member
Jim Dahl, Council Member Jim Evert, Mayor Pro Tem

Planning Commission

Michael Kaupp, Chair

Nesa Anderson, Vice-chair Lewis Avera, Commissioner
Don Brown, Commissioner Barton Crandall, Commissioner
Julia Darden, Commissioner (one seat vacant)

Administration

George Scarborough, City Manager
Pall Gudgeirsson, Assistant City Manager

Community Development Department

James Holloway, Director
Jim Pechous, City Planner

910 Calle Negocio, Suite 100
San Clemente, CA 92673
Phone: (949) 6184
Fax: (949) 366-4750
planning@san-clemente.org

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ACKNOWLEDGEMENTS

The San Clemente City Council appointed the Housing Element Committee (HEC) to assist in the preparation of the Housing Element and provide recommendations on behalf of the citizens and housing interests of the community. The City Council and Community Development Department would like to thank them for their contributions.

Housing Element Committee

Lori Donchak, City Councilwoman
Mitchell Thomson, Planning Commissioner
Patricia Drew, Human Affairs Committee

Citizens at large:
Ron Runolfson
Edward Thomas
Nancy Thompson
Michael Walker

The revised Housing Element was prepared for the City of San Clemente by the staff of the Community Development Department, July 2011.

City Staff

James S. Holloway Community Development Director
Jim Pechous, City Planner
Leslie Davis, Senior Housing Coordinator
Jeff Hook, Senior Planner AICP

Consultant assistance provided by:

CONEXUS

John Douglas, AICP, Principal
Greg Konar, AICP, Senior Associate

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EXECUTIVE SUMMARY

Purpose of the 2008 Housing Element Update

The Housing Element is a required component of each city's General Plan. The Housing Element describes the population characteristics and housing needs of the community, examines opportunities and constraints related to the development and improvement of housing, and sets forth policies and programs to encourage the provision and maintenance of housing for all economic segments of the community.

San Clemente last updated its Housing Element in 2000. State law requires every jurisdiction within the Southern California Association of Governments (SCAG) region to update the Housing Element in 2008. During the past eight years, housing costs have risen significantly, and the City's population has risen by one-third. As circumstances change, policies and programs should be reviewed to ensure that the City's interests are addressed in an effective manner. The 2008 Housing Element contains several noteworthy refinements to the City's housing policy.

Housing Element Update Process

The process of preparing the 2008 Housing Element was guided by an ad hoc Housing Advisory Committee appointed by the City Council. This seven-member committee was comprised of one City Council member, one Planning Commissioner, one Human Affairs Committee member and four at-large members. The Committee held 5 meetings during the course of the project, all of which were noticed public meetings. Interested citizens and groups were notified and invited to attend all of the Committee meetings.

In addition to the five Committee meetings, a joint Committee-Planning Commission Study Session was held, plus public hearings by the Planning Commission and City Council. Following review of the draft Housing Element by State HCD, three additional hearings were held by the City Council to adopt the final element.

Key Policies of the 2008 Housing Element

The following three key policy recommendations are reflected in the 2008 Housing Element:

1. Continuance of the Inclusionary Housing Program

In the years since the last Housing Element update, housing costs in southern Orange County have risen dramatically. Inclusionary housing is a policy ensuring that a portion of new housing units are reserved for persons of modest means who are essential members of the community – people like teachers, police and fire personnel, health care workers, sales clerks and administrative support staff. San Clemente has had an Inclusionary Housing Program (IHP) since 1980. The IHP is intended to ensure that a portion of new housing units are affordable to working-class residents with incomes up to 50% of the area-wide median income ("AMI"), which is currently about \$80,000 per year in Orange County. This program requires

that one out of every 25 new units (4%) be reserved for households at the 50% AMI income level. Projects of six or more units are required to participate in the program. These affordable units must be provided either on-site, off-site, or through the payment of an in-lieu fee. These fees are combined with other sources of funds such as redevelopment agency tax increment funds, and are used to assist in providing additional affordable housing opportunities in the city.

2. Emphasis on incentives rather than regulations

We believe incentives are preferable to regulations as the means to facilitate the production of housing for all income levels. Although state law requires cities to regulate development in many respects, the 2008 Housing Element emphasizes incentives to encourage the production of lower-cost housing. Among these incentives are modifications to development standards, reduced development fees, expedited permit processing, and direct financial subsidies from in-lieu fees, redevelopment funds and state/federal grant programs.

3. Increased emphasis on energy-efficient development

In the years since the last Housing Element update, energy costs have risen dramatically and it has become clear that we must take steps as a society to make more efficient use of our natural resources. While local governments are limited in the impact they can have in this area, there are some significant steps cities can take to support this goal. The Housing Element contains new policies encouraging sustainable design and resource conservation in both new construction and remodeling projects.

The Housing Element is organized into five chapters plus appendices – I. Introduction; II. Housing Needs Assessment; III. Resources; IV. Constraints; and V. Housing Action Plan. Appendix A provides a detailed assessment of the City's accomplishments toward the policies and objectives of the 2000 Housing Element. This document is intended to guide City housing policy through 2014.

I. INTRODUCTION

A. Purpose of the Housing Element

The purpose of the Housing Element is to identify the City's housing needs and outline goals, policies and programs to address them. The Housing Element is a six-year plan, extending from July 1, 2008 through June 30, 2014, barring any extensions from the State. The primary issues addressed in the Housing Element include: 1) the provision of a decent home in a healthy environment for all economic levels of society, 2) housing affordability for special needs populations, 3) assisting in the development of affordable housing, 4) implementation of housing programs, and 5) rehabilitation and preservation of existing affordable housing.

B. Overview

State law requires the preparation of a Housing Element as part of a jurisdiction's General Plan (*Government Code* §65302(c)). It is the primary planning guide for local jurisdictions to identify and prioritize the housing needs of the city and determine ways to best meet these needs while balancing community objectives and resources. The 2008 Housing Element consists of five chapters, including: 1) Introduction, 2) Needs Assessment, 3) Resources and Opportunities, 4) Constraints, 5) Housing Action Plan, and the Appendices. The evaluation of the 2000 Housing Element is found in Appendix A, while Appendix B contains background details regarding the city's inventory of sites for housing development.

Guidelines adopted by the Department of Housing and Community Development (HCD) are also to be considered in the preparation of the Element (Section 65585). Periodic review of the Element is required to evaluate (1) the appropriateness of its goals, objectives and policies in contributing to the attainment of the state housing goals, (2) its effectiveness in attaining the City's housing goals and objectives and (3) the progress of its implementation (Section 65588).

C. Public Participation

Public participation is an important component of the planning process in San Clemente, and this update to the Housing Element has provided residents and other interested parties numerous opportunities for review and comment. The City Council appointed an ad hoc Housing Element Committee to work with staff and consultants in developing the draft element. The seven-member Committee was comprised of one City Council member, one Planning Commissioner, one Human Affairs Committee member and four at-large members. Interested citizens attended all of the Committee meetings.

Announcements of all Housing Element committee meetings and public hearing notices were published in the local newspaper in advance of each meeting, as well as posting the notices on the City's website. The draft Housing Element was made available for review at City Hall, posted on the City's website, as well as at the Public Library. The document was also circulated to housing advocates and nonprofit organizations

representing the interests of lower-income persons and special needs groups. After receiving comments on the draft Housing Element from the State Housing and Community Development Department, a proposed final Housing Element was prepared and made available for public review prior to adoption by the City Council. Following is a list of opportunities for public involvement in the preparation of this Housing Element update.

Housing Element Committee meeting #1	September 13, 2007
Housing Element Committee meeting #2	October 11, 2007
Housing Element Committee meeting #3	November 15, 2007
Housing Element Committee meeting #4	December 13, 2007
Housing Element Committee meeting #5	January 17, 2008
Joint HEC/Planning Commission study session	February 6, 2008
Planning Commission hearing	February 20, 2008
Planning Commission hearing	March 19, 2008
City Council hearing	May 20, 2008
City Council hearing	June 15, 2010
City Council hearing	February 3, 2011
City Council hearing	July 5, 2011

D. State Housing Element Requirements

The preparation of the Housing Element is guided by California *Government Code*, Chapters 10.6 and 10.7 for coastal communities. The law governing the contents of Housing Elements is among the most detailed of all elements of the General Plan. According to Section 65583 of the *Government Code*, "The Housing Element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing and shall make adequate provision for the existing and projected needs of all economic segments of the community".

E. Consistency with Other Elements of the General Plan

The Housing Element must be consistent with other elements of the General Plan. The Housing Element was last updated in 2000 and the General Plan is currently being updated. Housing must be viewed in a context that includes more than the availability of adequate shelter. External factors affect the adequacy of housing, including the quality of public services, aesthetics and visual characteristics, and proximity to related land uses. For example, the location of housing determines the extent of school, park, library, police, fire and other services associated with housing. The Housing Element builds upon the other General Plan Elements and is consistent with the policies and proposals set forth by the Plan.

In addition, the Housing Element was evaluated for consistency with the Orange County Consolidated Plan, the City's Five Year Redevelopment Plan and Housing Strategy. Because the required contents of the Consolidated Plan and portions of the RDA

Housing Strategy are very similar to the Housing Element, the City's Housing Element is consistent with these plans.

The Housing Element is closely related to development policies contained in the Land Use Element, which establishes the location, type, intensity and distribution of land uses throughout the city. The Land Use Element determines the number and type of housing units that can be constructed in the various land use districts. Areas designated for commercial and industrial uses create employment opportunities, which in turn, create demand for housing. The Circulation Element establishes the location and scale of streets, highways and other transportation routes that provide access to residential neighborhoods.

Because of the requirement for consistency between the various General Plan elements, any proposed amendment to an element will be evaluated against the other elements to ensure that no conflicts occur.

SB 1087 of 2005 requires cities to provide a copy of their Housing Elements to local water and sewer providers, and also requires that these agencies provide priority hookups for developments with lower-income housing. The Housing Element will be provided to these agencies immediately upon adoption.

II. HOUSING NEEDS ASSESSMENT

San Clemente lies at the southernmost edge of Orange County, located midway between San Diego and Los Angeles. The city is economically diverse and provides a range of employment, lifestyle, and housing opportunities. Since its incorporation in 1928 it has grown from a population of about 5,000 to over 67,000 residents today. San Clemente is approximately 17.8 square miles in area and is bounded by the Pacific Ocean to the southwest, the cities of Dana Point and San Juan Capistrano to the northwest, unincorporated Orange County to the north and east, and San Diego County to the south. The Camp Pendleton Marine Base occupies a large area of northeastern San Diego County just south of San Onofre Beach State Park along the southern boundary of the city. The population is relatively affluent with a median household income in 2000 of \$63,507. The 2000 Census¹ indicated San Clemente's median household income was 8% greater than that of Orange County (\$58,820) and 33% greater than California as a whole (\$47,493).

This chapter examines general population and household characteristics and trends, such as age, race and ethnicity, employment, household composition and size, household income, and special needs. Characteristics of the existing housing stock (e.g., number of units and type, tenure, age and condition, costs) are also addressed. Finally, the City's projected housing growth needs based on the 2007 Regional Housing Needs Assessment (RHNA) are examined.

The Housing Needs Assessment utilizes the most recent data from the 2000 U.S. Census², California Department of Finance (DOF), California Employment Development Department (EDD), Southern California Association of Governments (SCAG) and other relevant sources. Supplemental data was obtained through field surveys and from private vendors. In addition, the City's Consolidated Plan provides useful information for this update of the Housing Element.

A. Population Characteristics

1. Population Growth Trends

Compared to the decade 1990-2000, San Clemente has experienced more rapid growth since 2000, growing almost 34% from 2000 to 2007 to an estimated population of 67,373 (see Table II-1 and Figure II-1). The City's 2007 population represents approximately 2.2% of the County's total population of 3,098,121.

¹ 2000 Census, SF3 Table P53

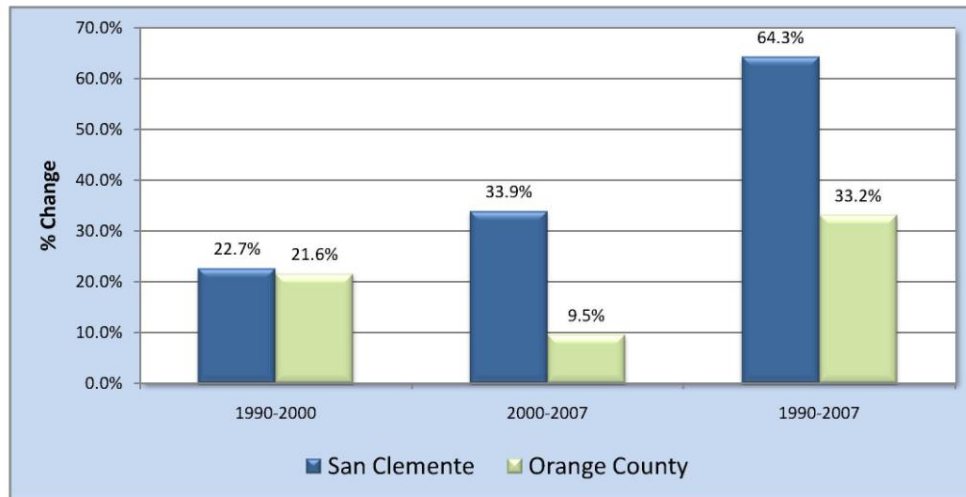
² Although some more recent Census information exists, the 2000 Decennial Census is the most complete and widely-accepted benchmark for demographic analysis.

**Table II-1
Population Trends, 1990-2007
San Clemente vs. Orange County**

	1990	2000	2007	Growth 1990-2000	Growth 2000-2007
San Clemente	41,000	50,302	67,373	22.7%	33.9%
Orange County	2,326,500	2,828,351	3,098,121	21.6%	9.5%

Sources: 1990 & 2000 Census; Calif. Dept. of Finance Table E-1 (2007)

**Figure II-1
Population Growth, 1990-2007
San Clemente vs. Orange County**



Sources: US Census 2000, California Department of Finance Table E-1(2007)

2. Age

Housing needs are influenced by the age characteristics of the population. Different age groups require different accommodations based on lifestyle, family type, income level, and housing preference. Table II-2 provides a comparison of the City's and County's population by age group in 2000. This table shows that the age distribution of the City's population is similar to Orange County as a whole. However, the percentage of the population 65 years and over is greater than the County, and the median age of the City's population exceeds the County median by almost five years.

**Table II-2
Age Distribution
San Clemente vs. Orange County**

Age Group	San Clemente		County	
	Persons	%	Persons	%
Under 18 years	12,033	24.1%	768,419	27.0%
18 to 24 years	3,602	7.2%	268,181	9.4%
25 to 44 years	15,751	31.5%	943,613	33.2%
45 to 64 years	12,016	24.1%	585,313	20.6%
65 to 74 years	3,427	6.9%	148,702	5.2%
75 to 84	2,411	4.8%	97,967	3.4%
85 and over	696	1.4%	34,094	1.2%
Total	49,936	100.0%	2,846,289	100.0%
Median Age	38.0		33.3	

Source: 2000 Census, Table QT-P1

3. Race and Ethnicity

The racial and ethnic composition of the City differs from the County in that a lower proportion of City residents are Hispanic/Latino or other racial minorities. Approximately 88% of City residents are non-Hispanic white, contrasted with 65% for the County as a whole. The percentage of Hispanics residing in the City, at 16%, is approximately half that of the County. Asians, at 2.6%, represent the largest non-Hispanic minority (Table II-3).

**Table II-3
Race/Ethnicity –
San Clemente vs. Orange County**

	San Clemente		Orange County	
	Persons	%	Persons	%
Not Hispanic or Latino	42,003	84.1%	1,970,710	69.2%
-White	43,905	87.9%	1,844,625	64.8%
-Black or African American	385	0.8%	47,649	1.7%
-American Indian/Alaska Native	307	0.6%	19,906	0.7%
-Asian	1,317	2.6%	386,785	13.6%
-Native Hawaiian/Pacific Islander	69	0.1%	8,938	0.3%
-Other races or 2+ races	3,953	7.9%	538,359	18.9%
Hispanic or Latino (any race)	7,933	15.9%	875,579	30.8%
Total	49,936	100.0%	2,846,289	100.0%

Sources: 2000 Census, SF1 Table P8

B. Household Characteristics

1. Household Composition and Size

Household characteristics are important indicators of the type and size of housing needed in a city. The Census defines a “household” as all persons occupying a housing unit, which may include single persons living alone, families related through marriage or blood, or unrelated persons sharing a single unit. Persons in group quarters such as dormitories, retirement or convalescent homes, or other group living situations are included in population totals, but are not considered households.

Table II-4 provides a comparison of households by type for the city and Orange County as a whole, as reported in the 2000 Census. Family households comprised approximately 67% of all households in the city, somewhat lower than the county with 71%. Other noteworthy differences in household composition between the city and county are family households with children under 18 (25% city vs. 29% county), and non-family households (33% city vs. 28.5% county). The City's average household size of 2.56 is lower than Orange County as a whole (3.00). These statistics suggest that there is less need for large housing units in San Clemente than for other areas of the County.

Table II-4
Household Composition –
San Clemente vs. Orange County

Type	San Clemente		Orange County	
	Households	%	Households	%
Total Households	19,395	100.0%	935,287	100.0%
Families	13,015	67.1%	667,917	71.4%
-w/children under 18	4,763	24.6%	271,782	29.1%
Non-family households	6,380	32.9%	267,370	28.6%
-single living alone	4,514	23.3%	197,650	21.1%
-2 or more	1,839	9.5%	69,720	7.5%
Average household size	2.56		3.00	

Sources: US Census 2000, SF1 Tables P18 & H-12

2. Housing Tenure

Housing tenure (owner vs. renter) is an important indicator of the housing market. Communities need an adequate supply of units available both for rent and for sale in order to accommodate a range of households with varying income, family size and composition, and lifestyle. Table II-5 provides a comparison of the number of owner-occupied and renter-occupied units in the City in 2000 as compared to the county as a whole. It reveals that the level of homeownership for the City is nearly the same as the County.

**Table II-5
Household Tenure –
San Clemente vs. Orange County**

Tenure	San Clemente		Orange County	
	Units	%	Units	%
Owner Occupied	12,111	62%	574,193	61%
Renter Occupied	7,280	38%	361,094	39%
Total occupied units	19,391	100%	935,287	100%

Source: 2000 Census, SF3 Table H7

3. Overcrowding

Overcrowding is often closely related to household income and the cost of housing. The U.S. Census Bureau considers a household to be overcrowded when there is more than one person per room, excluding bathrooms and kitchens, with severe overcrowding when there are more than 1.5 occupants per room. Table II-6 summarizes overcrowding for the City of San Clemente in 2000.

**Table II-6
Overcrowding –
San Clemente vs. Orange County**

Household Tenure	San Clemente		Orange County	
	Households	Percent	Households	Percent
Owner-Occupied	12,111	100.0%	574,193	100.0%
Overcrowded	135	1.1%	21,467	3.7%
Severely overcrowded	84	0.7%	23,271	4.1%
Renter-Occupied	7,280	100.0%	361,094	100.0%
Overcrowded	263	3.6%	32,178	8.9%
Severely overcrowded	724	9.9%	70,342	19.5%

Source: 2000 Census, SF3 Table H20

As of 2000, overcrowding was more prevalent among renters than for owner-occupied units. Approximately 13.5% of the City's renter-occupied households were overcrowded compared to only 1.8% of owner-occupants.

4. Household Income

Household income is a primary factor affecting housing needs in a community. According to the 1990 and 2000 Census, median household income grew from \$46,374 to \$63,507; an increase of 37%. In 2000, the median household income in San Clemente was approximately 8% higher than the Orange County median income of \$58,820 (Table II-7).

**Table II-7
Median Household Income –
Orange County and Cities**

Jurisdiction	Median Household Income	% of County Median Income
San Clemente	\$63,507	108%
Dana Point	\$63,043	107%
Laguna Beach	\$75,808	129%
Laguna Niguel	\$80,733	137%
Lake Forest	\$67,967	116%
Mission Viejo	\$78,248	133%
Rancho Santa Margarita	\$78,475	133%
San Juan Capistrano	\$62,392	106%
Orange County	\$58,820	100%
California	\$47,493	81%

Source: 2000 Census, SF3 Table P53

The State and Federal government classify household income into five groupings based on the relationship to the area median income (AMI). Table II-8 presents year 2000 household income ranges for the County of Orange.

**Table II-8
State Income Categories and Income Ranges for Orange County**

Income Category	% of County Area Median Income (AMI)	Income Range
Extremely Low	0 - 30%	0-\$17,600
Very Low Income	31% - 50%	\$17,601 - \$29,400
Low Income	51% - 80%	\$29,401 - \$47,100
Moderate Income	81%- 120%	\$47,101-\$70,600
Above Moderate	121% +	Above \$70,600

Source: 2000 Census

Table II-9 presents a comparison of the number of households by income level in 1990 and 2000 and the percent change in each income category. Between 1990 and 2000, the number of new households increased by 2,648 or 16%. The largest increase in households was in the Above Moderate income category with 3,244 new households. Decreases occurred in all other income categories for a total 596 fewer households earning less than 80% of median income. Due to the 1,728 new single-family homes and 134 multi-family homes developed over the decade, this was to be expected. However, as housing prices increased between 2000 and 2007, a demand for multi-family rentals has increased. Between 2000 and 2005 nearly 700 new multi-family units were built. A total of 314 of the new multi-family units were built for households earning less than 60% of median income. All of the lower-income units are rent- and income-regulated and accept HUD housing vouchers. Approximately 130 households receive HUD Section 8

vouchers, and another 70 extremely-low-income seniors live at the HUD Senior apartment complex, Casa de Seniors. The HUD vouchers are needed to enable the extremely-low-income and very-low-income households to afford the payment of rent.

**Table II-9
Household Income Levels 1990-2000 –
City of San Clemente**

Income Level	1990 (AMI = \$46,374)		2000 (AMI = \$63,507)		% Change by Income Category
	Households	% of total	Households	% of total	
Extremely Low Income <30% of AMI	1,700	10%	1500	8%	-12%
Very Low Income 31-50% AMI	2,010	12%	1620	14%	-19%
Low Income 51%-80% AMI	2,931	17%	2,925	14%	-08%
Moderate Income & Above >80% AMI	10,168	59%	13,412	62%	+32%
Total	16,809	100%	19,457	100%	n/a

5. Overpayment

According to State housing policy, overpaying occurs when housing costs exceed 30% of gross household income. Table II-10 displays estimates for overpayment in 1999 by lower-income households. According to SCAG, 58% of all lower-income renter households and 63% of all lower-income owner households in San Clemente were overpaying for housing. Among moderate-income households 26% of renters and 53% of owners were overpaying. Substantially fewer above-moderate households overpaid for housing – 5% percent of renters and 20% of owners. The low-income renters appeared to suffer the greatest cost burden, with 69% of this category overpaying for housing. Overall, about 60% of all categories of lower-income households, both renters and owners, were found to be overpaying for housing.

Although homeowners enjoy income tax and property tax deductions and other benefits that help to compensate for high housing costs, lower-income homeowners may need to defer maintenance or repairs due to limited funds, which can lead to deterioration. The City has implemented a home rehabilitation program offering grants and deferred payment loans for low income property owners to assist with their home repairs. For lower-income renters, severe cost burden can require families to double up resulting in overcrowding and related problems. The City's rental rehabilitation program provides a matching grant to income property owners willing to regulate the rents for 4 years according to HUD's low income rental rates. This program provides for improved living conditions, while limiting rent increases.

The relatively high cost of housing in San Clemente is the primary cause of overpayment for lower-income households. Several programs in the Housing Action Plan (Chapter V)

designed to address housing affordability will also help to alleviate overpayment. These programs include Section 8 rental assistance, development of new rental housing with income and rent regulations, and the expedited project review program.

**Table II-10
Overpayment by Income Category –
San Clemente**

Income Category	Renters		Owners	
	Households	Percent	Households	Percent
Extremely low households (<30%)	985		515	
Households overpaying	605	61.4%	355	68.9%
Very low households (31-50%)	1,025		595	
Households overpaying	710	69.3%	370	62.2%
Low households (51-80%)	1,630		1,295	
Households overpaying	790	48.5%	785	60.6%
All lower-income households	3,640		2,405	
Households overpaying	2,105	57.8%	1,510	62.8%
Moderate* households (81-95%)	745		1,020	
Households overpaying	195	26.2%	535	52.5%
Above moderate households (>95%)	2,900		8,675	
Households overpaying	135	4.7%	1,770	20.4%
All households	7,285		12,100	
Households overpaying	2,435	33.4%	3,815	31.5%

Source: SCAG 2006 based on 2000 Census

*For moderate households, SCAG used 95% AMI rather than 120% which is typically used in Housing Element analysis

Extremely Low-Income Households

State law requires quantification and analysis of existing and projected housing needs of extremely-low-income (ELI) households. Extremely-low-income is defined as households with income less than 30% of area median income (see Table II-9 above for quantification of the households). The 2007 area median income for Orange County was \$78,700 (see Table II-20, page II-18). For extremely-low-income households, this results in an income of \$26,610 or less for a four-person household. Households with extremely-low-income have a variety of housing situations and needs.

Existing Needs

In 2000, approximately 1,500 extremely-low-income households resided in San Clemente, representing 7.7% of the total households. About 80% of extremely-low-income households faced housing problems (defined as cost burden greater than 30% of income and/or overcrowding and/or without complete kitchen or plumbing facilities).³ Additionally, 67.1% of extremely-low-income households paid more than 50 percent of their income toward housing costs, compared to 14.3% of all San Clemente households.

³ HUD Comprehensive Housing Affordability Strategy (CHAS) 2000.

Projected Needs

The projected housing need for extremely-low-income households is assumed to be 50% of the very-low-income regional housing need of 126 units. As a result, the City has a projected need for 63 extremely-low-income units. The resources and programs to address this need are the same as for low-income housing in general and are discussed throughout the Housing Element, including the Chapter V, Housing Action Plan. Because the needs of extremely-low-income households overlap extensively with other special needs groups, further analysis and resources for extremely-low-income households can be found in Chapter II. Needs Assessment, Section E, Special Needs, and Chapter IV, Constraints, Section A.d. Special Needs Housing.

In summary, the City intends on working with non-profit developers to acquire and rehabilitate existing apartments, older motels no longer economically viable, and build new housing with supportive services for extremely low income households. There are a variety of specialized funding sources to support deeper targeting for transitional housing and special needs housing and the City intends on partnering with organizations able to access these funds.

C. Employment

Employment is an important factor affecting housing needs within a community. The jobs available in each employment sector and the wages for these jobs affect the type and size of housing residents can afford.

1. Current Employment

Current employment and projected job growth have a significant influence on housing needs during this planning period. Table II-11 shows that the City had a workforce of 26,016 persons, or 67% of the working-age population, as reported in the 2000 Census. This table shows that the characteristics of the City's population are very similar to those countywide. Only about two-thirds of those aged 16 and over were in the labor force as of 2000. About 5% of City residents worked at home, and one-third were not in the labor force.

**Table II-11
Labor Force –
San Clemente vs. Orange County**

	San Clemente		Orange County	
	Persons	%	Persons	%
In labor force	26,016	66.7%	1,411,901	65.5%
-Work at home	1,271	4.9%	48,832	3.5%
Not in labor force	13,011	33.3%	742,051	34.5%
-With social security income	4,659	11.9%	189,440	8.8%
Total population age 16+	39,027		2,153,952	

Source: 2000 Census, DP-3

In 2000, approximately 41% of the City's working residents were employed in management and professional occupations (Table II-12). A significant percentage of workers (29%) were employed in sales and office related occupations. A relatively low percentage of workers (13.5%) were employed in service related occupations such as waiters, waitresses and beauticians. Blue collar occupations such as machine operators, assemblers, farming, transportation, handlers and laborers constituted 16.5% of the workforce.

Table II-12
Employment by Occupation –
San Clemente

	Jobs	Percent
Management, professional and related	10,076	40.9
Service	3,340	13.5
Sales and office	7,188	29.2
Farming, fishing and forestry	37	0.2
Construction, extraction, and maintenance	2,091	8.5
Production, transportation, and material moving	1,922	7.8

Source: 2000 Census, DP-3

As of 2005, the four largest employment sectors within Orange County were professional and business services (254,900 employees), manufacturing (183,500 employees), government (153,400 employees) and retail trade (153,200 employees)⁴.

2. Projected Job Growth

Future housing needs are affected by the number and type of new jobs created during this planning period. Table II-13 shows projected job growth by occupation for the Santa Ana-Anaheim-Irvine MSA (Orange County) along with median hourly wages for the period 2004-2014. Total employment in Orange County is expected to grow by 18% between 2004 and 2014. The overall growth is expected to add 287,400 new jobs and bring the employment of Orange County to almost 1,887,000 by 2014.

Generally, residents that are employed in well-paying occupations have less difficulty obtaining adequate housing than residents in low paying occupations. Table II-13 illustrates the growth trend in low-wage service jobs such as health care support, food preparation and serving, cleaning and maintenance, sales, and office/administrative support.

⁴ California Economic Development Dept., March 2005 Benchmark

Table II-13
Projected Job Growth by Occupation, 2004-2014 –
Santa Ana-Anaheim-Irvine Metropolitan Statistical Area

Occupational Title	Annual Average Employment		Employment Change		Median Hourly Wage*
	2004	2014	Numerical	Percent	
Total, All Occupations	1,599,600	1,887,000	287,400	18.0	\$15.80
Management Occupations	107,850	128,710	20,860	19.3	\$44.44
Business and Financial Operations Occupations	82,810	101,470	18,660	22.5	\$27.87
Computer and Mathematical Occupations	43,440	57,270	13,830	31.8	\$32.40
Architecture and Engineering Occupations	36,300	43,750	7,450	20.5	\$33.26
Life, Physical, and Social Science Occupations	12,900	15,500	2,600	20.2	\$28.98
Community and Social Services Occupations	14,250	17,000	2,750	19.3	\$21.55
Legal Occupations	12,810	15,440	2,630	20.5	\$41.93
Education, Training, and Library Occupations	74,440	96,080	21,640	29.1	\$24.02
Arts, Design, Entertainment, Sports, and Media Occupations	31,720	37,720	6,000	18.9	\$20.29
Healthcare Practitioners and Technical Occupations	54,540	67,000	12,460	22.8	\$30.93
Healthcare Support Occupations	31,040	39,970	8,930	28.8	\$11.76
Protective Service Occupations	25,500	30,330	4,830	18.9	\$13.48
Food Preparation and Serving Related Occupations	119,650	148,940	29,290	24.5	\$8.32
Building and Grounds Cleaning and Maintenance Occupations	60,870	74,520	13,650	22.4	\$9.13
Personal Care and Service Occupations	38,590	47,830	9,240	23.9	\$9.40
Sales and Related Occupations	187,440	219,640	32,200	17.2	\$13.20
Office and Administrative Support Occupations	290,520	318,250	27,730	9.5	\$15.03
Farming, Fishing, and Forestry Occupations	6,830	7,080	250	3.7	\$8.71
Construction and Extraction Occupations	98,530	119,050	20,520	20.8	\$19.55
Installation, Maintenance, and Repair Occupations	52,360	61,790	9,430	18.0	\$18.27
Production Occupations	124,410	132,340	7,930	6.4	\$11.02
Transportation and Material Moving Occupations	92,860	107,310	14,450	15.6	\$10.25

Source: California Employment Development Dept., March 2005 Benchmark
*2006 wages; [http://www.calmis.ca.gov/file/occproj/irive\\$occproj.xls](http://www.calmis.ca.gov/file/occproj/irive$occproj.xls)

3. Jobs-Housing Balance

A regional balance of jobs to housing helps to ensure that the demand for housing is reasonably related to supply. When the number of jobs significantly exceeds the housing supply, the rental and for-sale housing markets may become overheated, requiring households to pay a larger percentage of their income for housing. In addition, a tight housing market can result in overcrowding and longer commute times as workers seek more affordable housing in outlying areas. The current jobs-housing objective within the SCAG region is one new housing unit for every 1.5 jobs.⁵

According to the 2000 Census, about 88% of employed San Clemente residents worked in Orange County, and 30% of workers were employed within the city limits (Table II-14).

⁵ SCAG Draft 2007 Regional Comprehensive Plan, Land Use & Housing Chapter

Table II-14
Job Location for San Clemente Residents

	Persons	%
Work in Orange County	21,651	87.9%
-Work in city of residence	7,393	30.0%
-Work elsewhere in Orange County	14,258	57.9%
Work in another CA county	2,842	11.5%
Work outside California	127	0.5%
Total workers age 16+	24,620	

Source: 2000 Census, SF3 Tables P26 & P27

Table II-15 shows that the largest employment sector within San Clemente is Services with 30% of all jobs, followed by self-employed persons and Retail Trade (15% each). The City's jobs/housing ratio was 1.1, which was substantially less than Orange County as a whole, which had ratio of 1.6.

Table II-15
Employment Profile and Jobs/Housing Balance –
San Clemente vs. Orange County

Industry	San Clemente		Orange County	
	Employees	%	Employees	%
Agriculture	48	0.2%	7,593	0.5%
Mining	2	0.0%	601	0.0%
Construction	1,019	4.5%	79,872	5.3%
Manufacturing - Durable goods	923	4.1%	154,944	10.2%
Manufacturing - Non-durable goods	415	1.8%	75,565	5.0%
Transportation & public utilities	2,493	10.9%	50,982	3.4%
Trade – wholesale	1,373	6.0%	100,207	6.6%
Trade – retail	3,429	15.1%	239,490	15.8%
Finance, insurance & real estate	1,375	6.0%	105,822	7.0%
Services	6,792	29.8%	437,152	28.9%
Government	1,454	6.4%	146,592	9.7%
Self-employed	3,459	15.2%	115,914	7.7%
Total Jobs	22,782	100%	1,514,734	100%
Housing Units	20,653		969,484	
Jobs/Housing Ratio	1.1		1.6	

Source:

Cal. State University Fullerton, Center for Demographic Research
Orange County Progress Report 2007 (based on 2000 Census)

D. Housing Stock Characteristics

This section presents an evaluation of the characteristics of the community's housing stock and helps in identifying and prioritizing needs. The factors evaluated include the number and type of housing units, recent growth trends, age and condition, tenure, vacancy, housing costs, affordability, and assisted affordable units at-risk of loss due to conversion to market-rate. A housing unit is defined as a house, apartment, mobile home, or group of rooms, occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters.

1. Housing Types and Growth Trends

As of 2000, the housing stock in San Clemente was comprised mostly of single-family detached homes, which made up about 53% of all units, while multi-family units comprised about 34% of the total. About 12% of units were single-family attached (condo) units, while mobile homes comprised the remaining 2%. Table II-16 provides a breakdown of the housing stock by type along with growth trends for the City compared to the County as a whole for the period 2000-2007.

Table II-16
Housing by Type, 2000-2007 –
San Clemente vs. Orange County

Structure Type	2000		2007		Growth	
	Units	%	Units	%	Units	%
San Clemente						
Single-family detached	10,886	53%	14,592	57%	3,706	72%
Single-family attached	2,384	12%	3,130	12%	746	15%
Multi-family 2-4 units	3,748	18%	3,759	15%	11	0%
Multi-family 5+ units	3,232	16%	3,904	15%	672	13%
Mobile homes	403	2%	403	2%	0	0%
Total units	20,653	100%	25,788	100%	5,135	100%
Orange County						
Single-family detached	489,657	51%	518,327	51%	28,670	52%
Single-family attached	124,702	13%	127,849	12%	3,147	6%
Multi-family 2-4 units	88,804	9%	90,977	9%	2,173	4%
Multi-family 5+ units	233,871	24%	255,442	25%	21,571	39%
Mobile homes	32,450	3%	32,097	3%	-353	-1%
Total units	969,484	100%	1,024,692	100%	55,208	100%

Sources: 2000 Census, 2007 Cal. Dept. of Finance, Table E-5, County of Orange
Jan 1, 2007 City of San Clemente Community Development Dept., Housing Count, based on Cert. of Occupancy

Between 2000 and 2007, single-family detached homes represented 72% of all units built in the City. While detached homes comprised the majority of new construction in both the City and County during this period, only 13% of new residential units in the City were multi-family units as compared to 43% in the County as a whole.

2. Housing Age and Conditions

Housing age is often an important indicator of housing condition. Housing units built prior to 1978 before stringent limits on the amount of lead in paint were imposed may have interior or exterior building components coated with lead-based paint. Housing units built before 1970 are the most likely to need rehabilitation and to have lead-based paint in deteriorated condition. Lead-based paint becomes hazardous to children under age six and to pregnant women when it peels off walls or is pulverized by windows and doors opening and closing.

Table II-17 shows the age distribution of the housing stock in San Clemente compared to Orange County as a whole.

Table II-17
Age of Housing Stock by Tenure –
San Clemente vs. Orange County

Year Built	San Clemente		Orange County	
	Units	%	Units	%
<i>Owner occupied</i>	12,111	100%	574,193	100%
1990 or later	2,321	19%	86,721	15%
1980-89	3,616	30%	92,315	16%
1970-79	2,556	21%	147,996	26%
1960-69	2,172	18%	135,020	24%
1950-59	960	8%	84,614	15%
1940-49	241	2%	14,748	3%
1939 or earlier	245	2%	12,779	2%
<i>Renter occupied</i>	7,280	100%	361,094	100%
1990 or later	504	7%	42,557	12%
1980-89	1,436	20%	70,971	20%
1970-79	1,830	25%	110,694	31%
1960-69	1,783	24%	76,736	21%
1950-59	1,188	16%	36,830	10%
1940-49	360	5%	12,383	3%
1939 or earlier	179	2%	10,923	3%

Source: 2000 Census H36

This table shows that about 30% of the owner-occupied housing units and 47% of rented units in San Clemente were constructed prior to 1970. These findings suggest that there may be a greater need for maintenance and rehabilitation, including remediation of lead-based paint, for approximately one-third of the city's housing stock.

Table II-18 identifies the number of owner-occupied and renter-occupied housing units lacking complete kitchen or plumbing facilities in the City and the County as a whole. This table shows that less than 1% of both renter-occupied and owner-occupied units lacked complete plumbing. Additionally, less than 1% of owner-occupied units and 1.3% of renter-occupied units lacked complete kitchens. The lack of complete kitchen or plumbing facilities is often an indicator of serious problems, and housing units may need rehabilitation even though they have complete kitchens and plumbing facilities.

**Table II-18
Kitchen and Plumbing Facilities by Tenure –
San Clemente vs. Orange County**

	San Clemente		Orange County	
	Units	%	Units	%
<i>Owner occupied</i>	12,111	100.0%	574,193	100.0%
Complete kitchen facilities	12,080	99.7%	572,829	99.8%
Lacking complete kitchen facilities	31	0.3%	1,364	0.2%
<i>Renter occupied</i>	7,280	100.0%	361,094	100.0%
Complete kitchen facilities	7,189	98.8%	354,061	98.1%
Lacking complete kitchen facilities	91	1.3%	7,033	1.9%
<i>Owner occupied</i>	12,111	100.0%	574,193	100.0%
Complete plumbing facilities	12,085	99.8%	572,477	99.7%
Lacking complete plumbing facilities	26	0.2%	1,716	0.3%
<i>Renter occupied</i>	7,280	100.0%	361,094	100.0%
Complete plumbing facilities	7,247	99.5%	357,750	99.1%
Lacking complete plumbing facilities	33	0.5%	3,344	0.9%

Source: 2000 Census H48, H51

The goal of the City's Code Enforcement program is to address housing concerns before they become serious problems. There are three full-time code enforcement officers, one administrative assistant, and one manager who enforce the City's codes with the assistance of a small group of proactive volunteers. The proactive Code Enforcement program has helped to reduce structural deterioration by identifying problems and informing residents of programs to assist with improvements.

There is no current citywide condition analysis of San Clemente's housing stock; however, it is reported by City staff that it is in very good condition. Nonetheless, San Clemente has a significant number of rental-housing units more than 25 years old resulting in potential issues related to deferred maintenance.

In March 1999, the State of California Department of Housing and Community Development (HCD) prepared the "California Housing Markets 1990 – 1997" report which provided information regarding housing conditions on a regional basis. This report can be used to assess some general conditions of San Clemente's housing stock. The HCD report found the majority of the State's housing stock is in good condition; however, there is a significant portion of housing throughout the State that needs repairs or replacement. "Lower income households often occupy this stock. For owners, the problem is often one of ongoing maintenance problems – for these households, low incomes lead to a lack of funds for maintenance and repairs. For rental properties, rent that can be collected on properties may not be sufficient to cover the needed costs [of maintenance], leading to deterioration."⁶

⁶ "The State of California's Housing Market 1990-1997" California Department of Housing and Community Development, March 1999.

Unit Component	Definition of Substandard Condition
Plumbing	Lack of hot piped water or a flush toilet, or lack of both bathtub and shower, all for exclusive use of the unit. All toilets broken down at least once (or at least three times in the past three months) for at least six hours each time.
Heating	Discomfort during winter for 24 hours or more because the heating equipment broke down at least three times for at least six hours each time. Un-vented gas, oil or kerosene heaters as the main source of heat. These devices give off unsafe fumes.
Unit Upkeep	Three of the following six maintenance problems: <ul style="list-style-type: none"> ♦ Leaks from outdoors ♦ Leaks from indoors ♦ Holes in floor ♦ Holes or open cracks in walls or ceilings ♦ More than one square foot of peeling paint or plaster ♦ Rats in at least the past 90 days
Hallways	Three of the following problems in public hallways: <ul style="list-style-type: none"> ♦ No working light fixtures ♦ Loose or missing steps ♦ Loose or missing railings ♦ No elevator
Electrical	No electricity All of the following electrical problems: <ul style="list-style-type: none"> ♦ Exposed wiring ♦ A room with no working outlets ♦ Three blown fuses/ tripped circuit breakers in the last 90 days
Kitchen	Lack of a sink, range, or refrigerator, all for the exclusive use of the unit
Exterior Conditions	Building with any of the following: <ul style="list-style-type: none"> ♦ Sagging or missing roof materials ♦ Roof has hole(s) ♦ Building walls missing wall materials/siding ♦ Building has sloping outside walls ♦ Building has crumbling foundation

Source: "The State of California's Housing Market 1990-1997." Page 51.

This HCD report estimated that in 1997, 8% of Orange County's housing stock was "substandard." The definition of a "substandard unit" adopted by the State of California was based on the "Codebook for the American Housing Survey: 1973 - 1993," and evaluated the housing unit characteristics listed in the following table.

It is estimated that in January 2007, there were 25,788 housing units in San Clemente (Table II-16, page II-13). If it is assumed that 8% of the City's housing units meet the State's substandard conditions described above, 2,063 housing units in the city would be considered "substandard" and in need of rehabilitation.

3. Vacancy

Housing vacancy rates as reported in the 2000 Census are shown in Table II-19. The table shows that vacancy rates in the City were relatively low, with just 2.5% of rental units and 0.9% of for-sale units available for rent or sale, respectively. The rental vacancy rate for the County as a whole was somewhat higher, at 3.0%, while the rate of for-sale housing was the same as for the City at 0.9%. Rental vacancy rates in the 2% range indicate nearly full occupancy, and contribute to upward pressures on rents.

**Table II-19
Housing Vacancy –
San Clemente vs. Orange County- 2000**

	San Clemente		Orange County	
	Units	%	Units	%
Total housing units	20,653	100.0%	969,484	100.0%
Occupied units	19,395	93.9%	935,287	96.5%
-Owner occupied	12,101	58.6%	574,456	59.3%
-Renter occupied	7,294	35.3%	360,831	37.2%
Vacant units	1,258	6.1%	34,197	3.5%
-For rent*	190	2.5%	10,973	3.0%
-For sale**	108	0.9%	5,165	0.9%
-Rented or sold, not occupied	85	0.4%	3,112	0.3%
-For seasonal or occasional use	769	3.7%	8,336	0.9%
-For migrant workers	1	0.0%	79	0.0%
-Other vacant	105	0.5%	6,532	0.7%

Source: 2000 Census, Table QT-H1

Notes: *Est. % of all rental units

**Est. % of all for-sale units

4. Housing Cost

a. Housing Affordability Criteria

State law establishes five income categories for purposes of housing programs based on the area (i.e., county) median income ("AMI"): extremely-low (30% or less of AMI), very-low (31-50% of AMI), low (51-80% of AMI), moderate (81-120% of AMI) and above moderate (over 120% of AMI). Housing affordability is based on the relationship between household income and housing expenses. According to HUD and the California Department of Housing and Community Development⁷, housing is considered "affordable" if the monthly payment is no more than 30% of a household's gross income. In some areas (such as Orange County), these income limits may be increased to adjust for high housing costs.

Table II-20 shows affordable rent levels and estimated affordable purchase prices for housing in San Clemente (and Orange County)⁸ by income category. Based on state-adopted standards, the maximum affordable monthly rent for extremely-low-income households is \$650, while the maximum affordable rent for very-low-income households is \$1,083. The maximum affordable rent for low-income households is \$1,733, while the maximum for moderate-income households is \$2,360.

Maximum purchase prices are more difficult to determine due to variations in mortgage interest rates and qualifying procedures, down payments, special tax assessments, homeowner association fees, property insurance rates, etc. With this caveat, the maximum home purchase prices by income category shown in Table II-20 have been estimated based on typical conditions.

⁷ HCD memo of 4/18/07 (<http://www.hcd.ca.gov/hpd/hrc/rep/state/inc2k7.pdf>)

⁸ Affordable rent and purchase prices are based on county median income.

**Table II-20
Income Categories and Affordable Housing Costs, 2007 –
Orange County**

2007 County Median Income = \$78,700	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30%)	\$26,000	\$650	\$90,000
Very Low (31-50%)	\$43,300	\$1,083	\$150,000
Low (51-80%)	\$69,300	\$1,733	\$240,000
Moderate (81-120%)	\$94,400	\$2,360	\$325,000
Above moderate (120%+)	\$95,400+	\$2,360+	\$325,000+

Assumptions:

-Based on a family of 4

-30% of gross income for rent or PITI

-10% down payment, 6.25% interest, 1.25% taxes & insurance, \$200 HOA dues

Source: Cal. HCD; Conexus

b. For-Sale Housing

Housing sales price statistics for the period January 2006 through August 2007 (Table II-21) show that the vast majority of both new and resale homes sold for more than \$500,000 during this period.

**Table II-21
Housing Sales Price Distribution: 2006-07 –
San Clemente**

Price	New (All)	Resale	
		Condo	SFD
Under \$150,000	0	0	0
\$150,000-174,999	0	3	0
\$175,000-199,999	0	3	0
\$200,000-224,999	0	1	0
\$225,000-249,999	0	1	0
\$250,000-274,999	0	1	1
\$275,000-299,999	0	0	0
\$300,000-324,999	0	1	1
\$325,000-349,999	0	3	0
\$350,000-374,999	0	3	0
\$375,000-399,999	0	1	0
\$400,000-424,999	0	6	0
\$425,000-449,999	0	4	1
\$450,000-474,999	0	4	0
\$475,000-499,999	0	2	4
\$500,000+	128	120	421
Median	\$1,124,500	\$610,000	\$946,250

Data for Jan 2006 through Aug 2007

Source: DataQuick Information Systems

The median new home sales price was about \$1,124,000 (SFD and condo combined), while the median price for resale single-family detached homes was \$946,000. For resale

condos, the median price was \$610,000. Based on the estimated affordable purchase prices shown in Table II-20 (page II-18), only a very small percentage of for-sale units were affordable to lower-income or moderate-income residents. These data illustrate the fact that in this market area, large public subsidies are generally required to reduce sales prices to a level that is affordable to low- and moderate-income buyers. At a median price of \$610,000, there is a "gap" of over \$285,000 between the market price and the maximum price a moderate-income household can afford to pay for a home. For low-income households, this gap is over \$370,000.

c. Rental Housing

Table II-22 shows current (2007) market data for rental apartments in selected market areas of Orange County based on recent surveys of large complexes. The table shows that the average rent for all surveyed units in San Clemente is \$1,578 per month, which is comparable to the countywide average and the average rent for the cities of Laguna Niguel and Lake Forest. The average rent is somewhat higher than Mission Viejo and Rancho Santa Margarita and lower than the cities of Laguna Beach and Aliso Viejo.

Table II-22
Rental Market Comparison – 2007 –
Selected Orange County Cities

Average Rent	Laguna Niguel	San Clemente	Lake Forest	Mission Viejo	Rancho S. Margarita	Laguna Beach	Aliso Viejo	County Total
ALL	\$1,551	\$1,578	\$1,540	\$1,473	\$1,515	\$1,670	\$1,695	\$1,551
Studio		\$1,266		\$1,137				\$1,145
1bd 1bth	\$1,375	\$1,473	\$1,367	\$1,274	\$1,353	\$1,501	\$1,481	\$1,353
2bd 1bth	\$1,512		\$1,471	\$1,618	\$1,666			\$1,470
2bd 2bth	\$1,608	\$1,642	\$1,652	\$1,639	\$1,649	\$1,858	\$1,789	\$1,782
3bd 2bth	\$1,946	\$2,027	\$1,925	\$2,215	\$2,152		\$2,108	\$2,124
Average sf								
ALL	910	845	875	860	862	935	991	877
Studio		493		512				510
1bd 1bth	703	695	720	727	728	800	778	734
2bd 1bth	875		985	945	972			914
2bd 2bth	993	964	1001	1009	1002	1131	1072	1030
3bd 2bth	1246	1246	1200	1308	1261		1400	1222
Average Cost/sf								
ALL	\$1.70	\$1.87	\$1.76	\$1.71	\$1.76	\$1.79	\$1.71	\$1.77
Studio		\$2.57		\$2.22				\$2.25
1bd 1bth	\$1.96	\$2.12	\$1.90	\$1.75	\$1.86	\$1.88	\$1.90	\$1.84
2bd 1bth	\$1.73		\$1.49	\$1.71	\$1.71			\$1.61
2bd 2bth	\$1.62	\$1.70	\$1.65	\$1.62	\$1.65	\$1.64	\$1.67	\$1.73
3bd 2bth	\$1.56	\$1.81	\$1.64	\$1.69	\$1.71		\$1.51	\$1.74
Average Occupancy	96.40%	93.90%	94.50%	95.10%	93.20%	92.00%	93.40%	94.90%
Average Year Built	1987	1990	1980	1988	1994	1987	1994	1978

Source: DataQuick, 9/07

When market rents are compared to the amounts low-income households can afford to pay (Table II-20), it is clear that very-low- and extremely-low-income households have a difficult time finding housing without overpaying. The gap between market rent and affordable rent at the very-low-income level is about \$495 per month, while the gap at the extremely-low-income level is \$928 per month. However, at the low-income and moderate-income levels, households are much more likely to find affordable rentals. An average 2-bedroom, 2-bath apartment currently rents for about \$1,642 while the affordable payment for a 4-person low-income household is \$1,733.

E. Special Needs

Certain groups have greater difficulty in finding decent, affordable housing due to special circumstances. Such circumstances may be related to one's employment and income, family characteristics, disability, or other conditions. As a result, some San Clemente residents may experience a higher prevalence of overpayment, overcrowding, or other housing problems.

State Housing Element law defines "special needs" groups to include persons with disabilities, the elderly, large households, female-headed households with children, homeless people, and farm workers. This section contains a discussion of the housing needs facing each of these groups.

1. Persons with Disabilities

In 2000, approximately 2,595 people between the 16 and 64 years of age, or 8% of the working age population, reported a work-related disability (see Table II-23). Of those aged 65 and over, 20% reported some type of physical disability. Included within these disabilities are persons whose disability hinders their ability to go outside the home (3.5% of the working age population and 15.8% of the senior population). Housing opportunities for the handicapped can be maximized through housing assistance programs and providing universal design features such as widened doorways, ramps, lowered countertops, single-level units and ground floor units. Program 19 in the Housing Action Plan (Chapter V) addresses these needs by committing the City to adopt an ordinance establishing procedures to ensure reasonable accommodations for persons with disabilities pursuant to SB 520.

**Table II-23
Persons with Disabilities by Age Group –
San Clemente**

Disability by Age	Disabilities	Percent
Age 5 to 15 - total persons¹	7,714	
With a sensory disability	49	0.6%
With a physical disability.	27	0.4%
With a mental disability	170	2.2%
With a self-care disability	16	0.2%
Age 16 to 64 - total persons¹	32,430	
With a sensory disability	447	1.4%
With a physical disability.	1,105	3.4%
With a mental disability	627	1.9%
With a self-care disability	227	0.7%
With a go-outside-the-home disability	1,144	3.5%
With an employment disability	2,595	8.0%
Age 65 and over - total persons¹	6,597	
With a sensory disability	764	11.6%
With a physical disability.	1,321	20.0%
With a mental disability	603	9.1%
With a self-care disability	473	7.2%
With a go-outside-the-home disability	1,040	15.8%

Source: 2000 Census, SF3 Tables P8 and P41

Note: Numbers in shaded rows represent persons, not disabilities. Persons may report more than one disability

2. Elderly

In 2000, there were 4,331 households in San Clemente where the householder was 65 or older (Table II-24). Of these, 210 persons were below the poverty level in 1999⁹. Many elderly persons are dependent on fixed incomes and a high percentage are disabled. Elderly homeowners may be physically unable to maintain their homes or cope with living alone. The housing needs of this group can be addressed through smaller units, second units on lots with existing homes, shared living arrangements, congregate housing and housing assistance programs.

The City encourages affordable and accessible housing options for seniors through a variety of programs including the County's Section 8 program, the City's density bonus program, a reasonable accommodations ordinance (Program 19.b), grants and loans to low-income residents of Shorecliffs Mobile Home Park (Program 27), and ongoing support for Casa de Seniors (Program 26).

⁹ 2000 Census, SF3 Table DP-3

**Table II-24
Elderly Households by Tenure –
San Clemente**

Householder Age	Owners		Renters	
	Households	%	Households	%
Under 65 years	8,579	71%	6,481	89%
65 to 74 years	1,594	13%	452	6%
75 to 84 years	1,606	13%	231	3%
85 and over	332	3%	116	2%
Total households	12,111	100%	7,280	100%

Source: 2000 Census, SF3 Table H14

3. Large Households

Household size is an indicator of need for large units. Large households are defined as those with five or more members. Among both owners and renters, more than 61% of households have only one or two members. About 11% of renter households had five or more members, while about 9% of owners were large households (Table II-25). This distribution indicates that the need for large units with four or more bedrooms is expected to be significantly less than for smaller units. The City responds to the needs of large households through participation in the County Section 8 program and through zoning for higher-density attached housing, which is inherently less expensive than single-family detached units.

**Table II-25
Household Size by Tenure –
San Clemente**

Household Size	Owners		Renters	
	Households	%	Households	%
1 person	2,179	18%	2,344	32%
2 persons	5,032	42%	2,389	33%
3 persons	1,903	16%	1,095	15%
4 persons	1,959	16%	664	9%
5 persons	767	6%	403	6%
6 persons	193	2%	167	2%
7+ persons	78	1%	218	3%
Total households	12,111	100%	7,280	100%

Source: 2000 Census, SF3 Table H17

4. Female-Headed Households

Of the 19,391 households in the city, 7.9% or 1,536 were headed by a female (Table II-26). While female-headed households represent a small portion of households, they make up a significant portion of households that are below the poverty level. The City responds to

the needs of female-headed households through participation in the CDBG program, the County Section 8 program and through zoning for higher-density attached housing, which is inherently less expensive than single-family detached units.

Table II-26
Household Type by Tenure –
San Clemente

Household Type	Owners		Renters	
	Households	%	Households	%
Married couple family	8,372	69%	2,517	35%
Male householder, no wife present	248	2%	445	6%
Female householder, no husband present	750	6%	786	11%
Non-family households	2,741	23%	3,532	49%
Total households	12,111	100%	7,280	100%

Source: 2000 Census, SF3 Table H19

5. Farm Workers

Farm workers are traditionally defined as persons whose primary income is from seasonal agricultural work. Historically Orange County's economy was linked to agriculture. While there are still active farming areas on the Irvine Ranch and in some other cities, shifts in the local economy to production and service-oriented sectors have significantly curtailed agricultural production within the County. Today, Orange County is a mostly developed urban/suburban region, with a strong local economy. Although the County is increasingly capturing major employers in Southern California, this growth is not tied to an agricultural base.

The 2000 Census reported about 3,000 persons employed in agricultural occupations in Orange County. Approximately 1% of the County's farm workers live in San Clemente (Table II-27).

Table II-27
Agricultural Employment

	San Clemente	% of County Total	Orange County
Workers	37	1.2%	3,023

Source: 2000 Census, SF3 Table P50

The nearest agricultural area to the City of San Clemente is in the San Mateo Creek floodplain, just south of the city limits in San Diego County. As of 2007, some of the County land previously used for agricultural activities in 2000 has been converted to development or designated for commercial or residential development. Therefore, it is estimated that the actual number of active farm workers in the County is somewhat lower than the 2000 census estimate. In addition, it is possible (although statistics are not

available) that a number of active farm workers are not full-time residents of Orange County, and migrate into the area depending on seasonal crop harvest. Such farm workers may find temporary housing by living with relatives, or short-term rental of a single unit for several families, resulting in overcrowded conditions. However, because there are no agricultural operations within San Clemente, there is no apparent need for permanent on-site farm worker housing.

6. Homeless Persons

As part of the Consolidated Plan process, HUD requires the City to examine the nature and extent of homelessness in the community in the context of a "continuum of care." A continuum of care is described by HUD as a comprehensive and coordinated housing and service delivery system that responds to the different needs of a community's homeless individuals and families. The goal of a continuum of care system is to prevent homelessness and to help those already homeless achieve self-sufficiency. There are basic components to the continuum of care system that should be accessible to the homeless at any point in time.

The information presented below is mostly based on data published by the NCH and by the Orange County Housing and Community Services Department (OC-H&CS). These agencies have used various studies and surveys to capture homeless demographic and statistical data on a national and regional basis.

a. Definitions of Homelessness

The Stewart B. McKinney Homeless Assistance Act (42, U.S.C. 1130, et seq. 1994) defines a "homeless" person as an individual who lacks a fixed, regular, and adequate nighttime residence, or an individual whose primary nighttime residence is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
2. An institution that provides a temporary residence for individuals intended to be institutionalized;
3. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

The McKinney-Vento Act (§725(2); 42 U.S.C. 11435(2)) defines a person "at-risk" of becoming homeless as an individual who faces imminent eviction (within a week) from a private dwelling or institution and who has no subsequent residence or resources to obtain housing. People are also at risk of homelessness when they experience a sudden drop in income, a rise in housing costs, and/or they do not have the skills necessary to manage their limited resources. According to the NCH, most individuals at risk of homelessness are on a fixed income or are marginally employed and have few ties to family and friends.

The NCH estimates that there are 3.5 million homeless people nationwide - approximately 1% of the nation's total population. This estimate is based on a 2000 study undertaken by the Urban Institute, which surveyed homeless assistance providers across the nation at

two different times of the year in 1996.¹⁰ In July 2005, the OC-H&CS estimated Orange County's total annual homeless population to be 34,898 individuals. This estimate is also based on a survey of shelter/service providers conducted in January 2005.¹¹

b. Profiles of the Homeless Population in Orange County & San Clemente

As part of the annual application to HUD for Homeless Assistance Grant funds, the County of Orange, in partnership with the O.C. Partnership, conducted a survey of the region's homeless. O.C. Partnership (an Orange County-based nonprofit that provides technical assistance to homeless service providers) surveyed nineteen homeless shelter and service providers during the months of March, April and May 2004. Table II-28 provides a summary of the characteristics of the region's homeless, as ascertained by survey respondents:

**Table II-28
Homeless Population Characteristics –
Orange County**

Gender	<ul style="list-style-type: none"> ▶ 63.2% Female ▶ 36.4% Male ▶ 0.4% Transgender 	Age	<ul style="list-style-type: none"> ▶ 4.1% Under 20 years old ▶ 73.2% 21 to 45 years old ▶ 17.9% 46 to 60 years old ▶ 2.4% Over 60 years old ▶ 2.4% NA
Race/Ethnicity	<ul style="list-style-type: none"> ▶ 42.3% White ▶ 29.2% Latino/Hispanic ▶ 12.1% African American/Black 	Families with Children	<ul style="list-style-type: none"> ▶ 45% homeless with children ▶ 55% Homeless without children
Monthly Income	<ul style="list-style-type: none"> ▶ 27.9% No income ▶ 48.0% \$1,000 or less ▶ 24.1% \$1,000 or more 	Source of Income	<ul style="list-style-type: none"> ▶ Part- or Full-time employment (21%) ▶ Supplemental Security Income ▶ Temp. Assistance for Needy Families ▶ Unemployment benefits
Cause of Homelessness	<ul style="list-style-type: none"> ▶ 23.5% Lack of affordable housing ▶ 17.9% Victim of domestic violence ▶ 17.2% Loss of job ▶ 12.2% Substance addiction 	Length of Homelessness	<ul style="list-style-type: none"> ▶ 40.5% Three months or less ▶ 27.6% Four to 11 months ▶ 21.5% One to four years
Shelter Status	<ul style="list-style-type: none"> ▶ 35% Lived in shelters ▶ 21.1% Lived in car, park or streets ▶ 12.1% Lived in motels ▶ 5.3% Lived with family/friends 	City of Last Residence	<ul style="list-style-type: none"> ▶ 59.2% of respondents stated they had lived in their "last city of residence" for at least five years

The City San Clemente has not undertaken an independent analysis to estimates the number of homeless in the City, but there are previous studies/estimates that have attempted to enumerate the City's homeless population. As part of the 1990 Census, the

¹⁰ Ibid.

¹¹ "Continuum of Care Exhibit 1", 2005 Application for Homeless Assistance Grant Funds. Prepared by the Orange County Housing & Community Services Dept, June 2005.

U.S. Census Bureau carried out an enumeration of the homeless at selected group quarters and street locations - this effort was dubbed "S-Night." The Census S-Night count was not intended to be a count of the total population of homeless persons; however, this effort represented one of the few empirically based estimates of the number of homeless in San Clemente. S-Night estimated 14 homeless in the City of San Clemente in 1990.

As previously stated, the County of Orange Housing and Community Services Department undertakes an annual estimate of the County's homeless population as part of its application for homeless assistance grant funds to HUD. It was estimated in early 2005, there were 34,898 incidents of homelessness in Orange County. As part of this 2005 homeless estimate, Orange County homeless service providers were asked to track the "last city of residence" of shelter/service seekers for a 12-month period. (Service providers most often utilized "last city of residence" as the means to determine a client's city of residency for reporting purposes). Raw data from this shelter provider survey reported six individuals seeking homeless housing services in Orange County listed San Clemente as their last city of residence. The County has indicated that the results of this survey were not as complete as in past years. For example, several established homeless housing providers, who in past years have served several San Clemente residents, did not respond to the survey. City staff has reviewed and supplemented this County data in order to establish a more precise estimate of the City's homeless.

Since national and regional homeless estimates equal roughly 1% of total population, it can be estimated that there are 65 homeless individuals in San Clemente at any point in time. However, based on the total number of shelter beds located in the City and additional data provided by service providers, it is estimated that there are 80 to 180 homeless in the City. This figure takes into account an estimate of individuals living in cars and State beaches where overnight camping is allowed.

c. Homeless Subpopulations

ELDERLY

According to the NCH, an elderly head of household has a one-in-three chance of paying more than 50% of their income for housing. Faced with the added challenge of paying for other necessities such as food, medicine and health care, senior citizens are particularly vulnerable to homelessness. The NCH estimates that 2.5% to 19.4% of the nation's homeless are age 55-60.¹² Orange County's 2005 homeless survey estimated that 2.4% of the region's homeless are 60 years of age or older. For San Clemente, this estimate translates to two to four elderly homeless.

FAMILIES WITH CHILDREN

According to the NCH, families with children are one of the fastest growing segments of the homeless population. The NCH reports that a survey conducted in 2000 found families with children accounted for 36% of the homeless population. Poverty and the lack of

¹² "Homelessness Among Elderly Persons," *NCH Fact Sheet #15*. Published by the National Coalition for the Homeless, June 1999.

affordable housing are listed as the principal causes for homelessness among families. Additional factors include a relative decline in wages and changes in welfare programs approved in the late 1990s.¹³ The County of Orange estimates there are 24,499 "persons in homeless families with children" living in Orange County (approximately 70% of the total County homeless estimate).¹⁴ Using this ratio, an estimated 55 to 125 of the City's homeless are persons in families with children.

CHRONICALLY HOMELESS

A chronically homeless person is defined as an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more, or has had at least four episodes of homelessness in the past three years.¹⁵ In recent years, HUD has placed significant importance on chronic homelessness by establishing a goal to end chronic homelessness by the year 2012. The U.S. Interagency Council on Homelessness estimates that 10% of the homeless population is chronically homeless. The County's most recent homeless analysis estimates 22.5% (i.e., 7,866 individuals) of the County's homeless can be considered chronic homeless. Using the regional percentage 18 to 41 of the City's homeless population may be chronically homeless.

MENTALLY ILL

Mental illness is often defined as a disorder that prevents an individual from carrying out essential aspects of daily life such as self-care, household management, and interpersonal relationships. Severe mental illness is defined as persistent (i.e., more than one year) mental/emotional impairment that substantially interferes with or limits one or more major life activities including: basic daily living skills (eating, bathing, dressing), living skills (maintaining a household, managing money, taking prescribed medication), and functioning in a social, family, vocational and/or educational contexts.

According to the NCH, 20% to 25% of the single adult homeless population suffers from some form of severe mental illness.¹⁶ NCH reports that the mentally ill remain homeless for longer periods and have less contact with family and friends. They also encounter more barriers to employment, tend to be in poorer physical health, and have more contact with the legal system than homeless people who do not suffer from mental illness. According to Orange County's most recent application to HUD for Homeless Assistance Grant funds, there are 2,218 homeless individuals with mental illness in the Orange County region. This figure represents 21.1% of Orange County's 10,500 "single adult" homeless, which is within the estimate of the NCH. Once again, applying the regional percentage to San Clemente's homeless population estimate, 5 to 12 are mentally ill.

¹³ "Homeless Families with Children," *NCH Fact Sheet #7*. Published by the National Coalition for the Homeless, June 2001.

¹⁴ "Continuum of Care Exhibit 1," *2004 Application for Homeless Assistance Grant Funds*. Prepared by the Orange County Housing and Community Services Department, July 2004.

¹⁵ HUD defines a disabling condition as a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.

¹⁶ "Mental Illness and Homelessness," *NCH Fact Sheet #5*. Published by the National Coalition for the Homeless, April 1999.

ALCOHOL AND SUBSTANCE ADDICTED

Alcohol and substance addicted is defined as an individual with serious and persistent alcohol or substance addiction that significantly limits his/her ability to live independently. Homeless surveys conducted in the 1980s found consistently high rates of addiction, particularly among single men; however, according to the NCH, more recent studies have questioned the high prevalence rates cited by these studies, arguing early studies over-represented long-term shelter users and single men. While there is no generally accepted "magic number," the NCH concedes that a 30% prevalence rate is more or less within reason.¹⁷ The County of Orange H&CS Department estimates that there are 6,328 persons with substance addiction among the region's homeless population - 18.1% of the region's total homeless population. Using the regional ratio, an estimated that 14 to 33 San Clemente homeless suffer from some form of substance addiction.

DUALLY DIAGNOSED

Dually diagnosed is defined as an individual that suffers both severe mental illness and substance abuse problems. According to the U.S. Department of Health and Human Services (HHS), adults with a substance use disorders are almost three times as likely to have serious mental illness. HHS also estimates that 50% of homeless adults with mental illness also have a substance use problem.¹⁸ The County of Orange has not conducted a specific analysis of dually diagnosed homeless; however, it may be worth noting that that OC-H&CS's latest homeless population analysis did identify 2,218 severely mentally and 6,328 chronic substance abusers among the region's homeless – no doubt some co-occurrence is present among these populations. It is also reasonable to assume that a significant percentage of San Clemente's 14 to 33 homeless with substance addiction also suffer from severe mental illness.

VICTIM OF DOMESTIC VIOLENCE

According to the NCH, when a woman leaves an abusive relationship she often has nowhere to go. The lack of affordable housing and long waiting lists for assisted housing often means that women must choose between abuse at home or the street. Recent studies estimate that 22% to 46% of homeless women are victims of domestic violence.¹⁹ The Orange County H&CS Department estimates there are 6,988 homeless victims of domestic violence in the region at any point in time – 20% of the region's homeless population. Using this ratio, 16 to 36 of the City's homeless may be victims of domestic violence.

¹⁷ "Addiction Disorders and Homelessness," *NCH Fact Sheet #6*. Published by the National Coalition for the Homeless, April 1999.

¹⁸ "Blueprint for Change: Ending Chronic Homelessness for Persons with Serious Mental Illness and Co-Occurring Substance Use Disorders, Chapter 2, National Mental Health Information Center, SMA04-3870 1/2004

¹⁹ "Domestic Violence and Homelessness," *NCH Fact Sheet #8*. Published by the National Coalition for the Homeless, April 1999.

HOMELESS YOUTH

The NCH defines homeless youth as an individual under the age of eighteen who lacks parental, foster, or institutional care. The NCH estimates that within urban centers, 3% of the homeless are unaccompanied youth. Homelessness among youth is typically a result of physical/sexual abuse and/or parental neglect, or family economic problems such as the lack of sufficient income to afford housing. Another prevalent factor is residential instability, i.e., a history of foster care. One national study reports that one in five youth who arrived at shelters come directly from foster care or had been in foster care in the previous year.²⁰ The Orange County H&CS Department estimates there are 306 homeless youth in the region at any point in time (i.e., 6.2% of the region's homeless). This percentage translates to 5 to 11 homeless youth in San Clemente.

PERSONS LIVING WITH AIDS

The NCH reports that the lack of affordable housing is a critical problem facing a growing number of people living with HIV and AIDS. Individuals living with HIV/AIDS that are fortunate enough to reside in affordable housing often find themselves in a tenuous financial situation. They may lose their job because of discrimination, fatigue and periodic hospitalization caused by related illnesses. They also run the risk of an income drain caused by the cost of medical treatment. The NCH estimates an HIV prevalence rate of 3% to 20% among homeless people. The NCH also reports that 36% of people with AIDS have been homeless at least once since learning that they had HIV/AIDS.²¹ The County's most recent analysis of the region's homeless population estimates that 2,029 (5.8%) of Orange County's homeless are living with HIV/AIDS – the City of Santa Ana's 2005 HIV/AIDS Housing Plan estimates 1,435 homeless individuals are living with HIV/AIDS in Orange County, and identifies 48 individuals living with AIDS in San Clemente. Applying the regional ratio to San Clemente's homeless estimate, five to ten of the City's homeless may be living with AIDS.

VETERANS

It is estimated that 23% of the homeless population (and 33% of homeless men) are veterans. The National Coalition for Homeless Veterans estimates that on any given night, 299,320 veterans are homeless and over 500,000 experience homelessness over the course of a year. The NCH and the U.S. Department of Veterans Affairs (VA) cite the primary reasons for homelessness among veterans are a shortage of affordable housing, a lack of jobs providing a livable income, and access to health care. A large number of displaced and at-risk veterans also live with the affects of Post Traumatic Stress Disorder.²² The OC-H&CS estimates there are 471 homeless veterans in Orange County (approximately 1.3%). Using this percentage, an estimated that one to two of the City's homeless may be Veterans.

²⁰ "Homeless Youth," *NCH Fact Sheet #11*. Published by the National Coalition for the Homeless, April 1999.

²¹ "HIV/AIDS and Homelessness," *NCH Fact Sheet #9*. Published by the National Coalition for the Homeless, April 1999.

²² "Homeless Veterans," *NCH Fact Sheet #9*. Published by the National Coalition for the Homeless, January 2004.

INVENTORY OF HOMELESS FACILITIES

The Consolidated Plan included an inventory of facilities that are available to serve the homeless of the community.

EMERGENCY SHELTERS

Emergency shelters are generally geared toward providing immediate housing to persons without shelter. Stays in emergency shelters are typically limited to a short period of time (1 to 90 days). Several service agencies located in or near San Clemente provide emergency shelter and services for the homeless in south Orange County. Table II-29 focuses on shelters that are located in or that serve San Clemente homeless. The number of beds listed represents total shelter capacity – none of the shelter beds are restricted for San Clemente homeless. Based on this data, there are 40 emergency shelter beds located in the City.

Table II-29
Emergency Shelters Serving San Clemente

Shelter Name	Location 1	No. of Beds	Services	% of Beds/ Services for Chronic Homeless
CSP Youth Shelter	Laguna Beach	6	Emergency housing, support & family reunification services	0%
Cold Weather Shelter	Laguna Beach	40	Emergency housing during winter months	100%
Friendship Shelter	Laguna Beach	3	Emergency housing and support services	100%
Gilchrist House	San Clemente	10	Emergency housing and supportive services for women and children	20%
Human Options	Irvine	40	Emergency housing and support services for victims of domestic violence	15%
Laura's House	San Clemente	30	Emergency housing and support services for victims of domestic violence	15%

Source: County of Orange Housing and Community Services Department
Location may be administrative office and not location of shelter facility.
Beds only available during winter months

Senate Bill (SB) 2 of 2007 strengthened the planning requirements for emergency shelters and transitional housing. Unless adequate capacity is available to serve the existing emergency shelter need, SB 2 requires that shelters be allowed “by-right” (i.e., without a conditional use permit or other discretionary approval) in at least one zoning district. As an alternative, the requirements may be satisfied through a multi-jurisdictional agreement. The Housing Action Plan (Chapter V) includes Program 21 to amend the Municipal Code in conformance with SB 2.

TRANSITIONAL HOUSING

Transitional housing is an important component for assisting homeless individuals and families, or those at risk of homelessness, to become self-sufficient. As with emergency shelter facilities, some transitional housing programs that serve San Clemente's homeless are located in neighboring communities. Table II-30 focuses on transitional housing facilities that are located in or serve San Clemente homeless. The number of beds listed

represents total shelter capacity – none of the shelter beds are restricted for San Clemente homeless. Based on this data, there are 48 transitional housing beds in the City of San Clemente.

**Table II-30
Transitional Housing Facilities Serving San Clemente**

Shelter Name	Location	No. of Beds	Services	% of Beds/ Services for Chronic Homeless
Families Forward	Irvine	13	Transitional housing and supportive services for families	10%
Friendship Shelter	Laguna Beach	26	Transitional housing and supportive services for single adults	30%
Henderson House	San Clemente	24	Transitional housing for single adults recovering from substance addiction	30%
Hope's House	Aliso Viejo	10	Transitional housing and supportive services for women with infants	30%
Gilchrist House	San Clemente	16	Transitional housing and supportive services for women and children	25%
Kathy's House	San Juan Capistrano	12	Transitional housing & support services for victims of domestic violence	25%
Laura's House	San Clemente	8	Transitional housing and support services for victims of domestic violence	15%
Saddleback Community Outreach	Laguna Hills	56 to 73	Transitional housing (17 housing units) & support services for families	25%
Toby's House	Capistrano Beach & Mission Viejo	15	Transitional housing for pregnant women and infants	0%

Source: County of Orange Housing and Community Services Department

SB 2 requires that transitional/supportive housing be treated as a residential use subject to only those requirements that apply to other residential uses in the same zone. The Municipal Code currently requires a conditional use permit for transitional housing while some conventional housing is allowed by-right. Program 21 in the Housing Action Plan includes a provision to amend the Municipal Code in conformance with SB 2 in order to facilitate development of transitional and supportive housing.

F. Assisted Housing at Risk of Conversion

This section identifies all residential projects in the City that are under an affordability restriction, along with those housing projects that are at risk of losing their low-income affordability restrictions within the ten-year period 2008 – 2018. This information is used in establishing quantified objectives for units that can be conserved during this planning period. The inventory of assisted units includes all units that have been assisted under any federal Department of Housing and Urban Development (HUD), state, local and/or other program.

1. Inventory of Assisted Units

Table II-31 lists all assisted affordable projects in San Clemente. The table shows that none of the projects listed have affordability covenants that will expire during the 2008–2018 period.

**Table II-31
Inventory of Assisted Housing Units –
San Clemente**

Project	Type of Assistance	Total Units	Affordable Units	Project Type	Expiration Date
Casa de Seniors	HUD 202	72	72	Seniors & disabled	2027*
Mendocino Apts.	Tax credits	186	185	Families	2058
Mary Erickson Comm. Housing	HOME/City RDA	18	18	Families	2025-2032
Vintage Shores	Tax credits	122	122	Seniors	2057

Source: OC Housing & Community Services Dept and City of San Clemente Community Development Dept

* Owners of Casa de Seniors are required to get HUD approval to opt-out of affordability covenant

2. Units at Risk

According to the California Housing Partnership there are no state- or federally-assisted at-risk units in San Clemente.²³ As shown in Table II-29 (page II-30), there are also no locally-assisted projects that are at risk.

G. Housing Constructed, Demolished or Converted within the Coastal Zone

California *Government Code* §65588(d) requires that the Housing Element update take into account any low- or moderate-income housing provided or required in the Coastal Zone pursuant to Section 65590 (the Mello Act²⁴). State law requires that jurisdictions monitor the following:

- The number of new housing units approved for construction within the Coastal Zone (after January 1, 1982);
- The number of low- or moderate-income units required to be provided in new developments either within the Coastal Zone or within three miles of the Coastal Zone;
- The number of existing housing units in properties with three or more units occupied by low- or moderate-income households that have been authorized for demolition or conversion since January 1, 1982; and
- The number of low- or moderate-income replacement units required within the Coastal Zone or within three miles of the Coastal Zone.

²³ Elyse Perry, Preservation Program Coordinator, California Housing Partnership, 7/9/07

²⁴ The Mello Act in part requires replacement of affordable units demolished or converted within the coastal zone.

Table II-32 provides these statistics for the Coastal Zone through 2007.

**Table II-32
Coastal Zone Housing Units – 1982-2007
San Clemente**

	Units
Number of new units approved for construction in the Coastal Zone after January 1, 1982:	568
Number of new units for low- and moderate-income households required to be provided either within the coastal zone or within three miles of it:	2
Number of units occupied by low- and moderate-income households and authorized to be demolished or converted:	2
Number of units for low- and moderate-income households required either within the coastal zone or within three miles of it in order to replace those demolished or converted:	2

In order to receive a demolition or a conversion permit, the request must comply with the Mello Act. The City examines any Coastal Zone development that entails the demolition or conversion of residential units that are not categorically exempt from the California Environmental Quality Act (CEQA). A property that is determined to be a public nuisance or is an owner-occupied, single-family dwelling is not examined in accordance with the Mellow Act. All other types of projects are evaluated.

During the current planning period (1998-2005) 145 new housing units, (73 single-family and 72 multi-family units²⁵ have been approved for construction within the Coastal Zone. During this time, 314 new deed-restricted affordable units have been built in the Coastal Zone or within a three mile radius.

Affordable housing projects completed with the Coastal Zone since 1998 include the Mary Erickson Housing project located at 150 W. Escalones, which provides 6 affordable units. Two projects were completed within 3 miles of the Coastal Zone. The projects were 100% affordable; Mendocino Apartments (186 units) and Vintage Shores Senior Apartments (122 units).

In 2004, eight units were demolished to accommodate construction of the Mary Erickson Community Housing project. Six very-low-income units were replaced on site (with larger units with more bedrooms per unit). Two very-low-income units were replaced within three miles of the Coastal Zone in the Mendocino Apartments, built in 2003-04.

A total of 30 units were converted from apartments to condominiums during 2001-07. All properties were duplexes except for one fourplex. Duplexes are exempt from the Coastal Zone requirements related to conversion or demolition. The fourplex was vacant and did not house low-income households. The City has therefore complied with the requirements of the Mello Act. To ensure continued compliance, the City will continue monitor residential development activities in its coastal zone.

²⁵ Includes the Mary Erickson Community Housing development

H. Future Growth Needs

1. Overview of the Regional Housing Needs Assessment

The Regional Housing Needs Assessment (RHNA) is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the 8½-year period from January 2006 to July 2014. Communities then determine how they will address this need through the process of updating the Housing Elements of their General Plans.

The current RHNA was adopted by the Southern California Association of Governments (SCAG) in July 2007. The future need for housing is determined primarily by the forecasted growth in households in a community. Each new household, created by a child moving out of a parent's home, by a family moving to a community for employment, and so forth, creates the need for a housing unit. The housing need for new households is then adjusted to maintain a desirable level of vacancy to promote housing choice and mobility. An adjustment is also made to account for units expected to be lost due to demolition, natural disaster, or conversion to non-housing uses. The sum of these factors – household growth, vacancy need, and replacement need – determines the construction need for a community. Total housing need is then distributed among four income categories on the basis of the county's income distribution, with adjustments to avoid an over-concentration of lower-income households in any community.

2. 2006-2014 San Clemente Growth Needs

In July 2007, SCAG adopted the final RHNA growth needs for each of the County's cities plus the unincorporated area. The total housing growth need for the City of San Clemente during the 2006-2014 planning period is 584 units. This total is distributed by income category as shown in Table II-33.

Assembly Bill 2634 of 2006 amended state law to include the extremely-low-income category (less than 30% of median income) in the required housing needs analysis. The RHNA does not identify extremely-low-income needs separately, but is a subset of the very-low category. As provided by AB 2634, the future housing need for extremely-low-income households is estimated to be one-half of the very-low need, or 63 units.

Table II-33
Regional Housing Growth Needs, 2006-2014 – San Clemente

Very Low*	Low	Moderate	Above Mod	Total
126**	103	116	239	584
21.6%	17.6%	19.9%	40.9%	100.0%

Source: SCAG 2007

Notes:

*Includes the Extremely-Low category

**63 of these are assumed to be Extremely-Low units

All new units built or preserved after January 1, 2006 may be credited against the RHNA period. A discussion of the City's net remaining growth need is provided in the land inventory section of Chapter III.

III. RESOURCES

A. Land Resources

1. Regional Growth Needs 2006 - 2014

In accordance with *Government Code* §65584, projected housing needs for each city and county in the Southern California region are prepared by the Southern California Association of Governments (SCAG) under a process known as the Regional Housing Needs Assessment (RHNA). SCAG's Regional Council adopted the final Regional Housing Need Allocation in July 2007. The RHNA covers the 8.5-year planning period of January 1, 2006 to June 30, 2014.

The RHNA process began with an update of the population, employment and household forecasts for both the region as a whole and for each county. These forecasts were largely derived from Department of Finance (DOF) population and employment forecasts and modified by regional demographic and modeling efforts by SCAG. SCAG then disaggregated the regional and county forecasts to each jurisdiction and estimated the number of dwelling units needed to achieve a regional target vacancy rates (2.3% owner-occupied and 5% rental) and to account for projected housing demolitions. The total housing needed in each jurisdiction was then distributed by income category (very low, low, moderate and upper income). To avoid the over concentration of new lower-income households in jurisdictions with higher proportions of lower-income households (as required by State law), SCAG adjusted the allocation of households in each income category based on the 2000 Census income distribution within each jurisdiction.

All new units built or preserved after January 1, 2006 are credited in the current RHNA period. Table III-1 shows the net remaining growth need after crediting units built during 2006 and 2007. (A detailed breakdown of these new units by income category is provided in Appendix B).

Table III-1
Net Remaining RHNA, 2008-2014 –
City of San Clemente

	Income Category				Total
	VL	Low	Mod	Above	
RHNA (total)	126	103	116	239	584
Units Built 2006-07	0	3	0	529	532
RHNA (net remaining)	126	100	116	0	342

Source: City of San Clemente Community Development Dept., 1/2008

2. Inventory of Sites for Housing Development

Section 65583(a)(3) of the *Government Code* requires Housing Elements to contain an "inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites."

Zoning to Encourage Housing for Lower-Income Households. Pursuant to AB 2348 of 2004, the “default density” for most Orange County jurisdictions, including San Clemente, is 30 dwelling units per acre²⁶. The default density refers to the density at which lower-income housing development is presumed to be feasible, although state law allows jurisdictions to propose alternative densities that are sufficient to facilitate affordable housing based on local experience and circumstances. Based on recent experience with affordable apartment developments in southern Orange County (see Table B-2 in Appendix B), projects at densities ranging from 12 to 54 dwelling units per acre have been built in recent years. Over half of these projects have been successfully developed at densities of less than 24 units/acre. This history of actual affordable developments in Orange County, along with the City's recently completed affordable units, demonstrates that lower-income units are feasible in the RM zone, which allows a density up to 24 units per acre, excluding density bonus.

Land Inventory Compared to the RHNA. A detailed analysis of vacant sites and potential redevelopment opportunities is described in Appendix B. The results of this analysis are summarized in Table III-2, below. The table shows that the City's land inventory, including projects approved and the potential development of vacant and underutilized parcels, exceeds the net remaining RHNA for this planning period in all income categories except for the Moderate category. Under state law, cities are required to demonstrate that there is sufficient capacity to accommodate the RHNA need in each income category. Excess capacity in one category can be used to offset a deficit in a higher income category. As seen in Table III-2, the surplus of Very-low- and Low-income sites (35 units) partially offsets the deficit in the Moderate category, however there is a remaining shortfall of 81 units. In order to accommodate the remaining need for moderate-income housing, Program 1 in the Housing Plan (Chapter V) commits the City to designating land for at least 81 additional moderate-income units as part of the General Plan update. Appendix B indicates sites to be evaluated by parcel (Table B-4) and income category (Table B-5) The supply of Above-moderate sites greatly exceeds the RHNA.

**Table III-2
Land Inventory Summary –
City of San Clemente – 2008**

	Income Category			
	VL	Low	Mod	Above
Units approved/not yet built	0	2	0	466
Vacant land	145	116	0	0
Subtotal	145	116	0	466
RHNA (net remaining)	126	100	116	0
Surplus (Shortfall)	19	16	(116)	466

Source: City of San Clemente Community Development Dept., 1/2008

²⁶ Memo of June 9, 2005 from California Department of Housing and Community Development on AB 2348 of 2004.

A discussion of public facilities and infrastructure needed to serve future development is contained in Section IV.B, Non-Governmental Constraints. There are currently no known public facility service limitations that would preclude the level of development described in the RHNA, although developers will be required to pay fees or construct public improvements prior to or concurrent with development.

B. Financial and Administrative Resources

1. State and Federal Resources

Community Development Block Grant Program (CDBG) - Federal funding for housing programs is available through the Department of Housing and Urban Development (HUD). The City's use of federal funds is described in the 2006-2009 Consolidated Plan. As an Entitlement City, San Clemente participates in the Community Development Block Grant (CDBG) program. The City currently receives approximately \$400,000 per year in CDBG funds. The City does not currently participate in other HUD programs such as Emergency Shelter Grant (ESG) or Housing Opportunities for Persons with AIDS (HOPWA).

Section 8 Rental Assistance – As of 2005, Orange County Housing Authority (OCHA) was providing Housing Choice Voucher (i.e., Section 8 rental assistance) to 132 San Clemente households²⁷. Prior to allowing a qualified tenant to move into a housing unit, OCHA staff initiates a Housing Quality Standard (HQS) inspection. HQS is HUD's minimum housing unit condition standard. If a unit does not meet all minimum HQS conditions, the property owner is provided an opportunity to make corrections. When all HQS conditions are met, a program participant is allowed to move into the unit. At a minimum, each unit under Section 8 contract is inspected annually to ensure HQS conditions are still being met. As with the initial inspection, a property owner and tenant are given an opportunity to correct HQS deficiencies in order for rental assistance to continue.

Low-Income Housing Tax Credit Program - The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 to provide an alternate method of funding low-and moderate-income housing. Each state receives a tax credit, based upon population, toward funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Limitations on projects funded under the Tax Credit programs include minimum requirements that a certain percentage of units remain rent-restricted, based upon median income, for a term of 15 years.

2. Local Resources

San Clemente Redevelopment Agency - The California Community Redevelopment Law requires redevelopment agencies to annually set-aside 20% of their tax increment funds in a separate Low and Moderate Income Housing Fund to be used to increase, improve, and preserve affordable housing in the community. AB 1290, the Community Redevelopment Law Reform Act of 1993, required that the Agency must adopt an

²⁷ San Clemente 2006 Consolidated Plan, p. 66

Implementation Plan for each project area. The City Council adopted the Redevelopment Agency Five Year Implementation Plan on December 8, 1994. The Plan addresses how the RDA will spend the funds and provide for replacement housing if necessary.

The Redevelopment Agency established the following three priorities:

1. New Housing Resources – the provision of below market rate housing for all households earning less than 50% of median income.
2. Neighborhood Revitalization – continuation of the Neighborhood Pride and Home Rehabilitation Programs
3. Housing Support Services – financial support for non-profit programs housing special needs populations.

Each year the Redevelopment Agency reviews the Housing Strategy and updates the priorities depending on the progress each year of the Housing Program. In order to fairly evaluate the feasibility of funding non-profit owned affordable housing projects, the following criteria were adopted for evaluating proposals:

- Economic feasibility of the project
- Cost effectiveness of the project based on the number of units, affordability of the project and amount of City subsidy
- Type of project – ensuring that funds provide a balance of projects supported by the City to meet the needs of different populations and the community
- Ability of the project to meet the priorities of the Housing Strategy

In 1993 the State Assembly passed AB1290, the Community Redevelopment Law Reform Act to assure that redevelopment plans are implemented in a manner that will eliminate blight. AB1290 requires that the Redevelopment Agency (RDA) must adopt an "Implementation Plan" for each project area every five years.

The Implementation Plan must include the following:

1. A description of specific goals and objectives of the Agency within the project area.
2. Identify specific programs, including potential projects and estimated expenditures to be made during the next five years.
3. An explanation of how these programs and expenditures will assist in the alleviation of blight.
4. A description of the priorities within the Housing Program and an explanation and projection how monies in the low and moderate income Housing Fund will be spent over the five year period.

Table III-3 provides a projection of the funds estimated to be available during the 2008-2014 planning period. These funds will be used to work with Non-profit agencies to purchase land, build new housing, and acquire properties for rehabilitation and conversion to long-term affordable housing.

**Table III-3
City of San Clemente Redevelopment Agency Affordable Housing Funds 2007-2012**

HOUSING PROGRAM BUDGET	Fund Balance 2007-08	Projected 2008-09	Projected 2009-10***	Projected 2010-11	Projected 2011-12
Revenues Carried Forward		\$5,086,223	\$3,776,714	\$2,076,714	\$ 536,714
RDA Reserve for New Housing	\$1,599,314	\$ 245,800	\$ 250,000	\$ 260,000	\$ 270,000
Developer In-lieu Fees	\$3,486,909	\$ 50,000	\$ 50,000	\$ 200,000	\$ 300,000
Annual Total	na	\$ 295,800	\$ 300,000	\$ 460,000	\$ 570,000
Cumulative Total	\$5,086,223	\$5,382,023	\$4,076,714	\$2,536,714	\$1,106,714
Expenditures					
RDA/In-lieu fees- New Housing					
Acquisition and Rehab	-	\$2,000,000			\$1,000,000
New Construction	-	\$ -	\$2,000,000	\$ 2,000,000	
Projected New Regulated Units	-	10	10	10	5
TOTAL BALANCE for New Housing	\$5,086,223	\$3,382,023	\$2,076,714	\$ 536,714	\$ 106,714
OTHER Housing And Neighborhood Programs					
Revenues					
CDBG Grant Funds	\$ 408,791	\$ 394,691	\$ 400,000	\$ 400,000	\$ 400,000
RDA Housing Fund	\$ 50,000	\$ 50,000	\$ 55,000	\$ 60,000	\$ 60,000
Expenditures					
RDA Homeless Prevention	\$ 20,000	\$ 22,500	\$ 25,000	\$ 30,000	\$ 35,000
RDA Shelter Operating Support	\$ 30,000	\$ 27,500	\$ 30,000	\$ 30,000	\$ 32,000
CDBG Shelter Operating Support	\$ 10,000	\$ 10,000	\$ 15,000	\$ 15,000	\$ 15,000
Total	\$ 60,000	\$ 60,000	\$ 70,000	\$ 75,000	\$ 75,000
Neighborhood Revitalization					
CDBG Home Rehab. Program	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
CDBG Public Wks/Sidewalks	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000
CDBG Commercial Signage	\$ 30,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000
Total	\$ 255,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000

Developer's In-lieu Fees

The Inclusionary Housing Program includes a provision for small projects generating less than one regulated inclusionary unit to pay an in-lieu fee (see Appendix C). Payment of the fee has also occurred when the project was located in a low density neighborhood and rezoning is unfeasible. The fee is deposited in a housing fund reserved for development of housing for families earning less than 50% of median income. Table III-3 above presents all housing revenues received as of 2007-08 and projections through 2012. The table is divided into programs based on the Housing Strategy priorities. This

includes acquisition of apartment buildings, new construction, homeless prevention and shelter support programs, and neighborhood revitalization.

C. Energy Conservation Opportunities

As residential energy costs rise, the subsequent increasing utility costs reduce the affordability of housing. Although the City is fully developed, new infill development and rehabilitation activities could occur, allowing the City to directly affect energy use within its jurisdiction.

State of California Energy Efficiency Standards for Residential and Nonresidential Buildings were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are codified in Title 24 of the California Code of Regulations and are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. California's building efficiency standards (along with those for energy efficient appliances) have saved more than \$56 billion in electricity and natural gas costs since 1978. It is estimated the standards will save an additional \$23 billion by 2013²⁸.

Title 24 sets forth mandatory energy standards and requires the adoption of an "energy budget" for all new residential buildings and additions to residential buildings. Separate requirements are adopted for "low-rise" residential construction (i.e., no more than 3 stories) and non-residential buildings, which includes hotels, motels, and multi-family residential buildings with four or more habitable stories. The standards specify energy saving design for lighting, walls, ceilings and floor installations, as well as heating and cooling equipment and systems, gas cooling devices, conservation standards and the use of non-depleting energy sources, such as solar energy or wind power. The home building industry must comply with these standards while localities are responsible for enforcing the energy conservation regulations through the plan check and building inspection processes.

State law also requires that a tentative tract map provide for future passive or natural heating or cooling opportunities in the subdivision, including designing the lot sizes and configurations to permit orienting structures so as to take advantage of a southern exposure, shade or prevailing breezes.

In addition to the energy and water conservation measures required of residential development by Title 24 and the California State Subdivision Map Act, the Housing Action Plan (Chapter V) includes Program 11 that commits the City to evaluate the feasibility of adopting sustainable design standards for residential development. Programs 12 and 13 will also promote energy efficient design and resource conservation. The City Council has waived building fees for solar panel installations and has appointed a committee to develop local green building policies and requirements. The policies are expected to be submitted to the City Council during the 2008-09 fiscal year.

²⁸ California Energy Commission (<http://www.energy.ca.gov/title24>)

IV. CONSTRAINTS

A. Governmental Constraints

1. Land Use Plans and Regulations

a. General Plan

Each city and county in California must prepare a comprehensive, long-term General Plan to guide its future. The land use element of the General Plan establishes the basic land uses and density of development within the various areas of the city. Under state law, the General Plan elements must be internally consistent and the City's zoning must be consistent with the General Plan. Thus, the land use plan must provide suitable locations and densities to implement the policies of the Housing Element.

The San Clemente General Plan Land Use Element provides for five residential land use designations, as shown in Table IV-1.

**Table IV-1
Residential Land Use Categories –
San Clemente General Plan**

Designation	Maximum Density ¹	Description
Residential Very Low (RVL)	0.05	Single family residential (1 du/20 acres).
Residential Low (RL)	7.0	Single-family residential.
Residential Medium Low (RML)	10.0	Single-family residential units, duplexes, townhomes.
Residential Medium (RM)	24.0	Single-family residential, duplex townhomes, apartments.
Residential Medium High (RH)	36.0	Single-family residential, duplexes, townhomes, apartments.

Source: City of San Clemente General Plan.

Notes: Density expressed in dwelling units per gross acre.

In addition to the residential land use designations, the General Plan designates appropriate areas for mixed-use development which allows for residential developments to be integrated with retail and office uses. The Mixed-Use (MU) land use designation has several modifiers (e.g., MU 1, 1.1, 1.2, 3, 4.1, 5.3) designed to fine tune maximum densities, floor area ratios and height limits to meet the objectives of specific land use districts (and sub-districts) identified in the General Plan. Among the specific land use districts which allow mixed-use residential development are Downtown San Clemente, North Beach, Pier Bowl, and the El Camino Real Corridor.

The City of San Clemente General Plan is not considered to be a constraint to the goals and policies of the Housing Element as the City's zoning is consistent with the General Plan and adequate sites with appropriate densities have been identified to permit the

construction of the City's fair share of new housing units for the 2006-2014 planning period (See Chapter III, *Resources and Opportunities*).

b. Growth Management Ordinance

A Growth Management Initiative was approved by the voters of San Clemente in 1986 and was adopted by the City Council as Ordinance No. 922, also known as the Growth Management Ordinance. The initiative was in response to the rapid rate of residential growth occurring at the time, which was perceived to adversely affect the City's street system, parking availability, area schools, and quality of life in the City and surrounding sphere of influence areas. The ordinance limits residential construction to a maximum of 500 units per year and establishes a competitive allocation process which awards density on the minimization of environmental impacts, the provision of adequate public services and facilities, project amenities and quality design. While identified as a potential constraint to development during the 2000-2006 planning period, the Growth Management Ordinance actually promoted the production of affordable housing by giving a competitive advantage to projects which included low and moderate income housing units.

The Growth Management Ordinance expired on December 31, 2006 and has not been extended. The expiration date for the Ordinance was timed to coincide with the approximate time when the City would reach "build-out". During the 2000-2006 planning period most of the City's growth occurred in the Talega Specific Plan area and the balance of Forester Ranch.

c. Zoning Designations and Development Standards

The City regulates the type, location, density, and scale of residential development through the Municipal Code. Zoning regulations serve to implement the General Plan and are designed to protect and promote the health, safety, and general welfare of residents. The Municipal Code also helps to preserve the character and integrity of existing neighborhoods. The Municipal Code sets forth residential development standards for each zone district.

The five zones that allow residential units as a permitted use are as follows:

RVL	Residential Very Low
RL	Residential Low
RML	Residential Medium Low
RM	Residential Medium
RH	Residential High

A summary of the development standards for the five major zones permitting residential development is provided in Table IV-2. These development standards continue to be viewed as reasonably necessary to protect the public health, safety and welfare and maintain the quality of life, and are not considered to be constraints on the development of housing.

**Table IV-2
Residential Development Standards by Zone**

Development Standard	Zoning Designations				
	RVL	RL	RML	RM	RH
Maximum Density (DU) ¹	0.05	7	10	24	36
Minimum Lot Area (sq. ft.)	20 ac or legal parcel	6,000	SFR 6,000 Duplex 9,000	6,000	none
Minimum Front Yard (ft.)	varies	20	20	15	10
Minimum Side Yard (ft.)	varies	6 ²	6 ²	5	5
Minimum Rear Yard (ft.)	none	10	SFR 10 Duplex 5	5	5
Lot Coverage (maximum)	50%	50%	50%	50%	50%
Maximum Building Height (ft.)	30 ³	25	25	25	45

Source: San Clemente Zoning Ordinance

Notes:

1. Density expressed in dwelling units per net acre.
2. Minimum setback is 6 feet or 10% of lot width, whichever is smaller.
3. Maximum height is 30 feet and two stories.

Densities range from one unit per 20 acres in the RVL zone to a maximum of 36 units per net acre in the RH Zone, excluding potential density bonus.

Two additional zones, the Downtown Mixed-Use Zone (MU3-CB) and the South El Camino Real Mixed-Use Zone (MU 5.1) allow multi-family residential development through a conditional use permit. The conditional use permit process is intended to ensure quality design and a high standard of development.

Finally, the Zoning Code was amended in 2006 to allow affordable multi-family housing developments in the Neighborhood Commercial Zone (NC) and the Community Commercial Zone (CC) (with the exception of the NC-1 zone)²⁹. These housing projects must comply with the development standards of the RM zone, require a conditional use permit, and must meet the affordability requirements set forth in the Municipal Code. To date, no residential projects been built in commercial zones under this Code provision, although some property owners have discussed potential projects with City staff.

A summary of the residential development permitted by the City's Zoning Ordinance is provided in Table IV-3.

²⁹ Section 17.28.035 of the Municipal Code

**Table IV-3
Permitted Residential Development by Zone**

Housing Type Permitted	RVL	RL	RML	RM	RH	NC	CC	MU
Residential Units								
Single-Family Detached	C	P	P	P	P			C
Single-Family Attached			P	P	P			C
Multi-Family (4 units or less)			P	P	P			C
Multi-Family (5 or more units)			C	C	C	C ¹	C ¹	C
Manufactured Housing	C	P	P	P	P			C ²
Mobile Home	C	C	C	C	C			C ²
Second Units	P	P						
Special Needs Housing								
Emergency Shelters ⁷	P	P	P	P	P			
Transitional Housing ⁷	P	P	P	P	P			
Residential Care Facilities (6 or fewer persons)		P	P	P	P			C
Residential Care Facilities (7 or more persons) ⁶			C	C	C	C	C	C
Congregate Care Facilities			P	P	P	C ³	C	C
Convalescent Home			P	P	P	C ³	C	C ⁴
Senior Housing			C	C	C	C ⁵	C	C
Single Room Occupancy			P	P	P			

Source: San Clemente Zoning Ordinance

P = Permitted

C = Conditional Use Permit

- Multi-family housing, which qualifies as an affordable housing project, is permitted by conditional use permit in the NC2, NC3, CC1, CC2, and CC3 zones only.
- Manufactured housing and mobile homes are permitted by conditional use permit in the MU5.1 zone only.
- Congregate Care and Convalescent Homes are permitted by conditional use permit in all NC and CC zones except the NC 1.1 zone.
- Convalescent Homes permitted by conditional use permit in the MU5.1 zone only.
- Senior housing is permitted by conditional use permit in all NC and CC zones except the NC 1.1 zone.
- Use is not specifically identified in Zoning Ordinance but is permitted in accordance with existing state law.
- Use is not specifically identified in Zoning Ordinance but is interpreted to be a residential use.

The Zoning Code provides for a variety of housing types including single-family homes, multi-family (both rental and condominiums), manufactured housing, mobile homes, senior housing and second units. Low-income housing can be accommodated in all zones permitting residential use in San Clemente including residential as well mixed-use zones. Second units, which are a tool in facilitating affordable housing, are permitted by-right in the RVL and RL zones.

Section 17.28.035 of the Zoning Code specifically provides for and encourages the development of affordable housing projects in commercial and mixed-use zones at densities of up to 36 dwelling units per acre. No minimum unit size is required, except for the MU 3 zone (600 sq. ft.), which permits a wide range of unit types and smaller, more affordable units.

d. Special Needs Housing

Persons with special needs include those in residential care facilities, persons with disabilities, the elderly, farm workers, persons needing emergency shelter or transitional

living arrangements, and single room occupancy units. Many of these groups also fall under the category of extremely-low-income households. The City's provisions for these housing types are discussed below.

Extremely Low-Income Households

Many of the persons and households discussed in this section under the topic of special needs fall within the *extremely-low-income* category, which is defined as 30% or less of area median income, or up to \$26,610 per year for a 4-person household in Orange County (2007). As discussed in Chapter II, the 2000 Census reported that 61% of renters and 69% owners in this income range were overpaying for housing.

A variety of City policies and programs described in Chapter V address the needs of extremely-low-income households, including those in need of residential care facilities, and persons with disabilities. However, it must be recognized that the development of new housing for the lowest income groups typically requires large public subsidies, and the level of need is greater than can be met due to funding limitations, especially during these times of declining public revenues.

Residential Care Facilities and Housing for Persons with Disabilities

Residential care facilities refer to any family home, group home, or rehabilitation facility that provide non-medical care to persons in need of personal services, protection, supervision, assistance, guidance, or training essential for daily living. Health and Safety Code Sections 1267.8, 1566.3, and 1568.08 require local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. "Six or fewer persons" does not include the operator, the operator's family or persons employed as staff. Local agencies must allow these licensed residential care facilities in any area zoned for residential use, and may not require licensed residential care facilities for six or less to obtain conditional use permits or variances that are not required of other family dwellings. The City's Zoning Code allows small residential care facilities by-right in the RL, RM, RMH and RH districts, similar to any single-family use.

Building Codes. The City's building codes require that new residential construction comply with the federal American with Disabilities Act (ADA). ADA provisions include requirements for a minimum percentage of units in new developments to be fully accessible to the physical disabled. Provisions of fully accessible units may also increase the overall project development costs. However, unlike the UBC, enforcement of ADA requirements is not at the discretion of the City, but is mandated under federal law.

Compliance with building codes and the ADA may increase the cost of housing production and can also impact the viability of rehabilitation of older properties required to be brought up to current code standards. However, these regulations provide minimum standards that must be complied with in order to ensure the development of safe and accessible housing. The City encourages and facilitates the construction of supportive housing by allowing such projects by-right in all residential zones. Current

building codes require that all ground floor multi-family units be handicapped-accessible, as well as elevator-served buildings.

Reasonable Accommodation. In order to facilitate the processing of requests to reduce architectural or zoning obstacles for persons with disabilities, Program 19.b to adopt a Reasonable Accommodation Ordinance is included in the Housing Action Plan.

Maximum Concentration. The San Clemente Municipal Code does not impose any maximum concentration limitations on state-licensed residential care facilities.

Site Planning and Parking Requirements. The planning requirements and development standards for licensed residential care facilities of 6 or fewer persons are no different than for other residential uses in the same zone. A conditional use permit is required for licensed residential care facilities and group homes of 7 or more persons. A deviation in site planning requirements and reduction in parking may be granted through a conditional use permit.

Definition of "Family". The San Clemente Zoning Code does not contain a definition of family. Program 19.c is included in the Housing Action Plan to amend the Code in this regard.

Farm Worker Housing

As discussed in Chapter 2 (*Needs Assessment*), the City of San Clemente is not located within a major agricultural area and has no significant need for permanent on-site farm worker housing. The City's overall efforts to provide and maintain affordable housing opportunities will help to support the few seasonal farm workers that may choose to reside in the city.

Housing for the Elderly

Senior housing projects are permitted by conditional use permit in the RML, RM, RH, NC, CC, and MU zones and are regulated as a special use by Section 17.28.280 of the zoning ordinance. The senior housing ordinance is designed to encourage the development of senior housing that meets the special needs of San Clemente's elderly population. The ordinance allows development in residential, commercial, and mixed-use zones consistent with the densities and development standards of the zone, but provides reduced parking standards and other incentives. Density increases, building height increases, development standard exceptions (setback, lot coverage, etc.), and further reductions in parking may be granted for projects that have particular merit, provided the required findings of approval can be made. In mixed-use and non-residential zones, the density for senior housing project cannot exceed 45 dwelling units per acre, however density bonuses are still available under the City's density bonus ordinance (Section 17.24.070).

Congregate care facilities are permitted by right in the RML, RM, and RH zones and by conditional use permit in the NC, CC, and MU zones. Like senior housing, all congregate care facilities are regulated as a special use with very similar requirements and incentives.

The senior housing and congregate care ordinances are not considered to be a constraint to development because the ordinances are equally or less restrictive than for other uses allowed in the same districts.

Emergency Shelters and Transitional/Supportive Housing

Emergency shelters are facilities that provide a safe alternative to the streets either in a shelter facility, or through the use of motel vouchers. Emergency shelter is short-term, usually for 30 days or less. Transitional and supportive housing is longer-term housing, typically up to two years. Transitional housing requires that the resident participate in a structured program to work toward the established goals so that they can move on to permanent housing. Supportive housing residents are often provided with an array of supportive services to assist them in meeting goals.

SB 2 of 2007 strengthened the planning requirements for emergency shelters and requires cities with an unmet need to identify at least one zone where shelters may be established by-right (i.e., without a conditional use permit or other discretionary approval). As an alternative, cities may satisfy the requirement through a multi-jurisdictional agreement. SB 2 also requires that transitional and supportive housing be treated as a residential use subject to only those requirements that apply to other residential uses of the same type in the same zone.

Emergency shelters and transitional/supportive housing are not explicitly defined in the Municipal Code, however in the past the City has permitted such uses with 4 or fewer units by-right in the RML, RM, and RH residential districts while projects with 5 or more units require a CUP, similar to any other multi-family use. Development standards for these uses are no more restrictive than for other residential uses allowed in these districts.

Since emergency shelters operate differently from traditional housing, it is important to distinguish between *housing units* and *beds*. In a shelter, residents typically share bedrooms, bathrooms and dining facilities, and 2 – 4 persons may share one bedroom. For example, an apartment building with four 2-bedroom units may have a capacity of 16 or more occupants.

In compliance with SB 2, the City will amend the Municipal Code to include a definition for emergency shelters and designate at least one zone where shelters are allowed by-right subject to objective development standards. The Industrial zone is currently being studied for this purpose. This district encompasses approximately 138 acres and is served by bus routes and a variety of other urban services (see Program 21 in the Housing Action Plan). Appendix H describes the areas in more detail.

Single Room Occupancy

Single room occupancy (SRO) facilities are small studio-type units and are permitted by right in all multi-family residential districts (4 or fewer units) or with a conditional use permit (5 or more units). Development standards for these uses are no more restrictive than for other uses allowed in these districts.

e. Inclusionary Housing Ordinance

The Inclusionary Housing Program (IHP) was adopted in 1980 to achieve community housing goals. The 2000 Housing Element update required developers of projects with 6 or more units and 4% of the total new units to participate in the Inclusionary Housing Program. The City Council recommended that the 2008 update keep the same percentage inclusionary as in the 2000 Housing Element. Complete details are included in Appendix C of the Housing Element. The IHP facilitates the production of lower-income units by requiring that a portion of new housing is affordable at below-market prices. Because incentives such as a density bonus are typically offered to make development more feasible, the IHP does not present an unreasonable constraint to housing development.

f. Overlay Districts

In addition to the underlying zoning, overlay districts within the City have been identified and bestowed with special development standards and/or permit processing requirements. Overlay districts identified in the San Clemente Zoning Ordinance include Inland Canyons, Coastal Zone, Architectural, Affordable Housing, Planned Residential, and Special Residential Overlay Districts. Table IV-4 below lists these areas of special interest and identifies the permits required and the location of the additional regulations, in both the General Plan and the Zoning Ordinance. The Affordable Housing Overlay allows for mixed income housing to be built in the Neighborhood Commercial District, NC2 and NC3, and Mixed Use 3 and Mixed Use 5.1 zones along El Camino Real, the main intra-city transportation corridor. In order to develop affordable housing projects by right in these districts, 51% of the units must be affordable to households earning up to 50% of median income. There are many vacant lots along the highway which are identified in Appendix B, Table B-2 Residential Land Inventory. Since this is an additional, optional land use in the commercial district, the regulated income requirements are not considered a constraint to developing in the overlay zone. The City has Developer in-lieu fees and RDA housing funds which would be considered for use for developing workforce, affordable housing in this district.

**Table IV-4
San Clemente Overlay Districts**

Overlay District	Area Covered	Purpose	Permits Required	Regulations
Inland Canyons	Non-coastal canyons- properties identified with an "IC" on the City Zoning Map	To preserve important topographical features and/or habitat	--	Zoning Ordinance Section 17.24.060
Coastal Zone	The area on the ocean side of the Coastal Zone Boundary; Properties identified with a "CZ" on the City Zoning Map	To preserve and protect coastal resources	Coastal Development Permit	Zoning Ordinance Section 17.56.050
Architectural	Properties identified with an "A" on the City Zoning Map	To signify a visually distinct district characterized by Spanish Colonial Revival architecture and a pedestrian orientation	Cultural Heritage Permit	Zoning Ordinance Section 17.56.020
Planned Residential	Properties identified with a "PRD" on the City Zoning Map	To provide flexible regulations in order to foster innovation, variety, amenities, and a sensitivity to the natural topography	Site Plan Permit	Zoning Ordinance Section 17.56.040
Special Residential	Single-family neighborhoods (zoned RL) with unique development standards, identified with a numbered overlay on the Zoning Map	Unique development standards established through the discretionary process for single-family neighborhoods	Tentative Map and/or Conditional Use Permit	Zoning Ordinance Section 17.56.060
Affordable Housing Overlay	El Camino Real MU 3, MU 5.1, NC2 and NC3 zones	Encourage development of affordable housing along commercial corridor	Affordable housing projects allowed by right units; 51% VL reqd.	Zoning Ordinance Section 17.56.080

Development Feasibility in the Affordable Housing Overlay Zone

The City hired RRM Design Group to examine the feasibility of developing in-fill sites in the Affordable Housing Overlay Zone along El Camino Real. The site identified as Number 18 in the Land Use Inventory (Table B-3) at 902 N. El Camino Real was used to test the current zoning standards and density bonus formula. Two schematic designs were developed (see Appendix G). Alternate 1 provided 7 units on 11,931 square feet based on the Residential Medium density standard of 1 unit per 1800 square feet. Alternate 2 assumed a density bonus of 25%, which allowed 9 units. Both scenarios meet applicable setback, height and parking requirements based on bedroom counts. No concessions were needed to achieve these densities. To increase density by 35%, one more unit could be added to the Alternate 2 plan by reconfiguring the bedroom counts while still meet the zoning standards and parking requirements established in State density bonus law.

Despite this demonstrated ability to achieve the maximum number of units allowed under the Zoning Code, the cost of land is a constraint to developing affordable housing in San Clemente. A selection of land that has sold within the Affordable Housing Overlay is provided in Table IV-5. The price of land ranges from a low of \$25 per square foot to a high of \$107 per square foot. The Redevelopment Agency acquired 4 lots on Avenida Serra in 1998 for \$400,000 or \$25 per square foot. The Riviera Motel was bought for a high of \$ 3 million dollars or \$107 per square foot in 2006.

**Table IV-5
Evaluation of Land Cost and Density Bonus Units**

Address/Zone	Lot Size/Density Allowed/ # D.U.	Purchased Land Value/ Sq. ft.	Number of Units Proposed/Density
107-115 Ave. Serra (MU3) RDA owned	16,000 sf / 1/1800 sf or 24 du/ac = 8 units	\$400,000 or \$25/sf	13 du (1/1250 sf) = Density bonus 35% = 35 du/ac
Proposed Sr. Housing 2350 S. El Camino Real (NC3)	63,162 sf/1/1200 sf or 36 du/ac = 52 units	\$3.5 Million or \$55/sf	82 du(1/770 sf) = 56 du/ac Density bonus of 36%
Rivera Motel Site 2723 S. El Camino Real (MU5.1)	27,000 sf/1/1200 sf or 36 du/ac= 22 units	\$3 Million or \$107/sf	28 du (1/964 sf)= Density of 45 du/ac with density bonus of 21%

In 2007, the developer/owner of the Rivera Motel proposed building market rate condos and selling them for a market price of \$750,000 to \$1 million. When the market softened and condos dropped in price to below \$500,000, the owner could not afford to build the units as proposed. The City worked with Mary Erickson Community Housing to evaluate the site and determine a fair market value for the land based on the zoning standards of the Residential High density of 36 units/acre. At this density, 22 units could be built. Based on a pro-forma utilizing tax credits and a City subsidy, the market value of the land could not be more than \$1.5 million (\$68 per square foot). The non-profit also evaluated the project by increasing the number of units to 28. The design for the 28 unit project necessitated a below-grade parking structure to fit the units on the site. The parking structure increased the price of the project beyond feasibility unless additional subsidies were available.

This analysis shows that as prices are reduced to \$68 a square foot or below, the feasibility of development increases, but only if there is no below grade parking structure. Therefore, increasing the density is not always the answer to making a project more feasible, however, reducing parking standards will be considered in order to mitigate the cost of the overall development when affordable housing is provided.

Achieving the right land price is critical to developing housing. It is conceived that the City will provide subsidies to non-profit developers to purchase the affordable units built within the Overlay. The owner of the land can develop the entire project and sell the market rate units to the public and the affordable units at a price affordable to households earning up to 50% of area median income to a non-profit housing organization. The non-profit is required to own the units and rent them out to qualified households earning up to 50% of area median income.

g. Off-Street Parking Requirements

The City's parking requirements for residential uses vary based upon the unit type, with single-family homes requiring two-car garages for each unit. Two dwelling units on a single lot require two parking spaces per unit. Of these spaces, 50% must be covered and

each dwelling unit must be assigned at least one covered parking space. Covered parking need not be attached and may be a carport, (an accessible structure, permanently roofed). Garages are not required for development of multi-family housing.

Projects with three or more dwelling units on a single lot require parking based on the most restrictive of one of two methods: Method 1 is based on the number of bedrooms in a dwelling unit. Method 2 is based on the net floor area of a dwelling unit. The two methods are summarized in 0.

The required parking is typical for most cities in Orange County and is not considered to be a constraint on the production of affordable housing as the Planning Commission has the ability to grant reduced parking for senior housing and other affordable housing projects through the conditional use process. It is widely accepted that low-income households have fewer cars than higher income households. Examples of affordable housing project with reduced parking from the 2000-2006 Planning Period include the Mendocino apartments complex (186 units), which had a parking requirement of two spaces per unit and reduced guest parking, and the Mary Erickson Community Housing (MECH) project with two spaces per unit (6 units). Both of these projects were built for large, very low income families, with 50% of the apartment units having 3 bedrooms. Tandem parking is also allowed and is typically requested when remodeling occurs on infill sites. Tandem parking was approved for the MECH infill project.

Senior housing and affordable housing developments (all regulated units) have different parking requirements than market rate. The minimum standards for senior housing include 2 parking spaces for the manager's unit and one covered parking space (carport) and 1 parking space per five units for guests. Exceptions may be granted when substantiated by a parking study and may be approved through the discretionary review process. Affordable housing is regulated through the Inclusionary Housing Program, concession to parking requirements. According to the State Density Bonus law, upon the request of the developer, no city shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the requirements of the density bonus code, exceeding the following ratios: 1) Zero to one bedrooms: one onsite parking space, 1) two – three bedrooms: two onsite parking spaces, 3) four and more bedrooms: two and one-half parking spaces. The development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

Table IV-6
Residential Parking Requirements – Three or More Units on a Lot

Method 1 Number of Bedrooms	Method 2 Net Floor Area	Required Parking Spaces
0-1	To 900 SF	1.5
2	To 1,800 SF	2.0
3	To 2,700 SF	2.5
3 or more	Over 2,700 SF	3.0

Source: San Clemente Zoning Ordinance

h. Accessory Units

In response to state-mandated requirements and local needs, the City of San Clemente allows for the development of accessory or second dwelling units by right (i.e., no discretionary approval required) in the RVL, and RL zones east of Interstate 5. The applicant must be an owner-occupant of an existing single-family dwelling on the lot. One additional covered parking space is required for the unit or one space for each bedroom in the unit, whichever is greater. The total floor area for the unit may not exceed 1,200 square feet or 30% of the living area of the main unit, whichever is less.

Accessory units serve to augment resources for senior housing, or other low- and moderate-income segments of the population. Second units are not permitted in the Coastal Zone west of Interstate as these areas are limited by overall infrastructure capacity and are impacted by beach traffic and parking. This area contains many older residential units on small lots which do not meet current parking requirements and significant numbers of bootleg units which do not provide parking. The development standards are reasonable to ensure neighborhood compatibility, and do not present an unreasonable constraint to development.

i. Density Bonus

To reduce the level of housing opportunity constraints imposed by the City's land use distribution, a density bonus ordinance was adopted. This density bonus ordinance (San Clemente Zoning Ordinance Section 17.24.070) allows a density increase of 25% over the otherwise maximum allowable residential density prescribed by the City's Zoning Ordinance and General Plan. In order to qualify for the density bonus, a developer must agree to construct either: 20% of the total units of a housing development for persons and families of lower incomes, 10% of the total units of a housing development for very low income households, or 50% of the total units of a housing development for senior residents.

To further address governmental constraints, the density bonus ordinance provides other incentives to developers of affordable housing, including: a reduction or modification of zoning ordinance development standards, a waiver of application fees, or other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

Under new State density bonus law (SB 1818 of 2004), cities and counties must provide a density increase up to 35% over the otherwise maximum allowable residential density under the Municipal Code and the Land Use Element of the General Plan (or bonuses of equivalent financial value) when builders agree to construct housing developments with units affordable to low- or moderate-income households.

On June 17, 2009 the Planning Commission approved the Density Bonus ordinance to meet the regulations adopted by SB 1818. The City Council approved the ordinance on August 18, 2009.

j. Mobile Homes/Manufactured Housing

There is often an economy of scale in manufacturing homes in a plant rather than on site, thereby reducing cost. State law precludes local governments from prohibiting the installation of mobile homes on permanent foundations on single-family lots. It also declares a mobile home park to be a permitted land use on any land planned and zoned for residential use, and prohibits requiring the average density in a new mobile home park to be less than that permitted by the Municipal Code.

In the City of San Clemente, manufactured housing is allowed in all residential zones as a permitted use provided the installation complies with the site development standards for the applicable zoning district and Section 17.28.190 of the Municipal Code, which also regulates mobile home parks. The City's development standards for mobile homes are reasonable to ensure neighborhood compatibility, and do not present an unreasonable constraint to development.

The ability to utilize manufactured housing allows for the construction of housing that is frequently of lower cost than conventionally-constructed units. Mobile home parks are also permitted in all residential zones, but required a conditional use permit. The development of new mobile home parks is unlikely due to the need for large sites and the fact that the City is nearly built out. Three mobile home parks are located in San Clemente. One of these parks was assisted by the City in converting from rental parks to resident ownership. The City recognizes these mobile home parks for their contribution to affordable housing and provides home rehabilitation grants and loans to qualified mobile home owners on an annual basis.

k. Condominium Conversions

In order to reduce the impacts of condominium conversions on residents of rental housing, some of which provides housing for low- and moderate-income persons, the City's Municipal Code limits such conversions whenever the vacancy rate falls below 10%. When this occurs as defined by a "certification of vacancy rate process" set forth in the Municipal Code, the City restricts the number of condominium conversions in the following year to a maximum of 25 units plus 50% of the yearly average of new multi-family units constructed in the preceding two years. The ordinance also prohibits the conversion of multiple family rental units in the Marblehead Inland, Rancho San Clemente, and Talega Specific Plan Areas. The ordinance was amended in 2007 to add the 25 unit provision with the intent of allowing a small amount of older apartment buildings (primarily in the downtown area) to be upgraded through condominium conversion. Since the city's vacancy rate has been below 10% for many years, the condo conversion policy has ensured no net loss of rental units. When a condo conversion is permitted, the increase in the supply of less expensive for-sale units helps to compensate for the loss of rental units. The ordinance to regulate condominium conversions is reasonable to preserve rental housing opportunities, and does not present an unreasonable constraint on the production of ownership housing.

I. Building Codes

State law prohibits the imposition of building standards that are not necessitated by local geographic, climatic or topographic conditions and requires that local governments making changes or modifications in building standards must report such changes to the Department of Housing and Community Development and file an expressed finding that the change is needed.

The City's building codes are based upon the California Building, Plumbing, Mechanical and Electrical Codes. These are considered to be the minimum necessary to protect the public's health, safety and welfare. No additional regulations have been imposed by the City that would unnecessarily add to housing costs.

m. Code Compliance

The City's Code Compliance Division is responsible for the abatement of deteriorating housing and illegal housing units, usually in the form of garage conversions (also known as "bootleg" units). These housing units are typically rented for lower rates or converted by tenants, making them available to lower-income individuals. Although low-income tenants may inhabit these units, they could be unsafe and unsanitary. Code enforcement actions usually account for a loss of ten or fewer substandard or illegal units per year. In addition to garage conversions, some occupants of large units may rent out bedrooms as studio units. Because safety is of paramount importance, code compliance cannot be considered a constraint to the provision of affordable housing. The Code Compliance Division responds primarily on a complaint basis and the City encourages the use of legal second units where feasible.

2. Development Processing Procedures

a. Residential Permit Processing

The City of San Clemente's development approval process is designed to accommodate, not hinder, development. Developments with four or fewer units do not require a conditional use permit (CUP), and typically do not require any other type of discretionary approval. Most developments in San Clemente consist of four or fewer units as San Clemente is a mostly built-out city with little vacant residential land available, and typical multi-family projects are small infill developments.

Projects with five or more units require approval of a CUP by the Planning Commission, which takes an average of three to four months. Per the Permit Streamlining Act, the City of San Clemente has 30 days to determine whether a project application is complete. Once a project is deemed complete, it is scheduled for the City's internal Development Management Team (consisting of fire, police, public works, engineering, building & safety, landscape, and other staff), which reviews the project and recommends appropriate conditions of approval. A Planning Commission hearing is then scheduled. If the project is approved, an approval letter, including the conditions of approval, is sent to the applicant. The project only proceeds to the City Council if it also requires a legislative act such as a General Plan Amendment or Zone Change. The project approval process is identical for single-family and multiple-family residential projects.

If a housing project does not require a discretionary approval (four or fewer dwelling units requires plan check approval only), the average processing time is 3 to 6 weeks. If the project requires a discretionary approval, the process, including legal noticing requirements, project revisions, and the generation of staff reports, typically takes 12 to 16 weeks. If the project requires a legislative act by the City Council such as a General Plan Amendment or Zone Change in conjunction with the discretionary project, an additional 5 to 6 weeks is typically required for the public hearing.

Other projects requiring Zoning Amendments or other discretionary actions necessitate a higher level of review, resulting in a longer processing timeline. The City's processing and permit procedures are consistent with State Planning and Zoning Law and are not considered to be an unreasonable constraint on the cost or supply of housing. However, the City will develop a By-Right zoning program as an amendment to the Zoning Code to eliminate the CUP for multi-family development in residential zones to expedite permit processing for projects not within the architectural overlay district or needing cultural heritage review.

All residential development is reviewed by City staff for zoning, building and fire code compliance prior to issuance of building permits. For most property in San Clemente, new residential development with fewer than five units is permitted by right, provided the project adheres to the allowed density and development standards of the zone. Allowing smaller projects by right encourages the provision of affordable housing on smaller in-fill and underutilized lots within the older areas of the city. For projects with five or more units, a Conditional Use Permit must be approved by the Planning Commission. The discretionary process allows the project to be reviewed for appropriateness, scale, architecture, design, and compatibility with the surrounding area. Most, residential projects within an architectural overlay district or within 300 feet of a City Designated Historically Significant Structure will require a Cultural Heritage Permit, regardless of size.

Certain steps of the development process are required by State rather than local laws. The State has defined processing deadlines to limit the amount of time needed for review of required reports and projects. In an effort to provide an efficient permit processing system, the City has implemented the following time and cost saving developmental processes:

- Eliminated the Community Design Commission and combined the duties with the Planning Commission, which includes 2 architectural, landscape or planning professionals to the extent feasible.
- Located all City divisions involved in the permitting process – Planning, Engineering, Building, Public Works, Economic Development, Business Licenses, and Fire Authority – in one location.
- Appointed a Zoning Administrator to implement discretionary approval for less significant projects.
- Facilitate pre-application meetings to ensure issues are identified early in the process and applications are complete prior to submittal for discretionary review.

- Housing staff assists non-profit agencies to determine feasibility of projects and identify public financing sources.
- Processing fees can be reduced, postponed or supplemented with housing funds for affordable projects meeting City priorities.
- Encourages concurrent processing of applications

These procedures help to ensure that the development review process meets all legal requirements without causing a significant unwarranted constraint to housing development.

b. Environmental Review

Environmental review is required for all development projects under the California Environmental Quality Act (CEQA). San Clemente has a substantial number of environmental constraints due to its sensitive habitats, coastal location and conservative approach to preserving its unique natural surroundings. Because of these environmental constraints, the larger residential projects such as Talega and Marblehead (Coastal) have required the preparation of Environmental Impact Reports (EIRs). An EIR is required of all developments that have the potential of creating significant impacts that cannot be mitigated, which is highly typical of large projects approved under Specific Plans. At the same time, most residential projects in San Clemente are either Categorically Exempt or require only an Initial Study and Negative Declaration. The Negative Declaration process typically takes two to three weeks to complete. Categorically Exempt developments such as second residential units require a minimal amount of time. As a result, state-mandated environmental review does not pose a significant constraint to housing development.

c. California Coastal Act

The Coastal Zone is generally defined as that land and water area which extends inland 1,000 yards from the mean high tide line of the Pacific Ocean and seaward to the State's outer limit of jurisdiction. Within the City, the Coastal Zone is 2.79 square miles out of the total of 18.45 square miles, comprising 15% of the total land area. In 1990, 89% of the housing units in the City (8,542) were located in the Coastal Zone. By 2000, the number of units increased to 9,148 with an average annual growth of 60 new units a year. Between 1985 and 2005, ranch land development east of the Coastal Zone grew at a faster pace. Housing east of the Coastal Zone now makes up 53% of the total, while the Coastal Zone decreased to 47% of the total units in the City.

The California Coastal Act requires each local government lying wholly or partly within the State-designated Coastal Zone to prepare a Local Coastal Program (LCP). While most of the Coastal Zone is built out, the City anticipates re-use of underutilized sites, as well as regular development of the vacant lots situated in the Coastal Zone.

While San Clemente does have a certified Land Use Plan, the City does not currently have a certified Implementation Plan. Therefore, in addition to local approval processes, development proposals within the Coastal Zone must also be approved by the California Coastal Commission. This additional process can add time and cost to a development proposal, and may act as a deterrent to developers of affordable housing.

The Coastal Zone includes the following five census tracts: 421.03, 421.05, 421.07, 421.08, and 422.06. Per the 2000 Census the Coastal Zone population was 22,539 or 45% of the total population in the City (49,861). Two of the coastal census tracts, 421.07 and 421.08, are identified as target areas by the Department of Housing and Urban Development Community Development Block Grant Program (CDBG). These two tracts have median incomes ranging between \$38,750 and \$42,520; substantially below the City median of \$63,500 in 2000. The Coastal Zone has 69% of the total renter-occupied households and 31% owner-occupied compared to the rest of the City with 62% owner-occupied and 38% renter-occupied. The CDBG target area and central portion of the Coastal Zone is the historic core of the city with a mix of single family and small multi-family properties, The southwest portion of the Coastal Zone is wealthier (median income of \$63,000), and primarily owner occupied single family homes (83%).

Alleviating Constraints in the Coastal Zone

The Coastal Zone is subject to many development restrictions due to land use, land cost, and Mello Act compliance. As the number of vacant residential lots has decreased in the Coastal Zone, the City had to consider other options to increase the feasibility of providing low and moderate income housing within the Coastal Zone. The Coastal Act, in general, gives priority to the preservation of existing affordable housing over the production of new housing that may conflict with other coastal resource protection policies. The replacement of low-income housing is mandated by the Coastal Act, which requires that any units to be demolished be replaced within three miles of the original site. Currently most of the City's existing low income housing stock consists of apartments within the Coastal Zone. Due to the presence of in-fill lots surrounding the apartments, these areas are attractive sites for new development of apartments and condominiums, whereas conversions and demolitions of apartments are limited.

The City's Condominium Conversion Code decides conversions on an annual basis depending on the vacancy rate. When vacancy rates are above 10%, there are no restrictions on conversions. Since 2000, vacancy rates have stayed below 10%, thereby constraining conversions. In 2005, the Condo conversion code was changed to encourage additional conversions (up to 25 units) to stimulate improvements to the pre-1981 apartments even when vacancy rates are 10% or less. Even with this change in the code only 30 apartments have been converted since 2000. The limited number of conversions points to the difficulty of converting apartments built before 1980. This was because pre-1980 parking standards required only a one car garage per unit. Due to the updated parking standard, pre-1980 properties often have to convert two apartments into one. The negative impact of this code is that fewer properties are upgraded, the streets remain overcrowded, and the prices of converted properties are very high.

New Programs to Increase Affordable Housing in the Coastal Zone

The City has developed two programs to assist with the preservation and construction of new affordable units in the Coastal Zone. The Housing Coordinator has worked with Mary Erickson Community Housing to acquire and rehabilitate three properties with 18 units within the Coastal Zone over the past 15 years. CDBG funds have helped Laura's House

rehabilitate their property. The properties were in poor condition, overcrowded and charged high rents. HOME and RDA housing funds were used to purchase the units and insure long term affordability. These apartments are now excellent examples of model properties on the block. Low income families pay affordable rent, overcrowding was eliminated, and the properties will preserve affordability in the Coastal Zone.

The second program to encourage new construction was adopted by the City Council in 2006. An Affordable Housing Overlay which will allow development of vacant and underutilized commercial sites to build a mix of affordable units (51% for households earning up to 50% of median income) and market rate units. The Affordable Housing Overlay was adopted when housing and land values were peaking, therefore it has been difficult to find land at a value to develop anything but high priced condominiums and single family housing in the coastal zone. With the current slump, it is expected that land values will decrease if more property owners need to sell their property due to short sales or possible foreclosures. The City is developing a marketing plan to encourage market rate and non-profit developers to purchase land in the Affordable Housing Overlay. For profit developers may build condominiums and sell off the market rate units to the public and the City will offer grants and loans to non-profits to purchase the affordable units. The affordable units will be owned by the non-profit and rented out to qualified households. Land prices are expected to be reduced to values which will allow for mixed income housing in the Overlay Zone.

The third program alleviates some of the financial impact of Mello Act compliance. The City will accept an in-lieu fee for projects unable to provide on-site affordable units. The fee is based on the gap between the market rate units and the amount needed to subsidize units at 50% of median household income. Appendix C, Inclusionary Housing Program describes the calculation of the fee. The City has collected fees and has assisted non-profit developers such as Mary Erickson Community Housing and Jamboree Housing with the construction of new affordable units by providing grants to purchase existing apartments in the Coastal Zone or funds to finance the construction of affordable housing within 3 miles of it (Mendocino Apartments in Talega).

City of San Clemente Land Use Regulation in the Coastal Zone

The City's Coastal Zone (CZ) follows the land use regulations of the zone in which the property is located in. In addition to those development standards for the base zone, the following standards apply to all applicable projects within the CZ Overlay. The purpose of the coastal standards is to protect coastal resources and reduce hazards to life and property. When there are two or more set-back choices available in the standards below, (e.g., stringline and bluff or canyon edge set-back), the City Planner shall determine which of the setbacks shall be applied to a development based on the geology, soil, topography, existing vegetation, public views, adjacent development and other site characteristics, subject to the appeals provisions. Unlike other cities the Coastal Zone does not reduce the maximum density of units, or modify development standards of the zone. The only restrictions of the Coastal Zone are for properties located on a coastal bluff or coastal canyon as shown below.

**Table IV-7
Coastal Zone Land Use Regulations – Differences from Base Zone**

Coastal Zone	Set-back
Coastal Bluff	25 ft from bluff edge
Coastal Canyon	30% of the depth of the lot, not less than 15ft. from coastal sage vegetation or less than 50ft from riparian veg.

These land use regulations limit the size of residential projects in the Coastal Zone, when they are next to a bluff or canyon. The value of land and property is substantially higher closer to the coast. Development of regulated affordable housing is not expected next to the bluffs or canyons, so if new affordable units are built they will be built within the Affordable Housing Overlay. Table B-3 identifies the vacant land in the Affordable Housing Overlay. Although the lots are small, the City will be working closely with developers to provide financing for the affordable units.

3. Development Fees and Improvement Requirements

State law limits fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Various fees and assessments are charged by the City and other public agencies to cover the costs of processing permit applications and providing services and facilities such as schools, parks and infrastructure. Almost all of these fees are assessed through a pro rata share system, based on the magnitude of the project's impact or on the extent of the benefit that will be derived. Because of limited resources, the City does not offer fee waivers, although the City Council may approve a waiver or provide deferred, reduced, or supplement fees with housing funds from the RDA or In-lieu fee fund for affordable housing projects.

Table IV-8 shows current Planning and Engineering development fees per unit for a single custom home, a single-family subdivision, and multi-family subdivision. Standard fees for the application, subdivision and environmental are highlighted in bold italics. Most future development will be infill west of I-5. The Marblehead Coastal master plan community has been put on hold. Fees not included below are for grading, construction inspection, landscape inspection, storm drain inspection and other improvement plan checks.

**Table IV-8
Typical Fees for Single Family and Multi-family Development –
For Estimating Purposes (February 2010)**

IMPACT FEES	Single Family (1 unit)	Single Family Subdivision Fee dependent on location	Multi-family Subdivision Fee dependent on location
Park - Infill	\$400	\$400/DU	\$400/DU
Water Impact Fee (City Wide)	\$398	\$398/du	\$398/du
Sewer Impact Fees Cost Depends on when subdivided, After 3/5/76 or Prior to 3/5/76 is noted Marblehead Coastal was part of Assmt. District 85-1 and has paid their Sewer Impact fees.	After 3/5/76 - \$16,652 Prior to 3/5/76 \$12,780 (infill)	After 3/5/76 \$16,652/du Prior to 3/5/76 \$12,780/du (infill)	After 3/5/76 \$16,652 /du Prior to 3/5/76 \$12,780
Drainage Grading Plan Ck *	\$275 \$ 34	\$275/DU \$34/du	\$30/DU \$50/du
Solid Waste	\$60	\$60/DU	\$60/DU
Regional Traffic, Circulation (RCFPP & TCA) ** Marblehead Coastal has a flat reimbursement of \$5.8 million for Vista Hermosa interchange, not a per d.u. fee	Infill Zones 7 and 9 West side I-5 -\$900	East I-5 \$740/du (Talega – Zone 5)	Infill Zones 7 & 9 \$525/du Talega MF built out
School \$3.55 per sf SF assume 2500 sf MF assume 1000 sf	\$8,875	\$8,875/du	\$3,550/du
Inclusionary Housing – for projects of 6 or more units Estimated Cost per unit for In-lieu fee and/or Indirect Cost if units provided by developer	N/A	\$7,259/du only for projects of 6 or more units	MF Rental Development will include Inclusionary on-site
Building Permits Building/Plan/Energy Check	\$2,539 \$1,567	\$2,539/du \$1,567/du	\$1,338/du \$870/du
Total Per Unit Fees After 3/5/76 East of I-5 (or undeveloped areas)	\$30,800	\$39,029	\$23,600
Total Per Unit Fees Prior to 3/5/76 or West of I-5 (Infill)	\$27,828	\$34,417	\$20,100

*Per unit fees were determined based on 100 lot SF (6 du/ac) subdivision and 100 unit apartment (20 du/ac) complex. Estimates for size include 1,000 sf for apts, 2,500 sf for single family

Proportion of Fee in Overall Development Cost for a Typical Residential Development

Development Cost for a Typical Unit	Single-Family (1 –unit)	Single Family Subdivision	Multifamily
Total Average Fee	\$29,300	\$36,700	\$21,900
Typical Estimated cost of development per unit	2500 s.f. home @\$250/sf = \$625,000	2500 sf home @\$200/sf = \$500,000	1000 sq.ft. apt @\$150/sf = \$150,000
Estimated proportion of fee cost to development cost per unit	6%	9%	16%

The City periodically evaluates the actual cost of processing the development permits when revising its fee schedule.

City road standards vary by roadway designation as provided in 0.

**Table IV-9
Road Improvement Standards**

Roadway Designation	Number of Lanes	Right-of-Way Width	Curb-to Curb Width
Major Highway	6 lanes	120 ft	100 ft
Secondary Highway	4 lanes	80 ft	64 ft
Collector Street	2 lanes	60 ft	40 ft
Local Street	2 lanes	56 ft	40 ft
Cul-De-Sac Street	2 lanes	56 ft	35 ft

Source: City of San Clemente General Plan - Circulation Element

A local residential street requires a 56-foot right-of-way, with two 20-foot travel lanes. The City's road standards are typical for cities in Orange County and do not act as a constraint to housing development.

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, cities and counties have faced increasing difficulty in providing public services and facilities to serve their residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on land developers. The City requires developers to provide on-site and off-site improvements necessary to serve their projects. Such improvements may include water, sewer and other utility extensions, street construction and traffic control device installation that are reasonably related to the project. Ultimately, however, the additional costs for residential land development and infrastructure maintenance are borne by the homeowners and their associations. Dedication of land or in-lieu fees may also be required of a project for rights-of-way, transit facilities, recreational facilities and school sites, consistent with the Subdivision Map Act.

The City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets, bridges, overpasses and other public works projects to facilitate the continued build-out of the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with private development.

Although development fees and improvement requirements increase the cost of housing, cities have little choice in establishing such requirements due to the limitations on property taxes and other revenue sources needed to fund public improvements.

4. Article 34 of the California Constitution

Section 1 of Article 34 of the California Constitution provides that no "low rent housing project shall be developed, constructed, or acquired by any state public body" until

voter approval has been obtained. The election requirement of Article 34 could limit the participation of a public body in the development of low and moderate-income housing because of the delays, uncertainties and potential additional expenses associated with local elections. Fortunately, in the 1980s the City of San Clemente was included in an election held by the County of Orange to allow for the development of affordable housing. The item was approved by a majority of voters. Therefore, Article 34 is not a constraining factor in the development of affordable housing in San Clemente.

B. Non-Governmental Constraints

1. Environmental Constraints

The City is bounded geographically by the foothills of the Santa Ana Mountains to the north, the San Mateo Creek to the east, the Pacific Ocean to the southwest, and San Juan Creek to the northwest. Environmental constraints identified in the General Plan include natural and biological resources; topography; fire hazards; geologic, seismic, and soil hazards; flooding; Tsunami and marine hazards. All of these environmental constraints have the potential to limit the availability of developable land and increase the cost of development.

The most common natural hazards in San Clemente are geologic, seismic, soils and fire hazards. Landslides and potentially unstable slope areas are common within the City. In areas prone to unstable soils, geologic studies are required prior to any discretionary permit approvals. Wild land fires are inevitable and are a part of the natural regeneration cycle and affect inland portions of the city. Developments which interface with lands designated as a fire hazard zone are required to provide a fuel modification zone to serve as a protective buffer between the development and the fire hazard zone. Continual maintenance of the fuel modification zone is required. These requirements can add to the cost of housing.

The city's topography can also contribute to the cost of housing development, as construction and grading costs increase proportionally with the slope of the land. Most of the city's existing affordable housing is located within the more gently sloping areas west of Interstate 5, which includes the historic section of the city. Much of the City's efforts to protect existing affordable housing and encourage new affordable housing focuses on these areas.

San Clemente contains numerous areas of native habitat, some containing endangered or sensitive species, as defined by the U.S. Department of Fish and Wildlife and the California Department of Fish and Game.

In many cases, development of these areas is constrained by state and federal laws (e.g., FEMA floodplain regulations, the Clean Water Act and the Endangered Species Act, and the state Fish and Game Code and Alquist-Priolo Act). The City's land use plans have been designed to protect sensitive areas from development, and also to protect public safety by avoiding development in hazardous areas.

While these policies constrain residential development to some extent, they are necessary to support other public policies.

2. Infrastructure Constraints

As discussed under Development Fees and Improvement Requirements, the City requires developers to provide on-site and off-site improvements necessary to serve their projects. Dedication of land or in-lieu fees may also be required of a project for rights-of-way, transit facilities, recreational facilities and school sites, consistent with the Subdivision Map Act.

Additionally, the City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets, bridges, overpasses and other public works projects to facilitate the continued build-out of the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with private development. As a result of these policies, any infrastructure constraints which currently exist must be fully mitigated and financed as growth occurs.

a. Water Supply and Wastewater Treatment

The City of San Clemente has planned for adequate infrastructure capacity (water, sewer, roads, and drainage facilities) to accommodate build-out of its General Plan land uses. However, potential future constraints remain beyond the City's control, such as cutbacks on potable water allocations from the Metropolitan Water District (MWD). The City extracts groundwater from City-owned wells, imports water from the MWD via the Joint Transmission Main (JTM) and the South County Pipeline (SCP), and produces recycled water at the City's Recycle Water Treatment Facility. The majority (~95%) of the city's drinking water is imported from the Colorado River and the Sacramento-San Joaquin Delta. Ground water extracted from City wells comprises about 5% of the total water source. The City is able to generate 2.2 million gallons of recycled water every day for irrigation use.

Wastewater treatment for all properties within the city is provided at the San Clemente Reclamation Plant, except for new development in Talega. The Santa Margarita Water District provides water and wastewater treatment to the Talega development. Talega also has acquired capacity in the City's wastewater treatment plant so that golf course runoff may be directed to the City's plant. Long-term wastewater capacity is anticipated to be adequate.

b. Storm Water Drainage

Drainage and flood control systems have sufficient capacity to serve growth consistent with General Plan land uses. The City is also required to implement an NPDES (National Pollutant Discharge Elimination System) program in accordance with federal standards. This is required to address water quality runoff for construction activities and ongoing runoff from all types of development including residential projects.

3. Land Costs

Land represents one of the most significant components of the cost of new housing. Land values fluctuate with market conditions, and have been steadily increasing since

2000. Additionally, the price of land varies depending on location, availability of infrastructure and use. The cost of land in San Clemente is a prime constraint in providing affordable housing opportunities. San Clemente contains a significant amount of land with coastal views, a premium that adds to the cost of land. Locational factors such as proximity to freeway access, public facilities, and intangible factors such as image and quality of life also contribute significantly to the demand and price of land. Topography, environmental constraints, and the need to provide new or upgraded infrastructure add to the cost of preparing the land for development and make it more difficult to develop affordable housing.

The price of land in San Clemente has severely limited market-rate construction for low-income households. Recent information from landowners and real estate professionals indicates that asking prices have been in the range of \$45 to \$100 per square foot, although it is unclear to what extent the current downturn will affect land prices.

Per-unit land cost is directly affected by density – higher density allows the cost to be spread across more units, reducing the total price. The City has approved projects at densities in the 20+ units per acre range, which has helped to reduce per-unit land cost. The City's proactive approach to affordable multi-family housing also helps to address high land costs through the facilitation of financial assistance whenever possible. Senior housing projects have been permitted at approximately 45 du/ac.

In its efforts to facilitate the development of affordable housing, the City also utilizes other techniques to make land available at below-market prices. These techniques include:

a. Eminent Domain/Friendly Condemnation

To assure an adequate supply of housing in all income ranges, a city may choose to acquire suitable property to assure this need is met. Property acquired through friendly eminent domain proceedings is subject to fair market value but substantial tax benefits may accrue to the owner of the parcel. Property is acquired by this method through "friendly" negotiations which usually arrive at an equitable disposition and the property may be acquired at a below market price.

b. Land Banking

Land could be acquired or purchased by the City that may not be currently used for housing but may be given entitlement at a future date. This land could be resold with entitlement to a non-profit developer at a reduced price to provide housing affordable to lower income households. Land may be accepted as an in-lieu contribution for an inclusionary housing requirement. Land purchased or contributed for the purpose of residential construction must be suitable for the appropriate density.

c. Government/Public Land

Surplus property that is owned by the City or another public entity can be acquired to provide potential housing opportunities for lower-income households. Surplus property is then passed on to a developer at a negotiated reduced price in exchange for a requirement for more housing affordable to target income groups.

4. Construction Costs

Construction cost is affected by the price of materials, labor, development standards and general market conditions. The City has no influence over materials and labor costs, and the building codes and development standards in San Clemente are not substantially different than most other cities in Orange County. Construction costs for materials and labor have increased at a slightly higher pace than the general rate of inflation according to the Construction Industry Research Board.

5. Cost and Availability of Financing

The recent crisis in the mortgage industry will affect the availability and cost of real estate loans, although the long-term effects are unpredictable. The credit "crunch" resulted when "sub-prime" lenders in the past five years made it possible for low-income families or others who could not qualify for standard mortgages to become home owners even though they might not have had the credit history and income to support repayment of the loans. The problem typically occurs with adjustable rate mortgages (ARMs) after the initial fixed interest rate period expires (often three years) and the interest rate converts to market. Because ARMs often offer "teaser" initial interest rates well below market for the first few years, monthly payments may increase by several hundred dollars when the loan converts to market rate. When property values were increasing, as was the case from 2000 to 2006, homeowners had the option of refinancing to a new loan when the initial rate expired. However, in the current market with declining values since 2007, homeowners may owe more than the resale value of their home, making refinancing impossible. As a result of these conditions, there has been a significant rise in foreclosure rates, and changes in mortgage underwriting standards is likely to have greater impacts on low-income families than other segments of the community.

Under state law, it is illegal for real estate lending institutions to discriminate against entire neighborhoods in lending practices because of the physical or economic conditions in the area ("redlining"). In monitoring new construction sales, re-sales of existing homes, and permits for remodeling, it would not appear that redlining is practiced in any area of the city.

The City's contributions to the provision of low- and moderate-income housing, relies on two principal sources of funding, 1) the Redevelopment Agency (RDA) Low-Moderate Income Housing Fund, and 2) the Developer's In-lieu Fee. RDA funds are derived from the property tax increment and the In-lieu fee is paid by some developers with City approval, to meet their Inclusionary Housing requirement. The City also provides technical assistance to non-profit housing developers to leverage these funds with other State and Federal funds.

The financial tools available to assist affordable housing include mortgage revenue bonds, public financing, redevelopment set-aside funds and Community Development Block Grant (CDBG) funds. These financing sources are described below.

a. Mortgage Revenue Bonds

These are bonds sold by the City to create a pool of money for subsidized mortgages. The bonds are serviced through a return rate on the mortgage or resold on the bond market. The up-front costs of issuing bonds are prohibitively expensive for a small issuing. To reduce the "up-front" cost of the issuance of a Mortgage Revenue Bond that will cover only a small amount of mortgages that a city may wish to offer, many cities have formed pools in a cooperative effort to spread the up-front cost among several cities or housing authorities. Mortgage revenue bonds can be issued for multifamily or single family developments, but multifamily bonds have become less in demand and more difficult to issue due to changes in the tax code.

b. Public Financing

The State Housing and Community Development Agency, and HUD, offer construction, rehabilitation, and permanent financing as low as 3% to qualified applicants such as housing authorities or private not-for-profit developers. These funds are competed for based on participation of other funding sources and local need. A brief list of these programs is listed below:

Federally funded rehab and construction programs:

- Section 202 Direct loans for elderly and handicapped housing.
- Section 502 Rural home ownership assistance.
- Section 515 Rural rental housing assistance.
- Section 17 Rental housing rehabilitation.
- Section 317 Rehabilitation loans.
- Housing and Community Development Act Block Grants.
- HOME funds for acquisition, rehabilitation and new construction

State funded rehabilitation and construction programs:

- Family Housing Demonstration Program (HCD)
- Home Mortgage Purchase Program (CHFA)
- Predevelopment Loan Program (HCD)
- Rental Housing Construction Program (HCD)
- Rental Housing Mortgage Loan Program (CHFA)
- Self Help Housing (CHFA & HCD)
- AB 665 (1982) Bonds → Renter occupied construction
- Funds authorized by the Mark-Furon Residential Rehabilitation Act and SB 99 New construction
- California Energy Conservation Rehabilitation Program
- Deferred Payment Rehabilitation Loan Fund (HCD)
- Home Ownership Mortgage Bond Program (CHFA)
- Home Ownership Assistance Program (HCD)
- Matching Down Payment Program (CHFA)
- Natural Disaster Assistance Program (HCD)
- Non Profit Housing Program (CHFA)
- Farmworker Housing Grant Program (HCD)

Mobilehome Park Assistance Program (HCD)
State Legalization Impact Assistance Grant Program (HCD)
State/Local Multifamily Program (HCD)
Federal Emergency Shelter Grants Program (HCD)
Senior Citizen Shared Housing Program (HCD)

This list of financial assistance programs is not all-inclusive, and many programs may not have funding availability at this time.

c. Redevelopment Set-Aside Funds

State law requires that 20% of redevelopment agency tax increment returns be set aside to assist low- to moderate-income housing. This is a good source of gap funding or equity positions the City may wish to participate in with qualified low-income residential projects (see Table III-3 (page III-5) for current funds available).

d. Community Development Block Grant Funds (CDBG)

The City of San Clemente uses federally entitled grant funds to support a wide range of services and programs that benefit the community's lower and moderate-income households. CDBG funds may be used for housing purposes in the acquisition of land and in the funding of rehabilitation and preservation programs.

e. In-lieu Fees/Inclusionary Housing Program

The 2000 San Clemente Inclusionary Housing Program required developers of six or more units to provide a portion of their development to be designated and made available as affordable rental housing on-site, off-site, or through the payment of an in-lieu fee. The in-lieu fee option was intended primarily for small to midsize in-fill developments or subdivisions where insufficient land exists to provide both for-sale and rental units. As of December 2007 approximately \$3.5 million was available in the in-lieu fund to assist non-profit agencies to buy land or apartment buildings for the provision of long term affordable housing. Changes to the program have been recommended due to the available land left to be developed in the City and are described in Appendix C.

C. Fair Housing

Under state law, it is illegal for real estate lending institutions to discriminate against entire neighborhoods in lending practices because of the physical or economic conditions in the area ("redlining"). In monitoring new construction sales, re-sales of existing homes, and permits for remodeling, it would not appear that redlining is practiced in any area of the city.

State law also prohibits discrimination in the development process or in real property transactions, and it is the City's policy to uphold the law in this regard. The City also provides financial support to the Orange County Fair Housing Council through its CDBG program and is an active participant in fair housing activities.

V. HOUSING ACTION PLAN

A. Goals and Strategies

The housing goals and strategies of San Clemente for the 2008 – 2014 planning period are as follows:

Goal 1 *Provide adequate opportunities for new housing for persons at all economic levels as well as those with special needs.*

Strategies

- ♦ Ensure that the General Plan and Zoning Ordinance designate sufficient land at appropriate densities and in appropriate locations to accommodate the City's fair share of regional housing needs.
- ♦ Facilitate the production of high-quality affordable housing in new housing developments through inclusionary housing, incentives, direct financial assistance, and administrative support.

Goal 2 *Reduce energy consumption in residential developments.*

Strategies

- ♦ Establish green building incentive policies in the city to take advantage of new building techniques and construction methods.
- ♦ Adopt new building codes and housing techniques to accommodate new construction methods.

Goal 3 *Ensure equal housing opportunity and prevent housing discrimination of protected households.*

Strategies

- ♦ Enforce fair housing laws
- ♦ Encourage redevelopment and adaptive reuse of infill sites and properties in Affordable Housing Overlay Zone, such as conversion of residential motels to apartments.
- ♦ Ensure that the City's planning and development regulations accommodate special needs housing, such as homeless and transitional shelters, and related supportive services.
- ♦ Provide housing resources for prevention of homelessness and alternative housing for the homeless and disabled.
- ♦ Increase physical access through universal design and programmatic access to emergency, transitional shelters and regulated affordable housing, ensuring persons with disabilities are included in the range of services that supportive housing provides.

Goal 4 *Ensure that existing housing units, especially affordable units, shelters, and properties owned by lower income residents are maintained and, where necessary, rehabilitated so that this valuable resource is preserved.*

Strategies

- ♦ Continue a pro-active code enforcement program to identify housing in need of repair and make owners aware of resources for financial assistance.
- ♦ Preserve and enhance improvements to older, higher density neighborhoods by pursuing grant funding opportunities for housing rehabilitation and neighborhood improvements.
- ♦ Monitor assisted units at risk of conversion to market rate, and work with owners to preserve these affordable units to the greatest extent feasible.
- ♦ Preserve and enhance Mobile home parks as a source of affordable housing.
- ♦ Maintain current policy regarding apartment conversions.

B. Housing Programs

The programs the City will pursue to implement these goals and strategies, along with the responsible parties, funding sources, objectives and time frames, are described below and summarized in **Error! Reference source not found.** (page **Error! Bookmark not defined.**).

- ♦ ***Programs to provide adequate opportunities for new housing for persons at all economic levels and with special needs***
 1.
 - a. Update the General Plan and Zoning Ordinance to ensure sufficient land at appropriate densities are designated to meet housing needs of the future for all economic levels in the city.
 - b. To encourage residential development identified in the vacant land inventory and on sites identified by the General Plan update, the City will develop a series of incentives for projects which propose lot consolidation and residential development at the maximum allowable density, when including units for very low to moderate income households.

Discussion:

The land inventory analysis contained in Chapter III and Appendix B found that while there is adequate capacity to accommodate the City's need for new housing in the lower- and above-moderate categories, the sites are small within the Affordable Housing Overlay and there is a

shortfall of 81 units in the moderate-income category. The State HCD did not find the site inventory to be complete, stating that the sites were not adequate to meet the housing needs of the city, nor meeting the regional housing needs assessment (RHNA). To address this shortfall and facilitate development of multi-family housing, the City has identified 25.38 acres as indicated in Table B-4 and B-5 to create opportunities for very low, low and moderate income households to meet the City's RHNA needs. These sites will be presented to the General Plan Committee in 2010 for rezoning and inclusion in the Affordable Housing Overlay Recommended candidate sites will be submitted to the City Council along with the General Plan update by November 2011.

Responsible party: Community Development Dept.

Funding source: General Fund

Objective & schedule: Anticipated to begin in FY 2009-10 with completion in 2011.

A list of sites has been prepared and will be submitted to the General Plan committee in 2010. The sites will be reviewed and candidate sites will be submitted for approval to City Council for rezoning and development of multi-family housing without a conditional use permit at a minimum of 20 dwelling units an acre to meet the needs of very low, low, and moderate income households.

By 2011, provide a lot consolidation program that will increase the overall feasibility of affordable housing by offering a waiver or subsidy of development fees and other incentives including, but not limited to, a reduction in parking standards, allowance for shared parking and a reduction in commercial FARs for projects in mixed use zones.

2. Update the Zoning Ordinance to incorporate recent changes to state density bonus law (AB 1866)

Discussion: Due to recent changes in state law, revisions to the Municipal Code are necessary in order to

bring the Code into consistency with the density bonus policies of AB 1866.

Responsible party: Community Development Dept.

Funding source: General Fund

Objective & schedule: Amend the Municipal Code in 2009

3. Affordable Housing Overlay Zone

- a. Amend the Affordable Housing Overlay to identify and/or include additional sites including the City owned sites of Avenida Serra and 100 Avenida Presidio . Provide a minimum density of 20 units an acre within the Affordable Housing Overlay in 2010-11 and eliminate the need for a conditional use permit.
- b. Analyze development standards and "by-right" unit thresholds in the Affordable Overlay Zone. Complete modifications to Zoning Code which lessen the constraints of developing affordable units.
- c. Review and Amend the Affordable Housing Overlay to increase density from Residential Medium to Residential High where transportation and infrastructure is adequate.
- d. Monitor the development in the Affordable Housing Overlay to evaluate the effectiveness of the Overlay's zoning standards in producing new affordable units on an annual basis.

Discussion: An evaluation of construction in overlay zone is needed to determine whether the zoning standards and ratio of affordable to market rate is creating mixed income housing development in the overlay district.

Responsible party: Community Development – Housing Program, Planning Division

Funding source: General Fund, Redevelopment Agency (RDA)

Objective & schedule:

a. In 2010-11 analyze the development standards and "by-right" unit thresholds in the Affordable Overlay Zone. Based on analysis, consider modification of other standards, increase density to 20 units an acre and eliminate the conditional use permit which will lessen the constraints of developing affordable units.

b. Prepare annual analysis of development in the Affordable Housing Overlay Zone to evaluate effectiveness of zoning standards.

4.
 - a. Continue the Inclusionary Housing Program to require new developments to provide one very-low-income inclusionary unit for every 25 new units built (4%), on-site or off-site, as permitted by law. Developers unable to provide affordable unit(s) on-site may work with other developers and non-profits to combine inclusionary requirements and build an affordable project off-site.
 - b. Allow for the payment of in-lieu fees for new projects. Conduct a study to determine an in-lieu fee schedule reflecting actual cost of providing affordable rental units. Develop a fee range to accommodate lower priced apartment development to high end luxury housing.
 - c. Create an incentive program to assist construction of affordable housing.

Discussion: Please refer to Appendix C for a complete discussion of the Inclusionary Housing Program.

Responsible party: Community Development – Housing, Planning Commission

Funding source: RDA

Objective & schedule: Implementation of fee study by Housing Program in 2010. Develop incentives for new affordable development partnerships.

5. Initiate new project(s) for use of In-lieu fees and Redevelopment Agency funds in 2008-011.

Discussion: In-lieu fees and redevelopment set-aside funds help to support the development of new affordable housing. The in-lieu program and fees are discussed in Appendix C. The City's Redevelopment Agency programs and priorities are discussed in Chapter III, Resources and Opportunities.

Responsible party: Community Development - Housing

Funding source: In-lieu fees, RDA set-aside, other state and federal sources

Objective & schedule:

- a. Initiate new projects for use of fees in 2008-11, completion by December 2011.
- b. The Housing Program will develop a marketing package for the Affordable Housing Overlay zone. This will include a model schematic design and pro forma for development including projected subsidies

for development of new housing. 1st phase (existing zoning guidelines) complete June 2009, 2nd phase (potentially modified standards), complete after analysis of Afford. Overlay Zone, 2010-11.

- c. The Housing Program staff will meet with Non-profit developers and housing organizations to evaluate projects for acquisition and rehabilitation for new shelters and long term affordable housing. Two projects will be initiated in 2008-09. Evaluate other City owned land to develop for affordable housing.

6. Identify project(s) for 2008-09 for use of Redevelopment Agency low/mod fund and determine feasibility of developing Avenida Serra property for affordable housing or exchange for like site.

Discussion:

The City owns a 0.36-acre parcel zoned MU3. Funds from the RDA housing fund purchased the site. A feasibility study will be prepared to determine the site's feasibility for affordable housing. The City Council agreed to place the City Hall site of 4.5 acres on the list of sites for affordable housing.

Responsible party:

Community Development - Housing

Funding source:

In-lieu fees, RDA set-aside, other state and federal sources

Objective & schedule:

Initiate in 2008-09. The RDA agreed to extend the development period for the Ave. Serra site for 5 years on June 2, 2009. The RDA committed to develop the site for affordable housing or sell the site by 2014. The City Council endorsed development of the site for 19 units of affordable housing (1 bedroom units) for workforce housing on June 15, 2010. An RFP will be submitted within 30 days and a developer selected within 60 days. The City Hall site will be prepared for design and development with plans approved and ready for development in 2015 at the time the City Hall is moved to the Calle Negocio site.

7. Second unit ordinance
 - a. Evaluate City's second unit ordinance to consider expanding locations of where 2nd units are allowed.
 - b. Evaluate other cities' 2nd unit programs to determine whether the City can expand the program to provide additional low-income units in San Clemente.
 - c. Develop ways to work with HOAs to allow for 2nd units

Discussion: The City's second unit ordinance prohibits development west of I-5 due to infrastructure limitations. Some HOAs do not allow 2nd units. These issues will be studied to potentially expand 2nd units in the city.

Responsible party: Planning Division

Funding source: General Fund

Objective & schedule: Planning staff will prepare educational materials on second unit provisions and advertise on City web site by 2009-10.

8. Pursue state and federal grant programs - Annual application to HUD for CDBG entitlement funds.

Discussion: Staff needs to pursue all relevant funding sources to provide funds for new affordable housing and maintenance of housing stock.

Responsible party: Community Development – Housing

Funding source: RDA, CDBG

Objective & schedule: Housing staff will apply for CDBG grants annually and will evaluate other grant sources such as HOME and ESG programs annually.

9. Provide expedited permit processing as an incentive for affordable projects, and amend the zoning code to eliminate the Condition Use Permit and provide by-right zoning for development of multi-family and affordable projects in the Affordable Housing Overlay zone and multi-family zones at a minimum of 20 units an acre, to be adopted by the City Council.

Discussion: Expedited permit processing is expected to be an incentive for the provision of affordable units. Analysis of by-right processing will also be studied.

Responsible party: Planning, Housing

Funding source: General Fund

Objective & schedule: Planning and Housing staff to initiate expedited permit processing and by-right feasibility study in 2010. Recommended zoning changes should be completed within one year of Housing Element adoption.

In 2010-11, undertake an amendment to the Zoning Code to eliminate the CUP and to allow by-right development of multi-family housing in the Affordable Housing Overlay and Multi-family zone.

10. 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 in conjunction with use of RDA funds and/or in-lieu fees. Properties will be evaluated as part of proactive code enforcement through the Neighborhood Pride Program.

Discussion: When evaluating the acquisition of market rate units, properties to be purchased must be part of a neighborhood improvement strategy.

Responsible party: Community Development – Housing

Funding source: RDA

Objective & schedule: The Housing Coordinator will work with at least one non-profit organization to assist in purchasing a site to be used as transitional housing and/or long term permanent housing in 2009-11.

♦ *Programs to reduce energy consumption in residential developments*

11. Adopt sustainable design policies, standards and codes that result in attractive, energy efficient, neighborhoods.

Discussion: The City Council encourages policies to keep current with building trends to become energy efficient.

Responsible party: Public Works – Community Development

Funding source: General Fund

Objective & schedule: Environmental staff will develop policies and standards by FY 2012.

12. Require energy saving measures for buildings and landscaping using City funds to meet industry sustainable design standards.
- Discussion: To be included in the policy development of sustainable and energy efficient design of City buildings.
- Responsible party: Public Works, Community Development
- Funding source: General Fund
- Objective & schedule: Environmental and Housing staff will implement energy savings programs beginning 2008-11. Use of City Affordable Housing Funds will include energy savings programs on new projects. Environmental Engineer will implement programs on City buildings.
13. Promote resource conservation in new and remodeled buildings through outreach and education.
- Discussion: Resource conservation to be included in the City's Environmental programs, recycling program water and waste water management programs
- Responsible party: Public Works
- Funding source: General Fund
- Objective & schedule: The City's Environmental Program staff will implement conservation and recycling programs to meet State and Federal requirements in 2008-11.
14. Ensure that Building Department staff is trained by professionals of new techniques.
- Discussion: Providing training is essential to understanding and adoption of new building trends and techniques
- Responsible party: Building Division
- Funding source: General Fund
- Objective & schedule: Regular Building staff meetings and training opportunities to be provided on an ongoing basis

15. Adopt new codes every three years or as often as prepared by the National and State Building Official Association.

Discussion: The City will adopt new codes as required by state law

Responsible party: Building Division

Funding source: General Fund

Objective & schedule: Codes to be adopted and implemented every three years

- ♦ *Programs to ensure equal housing opportunity and prevent housing discrimination against protected households*

16. Work cooperatively with the Long Beach Fair Housing Foundation and other agencies preventing housing discrimination.

Discussion: Prevention of discrimination against the disabled and special needs populations needs pro-active education and enforcement of laws

Responsible party: OC Fair Housing, Com. Dev. -Code Enforcement, Building, Housing

Funding source: General Fund, CDBG

Objective & schedule: Fair Housing Foundation to provide information and attend three City outreach events a year.

17. Provide fair housing information and referrals to the public.

Discussion: Members of the public need information to know their rights and laws.

Responsible party: OC Fair Housing, Com. Dev. - Housing

Funding source: CDBG

Objective & schedule: Fair Housing Foundation has a toll-free, 800 number and will assist San Clemente residents with information five days a week and participate in one outreach event a year.

18. Work with non-profit agencies to identify sites and provide subsidies to meet housing needs of special needs, disabled, fixed income, extremely-low- and very-low-income households and workforce.

Discussion: The City has identified sites along the El Camino Real commercial corridor, within the Affordable

Housing Overlay, which could be used for development of affordable housing.

Responsible party: Com. Dev. – Housing, Non-profit Organizations

Funding source: RDA, In-lieu fees, state and federal funds

Objective & schedule: Provide development requirements for access to City housing funds for Non-profit housing and disabled services organizations in 2008-14.

19. Housing for Persons with Disabilities and Other Special Needs

- a. Increase physical access through universal design and programmatic access to emergency and transitional shelters and regulated affordable housing, ensuring persons with disabilities are included in the range of services that supportive housing provides.
- b. Amend the Municipal Code to establish procedures for reasonable accommodations for persons with disabilities consistent with state and federal Law.
- c. Provide a definition of "Family" in the Zoning Code

Discussion: Accessibility for persons with special needs can be increased through appropriate design and construction. The federal Fair Housing Act prohibits "a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford [handicapped] person[s] equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B).

Responsible party: Com. Dev. – Housing, Planning

Funding source: RDA, In-lieu fees, State and Federal funds, General Fund

Objective & schedule: Increase physical access for persons with special needs. All shelters and regulated affordable housing requesting funds will be required to provide access on ground floors, including universal design (2008-09). Amend Municipal Code to establish procedures for reasonable accommodations for persons with disabilities, adopt a definition of "family", and clarify approval procedures for small group homes with six or fewer clients, consistent with current law, within one year of Housing Element adoption.

20. Provide financial and development incentives to new affordable housing projects providing universal design.

Discussion: Incentives can help to facilitate the production of accessible housing.

Responsible party: Com. Dev. – Housing

Funding source: RDA, In-lieu fees, state and federal funds

Objective & schedule: All new projects receiving public funds (CDBG, RDA, In-lieu fees), will be required to improve access and provide universal design beginning 2008-11.

21. Review and amend the Zoning Code to implement State requirements to remove barriers to the development of special needs housing, including emergency shelters and transitional/supportive housing consistent with the requirements of Senate Bill 2 of 2007.

Discussion: The City currently allows emergency shelters and transitional/supportive housing in the RML, RM, and RH zones, although these uses are not explicitly defined in the Zoning Code. As with all multi-family development, a CUP is required for construction of five or more units. There are no restrictions for shelters occupying existing housing. New state law (SB 2 of 2007) requires that emergency shelters be allowed “by-right” (i.e., without a conditional use permit or other discretionary approval) in a least one zoning district.

In addition, SB 2 requires that transitional and supportive housing be treated as a residential use subject to only those requirements and procedures that apply to other residential uses of the same type in the same zone.

Within one year of Housing Element adoption, the City will amend the Zoning Code to establish a definition and objective development standards that allow emergency shelters by-right in at least one zone. The City is currently evaluating the Industrial Zone for this purpose. Development standards will be designed to encourage and facilitate the establishment of shelters in suitable locations (e.g., near transit and support facilities). The amendment will

demonstrate that adequate capacity exists to meet the City's needs, consistent with SB 2.

In addition, the Zoning Code will be amended to provide a definition, development standards and procedures for Transitional and Supportive Housing that are no different than for other residential uses of the same type in the same zone.

Responsible party: Planning

Funding source: General Fund

Objective & schedule: Amend the Zoning Code within one year of Housing Element adoption to comply with SB 2.

22. Continue annual evaluation and funding of homeless services through the Social Services Grant Program.

Discussion: The City has an annual grant process for social programs.

Responsible party: Com. Dev. – Housing

Funding source: RDA, CDBG, General Fund

Objective & schedule: Housing staff to provide grant applications for CDBG and RDA housing funds to homeless service organizations annually.

23. Provide financial assistance and support for transitional housing and permanent supportive housing, especially for housing developments that include universal design to create improved access to new units.

Discussion: The City utilizes RDA housing funds and Developer's In-lieu fees for transitional and supportive housing

Responsible party: Com. Dev. – Housing

Funding source: RDA, In-lieu fees

Objective & schedule: The Housing Rehab program will provide funds to upgrade housing to provide universal design. All projects applying for funds (6 estimated/year) will be evaluated for accessibility needs.

- ♦ *Programs to ensure that housing units, especially regulated affordable units, shelters, and properties owned by lower-income residents, are maintained and rehabilitated*

24. Prepare annual review and funding of the Home Rehabilitation Program from CDBG and other grants that may become available.

Discussion: The Housing Rehabilitation Program is discussed in Chapter III, Resources and Opportunities.

Responsible party: Com. Dev. - Housing

Funding source: CDBG

Objective & schedule: Housing and Code enforcement staff will inspect regulated units and respond to complaints as requested. Home Rehab program funds will be provided to non-profit housing organizations as grants. Applications for funds will be advertized quarterly in the City's newsmagazine and web site.

25. Continue the Neighborhood Pride Program including cooperative projects with Code Enforcement staff, and public works projects in CDBG target areas.

Discussion: The Neighborhood Pride Program began in 1991 and has focused on older multi-family neighborhoods and lower-income households providing new sidewalks, code enforcement, home repair grants and referrals to social services

Responsible party: Com. Dev. – Code Enforcement and Housing

Funding source: General Funds, CDBG

Objective & schedule: Code Enforcement, Housing and Crime Prevention staff will implement neighborhood clean-up and/or educational events at least twice a year.

26. Support the continuance of Casa de Seniors as a HUD project-based assisted housing project through facilitation of government assistance, and bond refinancing to maintain affordability.

Discussion: The property was financed with Federal 202 funds in the 1980s. The property is an important component of the City's housing supply for extremely-low-income seniors. The owners have continued to maintain the affordability.

Responsible party: Com. Dev. - Housing
Funding source: Bond Financing
Objective & schedule: Housing staff will verify continuation of housing program at Casa de Seniors annually.

27. Provide grants up to \$3,000 and loans to low income residents of Shorecliffs Mobile home Park to ensure coaches are maintained.

Discussion: The park was purchased by the owners to enable long-term affordability. The City will continue to provide rehab loans to qualified owners.

Responsible party: Com. Dev. - Housing

Funding source: CDBG

Objective & schedule: Quarterly advertisements of the Home Rehab Program will be published in the City's newsletter. Housing Staff will distribute program flyers to the Homeowners association annually.

28. Prepare annual report certifying Vacancy Rate which determines the number of apartments that can be converted to condominiums.

Discussion: Annual certification of vacancy rate is required.

Responsible party: Com. Dev. – Planning, Housing

Funding source: General Fund

Objective & schedule: Housing staff prepares annual report certifying vacancy rate and allowances for conversion of apartments. Planning staff maintains applications for conversion and ensures the Condo conversion code is enforced.

**Table V-1
Housing Action Plan Summary –
City of San Clemente**

Goal/Strategy	Action	Responsible Party	Schedule
1. Provide adequate opportunities for new housing for persons at all economic levels as well as those with special needs			
1.a Ensure that the General Plan and Zoning Ordinance designate sufficient land at appropriate densities and in appropriate locations to accommodate the City's fair share of regional housing needs.	1. a. Update General Plan and Zoning Ordinance to ensure sufficient land and at appropriate densities are designated to meet housing needs of the future for all economic levels in the city. b. To encourage affordable residential development on sites identified in the vacant land inventory, City owned sites at Avenida Serra and 100 Avenida Presidio, and sites identified by the General Plan update, the City will develop a series of incentives for projects which propose lot consolidation and residential development by-right at a minimum of 20 du/acre for development of housing for very low to mod income households.	Community Development Housing Program Advanced Planning	2010 -11 2009
	2. Update the Zoning Ordinance to incorporate recent changes to state density bonus law (AB 1866).		2009-2011
	3. a. Amend the Affordable Housing Overlay to identify and/or annex additional sites which could provide higher density housing at a more affordable price as part of the General Plan Update. b. Analyze development standards and by-right unit thresholds in the Affordable Overlay Zone. Consider modifications of standards which lessen the constraints of developing affordable units. c. Review and Amend the Affordable Housing Overlay to increase density from Residential Medium to Residential High where transportation and infrastructure is adequate. d. Monitor the development in the Affordable Housing Overlay to evaluate the effectiveness of the Overlay's zoning standards and the ratio of affordability in producing new affordable units on an annual basis.		

Goal/Strategy	Action	Responsible Party	Schedule
	4. a. Continue the Inclusionary Housing Program to require residential sites developing 6 or more units to provide inclusionary units (4%), on-site or off-site or in combination with an approved affordable project off-site (i.e., may combine inclusionary requirements from more than one small development to build affordable units off-site), as allowed by law. b. Allow for the payment of in-lieu fees for new inclusionary projects. Conduct a study to determine an in-lieu fee schedule reflecting the actual cost of providing affordable rental units. Develop a fee range to accommodate lower priced apartment development up to high end luxury housing. c. Create an incentive program to assist construction of affordable housing.		2008 HE Update
	5. Initiate new project(s) for use of In-lieu fees and Redevelopment Agency funds in 2008-11.		2008-11
	6. Identify project(s) for 2008-11 for use of Redevelopment Agency low/mod fund and approve development of Avenida Serra property for affordable housing	Housing	2008-11
	7. Second unit ordinance a. Evaluate City's second unit ordinance to consider expanding locations of where 2nd units are allowed. b. Evaluate other cities 2nd unit programs to determine whether the city can expand program to provide additional low-income units in San Clemente c. Develop ways to work with HOAs to allow for 2nd units	Planning/Housing	2010-11
	8. Pursue state and federal grant programs; Annual application to HUD for CDBG entitlement funds	Planning/Housing	Annually
	9. Provide expedited permit processing and incentives to create affordable projects by amending the zoning ordinance to eliminate the CUP and allow by-right development so that affordable projects and multi-family housing can be approved without an CUP.	Planning	20011-12
	10. 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 in conjunction with use of RDA funds. Properties will be evaluated as part of proactive code enforcement thru the Neighborhood Pride Program.	Housing/ Social Service Program	2009-11
2. Reduce energy consumption in residential developments			
2.a. Establish green building incentive policies in the City	11. Adopt sustainable design policies, standards and codes that result in attractive, energy efficient, neighborhoods.	Environmental Engineering, Planning and Building	2008-14

Goal/Strategy	Action	Responsible Party	Schedule
	12. Require energy saving measures for buildings and landscaping using City funds to meet industry sustainable design standards.		
	13. Promote resource conservation in new and remodeled buildings through outreach and education.		
2.b. Adopt new building codes and housing techniques to accommodate new construction methods	14. Ensure Building staff is trained by professionals of new techniques	Planning and Building	Annually
	15. Adopt new codes every three years or as often as prepared by the National and State Building Official Assoc.		
3. Ensure equal housing opportunity and prevent housing discrimination of protected households			
3.a Enforce fair housing laws	16. Work cooperatively with the Orange County Fair Housing Council and/or other agencies preventing housing discrimination.	Housing CDBG Program	Annually
	17. Provide fair housing information and referrals to the public	OC Fair Housing Council	Annually
3b. Encourage redevelopment of infill sites and adaptive reuse of properties in Affordable Housing Overlay Zone, such as conversion of residential motels to apartments.	18. Work with non-profit agencies to identify sites and provide subsidies to meet housing needs of special needs, disabled, fixed-income, extremely-low- and very-low-income households and workforce.	Housing	Ongoing
	19. Housing for Persons with disabilities a. Increase physical access through universal design and programmatic access to emergency, transitional shelters and regulated affordable housing, ensuring persons with disabilities are included in the range of services that supportive housing provides. b. Amend the Munic. Code to establish procedures for reasonable accommodations for persons with disabilities consistent with state and federal law. c. Provide a definition of Family in the Zoning Code.		Ongoing
	20. Provide financial and development incentives to new affordable housing projects providing universal design.		Ongoing
3c. Ensure that the City's planning and development regulations accommodate special needs housing, such as homeless and transitional shelters, and related supportive services	21. Review and amend the Zoning Code to implement State requirements to remove barriers to the development of special needs housing, including Senate Bill 2	Planning	2009-11
3d. Provide housing resources for prevention of homelessness and alternative housing for the homeless and disabled	22. Continue annual evaluation and funding of homeless services through the Social Services Grant Program	Community Development Housing Program City Social Program	Annually
	23. Provide financial assistance & support for transitional housing and permanent supportive housing		

Goal/Strategy	Action	Responsible Party	Schedule
4. Ensure that existing housing units, especially affordable units, shelters, and properties owned by lower-income residents are maintained and, where necessary, rehabilitated so that this valuable resource is preserved.			
4.a Continue a pro-active code enforcement program to identify housing in need of repair and make owners aware of resources for financial assistance	24. Prepare annual review and funding of the Home Rehabilitation Program from CDBG and other grants that may become available.	Community Development Housing Program Code Enforcement	Annually
4.b Preserve and enhance improvements to older , higher density neighborhoods by pursuing grant funding opportunities for housing rehabilitation and neighborhood improvements	25. Continue the Neighborhood Pride Program including cooperative projects with Code Enforcement staff, and public works projects in CDBG target areas	Community Development Housing Program Code Enforcement Public works	Annually
4.c Monitor assisted units at risk of conversion to market rate, and work with owners to preserve these affordable units to the greatest extent feasible	26. Support the continuance of Casa de Seniors as a HUD project based assisted housing project through facilitation of government assistance, and bond refinancing to maintain affordability	City Mgmt. Community Development	As required
4.d Preserve and enhance Mobile home parks as a source of affordable housing	27. Provide grants up to \$3,000 and loans to low income residents of mobile home parks to ensure coaches are maintained	Housing	As requested
4.e Maintain current policy regarding apt conversions	28. Prepare annual report certifying Vacancy Rate which determines the number of apartments that can be converted to condominiums	Housing	Annually

C. Quantified Objectives

The City's quantified objectives for new construction, rehabilitation and conservation are presented in Table V-2.

**Table V-2
Quantified Objectives – 2008-2014
City of San Clemente**

Category	Income Category					Totals
	Ex. Low	V. Low	Low	Mod	Upper	
New Construction*	10	126	103	116	239	584
Rehabilitation	30	30	20			80
Conservation	30	30				60

*Quantified objective for new construction is for the period 1/1/2006 - 6/30/2014 per the RHNA

**APPENDIX
TO THE
2008 HOUSING ELEMENT OF THE GENERAL PLAN
CITY OF SAN CLEMENTE**



Appendix A

Evaluation of the 2000 Housing Element

Section 65588(a) of the *Government Code* requires that jurisdictions evaluate the prior Housing Element as part of the 2008 update process. This appendix contains a review of the accomplishments of the previous housing element, adopted in 2000, and evaluates the degree to which these programs have been implemented during the previous planning period, 2001 through 2007. The findings from this evaluation have been instrumental in determining the City's 2008 Housing Implementation Program.

Table A-1 summarizes the programs contained in the previous Housing Element along with the source of funding, program objectives, accomplishments, and implications for future policies and actions.

Table A-2 presents the City's progress in meeting the quantified objectives from the previous Housing Element.

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**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
<p>1. Investigate new housing techniques, including courtyard housing, Single Room Occupancy (SRO) and other techniques and design standards; examine the feasibility of amending City codes to accommodate new construction methods.</p>	<p>Bi-monthly Building staff training of new products and code interpretations; every three years Bldg. Code update (2001 next update)</p>	<p>The City has adopted the last update of the 2001 Uniformed Housing Code in 2004 and is preparing for the update of the 2004 Code. The Building Division provides bi-monthly staff meetings on new standards, techniques and programs offered by the industry. A solar industry workshop was provided to staff, local builders and architects in 2005.</p>	<p>Continue education programs and adoption of Building Codes as required.</p> <ol style="list-style-type: none"> 1. Adopt sustainable design policies, standards and codes that result in attractive, energy efficient, neighborhoods. 2. Require energy saving measures for buildings and landscaping using City funds to meet industry sustainable design standards. 3. Promote resource conservation in new and remodeled buildings through outreach and education.
<p>2. Review, upgrade, and maintain City codes, ordinances, regulations and development standards. Ongoing implementation of General Plan.</p>	<p>Annual review and modification as necessary.</p>	<p>The City completed the Downtown Visioning document in 2005 and has updated the zoning code in 2006 and 2007 to comply with the recommendations. There have been 13 amendments to the General Plan since 2000, but no comprehensive revision to the plan.</p>	<p>Continue annual review and modification as necessary. General Plan updates are ongoing.</p>
<p>3. Continued implementation of General Plan and Zoning Ordinance Update Phase II. The Redevelopment Agency Housing Strategy calls for the acquisition and conversion of apartments and motels to affordable housing when feasible.</p>	<p>Annual review of feasibility of acquisition and rehabilitation, quarterly review of properties for sale, or more frequently as opportunities become available.</p>	<p>Since 2000, numerous feasibility analyses of properties for sale have been completed by the Housing Coordinator and local non-profit developers. Escalation of property values only resulted in the acquisition of one affordable project. This resulted in the reconstruction of 8 small units into 6 units with 2, 3, and 1- four bedroom project for large, very-low inc. families. 2006- Afford. Housing Overlay adopted.</p>	<p>Continue strategy to allow for acquisition of properties when feasible and appropriate for long term affordable housing.</p> <p>Evaluate affordable overlay for feasibility and modify affordability component and density to create mixed income housing</p> <p>Continue zoning updates of North Beach and El Camino Real mixed use to ensure housing policies are met.</p>

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
<p>4. Apply annually for Federal CDBG, HOME, MCC and other programs which become available and are feasible. Attend regular quarterly meetings of the Orange County Housing Authority to maintain a working knowledge of Section 8 funds and other OCHA programs. Maintain up-to-date files on all Federal, County and State Housing Programs and funding notices.</p>	<p>Annual applications are made to funding sources when applicable.</p>	<p>The City received CDBG funds from the County between 2000 and 2006. The City became an entitlement city in 2006-07 receiving CDBG funds directly from HUD. The Consolidated Plan for CDBG funds was adopted in April 2006. HOME funds were discontinued in 2006 when the City left the County metro-city program. The City can apply to the State HOME program if an affordable rental project becomes feasible. As property values have increased, the, first time homebuyer program, (MCC) became infeasible.</p>	<p>Continue policy of applying for CDBG funds annually. As other grant sources become available evaluate feasibility of potential projects/programs.</p>
<p>5. Encourage the construction of affordable housing through a variety of programs. a) Inclusionary Housing Program; b) Tax Credit Programs; c) Density Bonus Programs; and d) Mixed Use Zoning.</p>	<p>Every new housing project of 6 units or more is evaluated for Inclusionary Housing requirements when submitted for entitlements. City initiated projects with non-profit organizations are developed bi-annually. First year planning and design, second year construction or rehabilitation.</p>	<p>The development of the Mendocino Apartments (186 afford. family units) was built as part of the Inclusionary Housing Program in Talega in 2003. The development of Vintage Shores, (122 units affordable senior apts.) was built in 2003 with a density bonus and tax credits. The mixed use zoning code was updated and has resulted in several projects, but all projects had less than 6 dwelling units so no affordable housing was built.</p>	<p>Continue policy of construction of affordable housing through a variety of programs. Update Inclusionary Housing Policy Encourage redevelopment of infill sites and economically obsolete properties in Affordable Housing overlay Zone, such as conversion of residential motels to apartments for special needs, disabled and fixed income, extremely low and very low income households and workforce.</p>
<p>6. Enforce Resolution Number 88-38 regulating the development of second units in areas zoned for single family residential areas. The State revised the law to ensure that cities require only one parking space per "granny unit".</p>	<p>Projects that are submitted are evaluated as they are received.</p>	<p>The zoning code was updated to include the provision for the development of second units in single family zones.</p>	<p>Continue regulating the development of second units</p>
<p>7. a) Identifying areas with redevelopment potential, including areas of blight; b) Continuing implementation of the RDA Five Year Implementation Plan in regards to the use of the</p>	<p>Annual review of RDA budget is carried out, analysis of sites and potential projects are undertaken. New projects are started bi-annually.</p>	<p>The RDA five year plan was updated and approved for implementation for 2004-2009. A \$300,000 RDA loan was provided to Vintage Shores – Senior Housing/USA properties to deepen affordability of 10 additional very low income units. Jamboree Housing, Inc. completed a study in 2005 of</p>	<p>Continue the implementation of the RDA Housing Strategy, including the provision of loans for construction of new very low income housing.</p>

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
<p>c) RDA Housing Set-Aside Funds; Continuing identification of possible housing sites or properties to acquire, rehabilitate or convert to affordable housing; and</p> <p>d) Continuing to update and identify vacant lots for housing development in downtown and the RDA Project Area.</p>		<p>all vacant lots in the city that were feasible for development of affordable housing. Several property owners were approached but continued escalation of prices proved the development would not be competitive for tax credits or State multi-family funds.</p>	
<p>8. Apply for Federal CDBG and HOME grants on an annual basis to continue the City's Home Rehabilitation Program.</p>	<p>Provide for a minimum of 10 loans or grants a year. Investigate new financing opportunities to increase the number of rehabilitation projects.</p>	<p>The Home Rehab Program has provided approximately 6-8 loans or grants a year to property owners and non-profit shelters. The cost of construction has increased so the number of projects has decreased. Increasing the number of loans is difficult due to the increased cost of construction and limited funds.</p>	<p>Continue Home Rehabilitation Program.</p>
<p>9. Include in the marketing of the Home Rehabilitation Program the availability of funds for disabled access upgrades.</p>	<p>The Home Rehabilitation Program makes grants and loans available year round to qualified low income residents.</p>	<p>Direct marketing to the Shorecliffs Mobilehome Park (seniors) has resulted in 4 loans and 1 grant to improve home with disabled access improvements since 2000.</p>	<p>Continue Home Rehabilitation Program</p>
<p>10. For early detection of housing deterioration, both Planning and Code Enforcement monitor the housing stock through weekly drive-bys by the Code Enforcement Volunteer Program and annual inspections by the Housing Program staff.</p>	<p>The Code Enforcement Volunteer Program makes weekly inspections of neighborhoods for visible housing deterioration and enforcement of codes. Three staff code enforcement officers handle cases that don't comply voluntarily.</p>	<p>Since 2000, the volunteer code enforcement program has conducted 325 exterior property inspections and Code Compliance staff have inspected the interiors of 168 properties resulting in successful clean-ups, rehabs and code upgrades. Staff has met with neighborhood watch groups 32 times since 2000. A total of 23 meetings with the Los Mares Apartment owners has resulted in 5 neighborhood clean-ups since 2002, disposing of 35 tons of garbage. The meetings have resulted in improved communication between City staff, police, residents and owners. While volunteer code enforcement has decreased, the City has added a full-time Code Compliance Technician, totaling 3 full-time staff and 1 Manager.</p> <p>Housing and Code Enforcement staff work together to</p>	<p>Continue inspection and early detection of housing deterioration through Code Enforcement and the Home Rehabilitation Program.</p>

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
		ensure qualified owners receive loans and grants for rehab. A total of 21 rental properties, 10 owner-occupied single family and 4 shelters received loans and grants between 2000-06.	
11. Applicable projects in the Coastal Zone shall provide Below Market Rate Rental Units by participating in the Coastal Affordable Housing Program.	As long as funds are available, the Home Rehabilitation Program provides loans and grants on an annual basis to private property owners in exchange for the rental units to be rented to low and moderate income households at HUD rent standards. The majority of low income rentals are in the Coastal Zone. The Planning Division and Housing Coordinator monitor all new development in the Coastal Zone. Surveys are sent to households when possible demolition of 3 or more units is proposed to determine if any of the households are low-income. The property owner must replace dwelling units as required by the Coastal Zone Law.	State law requires all demolitions or conversions in Coastal Zone of 3 or more units to replace housing which was rented to low income households. There have been no projects requiring the replacement of low income housing in the Coastal zone. The conversion of Seacliff Apts. was withdrawn. All 21 rental properties and one shelter in the Rental Rehab program were in the Coastal zone.	Continue monitoring Coastal zone development and provision of loans to rental properties housing low income households in the Coastal zone.
12. Facilitate the assumption of RDA loans in the Shorecliffs Mobilehome Park to low income house-holds as properties are sold or transferred by original property owners. Assist in the conversion of mobile-home parks to tenant ownership through the participation in State CHAP and MPROP Programs as appropriate.	The City participated in the conversion of Shorecliffs Mobilehome Park in 1992. There are two other mobile home parks in the City. One has the potential for low-income housing and possible conversion to property ownership. The City does not initiate the conversions, but is willing to be a partner with the State and assist in providing loans if needed. The City provides home rehabilitation grants and loans to qualified mobile home owners on an annual basis.	Over the fifteen year loan period, 8 out of the 15 properties were sold and loans were assumed by qualified low income households. Four properties were sold and released from their regulations due to increase in property values and inability to find a qualified buyer. Three original property owners remain. The program is a successful example of assisting low income owners with down payment assistance (\$25,000 loan) to keep their housing costs affordable. A comparable loan today in the park would need to be over \$100,000.	The loans have come due. Staff will be requesting the RDA to extend the loans for households who request extension and still qualify. Discontinue program after properties are sold. To keep the program in place loans would have to be much greater (\$100,000 +) for low income households to qualify.
13. Continue to administer the condominium ordinance, Chapter 16.40. Process an annual certification of vacancy rates through the Planning Commission.	The City certifies the vacancy rate on an annual basis. When the vacancy rate is less than 10%, a formula limiting the number of apartment conversions is initiated.	Since 2001 vacancy rates dropped and remained at 6%. In 2007, an amendment to ordinance was approved and will prevent apartments built in Specific Plan areas from converting, while allowing for at least 25 units to convert in the older, small apt. complexes downtown.	Continue to monitor all conversions of 3 or more units in the coastal zone so that they comply with the State Coastal Zone law ensuring low income rental units are replaced.

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
<p>14. Continue the Housing Program, including the administration of the Home Rehabilitation Program and implementation of the Housing Strategy with RDA Low-Mod Housing Funds.</p>	<p>The Housing Coordinator shall implement all new housing, inclusionary housing and neighborhood preservation programs on a continuous basis.</p>	<p><u>2002-03</u> -Mendocino Apts constructed with 186 afford. family units <u>2003</u> – Vintage Shores Sr. Apts constructed with 122 afford. units <u>2004</u> – Mary Erickson Comm. Housing 6 units acquisition/rehab for large, very low income families. <u>\$3.7 million</u> collected in In-lieu fees. <u>\$2 million +/-</u> in RDA Housing Fund 107-115 Ave. Serra (vacant land) returned to Redevelopment Agency by Laura’s House, unable to develop.</p>	<p>Continue implementation of the RDA Housing Strategy and Housing Program.</p>
<p>15. Review and evaluate the Housing Element at least once every five years or sooner if addendums are required by the State. Recommend the appointment of a Housing Advisory Committee to participate in the update of the Housing Element. Continue public participation to acquaint residents with the policies and programs in the Housing Element through participation in a speakers bureau and attendance at community meetings.</p>	<p>Receive City Council approval to institute a Housing Element Committee one year prior to adoption of submittal. Committee will include at least one Council member, Planning Commissioner, Human Affairs Committee Member, and 2 members of the public. Other informational housing meetings are held at least once a year for the development of CDBG projects. These are advertised in the local paper and direct mail noticing meetings is sent to effected property owners in the Target Neighborhoods. A Housing Forum is held once a year sponsored by the Human Affairs Committee to discuss homeless and affordable housing needs. The Housing Coordinator attends Neighborhood Pride/ Neighborhood Watch meetings several times a year to discuss the Housing Program and receive input on needs and new projects.</p>	<p>Housing Element Committee established by the City Council for the 2008 Update of the Housing Element. Annual public meetings and hearings on housing have been held, including the Annual Redevelopment Agency Report, Community Development Block Grant (CDBG) Annual Plan and CDBG CAPER review, Human Affairs Meetings and Joint Kennedy Commission Housing Forums. The City completed the Redevelopment Five Year Plan for 2004-09 and the Consolidated Five Year Plan 2006-09 for expenditure of CDBG Funds.</p>	<p>Continue the process of public meetings and workshops to educate the public of the City’s Housing Programs.</p>

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
16. Promote fair housing practices, cooperate with the Orange County Fair Housing Council. Attend workshops provided by the Council and the County of Orange.	The Housing Coordinator attends quarterly meetings with the Orange County Housing Authority (OCHA) Cities Advisory Board ensures updates on fair housing information and other County Housing Authority programs and practices.	The Housing Coordinator has attended quarterly OCHA meetings which contributes to enhanced communication with the County thereby improving the delivery of the HUD Housing Voucher Program (Section 8) program to residents. The City has provided an annual grant to the OC Fair Housing Council.	Continue attending quarterly OCHA meetings and funding fair housing services.
17. Apply conditions to applicable projects approved by the City to require compliance with state and federal laws requiring compensation and relocation assistance to displaced persons.	The Housing Coordinator monitors all new acquisition and rehabilitation projects for compliance with the laws as they are developed - typically bi-annually.	One property was impacted since 2000 with relocation of residents. Mary Erickson Community Housing was able to relocate the qualified residents to one of their existing properties.	Continue monitoring all projects for potential relocation as required by State and Federal law.
18. Make flyers, brochures and newsletters available to the public at the Community Development Department, City Hall and Community Center. Advertise programs in the City's newsletters as appropriate. Direct mail letters to target areas about specific programs when they become available.	Marketing of programs and distribution of information is continuous through various means. Housing Program materials are available at the Community Development Office, City Hall and the Library. The Human Affairs Forum meets 5 times a year and is advertised in the local paper and on Cable, and on the City's Web site. The Housing Coordinator meets with community groups several times a year to discuss projects and programs.	The City has updated its website and a separate page has been developed for the Housing and Social Service Programs. Quarterly marketing of the Home Rehab. Program is included in the City's Recreation Magazine. Housing applications and informational material is available at the Community Dev. Dept, City Hall and the Community Center.	Continue marketing the Housing and Social Service programs.
19. Work with Non-profit organizations to understand local and regional homeless issues and assist in developing and funding programs for the homeless.	The Housing Coordinator attends bi-annual meetings with the County of Orange Homeless Continuum of Care Consortium, quarterly meetings with the Affordable Housing Consortium and several times a year with the Kennedy Commission to discuss how to house people earning less than \$10/hr. A mix of government agencies, non-profit organizations and members of the public and other advocacy groups attend these meetings to share information and discuss projects in progress and developing new projects.	The City hired a full-time contractor to administer the CDBG program activities including providing technical grant assistance to non-profit organizations and shelters receiving grants. The Housing Coordinator and/or Grant Administrator have attended regular meetings of the County of Orange Continuum of Care, Kennedy Commission, Shelter Provider Forum and other meetings to understand homeless needs and to improve non-profit services.	Continue to work with non-profit organizations working with the homeless population.

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
20. Work with Non-profit organizations to understand the needs of special populations and assist in developing and funding programs as appropriate.	The San Clemente Human Affairs Committee meets monthly and has five forums a year to discuss social issues, needs and resources. Non-profit agencies, government officials, public school staff, and members of the public meet at the forums. The City of San Clemente provides General Funds every year to approximately 15 non-profit organizations to provide social services for seniors, youth, disabled, the homeless, victims of domestic violence, gang prevention and other groups.	The Human Affairs Committee has provided community forum five times a year since 1992. Local and County resource professionals are invited to speak to the community of non-profit providers, schools, local gov't staff, and the public to provide information on funding, new ideas for meeting needs and resources to improve delivery of services to local residents. The City has provided grants to non-profits serving special needs and low income populations annually.	Continue to promote education of non-profit organizations, City staff and the public through the provision of Human Affairs Forums and Youth and Family Task Force meetings. Continue to be creative in ways to address needs of the population including providing local grants and seeking other funding resources for programs.
21. Review all proposed projects to determine the cumulative impact on community facilities and their compliance with City policies contained in the General Plan, Zoning Ordinance, and the Growth Management Ordinance.	The General Plan and Zoning Ordinance set policies and standards for open space and community facilities. The Planning Staff reviews every residential project when they are submitted to ensure these standards are met.	The City Development Mgmt. Team (DMT) reviews all projects for consistency with General Plan, and other City applicable State requirements, including CEQA process, Traffic Modeling, Fiscal Impact Model, findings for compliance with General Plan. Since 2000 a comprehensive City facilities plan and Parks Master Plan was completed.	Continue to ensure new development complies with facility planning.
22. Assist developers of projects providing congregate care and assisted living in processing their developments expeditiously.	Zoning standards provide for the placement of these facilities in San Clemente. When projects are submitted Planning staff works with the developers to encourage and facilitate their development. Two projects were submitted over the last two years, both received Planning Commission approval.	One new Assisted Living project was constructed with 135 independent living units since 2000.	Continue to evaluate needs for assisted living and congregate care facilities.
23. Work with Police Services, Neighborhood Watch Block Captains to provide them with information on neighborhood associations, grants and to develop proposals for neighborhood improvements. Provide property owners with bi-lingual tenant rules, leases and Neighborhood Pride brochures and newsletters to assist them with their property management. Work with Property Management firms to better understand neighborhood dynamics and	Provide information continuously at the Community Development Department to all interested neighborhood groups. Meet with groups as requested by Neighborhood Watch block captains, and individuals.	Crime Prevention, Code Enforcement and Housing staff have worked together with property owners attending 32 meetings in several neighborhoods (downtown, Trestles, Los Mares Apts, Mendocino Apts) completing clean-ups, education and code enforcement to ensure the safety of residents, upkeep of properties, removal of graffiti, and understanding of City codes. Housing and Crime Prevention staff are working with other social service and hospital professionals to expand the Youth and Families Task Force to identify gaps in services and improve communication with residents. The Human Relations Commission has	Continue to provide comprehensive neighborhood improvement services to residents and tenants.

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
police and code enforcement issues.		applied for a St. Joseph Health System Community Building grant to fund a coordinator to facilitate communication and partnerships.	
24. Work with both private and non-profit developers to facilitate the development of new affordable housing by identifying financing sources, providing financing or down payment assistance when possible, and by providing technical assistance to developers regarding new and existing housing programs. Work with other City divisions to ensure that there are no undue delays during the processing and construction of the project.	Provide staff assistance as requested by developers and non-profit groups. The Housing Coordinator meets several times a year (as often as requested) with developers to discuss project sites, financial feasibility and funding sources. Four affordable housing projects were approved in 2000, including one senior housing project, one transitional housing project, and two large family projects, all regulated for very low income households.	Three affordable housing rental projects with 314 units were completed between 2002-04, as noted under Program item #14. Jamboree Housing completed a vacant lot study to identify feasible sites to build approximately 500 new low-income, higher density apartment units. The Housing Coordinator distributes the vacant lot list and has completed feasibility analyses on a dozen sites. Unreasonably high land prices have prevented non-profit developers from purchasing land for apartment construction. Only 5 new apartment units have received their certificates of occupancy since 2004.	Continue to work with non-profit housing developers to acquire deteriorated properties and build new affordable housing when financing and pricing is realistic and non-profits developers can be competitive for State housing funds.
25. Work with non-profit organizations to identify properties to purchase, rehabilitate or construct new housing. Staff will assist with the analysis of properties, arrange for appraisals of selected properties, in addition to identifying financing sources.	The Housing Coordinator meets as requested, but at minimum once a year with non-profit housing groups and other housing advocates to discuss housing needs, potential project sites, and funding sources.	Housing staff meets and communicates regularly with non-profit developers to evaluate potential projects. One project was completed involving the acquisition and rehab of a severely deteriorated property resulting in a six apartment units for large very-low income families. See item #14. The City has provided pre-development funds as appropriate.	Continue meeting with non-profit developers and organizations to develop plans for new shelters and affordable housing projects.
26. Work with property owners, managers and non-profit organizations to identify properties suitable for below market rate housing. Assist with property analysis, identify financing sources and provide technical assistance to ensure proposals are complete.	The Housing Coordinator meets as requested, but at minimum once a year with property owners, manager, and non-profit organizations to analyze properties and discuss feasibility of projects.	Same as item # 25.	Discontinue policy because it is essentially the same as Item #25.

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
27. Recommend financial assistance for non-profit developers providing housing for the lowest income households. Work with County and State financing sources to ensure that subsidies are provided equitably among cities.	The Housing Coordinator shall evaluate submitted housing projects on an as-needed basis and work with non-profit organizations at minimum bi-annually to develop a project for households earning less than 50% of median income.	The City initiated projects with Jamboree Housing/Mendocino Apts and Mary Erickson Community Housing included funding for households earning 40% to 60% of median income.	Evaluate feasibility of projects to include funding of units at the Extremely Low income level of 30% of median income (HUD Income schedule) and include units to be competitive for State funds.
28. Staff will review the projects at risk of losing their affordability restrictions on an annual basis. Conduct a cost analysis to determine whether adequate public funding is available and feasible to use for preservation of some or all of the dwelling units.	The Housing Coordinator shall evaluate at-risk projects on an as-needed basis.	The Casa de Seniors Apts. was re-financed to ensure continued affordability as a HUD 202 project (project based assistance, no Section 8 voucher needed). New projects are required to have a minimum of 55 years affordability to qualify for State Tax credits.	Continue to monitor properties at risk of losing their affordability..
29. Provide technical assistance and recommendations for financial assistance to non-profit organizations to acquire and renovate qualified properties to provide below market rate housing.	The Housing Coordinator shall provide technical assistance and evaluate submitted housing projects on an as-needed basis and work with a non-profit organization at minimum bi-annually to develop a project for households earning less than 50% of median income.	Refer to Policy item # 27	Discontinue policy, duplication of #27
30. Affordability restrictions will be established for each financing source and project undertaken with City funds to ensure affordability for the longest feasible time. The City will ensure that when State and federal funds are used to leverage City funds, the affordability requirement with the longest feasible time will be adhered to.	The Housing Coordinator evaluates all projects requesting City housing funds when submitted and will require through regulatory agreements, to remain affordable for the longest feasible time.	Regulatory agreements for the 3 projects noted in #14 require affordability for a minimum of 55 years.	Continue requiring regulation of City funded housing projects
31. Staff will require annual reporting of income and rent for all publicly funded housing projects the City participates in.	Housing Program staff reviews regulated projects annually.	An annual report and audit is required of all projects funded with City/RDA funds.	Continue annual reporting of publicly funded projects.

**Table A-1
Housing Element Program Evaluation
City of San Clemente
2001 - 2007**

Program	Program Objectives	Accomplishments	Future Policies and Actions
<p>32. A periodic review of development and other city fees, such as utility fees will be undertaken to determine whether any fees could be deferred, reduced or supplemented with housing funds to lower housing costs for households earning below 50% of median income.</p>	<p>The Planning Division and Housing Coordinator reviews fees for Affordable Housing Projects when submitted to determine whether fees can be waived or supplemented with Housing Funds. Planning Division review of all fees occurs every 2-3 years.</p>	<p>The City Council adopted a fee waiver for the Cultural Heritage Permit (CHP). A CHP is still required for all remodels and improvements to identified historic properties and abutting properties. The Planning Division is currently reviewing all fees for planning charges.</p>	<p>Continue review of City fees on a periodic basis.</p>

Table A-2
Progress in Achieving Quantified Objectives
City of San Clemente
1998-2007

Program Category	Quantified Objective 1998-2005	Progress 1998-2005	Progress 2006-2007	Comments
New Construction*				
Very Low	901	314	0	Affordable/regulated units
Low	604	377	3	Market rate new apts.
Moderate	1,001	600	0	Talega, Infill Condo's 2000-2004
Above Moderate	2,560	3,875	529	2005 Talega Condos, Beachfront and Single family
Total	5,066	5,166	532	
Rehabilitation				Decrease due to Increased cost of rehab and less funds spent
Very Low	200	97	10	87 m.f. units, 10 single family
Low	12	6	4	6 single family
Moderate	0	0	0	
Above Moderate	0	0	0	
Total	212	103	14	Avg. \$150,000/year instead of \$200,000 spent/yr
Conservation				
Very Low	280	87	10	Based on Home rehab agreemts w/owners and non-profits
Low	20	0	816	Change in Condo Conversion ordinance prevents
Moderate	0	0	0	rental units in Specific Plan areas (Ranch properties)
Above Moderate	0	0	0	to convert to condominiums
Total	300	87	826	

*Quantified objective reflects projections made in the 2000 Housing Element.

Progress reflects actual units built.

**APPENDIX B
RESIDENTIAL LAND INVENTORY
2006-2014**

The detailed assumptions and methodology for the residential land inventory are provided below and summarized in Tables B-1 and B-2.

1. Units Built or Approved 2006-2007

Table B-1 summarizes projects built during 2006 and 2007 as well as units approved or under construction. Those projects meeting affordability criteria are described below. Other projects listed in the table are assumed to be Above-Moderate income.

- One new apartment building with 3 units was built on Calle Comercio. This street is primarily built out with small apartment buildings of 3-4 units in a one of the City's Community Development Block Grant lower-income target areas. The asking rent for these 2 bedroom/2 bath units is \$1,800/month which falls within the current low-income category of up to \$1860/month for a four-person low income household in Orange County.

**Table B-1
Units Built or Approved 2006-07
City of San Clemente**

Project	Zoning	Density (du/acre)	Income Category				Total
			VL	Low	Mod	Upper	
Units built 2006-07							
Single Family Detached	Res. Low	4.5-7				515	515
SF Attached - Condo	Med. Low	7-10				3	3
Duplex-Fourplex (infill)	Medium	10-15				11	11
Multi-family (infill)	Med. High	15-24		3			3
Senior Housing Commercial Zone (infill)	High	24-36					
Subtotals			0	3	0	529	532
Units approved/not built							
SF Detached	Res Low	4.5-7				453	453
SF Detached	Med Low	7-10					
SF Att. Condo	Medium	10-15				13	13
Multi family	Med. High	15-24		2			2
Multi-family	High	24-36					
Subtotals				2	0	466	468
Totals				5	0	995	1,000

Notes

Unit Built:
Low: 1 triplex
Upper: 515 SF Talega, In-fill SFD, 13 infill beach view condos

Units approved/not built includes Marblehead Coastal-303, Talega-150, 13 Condos and 1 duplex mixed-use project

2. Vacant or Underutilized Land

San Clemente is a nearly “built-out” city with very limited remaining vacant land. Nearly all vacant residential sites are small, infill parcels in the western portion of the city. The following discussion analyzes the realistic capacity for additional residential development during the 2008-2014 planning period.

Realistic Capacity Assumptions

The majority of the vacant commercial sites in the Affordable Overlay are less than half an acre. Table B-2 provides a list of Infill, multi-family or mixed-use projects built or approved in San Clemente since 1998 that were 6 units or more. Projects with less than 6 units are not required to participate in the Inclusionary Housing Program. The Inclusionary Housing Program requires 4% of the total units to be affordable to households earning 50% of median income (i.e., very-low-income). This equates to 1 in 25 units. For market-rate projects with less than 25 units, the developer typically pays an in-lieu fee based on its proportional cost of the affordability gap of one unit.

**Table B-2
Infill Development in San Clemente
Projects of 6 units or more
1996-2008**

Address/Zoning	Total Units	Total Buildable Lot Size	(Allowable)/ Actual Density	Description/ Affordability
412 Arenoso Lane (RH)	23	1.58 ac	(24/net ac) 15 du/ac	Both Projects Coastal Bluff Condos – paid in-lieu fee
253 Marquita (RM)	6	0.39 ac	(15/ net ac) 15 du/ac	
150 W. Escalones (RM)	6	0.18 ac	(15/net ac) 33 du/ac	100% affordable, large family project
1520 N. El Camino Real (MU3)	16	0.46 ac	(15/ net ac) 35 du/ac	3 story, Mixed Use/ Apts. paid In-lieu fee
Vintage Shores Apts. 366 Camino de Estrella (NC3)	122	4.2 ac	(45/ net ac) 29 du/ac	Senior Apts.- 100% affordable
2350 S. El Camino Real (NC3)	76	1.45 ac	(45/ net ac) 52 du/ac	Senior Apts. – received entitlements 2009, 100% affordable -30%-60% of AMI

Of the six projects shown in Table B-2, three were built on sites of less than one-half acre. These projects ranged in size from 6 to 16 units with densities ranging from 15 to 35 units per acre. The table shows that the densities achieved on these smaller sites were not substantially different than for the larger sites. Characteristics of the three small projects are summarized as follows.

- 253 Marquita. This project is located on a coastal bluff and was required to meet City as well as California Coastal Commission development regulations. Coastal bluff areas may limit the number of units that can be built on the site. Parcels not located on a coastal bluff or canyon have less constraints and are able to achieve much higher densities as illustrated in the table.
- 150 W. Escalones. This project, developed by non-profit Mary Erickson Community Housing, is within the Coastal Zone and includes 6 very-low-income units for large families. The site is 8,000 square feet achieving a density of 33 units an acre. Tandem parking was approved as a concession.
- 1520 N. El Camino Real. The Zoning Code allows 3 stories and a maximum Floor Area Ratio (FAR) of 1.5 on mixed-use lots (MU3) with greater than 12,000 square feet. This project achieved the maximum height of 3 stores and FAR of 1.5, with a yield of 35 units/acre on a site that was just 0.46 acre in size.

Development Potential

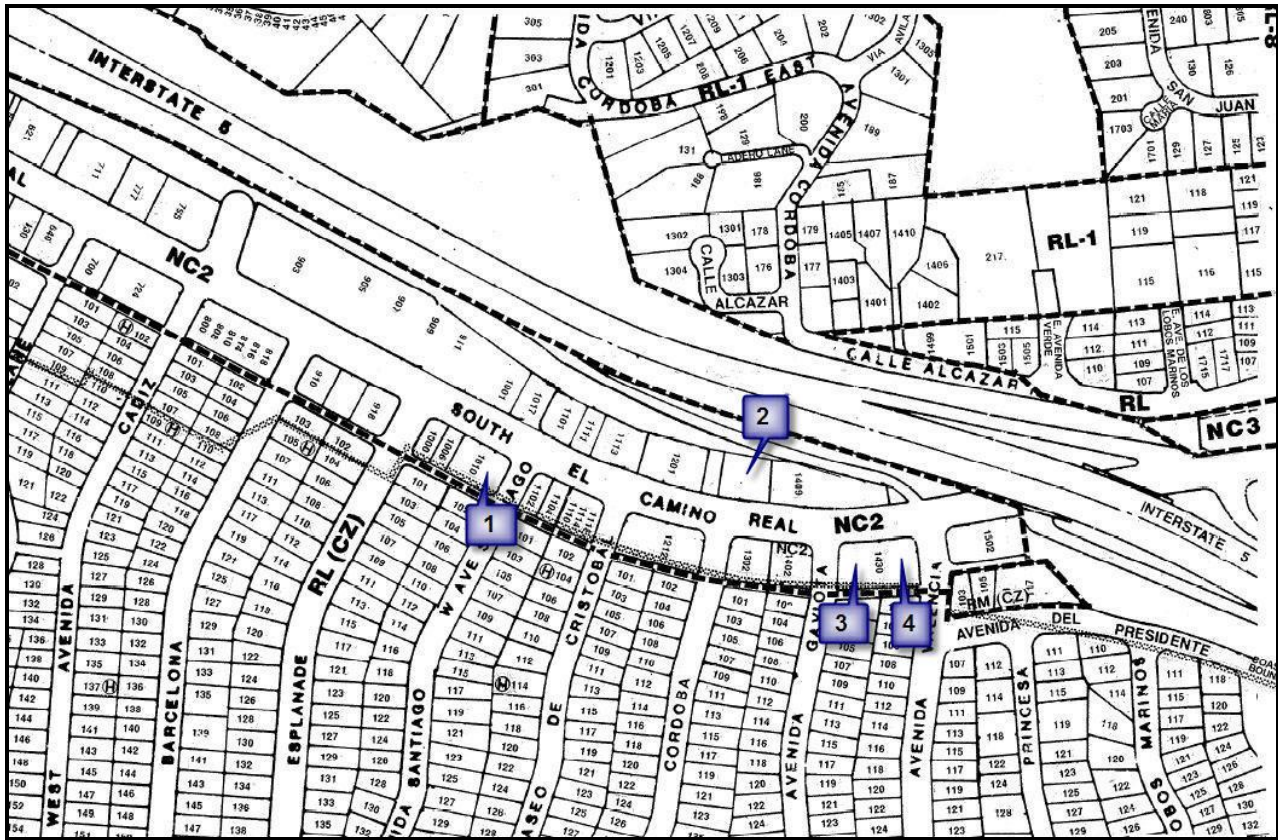
Table B-3 summarizes vacant parcels suitable for residential development. Figure B-1 identifies the location of the parcels. These parcels can accommodate a total of 714 dwelling units. Of these, 158 multi-family units were counted as Very Low-income, 99 were counted as Low-income units, and 453 single-family units were assigned to the Above-moderate category. For purposes of the land inventory, all sites allowing multi-family rental units were assigned to the Low income category since market rents fall within this range (see Chapter II, Section 4c), unless they were counted in the Affordable Housing Overlay zone, wherein 51% of the units are required to be affordable to households earning no greater than 50% of median income and 49% are allowed to be market rate. Previous projects have demonstrated that lower-income housing is feasible in San Clemente at the densities allowed by the Zoning Code. All single-family sites were assigned to the Above-moderate category since market prices for all for-sale product falls within this category.

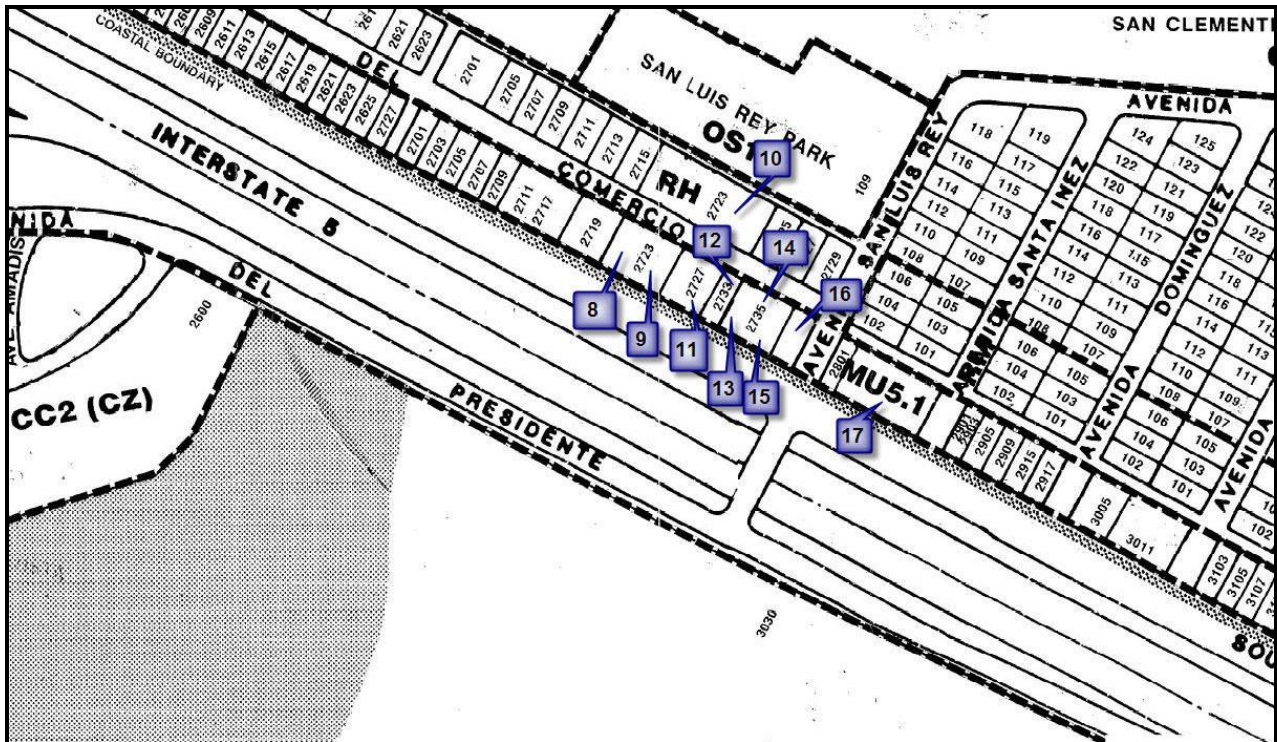
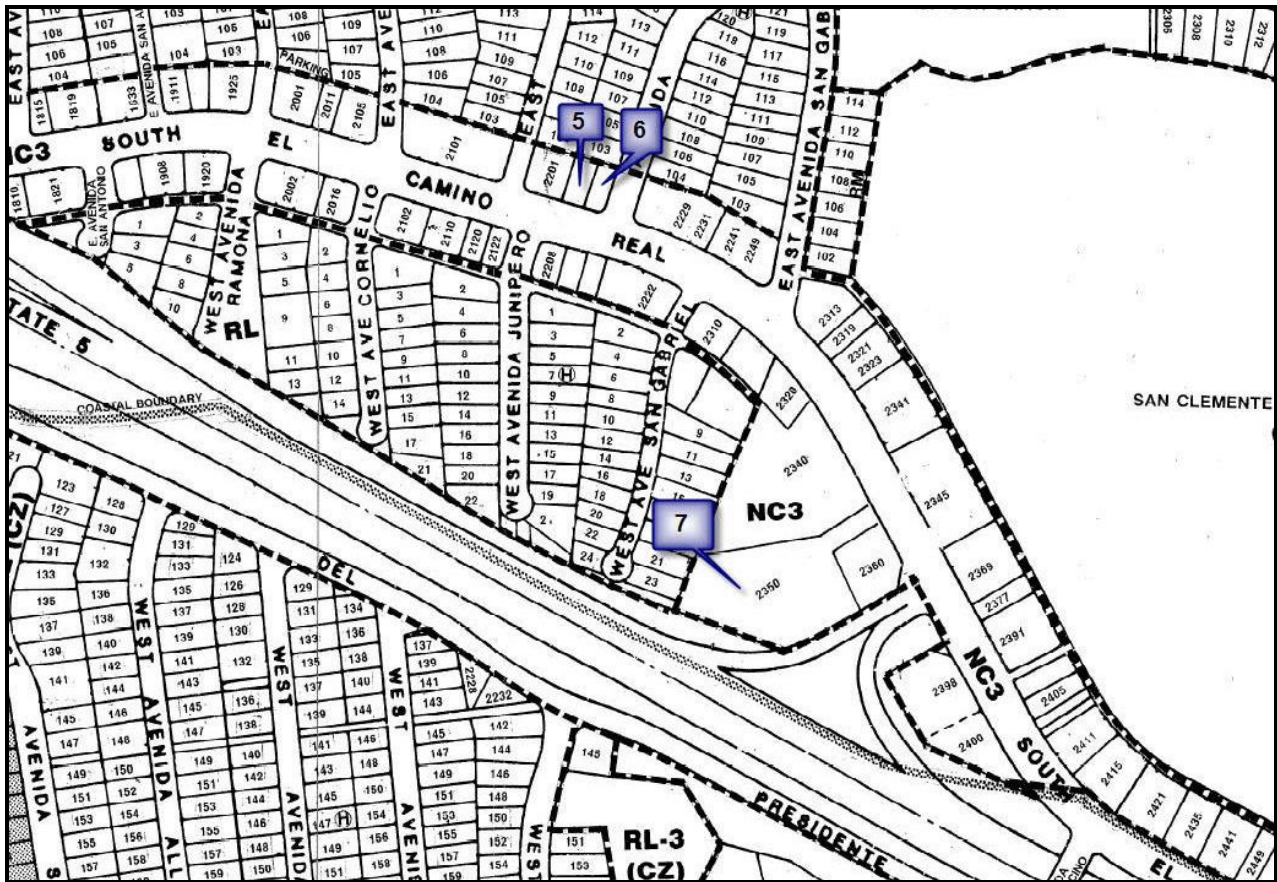
Table B-4 contains a list of additional sites by parcel number with the potential for affordable housing development. Table B-5 lists the same sites by address and potential for development by household income according to the RHNA standards. There is one site zoned for Public use (City Hall), one site zoned for commercial uses, one site zoned for Coastal and Recreation uses, one site zoned for Institutional (church-related) use, and one residentially zoned site, all of which will be considered for rezoning. For sites included in the Affordable Housing (AH) Overlay, at least 51% of the units would be affordable to households earning up to 50% of median income. These sites would require zone changes and/or General Plan amendments prior to multi-family residential development. The City expects to complete an update of the General Plan by 2012.

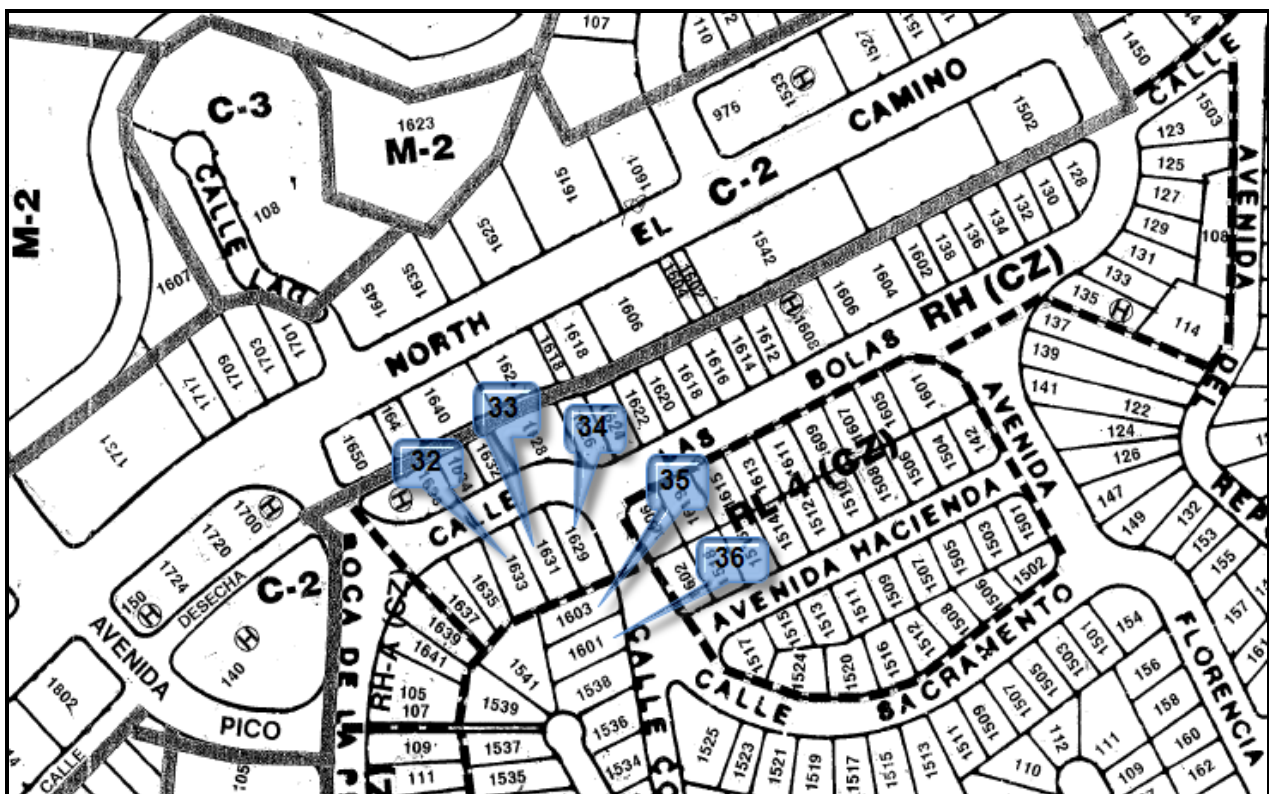
If the sites are included in the Affordable Housing Overlay or zoned RM, at least 20 units per acre is calculated, generating a total of 558 new dwellings. Fifty-one percent (282 dwellings) would be required to be affordable to very low income households, 140 units are projected to be affordable to low income renters, and 136 units are projected to be condominiums affordable to moderate income households. Rezoning to include property in the AH Overlay would not change the base zoning, but would allow the sites to be developed with affordable housing. Attachments A-E provides the maps for Tables B-4 and B-5. On June 15, 2010, the City

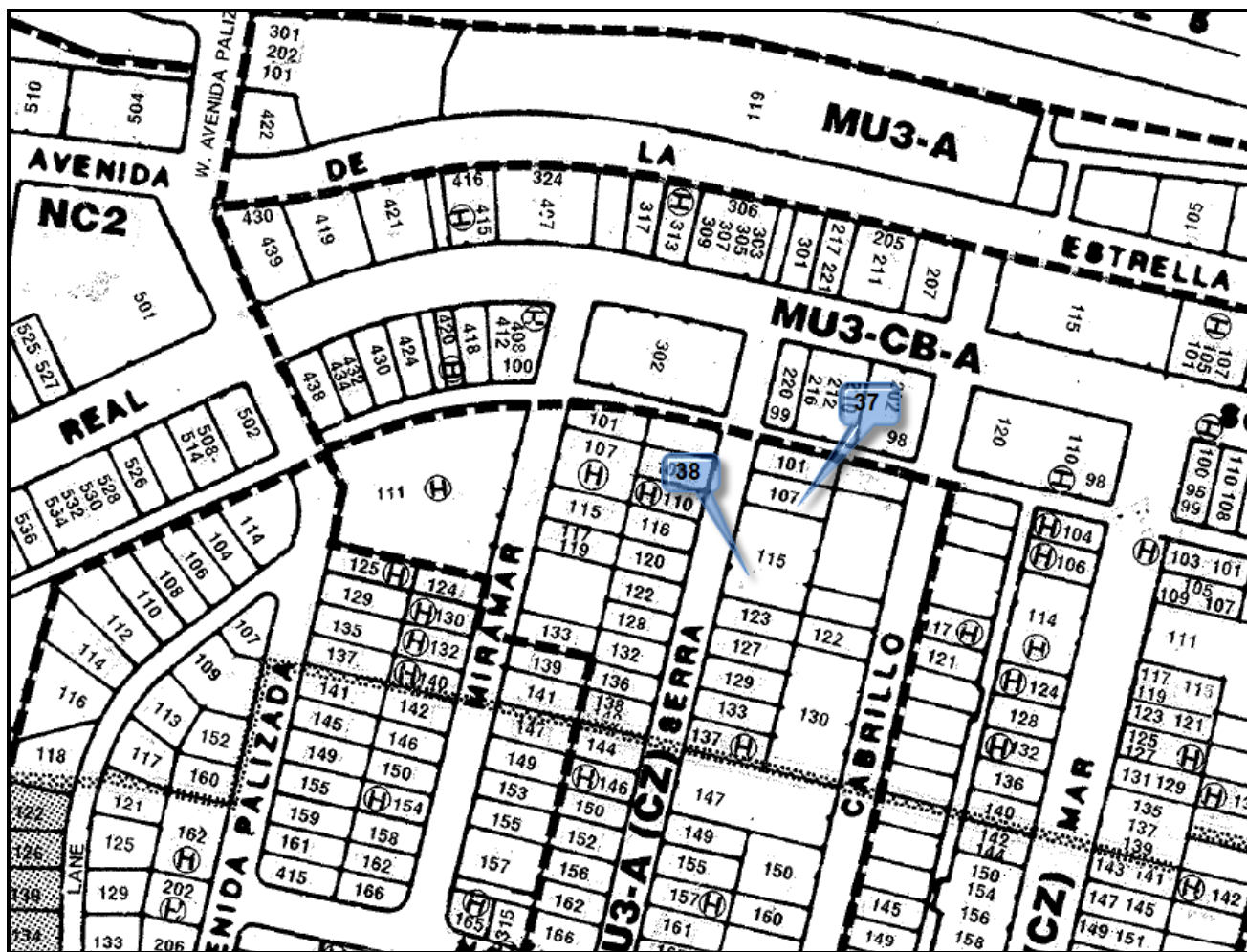
Council approved the inclusion of the City Hall site of 4.7 acres to the land inventory for development of affordable housing. This is reflected in Tables B-4 and B-5.

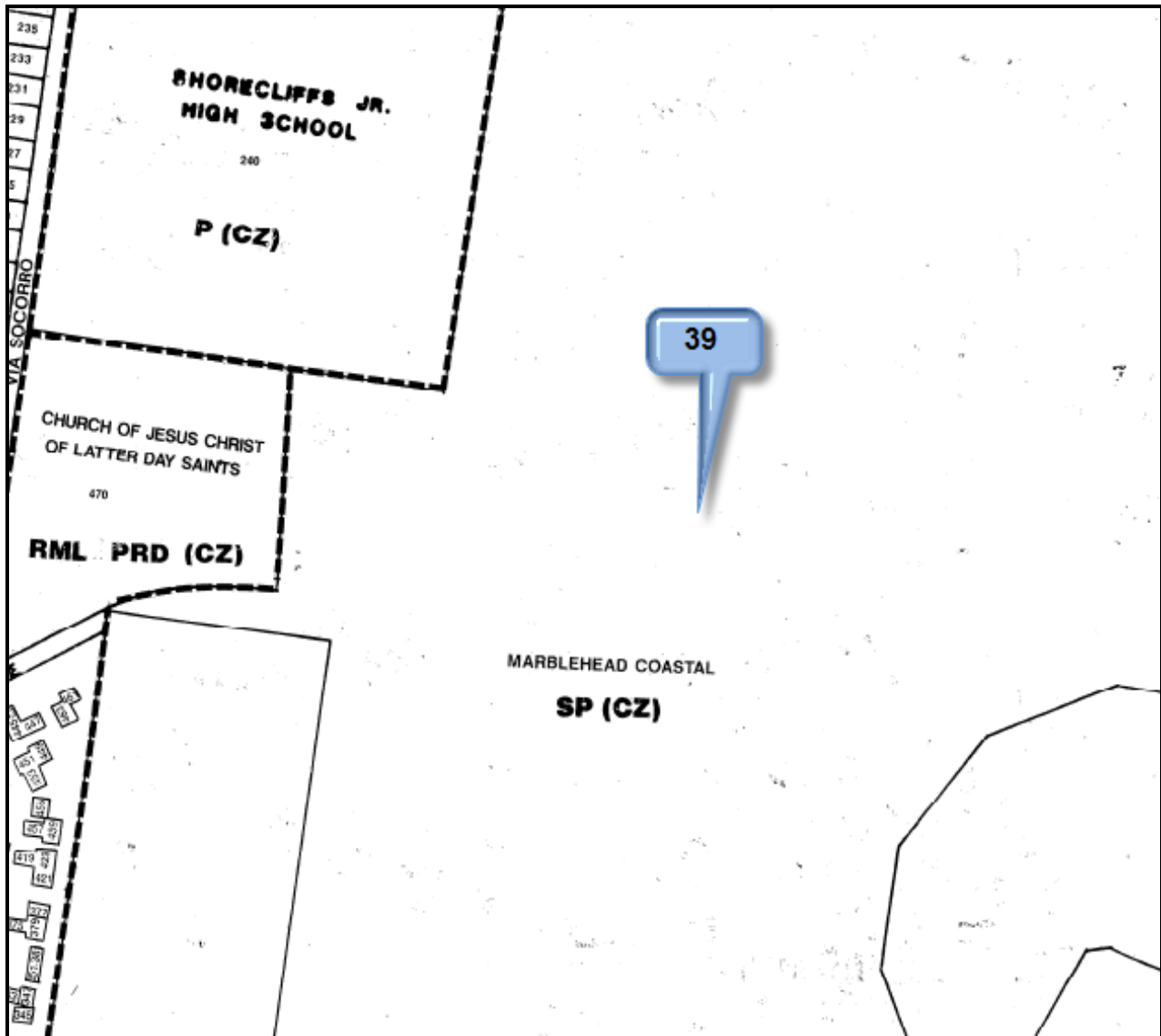
Figure B-1 – Residential Land Inventory Parcel Maps











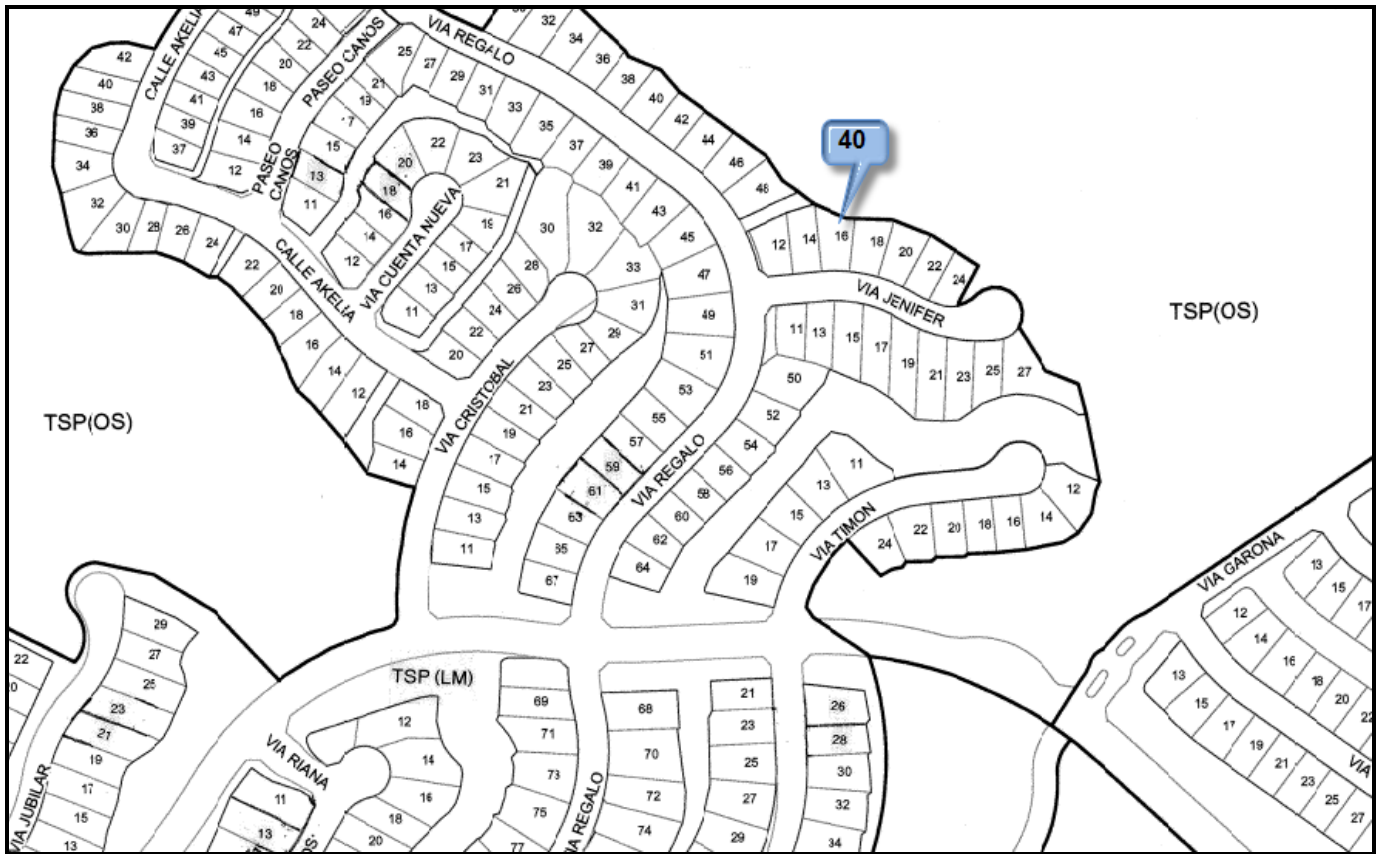
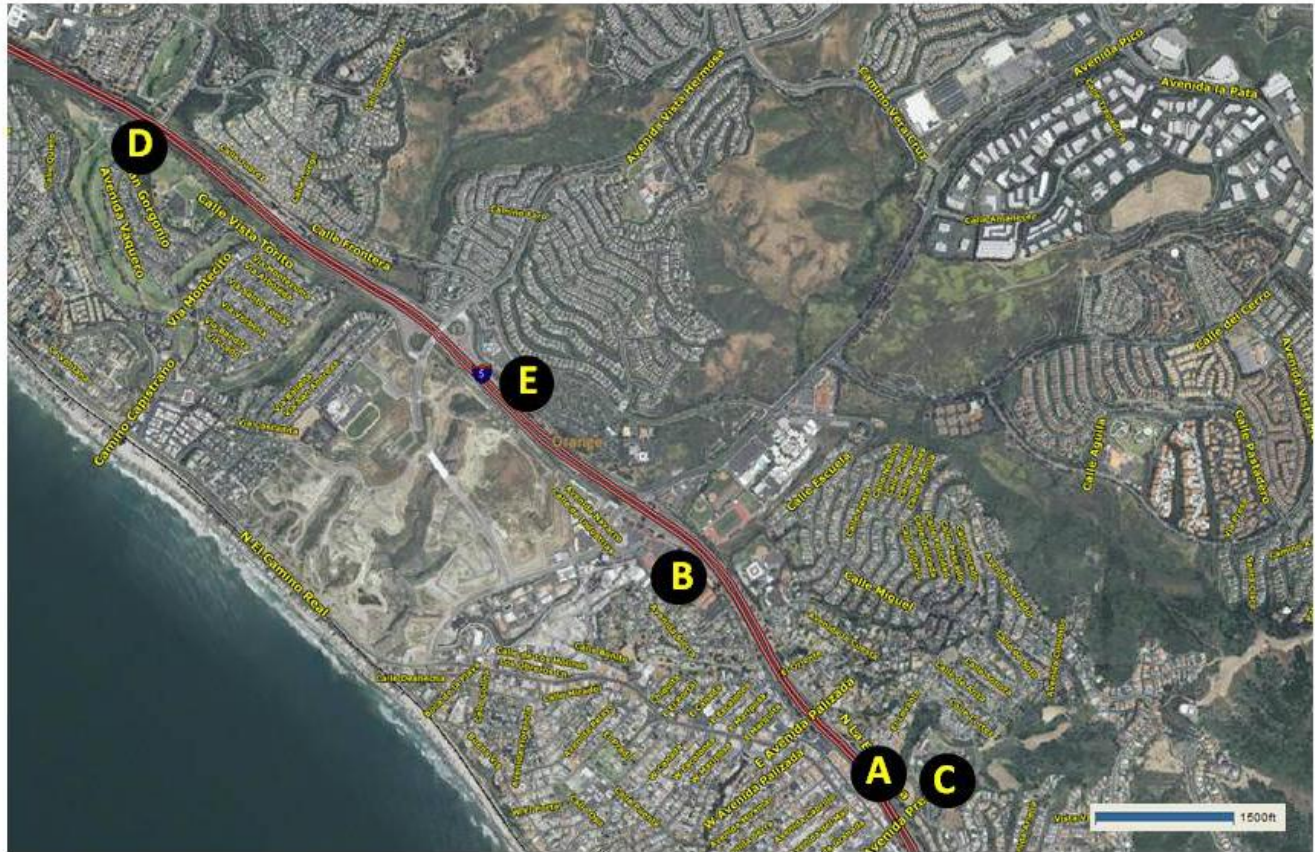


Figure B-2

Potential Rezoning Sites – Overall (from Table B-4)



- A** 101 North La Esperanza
- B** Calle de Industrias

- C** 100 Avenida Presidio
- D** 501 Avenida Vaquero

- E** 2651 Calle Frontera



Figure B-3
Potential Rezoning Site A (from Table B-4)



Figure B-3a
Assessor's Parcel Map, Potential Rezoning Site A,
101 North La Esperanza

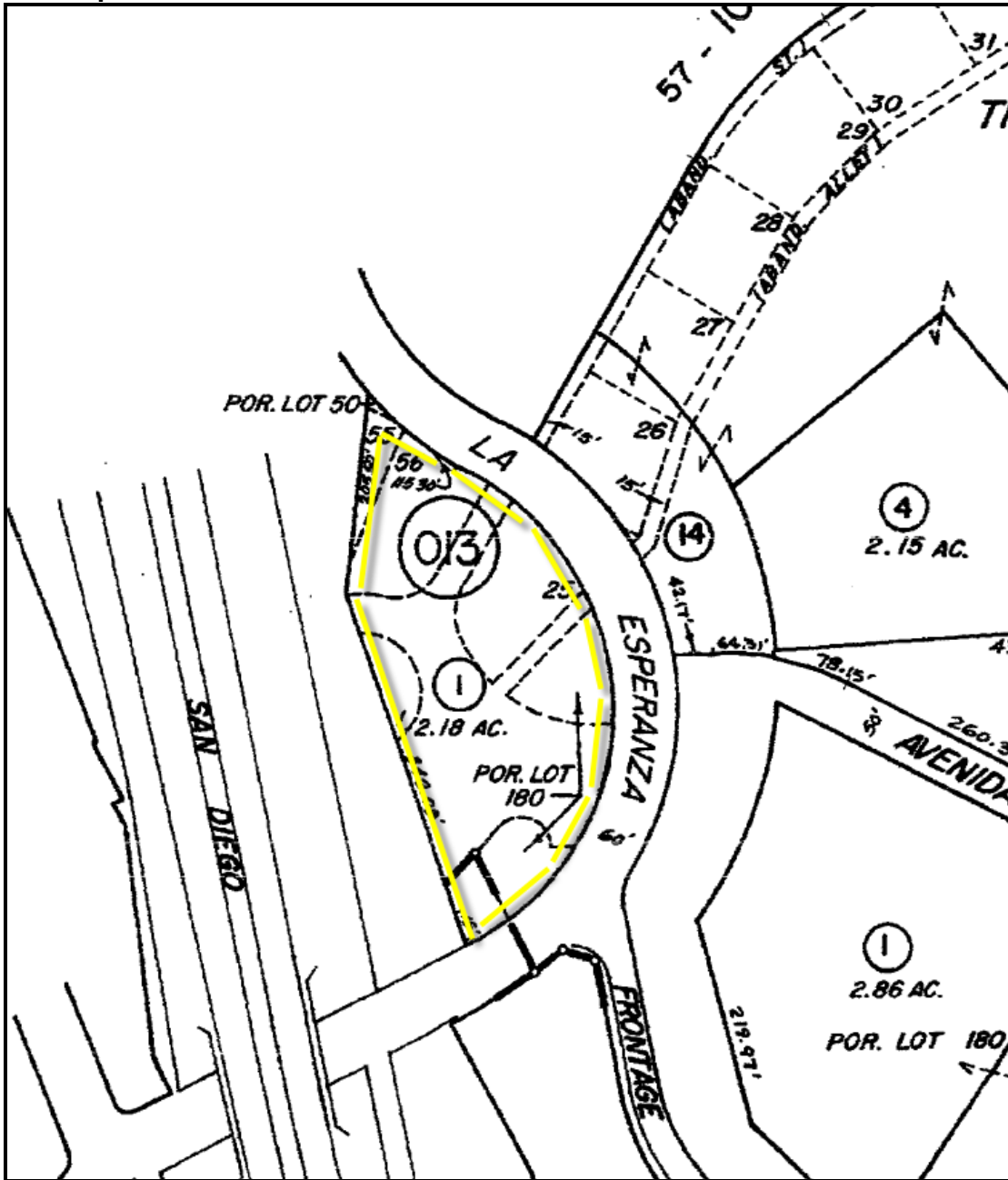
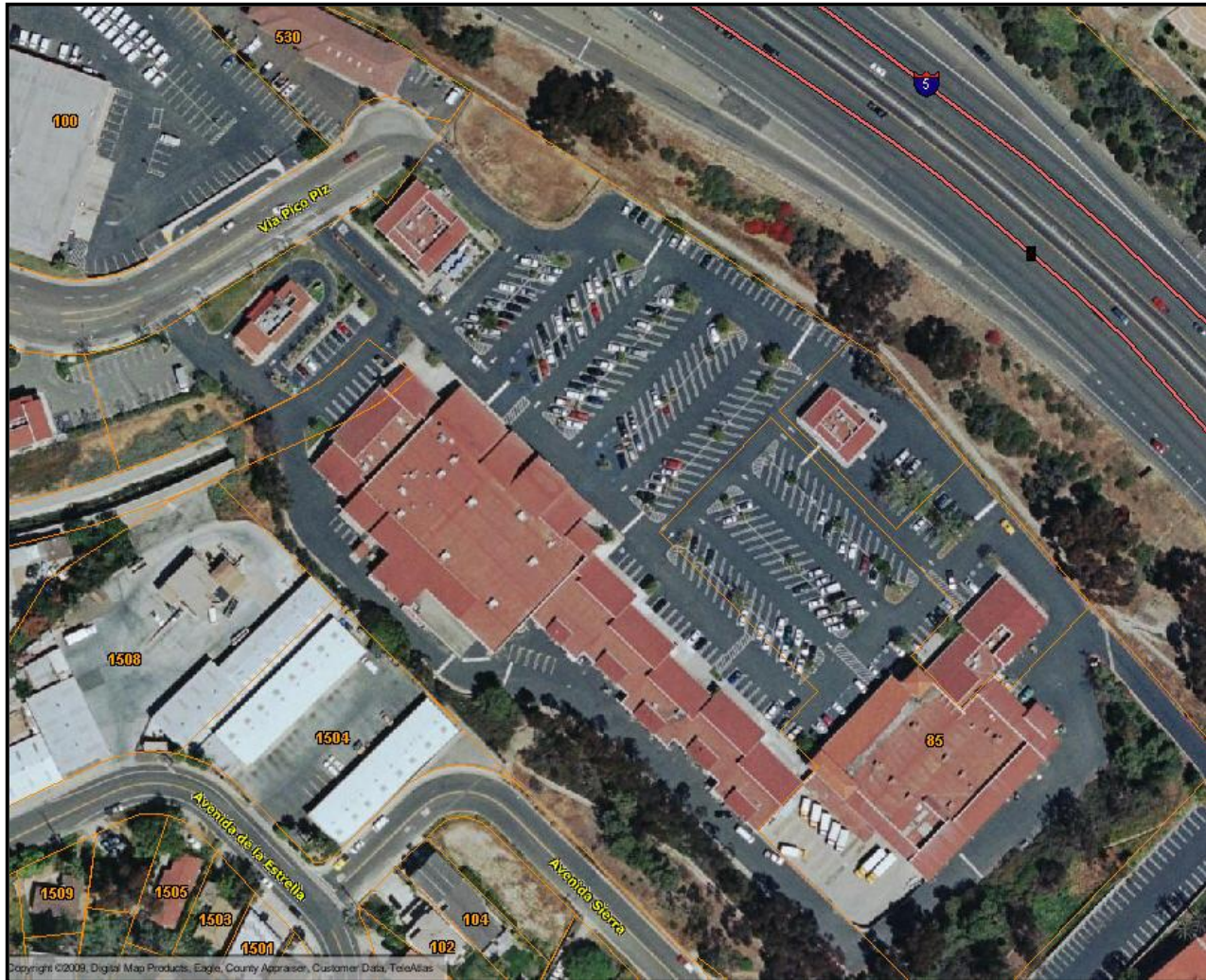


Figure B-4
Potential Rezoning Site B (from Table B-4)
Calle de Industrias (Pico Plaza)



692-35

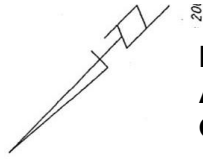
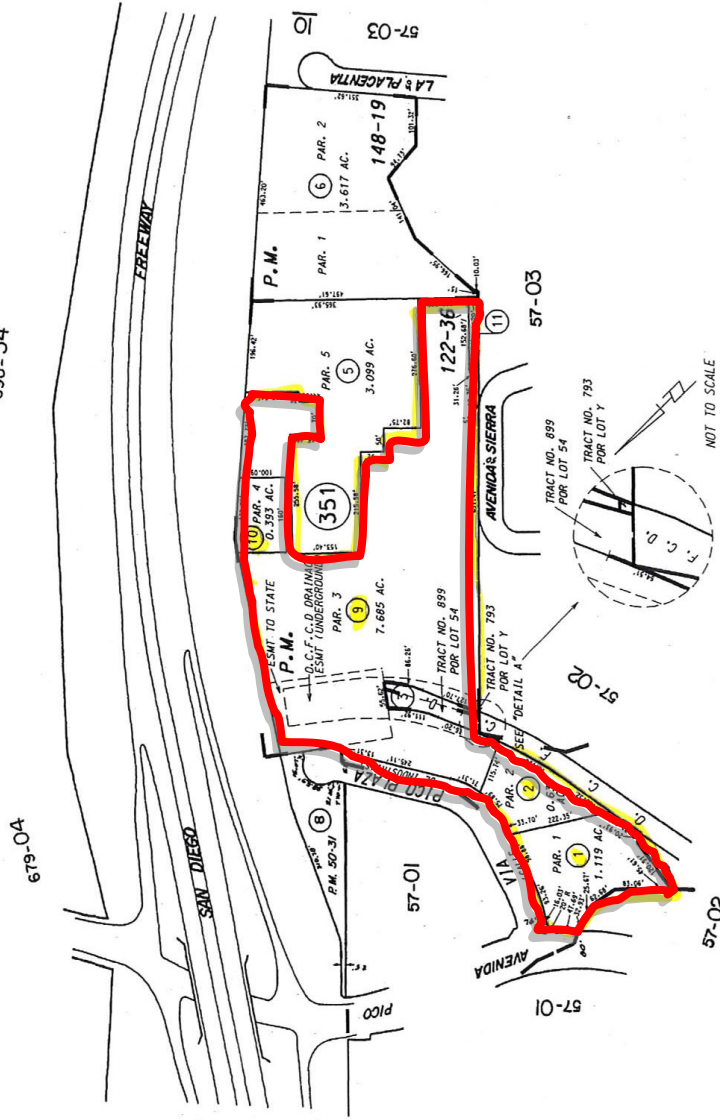


Figure B-4a
Assessor's Parcel Map, Potential Rezoning Site B, (from Table B-4)
Calle de Industrias (Pico Plaza)

POR. NW 1/4, SEC. 33, T 8 S. R 7 W

690-54



NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

TRACT NO. 793
TRACT NO. 899
PARCEL MAP

MARCH 1980

M.M. 24-15
M.M. 28-11
P.M. 122-36, 148-19

ASSESSOR'S MAP
BOOK 692 PAGE 35
COUNTY OF ORANGE

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Figure B-5
Potential Rezoning Site C (from Table B-4)
100 Avenida Presidio



Figure B-5a
Assessor's Parcel Map, Potential Rezoning Site C, (Table B-4)
100 Avenida Presidio (City Hall)

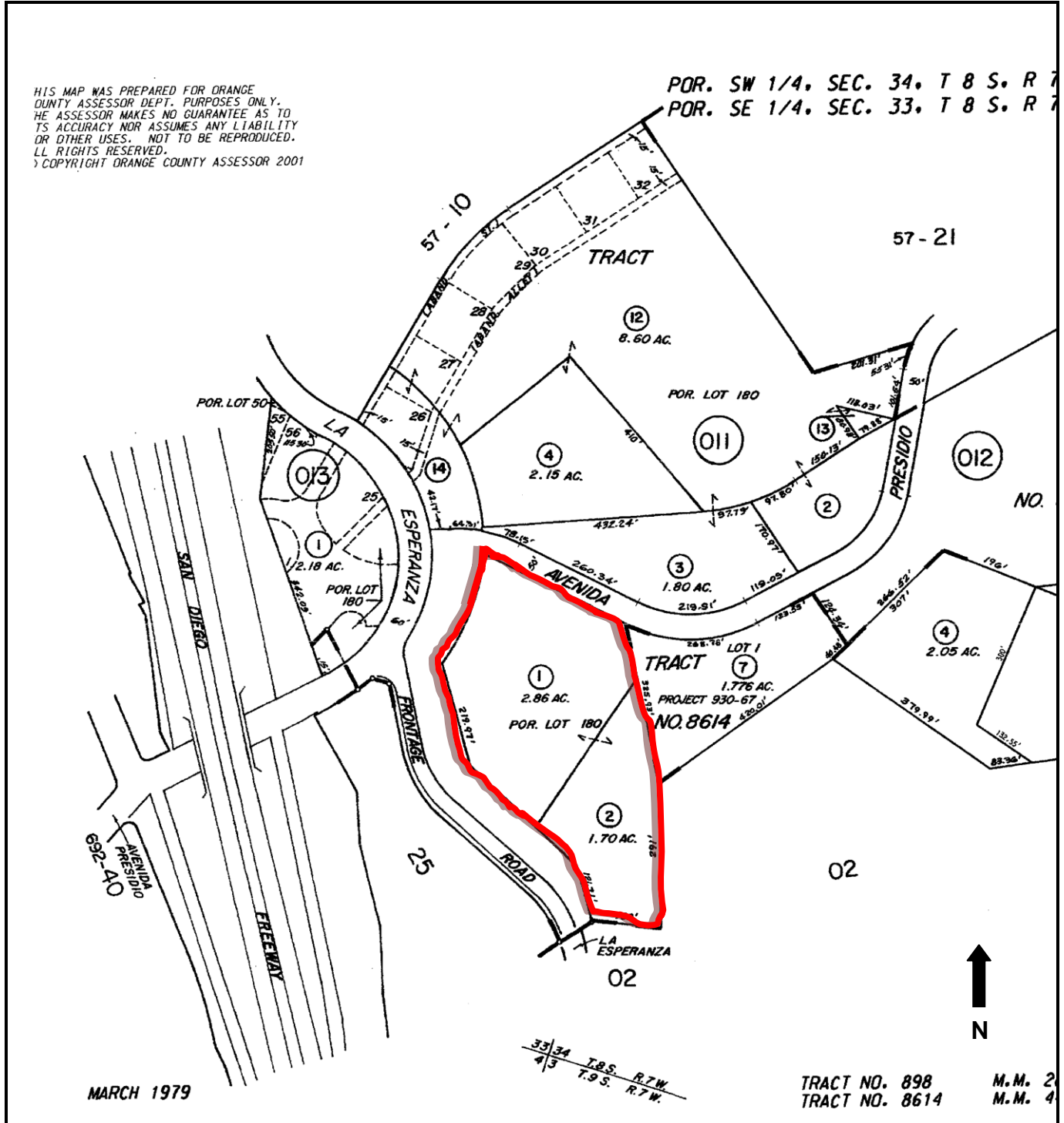


Figure B-6
Potential Rezoning Site D (from Table B-4)
501 Avenida Vaquero

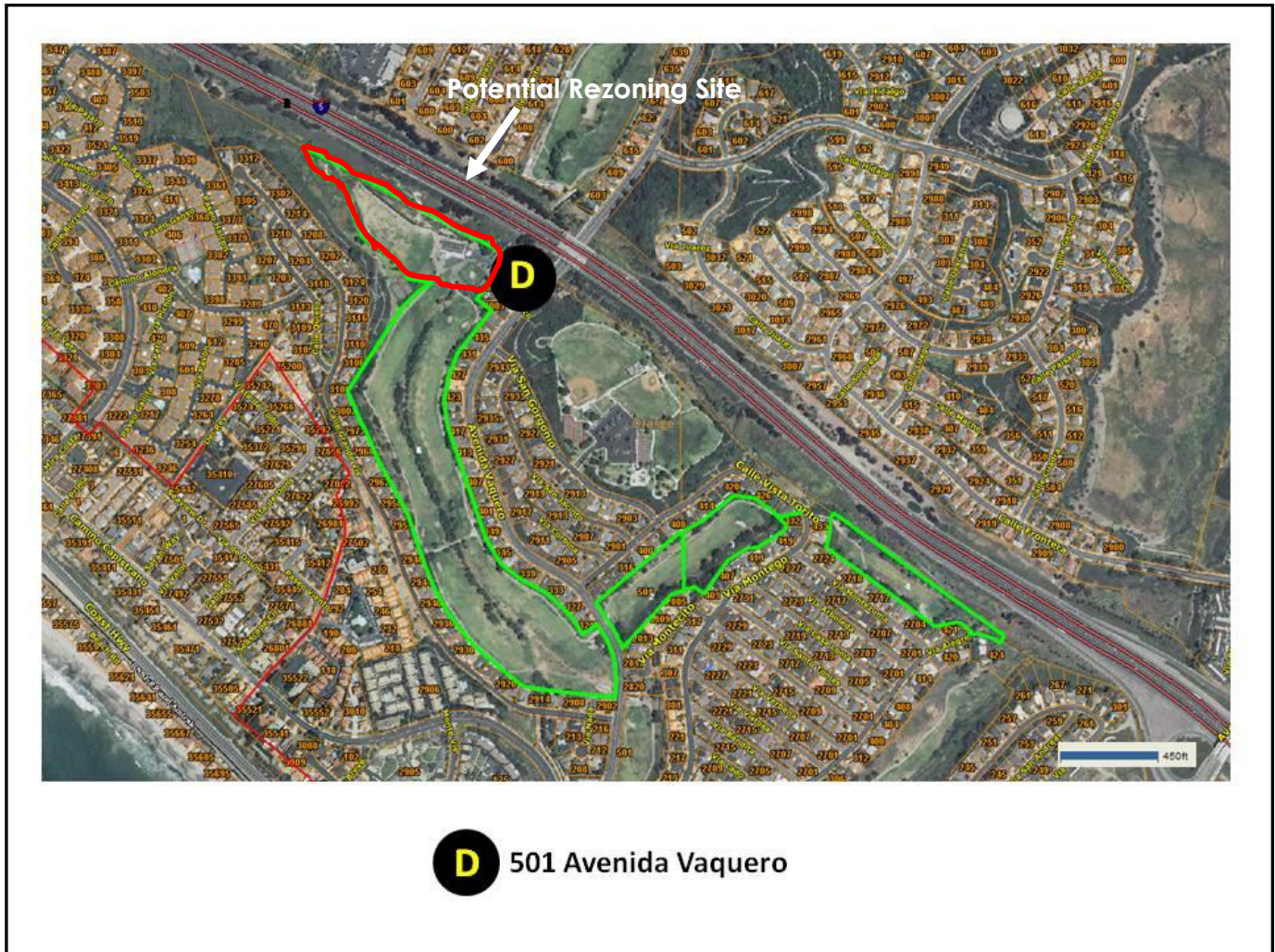


Figure B-6a
Assessor's Parcel Map, Potential Rezoning Site D, (Table B-4)
501 Calle Vaquero

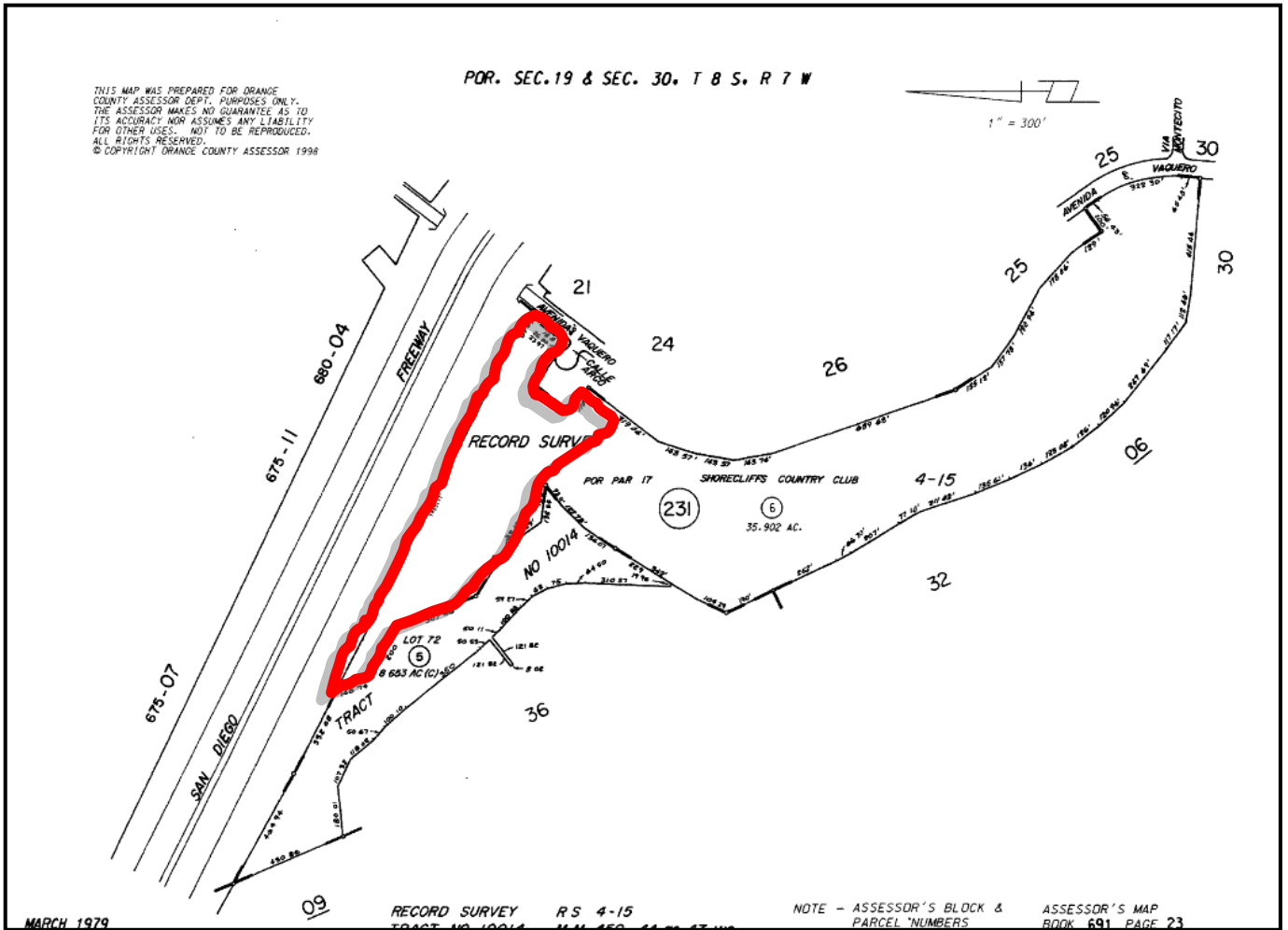


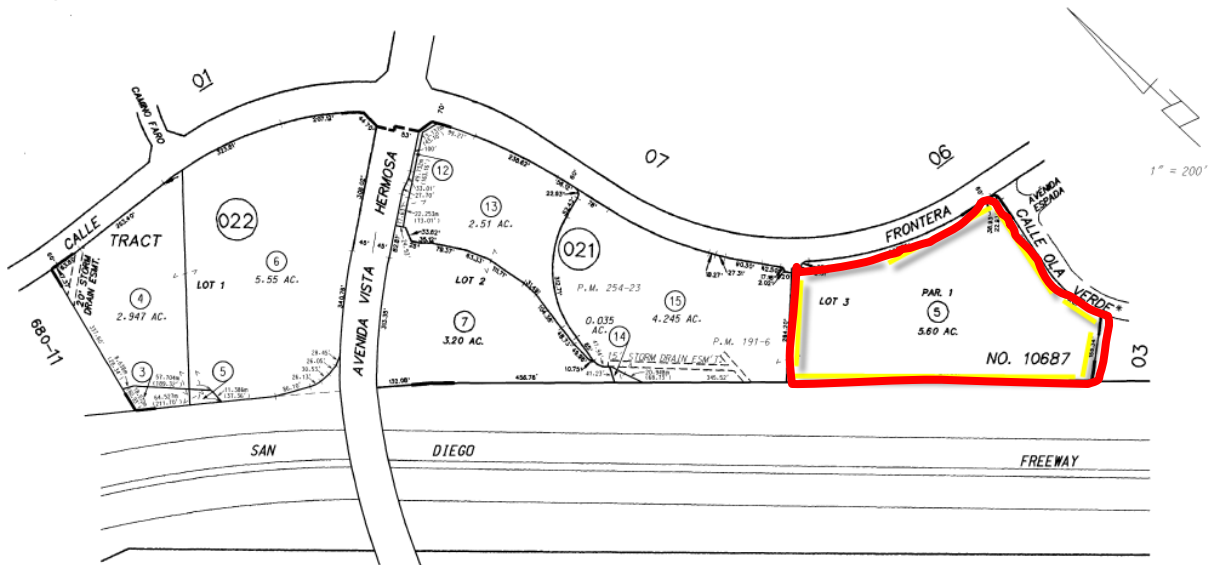
Figure B-7
zoning Site E (from Table B-4)
2651 Calle Frontera



Figure B-7a
Assessor's Parcel Map, Potential Rezoning Site E, Table B-4
2651 Calle Frontera

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679-02



691-42

MARCH 1980

TRACT NO. 10687
PARCEL MAP

M.M. 471-1 to 4 Inc.
P.M. 191-6, 254-23

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 679 PAGE 02
COUNTY OF ORANGE

* PRIVATE STREET



**Table B-3
Residential Land Inventory by Parcel and Household Income Category**

Map #	APN #	Property Address	Acres/SF	GP/Zoning	Density Du/Ac Max	Total Units	Income Category				Density Bonus	Notes
							VL	L	Mod	AM		
Affordable Housing Overlay (AH)											AH projects must have 51% affordable at 50% of AMI. NC2, NC3, and MU 3.1 density is same as RM (24 du/ac), MU5.1 is same as RH (36 du/ac). Senior housing may be built in NC2, NC3 and MU5.1 at 45 du/ac. DB=Density Bonus units 35% maximum unless special findings made.	
1	692-152-23	1010 S. El Camino Real	0.29 ac 13,000 sf	NC2/AH	24	7	4	3			2	Vacant Land- (Stoker, owner)
2	692-131-06	next to 1201 S. El Camino Real	0.35 ac. 14,240 sf	NC 2/AH	24	8	5	3				ac. land (Cordoba Investments -next to Tommy's)
3	692-171-18	1430 S. El Camino Real	0.22 ac 9,800 sf	NC2/AH	24	5	3	2			2	Vacant lot (previous gas station – SC Petroleum Inc. owner)
4	692-171-19	1430 S. El Camino Real	0.22 ac 9,800 sf	NC2/AH	24	5	3	2			2	Vacant lot (previous gas station – SC Petroleum Inc. owner)
5	690-422-03	Cm. San Pablo & S. El Cam. Real (next to 2201 S.E.C. Real)	0.11 ac 4,400 sf	NC3/AH	24	2	1	1			1	Vac. Land, (F&A Holding Co.)
6	690-422-04	Cm. San Pablo & S. El Cam. Real (next to 2201 S.E.C. Real)	0.11 ac 4,400 sf	NC3/AH	24	2	1	1			1	Vac. Land, (F&A Holding Co.)
7	060-032-04	2350 S. El Camino Real	1.45 ac 64,251	NC 3/AH	45	76	55	21			11	* Proposed vacant Restaurant site (Coco's) Senior Apts. by META Housing, senior housing code allows for 45 du/ac, 1 unit/968 sf. Property was approved for 76 or 52 du/ac. Includes Density Bonus. Has received final City Council approval

Map #	APN #	Property Address	Acres/SF	GP/Zoning	Density Du/Ac Max	Total Units	Income Category				Density Bonus	Notes
							VL	L	Mod	AM		
8	060-074-10	2723 S. El Camino Real	0.14 ac. 6,000 sf	MU5.1/AH	36	5	3	2			2	The previous Rivera Motel has 12k sq.ft on So.ECR, and 15,000 sq.ft on Calle Comercio (RH). It is partially demolished vacant/ boarded up and for-sale.
9	060-074-11	2723 S. El Camino Real	0.14 ac 6,000 sf	MU5.1/AH	36	5	3	2			2	The previous Rivera Motel has 12k sq.ft on So.ECR, and 15,000 sq.ft on Comercio (RH). It is partially demolished vacant/ boarded up and for-sale.
10	060-073-08	2723 Del Comercio	0.34 ac. 15,000 sf	RH	36	12	7	5			4	Previous Rivera Motel - Vacant lot
11	060-074-12	2727 S. El Camino Real	0.18 ac 8,000 sf	MU 5.1/AH	36	6	4	2			2	El Cam Mkt. and Old English Motel (deferred maintenance), both properties owned by one family, for sale. Total of six lots (Dunstyee)
12	060-074-13	2733 S. El Camino Real	0.09 ac 4,000 sf	MU5.1/AH	36	3	2	1			1	Same property (Dunstyee)
13	060-074-14	2733 S. El Camino Real	0.09 ac 4,000 sf	MU5.1/ AH	36	3	2	1			1	Same property
14	060-074-15	2733 S. El Camino Real	0.09 ac 4,000 sf	MU5.1/AH	36	3	2	1			1	Same property
15	060-074-16	2733 S. El Camino Real	0.09 ac 4,000 sf	MU5.1/ AH	36	3	2	1			1	Same property
16	060-074-17	2733 S. El Camino Real	0.09 ac 4,000 sf	MU5.1/ AH	36	3	2	1			1	Same property
17	060-071-25	next to 2801 S. El Camino Real	0.36 ac. 16,000 sf	MU5.1/ AH	36	13	7	6			4	1vacant lot, (Mamian)
18	692-395-27	902 N. El Camino Real	0.28 ac 11,931 sf	NC 2/AH	24	6	3	3			2	Vacant dilapidated garage (Hameid) Architect's model shows proof that 9 units could be built on-site. This includes a density bonus of 3 units, yielding 33 du/ac.
19	692-381-25	1300 Block N. El Camino Real	0.47 ac 4,098 sf	NC 2/AH	24	3	2	1			1	Vacant (Valentine owner)
20	692-381-26	1300 Block N. El Camino Real	0.09 ac 4098	NC 2/AH	24	3	2	1			1	Vacant (Valentine owner)

Map #	APN #	Property Address	Acres/SF	GP/Zoning	Density Du/Ac Max	Total Units	Income Category				Density Bonus	Notes
							VL	L	Mod	AM		
21	692-381-27	1300 Block N. El Camino Real	0.09 ac 4022	NC 2/AH	24	3	2	1			1	Vacant (Valentine owner)
22	692-381-28	1300 Block N. El Camino Real	0.1 ac 4,200 sf	NC 2/AH	24	3	2	1			1	Vacant (Valentine owner)
23	692-381-29	1300 Block N. El Camino Real	0.1 ac 4,200 sf	NC 2/AH	24	3	2	1			1	Vacant (Valentine owner)
24	692-381-30	1300 Block N. El Camino Real	0.1 ac 4200 sf	NC2/AH	24	3	2	1			1	Vacant (Varos owner)
25	692-381-31	1200 Block N. El Camino Real	0.09 ac 4,000 sf	NC2/AH	24	2	2				1	Vacant (Valentine owner)
26	692-394-17	101 W. El Portal	0.65ac 28,300 sf	NC-2 /AH	24	15	8	7			5	Under-utilized property El Toro Rojo Mkt. . Senior Housing in NC zone must have at least 35 units. (O'Donnell)
27	692-39-406	100 W. El Portal	0.18 ac 4,000 sf	NC2/AH	24	2	1	1			1	Vacant Lot
28	692-39-407	100 W. El Portal	0.18ac 4,000 sf	NC2/AH	24	2	1	1			1	Vacant Lot
Sub-total, Affordable Housing Overlay						206	131	73			54	
Other Multi-family Sites												
29	057-151-26	111 La Ronda	0.17 ac 7560 sf	RM	24	4		4			1	Vacant lot, (Wilson)
30	057-151-04	115 La Ronda	0.15 ac 6,500 sf	RM	24	3		3			1	vacant lots ,(Hooper)
31	057-151-05	119 La Ronda	0.16 ac 7150 sf	RM	24	4		4			1	V vacant lots ,(Hooper)
32	692-121-13	1633 Calle Las Bolas	0.15 ac 6,743 sf	RH	36	3		3			2	vacant lot includes hillside (Marconi)

Map #	APN #	Property Address	Acres/SF	GP/Zoning	Density Du/Ac Max	Total Units	Income Category				Density Bonus	Notes
							VL	L	Mod	AM		
33	692-121-14	1631 Calle Las Bolas	0.15 ac 6,725 sf	RH	36	3		3			2	vacant lot includes hillside (Marconi)
34	692-121-15	1629 Calle Las Bolas	0.15 ac 6,412 sf	RH	36	3		3			2	vacant lot includes hillside (Marconi)
35	692-121-16	1603 Calle Colina	0.12 ac 5,104 sf	RH	36	3		3			2	vacant lot includes hillside (Marconi)
36	692-121-17	1601 Calle Colina	0.14 ac 6,067 sf	RH	36	3		3			3	vacant lot includes hillside (Marconi)
Sub-total, Other Multi-family						26		26			14	Does not include all MF vacant lots in City
City-Owned Sites (RDA)												
37	058-07-318	100 Block Ave. Serra	0.09 ac 4,000 sf	MU 3-A-AH	24	Included below in line 38						Land purchased with RDA housing funds for development of affordable workforce housing for very-low income households. Conceptual plans for 19 affordable one-bedroom apartments endorsed for 107-115 Avenida Serra.
38	058-073-46	107-115 Ave. Serra	0.36 ac 12,000 sf	MU 3-A-AH	24	19	19				11	Concept plan endorsed by City Council. Non-profit developer selected.
Sub-total, City-Owned Sites						19	19	0	0	0	11	
Total All Multi-Family						251	152	99	0	0	79	

Map #	APN #	Property Address	Acres/SF	GP/Zoning	Density Du/Ac Max	Total Units	Income Category				Density Bonus	Notes
							VL	L	Mod	AM		
Approved SF projects												
39		(20) Marblehead Coastal		RL	7	313				313		Already approved, on-hold due to economy downturn
40		(21) Talega		RL	7	150				150		Already approved (99 built in 2008, 23 1 st 6 mo.2009).
		Total Single Family				463	0	0	0	463		
		GRAND TOTALS				714	150	99	0	453	79	

**Table B-4
Potential Affordable Housing Sites by Parcel for Rezoning Consideration in the General Plan Update**

APN #	Site Maps -Attachments A-E	Size (Acres)	Potential Zoning	Density	Total Units	Notes
690-013-01	(A) 101 North La Esperanza	2.18	RM-AH	24 du/ac	52	Vac. land. Zoned RML. Present zoning yields 21 units.
692-351-02	(B) Pico Plaza	0.6	NC 2-AH	20du/ac	12	Pico Plaza -Potential for Mixed Use, Residential/Commercial , Potential Inclusion in Affordable Housing Overlay, 3 lots 8.6 <u>ac</u> Estimated for RM = 8.6 ac max @ 20 du/ac Only includes Parcel 02- Office bldg, owner Mag land Corp and Parcel 9 & 10 owned by MG Pico Assoc. strip of commercial, parking lot, and Stuft Pizza, Rib Restaurant Does not include 99c store strip, Hotel or Bank.
692-351-09	(B) Pico Plaza	7.6	NC 2-AH	20du/ac	152	
692-351-10	(B) Pico Plaza	0.4	NC 2-AH	20du/ac	8	
690-012-01	(C) City Hall	2.8	RM-AH	24 du/ac	67	City Hall site includes building, parking and undeveloped area, zoned CVC. City Hall facilities to eventually be relocated to City-owned building at 910 Calle Negocio.
690-012-02	(C) City Hall	1.7	RM-AH	24 du/ac	40	
691-231-06	(D) Shorecliffs Golf Course	6	RM	24 du/ac	144	Site has clubhouse, parking lot and driving range. Approved for hotel development as part of Forster Ranch Specific Plan, zoned "Coastal and Recreation Serving (CRC2). Owner would like to develop a senior housing project.
679-021-05	(E) 2651 Calle Frontera	4.1	Institutional - AH	24 du/ac	98	Vac. zoned Institutional, owned by Pac.Coast Church Plans approved for expansion of church and school until 6/2006
Totals		25.38			573	Maximum estimated unit count, If rezoned as shown

**Table B-5
Potential Affordable Housing Sites for Rezoning
Consideration in the General Plan Update by Address and Household Income¹**

(Attachment A- E) Site Address	Size (Acres)	Potential Zoning	Units/Acre	Maximum Potential Units				Notes
				Total	Very Low	Low	Mod	
(A) 101 North La Esperanza/Presidio	2.18	RM-AH	24	52	26	13	13	Vacant land. Zoned RML 2.18 acres , 7-10 du/ac or 21 units; rezone to RM yields 20 to 24 units/ac.
(B) Calle de Industrias (Pico Plaza)	8.6	NC2-AH	20	172	87	43	42	Portions of Pico Plaza -potential for Mixed Use, Residential/Commercial, potential Inclusion in Affordable Housing Overlay, 4 lots include mostly underutilized parking lot.
(C) 100 Avenida Presidio	4.5	RM-AH	24	108	55	27	26	CVC zoned property located adjacent to site; church located across Presidio to the northwest. City Hall to eventually be relocated to City-owned property at 910 Calle Negocio.
(D) Shorecliffs Golf Course	6	RM	24	144	73	37	34	Possible senior housing project.
(E) 2651 Calle Frontera	4.1	Institutional - AH	20	82	41	21	20	Vacant, zoned Institutional, owned by Pacific Coast Church. Vacant land, plans approved for expanding church and school until 6/2006.
Totals	25.38			558	282	140	136	

¹These sites are proposed to be analyzed as part of the General Plan for inclusion in the Affordable Housing Overlay. They are the same sites listed in Table B-4. The density of the Affordable Housing Overlay is a minimum of 20 units per acre; RM allows up to 24 units per acre. Additional increases in density would be possible with a density bonus; however, density bonuses are not included in this analysis.

APPENDIX C

INCLUSIONARY HOUSING PROGRAM

A. Purpose and History of the Inclusionary Program

The purpose of the Inclusionary Housing Program is to expand the affordable housing stock in San Clemente in proportion with the overall increase in new residential units built in the City, thus providing housing for a varied and viable population. The program was originally established in 1980 and has been amended since then to adjust for changing market conditions and circumstances. However based on a 2009 California State Supreme Court action denying review of a lower court decision in the Palmer v. City of Los Angeles case, typical inclusionary housing requirements throughout the State have been altered to conform with the Court's action. This means that, with very limited exceptions (e.g., density bonus projects and projects receiving governmental financial assistance), inclusionary requirements for rental projects are illegal/unenforceable in California.

During the 1980s, three apartment complexes were built in the Ranch developments providing a total of 810 new apartment units to meet inclusionary requirements. By 1998, all Inclusionary projects built in Rancho San Clemente and Marblehead had fulfilled their term of affordability as required by the Inclusionary Program established in 1980.

No new apartments were built within Ranch developments for households earning 50% or less than median income through the Inclusionary Housing Program between 1989 and 1999. In 2000, the Talega developers provided 10 acres of land for the provision of a 186-unit affordable family apartment complex to meet their inclusionary requirements. The option to develop the project was provided to Jamboree Housing Corporation, a non-profit housing organization. It was completed in 2003.

Through the evaluation of past inclusionary projects, it was determined that very low income households are better served by affordable rental units than for-sale housing. Therefore, the option for developers to provide for-sale housing to meet their Inclusionary requirements was eliminated in 1996.

During the 2000-2007 Housing Element planning period, the Inclusionary Housing Program required all new developments with 6 or more units to provide a total of 4% of the units to households earning 50% or less than median income. This could be accomplished through the construction of new apartment units, either on- or off-site, through the payment of an in-lieu fee or provision of land, or a combination to be recommended by the Community Development Director. The City Council has recommended that the Inclusionary Program continue as adopted in 2000.

With the City of San Clemente nearing build out a different strategy is needed to provide a share of all new housing units as affordable to very low income households. All of the Ranch properties have been approved and the one large remaining project, Marblehead Coastal, will be paying an in-lieu fee. There is over \$4 million in in-lieu fees and RDA Housing Funds which are available for development of housing for the lower

wage workforce or seniors. In 2006 the City Council adopted the Affordable Housing Overlay Zone along El Camino Real. The Overlay is zoned commercial and the only housing which can be built is senior housing or mixed income housing with 51% of the units affordable to households earning up to 50% of area median income. Most of the properties will generate projects of less than 25 units, except for the old Coco's restaurant site, if properties are consolidated, or old motels are redeveloped. Appendix B, Figure B-1 (Map) and Table B-3 identify several properties in the Overlay where housing could be built to meet our RHNA goal. At the time of the study, the properties listed in the table were vacant, for-sale or boarded up and could best meet the requirements for tax credit financing. The Overlay sites are unlikely to be developed without an incentive program. Such incentives may include financial assistance to non-profit organizations to purchase the affordable units or build new housing projects. The requirement to provide on-site affordable units results in less resistance to affordable housing when it is part of a mixed income development.

Section 33413(b)1 of the State Health and Safety Code has an additional requirement for inclusionary housing within the redevelopment project areas. This law requires Redevelopment Agencies (RDAs) to provide 30% of all new or rehabilitated dwelling units developed by the RDA for households earning not more than 120% of the County median income, of which 50% (15% of the total units) are to be affordable to households earning 50% or less of the County median income. Section 33413(b)2 requires 15% of all new or rehabilitated dwelling units developed within the project area by public or private owners, other than the Agency, to be available to households earning not more than 120% of County median income, of which 40% (or 6% of the total units) must be affordable to households earning 50% or less than median income. These requirements are incorporated into the Inclusionary Program as required by the State and are reviewed annually in order to meet the 10-year aggregate requirement beginning January 1, 1992.

The following describes the proposed requirements of the 2008 Inclusionary Housing Program.

B. Inclusionary Program Recommendations

Who participates: The program shall apply to new developments of 6 or more dwelling units intended to be built as a single project. Affordable units will be eligible for development incentives, density bonuses and financial assistance.

Term of affordability: Inclusionary units shall remain affordable for a minimum of 30 years, or if other public financing has longer terms the longest term shall prevail. Household income and rent for rent-restricted units must be reported annually to the Community Development Department - Housing Program.

Type of Units: Affordable units shall be for rent only and shall have the same proportionate number of bedrooms as the non-inclusionary project. All new inclusionary units shall be owned and operated by a non-profit housing organization, unless the owner agrees to a deed restriction and enters into regulatory agreement with the City, which shall include the management of the affordable units by a non-profit organization.

The requirement for new units may be varied depending on the number of bedrooms per apartment and market needs. For example, if the developer is building 100 three-bedroom homes, and 13 affordable units are required, a minimum of 13 three-bedroom apartments with housing cost at 50% of median income can be built to meet the inclusionary requirement. An alternative, depending on market needs, and with a recommendation by the Community Development Director, and approval by the City Council, the developer can choose to meet the inclusionary requirement by providing 39 bedrooms in a combination of apartment types including: studios, one-, two-, three- or four-bedroom units, resulting in a variation of the number of housing units.

Housing Cost: Affordable units shall be rented out to households earning 50% or less than median income, with rents no greater than 30% of 50% of Orange County Area Median Income, adjusted for household size, less a utility allowance. For example: The 2007 Orange County Median Income for a four-person household earning 50% of median income is \$43,300. Allowable housing costs are derived by dividing \$43,300 by 12 months, multiplied by 30%, generating total monthly housing costs of \$1,083. A utility allowance is deducted from the housing costs to determine the actual rent amount. Utility allowances are adjusted annually and are established by the Orange County Housing Authority. For example, if a one-bedroom apartment's utility allowance is \$40, then the allowable rent would be \$1,043. Housing costs are adjusted annually by household size and household income.

Developer options:

Options will be subject to a recommendation by the Community Development Director and approval of an Affordable Housing Agreement by the City Council.

1. Build new apartments (4% of total number of units) on or off-site, with rental costs affordable to households earning 50% of median income by household size. The number of very-low-income units required is a minimum of 4% of the total number of new units built. The requirement may be varied depending on the number of bedrooms per apartment and market needs. For example, if the developer is building 100 - 3 bedroom homes, and 4 affordable units are required, a minimum of 4 3-bedroom apartments with housing cost at 50% of median income can be built to meet the inclusionary requirement or depending on market needs, and with a recommendation by the Community Development Director, the developer can choose to meet the inclusionary requirement by providing 12 bedrooms in a combination of apartment types including: studios, one-, two-, three- or four-bedroom units, resulting in a variation of the number of housing units.
2. Pay an in-lieu fee. The in-lieu fee will be paid at the same time of payment of building permit fees.
3. Provide the equivalent amount of land (on-site or off-site) and development fees to a non-profit developer to own and build the required number of inclusionary housing units generated from the proposed development. (more units may be built, but not less).

Definitions:

1. Eligible Households - One or more persons in a household whose combined income(s) is within 0-50% of Orange County median income for that household size.
2. Housing Cost for Affordable Units - Housing cost shall not be greater than the payment of rent and utilities equal to 30% of 50% of median income.
3. Household Income - As determined by the U.S. Dept. of Housing and Urban Development (HUD) for each State and County annually.

C. In-Lieu Fees

The in-lieu fee is based on 1% of construction value. An annual housing market analysis is required to ensure the fee is commensurate with the current affordability gap. The construction value will be calculated by the Building Department and 1% of the value will be compared to the housing gap analysis prepared by the Housing Program. The in-lieu fee will be equivalent to the gap times 4% (the inclusionary percentage), for final determination of the in-lieu fee per market rate unit (see formula below).

The in-lieu fee is based upon provision of housing for households earning no more than 50% of median income. The fees will allow for a variety of housing options. Through the use of in-lieu fees and other government grants, funds to non-profit organizations could be used to acquire existing apartments, construct new apartments, or the purchase and conversion of old motels. The funds would allow for alternative forms of housing for the special needs population and low wage workforce. The use of in-lieu fees would also allow a non-profit developer to purchase the inclusionary unit(s) built as part of a market rate project.

In order to understand the cost of affordable housing it is necessary to understand the cost of development and how the affordability gap is determined. The cost of development includes direct construction costs, indirect costs (design, financing and government fees), land costs and developer's profit. The development value of an affordable unit (based on allowable rent or sales price less operating costs), is then calculated and subtracted from the development costs. The difference generates the "affordability gap." The affordability gap is the amount of subsidy needed to create affordable units. The components of the in-lieu fee for a rental housing development include the following:

1. Lowest prevailing mortgage rate available for multi-family units available at the time of analysis.
2. Construction costs per the McGraw/Hill construction index, plus government fees and other soft costs as a percent of direct construction costs.
3. Apartment overhead and maintenance costs per non-profit housing standards and utility costs.

4. Current year HUD median income for Orange County family of 4 (or family of 2 for senior housing development).
5. Affordable rents based on the payment of 30% of a household's income paid toward housing costs at the 50% of median income level.
6. Cost of land (average cost per square foot as determined by land sold within the previous year of a sampling of multi-family residential and affordable overlay parcels).

The following example illustrates how the fee is generated based on the housing cost variables.

Cost of Affordable Housing/In-lieu fee

Development Costs direct construction costs (unit size, 1100 sq. ft x construction cost/sq.ft) + indirect costs as a percentage of direct costs (35%) + land cost (average land value/sq.ft/unit)

Subtract the Affordable unit's ability to pay - Very Low Income household - 4 person household income/12 x .30 = Monthly Rent *minus* monthly overhead & maintenance cost minus utility allowance = Very Low Income unit value

Equals Cost /Affordable Unit = (Affordability Gap)

Affordability Gap x 4% inclusionary variable = In-lieu fee/market rate unit

Use of Fees

The fees are used to subsidize development of new affordable units and would be leveraged in combination with other State or Federal subsidies as applied for by a non-profit organization.

Off-site development of affordable units would be at the discretion of the developer to partner with a non-profit organization to build or purchase the units to meet their inclusionary requirements. Subsidies and development incentives would be dependent on availability and based on the development proposed.

APPENDIX D**AFFORDABLE HOUSING OVERLAY ORDINANCE****Zoning Ordinance Section 17.56.080 Affordable Housing Overlay District**

A. Purpose and Intent. The purpose of this section is to provide for the development of affordable rental and for sale housing in commercial and mixed use zones. The intent is to facilitate the development of affordable housing, enable the City to meet its housing goals, and ensure that affordable developments will be compatible with surrounding land uses by establishing an overlay district and standards.

1. Properties to be included in the Affordable Housing Overlay District shall be identified by "AH" zoning applied to a property's base zoning, for example, MU 3-AH.

B. Applicability. "Qualified Affordable Housing Development" – shall mean a multiple family rental housing project consisting of studio, , one, two, three, and/or four bedroom units which meet the following requirements:

1. The housing units on site shall provide a minimum of fifty-one percent (51%) of the housing units for households earning no greater than 50% of Orange County Median Income by household size, and a maximum of forty-nine percent (49%) of the units may be market rate rental units or sold as market rate condominiums.
2. The affordable portion of the project must be sold as condominiums to a 501(c)3 non-profit housing development organization. The non-profit organization must rent out the enforceably restricted affordable units to households earning no greater than 50% of median income.
3. The development shall provide a residential density of not less than 20 dwelling units per acre, up to the maximum number of units allowed by the residential zoning standards identified in this Section Item D below.
4. Market rate condominiums must be regulated by a legal homeowners association for the maintenance of the units.

C. Review Requirements. Affordable housing projects under this title are Permitted Uses. Please refer to the Uses tables in Chapters 17.36, Commercial Zones and Standards, and 17.40, Mixed-Use Zones and Standards, of this title. Affordable housing projects in commercial and mixed-use zones shall require an Architectural Permit, in accordance with Section 17.16.100, Architectural/Cultural Heritage Permits or Minor Architectural/Cultural Heritage Permits, of this title. A Cultural Heritage Permit shall be required for affordable housing projects in Architectural Overlay districts, in accordance with Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits, of this title.

D. Minimum Standards for Specific Zones.

1. **NC 2 (Neighborhood Commercial) Zone.** Affordable housing projects located in NC 2 commercial zones shall conform to the same development standards as RM (Residential Medium Density), with the exception of incentives, concessions and density bonuses as required by Government Code § 65915.

2. **NC 3 (Neighborhood Commercial) Zone.** Affordable housing projects located in NC 3 commercial zones shall conform to the same development standards as RM (Residential Medium Density), with the exception of incentives, concessions and density bonuses as required by Government Code § 65915.
3. **MU 3 and 5.1 (Mixed-Use) Zone.** Affordable housing projects located in the MU 3 and MU 5.1 mixed-use zones shall conform to the same development standards for mixed-use projects in the MU 3 and 5.1 mixed-use zones, respectively, with the exception of incentives, concessions and density bonuses as required by Government Code § 65915. Affordable housing projects outside of the Coastal Zone may be located at street level.

E. Minimum Standards for NC 2, NC 3, MU 3 and MU 5.1 Zones. In addition to Section D above, the following shall apply to all qualified affordable housing projects proposed within NC 2, NC 3, MU 3 and MU 5.1 zones:

1. **Affordable Housing Agreement.** A legally binding agreement between the applicant and the City shall be required to be executed and be recorded against the property on which the Qualified Affordable Housing Development is to be constructed to ensure that the requirements of this chapter are satisfied. The Affordable Housing Agreement shall be recorded against the Development Site prior to issuance of building permits for the Qualified Affordable Housing Development. The Affordable Housing Agreement shall be binding on all future owners and successors in interest. The Affordable Housing Agreement shall include, but not be limited to, the following:
 - a) **Term** -A term of a minimum of thirty (30) years or greater, depending upon whether non-City funding sources require a longer affordability term. Where other public financing has a longer term, the longest term of affordability shall prevail.
 - b) **Property Management** – A requirement that the owner shall provide for professional property management of the development including the owner’s policies and procedures for renting, managing, maintaining and operating the affordable units. Property management shall also monitor the use of parking spaces within the development to assure that the parking spaces are provided, maintained and used in accordance with the terms of the Affordable Housing Agreement;
 - c) **Occupancy** – A requirement that the occupancy of each unit in the development shall be limited so that it does not exceed more than two persons per bedroom plus one additional person;
 - d) **Priority of San Clemente residents** - The obligation of the owner to provide first priority to people who live or work in the City to rent the qualified affordable units to the extent the project is funded with San Clemente Developer’s In-lieu fees or other housing funds, as permitted by law.
 - e) **Definitions of household income** - means those persons and families whose household income does not exceed the qualifying limits for extremely low, very low and low income families as established and amended from time to time by the Secretary of Housing and Urban Development and defined in Section 5.603(b) of Title 24 of the Code of Federal Regulations and Section 50106 of the California Health and Safety Code. In the event the federal standards are discontinued, the City shall use the definitions set by the California Department of Housing.

APPENDIX E**CONDOMINIUM CONVERSION ORDINANCE****Zoning Ordinance Chapter 16.40 CONDOMINIUM CONVERSIONS**

16.40.010 Condominium and time share use or project conversion.

A. Determination--Allowance of Converting Apartment Units.* The Planning Commission of the City shall, on an annual basis, determine whether duplex and multiple-family dwelling units may be converted into units of a community housing project in accordance with the following:

1. Within one (1) month of publication of the annual State Department of Finance "Orange County Population and Housing Estimates," the Planning Commission shall certify the residential vacancy rate for the City as being that rate shown in the report for San Clemente.

2. In the event that said vacancy rate is in excess of ten (10) percent, the City shall not restrict the number of duplex and multiple-family dwelling units that may be converted into units of a community housing project in the forthcoming year.

3. In the event that said vacancy rate is ten (10) percent or less, the City shall restrict the number of duplex and multiple-family dwelling units for conversion into units of a community housing project in the forthcoming year to a maximum of 25 units, plus fifty (50) percent of the yearly average number of duplex and multiple-family dwelling units constructed in the two (2) years immediately preceding the vacancy certification date, with the date of such construction measured as of the date the City issues a final inspection or certificate of occupancy. In addition, no conversions shall be allowed at any time for multiple family rental units located within the Marblehead Inland, Rancho San Clemente, and Talega Specific Plan Areas. In the event that fewer than the maximum number of units is converted in any given year, the surplus shall not be carried over to the following year.

This section shall not apply to community housing projects involving buildings which have not been previously occupied, or have not been issued with a certificate of occupancy for a use other than condominiums by the date the City Council approves the tentative map, and these units will not be considered by the City Planner as additional number of duplex and multiple-family dwelling units constructed in a given fiscal year.

B. Requirements for Conversion.

1. A tentative tract map shall be filed if the number of units proposed for conversion exceeds four (4) units. If the project is less than four (4) units the parcel map procedure shall be followed.

2. Parking shall be consistent with the present requirements of the district.

3. Density, where possible, should be brought into line with present zoning.

4. Modification or the addition of landscaping may be required.

5. Separate water meters shall be installed for each unit. At least one (1) water meter shall be installed for any common areas.

6. Prior to the issuance of a certificate of occupancy pursuant to subsection E of this code, inspectors of the Community Development Department shall inspect each unit and verify that all requirements of subsection B of this section have been met.

C. Procedure.

1. Plans and maps submitted and reviewed by staff.
2. Plans submitted to the Development Management Team by staff.
3. Planning Commission considers report by staff and makes recommendations to the City Council.
4. City Council hears project.
5. Request for conversion is approved or denied.

D. Contingency Fund Deposits for Unit Developments, Time Share Uses or Projects, and Condominium Projects.

1. It is the intent of the City in requiring the creation of a contingency or reserve fund for condominium projects, time share uses or projects, or other forms of independently owned dwelling units having common areas, to provide a surety for emergency repairs or restoration of such common areas and exteriors of buildings in the interests of the economic, aesthetic and environmental betterment of the City, as well as to protect the general welfare. The City does not intend to intrude into those areas regulated by the Real Estate Commissioner pursuant to the laws of the state. The sole purpose of the City Council in requiring such funds is to preserve those interests as set forth hereinabove for the entire community of the City.

2. The subdivider is required to deposit with the homeowners' or occupiers' association's established fund the sum of two hundred dollars (\$200.00) per unit in any planned unit development, condominium project, or time share use or project. Such deposit shall be used solely and exclusively as a contingency fund for emergencies which may arise relating to open space areas, exterior portions of dwelling units and such other restoration or repairs as may be assumed by the home owners' or occupiers' association or management corporation.

E. Certificate of Occupancy Required. In accordance with Section 306 and Section 502 of the Uniform Building Code, no building or project which has been converted to independent ownership of the units by means of a statutory condominium or subdivision of land shall be made available for sale until the Building Official has issued a certificate of occupancy therefor. (Ord. 1304 § 8, 2005; prior code § 35-30)

* Editor's note: The provisions of this paragraph shall not apply to any condominium conversion for which a tentative map has been approved prior to January 21, 1981.

APPENDIX F

Lot Line Adjustment Process



City of San Clemente Engineering Division

910 CALLE NEGOCIO, SUITE 100 SAN CLEMENTE CA 92673

Phone: (949) 361-6100

Fax: (949) 366-4741

E-mail: engineering@san-clemente.org

ENGINEERING DIVISION PLAN CHECK SUBMITTAL REQUIREMENT CHECKLIST- FINAL MAPS*- Tract Map, Parcel Map, & Lot Line Adjustment

To ensure timely processing, applicants should check their submittal packages for completeness and compliance to the following checklist. City staff will inventory these items upon submittal and mark either N/A or T.B.D. for any items not submitted.

Fee schedules and current versions of the required forms are located on the Engineering page of the City's website at www.san-clemente.org

Tract Map, Parcel Map, and Lot Line Adjustment application packages for first submittal shall consist of the following items and forms in order to be considered complete, unless otherwise specified by the City Engineer:

- This Submittal Checklist. *(staff use)*

- Completed and signed City Engineering Plan Check Application form. _____
- **Three** blueline prints of Final Tract Map, Parcel Map or Lot Line Adjustment (see Planning Department LLA filing instructions for details on Tentative Approvals). _____
- **Two** prints of approved Tentative Map or Tentative Parcel Map and any referenced maps. _____
- **Three** copies of any City Conditions of Approval for the project. _____
- **Two** copies of Traverse Calculations for boundary, street centerline, blocks, lots, and easements. _____
- **Two** copies of Preliminary Title Report (issued within 6 months of application) that includes a legal description and all easements. _____
- **Two** copies of the all documents listed in the Preliminary Title Report, including Vesting Deeds, if applicable. _____
- **Two** copies of documentation proving authority to sign Map, if applicable. _____

- **One** Digital submittal of plans, prior to review approval. _____
- Payment of plan check fees. _____

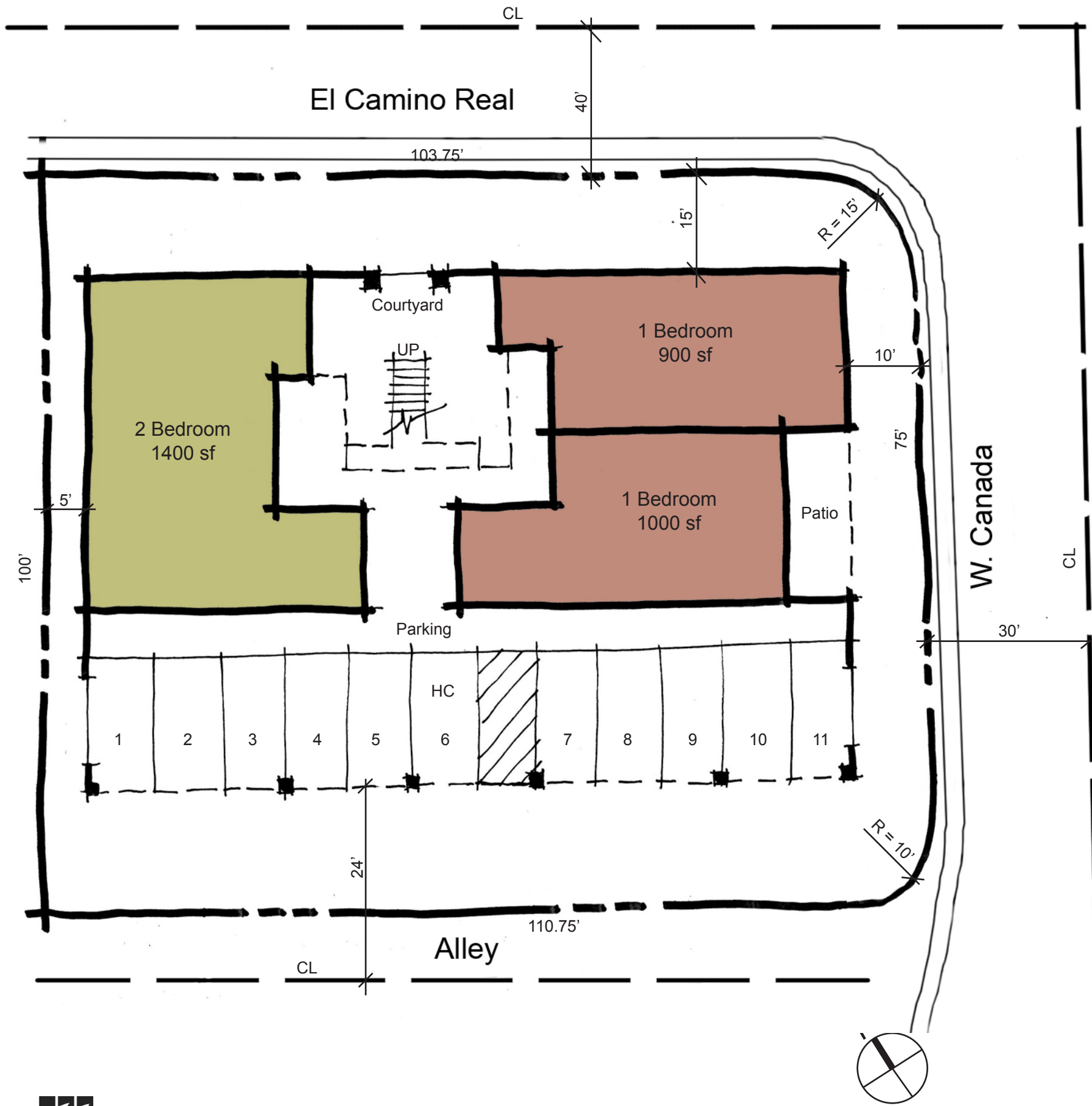
Maps are planchecked at actual cost:

- Minimum Deposit for Tract Map Plancheck \$5,000
- Minimum Deposit for Parcel Map Plancheck \$3,000
- Minimum Deposit for Lot Line Adjustment Plancheck \$1,500

*Tentative Tract Maps, Tentative Parcel Maps, and Lot Line Adjustments are approved through the Planning Department prior to submitting of Final Maps to Engineering for review. A Tract Map is required for all subdivisions creating five or more parcels, five or more condominiums. A Parcel Map is required for all subdivisions creating four or less parcels.

APPENDIX G

Model Affordable Site Analysis



Statistics

Site Area 11,931 sq. ft.

Units

Affordable
 3 (1) Bedroom
 1 (2) Bedroom

Subtotal 4 Units

Market
 2 (1) Bedroom
 1 (2) Bedroom

Subtotal 3 Units

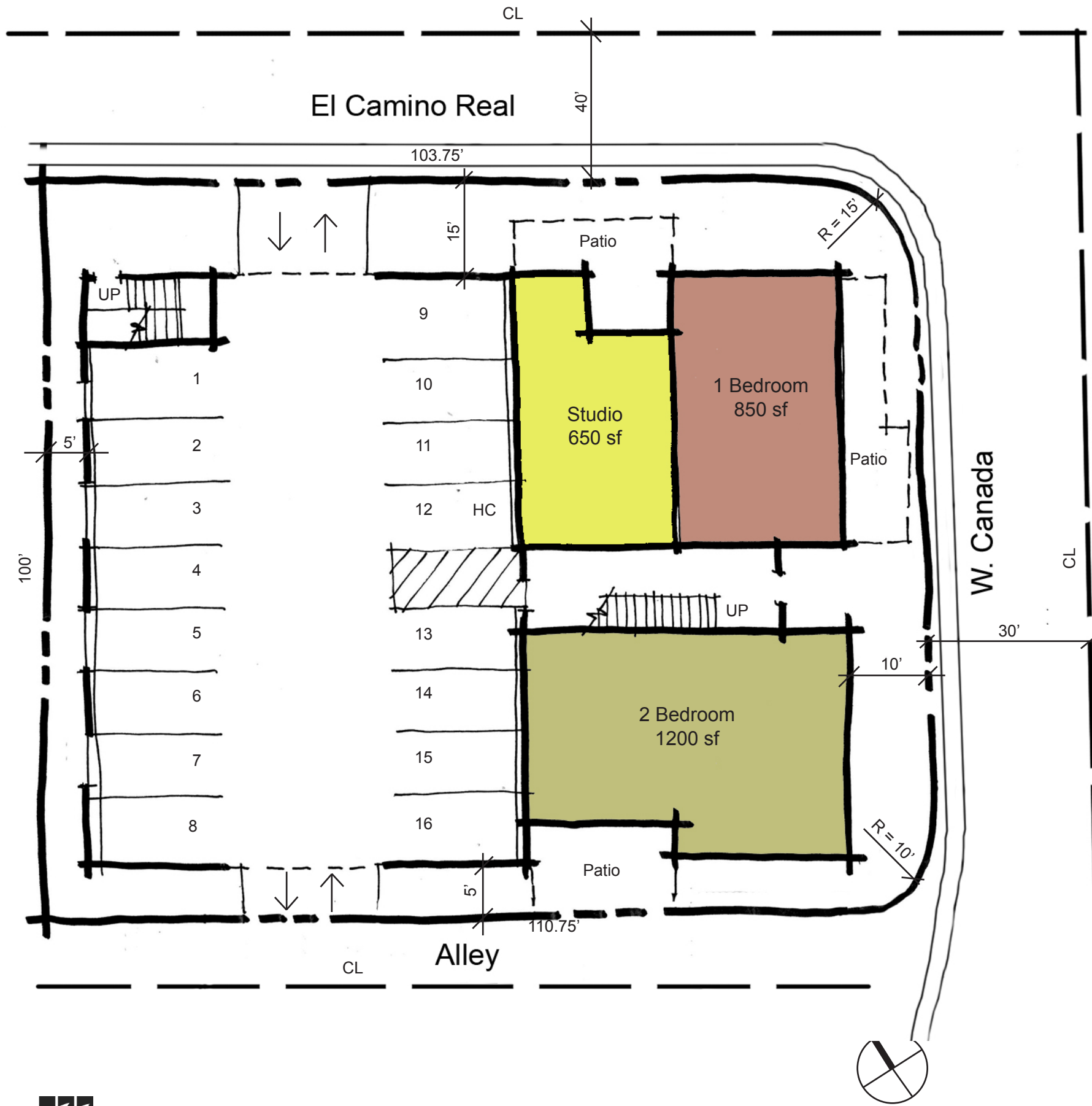
Total 7 Units

Parking

Affordable
 5 Resident Spaces
 Market
 5 Resident Spaces
 1 Visitor

Total 11 Parking Spaces





Statistics

Site Area 11,931 sq. ft.

Units

Affordable
 1 Studio
 2 (1) Bedroom
 2 (2) Bedroom

Subtotal 5 Units

Market
 2 (1) Bedroom
 2 (2) Bedroom

Subtotal 4 Units

Total 9 Units

Parking

Affordable
 8 Resident Spaces
 Market
 7 Resident Spaces
 1 Visitor

Total 16 Parking Spaces

El Camino Real



W. Canada

Alley



APPENDIX H

Industrial Areas

From: Ciampa, John
Sent: Tuesday, February 24, 2009 4:25 PM
To: Davis, Leslie
Subject: Industrial areas in San Clemente

Leslie,

Here is the brief description of the industrial acreage and below will be more specific for each specific planned area.

Rancho San Clemente 35.1 Acres

Los Molinos 35 Acres

Talega 67.8 Acres

The total is 137.9 Acres.

Below is a map of the industrial area for the Rancho San Clemente Specific Plan GIS says that it is about 31 Acres where as in the Specific Plan it calls out that the Industrial area is 35.1 Acres.







**TABLE 2-1
(CONTINUED)**

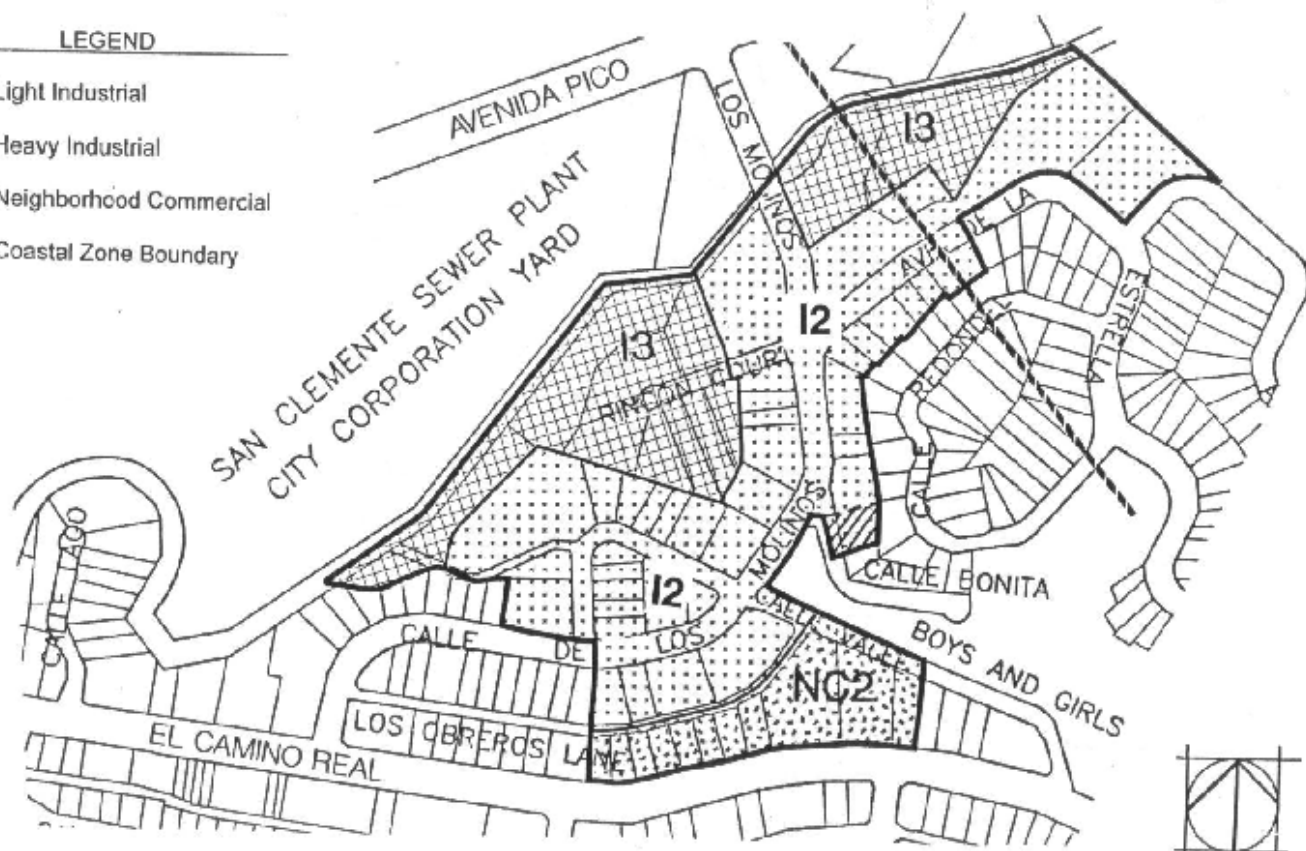
PERMITTED LAND USE	PLANNING AREA	ACRES	MAXIMUM DENSITY	MAXIMUM D. U.'S
Neighborhood Commercial	25	2.4	NA	NA
Business Commercial	3A	11.3	NA	NA
Business Commercial	8A	1.1	NA	NA
Business Commercial	26	7.8	NA	NA
Business Commercial	27	5.6	NA	NA
Business Park	2	103.1	NA	NA
Business Park	3B	77.3	NA	NA
Business Park	4	30.6	NA	NA
Business Park	5	4.4	NA	NA
Business Park	6	8.1	NA	NA
Business Park	8B	23.9	NA	NA
Industrial Park	7 & 3C	35.1	NA	NA
Softball Park	9	46.9	NA	NA
School/Park	23	15.7	NA	NA
Institutional	15	7.0	NA	NA
Open Space/Golf Course		1,097.0	NA	NA
Roads		58.0	NA	NA
GRAND TOTAL		1942.5		

The Los Molinos area Specific Plan states that there are 35 Acres of industrial area. Below are the documents.

II. LOS MOLINOS INDUSTRIAL AREA

This area, located between North Beach Village and the Pico Community Commercial Area, encompasses approximately thirty-five (35) acres of land. Existing land uses include a variety ranging from heavy industrial (auto towing, auto wrecking, and a concrete batch plant) to light industrial (predominantly manufacturing, auto repair, trades, and contracting), and some retail businesses.

- LEGEND**
-  Light Industrial
 -  Heavy Industrial
 -  Neighborhood Commercial
 -  Coastal Zone Boundary



LOS MOLINOS INDUSTRIAL AREA

Figure 1-3

In the Talega Specific Plan light industrial uses are allowed in the Business Park Zoning with the approval of a conditional use permit. The total area identified is 67.8 acres.

APPENDIX I

Public Participation Summary

Appendix I

Public Participation Summary

Public participation is an important component of the planning process in San Clemente. This Housing Element Update has provided residents and other interested parties numerous opportunities for review and comment. The City Council appointed an ad hoc Housing Element Committee (HEC) to work with staff and consultants in developing the draft element. The seven-member Committee was comprised of one City Council member, one Planning Commissioner, one Human Affairs Committee member and four at-large citizen members. The Committee held five meetings during the course of the project, all of which were noticed public meetings. Interested citizens and groups were notified and invited to attend all of the Committee meetings.

In addition to the five Committee meetings, a joint Committee-Planning Commission Study Session was held, plus public hearings by the Planning Commission and City Council. Following review of the draft Housing Element by State HCD, three additional hearings were held by the City Council to adopt the final element.

Announcements of all Housing Element committee meetings and public hearing notices were published in the local newspaper in advance of each meeting, as well as posting the notices on the City's website. The draft Housing Element was made available for review at City Hall, posted on the City's website, as well as at the Public Library. The document was also circulated to housing advocates and nonprofit organizations representing the interests of lower-income persons and special needs groups. After receiving comments on the draft Housing Element from the State Housing and Community Development Department, a proposed final Housing Element was prepared and made available for public review prior to adoption by the City Council.

The following is a list of opportunities for public involvement in the preparation of this Housing Element update.

- | | |
|---|--------------------|
| ▪ Housing Element Committee meeting #1 | September 13, 2007 |
| ▪ Housing Element Committee meeting #2 | October 11, 2007 |
| ▪ Housing Element Committee meeting #3 | November 15, 2007 |
| ▪ Housing Element Committee meeting #4 | December 13, 2007 |
| ▪ Housing Element Committee meeting #5 | January 17, 2008 |
| ▪ Joint HEC/Planning Commission study session | February 6, 2008 |
| ▪ Planning Commission hearing | February 20, 2008 |
| ▪ Planning Commission hearing | March 19, 2008 |
| ▪ City Council hearing | May 20, 2008 |
| ▪ City Council hearing | June 15, 2010 |
| ▪ City Council hearing | February 3, 2011 |
| ▪ City Council hearing | July 5, 2011 |

Residents, housing advocates and leaders of non-profit housing organizations attended all meetings of the Housing Element Committee. Public comments encouraged staff to develop incentives to promote aggressive development of affordable housing units so that San Clemente can be a leader and positive example to other cities; another remarked on the quality of affordable housing units in San Clemente and all over Orange County; and the inability to discern their status as affordable housing units due to their compatibility with adjacent housing. One self-proclaimed aging baby boomer encouraged the City to approve housing for adults who need affordable rentals to live out their retirement years without fear of being forced to move out of a community where they have raised their family. Disabled residents encouraged universal design for all new housing to allow for improved accessibility.

Comments from the building community included not penalizing developers to provide on-site affordable housing without providing development incentives to make it economically feasible to develop. The Orange County Housing Providers, a coalition of building and real estate industry groups, were not in favor of changing the inclusionary housing program because they thought it had been successful. They feel the new program is more restrictive and if implemented needs incentives to prevent barriers to developing in San Clemente.

APPENDIX J

General Plan Update Schedule



GENERAL PLAN UPDATE PROCESS

The General Plan can be described as the "blueprint" for the future. It represents the community's vision; a constitution made up of goals and policies to direct decision making.

STEP 1

Strategic & Vision Plan – Completed. Identifies and articulates our Mission, Community Values and Strategic Goals. Will provide the basis for the development of our General Plan. Public outreach is central to Strategic Visioning and will include:

Focus Groups	Community Polls	Workshops	Public Hearings
---------------------	------------------------	------------------	------------------------

STEP 2

Data Collection - Steps 2 to 7 to commence following completion of Strategic Plan. Compile all the information and studies of the existing conditions in the City

STEP 3

Citizen Participation program – Note: this will be ongoing through step 6 of the General Plan process. Will gain feedback from the residents, business owners, community members, and other stakeholders throughout the General Plan Update process. The Citizen Participation program will include:

Workshops and Charrettes	Focus Groups	Community Polls	General Plan Advisory Group	Public Hearings
---------------------------------	---------------------	------------------------	------------------------------------	------------------------

STEP 4

Land Use Alternatives – Analyze various land use alternatives for the City. Data and information on what the various future land use alternatives mean to City infrastructure and resources will be presented to the community at workshops and charrettes. Based on public feedback, preferred alternatives will be recommended by the General Plan Advisory Group, Planning Commission and then City Council.

STEP 5

Revise the General Plan – Work with the General Plan Advisory Group on completing the draft update of the various General Plan elements. As elements are drafted, they will be made available for public review and comment on the City website. Workshops and focus groups may also be held to review more detailed issues.

GENERAL PLAN ELEMENTS

Circulation (and Transportation) Element	Land Use Element	Urban Design Element	Economic Design Element
Scenic Highways Element	Utilities Element	Public Facilities and Services Element	Parks and Recreation Element
Natural and Historic/Cultural Resources Element	Energy Conservation Element	Natural Hazards Element	Noise Element
Hazardous Materials and Uses Element	Nuclear Element	Housing Element	Growth Management Element

Coastal Element			
------------------------	--	--	--

STEP 6

Environmental Review Process – will develop an Environmental Impact Report to analyze impacts on the updated General Plan document. This process will include:

30 day public review period of the Initial Study	Public Scoping Meeting	45 day review period of the EIR
Response to Comments received during the review period	Public Hearings	

STEP 7

Adopt the General Plan and Final EIR – the public hearing process for the General Plan and final EIR will include review by City Commissions and the adoption by the City Council, anticipated in 2012.

APPENDIX K

Environmental Determination



CITY OF SAN CLEMENTE INITIAL STUDY AND NEGATIVE DECLARATION

1. **Project Title:** Draft 2008 Housing Element Update

2. **Lead Agency Name and Address:** City of San Clemente
910 Calle Negocio, Suite 100
San Clemente, CA 92673

3. **Contact Person/ Phone No.:** Jeff Hook, Sr.Planner 949-361-6182

4. **Project Location:** Citywide

5. **Project Sponsor's Name and Address** City of San Clemente
910 Calle Negocio
San Clemente, CA 92672

6. **General Plan Designation:** Citywide

7. **Zoning:** Various

8. **Description of the Project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

The City of San Clemente has updated its Housing Element to meet State law. State law requires every jurisdiction within the Southern California Association of Governments (SCAG) region to update its Housing Element for the period from 2008 to 2014. San Clemente last updated its Housing Element in 2000. During the interim, housing costs rose significantly and the City's population increased by about one-third. As circumstances change, housing policies and programs are reviewed to ensure the City's policies and programs effectively address housing needs for all household income levels, and to ensure compliance with State housing law. This update would help accomplish both objectives. Once adopted, the Housing Element becomes part of the General Plan and will guide public and private decisions regarding housing, development review, land use, City budgets and capital improvement programs until the next housing element update in 2015.

This Draft includes policies and programs intended to increase housing opportunities for extremely low, very-low, low- and moderate-income households, while accommodating growth in a manner consistent with goals and policies contained in the Land Use Element and other elements of San Clemente's General Plan. The content of housing elements is prescribed under State housing law and this draft has been prepared to include the required sections and information. It contains goals, programs and strategies to ensure land is available for development of housing that meets the needs and budget for all

income groups in San Clemente. It also describes the population characteristics and housing needs of the community, examines opportunities and constraints related to the development and improvement of housing, and sets forth policies and programs to encourage the availability and maintenance of housing. This is a challenging task for most coastal California cities and this is particularly true in southern Orange County. The Housing Element seeks to achieve this objective through a wide range of incentives and requirements applying to new development. For example, the 2000 Housing Element was approved with an Inclusionary Housing Program requiring 4% of all new developments to provide rental housing for households earning 50% of median income. The multi-family units can be provided on-site, off-site, or through the payment of an in-lieu fee. The 2008 Housing Element continues and builds upon this program by including additional affordable housing incentives.

This draft update addresses changes in State housing law and in regional housing needs. State, regional and local housing costs, supply and needs have changed significantly since 2000, as evidenced by current information on real estate prices, affordable housing, and the widening "gap" between rental and purchase housing costs and consumers' incomes. Although the update retains some of the policies and programs in the 2000 Housing Element, it also contains new policies and programs that address these changing conditions. The updated Element's Action Plan includes 13 goals and 37 specific programs to address housing needs, as summarized in Table V-1 of the draft Element. For example, the update's new programs call for the City to:

- a) -Include City-owned sites at 100 Avenida Presidio and 107-115 Avenida Serra in the inventory of sites with housing development potential.
- b) -Develop incentives to encourage affordable housing, such as allowing development of affordable housing by-right at a minimum density of 20 dwellings per acre.
- c) -Consider modifications to development standards in the Affordable Housing Overlay Zone to lessen constraints on development of affordable dwellings.
- d) -Initiate new affordable housing projects for use in In-lieu housing fees and Redevelopment Agency funds.
- e) -Evaluate City's second unit ordinance to consider expanding locations where second units ("granny flats") are allowed.
- f) -Adopt sustainable, energy-conserving design policies, standards and codes that result in attractive and more energy-efficient housing and neighborhoods.
- g) -Provide fair housing information to the public to help prevent housing discrimination.
- h) -Provide funding to continue support for homeless services, transitional and permanent supportive housing.

- i) -Continue the Neighborhood Pride program with cooperative code enforcement and improvement projects in CDBG target areas.
- j) -Continue support for low-income seniors housing through the Casa de Seniors using HUD project based grant assistance and/or bond refinancing.

9. Surrounding Land Uses and Setting:

The City of San Clemente is a general law City with an estimated population of approximately 63,743 (California Department of Finance, January 2011), or about two percent of Orange County's population. The City's coastal and hillside setting creates a distinctive community character with a range of commercial areas, residential neighborhoods and housing types covering a total area of approximately 18 square miles. The City is also noteworthy for the many historic homes and commercial buildings that date to the Community's founding in February, 1928 as a "Spanish Village" by Ole Hanson, former Mayor of the City of Seattle.

San Clemente is bisected by Interstate Highway 5 (I-5), with the beach, pier bowl, downtown village and older housing and commercial buildings generally located west of I-5 and newer commercial areas, business and industrial parks, and residential subdivisions located east of I-5. San Clemente High School and churches are concentrated in the geographic center of the community, near I-5 and the Downtown, with elementary and middle schools disbursed among several residential neighborhoods.

10. Other public agencies whose approval is required: (e.g. State of California permits, financing approval, or participation agreement).

Under State law, city and county housing elements must be submitted to the California State Department of Housing and Community Development (HCD). On October 13, 2010, HCD notified the City that, following the State's review of several earlier drafts and City revisions to address HCD requirements, the June 15, 2010 Draft Housing Element was determined to meet State housing element law. To fully comply with State law, the City must formally adopt the final Housing Element version and resubmit it to HCD for final approval, or "certification."

Following City Council adoption, the City will implement housing policies and programs contained in the Housing Element, subject to local development review and public hearing processes. This initial environmental study addresses this final, updated version of the draft Housing Element as part of the final adoption process.

The Housing Element is a policy and program document; it does not directly approve any physical development. Its policies and programs do, however, affect the design, location, tenure and density of residential development projects. Development project proposals are also shaped by and must conform to local zoning regulations and State and local construction codes. The majority of the identified sites for housing during the updated 2008 Housing Element are in-fill sites where infrastructure is present. Each new project

will have to submit to its own initial CEQA study and other environmental review as determined by the Director of Community Development and State law.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following Initial Study indicates that the project may result in potential environmental impacts in the following marked categories:

Aesthetics		Agricultural Resources		Air Quality	
Biological Resources		Cultural Resources		Geology/Soils	
Hazards/Hazardous Materials		Hydrology/Water Quality		Land Use/Planning	
Mineral Resources		Noise		Population/Housing	
Public Services		Recreation		Transportation/Traffic	
Utilities & Service Systems		Mandatory Findings of Significance			

ENVIRONMENTAL DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** has been prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect: (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation

measures that are imposed upon the proposed project, nothing further is required.

s/Jim Pechous

June 14, 2011

Jim Pechous, City Planner

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significant.

INITIAL STUDY

A. INITIAL STUDY CHECKLIST

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

1. AESTHETICS -- Would the project:

<p>a) Have a substantial adverse effect on a scenic vista?</p> <p><i>The proposed draft housing element update (“update”) would not change the “building envelope” for new housing projects, including location, size or height of development already allowed under the Zoning Ordinance, nor allow or encourage development that would block scenic corridors described in the General Plan and other City policy documents. The draft element includes policies and programs that encourage infill and mixed-use development in areas already served by infrastructure and where compatible with neighboring uses. Residential development would be guided by existing development standards regarding building height, creek and property line setbacks, and protection of important site and environmental features, such as historic features or buildings, rock outcroppings, open space, and heritage trees . The Master Landscape Plan for Scenic Corridors and the Urban Design Element address views, view preservation and visual quality, including policies that protect views of important scenic resources from public places and scenic roadways</i></p>	1, 6			X	
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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</p> <p><i>The proposed update would not remove, alter or change scenic resources. Except for street trees, there is no significant vegetation, natural features or other scenic features. Chapter 2, Section 5 of the General Plan addresses scenic highways and scenic corridor protection. It establishes policies for the protection of community resources, such as historic resources and ocean and hillside views. To accomplish this, new development projects within scenic corridors or along scenic highways require design review using the City's adopted Design Guidelines and are subject to the Master Landscape Plan and other relevant standards. Building massing, setbacks, architectural design, landscaping and other design features are required to be modified as needed during the development review process to protect significant public views.</i></p>	1				X
<p>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</p> <p><i>Any housing developments must comply with City urban design policies and Design Guidelines to ensure appropriate and attractive development projects that are compatible with their surroundings. The proposed update would not alter that approach. The General Plan contains goals and policies that address the visual character and quality of new development. Within the Design Guidelines, General Principle 2.1, Site Design, states that each project should be designed with careful consideration of the site character and constraints and minimize changes to natural features rather than altering a site to accommodate a stock building plan. The Design Review Subcommittee and Planning Commission use this policy and others to determine whether development projects are acceptable as proposed or need modification.</i></p>	1,7				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</p> <p><i>The proposed Update would not affect exterior lighting standards or create substantial light or glare. Eventual site development will involve site lighting for safety and security, and meet building codes. Any exterior lighting must comply with Zoning Ordinance requirements that call for exterior lighting to be shielded and recessed to prevent light pollution. All lighting must be cast downward and glare must be contained within the boundaries of a development site.</i></p>	4				X
<p>2. AGRICULTURE RESOURCES (In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.) Would the project:</p>					
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i>Not applicable. There is no Prime or Unique farmland within the City Limits or other agricultural resources</i></p>	1				X
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>Not applicable. There are no areas in the City zoned for agricultural uses.</i></p>	1				X
<p>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? <i>Not applicable. There are no areas in the City zoned for agricultural uses.</i></p>	1				X
<p>d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? <i>Not applicable.</i></p> <p><i>There are no areas in the City zoned for agricultural uses or that are in agricultural use.</i></p>	1				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

3. AIR QUALITY – (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:

<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p> <p>The Air Quality Management Plan (AQMD) prioritizes basin-wide attainment of Federal and State standards and identifies best practices for local housing and land use planning to reduce air quality impacts and improve basin air quality. Key among these is:</p> <p><i>-Reducing mobile source emissions by reducing vehicle trips and vehicle miles traveled associated with land use patterns. Suggested housing policies/strategies to reduce vehicle miles traveled include:</i></p> <p><i>The Update includes policies and programs to accommodate up to 584 new infill dwellings during the planning period from January 2008 to July 2014. These dwellings will be located on infill sites, close to jobs, shopping and services, and schools. Of these, 345 units will be affordable to extremely low, very low, low and moderate income households. As discussed under Housing and Population, Section 12, this level of growth is consistent with the residential growth anticipated in the General Plan Land Use Element. Based on added number of in city dwelling units and the average number of occupants per household (2.60 persons), the City can anticipate adding up to 1,518 persons during this planning period, for a total population of 65,261 by July 2014. This projection, and the rate at which it is attained, is within growth projections of the City’s General Plan and the South Coast Air Quality Management District’s (SCAQMD) Air Quality Management Plan (AQMP).</i></p>	1				X
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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p> <p><i>The Update will not conflict or obstruct implementation of the AQMP. The AQMP calls for building compact communities to limit urban sprawl, mix complementary land uses, such as commercial services with higher density housing, increasing residential and commercial densities along transit corridors, and increase pedestrian – friendly and interconnected streetscapes, helping to make alternative means of transportation more convenient. In approving AB 32, the State Legislature established 2020 greenhouse gas emissions reduction targets. The Update is consistent with this newly adopted State law and promotes green building to reduce green house gasses to help meet regional targets.</i></p>	1			X	
<p>b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p> <p><i>As noted above, the Update calls for the development of 584 dwellings between 2008 and 2014. If all units were developed, the resultant growth would be well within General Plan Land Use Element (LUE) population and housing projections previously evaluated as part of an adopted EIR. Consequently, no new impacts would result from adoption and implementation of the proposed update because it would accommodate less growth than allowed under the General Plan. To help reduce commuting and emissions, the Update’s policies promote compact urban growth, encourage mixed use development and encourage downtown housing close to jobs, services, government, recreational and cultural opportunities.</i></p>	1,3			X	

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>c) Expose sensitive receptors to substantial pollutant concentrations?</p> <p><i>Mixed-use development projects are subject to impacts from odors generated by restaurants and other, similar business activities in close association with residential uses. However, Update policies and programs promote new housing only where compatible with adjacent uses and would not expose sensitive receptors (e.g. children, senior citizens) to substantial pollutant concentrations. The City's conditional use permit requirement and performance standards for mixed-use development reduce potential impacts to less than significant levels. For example, conditions that limit on hours of operation may be applied to reduce conflicts between residents and customers in mixed-use developments.</i></p>	1				X

4. BIOLOGICAL RESOURCES -- Would the project:

<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p> <p><i>Proposed Update contains policies and programs that promote housing development in urbanized areas (commercial and mixed use zones near the City's core and along its main commercial corridor, El Camino Real). They would not affect any species identified as candidate, sensitive or special status species in local or regional plans.</i></p>	1,5				X
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? <i>Not Applicable. No riparian habitat or natural community would be affected.</i></p>	1,5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? <i>Not Applicable. No federally protected wetlands would be affected by the proposed Update.</i>	1,5				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <i>Not Applicable. No migratory fish or wildlife species would be affected by the proposed Update.</i>	1,5				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i>Not Applicable. No biological resources would be affected by the proposed Update.</i>	1,5				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>Not Applicable. No adopted Habitat Conservation Plan or similar conservation plan would be affected by the proposed Update because housing development would be concentrated in urbanized areas located away from wildlife habitat and/or natural resources.</i>	1,5				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

5. CULTURAL RESOURCES -- Would the project:

<p>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5</p> <p><i>General Plan policies and the Zoning Ordinance protect historic resources by establishing architectural review standards that apply to historic resources or to development near historic resources. The proposed Update includes possible affordable housing development at 107-115 Avenida Serra, within the City's historic Architectural Overlay and near several historically significant buildings. As provided in Zoning Ordinance Section 17.56.020, the Architectural Overlay is a visually distinct District in which development is subject to Cultural Heritage Permit/Architectural review to ensure compliance with the City's Design Guidelines and architectural compatibility with the District. This process will ensure that any development, including new housing projects, will be architecturally integrated into historically sensitive areas without adversely affect the significance of historic resources.</i></p>	1,4,7			X	
<p>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? <i>Not applicable. The proposed Update addresses housing development in previously developed, urbanized areas where archaeological resources are unlikely to be located. New housing projects must comply with CEQA requirements and archaeological investigations will be conducted on a case-by-case basis where site excavation or site conditions warrant.</i></p>	1,4,7			X	
<p>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>Not applicable. Refer to 5.b) above.</i></p>	1,4,7			X	
<p>d) Disturb any human remains, including those interred outside of formal cemeteries? <i>Not applicable. Refer to 5.b) above.</i></p>	1,4,7			X	

6. GEOLOGY AND SOILS -- Would the project:

<p>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</p>					
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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Div. of Mines and Geology Special Pub. 42.)</p> <p><i>Proposed Update would not apply to areas located in an Alquist-Priolo Earthquake Fault Zone, or to areas that are known to be subject to landslides, erosion, subsidence or seismic-related ground failure. City Building Code requires engineering geology soil studies to verify a site's ability to safely support new construction.</i></p>	1				X
<p>ii) Strong seismic ground shaking?</p> <p><i>Southern California is located in a seismically active region. Strong seismic ground-shaking is possible throughout the region; however due to its earthquake frequency, California has one of the strictest building codes in the U.S. to protect life and property in the event of an earthquake. The Uniform Building Code helps minimize loss by causing less building damage and preventing serious injury. Codes are strict about meeting building standards and passing inspections. Any new construction pursuant to the Update must conform to UBC requirements to minimize potential ground-shaking hazards.</i></p>	1				X
<p>iii) Seismic-related ground failure, including liquefaction? <i>Not applicable. New housing development under the proposed update must be consistent with the General Plan Safety Element and may not be located in areas described as being subject to liquefaction hazards.</i></p>	1				X
<p>iv) Landslides? <i>Not applicable. Refer to 6.a) iii) above.</i></p>	1				X
<p>b) Result in substantial soil erosion or the loss of topsoil? <i>Not applicable. Refer to 6.a) iii) above.</i></p>	1				X
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i>Not applicable. Refer to 6.a) iii) above.</i></p>	1				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>Not applicable. The proposed update will not increase risks due to development on expansive soils. San Clemente soil groups typically have a high clay component which can result in expansive soils. Housing development in such areas requires that an engineering soil study be prepared prior to development and that building foundations and site drainage be designed accordingly.</i>	1				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? <i>Not applicable. Housing development under the proposed Update would be located on sites already served by infrastructure. Sewers and alternative waste disposal systems would not be required.</i>	1				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

7. GREENHOUSE GAS EMISSIONS – Would the project:

<p>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</p> <p><i>The proposed Update clarifies when, where, and under what conditions housing should be built. The Update’s policies and programs promote infill and mixed use housing and where appropriate, incentives to promote the development of affordable housing, including the use of density bonuses pursuant to state and local law. Development of housing in or near commercial areas is encouraged, where such uses are compatible, subject to conditional use permit and/or architectural design approval. To the extent that this encourages the provision of housing near jobs, the proposed Update will help reduce greenhouse emissions and encourage walking, bicycling and use of public transportation.</i></p>	1			X
<p>a) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (GHGs)?</p> <p><i>In 2011, the City is updating its General Plan and developing a Climate Action Plan which will include policies and programs to reduce and/or prevent greenhouse gas emissions. City policies do not yet formally address GHGs, however planned Land Use and Circulation Element policies will encourage trip reduction through walking, bicycling, and more efficient land use strategies. The proposed Update is consistent with those policies.</i></p>	1			X

8. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</p> <p><i>The proposed update would not increase risks of exposure to hazardous materials, or the storage or transport of such materials. The areas affected by the proposed policies and programs already contain residential, and in many case, commercial uses near established truck routes, an interstate highway (I-5), a major north-south railroad route, and commercial uses where the transport or storage of hazardous materials may occur. The U.S. Department of Transportation and Caltrans regulate interstate and intrastate transport of hazardous materials. There are no disposal sites near the areas affected by the proposed Update. Within the affected area, stationary hazardous waste is limited to fueling stations and small quantities of hazardous materials and wastes used in households and commercial uses.</i></p>	1			X	
<p>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</p> <p><i>Refer to 8.a), above. No significant hazard is anticipated as a result of the proposed update.</i></p>	1			X	
<p>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>Not applicable. The Update consists of policies and programs regarding the type, tenure, design, affordability and amount of housing. It would not result in hazardous substances emissions or hazardous waste.</i></p>	1				X
<p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>Not applicable. The Update does not consist of individual sites. Residential development must comply with CEQA in terms of site assessment and remediation, where applicable.</i></p>	1				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>Not applicable. San Clemente is not within two miles of a public airport.</i>	1				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>Not applicable. There are no private airstrips in San Clemente.</i>	1				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>According to the City's Emergency Planning Officer, the proposed Update will not impair or interfere with implementation of emergency response or evacuation plans.</i>	1				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>Not applicable. The proposed update would not affect areas subject to wildland fires or in areas close to the urban/open space interface. Its policies and programs would apply only in urbanized areas.</i>	1				X

9. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? <i>Development projects must conform to local, state and federal water quality, including FEMA and NPDES permit requirements and standards. Development projects are individually evaluated for conformance with applicable water quality, runoff and flood hazard. The proposed Update would not significantly affect the location, intensity, or type of land uses in the affected areas, nor alter regulations that apply to water quality, runoff and flood protection regulations.</i>	1				X
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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? <i>Not applicable. The Update contains policies and programs that would not affect groundwater supplies or recharge.</i>	1				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? <i>Not applicable. The Update would not affect the location, volume, configuration or condition of drainage courses.</i>	1				X
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>Not applicable. The Update would not result in or contribute to exceeding storm drain capacity or polluted runoff. It would apply to urbanized areas already served by adequately sized drainage facilities.</i>	1				X
e) Otherwise substantially degrade water quality? <i>Not applicable. Refer to 9.d) above.</i>	1				X
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>Not applicable – The proposed Update would not place housing within a 100 year flood zone.</i>	9				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>Not applicable. Refer to 9.f) above.</i>	9				X
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>Not applicable. There is no levee or dam in the City.</i>	9				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
i) Inundation by seiche, tsunami, or mudflow? <i>The proposed Update would not apply to properties located in canyons or to areas subject to mudflows, or seiche activity. Areas within the Coastal Zone that could be affected by tsunami are subject to the City's Coastal Element which limits the type and location of new housing, generally within about 1,000 yards from the shoreline. Within this area, housing development must comply with state and local policies to protect coastal resources and LUE policies require that development within areas susceptible to tsunami be located and designed to prevent or reduce damage and safety risks.</i>	1, 11				X
j) Potentially impact storm water runoff from construction activities? <i>Not applicable. Refer to 9.a) above.</i>	1				X
k) Potentially impact storm water runoff from post-construction activities? <i>Not applicable. Refer to 9.a) above.</i>	1				X
l) Result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work/activity areas? <i>Not applicable. Refer to 9.a) above.</i>	1				X
m) Result in the potential for discharge of storm water to impact the beneficial uses of receiving waters? <i>Not applicable. Refer to 9.a) above.</i>	1				X
n) Create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm? <i>Not applicable. Refer to 9.d) above.</i>	1				X
o) Create significant increases in erosion of the project site or surrounding areas? <i>Not applicable. Refer to 9.d) above.</i>	1				X

10. LAND USE AND PLANNING -- Would the project: No

a) Physically divide an established community? <i>The proposed Update would apply citywide and includes policies and programs that address housing needs in residential, commercial and mixed-use zones. It would not physically divide the City or neighborhoods.</i>	1, 3, 10				X
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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</p> <p><i>The proposed update is consistent with the General Plan in that it is based on existing land use programs and policies and includes updated information, policies and programs to meet State housing law. By updating the Housing Element, the City will be eligible to achieve certification through the State of California. Once the Housing Element is certified, the City becomes eligible for various types of housing funding and assistance requiring State approval, improving the City's ability to secure funding for affordable housing development. Housing policies and programs are shown in Attachment . They will not conflict with other elements of the General Plan, the Zoning Ordinance, or other relevant City policies or programs.</i></p>	1				X
<p>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i>Not applicable. The proposed Update policies and programs would apply to urbanized areas and would not affect open space and natural habitat areas, conservation areas or other sensitive resources.</i></p>	1, 4, 10				X

11. MINERAL RESOURCES -- Would the project:

<p>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? <i>Not applicable. The proposed Update would not affect the availability of any known mineral resource or mineral recovery site.</i></p>	1				X
<p>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? <i>Not applicable. The proposed Update would not affect the availability of any known mineral resource or mineral recovery site.</i></p>	1				X

12. NOISE -- Would the project result in:

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p> <p><i>General Plan Noise Element policies and standards apply to all housing developments. The proposed Update would not change standards that apply to new dwellings nor expose persons to noise levels in excess of allowed standards.</i></p>	1, 3				X
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</p> <p><i>The proposed Update's policies and programs would not expose persons to excessive vibration or ground borne noise levels exceeding allowed standards.</i></p>	1				X
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</p> <p><i>The proposed Update's policies and procedures would result in a substantial permanent or temporary increase in ambient noise levels. The number of dwelling units anticipated to be developed is within development capacity anticipated in the General Plan.</i></p>	1				X
<p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</p> <p><i>The proposed Update's policies and procedures would not result in a substantial permanent or temporary increase in ambient noise levels. The number of dwelling units anticipated to be developed is within development capacity anticipated in the General Plan.</i></p>	1				X
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? <i>Not applicable. Refer to 8.e).</i></p>	1				X
<p>e) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? <i>Not applicable. Refer to 8.f).</i></p>	1				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

13. POPULATION AND HOUSING -- Would the project:

<p>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</p> <p><i>General Plan Land Use Element Table 1-1, page 1-9 sets the City's build out population forecasts based on number of dwelling units (DU), square footage of commercial/industrial uses, and the number of hotel rooms. It says that by 2010, the City will reach its in-city Policy Build out Capacity of 25,983 DUs, plus its Sphere of Influence capacity of 2,738 DUs, for a total Policy Buildout Capacity of 28,721 dwelling units. The proposed Update would accommodate 584 new dwellings during the Housing Element's six-year term to meet the City's Regional Housing Need Allocation (RHNA) as established by the Southern California Association of Governments (SCAG).</i></p> <p><i>The 2010 US Census – American Fact Finder provides current demographic and housing data on San Clemente and indicates that the total number of existing dwellings in the City is 25,194, with a total population of 63,743. Using the City's average household size of 2.60 persons per household, 584 additional units would increase the City's population by 584 (2.60) = 1,518 residents, an increase of about two percent in six years – a relatively slow rate of population and housing growth. Under the proposed Update's policies and programs, the City's projected population in 2014 would be approximately 65,261 persons.</i></p> <p><i>The General Plan Land Use Element, Table 1-1 establishes the City's build-out capacity and forecasts a build out population of 28,721(2.60 PPH) = 74,675 persons, considerable larger than the City's current population or projected population of 65,261 under the proposed Update. If the City's Sphere of Influence (SOI) (much of which was used by Talega development) is excluded from the build-out capacity analysis, the City's population build-out capacity still exceeds the population anticipated under the Update. Excluding land within the SOI, the Policy Build Out Capacity is 25,983(2.60)= 67,556 persons.</i></p>	1, 3, 12			X	
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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p><i>At current household sizes, that means the City could accommodate up to 67,556--63,743 /2.60=1,467 dwelling units. Our RHNA allocation for the 2008-2014 planning period calls for a total of 584 dwellings to be accommodated—well within General Plan build-out capacity and residential growth levels previously analyzed in the General Plan Update EIR..</i></p>					
<p>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</p> <p><i>The Update’s Quantified Housing Objectives call for the rehabilitation and conservation of a total of 140 dwelling units. It would direct housing development primarily to infill and mixed-use sites and will not displace substantial numbers of dwellings or persons.</i></p>	1			X	
<p>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</p> <p><i>The Update’s Quantified Housing Objectives call for the rehabilitation and conservation of a total of 140 dwelling units. It would direct housing development primarily to infill and mixed-use sites and will not displace substantial numbers of dwellings or persons.</i></p>	1			X	

14. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>a) Fire protection?</p> <p><i>The proposed update will not significantly increase public services demands over current levels, including fire, police, schools and or parks. The Updated Housing Element would accommodate up to 584 new dwellings, of which about 59 percent would be affordable to extremely low, very-low, low and moderate income households. This represents an estimated population increase of 1,518 persons, or two percent growth over six years. As noted under 13.a), this level of growth is less than that anticipated in the City's General Plan. According to the Public Works Department, this growth can generally be accommodated with present facilities and resources. Residential development will increase demands for services; however, as provided in State law and local ordinances, new developments are required to fund a proportional share of the cost of additional public service, school, parkland and facility needs.</i></p> <p><i>Affordable housing projects are difficult to develop due to high land and construction costs, even during strong economic periods of growth. Under California's slowed economy and changed real estate market, residential growth is likely to be slower during the Element's planning period than in the previous planning period between 2001 and 2007. Consequently, the actual residential growth rate is likely to be less than two percent during an expected 18-24 real estate market recovery. Due to limited vacant land, infill opportunities and increasing limited public funds, it is becoming even more difficult to develop affordable housing than in previous years. Consequently, given that over one half of the dwellings to be accommodated is allocated for affordable housing, any increase in public services, school or parkland needs is likely to be relatively small and extended out beyond this Element's planning period. A small increase in public services due to housing development can be accommodated by existing facilities, services and resources.</i></p>	1, 3			X	
b) Police protection? Refer to 14.a) above.	1			X	
c) Schools? Refer to 14.a) above.	1			X	
d) Parks? Refer to 14.a) above.	1			X	
e) Other public facilities? Refer to 14.a) above.	1			X	

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

15. RECREATION:

<p>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</p> <p><i>The City has about 129 acres of dedicated and maintained park and beach facilities. The City monitors the adequacy of its recreational facilities and evaluates each major new residential development in terms of its ability to serve new residents. If significant residential development triggers additional recreational service or facility needs, new development will be responsible for providing funding or facilities in proportion to the increased need. Consequently, the proposed Update would not result in substantial physical deterioration of recreation facilities.</i></p>	1			X	
<p>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Not applicable because the project consists of housing policies and programs, not a specific physical development project.</p>	1			X	

16. TRANSPORTATION/TRAFFIC -- Would the project:

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?</p> <p><i>The proposed Update will not substantially increase traffic beyond existing traffic loads and capacity of the street system. Residential traffic volumes are based largely on the number of residents and dwellings and their location. City traffic and circulation needs were evaluated as part of preparing the General Plan. Anticipated trip generation, and street and intersection operational capacities were modeled using projected "build-out" capacity for residential and commercial growth identified in the General Plan Land Use Element and the City's circulation and street systems have been designed and built to accommodate build-out capacity.</i></p> <p><i>Based on 2010 U.S. Census, the City has grown more slowly than anticipated, and the additional housing accommodated by the updated Housing Element is within the General Plan's development capacity assumptions. Consequently, no significant impacts are anticipated. Localized traffic increases will occur; however with the exception of Marblehead Coastal, most housing development will be dispersed and not concentrated in specific neighborhoods or zones. Marblehead Coastal was designed to accommodate up to 318 dwellings and streets and intersections have been or will be improved accordingly. Marblehead Coastal's development was delayed due primarily to a weakened economy and its housing product will not be built within this Element's planning period.</i></p>	1, 3, 12			X	
<p>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</p> <p><i>The proposed Update would not result in development that would individually or cumulative exceed service standards. Refer to 16.a) above.</i></p>	1				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? <i>Not applicable. The proposed Update would not affect air traffic patterns or air traffic levels.</i>	1				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <i>Not applicable. The proposed Update does not address specific project designs or site development. Housing developments will be evaluated for safe vehicle and pedestrian access to ensure they meet adopted standards.</i>	1				X
e) Result in inadequate emergency access? <i>Not applicable. The proposed Update does not address specific project designs or site development. Housing developments will be evaluated for emergency access to ensure they meet adopted standards.</i>	1				X
f) Result in inadequate parking capacity? <i>Not applicable. The proposed Update does not address specific project designs or site development. Housing developments will be evaluated to ensure they meet adopted parking standards.</i>	1				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i>The proposed Update would not conflict with adopted policies, plans or programs supporting alternative transportation. Policy 2.a. calls for the City to establish green building incentive policies. Such policies would include incentives to provide facilities to accommodate for bicycle and pedestrian transportation.</i>	1				X

17. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <i>The proposed Update would not result in development that would individually or cumulative exceed wastewater treatment requirements. Refer to 14.a) above.</i>	1, 3				X
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IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
<p>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p> <p><i>The proposed Update would not result in development that would individually or cumulative exceed wastewater treatment requirements. Refer to 14.a) above.</i></p>	1				X
<p>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</p> <p><i>The proposed Update would not result in development that would require new storm drainage facilities such that their construction would cause significant environmental effects. Refer to 14.a) above.</i></p>	1				X
<p>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</p> <p><i>According to the Public Works Department, the City has adequate water facilities to accommodate General Plan growth projections. Consequently, no new facilities or entitlements are needed to accommodate residential growth that could be accommodated with the proposed Update.</i></p>	1				X
<p>d) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</p> <p><i>According to the Public Works Department, the City has adequate wastewater treatment facilities to accommodate General Plan growth projections. Consequently, no new facilities or entitlements are needed to accommodate residential growth that could be accommodated with the proposed Update.</i></p>	1				X
<p>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</p> <p><i>The City has adequate landfill capacity to accommodate the residential growth anticipated in the proposed Update.</i></p>	1				X
<p>g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>Not applicable. The Update does not include a specific development.</i></p>	1				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
h) Require or result in the implementation of a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. a water quality treatment basin, constructed treatment wetland, storage vault), the operation of which could result in significant environmental effects (e.g. increased vectors or odors)? <i>Not applicable. The Update does not include a specific development.</i>	1				X

18. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? <i>No. The proposed Update would apply only to urbanized areas within City limits and would not affect fish or wildlife habitat.</i>	1				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? <i>No. The proposed Update would establish housing policies and programs to enable the City to meet its mandated regional housing needs and comply with State housing law. The Update’s Quantified Housing Objectives, Table V-2, call for the City to accommodate up to 584 dwellings during the planning period, a growth level which is within the General Plan’s buildout capacity previously analyzed and addressed through the General Plan’s final EIR. Consequently, the Update will not have cumulative impacts that were not previously analyzed and mitigated as part of the General Plan.</i>	1				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? <i>Not applicable. Refer to 18.b).</i>	1				X

PREVIOUS ANALYSIS:

Per CEQA Guidelines Sections 15063 (*Initial Study*), 15152 (*Tiering*), 15153 (*Use of an EIR from an Earlier Project*), and 15168 (*Program EIR*), previous analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in a previous EIR or Negative Declaration. In this case, the following previous environmental impact reports address impacts of the current project:

Therefore, per CEQA and case law, the following items apply:

- a) Earlier Analysis Used. Identify earlier analyses and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

SOURCE REFERENCES:

1.	<i>General Plan</i> , City of San Clemente
2.	<i>CEQA Air Quality Handbook</i> , South Coast Air Quality Management District, April, 1993
3.	<i>General Plan EIR</i> , City of San Clemente, certified May 6, 1993.
4.	<i>Zoning Ordinance and Zoning Map, Title 17 of San Clemente Municipal Code</i> , City of San Clemente
5.	Field observations of the site and the surrounding area by Jeff Hook, Senior Planner, March 2011.
6.	<i>Master Landscape Plan for Scenic Corridors</i> , City of San Clemente, 1989
7.	<i>Design Guidelines</i> , City of San Clemente, 1991
8.	South Coast Air Quality Management District Guidelines Document for addressing air quality issues in general plans and local planning, 2005
9.	Ron Nicholas, Senior Engineering Technician, City of San Clemente, CA; Phone conversation on 3/10/11.
10.	Draft General Plan Housing Element, 2008 – City of San Clemente, CA
11.	City of San Clemente Coastal Element, 1995
12.	2010 U.S. Census
Note: These source documents are available for public review at the City of San Clemente Planning Division, 910 Calle Negocio, Suite 100, San Clemente, California, 92673.	

ATTACHMENTS:

1. Draft 2008 Housing Element

APPENDIX L

Council Resolution

RESOLUTION NO. 11-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 08-062, APPROVING THE 2008 HOUSING ELEMENT UPDATE, APPROVING A NEGATIVE DECLARATION AND AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO SUBMIT THE 2008 HOUSING ELEMENT UPDATE TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FINAL REVIEW.

WHEREAS, State law requires cities and counties to adopt a general plan. The general plan includes seven required elements, one of which is the housing element. The housing element must be updated every five (5) years or as otherwise provided by State law; and

WHEREAS, the City of San Clemente has prepared an updated Draft General Plan Housing Element to address community wide housing needs, challenges and opportunities, and to meet State law; and

WHEREAS, the Planning Commission and the City Council have held public hearings on the updated Housing Element in accordance with the California Government Code; and

WHEREAS, the City Council has considered the input of diverse community interests and housing stakeholders in the preparation of the updated Housing Element to identify community needs and to recommend housing policies and programs; and

WHEREAS, the potential environmental impacts of the updated Housing Element have been evaluated in accordance with the California Environmental Quality Act, pursuant to an initial environmental study (City File Number GPA 08-062), and the City Planner has prepared a negative declaration of environmental impact; and

WHEREAS, on July 5, 2011 at a duly noticed regular meeting, the City Council considered evidence presented by the City staff and other interested parties relating to the 2008 Housing Element Update; and

WHEREAS, the City Council has considered the project's initial environmental study and determined that the proposed 2008 Housing Element Update would not have a significant adverse affect on the environment. Said Negative Declaration and initial environmental study on which it was based were made available for public review as required under Section 15105 of the California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Clemente as follows:

SECTION 1. Record of Proceedings. The City Council has held four public hearings on this item and received and considered the Planning Commission recommendations, public testimony and correspondence, and the staff reports on the Housing Element Update. Copies of these items or testimony are on file in the office of the City Clerk and in the Community Development Department. There were five Housing Element Committee meetings held, one joint Planning Commission and Housing Element Committee study session and a Planning Commission study session held prior to the Planning Commission meeting on February 20, 2008 at which it recommended City Council approval of an updated Housing Element. All meetings were publicly announced and agendas were distributed. The Planning Commission held public hearings to consider the Housing Element Update and related matters. The minutes of public hearings indicate Commission member comments on the Housing Element Update and are on file in the office of the City Clerk.

SECTION 2. Public and Agency Review. Drafts of the proposed Housing Element Update have been made available for review and comment by interested agencies and individuals. Copies were posted on the City's website and were distributed to the California State Department of Housing and Community Development ("HCD") as required by law, and to governmental and non-profit housing agencies whose jurisdiction includes housing issues within the Southern Orange County.

SECTION 3. Findings. This Council, after considering the 2008 Final Draft Housing Element Update, the Planning Commission's recommendations, ad hoc Housing Element Committee recommendations, staff recommendations, public testimony and correspondence, and reports thereon, makes the following findings:

1. The Housing Element Update, as contained in the document titled "Final 2008 Housing Element Update", dated July 5, 2011, Exhibit "A" and on file in the Community Development Department (hereinafter "the Update"), is consistent with all elements of the General Plan.
2. The Update will promote public health, safety, and welfare by: preserving housing that is affordable to extremely-low, very-low, low- and moderate income households; encouraging variety in housing types, sizes, cost, and tenure ; establishing programs to ensure that most new development incorporates affordable housing, pays an "in-lieu" fee toward the development of affordable housing, or otherwise contributes to the production of affordable housing; establishing incentives to encourage and help defray the costs of affordable housing development; affirmatively furthering fair housing opportunities; and by setting quantified objectives for housing production, rehabilitation, preservation and conservation.
3. Consistent with provisions of California Government Code Section 65583 (b)(2), The City of San Clemente has evaluated its ability to accommodate its Regional Housing Need Allocation (RHNA) number of 584 dwellings by July 2014 and has adopted quantified objectives that are the same as the RHNA number. There is sufficient land suitable for residential development to accommodate the RHNA number within the planning period.

4. The June 2010 Draft Housing Element Update was submitted to HCD for its review, as required by State law. The Update includes additional information and analysis in response to HCD comments. The Council has determined that the Update conforms to the statutory requirements of State housing element law (Article 10.6 of Government Code).

5. The amendments to the General Plan Land Use Element and Map are internally consistent with those portions of the General Plan which are not being amended and clarify provisions regarding the Affordable Housing Overlay and Affordable Housing Projects in Mixed-Use and Commercial zones.

6. The amendments will not adversely affect the public health, safety, and welfare in that the amendments implement General Plan policies and objectives related to affordable housing in mixed-use and commercially designated districts to enable development of housing that meets a wide range of citizens' needs and budgets.

7. The amendments will implement State housing law by helping the City to meet its Regional Housing Need Allocation and help bring City of San Clemente's housing element into compliance with State Department of Housing and Community Development Department's requirements for housing element certification.

SECTION 4. Approval of the 2008 Housing Element. Council hereby approves the 2008 Housing Element Update, as set forth in Exhibit A.

SECTION 5. Environmental Determination. Council hereby approves a Negative Declaration for the 2008 Housing Element Update, pursuant to CEQA and as set forth in Exhibit B. The City Council hereby finds that the Project will not have a significant effect on the environment. The negative declaration represents the City's independent judgment and analysis.

SECTION 6. Publication and Availability. The Community Development Director shall cause the updated Housing Element to be published and provided to City officials, concerned agencies, public libraries, and to the public. The Director shall also transmit a copy of the Update to HCD for its final review, as required by State law.

SECTION 7. Effective Date . The 2008 Housing Element Update shall become effective immediately upon adoption of this resolution.

SECTION 8. Repeal of Previous Element . The Housing Element adopted June 5, 2002 is repealed upon the effective date of the 2008 Housing Element Update.


SECTION 9. If any section, subsection, or provision of this Resolution or any of the separate actions approved under Section 5 later be declared or found by the final, non-appealable judgment of a court of competent jurisdiction to be invalid or unenforceable, the City Council hereby declares its intent that such invalid or unenforceable sections, subsections, or provisions shall to the maximum extent permitted by law be severable from the other sections, subsections,

or provisions of this Resolution such that the sections, subsections, and provisions that are not so declared or found to be invalid or unenforceable shall remain in full force and effect to the maximum extent permitted by law.

SECTION 10. The Mayor of the City of San Clemente shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective at the time(s) specified above and in accordance with applicable law.

PASSED AND ADOPTED this 5th day of July, 2011.

ATTEST:


City Clerk of the City of
San Clemente, California


Mayor of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)


I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 11-38 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 5th day of July, 2011, by the following vote:

AYES: BAKER, BROWN, DAHL, EVERT, MAYOR DONCHAK

NOES: NONE

ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 11th day of JULY, 2011.


CITY CLERK of the City of
San Clemente, California

Approved as to form:

/s/ Jeff Oderman
City Attorney