

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

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March 17, 2023

Akbar Aikhan, Acting City Manager
City of Ventura
501 Poli Street
Ventura, CA 93001

Dear Akbar Aikhan:

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

Thank you for submitting the City of Ventura's (City) housing element adopted January 31, 2022 and received for review on January 18, 2023. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on February 23, 2023 with Neda Zayer and consultants Alexis Bueno and Veronica Tam. In addition, HCD considered comments from Homes for All and several community stakeholders, pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses many statutory requirements described in HCD's April 22, 2022 letter; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows.

1. *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).)*

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 or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory... (Gov. Code, § 65583, subd. (c)(1).)

Pending Projects: The City revised its description of its pending projects with updated descriptions of the various statuses of projects credited (p. B-8). Based on this new information, it is unclear whether these timing of these projects demonstrate

that they are likely to be completed in the planning period. For example, several of the projects are listed as having not yet submitted a formal application. In addition, new information in the element demonstrates that Broome (The Grove) site is subject to annexation before it obtains entitlements (p. B-32). To demonstrate the availability in the planning period, the element should describe timeframes for attaining the necessary approvals. Projects that have not yet submitted formal application, should be listed not as pending projects but as sites. For the Grove project, the element must describe the current status of the annexation process consistency with Local Agency Formation Commission (LAFCO) policies and next steps in the LAFCO process, whether the pre-zoning has been completed prior to annexation, conditions or requirements such as phasing or timing requirements that impact development in the planning period. The timeline to complete annexation and specific plans and projects must occur early enough in the planning period to facilitate development of annexed sites.

As you are aware, pursuant to Government Code section 65863, local governments must ensure the inventory of sites or any site programs accommodate the regional housing need by income throughout the planning period of the element. Should these pending projects not be approved, the City may be subject to No Net Loss Requirements. Given the element's reliance on pipeline projects, the element could include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals, rezoning or identification of additional sites should the applications not be approved).

Realistic Capacity: The element was revised to describe how the element calculates base density and analyzed past development patterns. In addition, the element was revised to include information analyze showing that 3 of 12 past projects in the mixed-use zone had no residential component (p. B-16). However, the element should clarify how this information was utilized in the capacity methodology for sites in these area to demonstrate the likelihood or residential uses on nonresidential zoned sites.

Suitability of Nonvacant Sites: The City provided an updated description of its nonvacant sites, providing several factors indicating the suitability of redevelopment and providing a table with 'Characteristics of Recently Redeveloped sites' (pp. B-20 to B-23). In addition, the element was revised to include general descriptions of different scenarios the could occur as part of the redevelopment of the Pacific Mall site (p. B-29) and concludes the site can produce 800 lower-income units during the planning period. However, this general description does to address the April 22, 2022 finding detail how development could occur on these sites (e.g., subdivision, specific plan), and address whether the need for parking for the existing retail on these sites would impede the development of new residential development. Given the reliance on this site for meeting the City's lower-income regional housing needs allocation (RHNA), the element could provide a more specific description of

its redevelopment plans and expectations for site development within the planning period, such as build out horizons, assumed development standards, and likely phasing to demonstrate the availability or likelihood of development in the planning period.

Finally, 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.

Programs: As noted above, 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.

2. *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... (Gov. Code, § 65583, subd. (c)(3).)*

Land Use Controls: The element was revised to acknowledge height as a possible constraint to housing development and commits to higher densities in the Midtown Corridor (p. 22). However, as stated in the previous letter, the element still must analyze the cumulative effects of its residential development standards, as well as its lot coverage requirements, minimum lot area requirements, and other development standards that may impede development at its maximum allowable density. Please see HCD's prior review for additional information.

Programs: As noted above, the element requires a complete analysis of potential governmental constraints. Depending on the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

3. *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: The City revised its description of Program 11 to develop incentives to facilitate the construction of accessory dwelling units (ADUs) and briefly described some possible incentives, including pre-approved site and floor plans (p. 39). However, as stated in the previous letter, HCD has no record of receiving or reviewing an ADU ordinance from the City and confirm that ADUs are currently being permitted per state law, regardless of the City's ordinance status.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-adopted to comply with the above requirements pursuant to Government Code section 65585.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while 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 appreciates the hard work the City provided throughout the housing element update and review. We are 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,



Melinda Coy
Proactive Housing Accountability Chief