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Exhibit 13



Via Electronic Mail

July 13, 2009

Board of Supervisors Ventura County, County Government Center
Chair Bennett, Vice Chair Long, Supervisor Zaragoza, Supervisor Parks and
Supervisor Foy

Marty Robinson, Chief Executive Officer and Clerk of the Board of
Supervisors, Ventura County, County Government Center

Roberta Rodriguez, Chief Deputy Clerk of the Board of Supervisors Ventura
County, County Government Center

**Re: Board of Supervisors Ventura County, July 14, 2009 Agenda Item
33. Public Hearing Regarding Conceptual Approval of Draft
Amendments to the County Housing Element and Related General Plan
Amendments, Draft Non-Coastal Zoning, Coastal Zoning and
Subdivision Ordinance Amendments; Approval of Sites for Further
Evaluation for Rezoning to Residential High Density (RHD) Zone;
Determination of Lower-Income Housing Requirement for the
Proposed RHD Zone; and Approval of Draft Scope-of-Work for
Environmental Review-Countywide**

Dear Chair Bennett, Vice-Chair Long and Members of the Board of
Supervisors:

This letter is submitted by California Rural Legal Assistance, Inc. ("CRLA") on behalf of CRLA's lower income client, who is a resident of the County of Ventura ("the County"), is in need of affordable and appropriately-sized housing, and is concerned about an adequate supply of affordable housing in the County of Ventura for farmworkers, disabled persons, large families and others in need of lower income housing and/or emergency shelter. This letter is submitted in response to the County of Ventura's notice for public comment with regard to the above- referenced item, and discusses the manner in which the Draft Housing Element fails to comply with state and federal law.

Inaccurate Count of Lower Income Units Completed 2006 -2008

Figure 3.3.5-7 2006 - 2008 Housing Completions for Unincorporated Ventura County (p. 15 of the Land Use Appendix ("LUA")) credits the County with 24 Extremely Low Income Units, 11 Very Low Income Units and 126 Low Income Units. Unfortunately these numbers, with regard to the second dwelling units, are not accurate, as discussed below.

Presented to the Board
Re: Agenda of 7/14/09
Item # 33

page two

CRLA comment letter re Item 33, Board of Supervisors VC, July 14, 2009 Agenda
July 13, 2009

With regard to Second Dwelling Units, the LUA describes on pp. 16 - 18 of Exhibit 1, the methodology and data used by the County to ascertain the affordability of second dwelling units completed during the years 2006 - 2008. Pursuant to request, the County provided CRLA with further documentation of the affordability of the second dwelling units. (See July 9, 2009 letter from Planner Shelley Sussman to CRLA, Attachment One.) As discussed extensively in the July 13, 2009 letter submitted by the Farm Worker Housing Task Force of the Ventura County Ag Futures Alliance and *House Farm Workers* ("July 13, 2009 House Farm Workers letter") the determination by the County as to the affordability of second dwelling units to very low and extremely low income households is questionable. That portion of the letter is hereby incorporated by reference. The documentation, at best, appears to show that a certain percentage of the County's second dwelling units are (arguably) affordable to Low Income households, rather than Very Low Income households (which includes Extremely Low Income households).¹ In fact, many of the second dwelling units are affordable to moderate or upper income households, according to the Craig's List data. It appears that second dwelling units are not likely to be affordable enough and/or large enough to accommodate the special needs of farmworkers and large families. The County's proposed actions with regard to farmworker housing complexes (Program 3.3.3.5(8) - Exhibit 3-2) and rezoning of parcels to allow multifamily housing (Program 3.3.3.5 (11) - Exhibit 3-4), with modifications as discussed below, appear necessary for the County's Draft Housing Element to comply with requirements of state housing element law as to the identification of sites to accommodate the lower income Regional Housing Needs Assessment ("RHNA") numbers, including special needs households.

Farmworker Housing Complex Ordinance Amendments - Program 3.3.3.5(8)

Agricultural production is the primary industry within the unincorporated areas of Ventura County. As the LUA recognizes, the average income of farmworkers is less than \$19,000. per year (p. 18 of Exhibit 1), in other words, Extremely Low Income. While the County is to be commended for its efforts with regard to the Cabrillo Economic Development Corporation Piru Farmworker Project and the approval of the Limoneira Project (p. 43 of Exhibit 1), the Limoneira rent levels described in the LUA do not appear to be generally affordable to very low income farmworkers, let alone, extremely low income farmworker households. While it appears appropriate that the County has credited the 74 Limoneira units towards its Low Income RHNA numbers, the fact is that the majority of Ventura County farmworkers are Extremely Low Income, and so the Limoneira Project rents will not be affordable to them. Generally the

¹ Furthermore, out of the 16 units listed on the chart summarizing the survey data, attached to the July 9, 2009 Sussman letter, eight of the units are 1 bedrooms, six are two bedrooms and only two are 3 bedrooms. In other words out of 16 units, only two could accommodate large families. In fact, out of the 10 units for which "type of resident" is listed, all indicate that the resident is a senior.

farmworkers who plant and harvest agricultural products are Extremely Low Income.²

It is therefore critical that the program in the Draft Housing Element, which is intended to allow for the creation of farmworker housing complexes, some of which, like the Piru Cabrillo project, will include units affordable to Extremely Low Income households, adequately provides for the creation of farmworker housing complexes.³ Unfortunately, as discussed in the July 13, 2009 House Farm Workers letter, the proposed Program 3.3.3.5(8), is inadequate. The portion of the letter describing the problems with the proposed program is hereby incorporated by reference. To summarize, the primary difficulties with the proposed program appear to be the failure to include parcels in the OS zone and the requirement that the remainder of any parcel used for the development of a farmworker housing complex have a minimum of 40 acres.

Residential High Density (RHD) Zone Amendments - Program 3.3.3.5(11)

The LUA acknowledges that without the rezoning of one or more sites to 20 dwelling units per acre, there would be insufficient vacant/developable land within the lower income category to meet the remaining need of 28 lower income units (p. 45 of Exhibit 1). In order to comply with state law in this regard, the Draft Housing Element contains Program 3.3.3.5(11). As noted in the July 14, 2009 Letter from Planning Division Director Rodriguez to the Board of Supervisors regarding Item 33 of the Board's July 14, 2009 Agenda, staff is recommending that several sites be evaluated for rezoning to a higher density, in part because "there is no assurance that HCD will agree with the assumptions and methodology for calculating [the sites] inventory". As discussed above, there are definite concerns with the methodology which analyzed the affordability of second dwelling units to lower income households, especially Extremely Low Income households. To ensure compliance with state housing element law requirements as to the identification of adequate sites to accommodate the County's RHNA numbers for lower income households, the Program should include the rezoning to accommodate not just the 28 lower income units but also plan for the 24 Extremely Low Income Units listed in Figure 3.3.5-7 (p. 15 of Exhibit 1) and at least 17% of the 83 second dwelling units described in Figure 3.3.7 (p. 44 of Exhibit 1)⁴ or 14 units. This would mean planning for 66 lower income units instead of 28.

² According to the State Department of Housing and Community Development *April 2009 Memorandum, Official State Income Limits for 2009*, Ventura County Median Income is \$86,100. for a family of four; Low Income for a family of four is \$70,000.; Very Low Income for a family of four is 43,750.; and Extremely Low Income for a family of four is \$26,250.

³ As noted in the December 30, 2008 letter submitted by CRLA, on behalf of CRLA's client, regarding Ventura County's General Plan Violation, the County's Housing Element is deficient with regard to housing for lower income households, including farmworkers. For convenience, a copy of the letter is attached as Attachment Two.

⁴ Figure 3.3.5-8 at pp. 17-18 of Exhibit 1 states that 17% of second dwelling units are Extremely Low Income.

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CRLA comment letter re Item 33, Board of Supervisors VC, July 14, 2009 Agenda
July 13, 2009

Thank you for the opportunity to comment, we look forward to the County of Ventura working to bring its Housing Element into compliance with state housing element, and state and federal fair housing law.

Sincerely,
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

A handwritten signature in black ink, appearing to read "Ronald K. Perry", written in a cursive style.

Ronald K. Perry, Directing Attorney, CRLA Oxnard

attachments

cc: Planning Director Rodriguez
Ms. Cathy Creswell, HCD
Ms. Melinda Coy

**ATTACHMENT ONE - July 9, 2009 letter from Ventura County
Planner Shelley Sussman to CRLA Attorney Eileen McCarthy**

July 9, 2009

Ms. Eileen McCarthy, Staff Attorney
California Rural Legal Assistance, Inc.
338 South "A" Street
Oxnard, California 93030

Dear Eileen,

This letter and the attached tables have been sent pursuant to your email request of June 29, 2009 regarding documentation for the affordability of second dwelling units. To confirm the affordability of completed second dwelling units, the Planning Division sought information directly from second dwelling unit owners and through printed and electronic classified advertisements. In November and December 2008 Planning Division staff reviewed printed classified advertisements in the Ventura County Star and electronic advertisements posted on Craig's List. A second review of Craig's List was conducted in April 2009. Additionally, in February 2009 a survey was sent directly to all second dwelling unit property owners who completed construction on a second dwelling anytime between 2003 and the present. All of these information gathering efforts are fully described in the draft Land Use Appendix (LUA), which is available on our web site. (See Section 3.3.5, pgs. 16-18)

For analytical purposes, a weighted average was calculated using the data set generated from Craig's List and the data set generated from the survey (as described in the draft LUA). The results of the weighted average, shown in Figure 3.3.5-8 of the LUA, are as follows:

<u>Data Source</u>	<u>Extremely Low</u>	<u>Very Low</u>	<u>Low</u>	<u>Mod</u>	<u>Upper</u>
<u>Craigs List</u> <u>Dec. 08 & April 09</u> <u>(N = 30)</u>	<u>0</u> <u>(0%)</u>	<u>0</u> <u>(0%)</u>	<u>19</u> <u>(64%)</u>	<u>8</u> <u>(27%)</u>	<u>3</u> <u>(10%)</u>
<u>Property Owner</u> <u>Survey - April 09</u> <u>(N = 43)</u>	<u>13</u> <u>(30%)</u>	<u>3</u> <u>(7%)</u>	<u>9</u> <u>(21%)</u>	<u>14</u> <u>(33%)</u>	<u>4</u> <u>(9%)</u>
<u>Combined Total by</u> <u>Percentage (Based</u> <u>on Weighted Avg.)</u>	<u>17%</u>	<u>4%</u>	<u>39%</u>	<u>31%</u>	<u>9%</u>

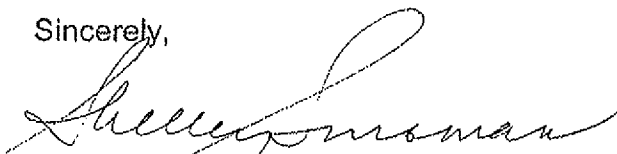


The information gathered from Craig's List included the location (to confirm it was in the unincorporated area), monthly rent, and the number of bedrooms in the unit, but did not include when the unit was built. Only units completed during the planning period were counted as part of the completions inventory. However, the entire data set was used to acquire a more complete picture of second units in Ventura County unincorporated areas for use in projecting the anticipated income category of future second dwelling units.

The attached data tables contain the detailed information that was analyzed for each record. As we discussed by phone on July 7, 2009, you requested that the information be provided in this format.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Sussman".

Shelley Sussman, Planner III
Planning Division

Attachments

Ventura County Second Dwelling Unit Affordability Information -- July 2009

I. Second Dwelling Unit Owner Survey -- February 2009

Survey #	# of Bdrooms	Number of residents	Related? Y/N	Type of Resident	Paying Rent? Y/N	Amnt of Rent	Gross Income	Affordability Category*
33	2	2	Yes	blank	Yes	\$600	blank	Very Low
44	1	4	Yes	blank	Yes	\$600	blank	Very Low
58	2	2	Yes	blank	Yes	\$1,000	blank	Low
59	3	5	Yes	blank	Yes	\$1,000	blank	Very Low
10	1	1	Yes	55+	Yes	\$1,200	blank	Low
37	2	5	No	blank	Yes	\$1,200	\$35,000	Low
46	1	2	No	blank	Yes	\$1,200	blank	Low
25	SRO	1	No	blank	Yes	\$1,225	blank	Low
1	1	1	No	blank	yes	\$1,350	blank	Moderate
2	3	2	Yes	blank	yes	\$1,400	blank	Low
51	1	2	No	blank	Yes	\$1,500	blank	Moderate
57	2	2	No	student	Yes	\$1,500	blank	Moderate
35	2	2	No	blank	Yes	\$1,600	blank	Moderate
56	1	1	No	55+	Yes	\$1,600	blank	Moderate
12	2	3	No	blank	Yes	\$1,700	blank	Moderate
21	2	2	No	blank	Yes	\$1,800	blank	Moderate
53	2	2	No	student	Yes	\$1,850	\$5,600	Moderate
52	1	1	No	blank	Yes	\$2,200	blank	Upper
64	2	3	Yes	student	Yes	\$1,600	blank	Moderate
65	2	3	No	55+	Yes	\$1,500	blank	Moderate
5	1	2	Yes	55+/Dis	No	blank	\$12,000	Extremely Low
4	2	1	Yes	55+/Dis	No	blank	\$12,000	Extremely Low
60	2	1	Yes	55+	No	blank	\$13,000	Extremely Low
13	1	1	Yes	55+	No	blank	\$15,000	Extremely Low
41	2	1	Yes	student	blank	blank	\$16,000	Extremely Low
26	1	1	Yes	blank	blank	blank	\$30,000	Low
15	1	1	Yes	55+	No	blank	\$40,000	Moderate
39	1	1	Yes	blank	blank	blank	\$45,000	Moderate
22	1	2	Yes	55+	blank	blank	\$48,000	Moderate
49	2	2	No	55+	blank	blank	\$60,000	Moderate
54	2	2	Yes	55+	blank	blank	\$77,000	Upper
9	1	2	Yes	55+	No	blank	\$80,000	Upper
14	2	2	Yes	55+	No	\$0	\$141,000	Upper
62	1	1	Yes	55+	No	blank	\$10,000	Extremely Low
63	1	1	Yes	55+	No	blank	\$12,000	Extremely Low
67	1	1	Yes	55+/Dis	No	blank	\$14,000	Extremely Low
48	1	2	Yes	55+/Dis	blank	blank	N/A	Low
47	2	2	Yes	Disabled	blank	blank	blank	Low
45	3	1	Yes	blank	blank	\$0	\$0	Extremely Low
42	2	1	Yes	blank	blank	blank	\$0	Extremely Low
40	1	1	Yes	55+	blank	\$0	\$0	Extremely Low
23	1	1	Yes	55+	blank	blank	\$0	Extremely Low
3	2	1	No	55+	No	\$0	\$0	Extremely Low

*Affordability was calculated based on number of residents in addition to either monthly rent and/or annual income, if provided.

II. Craigs List Data

Accessed Craigs List between Nov. 4 - Dec. 4, 2008

Type	BDRMS	Rent/Mo.	Location	# in Hhold	Afford.
Studio	Studio	\$900	Ua Simi	1	Low
Studio	Studio	\$800	El Rio	1	Low
G. House	Studio	\$850	La Conchita	1	Low
G. House	1 Bdrm	\$1,200	Cam Heights	2	Low
G. House	1 Bdrm	\$1,400	Somis	2	Mod
G. Flat	1 Bdrm	\$1,150	UA Ojai	2	Low
G. House	1 Bdrm	\$1,275	Mira Monte	2	Low
G. House	1 Bdrm	\$1,650	Ua Ojai	2	Mod
G. House	1 Bdrm	\$1,375	Santa Rosa \	2	Mod
G. House	1 Bdrm	\$950	Oak View	2	Low
G. House	1 Bdrm	\$1,250	Somis	2	Low
G. House	2 Bdrm	\$1,900	Somis	3	Upper
G. House	2 Bdrm	\$2,000	Santa Rosa \	3	Upper
G. House	3 Bdrm	\$2,400	Oak View	5	Upper
G. House	3 Bdrm	\$1,595	Newbury Par	5	Low

Accessed Craigs List information on April 2 and 6, 2009

Type	BDRMS	Rent/Mo.	Location	# in Hhold	Afford.
G. House	1	\$950	Oak View	2	Low
G. House	1	\$975	UA Vent (Kat	2	Low
G. House	1	\$975	UA Vent (Mo	2	Low
G. House	1	\$1,000	Newbury Par	2	Low
G. House	1	\$1,099	Oak View	2	Low
G. House	1	\$1,150	Newbury Par	2	Low
G. House	1	\$1,200	Somis	2	Low
G. House	1	\$1,325	Newbury Par	2	Low
G. House	1	\$1,400	Cam Hghts	2	Mod
G. House	1	\$1,450	New Park	2	Mod
2DU	2	\$1,499	Cam Hghts	3	Low
G. Flat	1	\$1,500	UA Ojai	2	Mod
G. House	2	\$1,525	Cam Hghts	3	Low
G. House	1	\$1,525	UA T.O.	2	Mod
G. House	2	\$1,700	Oak View	3	Mod

Used key words, "granny flat, second unit, and guest house" to narrow the search

Used all entries that were in unincorporated Ventura County; did not include any City entries.

**ATTACHMENT TWO -December 30, 2009 letter from CRLA to
Ventura County**

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Santa Cruz
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LLS

December 30, 2008

Ms. Marty Robinson (Hand-Delivered)
Chief Executive Officer and Clerk of the Board of Supervisors
County of Ventura
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Ventura, California 93009

Ms. Roberta Rodriguez (Hand-Delivered)
Chief Deputy Clerk of the Board of Supervisors
800 South Victoria, #1920
Ventura, California 93009

Supervisor Peter C. Foy (Via Federal Express - Priority Overnight)
Chair of the Board of Supervisors, County of Ventura
980 Enchanted Way, #203
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Supervisor Steve Bennet (Via Federal Express - Priority Overnight)
Vice Chair of the Board of Supervisors, County of Ventura
800 South Victoria Avenue, L #1900
Ventura, California 93009

Supervisor Linda Parks (Via Federal Express - Priority Overnight)
Board of Supervisors, County of Ventura
2967 Thousand Oaks Blvd
Thousand Oaks, California 91362

Supervisor Kathy I. Long
Board of Supervisors, County of Ventura
800 South Victoria Avenue, L#1880
Ventura, California 93009

Supervisor John K. Flynn
Board of Supervisors, County of Ventura
2900 Saviors Road, 2nd Floor
Oxnard, California 93033

re: Notice of General Plan Violation as to Ventura County General Plan
Amendment GP07-0002 update of the Housing Element (Population and
Housing chapters of the *Land Use Appendix and Goals, Policies and
Programs*), adopted July 22, 2008 ("Housing Element")

Dear Ms. Rodriguez, Chair Foy, Vice Chair Bennett, Supervisor Parks,
Supervisor Long and Supervisor Flynn:

This letter is submitted by California Rural Legal Assistance, Inc. ("CRLA")
on behalf of CRLA's lower income client, who is a resident of the County of
Ventura ("the County"), is in need of affordable and appropriately sized



page two

**CRLA letter to County of Ventura re General Plan Violation
December 30, 2008**

housing, and is concerned about an adequate supply of affordable housing in the unincorporated areas of the County for farmworkers and others in need of lower income housing. On behalf of CRLA's client, we are writing in support of and to encourage or facilitate the development of housing that would increase the supply of housing in the unincorporated areas of the County affordable to lower income persons and families.

In accordance with California Government Code Section 65009(d), we are notifying the County that its Housing Element does not substantially comply with State housing element law in that it does not identify adequate sites for lower income housing, especially very low and extremely low income housing, including multifamily rental housing and farmworker housing and it does not make adequate provision for existing and projected regional housing needs. Because of these inadequacies, all planning and land use activities taken or contemplated by the County can be challenged as invalid because the County will be unable to make any required findings of general plan consistency.

On November 10, 2008 the California Department of Housing and Community Development ("HCD") notified the County that the Housing Element was not in compliance with State housing Element law. For convenience, a copy of the 11/10/08 HCD letter is attached.

The County's Housing Element is deficient in the following respects:

1. It does not contain an adequate 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 those sites.
2. It does not adequately demonstrate progress towards the County's Regional Housing Needs Assessment ("RHNA"). In order to credit units towards lower-income households, the housing element must demonstrate the affordability of the units, including single family units, second dwelling units, farmworker housing and mobilehomes based on actual rents and sales prices or other mechanisms ensuring affordability in the planning period.
3. It does not contain an adequate program which sets forth a schedule of actions the County is undertaking at appropriate intervals to facilitate the development of housing for lower income units within the planning period. The County's programs specifically fail to make adequate provision for the housing needs of the lower income segments of the community by failing to include the following:

- a. an identification of adequate sites which will be made available through appropriate zoning and development standards with public services and facilities 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, mobilehome, emergency shelters, and transitional housing in order to meet the community's housing goals as identified in the Housing Element;
- b. a program to address the shortfall of sites to accommodate 100 percent of the remaining lower income housing need, especially very low and extremely low income households; such a program should include the identification of specific sites for rezoning to allow at least 16 units at a density of 20 du/ac, and development standards that could accommodate and facilitate the feasibility of housing for lower income households and permit owner-occupied and rental multifamily uses by right pursuant to Government Code Sections 65583(a)(3), 65583 (c)(1), and 65583.2, with the rezoning to occur by a specific date;
- c. a program to address the shortfall in sites to accommodate the need for farmworker housing, which will provide sufficient sites to meet the need with zoning that permits farmworker housing use by right at densities and development standards that facilitate and make it feasible to develop farmworker housing for very low, including extremely low, and low income households (Government Code Sections 65583(a)(7)) and 65583(c)(1)); the program must treat farmworker housing in an agricultural zone, as defined by Health and Safety Code Section 17021.6(b), as an agricultural use;
- d. a program to expedite reviews or assist with entitlement processing for housing affordable to lower income households, including farmworker households; to develop a fee calculation brochure that could assist a project for lower income units in determining the total amount of fees assessed at the time of project application submittal;
- e. a program to assist in the development of housing for farmworkers, that develops a list of parcels suitable for the development considering water and sewer constraints and LAFCO policies; and reduces the permit requirement for on-site packaged sewer treatment facilities from a conditional use permit ("CUP") to a planned development ("PD") or develops objective standards for consideration of the CUP beyond

page four

CRLA letter to County of Ventura re General Plan Violation
December 30, 2008


more subjective compatibility and general health and welfare requirements which could act as a constraint;

f. a program which addresses and where appropriate and legally possible, removes government constraints to the maintenance, improvement and development of housing (e.g. an analysis of the CUP and the PD, and the potential impact on housing approval certainty and cost, especially for lower income housing, including multifamily and/or farmworker projects)

The County's failure to adopt a valid Housing Element not only violates State housing element law, but also raises serious fair housing concerns, including violations of Government Code Section 65008, the California Fair Employment and Housing Act (Government Code Sections 12900 *et seq.*), the Federal Fair Housing Act (42 U.S.C. Sections 3602 *et seq.*) and the Americans with Disabilities Act (42 U.S.C. Sections 12131 *et seq.*)

We urge the Board of Supervisors of the County of Ventura to bring its Housing Element into compliance with State housing element law within sixty (60) days in accordance with Government Code Section 65009(d).

Sincerely,
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.


Eileen McCarthy
Staff Attorney

attachment

cc: Ms. Cathy Creswell, Deputy Director, Division of Housing Policy Development, HCD
Ms. Melinda Coy, HCD Representative, Division of Housing Policy Development, HCD

**ATTACHMENT - NOVEMBER 10, 2008 LETTER FROM THE STATE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO
THE COUNTY OF VENTURA**

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT

1800 Third Street, Suite 430
P. O. Box 932053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov

ARNOLD SCHWARZENEGGER, Governor



November 10, 2008

Ms. Marty Robinson, County Executive Officer
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

Dear Ms. Rodriguez:

RE: Review of the County of Ventura's Adopted Housing Element

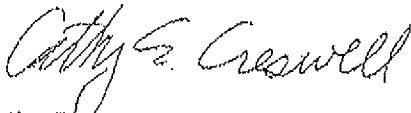
Thank you for submitting County of Ventura's housing element adopted on July 22, 2008 and received for review on August 12, 2008 with additional information received November 10, 2008. The Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h). 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 House Farmworkers, California Rural Legal Assistance, and Cabrillo Economic Development Corporation pursuant to Government Code Section 65585(c).

The revised draft element addresses many of the statutory requirements described in the Department's April 10, 2008 review. For example, the element now includes a more detailed analysis of the regulatory framework, quantified objectives, and commits to actions to amend the zoning ordinance to provide housing types for special needs populations. However, further revision is necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element must still demonstrate the adequacy of second units to accommodate the regional housing need for lower-income households, and should expand programs to assist in the development of housing for extremely-low income households and farmworkers. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

Ms. Marty Robinson, County Executive Officer
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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 the remaining 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,



Cathy E. Creswell
Deputy Director

Enclosure

cc: Ms. Kim Rodriguez, Planning Director
Bruce Smith, General Plan Section Manager
Shelley Sussman, Project Manager
Sonja Flores, House Farmworkers
Eileen McCarthy, California Rural Legal Assistance
Nicole Norori, Cabrillo Economic Development Corporation

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/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element/?index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

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 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 regional housing need allocation (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 second units, farmworker housing, and the remaining multifamily capacity within the California State University Channel Islands (CSUCI) site to address this need. However, to demonstrate the adequacy of these strategies to accommodate the County's share of the regional housing need, the following revisions are still required:

Progress Toward the RHNA: The element now includes Table 3.3.5-7 describing the number of units constructed by housing type but does not demonstrate the relationship between units credited in Table 3.3.5-6 to housing types listed in Table 3.3.5-7 by income category. For example, the element should include information described in the chart augmenting Table 3.3.5-7 received on November 10, 2008 which includes information on the number of units affordable to each income category by dwelling unit type. However, to credit units toward the lower-income households, the element must demonstrate the affordability of the units based on actual rents and sales prices or other mechanisms ensuring affordability in the planning period (not building valuation) information as follows:

- **Single-Family Units:** According to the element, the County determined the affordability of single-family units based upon sales prices where available, and a combination of land value and improvement value for those units where sales prices were not available (page 65). For these units, actual sales prices must be used to determine affordability of the unit. For example, to demonstrate the units are affordable towards the housing need for lower-income households, the element should include the sales prices of the 17 single-family units credited. If affordability cannot be determined by actual sales prices or rents, and without additional information to corroborate the parcel data, the element should credit these units to a higher income category based on market-rate sales prices.

- **Second Units:** The element describes a methodology to calculate affordability of second units based on an assumed 15-year construction loan but does not include any information how those assumptions relate to the actual affordability of the unit. As the County intends to credit all second units built towards the RHNA for lower-income households, a more accurate methodology must be included demonstrating the assumptions accurately reflect the affordability of the units. For example, according to rental information provided on November 10, 2008, smaller rental units, and guest houses and cottages, are being advertised at rates affordable to very low- to moderate-income households. If similar information is used to demonstrate affordability, the County may need to adjust the percentage anticipated to be affordable to lower-income households to reflect the percentage likely to be renting at rates affordable to moderate-income households.

Even though Ventura County was not successful in collecting rental survey data by phone, other methodologies the County could use to determine affordability include rent per square foot data, information from newspapers and other rental sources advertising second units, an anonymous written survey, affordability data from nearby incorporated Cities where available, or include some corroborating data relating cost of construction to the amount of rent typically charged. To assist in this analysis for future planning periods, the County could consider implementing a mechanism for surveying the anticipated rent at the time the building permit is issued.

- **Mobilehomes:** The element does not include any information to determine the affordability of mobilehomes in Ventura County. Should the element credit these units against the housing need for lower-income households, the element must include data reflecting sales prices of these units.

Second Units: The element estimates 233 second units will be completed between January 1, 2007 and the end of the planning period based upon an estimate of 31 units per year. The methodology used to determine anticipated affordability is insufficient to demonstrate realistic capacity of second units affordable to lower-income households. As a result, the County may need to adjust the percentage of the 233 units anticipated to be affordable to lower-income households accordingly.

Emergency Shelters, Transitional housing, and Supportive Housing: The element now includes Program 5(3) to amend the Zoning Ordinance to clarify which zones allow special needs housing including emergency shelter, transitional housing, and supportive housing. Please note, should the County submit subsequent draft revisions to the adopted element, 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 conditional use permit (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. In addition, in accordance with SB 2 transitional and supportive 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. For further information, refer to the Department's memo at http://www.hcd.ca.gov/hpd/housing_element2/SB2memo071708_final.pdf.

2. *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)).*

Permit Processing: While the element includes descriptions of the Planned Development Permit Process (PD) and the CUP, it does not include an analysis of the potential impact on housing approval certainty, timing, and cost. This analysis is especially important as both multifamily and multifamily farmworker projects require a PD permit for development.

B. Housing Programs

1. *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 A1, the element does not include a complete site analysis and 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 revise Program 5.11 to address a shortfall of sites. In addition to identifying sites allowing at least 16 units at a density of 20 du/acre, the program would need to be revised to identify specific sites to be rezoned by a specific date to accommodate 100 percent of the remaining lower-income housing need and permit owner-occupied and rental multifamily uses by-right pursuant to Government Code Sections 65583(a)(3) and 65583.2.

2. *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)).*

While the element includes programs to allow larger unit sizes in second units to accommodate three or more bedrooms, the element must still commit to specific programs to assist in the development of housing for extremely-low income households. The element includes Program 5.10 to amend the County's Zoning Ordinance to comply with State Density Bonus Law and to evaluate the deferment of fees, reduction in

development standards, and improvement fees for qualified "affordable housing". The element also includes program 5.8 which will allow for the creation of substandard size parcels in the AE zone for the purposes of farmworker housing development. However, given the identified need for farmworker housing, and the lack of housing opportunities for lower-income households, especially extremely low-income households, the element should modify or include additional programs to commit to assist in the development of housing that could accommodate these households. For example, given the length of time required for project approval, the element could include programs to expedite reviews or assist with entitlement processing. The County could also consider developing a fee calculation brochure that could assist a project in determining the total amount of fees assessed at the time of project application submittal.

Furthermore, to assist in the development of housing for farmworkers, the element could include a program to develop a list of parcels suitable for the development of housing for farmworkers considering water and sewer constraints, and LAFCO policies. As the availability of sewer services is limited within the unincorporated County, Ventura could also consider reinstating the program from the previous draft element reducing the permit requirement for on-site packaged sewer treatment facilities from a CUP to a PD or developing objective standards for consideration of the CUP beyond more subjective compatibility and general health and welfare requirements which could act as a constraint.

For further information and suggestion on ways in which to assist in the development of housing affordable to extremely-low income households, refer to the Department's *Building Blocks* website at http://www.hcd.ca.gov/hpd/housing_element2/PRO_assist.php.

3. *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 A2, 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 to address and remove or mitigate permit processing constraints.