

EXHIBIT 3b

Proposed Coastal Zoning Ordinance Amendments for Density Bonus and Special Needs Housing (Clean Version)

Proposed NCZO and CZO Amendments related to Density
Bonus and Special Needs Housing
(PL23-0135)

County of Ventura
Planning Commission Hearing

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF
CALIFORNIA, AMENDING ARTICLES 1, 2, 4, 5, AND 11 OF THE VENTURA
COUNTY ORDINANCE CODE, COASTAL ZONING ORDINANCE
(VENTURA COUNTY ORDINANCE CODE, DIVISION 8, CHAPTER 1.1)
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 8171-16 – Rounding of Quantities of the Ventura County Ordinance Code is hereby amended to read in its entirety as follows:

Sec. 8171-16 – Rounding of Quantities

Whenever application of this Chapter results in required parking spaces 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 .5 or more, and to the next lower whole number when the fraction is less than .5, except that a) calculation for the number of permitted animals shall be in accordance with Article 5; 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; and c) calculations under Section 8175-6 shall be rounded in accordance with Government Code section 65915 et seq.

Section 2

**ARTICLE 2:
DEFINITIONS**

Article 2, Section 8172-1 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to add the following definitions in the appropriate alphabetical order:

Supportive Housing - 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 - 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.”

Article 2, Section 8172-1 – Application of Definitions, of the Ventura County Ordinance Code is hereby amended to revise the following existing definition to read as follows:

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.

Residential Care Facility - A residential facility providing nonmedical or incidental medical services on a 24- hour basis or on a less than 24-hour basis to people who are mentally ill, handicapped, physically disabled, elderly, 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.

Section 3

ARTICLE 4: PERMITTED USES

Article 4, Section 8174-5 Permitted Uses by Zone, of the Ventura County Ordinance Code is hereby amended to read as follows with respect to the below-stated land uses:

Sec. 8174-5 – Permitted Uses by Zone

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE										
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM
CARE FACILITIES											
Day											
• Care of Six or Fewer Persons	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP	PDP		
If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC		

LAND USE CATEGORY	PERMIT REQUIREMENTS BY ZONE										
	COS	CA	CR	CRE	CR1	CR2	RB	RBH	CRPD	CC	CM
• Care of Seven or More Persons			CUP	CUP	CUP	CUP					
If exempt per Sec. 8174-6.2, 8174-6.3.2, or 8174-6.3.5			ZC	ZC	ZC	ZC					
<i>Residential Care of Six or Fewer Persons</i>	Pursuant to Sec. 8175-5.BB										
TRANSITIONAL AND SUPPORTIVE HOUSING											
<i>Transitional Housing</i>	Pursuant to Sec. 8175-5.AA										
<i>Supportive Housing</i>	Pursuant to Sec. 8175-5.AA										

E = Exempt*	PDP = PD Permit, Principally-Permitted**				
ZC = Zoning Clearance*		Not Allowed	Exempt	Approved by Planning Director or Designee	Approved by Planning Commission
PD = Planned Development Permit	PW = Public Works Permit				Approved by Board of Supervisors
	CUP = Conditional Use Permit				

*Not Appealable to the Coastal Commission

**Principally-permitted uses are only appealable to the Coastal Commission in accordance with the criteria in Public Resources Code Sec. 30603(a) 1-3 and 5.

Section 4

ARTICLE 5:

DEVELOPMENT STANDARDS/CONDITIONS – USES

Article 5, Development Standards/Conditions – Uses, of the Ventura County Ordinance Code is hereby amended to add a new **Section 8175-5.AA – Transitional and Supportive Housing**, which shall read in its entirety as follows:

Sec. 8175-5.AA – Transitional and Supportive Housing

Sec. 8175-5.AA.1 - Purpose and Application

The purpose of this Section 8175-5.AA 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 8175-5.AA conflicts with any other provision of this Chapter, this Section 8175-5.AA shall prevail. If this Section 8175-5.AA conflicts with state law, the latter shall govern.

Sec. 8175-5.AA.2 – Allowed Zones

Transitional housing and *supportive housing* are allowed in all zones that allow residential *dwelling*s. This includes *lots* zoned: COS, CA, CR, CRE, CR1, CR2, RB, RBH, and CRPD.

Sec. 8175-5.AA.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 CRPD Zone would require the same type of permit and meet the same development standards as other *multifamily dwelling*s in the CRPD Zone, unless such housing qualifies for approval as a *use* by right pursuant to Section 8175-5.AA.3.1 below.

- b. *Supportive housing* that complies with the requirements of Section 8175-5.AA.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. 8175-5.AA.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 8175-5.AA.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 CR2, RB, RBH, and CRPD.

As required by Government Code section 65650, for purposes of this Section 8175-5.AA.3.1, *supportive housing* includes nonresidential uses and administrative office space as provided in Section 8175-5.AA.3.1(a)(2)(vi) below, as well as *transitional housing* for youth and young adults.

- (2) To qualify as a *use* by right pursuant to this Section 8175-5.AA.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 8175-5.AA.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 housing 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 meaning set forth in Government Code section 65650(d) 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 8175-5.AA.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 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 8175-5.AA.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 8175-5.AA.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 8175-5.AA.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.

Article 5, Development Standards/Conditions – Uses, of the Ventura County Ordinance Code is hereby amended to add a new **Section 8175-5.BB – Residential Care Facilities Serving Six or Fewer**, which shall read in its entirety as follows:

Sec. 8175-5.BB – Residential Care Facilities Serving Six or Fewer Persons

Sec. 8175-5.BB.1 - Purpose

The purpose of this Section 8175-5.BB is to regulate *residential care facilities* serving six or fewer persons in accordance with state law (See Health and Safety Code, §§ 1566.3, 1568.0831, and 11834.23.).

Sec. 8175-5.BB.2 – Allowable Zones

Residential Care Facilities serving six or fewer persons are allowed in all zones that allow *residential dwellings*. This includes *lots* zoned COS, CA, CR, CRE, CR1, CR2, RB, RBH, and CRPD.

Sec. 8175-5.BB.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* 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 8175-5.BB.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.

Article 5, Development Standards/Conditions – Uses of the Ventura County Ordinance Code is hereby amended by adding a new **Section 8175-6 – Density Bonus and Affordable Housing Incentives** to read in its entirety as follows:

Sec. 8175-6 – Density Bonus and Affordable Housing Incentives

Sec. 8175-6.1 – 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 Section 8175-6 is to promote affordable *dwelling units* and allow density bonuses and other affordable housing incentives available under state law in a manner that is consistent with the requirements of the LCP.

Sec. 8175-6.2 – Density Bonus and Affordable Housing Incentives

- a. Government Code section 65915(m) provides that California Density Bonus Law does not supersede or in any way alter or lessen the effect or application of the Coastal Act.
- b. Subject to subsection (c) below, 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.
- c. Any requested density bonus, incentive(s) or concession(s), waiver(s) or reduction in development standards in the *coastal zone* shall be consistent with the County’s certified LCP policies for the protection of *coastal resources*.
- d. For qualifying projects that consist of low- and moderate-income housing, as defined in Government Code section 65589.5(h)(3), LCP provisions that reduce residential densities below the density sought by an applicant shall not be applied if the density is within the range of density established by the underlying zone plus the additional density permitted by Government Code section 65915 et seq., unless a finding is made, based on substantial evidence, that the density sought

by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with section 30200) of the Coastal Act or the other provisions of the LCP applicable to the project.

Section 5

ARTICLE 11: ENTITLEMENTS – PROCESS AND PROCEDURES

Article 11, Section 8181-14 – Reasonable Accommodation of the Ventura County Ordinance Code is hereby amended to read in its entirety as follows:

Sec. 8181-14 - Reasonable Accommodation

Sec. 8181-14.1 – 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 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 widened 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. 8181-14.2 – Reasonable Accommodation Requests

- a. An applicant may initiate a 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.
- b. If the project for which the request is being made requires a *discretionary decision* the County recommends that the applicant 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*.

- 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 Reasonable Accommodation Requests or processing any appeals associated with such the requests.

Sec. 8181-14.3 – Reasonable Accommodation Determination

Upon receipt of a 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 Section 8181-14 shall include their designee. If additional information is needed to make a determination, the *Planning Director* shall request the necessary information from the applicant, in writing. The applicant shall provide the information prior to the *Planning Director* acting upon and/or making a determination on the Reasonable Accommodation Request.

Sec. 8181-14.4 – Standards for Determining Reasonable Accommodation Requests

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

- a. The applicant seeking the accommodation(s) is a qualified individual protected under the Acts.
- 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. The requested accommodation(s) would not impose an undue financial or administrative burden on the County.
- e. The requested accommodation would not require a fundamental alteration in any County program, policy, practice, ordinance, and/or procedure, including zoning ordinances, and will be consistent with the standards and policies of the LCP.
- f. 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. 8181-14.5 – Conditions of Approval

The *Planning Director* may impose conditions on the approval of a 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. 8181-14.6 – Written Determination on the Request for Reasonable Accommodation

- a. Except as provided in Section 8181-14.2, not more than 45 days after receiving a completed Reasonable Accommodation Request, the *Planning Director* or other approving authority, 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 8181-14.4, 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 8181-14.7.
- b. Upon the request of the *Planning Director* to the applicant to provide additional information pursuant to Section 8181-14.3, 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. 8181-14.7 – Appeals

Within 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 8181-9 of this Chapter. Appeals of decisions on Reasonable Accommodation Requests will be heard by the Planning Commission.

Sec. 8181.14.8 – Limitations on Approvals of Reasonable Accommodation Requests

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

Section 6

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 7

This ordinance shall become effective and operative upon certification by the California Coastal Commission.

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