

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

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April 10, 2008

Ms. Kim Rodriguez, Planning Director  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009

Dear Ms. Rodriguez:

**RE: Review of the County of Ventura's Draft Housing Element**

Thank you for submitting the County of Ventura's draft housing element received for review on February 11, 2008 and the moderate- and above moderate-income sites inventory received on February 20, 2008. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Conversations with the Mr. Bruce Smith, General Plan Section Manager, and Ms. Shelley Sussman, Project Manager, of your staff facilitated the review. In addition, the Department considered third party comments from Ms. Barbara Macri-Ortiz, on behalf of the Farm Worker Housing Task Force of the Ventura County Ag Futures Alliance and Housing Farmworkers, and Ms. Eileen McCarthy, Staff Attorney for California Rural Legal Assistance, pursuant to Government Code Section 65585(c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element should include more detailed analyses of the County's strategy to accommodate its share of the regional housing need allocation (RHNA), particularly for housing affordable to lower-income households, and should strengthen and expand programs to address identified housing needs within the County. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

The Department appreciates the cooperation of Mr. Smith and Ms. Sussman throughout the course of the review and is available to assist the County of Ventura in addressing statutory requirements. If you have any questions, or wish to schedule a site visit, please contact Melinda Coy, of our staff, at (916) 445-5307.

Sincerely,

A handwritten signature in black ink that reads "Cathy E. Creswell". The signature is written in a cursive style with a small flourish at the end.

Cathy E. Creswell  
Deputy Director

Enclosure

cc: Bruce Smith, General Plan Section Manager  
Shelley Sussman, Project Manager  
Barbara Macri-Ortiz, Law Office of Barbara Macri-Ortiz  
Eileen McCarthy, California Rural Legal Assistance

## APPENDIX COUNTY OF VENTURA

The following changes would bring the County of Ventura's housing element into compliance with Article 10.6 of the Government Code. The pertinent Government Code is cited for each recommended change.

Housing element technical assistance information is available on the Department's website at [www.hcd.ca.gov](http://www.hcd.ca.gov). Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, please refer to the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* at [www.hcd.ca.gov/hpd/housing\\_element/index.html](http://www.hcd.ca.gov/hpd/housing_element/index.html), the Department's publication, *Housing Element Questions and Answers (Qs & As)*, and the Government Code addressing State housing element law.

### **A. Housing Needs, Resources, and Constraints**

1. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, and overcrowding 65683(a)(2)).*

While the element includes overpayment information for lower-income households in Ventura County, the element must also identify and analyze overpayment for all households and households by tenure (renters and owners). Further, the element must include overcrowding information by tenure for all households and could also document and analyze severe overcrowding situations.

A thorough analysis of overpayment and overcrowding should facilitate the development of goals, policies, and programs targeted to addressing these significant housing needs. Under a separate cover, the Department will provide Census and CHAS data to assist with this analysis. For additional information please refer to the Department's *Building Blocks*' section on existing housing needs, or the Department's *Qs & As* publication, pages 7-8.

2. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Ventura County has a RHNA of 1,404 housing units, of which 555 units are for lower-income households. The element recognizes the lack of appropriately zoned sites to accommodate housing for lower-income households and relies on program actions relating to second units, farmworker housing, and remaining multifamily capacity within the California State University Channel Islands (CSUCI) site to address this need. However, to demonstrate the adequacy of these sites and strategies to accommodate the County's share of the regional housing need, the element must include more detailed analyses, as follows:

Progress Toward the RHNA - The element indicates 524 units were constructed since January 2006 and credits these units to income categories based on information from the County Assessor's office. However, to credit units toward lower- and moderate-income households, the element must demonstrate the affordability of the units based on actual project-specific rents and sales prices or other mechanisms ensuring affordability in the planning period not building valuation information. Particularly, the element should provide a more detailed description of affordability methodology used to determine the appropriate income categories for second units.

Remaining RHNA - The element has identified a shortfall of sites to accommodate the need for lower-income households. The element indicates Ventura County intends to address the shortfall of sites through a tiered programmatic commitment to:

- 1) adjust zoning standards in the AE and OS zones which would allow two additional farmworker housing projects to be produced (Program 3.3.3-5(9));
- 2) promote the construction of second units (3.3.3-5(10)); and
- 3) identify sites to be rezoned to meet any shortfall should the first two programs prove to be insufficient to meet the lower-income housing need (Program 3.3.3-11).

These programs, however, do not demonstrate a clear commitment to accommodate the shortfall, nor is it clear given the timing of the program how the strategies can accommodate the housing need for non-farmworker and family households. In addition, the farmworker program (Program 3.3.3-5(9)) should commit to specific strategies such as the proposed changes to the zoning code which will result increasing the number of sites available for multifamily farmworker housing. While the program indicates the county "could" take a number of actions such as expedited permit processing fees and zoning ordinance amendments, it does not commit the County to take any action. The element should also describe the two anticipated farmworker housing projects identified in Table 3.3.9-1, including an identification of sites, timing for the projects, and anticipated affordability.

In addition, while the Department recognizes the County's efforts to provide opportunities to address the housing needs for farmworker households, more information is needed to assess the adequacy of zoning that encourages and facilitate this type of housing. Specifically, the element should analyze the minimum lot area requirements for the AE and OS zone for impact on development of multifamily rental farmworker housing and describe the number of sites currently meeting the lot area requirements in comparison with the overall need for multifamily farmworker housing.

Please note, because the inventory does not identify adequate sites pursuant to Government Code Sections 65583(a)(3) and 65583.2, the element must provide a program to identify sites zoned to permit owner-occupied and rental multifamily uses by-right during the planning period. These sites shall be zoned

with minimum density and development standards that permit at least 16 units per site at a density of at least 20 units per acre. Also, at least 50 percent of the remaining need must be planned on sites that exclusively allow residential uses.

Sites Inventory – To demonstrate the appropriateness of the CSUCI multifamily 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 total anticipated buildout, timing of the project, and anticipated affordability levels of the units.

Realistic Capacity – The element must describe the methodology for determining the capacity of sites in the land inventory. The analysis must adjust the calculation to account for land-use controls and site improvements, including height limits and could reflect recently built densities.

Second Units – The element must include a more detailed analysis supporting the realistic capacity of second units in the planning period based on the number of units in the previous planning period, the need for the units in the community, the resources or incentives available for their development, anticipated affordability, and any other relevant factors (see *Building Blocks*' section on second-units).

Zoning for a Variety of Housing Types – The housing element must demonstrate the availability of sites, with appropriate zoning, that will encourage and facilitate a variety of housing types, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. An adequate analysis should, at a minimum, identify whether and how zoning districts explicitly allow the uses, analyze whether zoning, development standards and permit procedures encourage and facilitate these housing types. If the analysis does not demonstrate adequate zoning for these housing types, the element must include implementation actions to provide appropriate zoning. Further, the element must include a more detailed analysis, as follows:

*Multifamily Rental Housing* – Although the element has identified the RPD zone could accommodate multifamily rental housing, the supply of available zoned sites is very limited. The element should be expanded to indicate if these sites/zones are adequate to effectively facilitate development, given the significant demand identified for affordable rental units with three or more bedrooms to accommodate large families and non-farmworker families. The County may need to consider strengthening policies and programs to provide additional opportunities to encourage development of multifamily rental housing.

*Emergency Shelters* - The element states that emergency shelters are considered functionally equivalent to residential care facilities, hotels, motels, and boarding houses, and are allowed in the CC, CO, and CPD zones by CUP. However, since the zoning does not explicitly allow emergency shelters, the

element must include a program to amend zoning to allow the use and ensure zoning and development standards and permit procedures encourage and facilitate the development emergency shelters.

Please note, if the County submits a subsequent draft element after March 31, 2008, the County will be required to comply with recent statutory changes to State law (Chapter 633, Statutes of 2007 [SB 2]) requiring, among other things, the identification of a zone(s) where emergency shelters are permitted without a CUP or other discretionary action. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district or establish an overlay zone for an existing zoning district. The zone must provide sufficient opportunities for at least one new emergency shelter in the planning period, including opportunities available in suitable locations near services and facilities. The Department will soon be issuing a technical assistance memo describing steps needed to comply with Chapter 633 (SB 2).

*Transitional Housing and Supportive Housing* – The element states that transitional housing is considered functionally equivalent to residential care facilities, hotels, motels, and boarding houses, and are allowed in the CC, CO, and CPD zones by CUP, although not written and explicit in zoning. Please note, however, transitional housing must be treated as a residential use and subject only to those restriction that apply to residential uses of the same type in the same zone without undue special regulatory requirements – including restrictions on the number of residents. For example, if the transitional housing is a multifamily use proposed in a multifamily zone, then zoning should treat the transitional the same as other multifamily uses proposed in the zone. The element should include a program to amend zoning to explicitly permit transitional housing as a residential use. The element must also identify how zoning and local regulations (standard and the permit process) allow supportive services within housing developments.

*Single-Room Occupancy* – The element states single-room occupancy (SRO) units are not specifically defined in the zoning ordinance but could be permitted in zoning allowed under the land-use heading of care facilities, hotels, motels and boarding houses. Since zoning does not explicitly allow SRO, the element must include a program to amend zoning to allow the use and ensure zoning, development standards and permit procedures encourage and facilitate the development of SRO units.

3. *Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels, including land-use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures (Section 65583(a)(5)).*

*Land-Use Controls* – While the element lists the County of Ventura’s residential development standards in Tables 3.3.6-6 – 3.3.6-9 (pages 70-72), it does not include an analysis of these standards for their impact on the supply and affordability of housing. For example, the element should evaluate the

cumulative effect of development standards such as lot coverage, minimum lot area, height limits, and parking requirements, on the ability to achieve maximum permitted densities and the feasibility and supply of housing development. The element should also analyze the minimum lot area requirements for the AE and OS zone for impact on development of multifamily rental farmworker housing.

Permit Processing – Though the element describes typical processing timeframes for individual discretionary permits, the element must include a detailed description and analysis of the total typical review process for both single-family and multifamily units to demonstrate potential impacts on the cost or feasibility and supply of housing. The element must also describe and analyze typical findings of approval for discretionary permits such as the planned development permit and the CUP. For further assistance please see the enclosed sample analysis.

Codes and Standards – The element did not address this requirement. The element should identify current Uniform Building Code (UBC) adopted and enforced by the jurisdiction, and any local amendments to the State housing law or UBC. The element should also discuss the type and degree of code enforcement activities including any efforts to link code enforcement activities to housing rehabilitation programs.

On-/Off-Site Improvements - The element did not address this requirement. The element must identify subdivision level improvement requirements such as minimum street widths, storm water run-off standards, dedications, etc., and analyze their potential impact on the cost and supply of housing.

Constraints on Housing for Persons with Disabilities – The element analyzes various potential constraints on housing for persons with disabilities and the elderly, such as the availability of zoning for residential care facilities for less than six persons. However, the element should include more detailed information and analysis. For example, the element should describe the process for requiring reasonable accommodations and the criteria such as approval findings used in evaluation of that request. In addition, the element should identify and analyze any spacing requirements and include a detailed discussion of the County’s family definition and potential impacts of requiring a CUP for residential care facilities for seven or more persons. Please refer to the Department’s *Building Blocks*’ section on Constraints for Persons with Disabilities and the enclosed copy of the Department’s SB 520 memo and analysis tool to assist in addressing this statutory requirement.

4. *Analyze 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, and the cost of construction.” (Section 65583(a)(6)).*

While the element includes a brief discussion on the County’s ability to influence availability of financing, the price of land, and the cost of

construction, it does not provide the analysis needed to address this statutory requirement. At a minimum, the element must:

- Estimate the average cost or the range of costs per acre for single-family and multifamily zoned developable parcels.
- Generally estimate typical total construction costs including materials and labor.
- Consider whether housing financing, including private financing and government assistance programs, is generally available in the community. This analysis could indicate whether mortgage deficient areas or underserved groups exist in the community. The financing analysis may also identify the availability of financing from private foundations (including bank foundations) corporate sponsors, community foundations, community banks, insurance companies, pension funds, and/or local housing trust funds.

For further information on meeting this requirement please refer to the Non-governmental Constraints section of the *Building Blocks*' section on non-governmental constraints.

**B. Quantified Objectives**

*Include quantified objectives that establish the maximum number of housing units that can be constructed, rehabilitated, and conserved by income category over a five-year time frame (Section 65583(b)).*

The element should be expanded to include an estimate of the number of new, rehabilitated, and conserved units by income category, including extremely-low, as shown below in the sample matrix. These objectives should include both private and County planned activities. Each quantified objective should be described by income level as illustrated in the following table:

<b>Income Category</b>	<b>New Construction</b>	<b>Rehabilitation</b>	<b>Conservation/ Preservation</b>
Extremely Low-Income			
Very Low-Income			
Low-Income			
Moderate-Income			
Above Moderate			

**C. Housing Programs**

1. *Include a program which sets forth a five-year schedule of actions 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, 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 (Section 65583(c)).*

To fully address the program requirements of Government Code Section 65583(c)(1-6), and in order for the County's proposed housing development and assistance strategies to be effective during the planning period, programs and corresponding actions must demonstrate the County's commitment to implementation. While the element includes a list of overarching housing goals, policies and program actions, all programs should be strengthened or expanded to include: 1) specific timelines or milestones; 2) description of the County's role and commitment to implementation; and, 3) numerical objectives where appropriate.

Programs with clear, quantifiable objectives will assist the County in evaluating the effectiveness of program actions and appropriateness of goals, objectives and policies as required in the Review and Revise section of State housing element law for future updates. For example, Program 3.3.3-4(1) could be revised to include specific goals on the number of expected households will be assisted through the redevelopment programs. Additional programs to be revised and strengthened include, but are not limited to the following:

Program 3.3.3-4(1) – Describe how the County will determine the feasibility of applying for additional State and Federal funds for rehabilitation programs, when they will apply for the funds, and how the program is currently funded.

Program 3.3.3-4(2) – Describe the County's role in assisting the Commission on Human Concern's efforts to promote energy conservation activities. Describe the County's role and commitments to promoting energy conservation (page 94-96).

Program 3.3.3-5(1) – Establish specific timing for the review and modification of zoning and development standards to reduce development costs for affordable housing projects.

Program 3.3.3-5(2) – Describe how and when the County will notify housing agencies and non-profits on the availability of funds.

Program 3.3.3-5(4) – Describe how the County will assist the Interagency Council on Homelessness in the implementation of the 10-year Strategy to End Homelessness.

Program 3.3.3-5(7) – Describe the County role and the types of funding available to assist persons at-risk of becoming homeless under this program.

2. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and*

*emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

While the element has identified a shortfall of sites to accommodate their RHNA and has programs to address this shortfall, the element does not include a complete site analysis, and therefore, the adequacy of these programs to accommodate the remaining housing need could not be established. Based on the results of a complete sites inventory and analysis, the County may need to add or strengthen programs to address an additional shortfall of sites or strengthen programs to identify zoning and/or sites available to encourage a variety of housing types. As a reminder, all programs to accommodate the remaining RHNA allocation for housing affordable to lower-income households must permit owner-occupied and rental multifamily uses by-right in accordance with Government Code Section 65582.2(h). At a minimum, the element must be revised as follows:

Program 3.3.3-5(9) – The County must commit to implement specific objectives that increase the availability of sites within the planning period. These could include actions such as the proposed amendments to the general plan and zoning ordinance allowing the creation of smaller parcels for the development of farmworker housing complexes. Due to strong demonstrated need for farmworker housing, the County should update the timing of this program to be implemented sooner in the planning period and make specific commitments to demonstrate capacity is realistic within the planning period.

Program 3.3.3-5(10) - Because the County is relying on second units to accommodate a significant portion of the housing need for lower-income households, the program must include specific commitments to promote the construction of second dwelling units. To address the demand for second units, the County could consider the implementation of the zoning code amendments sooner within the planning period.

Program 3.3.3-5(11) – Programs 3.3.3-5(9) and (10) propose to meet the housing needs of farmworkers and small households. However, Program 3.3.3-5(11) has the greatest potential to provide sites for a variety of housing types to meet housing needs of large households, the disabled, and other non-farmworker lower-income households. Therefore the County should consider the implementation of this program at the beginning of the planning period concurrently with Programs 3.3.3-5(9) and (10), rather than waiting to determine if the farmworker and second-unit programs are sufficient to address the remaining RHNA for housing affordable to lower-income households. At a minimum, however, the element must describe the standards to determine the sufficiency of Programs 3.3.3-5(9) and (10) in providing available sites to meet the remaining lower-income need.

3. *Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households (Section 65583(c)(2)).*

The element should include programs to address identified housing needs such as units with three or more bedrooms as well as housing affordable to extremely low-income households. Actions could include assistance with site identification and entitlement processing, fee waivers and deferrals, modifying development standards and granting concessions and incentives for projects that provided housing for lower-income households. For further information on meeting this requirement please refer to the "Programs" section of the Department's *Building Blocks*' section on programs.

4. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in finding A3, the element requires a more detailed analysis of potential governmental constraints. Depending upon the results of that analysis, the County may need to strengthen or add programs and address and remove or mitigate any identified constraints.

5. *The housing program shall promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability (Section 65583(c)(5)).*

Program 3.3.3-6(1) and (2) should describe how information is distributed about both fair housing laws and referral resources to address complaints.