

**HCD Housing Element Comments and Responses
City of Santa Paula
November 2009**

HCD Comment	Housing Element Page Reference (revised draft)	Response
A. Housing Needs, Resources, and Constraints		
A.1. Extremely-Low-Income Analysis	p. 11 p. 35 p. 50	<p>The Needs Assessment (Chapter II) has been expanded to quantify existing and projected extremely-low-income households and include an analysis of their housing needs (considering both tenure and rates of overpayment and overcrowding). Growth needs for extremely-low-income households are provided in Table II-31.</p> <p>Additional analysis of the needs of extremely-low-income households has also been provided in the Constraints analysis (Chapter IV) regarding Special Needs Housing).</p>
A.2. Land Inventory - Sites Inventory	Appendix B	<p>The City is relying on completed units (2006-08), vacant/underutilized sites and second units to accommodate its share of the regional housing need for lower-income households (843 units). The net remaining RHNA requirement will be met through a combination of vacant sites, underutilized sites and annexation areas. The City's ability to accommodate <u>all of its lower income RHNA</u> without reliance on a program is relevant to the following responses and HCD comment number B.1.</p>
- Progress Toward the RHNA	pp. A-9, A-15, A-16	<p>Units built during 2006-08 are credited toward the RHNA for the new planning period. Appendix A, Tables A-5i and A-5j identify new units built by income category during 2006 and 2007, respectively. Of the 128 units listed in the VL and Low categories, 107 (84%) have deed restrictions. The remaining 21 units were multi-family projects without affordability restrictions. These market-rate units were assigned to the low-income category on the basis of a rental market survey that found <u>all</u> surveyed rental units offered in the VL or low categories (i.e., less than \$1,750/month). The survey included 3- and 4-bedroom units. The highest rent found in the survey was \$1,650/month. In</p>

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- Realistic Capacity	p. B-1	<p>All of the potential zoning constraints that could affect the realistic capacity of vacant or underutilized sites (Tables B-2 through B-5) including height, lot coverage, and parking are discussed in Chapter IV. The paragraph preceding Table IV-2 (Residential Development Standards) concludes that the standards are not considered constraints on the development of housing. This statement is supported by Tables A-5a through A-5j, which document the density and affordability of recently built projects throughout the city.</p> <p>In the mixed-use zones, FAR standards do not apply to residential development. The realistic capacity of the commercial zones allowing mixed-use is further documented by additional analysis provided in Chapter IV (see response to A.2., Mixed-Use) and Appendix B. As noted above, Table B-6 (Underutilized Commercial Sites) has been updated to describe existing uses and other factors that make the underutilized mixed-use sites realistic candidates for redevelopment.</p> <p>Finally, the densities assumed in Tables B-2, B-4, and B-5, with the exception of single-family zones, are not maximum densities, but have been adjusted to reflect realistic build-out densities based on recent development trends. For example the maximum densities of the R-2, R-3, and R-4 zones have been adjusted from 15, 21, and 29 du/ac to 12, 18, and 16 du/ac respectively. (See Appendix B for additional explanation)</p> <p>Table B-3 includes sites in the City's Sphere of Influence which are not yet subject to City zoning. This table shows the County's single-family residential zoning for all properties except the three major annexation areas. The single-family residential densities reflect realistic capacity under current conditions. The estimates of residential units in the three major annexation areas are established by the City's General Plan, which requires Specific Plans for each of these areas. In general, the stated residential capacity of Specific Plans is accurate.</p>
- Appropriate Density	p. B-1	<p>HCD states that, "With the exception of the underutilized sites and vacant residential sites 46-48, the inventory identifies sites with maximum densities of less than 20 dwelling units per acre." This statement is not accurate as the</p>

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		<p>bulk of the sites listed in Table B-2 (Vacant Residential Sites), Table B-4 (Underutilized Residential Sites), Table B-5 (Vacant Commercial Sites) and Table B-6 (Underutilized Commercial Sites) are zoned with maximum densities of more than 20 du/ac. All of the sites in Tables B-5 and B-6 (vacant and underutilized commercial sites) have maximum residential densities of 29 du/ac. Tables B-2 and B-4 include several sites zoned R-2 (max. density 18 du/ac), however the R-3 and R-4 sites have maximum densities of 21 and 29 units/acre, respectively. The land inventory tables have assumed densities that are lower than the maximum as the realistic capacity. Additional analysis has been added to Appendix B (Section 3, Vacant Land) clarifying these assumptions.</p>
<p>Zoning for a Variety of Housing Types:</p> <ul style="list-style-type: none"> • Emergency Shelters • Transitional Housing • SROs 	<p>p. 52 p. 79</p> <p>p. 52 p. 79</p> <p>p. 53</p>	<p>The following revisions are provided to respond to HCD comments and ensure compliance with state law.</p> <ul style="list-style-type: none"> • <u>Emergency Shelters</u> are currently allowed in the C-O, G-C, C-H, C/LI and LI zones, subject to a conditional use permit. To address the requirements of SB 2, Program 17 contains a commitment to process an amendment to the Municipal Code in compliance with SB2 within one year of Housing Element adoption. The City has tentatively identified the Commercial/Light Industrial (C/LI) zone for this purpose. The C/LI zone encompasses approximately 140 acres, has vacant and underutilized parcels that could accommodate at least one shelter, and provides access to transit and other services. • <u>Transitional and Supportive housing</u> is currently permitted by conditional use permit in the R-3, and R-4 zones. The constraints analysis and Program 17 have been revised to provide that transitional and supportive housing shall be considered a residential use subject only to those requirements and procedures that apply to other residential uses of the same type in the same zone. • <u>SRO facilities</u> are permitted in the R-4 and G-C zones subject to a conditional use permit. The analysis of potential constraints to the development of SROs has been expanded to identify how the zoning

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<ul style="list-style-type: none"> • Farmworker Housing • Supportive Housing 	<p>p. 51 p. 79</p>	<p>regulations encourage and facilitate these types of projects, which help to meet the needs of extremely-low-income persons.</p> <ul style="list-style-type: none"> • <u>Farm worker housing</u>. Additional analysis has been provided in the Constraints chapter regarding farm worker housing. In addition, Program 17 has been expanded to include the processing of an amendment to the Development Code in conformance with the Employee Housing Act. • <u>Supportive housing</u> is addressed above with Transitional Housing.
<p>A.3 Analysis of Potential and Actual Governmental Constraints - Inclusionary Housing</p>	<p>p. 56 & p. 76</p>	<p>The Inclusionary Ordinance requires a percentage of low- and moderate-income housing in exchange for the right to develop a project. The primary incentive for the developer is the development entitlement itself, which significantly increases the value of the property. To assist the developer, the ordinance contains several compliance options, including 1) providing 15% percent low-income units, 2) providing 10% very-low income units, 3) building low-income units off-site equivalent to 17% of all project units, 4) building very-low-income units off site equivalent to 12% of all project units, and 5) pay an in-lieu fee as established by City Council resolution. Inclusionary units are also exempt from the Growth Management Fee. The constraints analysis has been expanded to describe incentives and concessions the City provides to mitigate potential financial impacts of the inclusionary requirement. In response to HCD's concerns regarding potential constraints to the overall housing supply, additional language has been added to Program 14 (Inclusionary Housing Ordinance) to monitor both affordable units produced and the potential adverse impacts on the cost and supply of market-rate housing. Currently, inclusionary requirements in Santa Paula are unlikely to act as a constraint on overall housing supply because in most cases the affordability restriction will be at or very close to the market rate for identical unrestricted units. This finding has been documented by rental surveys of market rate units in Santa Paula (see Appendix B).</p>

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- Growth Management Ordinance (GMO)	p. 44	Additional language has been added to clarify that the current accumulated 1,909 residential units combined with the yearly allocations for the current housing cycle (744 units) are more than sufficient to meet City's net remaining RHNA requirement of 2,052 units. Additionally, the Growth Management Ordinance exempts second units.
- Measure L6	p. 45	Additional language has been provided in the Constraints analysis regarding exemption provisions, anticipated effects of the initiative in the City's ability to accommodate the RHNA, election costs and procedures, and overall impact on housing supply and affordability.
- Land Use Controls	p. 47 pp. A-15 & A-16	<p>Additional analysis has been provided in the Constraints chapter regarding the effects of development standards, particularly height limits, on the ability to achieve allowable densities in multi-family zones. In the past two years, several projects have been built in the R-2 (15 du/ac max.) and R-3 (21 du/ac max.) zones, some of which achieved the maximum allowable densities (see Tables A-5i and A-5j). The height limit for these zones (35 feet and 45 feet respectively) are greater than some other Ventura County cities and does not act as a constraint to development. The height limit for the R-4, which has a maximum density of 29 du/ac, is also comparable to other cities. Examples include the following:</p> <ul style="list-style-type: none"> • Camarillo - Residential Planned Development Zone (RPD) Max. Density: 30 du/ac Max. height: 25 ft • Ventura - High Density Residential (R-3) Max. Density: 54 du/ac Max. height: 45 ft • Thousand Oaks - Multiple-Family Residential (R-3) Max. Density: 30 du/ac Max. height: 25 ft.
- Housing for Persons with Disabilities		Additional analysis of potential constraints on housing for persons with disabilities has been provided, as follows:

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<ul style="list-style-type: none"> • Definition of family • Maximum concentration for residential care facilities • Site planning requirements acting as constraints for persons with disabilities • Parking requirements for persons with disabilities 	<p>p. 50</p> <p>p. 51 p. 81</p>	<p><u>Definition of “family”.</u> The Santa Paula Municipal Code defines family as: “One or more persons, related or unrelated, living together as a single housekeeping unit.” This definition is consistent with state Fair Housing Law.</p> <p><u>Maximum concentration, site planning constraints and parking.</u> The Santa Paula Municipal Code prohibits an “over-concentration” of community care facilities (residential care facilities) where over-concentration is defined as “the presence of one or more community care facilities, or similar uses, located within three hundred (300) feet of a proposed community care facility site.” Community care facility is defined as having the same meaning as set forth in Health and Safety Code Section 1502 where 6 or more persons live together. The development standards for licensed residential care facilities of 6 or fewer persons are no different than for other residential uses in the same zone. A conditional use permit is required for licensed residential care facilities and group homes of 6 or more persons. A deviation in site planning requirements and reduction in parking may be granted through the conditional use permit process. To further reduce potential constraints on housing for persons with disabilities, Program 19 (Reasonable Accommodation Ordinance) has been added to the Housing Action Plan.</p>
<p>- On/Off-Site Improvements</p>	<p>p. 62</p>	<p>Additional analysis of street improvement requirements has been added to the Constraints analysis.</p>
<p>A.4 Analysis of Non-Governmental Constraints:</p> <p>- Land and Construction Costs</p>	<p>p. 64-65</p>	<p>Additional information has been provided regarding the costs of land and construction.</p> <p>Also, Program 18 (Workforce and Senior Housing Development) of the Housing Action Plan responds to the high land and construction costs directly through the granting of land write-downs, regulatory incentives, and direct financial assistance to private developers to provide both ownership and rental housing to lower- and moderate-income households. The program also</p>

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		assists non-profit developers in acquiring and assembling properties and in subsidizing on-site and off-site requirements. The program allows for the City to use a combination of CDBG and redevelopment set-aside funds to write down the cost of land to facilitate affordable housing development.
A.5 Analysis of Opportunities for Energy Conservation	p. 41-42	<p>It is our understanding that Section 65583(a)(7) specifically requires an analysis of the opportunities for energy conservation (only) and does not require a Housing Element to address the larger problem of climate change. This problem requires a coordinated approach involving state, regional and local efforts such as SB 375 and the new state green building codes that go into effect in 2010. In response to HCD's comments, additional information on the Ventura County Regional Energy Alliance (VCREA) and its programs has been added to the housing element.</p> <p>HCD's comment regarding "the City's recently-adopted Energy Management and Action Plan" appears to be in error as the City does not have such a plan.</p>
A.5 Analysis of Special Housing Needs.	pp. 24-33	Additional qualitative description of the potential housing problems faced by each special needs group and a description of any existing resources or programs has been added to the Needs Assessment (Chapter II).
B. Housing Programs		
B.1 Programs: Adequate Sites.		As noted in the response to A2, no shortfall of site capacity exists compared to the RHNA allocation for lower-income housing. It is our understanding that the Section 65583.2(i) standards cited in HCD's comment are only applicable if a program response is needed to overcome a shortfall vis-à-vis the RHNA requirements for lower-income housing sites. The Housing Element contains Program 16 (Phased Annexation of Sphere of Influence) that will help the City provide sufficient sites to meet growth needs.
- Program 16 (Phased Annexation)	p. 77	As noted above, the City must rely on sites that require annexation primarily to meet the portion of its regional housing need for moderate- and above-moderate units. Program 16 has been updated to provide more detail

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		regarding the annexation process. Specific timelines for annexation cannot be provided, however the annexation phases have been identified and the first phase, East Area 1, which has the greatest site potential (1,500 units) is currently in process. All annexation areas will require LAFCO approval, expansion of the urban limit line and the development of regulatory specific plans. See also response to A.2 (annexation)
- Program 17 (Emergency Shelter, Transitional Housing, and Farmworker Housing)	p. 79	As noted under item A.2, above, Program 17 has been revised to provide that transitional and supportive housing shall be subject only to those requirements that apply to other residential uses of the same type in the same zone, as well as a commitment to process an amendment to Code provisions regarding emergency shelters within one year of Housing Element adoption.
<p>B.2. Programs: Adequate Housing to meet needs of extremely low, very low, low-, and moderate-income households.</p> <p>- Funding (Programs 1, 2, 4, 5, 6, & 8)</p>	pp. 69-72	<p>The City takes exception to HCD’s characterization regarding “the lack of progress [for affordable housing] in the previous planning period.” According to the Progress in Achieving Quantified Objectives 2001-2007 (Table A-3), 57% of the new housing built in the previous planning period was affordable to households in the very-low (34%) or low (23%) income categories. Total housing production was just 23% of the objective primarily due to the lack of vacant land as compared to the City’s previous RHNA allocation. These statistics clearly demonstrate the City’s commitment to facilitating affordable housing production.</p> <p>In addition to new housing, the City’s objectives were either met or nearly met for other programs, with the exception of Program 2 – Rental Housing Rehabilitation Program.</p>

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- Infill Housing Incentives (Former Program 18)	p. A-4	<p>In response to HCD’s comment, additional information regarding the City’s success in facilitating infill housing projects has been provided in Table A-1. Contrary to HCD’s reference to the City’s “apparent lack of effectiveness and progress in promoting infill housing” numerous infill projects have been facilitated through various incentives. Examples include the following:</p> <ul style="list-style-type: none"> • 07-CDP-04- (Habitat, 145 Ojai St.) In 2007 the City approved 2 units with modifications to setbacks, lot coverage and open space standards. • 03-CDP-08 (March & Dean condos). In 2004 the City approved modifications to lot coverage and setback standards. • 02-CDP-29 (Citrus Court on Harvard Blvd.) In 2003 the City approved a 28-unit residential mixed-use project. Modifications included a reduction in lot coverage, setbacks, open space standards and approved shared parking. • Paseo Santa Barbara. In 2009 a variance was approved to allow uncovered parking spaces for this 100% affordable infill project by Cabrillo Development Corp. This project involved the consolidation of 3 adjacent lots. <p>Developers in Santa Paula have rarely inquired about density bonus, which suggests that allowable densities are appropriate for infill and affordable housing.</p>
<p>B.3. Removal of Governmental Constraints</p> <p>-Measure L6</p>		Please refer to the discussion of Measure L6 under Section A.3, above.
- Program 14 (Inclusionary Housing Program)	p. 76	A monitoring component has been added to Program 14.

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<p>B.4. Equal Housing Opportunities - Program 18 (Fair Housing Program)</p>	<p>p. 80</p>	<p>Program 18 has been expanded to include other proactive measures to promote equal housing opportunities including: newsletter, websites and distribution of English and Spanish brochures at various locations throughout the City.</p>
<p>C. Public Participation</p>		
<p>E.1 Public Participation/Additional description</p>	<p>Appendix C</p>	<p>In response to HCD’s comments, Appendix C, <i>Public Participation Summary</i>, has been added to the Housing Element to describe the City’s efforts to circulate the element among low- and moderate-income households and organizations that represent them. The appendix also details efforts made to engage non-English speaking residents about the Housing Element, summarizes public comments and how the Housing Element addresses those concerns, and includes a list of housing and service providers who were provided notice about the workshops and public hearings. Prior to the Housing Element adoption hearings all interested parties, including lower-income individuals and/or their representatives, will be given the opportunity to review the revisions and provide recommendations to City staff and decision-makers.</p>