

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

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May 12, 2021

Dave Ward, Planning Director
Community Development Department
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

Dear Dave Ward:

RE: Review of the County of Ventura's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the County of Ventura's (County) draft housing element received for review on March 16, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by telephone conversations on May 4 and May 5, 2021 with Dave Ward, Planning Director, and Jennifer Butler, Senior Planner, and correspondence received from Jennifer Butler on May 10, 2021.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes these requirements and the revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the County must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County 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.

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 County meets housing element requirements for these and other funding sources

As you know, pursuant to Government Code section 65863, local governments must ensure the inventory of sites or any site programs accommodate the regional housing need throughout the planning period of the element. In addition, no local government action shall reduce, require or permit the reduction of the residential density for any parcel, or allow development of any parcel, at a lower residential density than identified in the site inventory or program unless the local government makes written findings. The required findings must demonstrate the reduction is consistent with the adopted general plan, including the housing element and the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need.

For your information, upon or before adoption of a housing element, jurisdictions are required to address the infrastructure needs of unincorporated disadvantaged communities in their general plan, LAFCO Municipal Service Reviews, and annexation decisions. Specifically, the land use element must be updated to identify unincorporated disadvantaged communities; analyze for each identified community the water, wastewater, stormwater drainage, and structural fire protection needs; and identify financial funding alternatives for the extension of services to identified communities. Unincorporated disadvantaged communities are defined as containing 10 or more dwelling units in close proximity to one another; being located either within a City sphere of influence or unincorporated island within a City boundary that has existed for more than 50 years; and having a median household income that is 80 percent less than the statewide median. For more information, see the Office of Planning and Research website at https://www.opr.ca.gov/docs/SB244_Technical_Advisory.pdf.

HCD appreciates the diligent efforts of you and Jennifer Butler, during the course of our review. HCD is committed to assist the County 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 (916) 820-1256.

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX COUNTY OF VENTURA

The following changes are necessary to bring the County'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. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

A thorough program-by-program review is necessary to evaluate the County's performance in addressing housing goals. As part of this analysis, the element should describe the actual results of the prior element's programs, compare those results to the objectives projected or planned, and based on an evaluation of any differences between what was planned versus achieved, provide a description of how the objectives and programs of the updated element incorporate changes resulting from the evaluation. This information and analysis provides the basis for developing a more effective housing program. For example, Program 4 (Appendix B, page 4) and Program 6 (Appendix B, page 6) should quantify how many units and households were served as a result of these programs.

B. 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 fair housing in the County meets many of the statutory requirements, it is largely based on a regional Analysis of Impediments and should be tailored based on local factors and conditions in the County.

Enforcement and Outreach: While the element provides data related to the number of housing discrimination cases that were opened between 2017 and 2019 (Page 44), it needs to analyze the data for any patterns by community area or census tract and include additional local knowledge, relevant factors, and a conclusion of summary of issues. The analysis also needs to address how the County complies with existing fair housing laws and regulations and fair housing outreach capacity.

Integration and Segregation: The element does provide a dissimilarity index and includes maps from the Tax Credit Allocation Committee (TCAC), but it does not discuss local and regional patterns and trends including integration and segregation trends among different races, disability, familial status, and income. The element should analyze the data for patterns throughout different census tracts, complement

the data with other relevant factors or local knowledge, and conclude with a summary of issues.

Sites Discussion: Currently, discussion of sites is limited to lower-income areas and the Racial/Ethnic Areas of Concentration of Poverty. However, the element must address the full scope of Affirmatively Furthering Fair Housing, including the placement of its moderate and above moderate-income units and analyze and conclude whether the identified sites improve or exacerbate each of the fair housing issue areas.

Racial/Ethnic Areas of Concentration of Poverty: The element shows that the County includes seven census tracts labeled as Racial/Ethnic Areas of Concentration of Poverty in five contiguous areas. However, the element does not name any programs specifically to address the needs of this population. The County may, as discussed on the May 4 call, for example, expand the Accessory Dwelling Unit (ADU) program discussed so that two ADUs may be allowed on single-unit parcels in these areas instead of one. The County may also outline timelines, benchmarks, and programs to obtain utility access to these areas.

Racial/Ethnic Areas of Concentration of Affluence: The element does not provide any analysis of the Racial/Ethnic Areas of Affluence.

Access to Opportunity: While the element includes TCAC maps, the element currently lacks analysis of access to opportunities on a variety of areas including education, transportation, and jobs in the unincorporated areas of the County. In addition to providing this information, it needs to analyze that data for trends, patterns, local knowledge and conclude with a summary of issues.

For example, the County can analyze transportation cost burden to determine programs that integrate housing and transit access. Relatedly, the County can also analyze Vehicle Miles Traveled (VMT) and outline programs to reduce the cost and distance of commuting.

Displacement: The element does include data on overcrowded households, substandard housing conditions, and cost burdened households, but it must also analyze the data including looking at trends, patterns, and other local knowledge, and conclude with a summary of issues. Programs will be necessary to demonstrate the County is using strategies to stop displacement.

Contributing Factors: The element must list and prioritize contributing factors to fair housing issues. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. Contributing factors should be unique to the unincorporated areas of the County based on a complete analysis.

Goals, Priorities, Metrics, and Milestones: The element currently has only one program (Program L) to implement policies related to Affirmatively Furthering Fair Housing. However, this program does not make any firm, quantifiable commitment to promote and affirmatively furthering fair housing opportunities. Goals and actions must significantly seek to overcome contributing factors to fair housing issues. The element must be revised to add or modify goals and actions based on the outcomes of analysis described above. 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. 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 further guidance, please visit HCD's Affirmatively Furthering Fair Housing in California Webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Age and condition of the housing stock: The element identifies the age of the housing stock (page 17) and include American Community Survey data on lack of complete kitchen and plumbing facilities. However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

3. *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 County has a regional housing need allocation (RHNA) of 1,262 housing units, of which 544 are for lower-income households. To address this need, the element relies on vacant sites, including sites in Specific Plan Areas and within the Mixed-Use Overlay area. To demonstrate the adequacy of these sites and strategies to accommodate the City's/County's RHNA, the element must include complete analyses:

Progress in Meeting the RHNA: The element indicates (page 90) that 200 units affordable to low-income households have been approved in the Somis Ranch

Farmworker Housing Complex, but it provides no information documenting how affordability of the units was determined. As you know, the County's RHNA may be reduced by the number of new units built since June 30, 2021, however, the element must describe the County's methodology for assigning these units to the various income groups based on actual or projected sales prices, rent levels, or other mechanisms establishing affordability in the planning period.

To demonstrate the appropriateness of the California State University Channel Islands (CSUCI) townhome and multifamily senior housing development in providing housing affordable to moderate- and lower-income households, the element must include site-specific information regarding the multifamily project to be constructed at the CSUCI site, including timing of project construction and buildout. In addition, HCD understands the CSUCI has delegated authority to local governments for all land use and development matters. This information and information on affordability assumptions, especially for the units affordable to the lower-income households, should be documented in the housing element.

Suitability and Availability of Infrastructure: The element describes infrastructure access (Page 72) in the County. However, it does not describe infrastructure for dry utilities as available and accessible, sufficient to support housing development (Gov. Code, § 65583.2, subd. (b)(5)(B).) While the element describes water and sewer infrastructure, it must also demonstrate sufficient existing or planned dry utilities supply capacity, including the availability and access to distribution facilities to accommodate the City's regional housing need for the planning period (Gov. Code, § 65583.2, subd. (b).). For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental>.

4. *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. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)*

Planned Development Permit: The element indicates that the majority of small sites in the sites inventory require a Planned Development Permit (PDP) (Pages A3-A9). In the element, the process for obtaining a PDP describes requirements for a public hearing, and decision-making criteria (Page 73). For example, the element states that findings must be made that the project would not be "obnoxious or harmful, or impair

the utility of neighboring property or uses;” or “be detrimental to the public interest, health, safety, convenience, or welfare.” These and similar decision-making standards are subjective and may pose a constraint to the development of housing. The element should describe the criteria used to make these findings and analyze the impact of these criteria on for impacts on the cost and supply of housing, including approval certainty.

Minimum / Maximum Densities in the High-Density Residential District: Table A of the Housing Sites Inventory (Page 128) identified sites in the RHD-20 district with both a minimum and maximum of twenty dwelling units per acre. Having no range in density for a high-density residential zone may constrain the ability to develop these sites. However, pursuant to the May 4 call, County staff clarified that there was a range of twenty to twenty-two dwelling units per acre and that the information was incorrectly entered in the draft. It is HCD’s understanding that the element will be amended to reflect this range upon resubmission of the element.

Persons with Disabilities: The element briefly describes its reasonable accommodation procedures but should further explain its reasonable accommodation criteria and process and analyze the family definition as a potential constraint. In addition, the element must analyze its conditional use permit process for residential care facilities for seven or more persons as a potential barrier to housing for persons with disabilities and include programs as necessary to address this constraint.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction’s website.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality’s planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

The element must be revised to include a description of local efforts to remove non-governmental constraints that create a gap in the jurisdiction’s ability to meet RHNA by income category.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs*

are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)

The element contains many policies that commit the County to actions without corresponding programs to implement these policies. To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate goal and policy implementation, programs should include: (1) a description of the County's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. The element should be revised to include specific program actions that implement the policies outlined in the element.

In addition, Program D should be revised to include specific timelines and benchmarks associated with providing infrastructure, specifically dry utilities.

2. *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 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 B3, 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 County may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

The element assumes an ADU build out of 117 ADU and/or JADU per year based upon a five-fold expected increase in production from pre-2017 averages. While this is an acceptable methodology, given that the County has only produced an average of 42 units per year since 2018, it is not clear if this production level will be achievable in the planning period. Therefore, the element must commit to monitor ADU production throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element. In addition to monitoring production, this program should also monitor affordability and should monitor at least every other year. Additional actions, if necessary, should be taken in

a timely manner (e.g., within 6 months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate. HCD appreciates the County's efforts in promoting ADUs as an important housing choice and looks forward to monitoring the progress of this program.

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 Finding(s) B4 and B5, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *The housing element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)*

As noted in Finding B-2, the element does not outline the condition of the existing subsidized affordable housing stock. Depending upon the results of that analysis, the County may need to revise or add programs and address this need.

5. *Promote and affirmatively further fair housing 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 B1, the element must include a complete analysis of affirmatively furthering fair housing. Based on the outcomes of that analysis, the element must add or modify programs as appropriate.

D. Public Participation

1. *Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)* While the element includes a general summary of the public participation process and notes on its attendees (Appendix G), the County must describe how comments were considered and incorporated into the element.

E. Consistency with General Plan

For your information, some general plan element updates are triggered by housing element adoption. For example, a jurisdiction must address environmental justice in its general plan by the adoption of an environmental justice element, or by the integration of environmental justice goals, policies, and objectives into other general plan elements upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. (Gov. Code, § 65302, subd. (h).) In addition, the safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management and be revised upon each housing element revision. (Gov. Code, § 65302, subd. (g).) Also, the land-use element must identify and analyze disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established legacy communities) on, or before, the housing element's adoption due date. (Gov. Code, § 65302.10, subd. (b).) HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

F. Coastal Zone Localities

Coastal localities shall document the number of low- and moderate-income units converted or demolished, and the number of replacement units provided. (Gov. Code, § 65588, subd. (d).)

The element does not meet the statutory requirements. To determine whether the County's affordable housing stock in the coastal zone is being protected and provided as required by Government Code section 65588, the element must be revised to include the following:

1. The number of new housing units approved for construction within the coastal zone since January 1982.
2. The number of housing units for persons and families of low- and moderate-income required to be provided in new housing developments either within the coastal zone or within three miles.
3. The number of existing residential dwelling units occupied by low- and moderate-income households required either within the coastal zone or three miles of the coastal zone that have been authorized to be demolished or converted since January 1982.
4. The number of residential dwelling units for low- and moderate-income households that have been required for replacement.