

EXHIBIT 4a

Proposed Non-Coastal Zoning Ordinance Amendments for Density Bonus and Special Needs Housing (Legislative version)

Proposed NCZO and CZO Amendments related to Density
Bonus and Special Needs Housing

(PL23-0135)

NOTE: The proposed amendments in this exhibit are shown in legislative format. All newly proposed text is shown as black underlined text, and text that is proposed for deletion is shown as ~~red-strikeout-text~~. Staff comments, which are not part of the amendment package, are shown in *[blue italicized font within brackets]* and provide an explanation for the proposed amendment.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AMENDING ARTICLES 1, 2, 5, 7, 8, 9, 11, 16, AND 19 OF THE VENTURA COUNTY ORDINANCE CODE, NON-COASTAL ZONING ORDINANCE (VENTURA COUNTY ORDINANCE CODE DIVISION 8, CHAPTER 1) PERTAINING TO DENSITY BONUSES, SPECIAL NEEDS HOUSING, AND REASONABLE ACCOMMODATIONS

The Board of Supervisors of the County of Ventura ("County") ordains as follows:

Section 1

**ARTICLE 1:
AUTHORITY, PURPOSE, AND APPLICATION OF
CHAPTER**

Article 1, Section 8101-4.8 – Rounding of Quantities, of the Ventura County Ordinance Code is hereby amended to read in its entirety as follows:

Sec. 8101-4.8 – Rounding of Quantities

Whenever application of this Chapter results in required parking spaces, ~~required number of affordable or elderly units built pursuant to Article 16~~ or other standards being expressed in fractions of whole numbers, such fractions are to be rounded to the next higher whole number when the fraction is 0.5 or more, and to the next lower whole number when the fraction is less than 0.5, except that: (a) calculation for the number of permitted *animals* shall be in accordance with Article 7, Section 8107-2; (b) quantities expressing areas of land are to be rounded only in the case of square footage, and are not to be rounded in the case of acreage except to the nearest one-hundredth acre; (e.g., 7.065 acres would be rounded to 7.07 acres); and (c) calculations under Article 16 shall be rounded in accordance with Government Code section 65915 et seq.

[Staff Explanation: Proposed revision to Section 8101-4.8 to ensure consistency with the amended Article 16 as provided herein, and other minor clerical revisions with no policy change.]

Section 2

ARTICLE 2: DEFINITIONS

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to add the following definition in the appropriate alphabetical order:

Low Barrier Navigation Center (LBNC): Shall have the same definition as set forth in Government Code section 65660(a), as may be amended, which states: “Low Barrier Navigation Center’ means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable. ‘Low Barrier’ means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.”

[Staff Explanation: Proposed addition of a new Low Barrier Navigation Center definition to ensure consistency with state law and the amendments to Article 7 as provided herein.]

Article 2, Section 8102-0 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to revise the following existing definitions to read as follows:

Emergency Shelter: ~~—Housing with minimal supportive services that is limited to occupancy of up to 180 days within any 12-month period. Occupancy in emergency shelters is limited to homeless persons, victims of domestic violence, and other individuals and households made temporarily homeless due to natural disasters, (e.g., fires, earthquakes, etc.). No individual or household may be denied emergency shelter because of an inability to pay.~~ Shall have the same definition as set forth in Government Code section 65582(g) and Health and Safety Code section 50801, as may be amended: “Emergency shelter’ means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less within any 12-month period by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.”

[Staff Explanation: Definition for Emergency Shelter was revised to ensure consistency with state law and the amendments to Article 7 as provided herein.]

Family:- An individual, or two or more persons living together as a single housekeeping unit in a dwelling unit, unless otherwise specified by state law; ~~including residents and operators of a boardinghouse or other residential facility under the Community Care Facilities Act.~~

[Staff Explanation: Definition for Family was revised to remove the references to boardinghouses and residential facilities under the Community Care Facilities Act, and ensure consistency with state law.]

Residential Care Facility: ~~—A residential facility providing nonmedical or incidental medical care services on a 24-hour basis or on a less-than-24 hour basis to people who are mentally ill, mentally handicapped, physically disabled, or elderly, or are dependent or neglected children, wards of the Juvenile Court, or other persons in need of personal services, supervision, or assistance essential for sustaining the activities of everyday living or for protection of the individual. Included within this definition are "intermediate care facilities/developmentally disabled-nursing" and "intermediate care facilities/developmentally disabled-habilitative" with six or fewer beds, and congregate living health facilities, pursuant to the Health and Safety Code. A facility is considered nonmedical if the only medication given or provided is the kind that can normally be self administered.~~

[Staff Explanation: The revisions to the definition for Residential Care Facility update this definition to more closely track state law (see, e.g., Health and Safety Code, §§ 1502(a)(1) and 11834.23). Providing care on a less-than-24 hour basis was added because some residential care facilities, such as an alcoholism or drug abuse treatment facility, are not required to provide care on a 24-hour basis (see, e.g., Health and Safety Code, § 11834.02). Incidental medical care was added because some residential care facilities are licensed to provide such services (see, e.g., Health and Safety Code, § 11834.026(b)-(c)).]

Supportive Housing: ~~—A residential care facility with no limit on length of stay that is occupied by the target population as defined in California Health and Safety Code Sec. 50675.14 and that is linked to onsite or offsite services that assist the supportive housing resident in retaining housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Shall have the same definition as set forth in Government Code section 65582(n), as may be amended, which states: "'Supportive Housing' means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community."~~

Transitional Housing: ~~—Dwellings utilized as rental housing used to facilitate the movement of homeless individuals and families to permanent housing. A homeless person(s) may live in a transitional dwelling for up to two years. Transitional housing can include single or multifamily dwellings, residential care facilities, or boarding houses. Any~~

~~dwelling used for transitional housing is subject to the zone and use standards applicable to the zone in which it is located.~~ Shall have the same definition as set forth in Government Code section 65582(q), as may be amended which states: “*Transitional Housing*’ means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.”

[Staff Explanation: Definitions for Supportive Housing and Transitional Housing were revised to ensure consistency with state law and the amendments to Article 7 as provided herein.]

Section 3

**ARTICLE 5:
USES AND STRUCTURES BY ZONE**

Article 5, Section 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purposes Zones, of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated land uses:

Sec. 8105-4 – Permitted Uses in Open Space, Agricultural, Residential and Special Purposes Zones

	OS-REC	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
CARE FACILITIES (SEE ALSO H. & S. C. AND W. & I. C.)												
<i>Day Care Centers (19)</i>				CUP	CUP		CUP	CUP	CUP			
<i>Family Day Care Home (28, 42)</i>		E	E	E	E	E	E	E	E	E		
Intermediate: Care Of 7 Or More Persons (2, 42)				CUP	CUP		CUP	CUP	CUP	CUP		
Residential: Care Of 6 Or Fewer Persons (42)		ZC	ZC	ZC	ZC	ZC	ZC	ZC	PD	PD		
<u>Residential Care of 6 or Fewer Persons* (63)</u>	Pursuant to Sec. 8107-ZZ											
<i>Residential Care Of 7 Or More Persons (7)</i>				CUP	CUP		CUP	CUP	CUP			
<u>TRANSITIONAL AND SUPPORTIVE HOUSING* (63)</u>												
<i>Transitional Housing</i>	Pursuant to Sec. 8107-YY											
<i>Supportive Housing</i>	Pursuant to Sec. 8107-YY											

*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

[Staff Explanation: Proposed revisions to Section 8105-4 to allow and regulate: (1) Residential Care Facilities serving six or fewer in accordance with state law (see e.g., Health and Safety Code, §§ 1566.3, 1568.0831), consistent with Section 8107-ZZ (added in Article 7); and (2) Transitional and Supportive Housing in accordance with state law (see, e.g., Government Code, §§ 65583(c)(3) and 65650 et seq.), consistent with Section 8107-YY (added in Article 7).]

Article 5, Section 8105-5 – Permitted Uses in Commercial and Industrial Zones, of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated land uses:

Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones

	CO	C1	CPD	M1	M2	M3
CARE FACILITIES: (SEE ALSO H. & S.C. AND W. & I. C.) (6)						
<i>Day Care Center (2, 15, 27)</i>	CUP	CUP	CUP	CUP		
<u>Residential Care of 6 or Fewer Persons* (63)</u>	Pursuant to Sec. 8107-ZZ					
Intermediate and Residential, Care of 7 or More Persons (6)	CUP		CUP			
<i>Emergency Shelter* (42)</i>			ZC			
<u>Low Barrier Navigation Center* (63)</u>	ZC		ZC			
<u>TRANSITIONAL AND SUPPORTIVE HOUSING* (63)</u>						
<i>Transitional Housing</i>	Pursuant to Sec. 8107-YY					
<i>Supportive Housing</i>	Pursuant to Sec. 8107-YY					

*There are specific regulations for this use or structure; see Article 7 and Article 9. Italicized numbers refer to amendment history at end of use matrices.

[Staff Explanation: Proposed revisions to Section 8105-5 to comply with state law and ensure consistency with Sections 8107-XX (Low Barrier Navigation Centers) and 8107-YY (Transitional and Supportive Housing), and 8107-ZZ (Residential Care Facilities Serving Six or Fewer Persons). Standards for these above-mentioned new uses are added in Article 7.]

E = Exempt ZC = Zoning Clearance unless specifically exempted	ZCW = Zoning Clearance with signed waivers PD = Planned Development Permit CUP = Conditional Use Permit	Not Allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
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Section 4

**ARTICLE 7:
STANDARDS FOR SPECIFIC USES**

Article 7, Section 8107-44 – Emergency Shelters of the Ventura County Ordinance Code is hereby amended to read as follows:

Sec. 8107-44 – Emergency Shelters

Sec. 8107-44.1 – ~~Definition and~~ Purpose and Application

~~Refer to Article 2, Section 8102 for definition of Emergency Shelter.~~ The purpose of this Section 8107-44 is to regulate and establish development standards for emergency shelters in compliance ~~comply~~ with Government Code ~~Sec~~ section 65583 (a)(4)(A). If this Section 8107-44 conflicts with any other provision of this Chapter, this Section 8107-44 shall prevail. If this Section 8107-44 conflicts with state law, the latter shall govern.

~~Sec. 8107-44.2 – Emergency Shelter Zoning Clearance~~

~~A ministerial Emergency Shelter Zoning Clearance shall be issued upon 1) the determination by the Planning Director or designee that: (a) an Emergency Shelter Zoning Clearance Application provided by the Planning Division has been completed with all required information and documentation in accordance with Section 8107-44.6; and (b) the standards in Section 8107-44.3 a-g have been met.; and 2) upon the determination by the County Executive Officer, or designee that the Emergency Shelter Management Plan meets the standards in Section 8107-44.4.~~

Sec. 8107-44.2 – Type of Permit Approval and Application Requirements

- a. An application for an emergency shelter shall be reviewed and approved with a Zoning Clearance prior to establishment or construction of any emergency shelter.
- b. An application for an emergency shelter shall include the total number of occupants, details of employee shifts, along with total number of employees, including those in the largest shift, and security personnel.
- c. The Planning Director or designee, in reviewing an application for an emergency shelter, may require the applicant to demonstrate that the requirements provided in this Section 8107-44 have been met.

Sec. 8107-44.3 – Emergency Shelter Development and Operational Standards

~~An emergency shelter must meet the following standards:~~

- ~~a. Sited within the Commercial Planned Development zone;~~
- ~~b. Within a Sphere of Influence of a city with a population of at least 20,000;~~

- ~~c. On a parcel of one-half acre or more;~~
- ~~d. Not within three hundred feet of a school or another emergency shelter, as measured from the closest property lines, at the time the Emergency Shelter Zoning Clearance is issued;~~
- ~~e. The applicant must demonstrate that the Water and Environmental Resources Division of the Watershed Protection District has determined: (1) there is sufficient water supply to serve the proposed emergency shelter development; and (2) if the proposed emergency shelter development is located within the service area of a water purveyor that provides water from an overdrafted groundwater basin or provides water from a groundwater basin that is in hydrologic connection with an overdrafted groundwater basin, that the proposed emergency shelter development will not adversely impact the overdrafted groundwater basin. If the groundwater basin that will serve the development is located within the boundaries of the Fox Canyon Groundwater Management Agency then the Water and Environmental Resources Division of the Watershed Protection District must first consult with the Fox Canyon Groundwater Management Agency prior to making its determination. Applicants may be required to submit a water demand study prepared by a state-licensed licensed Civil Engineer or Professional Geologist that demonstrates the project will not cause a net increase in average annual groundwater extraction. If a water demand study is required, it must consider the current consumptive water demand of existing land uses on the project site and the estimated consumptive water demand of the proposed project. The effects of changes in percolation rates due to development, water recycling and conservation measures such as low water use appliances and efficient irrigation must be considered in the analysis.~~
- ~~f. All other applicable County development and building standards.~~

An emergency shelter must comply with all of the following standards:

- a. Sited within the CPD Zone;
- b. May not be established, constructed or operated in a location that is within 300 feet of the same use.
- c. Maximum Capacity:
 - (1) No more than 60 persons may be served nightly at the facility; and
 - (2) The maximum number of beds may not exceed one bed for every 50 square feet of gross floor area used for sleeping purposes.
- d. On-Site Personnel Requirements: Must provide both of the following:
 - (1) At least one on-site property manager at all times for each twenty occupants; and
 - (2) At least one attendant at all times for each twenty occupants.

- e. Parking Requirements: Subject to Government Code section 65583(a)(4)(B)(ii), on-site parking shall be a minimum of one space per employee in the largest shift.
- f. Intake and Waiting Areas:
 - (1) Shall have an interior client intake area of a minimum of 250 square feet.
 - (2) An exterior waiting area, if provided, shall be located onsite and outside of the following: designated pedestrian areas, designated parking areas and the public right-of-way.
- g. Outdoor Lighting:
 - (1) Outdoor lighting may be provided in active pedestrian areas, including sidewalks, pathways, and driveways.
 - (2) All outdoor lighting shall be fully-shielded, directed downward, and not directly illuminate onto adjacent properties. This requirement for shielding applies to all light fixtures, except security lighting, which may be on motion sensor with timers.
 - (3) Lighting provided for parking areas shall be consistent with Section 8108-5.12 of this Chapter.
- h. Security Personnel Required: At least one security guard shall be provided during all hours of operation.
- i. Maximum Length of Stay: Occupancy for an individual may not exceed six months within any 12-month period.
- j. Contact Information:
 - (1) Prior to the issuance of the Zoning Clearance, the applicant shall provide the contact information for the on-site property manager(s) to the Planning Division.
 - (2) If any contact information for the on-site property manager(s) should change, or the responsibility is assigned to another person, the property owner shall provide the Planning Division with the new information in writing within ten calendar days of the change.

~~Sec. 8107-44.4 – Emergency Shelter Management Plan~~

~~Prior to the issuance of an Emergency Shelter Zoning Clearance, the County Executive Officer or designee must determine that the written Management Plan submitted by the emergency shelter operator meets the requirements of this Section. The Management Plan must include, but is not limited to, provisions for: security; lighting; staff training; a resident identification process; screening for qualification of potential residents for occupancy and compatibility with services provided at the facility; neighborhood outreach; care of pets; timing and location of outdoor activities; and temporary storage of residents' personal belongings. The Emergency Shelter Management Plan must be consistent with Section 8107-44.3 and Section 8107-44.5. Prior to determining whether the Management Plan includes all of the necessary~~

~~elements and meets the requirements of this section, the County Executive Officer or designee shall consult with the Ventura County Sheriff's Department, the police department(s) of the adjacent cities, the Ventura County Human Services Agency, the Ventura County Health Care Agency, the Ventura County Planning Division, and the local school district(s).~~

~~Sec. 8107-44.5 – Construction and Operational Standards~~

~~The construction and operation of the *Emergency Shelter* must comply with the following standards:~~

~~a. In the event that paleontological, archaeological, or cultural resources are found during grading or construction, such activities shall halt in the area of the find and the project developer shall notify the Planning Division. The project developer shall hire a qualified consultant approved by the Planning Division who shall prepare a work plan to address the disposition of the paleontological, archaeological, and/or cultural resource encountered. The work plan must comply with the following minimum standards for resource disposition as determined by the Planning Director or designee:~~

~~(1) The work plan shall include a detailed description of the nature, extent, condition and significance of the sensitive resource.~~

~~(2) The work plan shall specify the available options for resource disposition such as avoidance, recovery and curation, photo-documentation, incorporation of the resource into project design, and other methods.~~

~~(3) The work plan shall include a recommendation of a course of action that is most protective of the resource while allowing the project objectives to be fulfilled.~~

~~Construction can only proceed in conformity with the approved work plan.~~

~~b. Development shall comply with the requirements of the Ventura County Construction Noise Threshold Criteria and Control Plan.~~

~~c. Development shall comply with the Ventura County "Paveout Policy", current County Road Standards and the Traffic Impact Mitigation Fee Ordinance.~~

~~d. Outdoor activities, which include recreation and eating, are allowed but must be screened by a six-foot-high landscape screen or solid wall if the outdoor areas are visible from a public street. For emergency shelters that are adjacent to residential zones, outdoor activities that generate noise that could be disruptive to neighbors shall only be conducted between the hours of 8:00 a.m. and 9:00 p.m.~~

~~e. Emergency shelter resident intake and release times must not coincide with start and release times of any school within one-half mile of the shelter with the exception of residents who are students or parents/guardians accompanying students to school.~~

~~f. For emergency shelters that include kitchen facilities, such facilities must be designed and operated in compliance with the California Retail Food Code.~~

- ~~g. Emergency shelters must provide a storage area for refuse and recyclables that complies with the County's "Space Allocation Guidelines for Refuse and Recyclables Collection and Loading Areas."~~
- ~~h. In no case shall more than 60 residents occupy the shelter at any one time.~~
- ~~i. The emergency shelter operator must comply with the provisions of the management plan at all times.~~

~~**Sec. 8107-44.6 – Application Requirements**~~

~~Requests for development of an emergency shelter shall only be reviewed or considered once a fully completed Emergency Shelter Zoning Clearance Application, including a Management Plan prepared in compliance with 8107.44.4, is submitted. If additional information is needed to determine whether the standards of Section 8107-44 are satisfied, the Emergency Shelter Zoning Clearance Application will not be deemed complete until all of the requested information is submitted.~~

[Staff Explanation: Proposed revisions to Section 8107-44 to comply with Government Code section 65583(a)(4)(A)-(B)(i)-(viii), which provides that emergency shelters "may only be subject to the following written objective standards: (i) The maximum number of beds or persons permitted to be served nightly by the facility; (ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone; (iii) The size and location of exterior and interior on-site waiting and client intake areas; (iv) The provision of on-site management; (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart; (vi) The length of stay; (vii) Lighting; and (viii) Security during hours that the emergency shelter is in operation. The maximum number of persons that may be served was retained from the current emergency shelter standards, which is permissible under state law.]

Article 7, Standards for Specific Uses, of the Ventura County Ordinance Code is hereby amended to add a new **Section 8107-XX – Low Barrier Navigation Centers**, which shall read in its entirety as follows:

Sec. 8107-XX – Low Barrier Navigation Centers

Sec. 8107-XX.1 – Purpose and Application

The purpose of this section is to comply with Government Code section 65660 et seq. regarding low barrier navigation centers (hereafter referred to as "LBNCs," and each singularly an "LBNC"). If this Section 8107-XX conflicts with any other provision of this Chapter, this Section 8107-XX prevails. If this Section 8107-XX conflicts with state law, the latter shall govern.

Sec. 8107-XX.2 – Allowed Zones

As required by Government Code section 65662, LBNCs that comply with this Section 8107-XX are permitted by right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses. This includes lots zoned R/MU, CO, and CPD.

Sec. 8107-XX.3 – Type of Permit Approval and Application Requirements

- a. An application for an LBNC shall be reviewed and approved with a Zoning Clearance prior to establishment or construction of any LBNC.
- b. An application for an LBNC shall include the total number of occupants, details of employee shifts, along with total number of employees, including those in the largest shift, and security personnel.
- c. The Planning Director or designee in reviewing an application for a LBNC, may require the applicant to demonstrate that the requirements provided in Section 8107-XX.4 have been met.

Sec. 8107-XX.4 - Development and Operational Standards for LBNCs

- a. Each LBNC shall comply with all of the development and operational standards provided in Section 8107-44.3 (b) through (j) of this Chapter that apply to emergency shelters.
- b. Operational Services: As required by Government Code section 65662, each LBNC must satisfy all of the following:
 - (1) The LBNC offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - (2) The LBNC is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. For the purposes of this Section, a “coordinated entry system” means a centralized or coordinated assessment system developed pursuant to section 576.400(d) or section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
 - (3) The LBNC complies with Chapter 6.5 (commencing with section 8255) of Division 8 of the Welfare and Institutions Code.
 - (4) The LBNC has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local homeless management information system as defined by section 578.3 of Title 24 of the Code of Federal Regulations.

[Staff Explanation: Proposed addition of Section 8107-XX to Article 7 to allow and appropriately regulate Low Barrier Navigation Centers in accordance with Government Code sections 65660 et seq. and 65583(a)(4)(B)(i)-(viii). The latter are the same requirements that limit the standards that the County can impose on emergency shelters.]

Article 7, Standards for Specific Uses, of the Ventura County Ordinance Code is hereby amended to add a new **Section 8107-YY - Transitional and Supportive Housing**, which shall read in its entirety as follows:

Sec. 8107-YY – Transitional and Supportive Housing

Sec. 8107-YY.1 - Purpose and Application

The purpose of this Section 8107-YY is to comply with Government Code sections 65583(c)(3) and 65650 et seq. regarding *transitional housing* and *supportive housing*, as such terms may be amended. If this Section 8107-YY conflicts with any other provision of this Chapter, this Section 8107-YY shall prevail. If this Section 8107-YY conflicts with state law, the latter shall govern.

Sec. 8107-YY.2 – Allowed Zones

Transitional housing and *supportive housing* are allowed in all zones that allow residential *dwelling*s. This includes *lots* zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CO, CPD, OS, AE, and TP.

Sec. 8107-YY.3 – Type of Permit and Applicable Development Standards for Transitional and Supportive Housing

- a. In accordance with Government Code section 65583(c)(3), *transitional housing* and *supportive housing* are considered a residential use of property and are subject only to those standards that apply to other residential *dwelling*s of the same type (e.g., other *single-family*, *two-family*, or *multifamily dwelling*s) in the same zone.

For example, *supportive housing* proposed in a new *multifamily dwelling* in the RPD Zone would require the same type of permit and meet the same development standards as other *multifamily dwelling*s in the RPD Zone, unless such housing qualifies for approval as a use by right pursuant to Section 8107-YY.3.1 below.

- b. *Supportive housing* that complies with the requirements of Section 8107-YY.3.1 below shall qualify for approval as a use by right in accordance with Government Code section 65651(a), and shall meet the standards of that section.

Sec. 8107-YY.3.1 - Supportive Housing as a Use by Right with Approval of a Zoning Clearance

- a. Standards and Requirements:

- (1) *Supportive housing* that complies with the requirements of this Section 8107-YY.3.1 is considered a use by right in all zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses. This includes *lots* zoned R2, RPD, RHD, R/MU, RES, CO, and CPD.

As required by Government Code section 65650, for purposes of this Section 8107-YY.3.1, *supportive housing* includes nonresidential uses and administrative office space as provided in Section 8107-YY.3.1(a)(2)(vi) below, as well as *transitional housing* for youth and young adults.

(2) To qualify for approval as a use by right pursuant to this Section 8107-YY.3.1, all of the following must be satisfied:

- i. The development consists of 50 units or fewer.
- ii. Units within the development are subject to a recorded affordability restriction for 55 years. A deed restriction ensuring the continued affordability of the units consistent with this Section 8107-YY.3.1 shall be recorded with the County Recorder in a form approved by the County at the property owner's expense prior to the issuance of a Zoning Clearance for construction of the development.
- iii. One hundred percent of the units, excluding managers' units, within the development are restricted to lower income households and are, or will be, receiving public funding to ensure affordability of the units to lower income households. The rents in the development shall be set at an amount consistent with the *rent* limits stipulated by the public program providing financing for the development. For purposes of this subsection, "lower income households" has the same meaning as defined in section 50079.5 of the Health and Safety Code, as may be amended.
- iv. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in *supportive housing* who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in *supportive housing*. For purposes of this subsection, "target population" has the same meaning set forth in Government Code section 65650(c) and Health and Safety Code section 50675.14, as may be amended, which include persons, including persons with *disabilities*, and families who are "homeless," as that term is defined by section 11302 of Title 42 of the United States Code, or who are "homeless youth," as that term is defined by Government Code section 12957(e)(2).
- v. The *applicant* provides the County with the information required by Government Code section 65652, outlined in Section 8107-YY.3.1(b)(2) below.
- vi. Nonresidential floor area shall be used for on-site supportive services and administrative office space in the amounts specified below.

For purposes of this subsection, "supportive services" has the same meaning set forth in Government Code sections 65650 and 65582,

as may be amended, and includes, but is not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy. “Administrative office space” has the meaning set forth in Government Code section 65650(a), as may be amended, and means an organizational headquarters or auxiliary office space utilized by a nonprofit organization for the purpose of providing on-site supportive services at a supportive housing development authorized by this Section 8107-YY.3.1 and includes other nonprofit operations beyond the scope of the corresponding supportive housing development. “Administrative office space” includes parking necessary to serve the office space.

A. For a development with 20 or fewer total units, at least 90 square feet shall be provided for on-site supportive services.

B. For a development with more than 20 units, at least 3 percent of the total floor area shall be provided for on-site supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

C. Administrative office space shall not exceed 25 percent of the total floor area.

vii. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in Government Code section 65915(c)(3).

viii. Units within the development, excluding managers’ units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

(3) In accordance with Government Code section 65651(b)(1), a supportive housing development subject to this Section 8107-YY.3.1 must comply with all objective development standards and policies that apply to other multifamily development within the same zone.

(4) If the supportive housing development is located within ½-mile of a public transit stop, no parking is required for the units occupied by supportive housing residents as set forth in Government Code section 65654.

b. Application Requirements for Supportive Housing as a Use By Right:

(1) An application for supportive housing shall be reviewed and approved with a Zoning Clearance prior to establishment or construction of any supportive housing pursuant to this Section 8107-YY.3.1.

(2) In accordance with Government Code section 65652, the application shall include a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents

in the project, as required by this Section 8107-YY.3.1 and Government Code section 65651, and describing those services, which shall include all of the following:

- i. The name of the proposed entity or entities that will provide supportive services;
- ii. The proposed funding source or sources for the provided on-site services; and
- iii. Proposed staff resources and staffing requirements to manage the on-site supportive services.

[Staff Explanation: Proposed addition of Section 8107-YY to Article 7 to allow and regulate Transitional and Supportive Housing in accordance with Government Code sections 65583(c)(3) and 65650 et seq., which require the County to regulate these uses as set forth above.]

Article 7, Standards for Specific Uses, of the Ventura County Ordinance Code is hereby amended to add a new **Section 8107-ZZ – Residential Care Facilities Serving Six or Fewer**, which shall read in its entirety as follows:

Sec. 8107-ZZ – Residential Care Facilities Serving Six or Fewer Persons

Sec. 8107-ZZ.1 – Purpose

The purpose of this Section 8107-ZZ is to regulate residential care facilities serving six or fewer persons in accordance with state law (See Health and Safety Code, §§ 1267.8, 1566.3, 1568.0831, and 11834.23.).

Sec. 8107-ZZ.2 – Allowable Zones

Residential care facilities serving six or fewer persons are allowed in all zones that allow residential dwellings. This includes lots zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CO, CPD, OS, AE, and TP.

Sec. 8107-ZZ.3 – Standards and Requirements

- a. When required by state or federal law, a residential care facility serving six or fewer persons is considered a residential use of property by a family under this Chapter, and is subject to the following:
 - (1) A residential care facility serving six or fewer persons shall comply with the setback, building lot coverage, height limit, sign-placement and other development standards applicable to a family dwelling of the same type and in the same zone.
 - (2) No additional development standards other than those identified in subsection (a)(1) above shall apply to a residential care facility serving six or fewer persons.
 - (3) Use of a family dwelling for purposes of a residential care facility serving

six or fewer persons shall not constitute a change of occupancy for purposes of local building codes or Part 1.5 (commencing with section 17910) of Division 13 of the Health and Safety Code, as may be amended. However, nothing in this Section 8107-ZZ.3 is intended to supersede Health and Safety Code sections 13143 or 13143.6, to the extent such sections are applicable to residential care facilities serving six or fewer persons.

- b. Subject to subsection (c) below, for purposes of this section, “family dwelling” has the same meaning as provided in Health and Safety Code section 1566.3(g), as it may be amended, which states: “‘family dwelling’ includes, but is not limited to, single-family dwellings, units in multifamily dwellings, including units in duplexes and units in apartment dwellings, mobilehomes, including mobilehomes located in mobilehome parks, units in cooperatives, units in condominiums, units in townhouses, and units in planned unit developments.”
- c. Notwithstanding subsection (b) above, the term “family dwelling” as used in this section shall mean a single-family dwelling if the residential care facility is any of the following: an alcoholism or drug abuse recovery or treatment facility subject to Health and Safety Code section 11834.23, or an intermediate care facility/developmentally disabled habilitative, intermediate care facility/developmentally disabled—nursing, or a congregate living health facility subject to Health and Safety Code section 1267.8.

[Staff Explanation: Proposed addition of Section 8107-ZZ to Article 7 to allow and regulate Residential Care Facilities serving six or fewer in accordance with state law (see e.g., Health and Safety Code, §§ 1566.3, 1568.0831), which requires the County to regulate Residential Care Facilities serving six or fewer in the same manner as other residential uses of the same dwelling type in the same zone.]

Section 5

ARTICLE 8

PARKING AND LOADING REQUIREMENTS

Article 8, Section 8108-4.7 – Table of Parking Space Requirements by Land Use is hereby amended to read as follows with respect to the below-stated emergency shelter and low barrier navigation center land uses:

Sec. 8108-4.7 – Table of Parking Space Requirements by Land Use

The table below indicates the number of required off-street motor vehicle and bicycle parking spaces that shall be provided for various land uses. For non-residential land uses, the number of motor vehicle parking spaces set forth in the table, plus or minus 10 percent of the total, represents the minimum required and the maximum allowed number of spaces, unless varied pursuant to Section 8108-4.8 below. For residential land uses the number of motor vehicle parking spaces set forth in the table represents

the minimum required number of spaces unless varied pursuant to Section 8108-4.8 below.

The number of motor vehicle parking spaces required in this section is intended to address the needs of residents, employees and regular users of an establishment. The number is not intended to reflect the need for parking large delivery trucks, vans or buses; storage of vehicle inventory; or other specialty parking needs related to the operation of specific land uses.

The Director has the authority to determine the parking space requirements for any land use not specifically listed based on the requirements for the most comparable land use.

Land Use	Motor Vehicle Spaces Required	Bicycle Spaces Required
<p>Homeless Shelters <u>Emergency Shelter or Low Barrier Navigation Center</u></p>	<p>A minimum of one (1) space per employee in the largest shift, subject to Government Code section 65583(a)(4)(B)(ii).</p> <p>0.2 spaces per resident plus 1 space per employee and volunteer on largest shift, plus 1 space per vehicle used in the operation of the shelter. Up to 25% of the required spaces may be held in reserve or converted to a land use related to the shelter, such as additional bicycle parking, which can be readily reverted back to motor vehicle parking at a later date.</p>	<p>LT: 1 space per 8 residents and 1 space per 25 employees (enclosed garages/storage lockers are acceptable) ST: 1 space per 15 residents</p>

[Staff Explanation: Proposed revisions to Section 8108-4.7 to update the term “Homeless Shelters” with “Emergency Shelter or Low Barrier Navigation Center” and align parking requirements for those uses with the Article 7 requirements set forth above.]

Section 6

ARTICLE 9:

STANDARDS FOR SPECIFIC ZONES AND ZONE TYPES

Article 9, Section 8109-1.3.3 – General Density Standards within Section 8109-1.3 – Standards for the Residential High Density (RHD) Zone of the Ventura County Ordinance Code is hereby amended to read in its entirety as follows:

Sec. 8109-1.3.3 – General Density Standards

Multi-family residential projects in the RHD zone must comply with the following general density standards:

- a. Minimum multi-family residential project density shall be no less than that

specified by the zone suffix.

- b. Maximum multi-family residential project density shall not exceed 110 percent of the density specified by the zone suffix, unless the applicant is granted a density bonus in accordance with Article 16. ~~Density Bonus and Affordable Housing Incentives Program (Sec. 8116-2.6).~~

[Staff Explanation: Proposed revision to Section 8109-1.3.3(b) to remove a legacy cross-reference and ensure consistency with the amended Article 16 as provided herein.]

Section 7

ARTICLE 11: ENTITLEMENTS – PROCESS AND PROCEDURES

Article 11, Section 8111-9 - Reasonable Accommodation of the Ventura County Ordinance Code is hereby amended to read in its entirety as follows:

Section 8111-9 - Reasonable Accommodation

Sec. 8111-9.1 – Purpose

- a. Pursuant to the Federal Fair Housing Act, and the California Fair Employment and Housing Act (the Acts), it is the policy of the County ~~of Ventura~~ to provide individuals with *disabilities* reasonable accommodations in land *use* and zoning rules, policies, practices and procedures that may be necessary to afford disabled persons an equal opportunity to use and enjoy a *dwelling or housing opportunity*. Requests for reasonable accommodation shall be processed in accordance with this section.
- b. Reasonable accommodations may include, but are not limited to, *setback* area encroachments for ramps, handrails, or other such accessibility improvements; *hardscape* additions, such as *wicened driveways, parking area* or walkways that would not otherwise comply with required landscaping or open space area provisions; and *building* addition(s) necessary to afford the *applicant* an equal opportunity to use and enjoy a *dwelling or housing opportunity*.

Sec. 8111-9.2 – ~~Fair Housing~~ Reasonable Accommodation Requests

- a. An *applicant* may initiate a ~~“Fair Housing~~ Reasonable Accommodation Request” either orally or in writing. Although not required by the Acts, the Planning Division has created a Reasonable Accommodation Request application to streamline the process. While the County recommends that applicants utilize this application, the County will not require applicants to use a particular form or medium to initiate a Reasonable Accommodation Request. ~~application form provided by the Planning Division must be completed and filed with the Planning Division.~~
- b. If the project for which the request is being made requires a *discretionary decision* ~~entitlement~~, the County recommends that the applicant shall file the

Reasonable Accommodation Request application concurrently with the application for discretionary approval. In this case, the review period for the Reasonable Accommodation Request shall be the same as the application review period for the *discretionary decision entitlement*.

- c. Although the *applicant* may be represented by an agent, the *applicant* must qualify as a protected individual under the Acts. The Acts require the reasonable accommodation process to be iterative and interactive. To ensure that the process is accessible to the applicant, Planning Division staff will assist applicants with submitting ~~If the applicant needs assistance in making the Fair Housing Reasonable Accommodation Requests or processing any appeals associated with the such requests, the Planning Division shall provide assistance necessary to ensure that the process is accessible to the applicant.~~

Sec. 8111-9.3 – Fair Housing Reasonable Accommodation Determination

Upon receipt of a ~~completed written application for a Fair Housing~~ Reasonable Accommodation Request, the *Planning Director* or *designee* shall review the Request and make a determination whether to approve or deny it, in whole or in part. All references to the *Planning Director* in this Section 8111-9 shall include their ~~his or her~~ designee. If additional information is needed to make a determination, the *Planning Director* shall request it the necessary information from ~~of~~ the *applicant*, specifying in writing ~~the information that is needed~~. The *applicant* shall provide the information prior to the *Planning Director* acting upon and/or making a determination on the ~~Fair Housing~~ Reasonable Accommodation Request.

Sec. 8111-9.4 – Standards for Determining ~~Fair Housing~~ Reasonable Accommodation Requests

The *Planning Director* shall consider the following criteria in making a determination on a ~~Fair Housing~~ Reasonable Accommodation Request:

- a. The *applicant* seeking the accommodation(s) is a qualified individual protected under the Acts.
- ~~b. The accommodation(s) is reasonable and necessary to afford the applicant an equal opportunity to use and enjoy a dwelling unit(s).~~
- b. When housing is the subject of the Reasonable Accommodation Request, the housing will be used by a qualified individual protected under the Acts.
- c. As applicable, the requested accommodation is necessary to make a dwelling or housing opportunity available to a qualified individual protected under the Acts.
- d. ~~e.~~ The requested accommodation(s) would not impose an undue financial or administrative burden on the County.
- e. ~~d.~~ The requested accommodation would not require a fundamental alteration in any County program, policy, practice, ordinance, and/or procedure, including zoning ordinances.

- ~~f. e. Other factors that may have a bearing on the accommodation request. The requested accommodation will not result in a direct and significant threat to the health or safety of other persons or substantial physical damage to the property of others.~~

Sec. 8111-9.5 – Conditions of Approval

The *Planning Director* may impose conditions on the approval of a ~~Fair Housing~~ Reasonable Accommodation Request, which may include, but are not limited to, any or all of the following:

- a. Periodic inspection of the affected premises by the County's Code Compliance Division to verify compliance with this section and any applicable conditions of approval;
- b. Removal of the improvements by the *applicant* when the accommodation is no longer necessary to afford the *applicant* an equal opportunity to use and enjoy the *dwelling unit(s)* or housing opportunity, if removal would not constitute an unreasonable financial burden;
- c. Expiration of the approval when the accommodation is no longer necessary to afford the *applicant* an equal opportunity to use and enjoy the *dwelling unit* or housing opportunity; and/or
- d. A requirement that the *applicant* advise the Planning Division if the *applicant* no longer qualifies as an individual with a *disability* under the Acts or if the accommodation granted is no longer reasonable or necessary to afford the *applicant* an equal opportunity to use and enjoy a *dwelling unit(s)* or housing opportunity.

Sec. 8111-9.6 – Written Determination on the Request for Reasonable Accommodation

- a. Except as provided in Section 8111-~~9.2~~, not more than 45 days after receiving a completed ~~Fair Housing~~ Reasonable Accommodation Request ~~Form~~, the *Planning Director* shall issue a written determination and shall set forth in detail the basis for the determination, the findings on the criteria set forth in Section 8111-9.4, and the conditions of approval. The determination shall be sent to the *applicant* by certified mail and shall give notice of the *applicant's* right to appeal as set forth in Section 8111- 9.7.
- b. Upon the request of the *Planning Director* to the *applicant* to provide additional information pursuant to ~~Section-~~ 8111-9.3, the ~~45-day~~ determination period shall be stopped. Once the *applicant* provides the *Planning Director* the information requested, a new 45-day period shall begin.

Sec. 8111-9.7 – Appeals

Within ~~40~~ ten calendar days of the date of the *Planning Director's* written determination, the *applicant* may file an appeal of the determination pursuant to

Section 8111-7 of this Chapter. Appeals of decisions on Reasonable Accommodation Requests will be heard by the ~~Ventura County~~ Planning Commission.

Sec. 8111-9.8 – Limitations on Approvals of ~~Fair Housing~~ Reasonable Accommodation Requests

Any grant of accommodation shall be personal to the *applicant* and shall not run with the land.

[Staff Explanation: Proposed revisions to Section 8111-9 to comply with applicable law (including, e.g., 2 C.C.R., §§ 12176, 12178 and 12179) which requires regulations for Reasonable Accommodation Requests to be processed in accordance with the amended provisions set forth above. Additionally, the sections were reformatted or renumbered to make consistent with the rest of the ordinance, and added clarification text, where necessary (no policy change)]

Section 8

**ARTICLE 16:
DENSITY BONUS AND AFFORDABLE HOUSING
INCENTIVES PROGRAM**

Article 16, Density Bonus and Affordable Housing Incentives Program, of the Ventura County Ordinance Code is hereby repealed and reenacted to read in its entirety as follows:

~~Sec. 8116-0 – Title and Purpose~~

~~This Article 16 shall be referred to as the Density Bonus and Affordable Housing Incentive Program. The purpose of this Article is to implement the statutory requirements set forth in Government Code section 65915, et seq. (known as the Density Bonus Law) and programs related to the Housing Element of the Ventura County General Plan. To the extent practicable, the citation to the governing statutory provision is included next to the implementing ordinance section. If any provision of this Article conflicts with state law, the latter shall control. Applicable statutes should be consulted for amendments prior to applying the ordinance provision.~~

~~Sec. 8116-1 – Definitions~~

~~In addition to the definitions in Article 2, the following definitions in this section apply to this Article and shall control where there is a conflict with the definitions in Article 2. State law definitions, as they may be amended from time to time, control over the definitions in this section. Where the definitions are provided by state law, the citation to the statute follows. In this Article, defined terms are capitalized.~~

~~Affordable Housing Benefits – means one or more of the following:~~

- ~~• a Density Bonus pursuant to Section 8116-2;~~
- ~~• an Incentive pursuant to Section 8116-3;~~

- ~~a Development Standard Waiver or Modification pursuant to Section 8116-4; and~~
- ~~a Parking Standard Modification pursuant to Section 8116-5.~~

~~Affordable Housing Cost — means the definition set forth in Health and Safety Code Section 50052.5. (Gov. Code § 65915(c)(1).)~~

~~Affordable Housing Developer — means the *applicant* or permittee of a Qualified Housing Development and its assignees or successors in interest.~~

~~Affordable Rent — means the definition set forth in Health and Safety Code Section 50053. (Gov. Code § 65915(c)(1).)~~

~~Affordable Unit — means a residential dwelling unit that is guaranteed by the Affordable Housing Developer to be rented or sold in accordance with the requirements of this Article to either (a) a Very Low Income Household; (b) a Low Income Household; or (c) a Moderate Income Household within a Common Interest Development. (Gov. Code §§ 65915(c)(1)-(c)(2).)~~

~~Child Care Facility — means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers. (Gov. Code § 65915(h)(4).)~~

~~Common Interest Development — means any of the following: a community apartment project, a condominium project, a planned development, and a stock cooperative pursuant to Civil Code section 1351(c) through December 31, 2013, and pursuant to Civil Code section 4100 on and after January 1, 2014. (Gov. Code § 65915(c)(2).) All Common Interest Development units must be offered to the public for purchase. (Gov. Code § 65915(b)(1)(D).)~~

~~Condominium Conversion Project — means a residential project in which the *applicant* proposes to convert apartment units to condominiums pursuant to Government Code section 65915.5(a).~~

~~County — means County of Ventura or its designee.~~

~~Density Bonus — except as used in Section 8116-10 of this Article, means a density increase over the otherwise Maximum Allowable Residential Density as of the date of application to the County for a Qualified Housing Development. (Gov. Code § 66915(f).) As used in Section 8116-10, ‘Density Bonus’ shall be defined as set forth in section 8116-10.2. (Gov. Code § 66915.5(b).)~~

~~Density Bonus Units — means dwelling units granted pursuant to Section 8116-2 which exceed the otherwise Maximum Allowable Residential Density.~~

~~Development Standard — means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open space requirement, or a parking ratio, that applies to a residential development pursuant to the Zoning Ordinance, the General Plan or other County condition, law, policy, resolution, or regulation. (Gov. Code § 65915(c)(1).)~~

~~Housing Development — means a development project of five or more residential units and includes a subdivision or Common Interest Development that is approved by the County and consists of residential units or unimproved residential *lots* and either a project~~

~~to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units. (Gov. Code § 65915(i).) 5105~~

Household Income Category Definitions

~~Very Low Income Household – means a household whose income does not exceed fifty percent (50%) of the County’s median household income as defined in Health and Safety Code Section 50105. (Gov. Code § 65915(b)(1)(B).)~~

~~Low Income Household – means a household whose income does not exceed eighty percent (80%) of the County’s median household income as defined in Health and Safety Code Section 50079.5. (Gov. Code § 65915(b)(1)(A).)~~

~~Moderate Income Household – means persons or families whose income does not exceed one hundred and twenty percent (120%) of the County’s median household income as defined in Health and Safety Code Section 50093. (Gov. Code § 65915(b)(1)(D).)~~

~~Incentive – means “incentives and concessions” as that phrase is used in Government Code section 65915.~~

~~Market-rate Unit – means a dwelling unit that is not an Affordable Unit.~~

~~Maximum Allowable Residential Density – means the density allowed under the Zoning Ordinance and the Land Use Element of the General Plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and Land Use Element of the General Plan applicable to the project. Where the density allowed under the Zoning Ordinance is inconsistent with the density allowed under the Land Use Element of the General Plan, the General Plan density shall prevail. (Gov. Code § 65915(o)(2).)~~

~~Minimum Affordable Housing Component: – means a Housing Development project which includes a minimum of any of the following:~~

~~Very Low Income Minimum Affordable Housing Component – Provides at least five percent (5%) of the Total Units for Very Low Income Household residents (Gov. Code § 65915(b)(1)(B)); or~~

~~Low Income Minimum Affordable Housing Component – Provides at least ten percent (10%) of the Total Units for Low Income Households (Gov. Code § 65915(b)(1)(A)); or~~

~~Moderate Income Minimum Affordable Housing Component – Provides at least ten percent (10%) of the Total Dwelling Units in a Common Interest Development for moderate income households (Gov. Code § 65915(b)(1)(D)).~~

~~Other Incentives of Equivalent Financial Value – means the reduction or waiver of requirements which the County might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the County to provide cash transfer payments or other monetary compensation. (Gov. Code § 65915.5(c).)~~

~~Qualified Housing Development – means a Housing Development that meets the~~

~~requirements of Section 8116-2.2, .3, .4, or 5 for Density Bonus.~~

~~Qualified Land — means land offered for donation in accordance with Section 8116-2.5 that meets the criteria set forth in Section 8116-2.5.1(c).~~

~~Senior Citizen Housing Development — means a residential development that is developed, substantially rehabilitated, or substantially renovated for, senior citizens and that has at least thirty-five (35) Senior Citizen Housing Development Units. (Gov. Code § 65915(b)(1)(C).)~~

~~Senior Citizen Housing Development Unit — means a residential dwelling unit within a Senior Citizen Housing Development that is available to, and occupied by, a senior citizen as defined in Civil Code Section 51.3.~~

~~Specific, Adverse Impact — means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the Housing Development was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Gov. Code § 65589.5(d)(2).)~~

~~Total Units and Total Dwelling Units — means dwelling units other than Density Bonus Units. (Gov. Code § 65915(b)(3).)~~

~~Zoning Ordinance — means the County Non-Coastal Zoning Ordinance set forth in Division 8, Chapter 1 of the Ventura County Ordinance Code.~~

~~Sec. 8116-2 – Density Bonuses~~

~~Sec. 8116-2.1 – Eligibility for Density Bonus~~

~~Density Bonuses are available to Affordable Housing Developers in accordance with this Article for the following:~~

- ~~a. Housing Developments which include a Minimum Affordable Housing Component (Section 8116-2.2);~~
- ~~b. Housing Developments which include a Minimum Affordable Housing Component and a Child Care Facility (Section 8116-2.3);~~
- ~~c. Senior Citizen Housing Developments (Section 8116-2.4); and~~
- ~~d. Land Donations for Very Low Income Housing (Section 8116-2.5).~~

~~For the purpose of calculating a Density Bonus, the residential units must be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. (Gov. Code § 65915(i).)~~

~~Sec. 8116-2.2 – Density Bonus for Housing Development with Minimum Affordable Housing Component~~

~~Sec. 8116-2.2.1 – Criteria for Density Bonus for Housing Development with Minimum Affordable Housing Component~~

~~To be granted a Density Bonus pursuant to Section 8116-2.2.2 for including a Minimum Affordable Housing Component in a Housing Development, the~~

~~Affordable Housing Developer must comply with all of the following requirements:~~

- ~~a. Submit an application for a Housing Development in accordance with Section 8116-7 that includes a Minimum Affordable Housing Component. (Gov. Code § 65915(d)(1).)~~
- ~~b. State in the application the specific Minimum Affordable Housing Component proposed for the Housing Development. (Gov. Code § 65915(b)(2).)~~
- ~~c. Enter into an agreement with the County or its designee pursuant to Section 8116-9 to maintain and enforce the Minimum Affordable Housing Component of the Housing Development. (Gov. Code § 65915(c).)~~

~~**Sec. 8116-2.2.2 – Density Bonus Allowance for Housing Development with Minimum Affordable Housing Component**~~

~~If the requirements of Section 8116-2.2.1 are met, then the Affordable Housing Developer is entitled to a Density Bonus pursuant to Government Code section 65915(f) as follows:~~

Table 8116-2.2 – Density Bonus Allowance for Housing Development Projects with Minimum Affordable Housing Components				
Household Income Category	Minimum Affordable Units	Density Bonus	Additional Density Bonus for each 1% increase in Affordable Units	Maximum Possible Density Bonus
Affordable Housing Development				
Very Low Income	5%	20%	2.50%	35%
Low Income	10%	20%	1.50%	35%
Moderate Income (Common Interest Developments)	10%	5%	1%	35%

~~As demonstrated in Table 8116-2.2, the amount of Density Bonus to which the applicant is entitled shall vary according to the amount by which the percentage of Affordable Units offered by the applicant exceeds the percentage of the Minimum Affordable Housing Component. (Gov. Code § 65915(f).)~~

~~The applicant may also elect to accept a lesser percentage of Density Bonus. (Gov. Code § 65915(f).)~~

~~All density calculations resulting in fractional units shall be rounded up to the next whole number. (Gov. Code § 65915(f)(5).)~~

~~**Sec. 8116-2.3 – Density Bonus for Housing Development with Minimum Affordable Housing Component and Child Care Facility**~~

~~**Sec. 8116-2.3.1 – Criteria for Density Bonus for Housing Development with Minimum Affordable Housing Component and Child Care Facility**~~

~~For a Density Bonus to be granted pursuant to Section 8116-2.3.2 for including a Minimum Affordable Housing Component with a Child Care Facility in a Housing~~

~~Development, all of the following must be satisfied:~~

- ~~a. Compliance with each requirement in Section 8116-2.2.1. (Gov. Code § 65915(h)(1).)~~
- ~~b. The Housing Development must include a Child Care Facility that will be located on the premises of, as part of, or adjacent to, the Housing Development. (Gov. Code § 65915(h)(1).)~~
- ~~c. Approval of the Housing Development must be conditioned to ensure that both of the following occur:
 - ~~(1) The Child Care Facility must remain in operation for a period of time that is as long as or longer than the period of time during which the Affordable Units are required to remain affordable pursuant to Section 8116-9.1 (Gov. Code § 65915(h)(2)(A)); and~~
 - ~~(2) Of the children who attend the Child Care Facility, the children of Very Low Income Households, Low Income Households, or Moderate Income Households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective Minimum Affordable Housing Component Income Category for which the Density Bonus is sought (Gov. Code § 65915(h)(2)(B)).~~~~
- ~~d. The County has not made a finding based upon substantial evidence that the community has adequate Child Care Facilities. (Gov. Code § 65915(h)(3).)~~

~~**Sec. 8116-2.3.2 - Density Bonus Allowance for Housing Development with Minimum Affordable Housing Component and Child Care Facility**~~

~~If the requirements of Section 8116-2.3.1 are met, then an *applicant* for a Housing Development with a Minimum Affordable Housing Component and Child Care Facility is entitled to:~~

- ~~a. A Density Bonus pursuant to Section 8116-2.2.2; and~~
- ~~b. An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility. (Gov. Code § 65915(h)(1)(A).)~~

~~**Sec. 8116-2.4 - Density Bonus for Senior Citizen Housing Development**~~

~~An *applicant* for a Senior Citizen Housing Development or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5 is entitled to a Density Bonus of twenty percent (20%) of the number of Senior Citizen Housing Development Units. (Gov. Code § 65915(b)(1)(C)&(f)(3).)~~

~~**Sec. 8116-2.5 - Density Bonus for Land Donations**~~

~~**Sec. 8116-2.5.1 - Density Bonus Criteria for Land Donation for Very Low Income Housing**~~

~~For a Density Bonus for a Qualified Land donation to be granted pursuant to Section 8116-2.5.2, all the requirements of this section must be met.~~

- ~~a. The applicant must be applying for a tentative subdivision map, parcel map, or~~

- ~~other residential development approval. (Gov. Code § 65915(g)(1).)~~
- ~~b. The application must include at least a ten percent (10%) Minimum Affordable Housing Component for Very Low Income Households. (Gov. Code § 65915(g)(1).)~~
 - ~~c. The applicant must agree to donate and transfer Qualified Land which is land that meets both the following criteria:
 - ~~(1) The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of units affordable to Very Low Income Households in an amount not less than ten percent (10%) of the number of residential units of the proposed development pursuant to Section 8116-2.5.1(a) (Gov. Code § 65915(g)(2)(B)); and~~
 - ~~(2) The transferred land must be at least one acre in size or of sufficient size to permit development of at least 40 units, have the appropriate General Plan designation, be appropriately zoned with appropriate development standards for development at the density described in Government Code Section 65583.2(c)(3), and is or will be served by adequate public facilities and infrastructure Gov. Code § 65915(g)(2)(C)).~~~~
 - ~~d. The Qualified Land must be transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to an approved housing developer. (Gov. Code § 65915(g)(2)(F).)~~
 - ~~e. The Qualified Land must have all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income Housing Affordable Units on the Qualified Land, not later than the date of approval of the final subdivision map, parcel map, or residential development application filed pursuant to Section 8116-2.5.1(a). However, the County may subject the proposed development to subsequent design review to the extent authorized by Government Code section 65583.2(i) if the design is not reviewed by the County prior to the time of transfer. (Gov. Code § 65915(g)(2)(D).)~~
 - ~~f. The Qualified Land must be donated and transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application filed pursuant to Section 8116-2.5.1(a). (Gov. Code § 65915(g)(2)(A).)~~
 - ~~g. The Qualified Land and the Affordable Units must be subject to a deed restriction ensuring continued affordability of the units consistent with Section 8116-9, which must be recorded against the Qualified Land at the time of the transfer. (Gov. Code § 65915(g)(2)(E).)~~
 - ~~h. The Qualified Land must be within the boundary of the proposed development or, if the County agrees, within one-quarter mile of the boundary of the proposed development. (Gov. Code § 65915(g)(2)(G).)~~
 - ~~i. A proposed source of funding for the Very Low Income Household units must be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application filed pursuant to Section 8116-2.5.1(a). (Gov. Code § 65915(g)(2)(H).)~~

~~**Sec. 8116-2.5.2 - Density Bonus Allowance for Qualified Land Donation for**~~

Very Low Income Housing

~~If the requirements of Section 8116-2.5.1 are satisfied, the applicant shall be entitled to at least a 15-percent increase above the otherwise Maximum Allowable Residential Density for the entire development, as follows (Gov. Code § 65915(g)(1)):~~

Table 8116-2.5 – Density Bonus Allowances for Qualified Land Donation Projects				
Household Income Category	Minimum Percentage of Very Low Income Units	Density Bonus	Additional Density Bonus for each 1% increase in Very Low Income Units	Maximum Possible Density Bonus
Land Donation				
Very Low Income Housing	10% of entire development	15%	1%	35% (max. combined)

~~The increase in Density Bonus authorized by this section shall be in addition to any increase in density allowed for providing a Minimum Affordable Housing Component in accordance with Section 8116-2.2, up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this section and Section 8116-2.2. (Gov. Code § 65915(g)(1) & (2).)~~

~~All density calculations resulting in fractional units shall be rounded up to the next whole number. (Gov. Code § 65915(g)(2).)~~

~~Sec. 8116-2.6 – Additional Density Bonus for Qualified Housing Development with 100% Very Low or Low Income Affordable Housing Component~~

~~Sec. 8116-2.6.1 – Eligibility for an Additional Density Bonus~~

~~To qualify for consideration of an additional Density Bonus pursuant to Section 8116-2.6.2 that is above the Density Bonus authorized by Sections 8116-2.2.2 and 8116-2.3.2, all lots or units within the Qualified Housing Development (i.e., 100 percent) must be affordable to Very Low or Low Income Households for a minimum 30-year period in accordance with Section 8116-9.1.~~

~~Sec. 8116-2.6.2 – Allowance and Criteria for Granting an Additional Density Bonus~~

~~If the requirements of Section 8116-2.6.1 are met, then the decision-maker for the Qualified Housing Development may grant an additional Density Bonus of between 1% and 15%, but not to exceed a total maximum Density Bonus granted under this Article of 50 percent (50%). In determining whether to grant an additional Density Bonus and the amount of the additional Density Bonus, the decision-maker must find that the additional Density Bonus requested would not render the proposed Qualified Housing Development, with Density Bonus granted pursuant to Section 8116-2.2, incompatible with the character of surrounding, legally established development and would not be detrimental to the public interest, health, safety,~~

convenience, or welfare.

~~Sec. 8116-3—Affordable Housing Incentives~~

~~Government Code section 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives.~~

~~Sec. 8116-3.1—Qualifications for Incentives~~

~~Subject to Section 8116-3.4, all of the following applicable requirements must be satisfied to be granted an Incentive(s) pursuant to Sections 8116-3.2 and 3.3:~~

- ~~a. The applicant for an Incentive must qualify for a Density Bonus pursuant to Section 8116-2 (Gov. Code § 65915(d)(1));~~
- ~~b. A specific written proposal for an Incentive(s) must be submitted with the application for Density Bonus in accordance with Section 8116-7 (Gov. Code § 65915(b)(1) and (d)(1));~~
- ~~c. If an Incentive(s) pursuant to Section 8116-3.2(a) or (c) is sought, the applicant must establish that each requested incentive would result in identifiable, financially sufficient, and actual cost reductions for the Qualified Housing Development (Gov. Code § 65915(k)(1) & (3));~~
- ~~d. If an Incentive(s) pursuant to Section 8116-3.2(b) is sought, the applicant must establish that requirements of Section 8116-3.2(b) are met (Gov. Code § 65915(k)(2)); and~~
- ~~e. If an additional Incentive for a Child Care Facility is sought pursuant to Section 8116-3.3(d), the applicant must establish that requirements of Section 8116-3.3(d) are met (Gov. Code § 65915(h)(1)(B)).~~

~~The granting of an Incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, or other discretionary approval. (Gov. Code § 65915(j).) An Incentive is applicable only to the project for which it is granted. An applicant for an Incentive may request a meeting with the Planning Director and, if requested, the Planning Director will meet with the applicant to discuss the proposal. (Gov. Code § 65915(d)(1).)~~

~~Sec. 8116-3.2—Types of Incentives~~

~~For the purposes of this Article, Incentive means any of the following:~~

- ~~a. A reduction in site Development Standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions. (Gov. Code § 65915(k)(1).)~~
- ~~b. Approval of mixed use zoning in conjunction with the Qualified Housing Development if commercial, office, industrial, or other land uses will reduce the cost of the Qualified Housing Development and if the commercial, office, industrial, or other land uses are compatible with the Qualified Housing~~

~~Development and the existing or planned development in the area where the proposed Qualified Housing Development will be located. (Gov. Code § 65915(k)(2).)~~

- ~~c. Other regulatory Incentives proposed by the Affordable Housing Developer or the County that result in identifiable, financially sufficient, and actual cost reductions. (Gov. Code § 65915(k)(3).)~~

~~Nothing in this section limits or requires the provision of direct financial incentives by the County for the Qualified Housing Development, including the provision of publicly owned land, or the waiver of fees or dedication requirements. (Gov. Code § 65915(l).)~~

~~Sec. 8116-3.3 – Number of Incentives Granted~~

~~Subject to Section 8116-3.4, the applicant who meets the requirements of Section 8116-3.1 above shall receive the following number of Incentives described below and as shown in Table 8116-3.3:~~

- ~~a. One Incentive for Qualified Housing Development projects that include at least 10 percent (10%) of the Total Units for Low Income Households, at least 5 percent (5%) for Very Low Income Households, or at least ten percent (10%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(A).)~~
- ~~b. Two Incentives for Qualified Housing Development projects that include at least 20 percent (20%) of the Total Units for Low Income Households, at least 10 percent (10%) for Very Low Income Households, or at least 20 percent (20%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(B).)~~
- ~~c. Three Incentives for Qualified Housing Development projects that include at least 30 percent (30%) of the Total Units for Low Income Households, at least 15 percent (15%) for Very Low Income Households, or at least 30 percent (30%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(C).)~~
- ~~d. Subject to Section 8116-3.4(d), a Qualified Housing Development proposal that includes a Child Care Facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility. (Gov. Code § 65915(h)(1)(B).)~~

Table 8116-3.3 – Incentive Allowances for Qualified Housing Developments			
Income Category	Minimum % of Affordable Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Common Interest Development (Moderate Income)	10%	20%	30%
Incentives Allowed	1	2	3

~~Sec. 8116-3.4 – Criteria for Denial of Application for Incentives~~

~~Except as otherwise provided in this Article or by state law, if the requirements of~~

~~Section 8116-3.1 are met, the County shall grant the Incentive(s) that are authorized by Sections 8116-3.2 and 8116-3.3 unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the County may refuse to grant the Incentive(s):~~

- ~~a. The Incentive is not required in order to provide Affordable Housing Costs or Affordable Rents for the Affordable Units subject to the Qualified Housing Development application. (Gov. Code § 65915(d)(1)(A).)~~
- ~~b. The Incentive would have a Specific Adverse Impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to low and moderate income households. (Gov. Code § 65915(d)(1)(B); Gov. Code § 65915 (d)(3).)~~
- ~~c. The Incentive would be contrary to state or federal law. (Gov. Code § 65915(d)(1)(C).)~~
- ~~d. The community has adequate Child Care Facilities, in which case the additional Incentive for a Child Care Facility pursuant to Section 8116-3.3(d) may be denied. (Gov. Code § 65915(h)(3).)~~

~~Sec. 8116-4 – Waiver or Modification of Development Standards~~

~~Sec. 8116-4.1 – Requirements for Waiver or Modification of Development Standards~~

- ~~a. Application. To qualify for a waiver or reduction of one or more Development Standards, the applicant must submit a written application (together with an application for a Qualified Housing Development) that states the specific Development Standard(s) sought to be modified or waived and the basis of the request. (Gov. Code § 65915(e)(1).) An applicant for a waiver or modification of Development Standard(s) pursuant to this section may request a meeting with the Planning Director to review the proposal. If requested, the Planning Director shall meet with the applicant. (Gov. Code § 65915(e)(1).) An application for the waiver or reduction of Development Standard(s) pursuant to this section shall neither reduce nor increase the number of Incentives to which the applicant is entitled pursuant Section 8116-3. (Gov. Code § 65915(e)(2).)~~
- ~~b. Findings. All of the following findings must be made for each waiver or reduction requested:
 - ~~(1) The Development Standard for which a waiver or reduction is requested will have the effect of physically precluding the construction of the proposed Qualified Housing Development at the densities or with the Incentives permitted under this Article. (Gov. Code § 65915(e)(1).)~~
 - ~~(2) The requested waiver or reduction of a Development Standard will not have a Specific, Adverse Impact, as defined in Government Code section 65589.5(d)(2), upon health, safety, or the physical environment or, if such a Specific, Adverse Impact exists, there is a feasible method~~~~

~~to satisfactorily mitigate or avoid the Specific Adverse Impact. (Gov. Code § 65915(e)(1).)~~

~~(3) The requested waiver or reduction of a Development Standard will not have an adverse impact on any real property that is listed in the California Register of Historical Resources. (Gov. Code § 65915(e)(1).)~~

~~(4) The requested waiver or reduction of a Development Standard is not contrary to state or federal law. (Gov. Code § 65915(e)(1).)~~

~~**Sec. 8116-4.2 - Granting Application for Waiver or Modification of Development Standards**~~

~~If the requirements of Section 8116-4.1 are satisfied, the application for waiver or modification of Development Standard(s) shall be granted. If the requirements of Section 8116-4.1 are satisfied, the County shall not apply a Development Standard that will have the effect of physically precluding the construction of a Qualified Housing Development at the densities or with the Incentives permitted by this Article. (Gov. Code § 65915(e)(1).)~~

~~**Sec. 8116-5 - Parking Standard Modifications for Qualified Housing Developments**~~

~~**Sec. 8116-5.1 - Requirements for Parking Standard Modifications**~~

~~Parking standard modifications pursuant to Section 8116-5.2 are available only for Qualified Housing Developments. An application for parking standard modifications stating the specific modification requested pursuant to Section 8116-5.2 must be submitted with the Qualified Housing Development application. (Gov. Code § 65915(p)(3).)~~

~~**Sec. 8116-5.2 - Parking Standard Modifications**~~

- ~~a. If the requirements of Section 8116-5.1 are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following ratios (Gov. Code § 65915(p)(1)):~~
- ~~b. Zero to one bedroom: one onsite parking space.~~
- ~~c. Two to three bedrooms: two onsite parking spaces.~~
- ~~d. Four and more bedrooms: two and one-half parking spaces.~~
- ~~e. If the total number of parking spaces required for the Qualified Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, "onsite parking" may be provided through tandem parking or uncovered parking, but not through on-street parking. (Gov. Code § 65915(p)(2).)~~
- ~~f. Except as otherwise provided in this section, all other provisions of Section 8108 (Parking and Loading Requirements) applicable to residential development apply.~~
- ~~g. An applicant may request additional parking Incentives beyond those provided in this section if applied for pursuant to Section 8116-3. (Gov. Code § 65915(p)(3).)~~

~~Sec. 8116-6 — Density Bonus and Affordable Housing Incentive Program - Project Design and Phasing~~

~~Subject to Section 8116-4, projects seeking an Affordable Housing Benefit pursuant to this Article must comply with the following requirements, unless otherwise specified in writing by the *Planning Director*:~~

- ~~a. Location/Dispersion of Units. Affordable Units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the Market-rate Units.~~
- ~~b. Phasing. If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of Affordable Units and Market-rate Units.~~
- ~~c. Exterior Appearance. The exterior appearance and quality of the Affordable Units must be similar to the Market-rate Units. The exterior materials and improvements of the Affordable Units must be similar to, and architecturally compatible with, the Market-rate Units.~~

~~Sec. 8116-7 - Density Bonus and Affordable Housing Incentive Program Application Requirements~~

~~An application for one or more Affordable Housing Benefits must be submitted as follows:~~

- ~~a. Each Affordable Housing Benefit requested must be specifically stated in writing on the application form provided by the County.~~
- ~~b. The application must include the information and documents necessary to establish that the requirements of this Article are satisfied for each Affordable Housing Benefit requested, including:
 - ~~(1) For Density Bonus requests, that the requirements of Section 8116-2 are met;~~
 - ~~(2) For Incentive requests, that the requirements of Section 8116-3 are met;~~
 - ~~(3) For Development Standard Waiver or Modification requests, that the requirements of Section 8116-4 are met; and/or~~
 - ~~(4) For Parking Standard Modification requests, that the requirements of Section 8116-5 are met.~~~~
- ~~c. The application must be submitted concurrently with a complete application for a Qualified Housing Development.~~
- ~~d. The application must include a site plan that complies with and includes the following:
 - ~~(1) For Senior Citizen Housing Development projects — the number and location of proposed Total Units and Density Bonus Units.~~
 - ~~(2) For all Qualified Housing Development projects other than Senior Citizen Housing Development projects — the number and location of proposed Total Units, Affordable Units and Density Bonus Units. The Density Bonus Units shall be permitted in geographic areas of the Qualified Housing Development other than the areas where the Affordable Units are located. (Gov. Code § 65915(i).)~~
 - ~~(3) The location, design and phasing criteria required by Section 8116-6, including any proposed Development Standard(s) modifications or waivers pursuant to Section 8116-4.~~~~
- ~~e. The application for a Qualified Housing Development must state the level of affordability of the Affordable Units and include a proposal for compliance with Section~~

~~8116-9 for ensuring affordability.~~

- ~~f. If a Density Bonus is requested for a Qualified Land donation pursuant to Section 8116-2.5, the application must show the location of the Qualified Land in addition to including sufficient information to establish that each requirement in Section 8116-2.5 has been met.~~
- ~~g. If an additional Density Bonus or Incentive is requested for a Child Care Facility pursuant to section 8116-2.3 and/or section 8116-3.3, the application shall show the location and square footage of the Child Care Facility in addition to including sufficient information to establish that each requirement in Section 8116-2.3 and/or section 8116-3.3 has been met.~~

~~An application for an Affordable Housing Benefit under this Article will not be processed until all of the provisions of this section are complied with as determined by the Planning Director and shall be processed concurrently with the application for the Qualified Housing Development project for which the Affordable Housing Benefit is sought.~~

~~Prior to the submittal of an application for a Qualified Housing Development, an applicant may submit to the Planning Director a preliminary proposal for Affordable Housing Benefits. The Planning Director shall, within 90 days of receipt of a written proposal, notify the applicant of the Planning Director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Planning Director's preliminary response.~~

~~Sec. 8116-8 – Determination on Density Bonus and Affordable Housing Incentive Program Requests~~

~~The decision making body for the underlying Qualified Housing Development application is authorized to approve or deny an application for an Affordable Housing Benefit in accordance with this Article.~~

~~Sec. 8116-8.1 – Affordable Housing Benefit Determinations~~

~~An application for an Affordable Housing Benefit shall be granted if the requirements of this Article are satisfied unless:~~

- ~~a. The application is for an Incentive for which a finding is made in accordance with Section 8116-3.4; or~~
- ~~b. The underlying application for the Qualified Housing Development is not approved independent of and without consideration of the application for the Affordable Housing Benefit.~~

~~Sec. 8116-8.2 – Affordable Housing Benefit Compliance Provisions~~

~~To ensure compliance with this Article and state law, approval of an application for an Affordable Housing Benefit may be subject to, without limitation:~~

- ~~a. The imposition of conditions of approval to the Qualified Housing Development, including imposition of fees necessary to monitor and enforce the provisions of this Article;~~
- ~~b. An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 8116-9; and~~
- ~~c. Recorded deed restriction implementing conditions of approval and/or~~

~~contractual or legally mandated provisions.~~

~~A decision regarding an Affordable Housing Benefit application is subject to the appeal provisions of Section 8111-7.~~

~~Sec. 8116-9 — Affordable Housing Agreement and Equity Sharing Agreement~~

~~No Density Bonus pursuant to Section 8116-2 shall be granted unless and until the Affordable Housing Developer, or its designee approved in writing by the Planning Director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the County or its designee pursuant to and in compliance with this section. (Gov. Code § 65915(c).) The agreements shall be in the form provided by the County which shall contain terms and conditions mandated by, or necessary to implement, state law and this Article. The Planning Director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the County. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the Qualified Housing Development does not include a map, prior to issuance of a building permit for any structure on the site. The Planning Director is hereby authorized to enter into the agreements authorized by this section on behalf of the County upon approval of the agreements by County Counsel for legal form and sufficiency.~~

~~Sec. 8116-9.1 - Affordable Housing Agreements~~

~~Sec. 8116-9.1.1 — Density Bonus Granted for Qualified Housing Development based upon Low or Very Low Income Minimum Affordable Housing Component or for Senior Citizen Housing Development~~

~~The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Low Income and/or Very Low Income Affordable Units must enter into an agreement with the County to maintain the continued affordability of the Affordable Units for 30 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Gov. Code § 65915(c)(1)):~~

- ~~a. Rental units. Rents for the Low Income and Very Low income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 8116-2 shall be set and maintained at an Affordable Rent. (Gov. Code § 65915(c)(1).)~~
- ~~b. For Sale Units. Owner-occupied Low Income and Very Low Income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 8116-2 shall be available at an Affordable Housing Cost. (Gov. Code § 65915(c)(1).)~~
- ~~c. Senior Units. At least thirty-five (35) Senior Citizen Housing Development Units are maintained and available for rent or sale to senior citizens as defined in Civil Code section 51.3.~~

~~Sec. 8116-9.1.2 — Density Bonus Granted for Qualified Housing Development based upon Moderate Income Minimum Affordable Housing Component~~

~~The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Moderate Income Affordable Units in a Common Interest Development must enter into an agreement with the County ensuring that: (a) the initial occupants of the Moderate Income Affordable Units that are directly related to the receipt of the Density Bonus are persons and families of a Moderate Income Household; and (b) the units are offered at an Affordable Housing Cost. (Gov. Code § 65915(c)(2).)~~

~~**Sec. 8116-9.1.3 – Density Bonus Granted for Qualified Housing Development based upon Minimum Affordable Housing Component and Child Care Facility**~~

~~If an additional Density Bonus or Incentive is granted because a Child Care Facility is included in the Qualified Housing Development, the affordable housing agreement shall also include the Affordable Housing Developer's obligations pursuant to Section 8116-2.3.1(c) for maintaining a Child Care Facility, if not otherwise addressed through conditions of approval.~~

~~**Sec. 8116-9.2 - Equity Sharing Agreement for Moderate Income Affordable Units**~~

~~In addition to the affordable housing agreement pursuant to Section 8116-9.1.2, the Affordable Housing Developer of Qualified Housing Development based upon a Moderate Income Minimum Affordable Component shall enter into an equity sharing agreement for a Common Interest Development with the County. (Gov. Code § 65915(c)(2).) The County shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. (Gov. Code § 65915(c)(2).) The equity sharing agreement shall include at a minimum the following provisions:~~

- ~~a. Upon resale, the seller of the unit shall retain the value of improvements, the down payment, and the seller's proportionate share of appreciation. The County shall recapture any initial subsidy, as defined in subparagraph b., and its proportionate share of appreciation, as defined in subparagraph c., which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2 (e) that promote home ownership. (Gov. Code § 65915(c)(2)(A).)~~
- ~~b. The County's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the Moderate Income Household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (Gov. Code § 65915(c)(2)(B).)~~
- ~~c. The County's proportionate share of appreciation shall be equal to the ratio of the County's initial subsidy to the fair market value of the unit at the time of initial sale. (Gov. Code § 65915(c)(2)(C).)~~

~~Sec. 8116-10 — Density Bonus or Incentive for Condominium Conversion Projects~~

~~Sec. 8116-10.1 — Requirements for Density Bonus or Incentive for Condominium Conversion Projects~~

~~When an applicant to convert apartments to a condominium project agrees to provide at least thirty three percent (33%) of the Total Units of the proposed condominium project to persons and families of Moderate Income Households or fifteen percent (15%) of the Total Units of the proposed condominium project to Low Income Households, and agrees to pay for the reasonably necessary administrative costs incurred by the County pursuant to this section, the County shall either: (1) grant a Density Bonus or (2) provide Other Incentives of Equivalent Financial Value. (Gov. Code § 65915.5(a).)~~

~~Sec. 8116-10.2 — Definition of Density Bonus for Condominium Conversion Projects~~

~~If the requirements of Section 8116-10.1 are met, then the Condominium Conversion Project will be entitled to an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums. (Gov. Code § 65915.5(b).)~~

~~Sec. 8116-10.3 — Pre-Submittal Preliminary Proposals for Density Bonus or Incentive for Condominium Conversion Projects~~

~~Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert apartments to a condominium project may submit to the Planning Director a preliminary proposal for Density Bonus or Other Incentives of Equivalent Financial Value. The Planning Director shall, within 90 days of receipt of a written proposal, notify the applicant of the Planning Director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Planning Director's preliminary response. (Gov. Code § 65915.5(d).)~~

~~Sec. 8116-10.4 — Application for Density Bonus or Incentives for Condominium Conversion Projects~~

~~An applicant must submit a completed application provided by the County for a Density Bonus or for Other Incentives of Equivalent Financial Value. The application must be submitted concurrently with the application for the Condominium Conversion Project. The application must include the following:~~

- ~~a. All information and documentation necessary to establish that the requirements of Section 8116-10.1 are met;~~
- ~~b. The proposal for a Density Bonus or the proposal for Other Incentives of Equivalent Financial Value;~~
- ~~c. Site plans demonstrating the location of the units to be converted, the Affordable Units, the Market-rate Units, and the Density Bonus units within the Condominium Conversion Project; and~~
- ~~d. Any other information and documentation requested by the County to~~

determine if the requirements of Section 8116-10 are met.

~~Both the application for a Density Bonus or Other Incentives of Equivalent Financial Value and the application for the condominium conversion must be complete before the application for a Density Bonus or Other Incentives of Equivalent Financial Value will be considered.~~

~~Sec. 8116-10.5 — Granting Density Bonus or Incentive for Condominium Conversion Projects~~

~~Sec. 8116-10.5.1 — Approval Authority~~

~~If the requirements of Section 8116-10.1 are met, the decision-making body for the Condominium Conversion Project application is authorized to grant an application for a Density Bonus or Other Incentives of Equivalent Financial Value, subject to Section 8116-10.5.2. Reasonable conditions may be placed on the granting of a Density Bonus or Other Incentives of Equivalent Financial Value that are found appropriate, including, but not limited to, entering into an affordable housing agreement pursuant to Section 8116-9 which assures continued affordability of units to subsequent purchasers who are persons and families of Moderate Income Households or Low Income Households. (Gov. Code § 65915.5(a).)~~

~~Sec. 8116-10.5.2 — Ineligibility~~

~~An applicant shall be ineligible for a Density Bonus or Other Incentives of Equivalent Financial Value if the apartments proposed for conversion constitute a Qualified Housing Development for which a Density Bonus as defined in Section 8116-1 or other Incentives were provided. (Gov. Code § 65915.5(f).)~~

~~Sec. 8116-10.6 — Decision on Condominium Conversion Project~~

~~Nothing in this section shall be construed to require the County to approve a proposal to convert apartments to condominiums. (Gov. Code § 65915.5(e).)~~

~~Sec. 8116-11- Enforcement Provisions~~

- ~~a. Compliance with Affordable Unit Occupancy Requirements. Throughout the restricted time periods set forth in section 8116-9, the eligibility of a household to occupy an Affordable Unit must be met at initial occupancy and at any change in ownership or tenancy, including subletting, of the Affordable Unit. Upon request, compliance with this Article and the terms of the Affordable Housing Agreement must be demonstrated. Upon 30-day written notice, the County may perform an audit to determine compliance with this Article and the terms of any agreement or restriction.~~
- ~~b. Enforcement. The County or its designee has the authority to enforce the provisions of this Article, the terms of Affordable Housing Agreements and Equity Sharing Agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions, and any other requirements placed on the Affordable Units or the approval of the Qualified Housing Development. In addition to the enforcement powers granted in this Chapter, including recording of Notices of Non Compliance, the County may, at its~~

~~discretion, take any other enforcement action permitted by law, including those authorized by County ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution and injunctive relief. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the County from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.~~

Sec. 8116-0 – Purpose and Application

Government Code section 65915 et seq., known as California Density Bonus Law, requires local jurisdictions to grant a density bonus, incentives or concessions, and waivers or reductions in development standards to qualifying projects that commit a certain percentage of dwelling units to affordable housing. The purpose of this Article 16 is to promote affordable dwelling units and allow density bonuses and other affordable housing incentives to qualifying projects in accordance with state law.

Sec. 8116-1 – Density Bonus and Affordable Housing Incentives

The density bonuses, incentives or concessions, and waivers or reductions in development standards required by state law, including, but not limited to, Government Code section 65915 et seq., shall be available to qualifying projects on the terms and conditions specified in state law.

[Staff Explanation: In recent years, the Legislature has amended Government Code Section 65915 et seq. annually, rendering it impracticable for local agencies to keep their density bonus ordinances up to date. Staff is recommending these proposed amendments to Article 16 to ensure that applicants, members of the public, and staff always refer to and apply current state law.]

Section 9

ARTICLE 19: SPECIFIC STANDARDS FOR AREA PLANS

Article 19, Section 8119-1.2 – Permitted Uses within Section 8119-1 – Old Town Saticoy Development Code of the Ventura County Ordinance Code is hereby amended to add a row for *Low Barrier Navigation Center*, revise the row for *Residential Care Facility Serving Six or Fewer*, and add rows for *Transitional Housing* and *Supportive Housing* under subsection (A) Principal Uses. These rows shall be placed in the appropriate alphabetical order and read in their entirety as follows:

Section 8119-1.2 – Permitted Uses

PERMITTED USES IN OLD TOWN SATICOY, BY ZONE				
	TC	R/MU	RES	IND
CARE FACILITIES (SEE ALSO H. & S. C. AND W. & I. C.)				
Day Care Centers	CUP	PD	CUP	
Family Day Care Homes		E	E	
Intermediate: Care of 7 or More Persons	CUP	CUP	CUP	
<u>Low Barrier Navigation Center*</u>		ZC		
Residential: Care of 6 or Fewer Persons		ZC	ZC	
<u>Residential Care of Six or Fewer Persons*</u>	Pursuant to Sec. 8107-ZZ			
<u>TRANSITIONAL AND SUPPORTIVE HOUSING *</u>				
<u>Transitional Housing</u>	Pursuant to Sec. 8107-YY			
<u>Supportive Housing</u>	Pursuant to Sec. 8107-YY			

* There are specific regulations for this use; see Article 7.

[Staff Explanation: Proposed revisions to Section 8119-1.2 to comply with state law and ensure consistency with the new Sections 8107-XX (Low Barrier Navigation Centers), 8107-YY (Transitional and Supportive Housing), and 8107-ZZ (Residential Care Facilities Serving Six or Fewer), all of which are being added in Article 7].

E = Exempt ZC = Zoning Clearance ¹ ZC-W = Zoning Clearance with signed waivers ¹	PD = Planned Development Permit ¹ CUP = Conditional Use Permit ¹	Not allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission	Approved by Board of Supervisors
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Section 10

If any section, subsection, sentence, clause phrase, word or provision of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The County Board of Supervisors hereby declares that it would have passed and adopted this ordinance, and each and all provisions hereof, irrespective of the fact that any one or more provisions may be deemed invalid or unconstitutional.

Section 11

This ordinance shall become effective and operative 30 days after adoption.

PASSED AND ADOPTED this ___ day of _____, 2024, by the following vote:

AYES: Supervisors _____

NOES: Supervisors _____

ABSENT: Supervisors _____

CHAIR, BOARD OF SUPERVISORS

ATTEST:

DR. SEVET JOHNSON

Clerk of the Board of Supervisors

County of Ventura, State of California

By _____
Deputy Clerk of the Board