STATE OF CALIFORNIA -BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

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CITY OF SANTA PAULA
SANTA PAULA, CA 93061

October 21, 2010

Ms. Janna Minsk, Director
Planning Department
City of Santa Paula
P.O. Box 569
Santa Paula, CA 93061

Dear Ms. Minsk:

RE: Review of the City of Santa Paula's Revised Draft Housing Element

Thank you for submitting Santa Paula's revised draft housing element received on August 23, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). The review was facilitated by communications with you. In addition, the Department considered comments from California Rural Legal Assistance and House Farmworkers, pursuant to Government Code Section 65585(c).

The revised draft element addresses most of the statutory requirements described in the Department's April 29, 2010 review (see link below). For example, the element now includes programs to address some identified constraints. However, the following revisions are still necessary to comply with State housing element law (Article 10.6 of the Government Code):

1. *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 analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing (Section 65583.2).*

   The element now provides a general description of the East Area 1, including development standards, aggregate acreages, permitted uses and acreages for "existing parcels." However, based on communications with you, the area has not been subdivided and identified parcel numbers do not reflect anticipated parcelization from the land-use map for the specific plan (Figure B-1a). As a result, the element should also list acreage by anticipated parcel sizes, unique reference, allowable densities and realistic capacity. In addition, the element should clearly identify zones in the East Area that allow appropriate densities to encourage housing for lower-income households (e.g., greater than 20 units per acre as noted on page B-8). This is particularly important because, as described in the prior review, if sites within the East Area are not sufficient, appropriately sized, zoned with appropriate densities or not available for development within the planning period, the element must still

analyze the suitability of the other sites in the inventory and appropriateness of zoning to encourage housing for lower-income households or identify additional sites. This is particularly important since the element does not otherwise appear to identify adequate appropriately sized and zoned sites to accommodate the housing need for lower-income households. Additional analyses that may be required include non vacant and small sites and zoning to encourage housing for lower-income households. Please see prior review.

Emergency Shelters: Chapter 633, Statutes of 2007 (SB 2), requires the identification of a zone(s) where emergency shelters are permitted without a conditional use permit (CUP) or other discretionary action and demonstration of sufficient capacity to accommodate the need for emergency shelters. The element identifies the Commercial/Light Industrial zone and now describes 4 parcels are vacant out of 140 acres but still does not provide any evaluation of typical parcel sizes or suitability of non-vacant sites to demonstrate potential for the development of emergency shelters. Please see prior review.

2. *Analyze 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 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) (Section 65583(a)(5)).*

   Land-Use Controls: The element was not revised to address this requirement. Please see previous review. In addition, given the extensive public comment on this requirement, the City could engage the development community, including non-profit developers to assist with this analysis.

3. *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)).*

   As noted in Finding 1, the element requires revision to demonstrate adequate sites, particularly for lower-income households. 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 and provide incentives to encourage development on smaller, mixed-use or non-vacant sites. To address a shortfall of sites, as described in the prior review, the City must initiate zoning to allow owner-occupied and rental multifamily uses by-right sufficient to accommodate the remaining need for lower-income households. Pursuant to 65583.2(i), "by-right", among other requirements, means local government review must not require a CUP, planned unit development or other discretionary review or approval: In addition:

Program 16: The element was not revised to address the adequate sites requirement. As described in the previous review, the Program must include specific timelines for annexation including all benchmarks involved in annexation with corresponding completion dates, and an alternative strategy to be pursued if the sites are not annexed by a date certain.

In addition, while the specific plan has been approved, sites are not currently annexed or available for development. As a result, the Program must commit to permit owner-occupied and rental multifamily uses by-right (Government Code Section 65583 (c))(1)) as described above and in the prior review. In addition, given the reliance on East Area 1 and anticipated subdivision of land, the Program should commit to encourage parcel sizes (e.g., 1 to 10 acres) that facilitate the development of housing affordable to lower-income households.

Farmworker Housing: The element was not revised to demonstrate or amend zoning consistent with 17021.5 as described in the previous review.

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 2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, Santa Paula may need to revise or add programs and address and remove or mitigate any identified constraints.

Once the element has been revised to address these requirements, it will comply with State housing element law. The Department is committed to assisting Santa Paula in meeting the statutory requirements of housing element law. If you have questions or would like further assistance, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

Cathy E. Creswell

Cathy E. Creswell
Deputy Director

Enclosure – http://tinyurl.com/santapaula042910