



June 4, 2024

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

**SUBJECT: Public Hearing Regarding Adoption of County-Initiated Amendments to Article 7 of the Ventura County Non-Coastal Zoning Ordinance to Amend Regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units Consistent with Government Code Section 66310 et seq.; and to Consider a Finding that the Project is Exempt from the California Environmental Quality Act Pursuant to Public Resources Code Section 21080.17 (PL24-0014); All Supervisorial Districts.**

**RECOMMENDED ACTIONS:**

- a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process.
- b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report (Exhibit 1), that the adoption of the proposed ordinance amending Article 7 of the Non-Coastal Zoning Ordinance to amend regulations for accessory dwelling units and junior accessory dwelling units consistent with Government Code section 66310 et seq. (Proposed Ordinance) (Exhibit 4) is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.17, which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Article 2 (commencing with section 66314) of Chapter 13 of Division 1 of Title 7 of the Government Code.
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C, and D of the Planning Commission staff report (Exhibit 1), that the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (Exhibit 4) is consistent with the goals, policies and programs of the Ventura County General Plan as well as good planning practices and is in the interest of public health, safety, and general welfare.

- d. **ADOPT** the Proposed Ordinance amending Article 7 of the Non-Coastal Zoning Ordinance (Exhibit 4).
- e. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

**FISCAL IMPACTS/MANDATES:**

Mandated:	Yes
Source of Funding:	General Fund
Funding Match Required:	None
Impact on Other Departments:	None

The recommended actions can be completed with existing staff and within the existing Planning Division budget allocations. Implementing the recommended actions is expected to take an additional 150 hours of staff time and is included in the Planning Division's FY 2023-2024 adopted budget and anticipated FY 2024-25 proposed budget. This time will be used to complete post-adoption tasks such as codification of the approved ordinance, preparation of public information materials, updating permit applications, updating the website with Spanish translated materials, and training of Building and Safety Division and Planning Division staff.

Current FY 2023-24 Budget Projection for RMA Planning - Division 2910				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/Deficit
Appropriations	\$ 10,415,656	\$ 11,022,266	\$ 10,043,696	\$ 978,570
Revenue	\$ 4,371,381	\$ 4,371,381	\$ 3,466,401	\$ (904,980)
Net Cost	\$ 6,044,275	\$ 6,650,885	\$ 6,577,295	\$ 73,590

***Strategic Plan:***

This project supports the County Strategic Plan Priority – *Reliable Infrastructure and Sustainability* to provide robust infrastructure, facilities, technology, and land-use policies to enable vibrant and sustainable communities because the completed ordinance amendment will facilitate the development of much needed housing in the County for its residents, while preserving our agricultural land and natural environment.

## **EXECUTIVE SUMMARY:**

State law related to accessory dwelling units and junior accessory dwelling units (ADUs and JADUs<sup>1</sup>) has been amended numerous times over the last several years. An ordinance amending the regulations for ADUs and JADUs in the non-coastal areas of the County was adopted by your Board on February 7, 2023, which was then submitted to the Department of Housing and Community Development (HCD) for its review, as required by State law. HCD requested certain revisions consistent with State law, and the Planning Division added some additional revisions for consistency in implementation. HCD's process for reviewing the County's ordinance was consistent with its review of many other jurisdictions in the State, in which HCD does not typically certify a jurisdiction's adopted ADU ordinance in its first review of the ordinance, but instead provides the jurisdiction with a list of findings instead. This Board letter includes background information about the requested revisions from HCD which necessitated the ordinance amendment, a summary of the Proposed Ordinance, recommendations received from the Planning Commission during its April 4, 2024 public hearing regarding the draft ordinance, related environmental CEQA exemption, and public comments received.

The Proposed Ordinance includes amendments to Section 8107-1.7 of the Non-Coastal Zoning Ordinance (NCZO) including: 1) revisions recommended by HCD to the regulations that apply to ADUs and JADUs that require approval of only a building permit in residential and mixed-use zones (Building Permit ADUs and JADUs); 2) revisions to address new State law provisions effective January 1, 2024, and urgency legislation effective March 25, 2024; and 3) revisions recommended by staff to clarify and facilitate consistent implementation of the new ADU regulations.

This project will be instrumental in further facilitating the development of ADUs and JADUs in the unincorporated area, which can be counted toward meeting the County's Regional Housing Needs Allocation (RHNA) set by the State in the County's certified 2021-2029 Housing Element. Notably, within the first two years of the 6<sup>th</sup> RHNA cycle (i.e., from October 16, 2021 through December 31, 2023), a total of 278 ADUs and JADUs were produced, which is equivalent to approximately 50 percent of the County's ADU target for the entire 2021-2029 planning period.

## **BACKGROUND:**

The State Legislature has declared that California faces a severe housing crisis and is failing to meet housing demands, particularly for lower and middle-income earners (Gov. Code, § 66310, subdivisions (e) and (f)). Lack of housing has caused increased housing

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<sup>1</sup> Pursuant to [Government Code section 66313\(a\)](#), an ADU is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. And, pursuant to [Government Code section 66313\(d\)](#), a JADU is a dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence.

costs, particularly for renters. To increase housing development, several laws have been passed to increase the availability of ADUs and JADUs, which are “*an essential component of California’s housing supply.*” (Gov. Code, § 66310(h), emphasis added.) ADUs typically cost less to construct than other types of housing, largely because they do not require paying for land or certain major new infrastructure. Additionally, ADUs “*provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below-market prices within existing neighborhoods.*” (Gov. Code, § 66310(b), emphasis added.)

The importance of ADUs is addressed in the County’s 2040 General Plan through various goals and policies in the Land Use Element, as well as the 2021-2029 Housing Element. Specifically, ADUs are recognized as an integral housing type for meeting the County’s RHNA for lower-income housing units in the Housing Element, and assumes that about 44 percent (i.e., 560 units) of the overall RHNA for the 6<sup>th</sup> cycle (from 2021 through 2029) will be addressed by the development of ADUs in the unincorporated County<sup>2</sup>. Overall, HCD’s certification letter for the 2021-2029 Housing Element stressed that since the County is relying on ADUs to address a significant portion of the housing need, it was critical that the County monitor the total number of annual permits issued for ADUs as well as the units’ affordability as part of the 2025 Annual Progress Report.

An ordinance amending the regulations for ADUs and JADUs in the non-coastal areas of the County was adopted by the Board on February 7, 2023 (Ordinance No. 4615, Exhibit 1, sub-exhibit 6, henceforth referred to as “2023 ADU Ordinance”). After adoption, in accordance with Government Code section 66326(a), the 2023 ADU Ordinance was submitted to HCD on April 5, 2023, through HCD’s online portal for its review and certification. HCD’s response letter, requesting revisions to the 2023 ADU ordinance and staff’s communication with HCD thereafter, is summarized in the April 4, 2024 Planning Commission staff report (Exhibit 1).

In addition to HCD-recommended revisions, on October 11, 2023, the Governor signed three new bills into law (Assembly Bills 976, 1033, and 1332), effective January 1, 2024, requiring additional amendments to the 2023 ADU Ordinance. And most recently on March 25, 2024, the Governor approved urgency legislation (Senate Bill 477), which took effect immediately, reorganizing the state law provisions relating to ADUs and JADUs into Government Code sections 66314 et seq. and 66333 et seq. (previously Gov. Code sections 65852.2 and 65852.22), and making other related non-substantive conforming changes. Exhibit 5 includes the currently applicable ADU and JADU laws. Revisions from the effective legislation are integrated into the Proposed Ordinance. Finally, in order to clarify and facilitate consistent implementation of the new ADU regulations, staff has recommended certain clarifying revisions to the 2023 ADU Ordinance. The Planning Division, in collaboration with County Counsel, has prepared the Proposed Ordinance amending Section 8107-1.7 in Article 7 of the NCZO to address the above-mentioned revisions related to ADUs and JADUs (Exhibit 4).

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<sup>2</sup> Table 5-41 from the County of Ventura 2040 General Plan Background Report, Chapter 5 – Housing, adopted on October 12, 2021.

[https://vcma.org/docs/images/pdf/planning/plans/VCGP\\_Background\\_Report\\_Chapter\\_5\\_Housing.pdf](https://vcma.org/docs/images/pdf/planning/plans/VCGP_Background_Report_Chapter_5_Housing.pdf)

The County's goal of 560 ADUs/JADUs in this 6<sup>th</sup> RHNA cycle translates to 70 units per year, which the County is surpassing – illustrating the County's support in producing ADUs and meeting the County's RHNA allocation for lower-income units. As reported in the County's 2023 State-Mandated Annual Progress Report presented to the Board on March 26, 2024<sup>3</sup>, a total of 170 ADUs and JADUs received building permits in calendar year 2023 alone. This brings the total number of ADUs/JADUs produced so far for the 6<sup>th</sup> RHNA cycle to 278 units (from October 16, 2021 through December 31, 2023), which is equivalent to approximately 50 percent of the County's ADU target for the entire 2021-2029 planning period.

### **PROPOSED ORDINANCE:**

Recent changes to State law have directed jurisdictions to allow for development of ADUs and JADUs meeting certain criteria in a streamlined manner to encourage housing production. It is notable that the County's 2023 ADU Ordinance, as well as the Proposed Ordinance described below, builds in additional flexibility for ADUs and JADUs which go above and beyond State law requirements, by accommodating larger units in several different configurations. These additional options have been instrumental in furthering the County's production goal and therefore, directly address HCD's comment during the Housing Element review regarding development of ADUs.

The Proposed Ordinance would amend the 2023 ADU Ordinance, specifically Section 8107-1.7 of the NCZO to amend the regulations that would apply to ADUs and JADUs, as specified in the Proposed Ordinance. A detailed discussion of the Proposed Ordinance is contained in Section A.6 of the Planning Commission staff report and the various combinations and sizes of ADUs that may be permitted on different zoned lots is illustrated in the staff presentation to the Planning Commission (Exhibit 1, sub-exhibit 11). Proposed revisions to Section 8107-1.7 after the April 4, 2024 Planning Commission hearing are indicated in Exhibit 3 in blue strikeout and underline text, and in Exhibit 4 in a clean version. Primarily, the following subsections of Section 8107-1.7 were revised:

**Section 8107-1.7.4** governs ADUs that must be ministerially approved with only a building permit on lots with existing or proposed single-family or multifamily dwellings pursuant to Government Code section 66323 ("Building Permit ADUs"). Building Permit ADUs are only available in specified residential or mixed-use zones (e.g., R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, or CPD/CBD). Revisions to this section include:

- a) HCD-recommended revisions to subsections (a) and (b) of Section 8107-1.7.4 now allow a property owner to build two Building Permit ADUs as a combination of one ADU pursuant to subsection (a) (i.e., one ADU within the space of a

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<sup>3</sup> County of Ventura, Board of Supervisors Hearing of March 26, 2024 (Item 52): <https://ventura.primegov.com/portal/item?id=266382>

single-family dwelling or accessory structure (Conversion ADU)), and one ADU pursuant to subsection (b) (i.e., one new detached ADU up to 850 square feet).

Revisions to these sections also include staff-recommended revisions that would allow property owners to combine one Building Permit ADU pursuant to either subsection (a) or (b) of Section 8107-1.7.4, with one Zoning Clearance ADU pursuant to Section 8107-1.7.5 on an eligible residential or mixed-use lot, as specified in the Proposed Ordinance.

After the April 4, 2024 Planning Commission hearing (described below), staff identified a clarification revision necessary for Section 8107-1.7.4(b)(5)(a) to clarify that a detached new construction Building Permit ADU may not be combined with another detached ADU approved with a Zoning Clearance. Staff presented and explained this nuance to the Planning Commission on April 4, 2024, but realized after the hearing that a clarification revision was necessary to make clear that, for lots with an existing or proposed single-family dwelling, a detached new construction Building Permit ADU may only be combined with either one Conversion ADU approved with a Building Permit (meeting standards of Section 8107-1.7.4(a)) or one attached ADU approved with a Zoning Clearance (meeting the standards of Section 8107-1.7.5), and one JADU. This clarification revision is reflected in the Proposed Ordinance.

- b) HCD-recommended revision to Section 8107-1.7.4(d) which removes the requirement that, for lots with an existing or proposed multifamily dwelling, detached ADUs be detached from other accessory structures.

**Section 8107-1.7.5** governs ADUs that do not qualify as Building Permit ADUs under Section 8107-1.7.4, but that are approved ministerially with a Zoning Clearance (“Zoning Clearance ADUs”). These ADUs are allowed in all zones that allow residential uses, and are the only ADU options available for lots zoned Open Space (OS), Agricultural Exclusive (AE) and Timberland Preserve (TP) with an existing or proposed single-family or multifamily dwelling. Section 8107-1.7.5 establishes: objective development standards for setback, height and parking requirements; size limitations for attached and detached ADUs based on lot size; requirements for ADUs created within the space of an existing or proposed single family structure on lots zoned OS, AE, and TP; and a limited exception to the applicability of certain development standards to allow an ADU up to 850 square feet, as required by State law. Revisions to this section include:

- a) Staff-recommended revisions to allow property owners of lots within a residential or mixed-use zone the ability to build one ADU on each lot with a Zoning Clearance pursuant to Section 8107-1.7.5, and an additional ADU directly with a building permit pursuant to Section 8107-1.7.4, subsections (a) or (b), provided they meet the applicable criteria. Only one ADU with a Zoning Clearance would continue to be allowed on lots within the AE, OS, and TP

zones pursuant to Section 8107-1.7.5 as they are not residential or mixed-use zones.

**Section 8107-1.7.6** addresses the specific requirements for JADUs, which are approved ministerially with only a building permit, consistent with Government Code section 66333 et seq. Revisions to this section include:

- a) HCD-recommended revision to Section 8107-1.7.6(a)(1), which removed the Residential Planned Development (RPD) zone as an allowable zone for JADUs; and
- b) HCD-recommended revision to Section 8107-1.7.6(a)(2), which now allows one JADU on a lot with multiple detached single-family dwellings.

### ***Other Revisions***

In addition to the above-mentioned revisions the Proposed Ordinance includes revisions to Sections 8107-1.7.2 and 8107-1.7.7(e)(4) based on new State legislation (Assembly Bills 976 and 1033); and a staff-recommended cross reference to Section 8107-1.7.7(f)(2). These revisions are described further in the Planning Commission staff report (Exhibit 1).

As mentioned in the Background section of this Board letter, the Governor approved urgency legislation on March 25, 2024, which reorganized the state law provisions relating to ADUs and JADUs and made various other related non-substantive conforming changes to State law. Staff learned of this urgency legislation after the April 4, 2024, Planning Commission hearing (described below), and have revised the Proposed Ordinance to reflect these most recent changes to State law. These revisions are reflected in the Proposed Ordinance in legislative format in Exhibit 3 and clean format in Exhibit 4.

### **PLANNING COMMISSION HEARING:**

The proposed ordinance was presented to the Planning Commission on April 4, 2024. The Planning Commission staff report and the associated exhibits from the hearing including the staff presentation are included hereto as Exhibit 1. One written public comment was received (Exhibit 1, sub-exhibit 11) but there were no public comments made during the Planning Commission hearing.

### ***Planning Commission Decision***

The Planning Commission voted 4-0 to approve staff's recommendations including a recommendation that your Board adopt the proposed ordinance. The Planning Commission resolution regarding the project is attached as Exhibit 2.

As explained above, after the April 4, 2024, Planning Commission hearing, staff made one clarifying revision to Section 8107-1.7.4(b)(5)(a), consistent with the material presented to the Planning Commission, and additional revisions to address the urgency

legislation that took effect on March 25, 2024. These revisions are reflected in Exhibit 3 (in legislative/strike-out version in blue text) and have been incorporated into the Proposed Ordinance (Exhibit 4).

**ENVIRONMENTAL REVIEW:**

The Proposed Ordinance (Exhibit 4) is a “project” as defined by the California Environmental Quality Act (“CEQA”) (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, title 14, §15000 et seq.).

Planning Division staff has determined that the adoption of the Proposed Ordinance (Exhibit 4) is exempt from CEQA review pursuant to Public Resources Code section 21080.17 which provides, in pertinent part, that CEQA does not apply to the adoption of an ordinance to implement the provisions of Article 2 (commencing with section 66314) of Chapter 13 of Division 1 of Title 7 of the Government Code. The Proposed Ordinance implements recent amendments to Government Code section 66310 et seq. establishing new requirements relating to the ministerial approval of ADU and JADU applications. On that basis, adoption of the Proposed Ordinance is exempt from CEQA.

**PUBLIC NOTICE AND OUTREACH:**

Since the adoption of the 2023 ADU Ordinance, Planning Division staff updated the ADU-related webpage to share information regarding ADUs and JADUs allowed with a building permit, and the process for obtaining a Zoning Clearance for all other ADUs. In addition, staff is in the process of preparing informational brochures and handouts that will help property owners understand the various ADU and JADU options and assist them with navigating the new permit processing requirements, which will be posted online after the Proposed Ordinance is adopted by the Board of Supervisors and certified by HCD. After certification of the ordinance, County staff also anticipates updating the standardized floor plans available for ADUs in the future. These plans will be modified to align the size of the units to the allowable sizes in the Proposed Ordinance, and will be pre-approved by the Building and Safety Division.

The Planning Division provided public notice regarding this Board hearing in accordance with Government Code section 65090. Notice of this Board hearing was published on May 23, 2024, in both English in the *Ventura County Star* and in Spanish in *Vida*. Information regarding the hearing was emailed directly to those included on the interested parties list for the project, which consists of over 200 subscribers. As of May 28, 2024, no comment letters were received by the Planning Division regarding the project.

This letter was reviewed by the County Executive Office, the Auditor-Controller’s Office, and County Counsel’s Office. If you have any questions regarding this item, please contact me

at (805) 654-2481, or Ruchita Kadakia, Housing and State Mandates Manager, at (805) 654-2414 or via email at [Ruchita.Kadakia@ventura.org](mailto:Ruchita.Kadakia@ventura.org).

*Susan Curtis* for Dave Ward

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Dave Ward, AICP, Director  
Ventura County Planning Division

**ATTACHMENTS:**

- Exhibit 1: Planning Commission Staff Report dated April 4, 2024, including sub-exhibits 2 through 10, and sub-exhibit 11 which includes the public comment received, and Planning Division PowerPoint presentation
- Exhibit 2: Planning Commission Resolution No. 24-05
- Exhibit 3: Legislative version of Proposed Ordinance amending Article 7 of NCZO
- Exhibit 4: Proposed Ordinance amending Article 7 of NCZO
- Exhibit 5: ADU and JADU Laws (Government Code section 66310 et seq.), last updated March 25, 2024