

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

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March 15, 2021

Patsy Chow, Deputy Director/City Planner  
Community Development Department  
City of Vista  
200 Civic Center Drive, 1<sup>st</sup> Floor  
Vista, CA 92084

Dear Patsy Chow:

**RE: Review of the City of Vista's 6<sup>th</sup> Cycle (2021-2029) Draft Housing Element Update**

Thank you for submitting the City of Vista's (City) draft housing element received for review on January 15, 2021, along with revisions received on March 3 and 4, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on February 24, 2021 with the City's housing element team. In addition, HCD considered comments from the San Diego Housing Federation pursuant to Government Code section 65585, subdivision (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 Gov. Code). The enclosed Appendix describes revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of April 15, 2021 for SANDAG localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at:  
[http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375\\_final100413.pdf](http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf)

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element 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.

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 will meet housing element requirements for these and other funding sources.

HCD appreciates the responsiveness and dedication of the City's housing element team during the course of our review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at [jose.ayala@hcd.ca.gov](mailto:jose.ayala@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" and the last name "West" clearly distinguishable.

Shannan West  
Land Use & Planning Unit Chief

Enclosure

## APPENDIX CITY OF VISTA

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. *An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (c)(10)(A).)*

The element identifies the age of the housing stock and estimates need based on the lack of kitchen and plumbing facilities as reported to the Census Bureau. However, these factors may not be the best indicators of housing conditions and the element should include additional information to estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.

2. *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).)*

The element, among other things, must include outreach, an assessment of fair housing, identification and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. The Department will provide additional resources and data under separate cover. For more information, please contact HCD and visit <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

3. *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).)*

**Small Sites:** The element identifies many sites at less than a half-acre. These sites are not eligible absent a demonstration that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of

lower-income housing units as projected for the site or unless other evidence is provided. The inventory indicates some sites can be consolidated but should also provide analysis demonstrating the potential for consolidation. For example, the analysis could describe the city's role or track record in facilitating small-lot consolidation, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for lot consolidation, or information from the owners of each aggregated site.

**Realistic Capacity:** The element assumes residential development on sites zoned for non-residential uses. To support this assumption, the element lists some recent projects and describes how some zoning allows residential uses but does not address the likelihood of residential in zoning intended for non-residential uses. The element must include analysis based on factors such as development trends including non-residential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs.

**Affirmatively Furthering Fair Housing:** The element does not address this requirement. The element must identify sites throughout the community and evaluate whether sites foster inclusive communities and affirmatively further fair housing. For more information, please contact HCD and visit <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

**Sites with Zoning for a Variety of Housing Types:**

- ***Emergency Shelters:*** The element describes a zone to permit emergency shelters without discretionary action but must also describe development standards and sufficient capacity to accommodate the need for emergency shelters. The analysis must also address whether parking requirements are limited to staff working in the emergency shelters and do not require more parking than other residential or commercial uses in the zone. The element must include programs as appropriate based on the outcomes of this analysis.
- ***Transitional and Supportive Housing:*** The element notes transitional and supportive housing is permitted in some zones, but these uses must be permitted in all zones allowing residential uses. In addition, transitional and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. The element must demonstrate compliance with this requirement or add or modify a program to amend zoning.
- ***Residential Care for Seven or More Persons:*** The element shows (Table 35) that group homes for seven or more persons are excluded in some zones allowing residential uses (e.g., O-R zone). In addition, the element describes various locational criteria that may impact available capacity. Both of these

requirements must be evaluated as potential constraints and programs should be added or modified as appropriate.

4. *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. (Gov. Code, § 65583, subd. (a)(5).)*

Land-Use Controls: The element identifies and describes various land use controls, including zoning, overlays and development standards. The element must also include an analysis of the impacts of these land use controls on the cost, supply, and approval certainty of development. This analysis must specifically evaluate land use controls individually and cumulatively for impacts, including the ability to achieve maximum densities without exceptions (e.g., variance, conditional use, density bonus law). The analysis must specifically address height and parking requirements in multifamily zones and include programs to address and remove or mitigate identified constraints.

Local Processing and Permit Procedures: While the element states more complex projects are subject to planning commission review, it should also identify approval findings and analyze those findings for impacts on cost, timing and approval certainty. Programs must be added or modified to address any identified constraints.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

The element contains general information regarding the number of farmworkers within the jurisdictions and general employment trends in the region. However, the element must also include information regarding the number of farmworkers, including permanent and seasonal, in the region. HCD will send data under separate cover for the San Diego region.

## **B. Housing Programs**

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that 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, the 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. (Gov. Code, § 65583, subd. (c).)*

Programs must include definitive implementation timelines, where appropriate, to have a beneficial impact in the planning period. Several programs indicate that programs will be implemented along with the general plan and zoning code which will kick off in 2022. However, these programs should also have a completion date early enough in the planning period to have a beneficial impact toward the goals and objectives of the housing element. Programs to be revised, include, but are not limited to Programs 5 (Affordable Housing Development), 6 (Housing for Special Needs), 8 (Homelessness Prevention Program), 13 (zoning ordinance). In addition:

- *Program 7 (Sites Used in Previous Planning Periods):* The program must amend zoning within 3 years.
  - *Program 8 (Homelessness Prevention Program):* The program commits to amend zoning regarding emergency shelters but should also detail how the zoning will be changed. For example, the program could more specifically commit to amend parking requirements.
  - *Program 12 (ADU Monitoring Program):* The element assumes approximately 50 ADUs per year throughout the planning period based on the number of ADUs permitted in 2020. While HCD applauds the City's recent progress and programs to encourage ADUs, the City may wish to reconsider this assumption for the remainder of the planning period. In addition, the program commits to monitor ADU production and affordability bi-annually. The program should also commit to future adjustments if ADU assumptions are not met and assure the adjustments are taken in a timely manner (e.g., within 6 months). For your information, the adjustment should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.
2. *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 Finding A3, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. 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 or zoning available to encourage a variety of housing types. In addition, programs or policies must be added or modified to address replacement requirements pursuant to Government Code section 65583.2, subdivision (g)(3).

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable extremely low-income (ELI) households. Programs must be revised or added to the element to assist in the development of housing for ELI households. Program actions could include prioritizing some funding for housing developments affordable to ELI households and offering financial incentives or regulatory concessions to encourage the development of housing types, such as multifamily, single-room occupancy (SRO) units, to address the identified housing needs for ELI households.

4. *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 Finding A4, the element requires a complete analysis of potential governmental 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.

5. *Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action. (Gov. Code, § 65583, subd. (c)(4).)*

Based on the outcomes of a complete analysis as noted in Finding A1, the element should add or revise programs as appropriate to address this requirement.

6. *Promote and 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 A2, the element must include a complete analysis of affirmatively furthering fair housing. Based on the outcome of that analysis, the element must add or modify programs.

7. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)*

The element identifies units at-risk of converting to market-rate and as a result must include a program with specific and proactive actions to preserve the at-risk units. For example, the program could support applications by nonprofits for funding to purchase at-risk units, strengthen relationships with the listed nonprofits and develop a plan or strategy for quickly moving forward in the case units are noticed to convert to market-rate uses in the planning period, and consider pursuing funding on at least an annual basis. The program could also commit to contacting non-profits immediately to develop a preservation strategy by a date certain and be ready to quickly act when notice of conversion is received and monitoring the units to ensure tenants receive proper notifications.