

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

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April 22, 2022

Alex McIntyre, City Manager
City of Ventura
501 Poli Street
Ventura, CA 93001

Dear Alex McIntyre:

RE: City of San Buenaventura's (Ventura) 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Ventura's (City) adopted housing element received for review on February 22, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Ventura Social Services Task Force (VSSTF), a Ventura City Councilmember, as well as the City's Mayor, pursuant to Government Code section 65585, subdivision (c). HCD also received comments from Holland and Knight in relationship to potential governmental constraints related to the processing and permitting procedures for projects within the coastal zone. Due to receiving the comments on April 22, 2022, HCD was unable to fully examine the information and consider the comments as part of this review. Consequently, HCD will retain the comments for full consideration in the next review of the housing element. The City should also consider and address the comments as part of the next revision of the housing element.

The adopted housing element addresses many statutory requirements described in HCD's October 11, 2021 review; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code). See enclosed Appendix.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested

notices relating to the local government's housing element at least seven days before submitting to HCD.

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

HCD is committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at shawn.danino@hcd.ca.gov.

Sincerely,

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

Melinda Coy
Senior Housing Accountability Manager

Enclosure

APPENDIX CITY OF VENTURA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively furthering fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

While the assessment of affirmatively furthering fair housing (AFFH) meets many of the statutory requirements, it must include additional analysis, as follows:

Goals, Priorities, Metrics, and Milestones: The element does not include sufficient goals or action and metrics to overcome patterns of segregation and foster inclusive communities. Programs must be added as appropriate to sufficiently respond to contributing factors to fair housing issues. Goals and actions must specifically respond to the analysis and identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Programs and actions containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions. Actions must have metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

For example, Issue # 2 (Segregated Living Patterns) could be revised to discuss expanding housing opportunity in the highest opportunity parts of the City. This is critical as the element demonstrates a third of the portion of the low-income regional housing needs allocation (RHNA) on sites where 50-100 percent of the households are low and moderate income (Table C-8) and 18 percent of the sites are in low resourced areas. The element should be revised to identify place-based strategies for community preservation and revitalization and displacement protection in these areas. Given the City states that "25 percent of all residential properties are in need of rehabilitation", the element could discuss efforts to dedicate resources to providing home rehabilitations for low income homeowners.

- 2. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The City has a regional housing need allocation (RHNA) of 5,312 housing units, of which 2,052 are for lower-income households. To address this need, the element relies on vacant and nonvacant sites, including a Mixed-Use development planned in the Coastal Zone. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Pending Projects: The element was revised to provide some additional information on pending projects, including a table of all pending projects (Table B-16). However, the element still must be revised to clarify which approvals remain for each given project. Additionally, some sections state that projects are in a "discretionary entitlement phase" (p. B-7) while stating in other places that these projects are subject to "ministerial approval processes." The element should clarify which approvals each project must obtain.

Realistic Capacity: The element was revised to provide past examples of development, densities, and levels of affordability. However, several recent projects were approved well below the maximum density, including one project at 5.1 dwelling units per acre in the T4.3 zone and another at 7 dwelling units per acre in the T4.1 zone (Table B-10). As a result, the analysis does not support assumptions of 43 to 51 dwelling units per acre. Additionally, the element still must be revised to include analysis to demonstrate the likelihood of residential uses on nonresidential zoned sites based on factors such as development trends including nonresidential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs.

Suitability of Nonvacant Sites: The element was revised to include information on developer and owner interest in several parcels (pp. B-7 to B-10). However, the element still must be revised to analyze the extent existing uses would prevent redevelopment of the site including describe any existing leases or other contracts that could impede development within the planning period (Gov. Code, § 65583.2, subd. (g)(1).) In regard to the Pacific View Mall, the element seems to indicate that the existing uses are expected to remain on these sites and new development would be built on existing parking lots. The element should detail how development could occur on these sites (e.g. subdivision, specific plan), and whether the need for parking for the existing retail on these sites would impede the development of new residential development.

In addition, specific analysis and actions are necessary if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent

findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA. Please note, any future re-adoption of the housing element must include the appropriate finding as part of the adoption resolution.

Suitability and Availability of Infrastructure: While the element was revised to confirm there is sufficient water, sewer and dry utilities to meet the RHNA (p.78), the element still must confirm priority water and sewer access for developments with affordable units. For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.)

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. While the element does provide some information on residential development standards (p. 47), the element still must be revised to evaluate the cumulative impacts of land use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. For example, the element was also revised to clarify height limits in the T4.5 and T5.2 for residential overlays and Intersection Height Overlays (Table 30), however, given height limits (two stories within the residential overlay), lot coverage requirements, minimum lot area requirements, and other development standards it is unclear whether the maximum allowable density can be achieved without exceptions or density bonus waivers. The element could also consider how development standards including lot coverage requirements in medium and low-density zones may impact the development of “missing middle” and infill housing types.

B. Housing Programs

1. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the City’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built*

housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

Lot Consolidation: While Program 18 (formerly Program 17) was revised to include a target date of July 2024 and some marginal changes, the program revision does not address this requirement. The City must commit to specific actions to facilitate the lot consolidation of the sites in the inventory. For example, the element could identify the types of incentives for consideration to encourage lot consolidation. These incentives could include commit to fee deferrals granting density bonuses above state density bonus law (Gov. Code, § 65915.), identifying and targeting specific financial resources to assist development of sites identified in the inventory, and modifying development standards.

- 2. The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

The element now includes Program 24, Action 24.2 to study the feasibility of establishing an overlay for special need housing. However, without a clear commitment to implement the overlay or parameters for evaluation, this program does not demonstrate a beneficial impact within the planning period or that it will assist in the development of adequate housing and should be amended.

- 3. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings A3 and A4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

Program 1 (Housing Conservation program): While the program was revised to “study” local amendments in the next code update, it should provide a firm commitment to remove development barriers earlier in the planning period to ensure a beneficial impact on development within the planning period.

- 4. Promote AFFH opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry,*

national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

As noted in Finding A1, the element must include a complete analysis of AFFH. Based on the outcomes of that analysis, the element must add or modify programs as appropriate. The element should ensure that program actions and commitments identified in Table C-24 are reflected in the housing element Housing Plan. In addition, the City could consider incorporating how programs and actions affirmatively further fair housing throughout the programs identified in the Housing Plan.

5. *Develop a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

Program 11: Program 11 was revised to state that the City’s ordinance would be revised “by January 2022” (p. 15 of Part 2). However, as previously stated, HCD has no record of receiving or reviewing an ADU ordinance from the City. The City should clarify and revise the timeline for updating the ordinance to be consistent with state law and confirm that ADUs are currently being permitted per state law, regardless of the City’s ordinance status.