

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

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January 7, 2022

Greg Ramirez, City Manager
City of Camarillo
601 Carmen Drive
Camarillo, CA 93010

Dear Greg Ramirez:

RE: Camarillo's 6th Cycle (2021-2028) Adopted Housing Element

Thank you for submitting the City of Camarillo's (City) housing element adopted September 29, 2021 and received for review on October 11, 2021. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The adopted housing element addresses most statutory requirements described in HCD's July 27, 2021 letter; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (October 15, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

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 meets housing element requirements for these and other funding sources.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Outreach to lower-income and special needs groups during the public participation including translation services continue to be important throughout the housing element revision process. The City 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.

HCD would be happy to arrange a meeting to review these findings or provide any assistance needed to facilitate your efforts to address all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Molivann Phlong, of our staff, at Molivann.Phlong@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long, sweeping horizontal stroke extending to the right.

Melinda Coy
Senior Housing Accountability Manager

Enclosure

APPENDIX CITY OF CAMARILLO

The following changes are necessary to bring the City'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. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] 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))*

Local Data and Knowledge: While the analysis included additional local data, it does not analyze the patterns and trends over time. For example, the element identifies one Census Tract (54.03) is predominately Hispanic but does not analyze reasons for this concentration nor tie this information to meaningful place based and mobility strategies to address fair housing issues. Another example is illustrated by Figure 7-C & which shows a north south divide in the location of low and moderate populations with other income groups. The element should complement data with local knowledge and relevant factors to capture emerging trends and issues, in include programs to address those issues. This analysis should consider information that is unique to the City such as governmental and nongovernmental actors or lack thereof regarding zoning and land use regulations, information about past redlining/greenlining, restrictive covenants, practices such as disinvestment in policies that contribute to disproportionate housing needs and demographic trends.

Sites Inventory: The element did not address this requirement. Particularly the analysis must be reflective of housing development at all income-levels and evaluate the sites relative to socio-economic patterns. The site inventory analysis should address how the sites are identified to improve fair housing conditions related to each component of the analysis (or if sites exacerbate conditions, how a program can mitigate the impact), whether the sites are isolated by income group and should be supported by local data and knowledge.

Goals and Actions: The revised element did not address this requirement. Although it references actions on Program 4 that tie to the contributing factors identified, such actions

are not sufficient for the purposes of satisfying this requirement. For goals and actions to create meaningful impact and overcome contributing factors to fair housing issues, programs must include specific actions, metrics, and milestones and be implemented early in the planning period. In addition, programs should be connected to the analysis, summary of issues and prioritized contributing factors. For example, the element states that it will encourage a range of housing options across all income categories, including affordable housing, to allow residential mobility, but does not include specific actions that connect to the identified fair housing issues to demonstrate how the City will promote mobility choices. The element must add and revise programs based on a complete analysis. In addition, currently policies to address affirmatively further fair housing (AFFH) are concentrated in Program 4. The City should consider how programs throughout the housing element AFFH and revise programs as needed. For example, the element could include specific actions to facilitate and promote the development of housing affordable to lower-resourced area in areas of higher opportunities that are identified in the sites inventory.

2. *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).)*

Realistic Capacity: While the element includes examples of residential development in commercial and mixed-use zones, it does not provide analysis on the likelihood for residential development vs other types of development such as commercial, particularly as it relates to the development of housing affordable to lower income households. This is especially important as the element assumes that the existing commercial development is not a constraint as residential development can be built above those uses but provides no specific trends or other analysis to show the likelihood of this occurring. To address this requirement, the element could include market trend showing historic patterns of residential development in these areas vs commercial development and relate those trends to sites and affordability assumptions.

Suitability of Nonvacant Sites: While the element includes some additional information related to capacity estimates and include example projects, it did not specifically evaluate the existing uses on identified sites, and whether those uses would impede residential development. In addition, neither the adoption findings nor the analysis provides substantial evidence or address whether the existing uses on sites identified to accommodate the low-income housing need are likely to discontinue in the planning period. The element refers to economic studies done to assess the feasibility of residential development in commercial corridors and strategic plans; however, it is unclear whether those studies included information relative to potential turnover of existing uses in these areas and how they relate to the sites that were selected to accommodate the lower-income housing need. To support assumptions, the element could also include specific incentives and program actions to facilitate development on

the sites identified in the inventory such as streamlining approval of applications on these sites.

Small Sites: The element adds references projects involving lot consolidation of small sites. However, the analysis of these projects should also indicate the affordability levels of each of the approved sites (ex. low, moderate) and relate the examples to the sites identified for potential consolidation particularly for sites to meet the lower-income regional housing needs allocation (RHNA) (i.e., in the same location as sites, similar number of parcels). In addition, the analysis should also be supplemented with information that indicates the presence of property owner interest for parcels with common ownership, specify what policies or incentives are offered or proposed to encourage lot consolidation,

3. *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).*

Land-Use Controls: The element does not address this finding. The element includes a statement that the City considered the cumulative impact, and that the City allows exemption or concessions through a discretionary process to address (page 7-81). However, the element does not provide an analysis nor specific program actions to remove or mitigate constraints. Please see HCD's prior review.

Fees and Exaction: While the element now describes fees, it did not analyze their impact as potential constraints on housing supply and affordability. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing.

Local Processing and Permit Procedures: The element now states that the conditional use permit (CUP) and discretionary approval process for residential development in commercial and mixed-use zones identified in the sites inventory is not considered a constraint because the process allows for flexibility in the design standards in exchange for projects with affordability components. This does not address this finding. The analysis must describe and analyze approval procedures and decision-making criteria including approval certainty as potential constraints on housing supply and affordability. This is particularly important because many of the sites to accommodate the lower-income need are subject to discretionary approval. Please see HCD's prior review.

Constraints on Housing for Persons with Disabilities: While the element added additional information indicating that group homes with seven or more individuals is subject to a CUP, this analysis is inadequate to demonstrate the City's permit procedures do not constrain the development of housing for persons with disabilities. The City's zoning code appears to isolate and regulate housing for persons with disabilities based on the number of people and other factors. Zoning and standards should simply implement a barrier-free definition of family instead of subjecting, potentially persons with disabilities, to special regulations. These housing types in many cases are subject to a CUP, potentially subjecting housing for persons with disabilities to higher discretionary standards where an applicant must demonstrate compatibility with the neighborhood, unlike other residential uses. The element should include specific analysis of these and any other constraints, including their enforcement, for impacts on housing for persons with disabilities and add or modify programs as appropriate.

4. *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).)*

Requests for Lower Density, Permit Times, and Efforts to Address Nongovernmental Constraints: The element did not address this finding. Please see HCD's prior review.

B. Housing Programs

1. *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 the Finding B2, the element does not include a complete sites inventory or analysis; as a result, the adequacy of sites and zoning has not been established. Based on the results of a complete sites inventory and analysis, programs may need to be added, or revised, to address a shortfall of sites and zoning for a variety of housing types. In addition, the element must address the following:

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. 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 Findings B4 and B5, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

Single Room Occupancy (SRO) Units: The element identifies that current development standards including limitation on 100 percent SRO units is a constraint to development of SRO's and includes Program 16 (Zoning ordinance Amendments) to address the constraint. However, the program only commits to "review and analyze" the SRO regulations, and "if any revisions are necessary" to address the constraint. This does not meet requirements to have

3. *Promote 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 A1, the element must include a complete analysis of AFFH. Based on the outcomes of that analysis, the element must add or modify programs.