

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

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June 30, 2023

Lisa Plowman, Director  
Planning and Development Department  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101

Dear Lisa Plowman:

**RE: County of Santa Barbara's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the County of Santa Barbara's (County) draft housing element that was received for review on April 3, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from David Kellogg pursuant to Government Code section 65585, subdivision (c).

The draft housing element addresses many statutory requirements; however, revisions are necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The enclosed Appendix describes the revisions needed to substantially 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 (February 15, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). 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). Please be aware, if the County fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the County must continue to engage the community, including organizations that represent lower-income and special needs households, by making information

regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and an email with the link sent to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

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

HCD appreciates the efforts of County staff throughout the housing element review. We are committed to assisting the County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact me at [paul.mcdougall@hcd.ca.gov](mailto:paul.mcdougall@hcd.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall  
Senior Program Manager

Enclosure

## APPENDIX COUNTY OF SANTA BARBARA

The following changes are necessary to bring the County'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 <https://www.hcd.ca.gov/planning-and-community-development/hcd-memos>. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks> 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).)*

Disproportionate Housing Needs: The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the County, such as areas of higher need. For homelessness, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis. Finally, the element should discuss displacement risk related to disasters, including any disproportionate impacts on lower-income households and special needs households.

Local Data and Knowledge: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the County related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers, County staff and related local and county planning documents.

Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the County. For instance, the element can analyze historical land use, zoning and barriers to housing choices, investment practices, seeking investment or lack of seeking investment to promote affordability and inclusion, information about redlining/greenlining, restrictive covenants and other discriminatory practices, land use related lawsuits, local initiatives, demographic trends, or other information that complements the state and federal data.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess contributing factors and particularly prioritize those factors then formulate appropriate policies and programs.

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).)*

Progress in Meeting the Regional Housing Needs Allocation (RHNA): The element may utilize pending, approved and completed projects toward the RHNA but must also demonstrate their availability in the planning period. For pending projects related to the University of California, Santa Barbara, the element should discuss the anticipated schedule, remaining steps and any known barriers for Ocean Road and Devereux. For all other projects, the element should address anticipated completion, planning horizons, phasing requirements, any known barriers to development in the planning period and likelihood of entitlements expiring.

Large Sites: Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. The element identifies several large sites and mentions sites could be subdivided but should also discuss how subdivision, zoning or other circumstances will facilitate housing affordable to lower-income households. This is particularly important since typical developments affordable to lower-income households that are state funded generally range 50 to 150 units in size and some identified sites exceed this range. Based on the outcomes of this analysis, the element should add or modify programs to encourage developments affordable to lower-income households on large sites.

County-Owned Sites: While the element identifies several County-Owned sites, including describing their status and any known barriers, it should also discuss the anticipated schedule and remaining steps to develop the sites.

Environmental Constraints: While the element describes environmental constraint and some other known conditions that could impact development, it should also discuss whether local coastal policies will impact development on identified sites.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the County must submit an electronic sites inventory with its adopted housing element. The County must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The County can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance.

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... local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Processing and Permit Procedures: The element lists approval findings for the DVP permit and mentions some findings are objective. However, some findings appear subjective. For example, the finding that a proposed project will not be detrimental to comfort and convenience and will not be incompatible with the surrounding area appears to be subjective. The element should evaluate findings that are subjective for impacts on approval certainty and timing and add or modify programs as appropriate.

Other Ordinances: The element describes the County's inclusionary requirement and mentions most applicants utilize State Density Bonus Law (SDBL). However, the element should also discuss how the inclusionary requirement interacts with SDBL, particularly whether inclusionary units meeting SDBL are able to utilize the benefits of SDBL.

4. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... 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... (Gov. Code, § 65583, subd. (a)(6).)*

Approval Times: The element must evaluate the actual length of time between receiving approval for housing development and submittal of application for building permits and discuss any hindrances on construction.

## **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... (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding A2, 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 County 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, the element should be revised as follows:

- *Program 12 (Priorities for Disposal of County Lands):* The Program should include a schedule of actions toward development on County-owned sites. A schedule should include major milestones throughout the development process. Specifically, the Program should commit to when rezoning will be completed, when a notice of availability will be issued, when entitlements will be expedited and completed and when building permits will be issued. Further, the Program

should commit to numerical objectives consistent with assumptions in the sites inventory, including the number of units affordable to lower-income households and take alternative action by a specified date if developments are not occurring as assumed in the inventory.

- *Program 14 (Water and Sewer Service)*: As part of supporting and coordinating with service districts, the Program should also commit to support and assist with funding applications on an annual basis.

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 A3 and A4, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints. In addition, the element should be revised as follows:

- *Program 16 (Governmental Constraints – Group Homes)*: While the Program commits to create objective standards for group homes for seven or more persons, it should also commit to revise zoning and procedures to permit the uses similar to other residential uses of the same type in the same zone.
- *Program 16 (Governmental Constraints – Reasonable Accommodation)*: The Program commits to remove two findings of approval that may act as a constraint on housing for persons with disabilities. However, the County's ordinance appears to have several potentially constraining provisions. The element should evaluate findings of approval and modify Program 16, as appropriate.
- *Program 16 (Governmental Constraints – Growth Management)*: While the Program commits to suspend the growth management ordinance in February 2024, the ordinance should be immediately suspended pursuant to the

3. *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... (Gov. Code, § 65583, subds. (c)(5).)*

As noted in Finding A1, the element requires a complete Affirmatively Furthering Fair Housing (AFFH) analysis. Depending upon the results of that analysis, the County may need to revise or add programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitments, milestones, geographic targeting and

metrics or numerical targets and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in higher opportunity areas, place-based strategies toward community revitalization, and displacement protection.

4. *Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a)... (Gov. Code, § 65583, subds. (c)(6).)*

Program 18 (Preservation of Affordable Housing): The Program should also commit to educate and assist tenants in assisted development that may convert to market rate uses.