



Planning Commission Staff Report - Hearing on October 17, 2024

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • www.vcrma.org/divisions/planning

SUBJECT: Public Hearing to Consider County-Initiated Amendments to Articles 1, 2, 5, 7, 8, 9, 11, 16, and 19 of the Ventura County Non-Coastal Zoning Ordinance and Articles 1, 2, 4, 5, and 11 of the Ventura County Coastal Zoning Ordinance to Implement Programs HE-M (Density Bonus Ordinance Updates) and HE-N (Zoning Code Amendments for Special Needs Housing) of the 2021-2029 Housing Element; and to Consider a Finding that the Actions are Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15061(b)(3), 15168 and 15265, and Public Resources Code Section 21080.9. (PL23-0135)

A. PROJECT INFORMATION

1. Applicant:

County of Ventura, 800 S. Victoria Avenue, Ventura, California, 93009.

2. Location:

Coastal and non-coastal unincorporated areas of the County of Ventura.

3. Request:

Planning Division staff requests that your Commission review this staff report and its attachments and adopt a resolution (Exhibit 2) recommending that the Board of Supervisors ("Board") adopt the staff recommended actions stated in Section E of this report, which include approval of the proposed text amendments to the Non-Coastal Zoning Ordinance ("NCZO") and Coastal Zoning Ordinance ("CZO"); and to find that the adoption of the proposed ordinances is exempt from California Environmental Quality Act ("CEQA") review pursuant to CEQA Guidelines sections 15061(b)(3), 15168 and 15265, and Public Resources Code section 21080.9.

4. Review/Decision-Making Authority:

Under the NCZO, CZO, and state law, your Commission is required to review, conduct a public hearing on, consider, and make recommendations to the Board regarding the proposed ordinances. The Board, at a subsequent public hearing, will consider your Commission's recommendations and decide whether to adopt, not adopt, or adopt with modifications the proposed ordinances.

5. Background:

On October 21, 2021, the Board adopted the County's housing element for the 2021–2029 planning period ("Housing Element")¹. The California Department of Housing and Community Development ("HCD") certified the Housing Element on December

¹ County of Ventura, 2021-2029 Housing Element, available at this link: https://vcrma.org/docs/images/pdf/planning/plans/Final_2040_General_Plan_docs/VCGP_Chapter_3_Housing_Element.pdf

22, 2021. The Housing Element identifies various implementation programs that the County will pursue during the 2021–2029 planning period to promote opportunities for new housing for all economic levels and for those with special needs.

Specifically, the Housing Element includes the following two programs which necessitate updates to the County's NCZO and CZO for consistency with state law:

- Program HE-M, which commits the County to updating its density bonus regulations to ensure consistency with state law.
- Program HE-N, which commits the County to updating its regulations governing housing for special needs populations, as applicable. These include emergency shelters, low barrier navigation centers, residential care facilities, transitional and supportive housing, and reasonable accommodations for individuals with disabilities.

Program HE-M and Density Bonus Law:

Program HE-M states that *"the County shall update the Density Bonus Ordinance to be consistent with State density bonus law."*

California's density bonus law (Gov. Code, § 65915 *et seq.*) requires the County to grant a developer, at the developer's request, a density bonus, concessions or incentives, waivers of development standards, or reduced parking requirements for affordable housing and other specified projects. Like other state housing laws (e.g., Accessory Dwelling Units), the Legislature frequently amends state density bonus law; it has done so every year since 2014.

The NCZO's density bonus regulations are located in Article 16 and were last updated in 2013. Due to inconsistencies with state law, the County applies the state density bonus law to qualifying projects rather than relying on the provisions in Article 16, which have become outdated. For example, the provisions in Article 16 are inconsistent with state law due to omitting certain affordable project categories (e.g., housing for transitional foster youth), providing density bonuses below the current state law requirements (e.g., very low income projects can get up to 50% density bonus under state law, Article 16 limits these projects to a maximum 35% density bonus), and setting a higher bar than required under state law to qualify for concessions or incentives (e.g., to qualify for two incentives or concessions, Article 16 requires 20% of units to be set aside for lower income households; under state law, only 17% of units must be set aside for lower income households). Therefore, based on staff analysis, it was determined that the NCZO needs significant updates to make Article 16 of the NCZO consistent with state law. As explained in more detail below, the proposed amendments to Article 16 would incorporate state law by reference to avoid inconsistencies should the state density bonus law be amended in the future.

State density bonus law applies in the coastal zone but does not "supersede or in any way alter or lessen the effect or application of" the California Coastal Act. (Gov. Code, § 65915(m).) Currently, the CZO does not address implementation of state density bonus law. Therefore, staff determined that a new section would be added to the CZO that references state law provisions.

Program HE-N and Provisions related to Special Needs Housing:

Program HE-N states that *“the County shall amend the Non-Coastal and Coastal (if applicable) Zoning Ordinances to ensure compliance with State law”* for the following special needs housing options.

Emergency Shelters

State law defines an “emergency shelter” as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.” (Gov. Code, § 65582(d), citing Health & Safety Code, § 50801(e).)² Program HE-N specifically states that *“the County will amend the NCZO to align with requirements for permitting emergency shelters as described in Government Code section 65583(a)(4).”*

Following Assembly Bill (“AB”) 2339 (effective January 1, 2023), local agencies may only impose objective standards on emergency shelters, which can only address the following eight topics in accordance with (Gov. Code, § 65583(a)(4)(B)(i)-(viii)):

- (1) The maximum number of beds or persons permitted to be served nightly by the facility.
- (2) 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.
- (3) The size and location of exterior and interior onsite waiting and client intake areas.
- (4) The provision of onsite management.
- (5) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- (6) The length of stay.
- (7) Lighting.
- (8) Security during hours that the emergency shelter is in operation.

The NCZO’s emergency shelter regulations are provided in Section 8107-44. The County allows emergency shelters in the Commercial Planned Development (“CPD”) Zone. Numerous provisions in this section are inconsistent with the requirements of AB 2339 including, among other things, siting criteria, regulations governing intake and release times, landscaping and screening standards, and the requirement for a management plan.

² Assembly Bill (AB) 3093, which was signed by the Governor on September 19, 2024, renumbers the definitions in Government Code section 65582. Effective January 1, 2025, the emergency shelter definition will be provided in Government Code section 65582(g). The ordinance amending the NCZO’s emergency shelter definition includes an updated cross-reference to comply with AB 3093.

Specifically, the siting criteria for emergency shelters states that emergency shelter sites must be located within the Sphere of Influence of a city with a population of at least 20,000 to assure social services, on a parcel of one-half acre or more, and prohibits emergency shelters to be located within 300 feet of a school. Based on these criteria, the Housing Element Background Report identified five sites countywide which could be used to develop emergency shelters (in El Rio, Strickland Acres and Nyeland Acres).

However, in accordance with AE 2339 and Government Code section 65583(a)(4)(B)(i)-(viii), local agencies may **only** impose objective standards on emergency shelters, which can only address the above-mentioned eight topics, and the siting criteria cannot be required anymore. As a result, emergency shelters can now be developed on any CPD-zoned parcel countywide as long as it meets the eight specific criteria. Staff's analysis of developable CPD parcels in the unincorporated County³ showed that there are 277 CPD-zoned parcels in the unincorporated county, which is a significant increase in the number of viable sites for emergency shelters.

Therefore, based on staff analysis, it was determined that the regulations in Section 8107-44 in the NCZO would need to be updated for consistency with state law.

Low Barrier Navigation Centers ("LBNCs")

Program HE-N provides that the County will amend the NCZO and CZO (if applicable) to "*allow 'low barrier navigation center' emergency shelters by right in mixed-use zones and nonresidential zones permitting multifamily uses*". This commitment implements AB 101, which was signed into law in 2019 and, among other things, requires local agencies to allow LBNCs by right in areas zoned for mixed-use and non-residential zones permitting multifamily uses, provided the LBNC meets specified requirements. (Gov. Code, § 65662.)

Government Code section 65660(a) defines an LBNC as follows:

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.⁴ "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.

³ GIS analysis criteria included, e.g., parcels within an existing community or area plan; those with a slope of less than 20%; and where the slope does not extend over 50% of the property.

⁴ Senate Bill 1395 amended the LBNC definition in Government Code section 65660 to specify that an LBNC may be non-congregate and relocatable. SB 1395 was signed by the Governor on September 19, 2024, and will take effect on January 1, 2025. The LBNC definition provided in the ordinance amending the NCZO complies with SB 1395.

- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

State law allows jurisdictions to impose objective standards on LBNCs, but these standards are limited to the same eight categories as emergency shelters. (See Gov. Code, § 65583(a)(4)(B)-(C).) Currently, neither the NCZO nor the CZO have regulations governing LBNCs. Based on staff analysis, it was determined that only the NCZO needed to include LBNCs as it includes mixed-use and non-residential zones permitting multifamily uses (i.e. the CPD, Commercial Office (“CO”) and Residential/Mixed Use (“R/MU”) Zones). No zones in the CZO met this criterion.

Transitional and Supportive Housing

Program HE-N requires the County to amend the NCZO and CZO (if applicable) to *“define supportive and transitional housing as set forth in Government Code section 65582(g) and Health and Safety Code section 50801(i), respectively, and allow for transitional and supportive housing as a residential use in all zones allowing residential uses, subject only to the requirements applied to other residential uses of the same type in the same zone,”* consistent with state law.

Transitional Housing

State law defines “transitional housing” as “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.” (Gov. Code, § 65582(j).)⁵ State law requires the County to treat transitional housing as a residential use of property that is subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583(c)(3).)

The NCZO’s transitional housing definition does not align with the state law definition, nor does the NCZO regulate this use in accordance with the above state law requirements. The CZO does not include regulations governing transitional housing. Based on staff analysis, it was determined that revisions to both the NCZO and CZO are needed for consistency with state requirements for transitional housing.

Supportive Housing

State law defines “supportive housing” as “housing with no limit on length of stay, that is occupied by the target population,⁶ and that is linked to an onsite or offsite service

⁵ Following the enactment of AB 3093, Government Code section 65582’s transitional housing and supportive housing definitions will be provided in subsections (q) and (n), respectively. These updated cross-references are reflected in the ordinances amending the NCZO and CZO.

⁶ “Target population” is defined by statute and includes, among other populations, lower income persons who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions. Target population can also include adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (See Gov. Code, § 65582(i); see also Gov. Code, § 65650(c), citing Health and Safety Code, § 50685.14).)

that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.” (Gov. Code, § 65582(g).)

As with transitional housing, Government Code section 65583(c)(3) requires the County to treat supportive housing as a residential use of property that is subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone. Additionally, state law requires the County to treat supportive housing that complies with the requirements of Government Code section 65650 *et seq.* as a use by right in zones where multifamily and mixed uses are permitted (including nonresidential zones that permit multifamily uses). (Gov. Code, § 65651(a).)⁷

The NCZO’s supportive housing definition does not align with the state law definition. Nor does the NCZO regulate this use in accordance with the above state law requirements. The CZO does not include regulations governing supportive housing. Based on staff analysis, it was determined that revisions to both the NCZO and CZO are needed for consistency with state requirements for supportive housing.

Residential Care Facilities Serving Six or Fewer⁸

Program HE-N commits the County to amending the NCZO and CZO, as applicable, to “*allow for residential care facilities of six or fewer to be regulated in the same manner as a single-family dwelling unit in all zones where single-family dwelling units are allowed*” as required by state law.

These facilities provide nonmedical or incidental medical 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. Numerous provisions of state law require the County to treat such facilities serving six or fewer as a residential use of property subject only to those restrictions that apply to other family dwellings of the same type in the same zone, including Health & Safety Code sections 1566.3, 1568.0831, and 11834.23.

The NCZO’s residential care facilities regulations—including, e.g., certain definitions in Article 2 and the land use matrices in Article 5—require an update for consistency with the above statutory requirements. The CZO’s residential care facility regulations require similar amendments.

⁷ Following the enactment of AB 1801, which was signed by the Governor on September 27, 2024, the requirements for supportive housing as a use by right — in Government Code sections 65650 and 65651 — will be slightly modified, effective January 1, 2025. AB 1801’s changes primarily relate to the allowance of administrative office space in by right supportive housing projects. The ordinances amending the NCZO and CZO are consistent with AB 1801’s updated requirements.

⁸ Program HE-N also includes reviewing the County’s requirements governing residential care facilities for seven or more. Research by staff indicates that no changes are required under state law at this time as the current provisions are consistent with state law.

Reasonable Accommodations

State and federal fair housing laws (e.g., the federal Fair Housing Act, and California Fair Employment and Housing Act) require 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. The NCZO and CZO each include a (near identical) process for how the County will review and process reasonable accommodation requests. (See Section 8111-9 in the NCZO and Section 8181-14 in the CZO). Through Program HE-N, the County committed to “*ensure the permitting requirements and necessary findings for reasonable accommodations are consistent with state law and fair housing requirements*”.

Research by staff indicates that the NCZO’s and CZO’s reasonable accommodations regulation and process only require minor targeted amendments to: allow requests to be submitted orally, highlight that the County will engage in an interactive process with applicants, and align the findings with state law requirements governing the same. (See 2 CCR, §§ 12176(a)-(c), (f)(3), 12177(a).)

As summarized in more detail in the following section, the proposed ordinances amending the NCZO and CZO implement Programs HE-M and HE-N. The proposed ordinance amending the NCZO is included as Exhibit 3a and hereafter referred to as the “Proposed NCZO Amendments”; the proposed ordinance amending the CZO is included as Exhibit 3b and referred to as the “Proposed CZO Amendments”.

6. Summary of Proposed NCZO and CZO Amendments:

Based on staff analysis of the topics above, the Proposed NCZO and CZO Amendments address the following topics in the non-coastal and coastal areas respectively: (a) density bonuses and other affordable housing incentives; (b) emergency shelters; (c) low barrier navigation centers; (d) residential care facilities serving six or fewer; (e) transitional and supportive housing; and (f) reasonable accommodations.

(a) Density Bonuses and Other Affordable Housing Incentives

The Proposed NCZO Amendments repeal and replace Article 16 with new **Sections 8116-0** and **8116-1** that incorporate state density bonus law by reference. As discussed above, state density bonus law has recently been amended by the legislature every year, making local ordinances inconsistent with the regulations, and creating confusion over which standards apply. Therefore, incorporating state density bonus law by reference has become an increasingly common practice amongst local jurisdictions, as it ensures local regulations remain consistent with state law. Adopting the Proposed NCZO Amendments ensures that Article 16’s density bonus regulations are (and remain) consistent with state law.

State density bonus law applies in the coastal zone, but does not “supersede or in any way alter or lessen the effect or application of” the California Coastal Act. (Gov. Code, § 65915(m).) Currently, the CZO does not address implementation of state

density bonus law. The Proposed CZO Amendments add a new section, **Section 8175-6**, to Article 5 (Development Standards/Conditions – Uses) that, like the NCZO, incorporates state density bonus law by reference. The new section also implements state density bonus law in the coastal zone by requiring any requested density bonus, incentive/concession, waiver or reduction in development standards to be consistent with the County's certified Local Coastal Program (LCP) policies for the protection of coastal resources. In accordance with the Coastal Act, if the Proposed CZO Amendments are adopted by the Board, they will be submitted to the California Coastal Commission for review and certification.

(b) Emergency Shelters

The Proposed NCZO Amendments include the following revisions to emergency shelter standards to comply with state requirements:

- **Section 8102-0** emergency shelter definition is amended to match the state law definition.
- **Section 8107-44.2** is amended to clarify that the County's issuance of a Zoning Clearance for an emergency shelter is contingent upon the submittal of a complete application and compliance with the standards set forth in Section 8107-44.3.
- **Section 8107-44.3** is amended to update the applicable development standards for emergency shelters to include the objective standards allowed by Government Code section 65583(a)(4)(B)(i)-(viii)). To the extent possible, the objective standards use similar standards included in other NCZO sections (e.g., lighting), and where possible, retain existing regulations (e.g., maximum number of residents in an emergency shelter). For those standards that did not have an existing reference in the NCZO, staff referenced emergency shelter requirements imposed in other jurisdictions in California. The objective standards include requirements that would ensure that the use would limit any inconsistencies with neighboring commercial uses, and the public right of way.
- **Sections 8107-44.4, 8107-44.5 and 8107-44.6**, which presently relate to emergency shelter management plans, construction and operation standards, and application requirements, are proposed to be deleted as they are inconsistent with state requirements and/or duplicative of the amended provisions.
- **Section 8108-4.7**, Table of Parking Space Requirements by Land Use, is amended to align with state law restrictions on parking requirements that can be imposed on emergency shelters.

Adopting the Proposed NCZO Amendments will ensure that the NCZO's emergency shelter standards are consistent with recent changes in state law.

Pursuant to the CZO, emergency shelters are not allowed in any zone in the coastal unincorporated area. State law does not require that emergency shelters be permitted in the coastal zone; therefore, staff is not proposing any amendments to the CZO relating to emergency shelters.

(c) Low Barrier Navigation Centers

The Proposed NCZO Amendments include the following to address LBNCs in the non-coastal areas to be consistent with state law provisions:

- **Section 8102-0** is amended to add a definition for LBNCs that matches the state law definition.
- **Section 8105-5 and Section 8119-1.2** are amended to update the land use matrices for permitted uses in commercial and industrial zones, and permitted uses in Old Town Saticoy, respectively, to indicate that LBNCs are permitted on lots zoned CO, CPD, and R/MU. Consistent with state law requirements, staff has determined these three zones in the non-coastal unincorporated area meet the applicable statutory criteria as “areas zoned for mixed-use and nonresidential zones permitting multifamily uses.” (Gov. Code, § 65662.)
- **Section 8107-XX⁹: Low Barrier Navigation Centers** is proposed to be added as a new section to Article 7 (Standards for Specific Uses) that permits LBNCs by right on lots zoned CO, CPD, and R/MU. Like emergency shelters, qualifying LBNCs will be permitted with a Zoning Clearance. Additional application requirements for LBNCs are included in Section 8107-XX.3.
- **Section 8107-XX.4** is proposed to be added to comply with state law requirements requiring local operational standards for LBNCs to be objective and comply with the limits imposed on emergency shelters. (Gov. Code, § 65583(a)(4)(B)-(C).) As such, LBNCs would be required to comply with the same operational development standards imposed on emergency shelters, as outlined in Section 8107-44.3 (b) through (i). In addition, this section includes operational services requirements as required by Government Code section 65662.
- **Section 8108-4.7**, Table of Parking Space Requirements by Land Use, is amended to align with the restrictions on parking requirements that can be imposed on LBNCs (same as with emergency shelters).

Research by staff indicates that the County’s coastal zone does not include any mixed-use districts or any non-residential zones permitting multifamily uses. Therefore, LBNCs are not required to be addressed in the CZO.

(d) Transitional Housing and Supportive Housing

In accordance with state law, the Proposed NCZO Amendments for these topics include the following revisions:

- **Section 8102-0** is amended to update the existing definitions for transitional and supportive housing to match the state law definitions.

⁹ The numbering of the proposed ordinance sections 8107-XX, 8107-YY, 8107-ZZ, 8175-5.AA, and 8175-5.BB are placeholders, and will be assigned sequential numbers prior to the Board of Supervisors hearing.

- **Section 8105-4** and **Section 8105-5** are amended to update the land use matrices for permitted uses in open space, agricultural, residential and special purposes zones, and permitted uses in commercial and industrial zones, respectively, to include new use categories for transitional and supportive housing.
- **Section 8119-1.2** similarly amends the land use matrix for permitted uses in Old Town Saticoy to include new use categories for transitional and supportive housing.
- **Section 8107-YY: Transitional and Supportive Housing** is proposed to be added as a new section to Article 7 (Standards for Specific Uses), which includes regulations for these uses consistent with state law.
- **Section 8107-YY.2** and **Section 8107-YY.3** identify the allowable zones and applicable development standards for transitional and supportive housing consistent with state law.

Based on state law provisions, there are instances when supportive housing is subject only to those standards that apply to other residential dwellings of the same type (e.g., other single-family, two-family, or multifamily dwellings) in the same zone (e.g., Single-Family Residential (R1) zone). In that scenario, the County could only apply standards generally applied to other residential dwellings of the same type and in the same zone.

In other instances, supportive housing may qualify for by right approval (i.e., approval with a Zoning Clearance) if it meets all the standards set forth in Government Code 65650 *et seq.* **Section 8107-YY.3.1** clarifies that supportive housing that complies with the requirements of Government Code section 65650 *et seq.* qualifies as a use by right in zones where multifamily and mixed uses are permitted (including nonresidential zones that permit multifamily uses). In the NCZO, this includes lots zoned Two-Family Residential (“R2”), Residential Planned Development (“RDP”), Residential High Density (“RHD”), R/MU, Residential (“RES”), CO and CPD. Such projects must also comply with all objective development standards and policies that apply to other multifamily development in the same zone. Therefore, this section also includes requirements directly from state law that must be satisfied for supportive housing to qualify for approval as a use by right.

The Proposed CZO Amendments for these topics mirror the language from the NCZO, as well as the layout of the sections:

- **Section 8172-1** is amended to add definitions for transitional and supportive housing that match state law and the proposed definitions for the NCZO.
- **Section 8174-5** is amended to update the land use matrix for permitted uses by zone to add new use categories for transitional and supportive housing.

- **Section 8175-5.AA** is proposed to be added as a new section to Article 5 (Development Standards/Conditions–Uses) that, like the proposed amendments to the NCZO, recognizes transitional and supportive housing as a residential use of property that is subject only to those standards that apply to other residential dwellings of the same type in the same zone as required by Government Code section 65583(c)(3).
- **Section 8175-5.AA.3.1** addresses the standards and requirements for supportive housing that complies with the requirements of Government Code section 65650 *et seq.* as a use by right in zones where multifamily and mixed uses are permitted (including nonresidential zones that permit multifamily uses). In the CZO, this includes lots zoned Coastal Two-Family Residential (“CR2”), Residential Beach (“RB”), Residential Beach Harbor (“RBH”), and Coastal Residential Planned Development (“CRPD”). Such projects must also comply with all objective development standards and policies that apply to other multifamily development in the same zone.

(e) Residential Care Facilities Serving Six or Fewer

The Proposed NCZO Amendments include the following:

- **Section 8102-0** definition for “Residential Care Facility” is amended to more closely track state law. Additionally, the definition for “Family” was amended to remove outdated references to the Community Care Facilities Act.
- **Section 8107-ZZ: Residential Care Facilities of Six or Fewer** is added as a new section to Article 7 (Standards for Specific Uses) that provides that residential care facilities serving six or fewer will be regulated in the same manner as a family dwelling as required by state law. For example, if residential care facility serving six or fewer is established in a single-family dwelling in the R1 Zone, the County must regulate the facility in the same manner as all other single-family dwellings in the R1 Zone; the facility cannot be subject to permitting or zoning requirements that do not apply to all other single-family dwellings in the same zone. Residential care facilities of six or fewer are allowed in all zones which allow residential dwellings, which include lots zoned R1, R2, RES, RPD, R/MU, RHD, RA, RE, RO, CO, CPD, OS, AE, and TP.
- **Section 8105-4** is amended to update the land use matrix for permitted uses in open space, agricultural, residential and special purposes zones to allow residential care facilities serving six or fewer in accordance with Section 8107-ZZ.
- **Section 8119-1.2** is amended to update the land use matrix for permitted uses in Old Town Saticoy to allow residential care facilities serving six or fewer in accordance with Section 8107-ZZ.

The Proposed CZO Amendments include the following:

- **Section 8172-1** is amended to update the definition for “Residential Care Facility” in Article 2 to more closely align with state law and match the

amended definition in the NCZO for this use (as described above). Additionally, the definition for “Family” was amended to remove outdated references to the Community Care Facilities Act.

- **Section 8175-5.BB** is added as a new section to Article 5 (Development Standards/Conditions – Uses) that provides that residential care facilities serving six or fewer will be regulated in the same manner as a family dwelling as required by state law.
- **Section 8174-5** is amended to update the land use matrix for permitted uses by zone to allow residential care facilities serving six or fewer in accordance with Section 8175-5.BB.

(f) Reasonable Accommodations

As explained in the Background section above, the process outlined for reasonable accommodations only needs minor targeted revisions in the NCZO and CZO to comply with state law. The proposed amendments are consistent between the two proposed ordinances and include the following:

- **Section 8181-14.2** (in the CZO) and **Section 8111-9.2** (in the NCZO) are amended to allow individuals to submit a reasonable accommodation request orally or in writing. (See 2 CCR, § 12176(f)(3).)
- **Section 8181-14.2** (in the CZO) and **Section 8111-9.2** (in the NCZO) are amended to provide that in instances where the County is unable to immediately grant the requested accommodation, the County will engage in an “iterative and interactive” process with the disabled individual (or their representative). (See 2 CCR, § 12177(a).)
- **Section 8181-14.4** (in the CZO) and **Section 8111-9.4** (in the NCZO) are amended to refine the criteria that the County will consider when evaluating a request. (See 2 CCR, § 12176(a)-(c).)

Clean versions of the Proposed NCZO and CZO Amendments are available in Exhibits 3a and 3b, respectively. Exhibits 4a and 4b include the complete text of the Proposed NCZO and CZO Amendments in a legislative/strike-out version with staff explanations.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE AND FINDINGS

NCZO

The Proposed NCZO Amendments are exempt from CEQA pursuant to section 15061(b)(3) of the CEQA Guidelines, which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Here, there is no possibility that the amendments may have a significant effect on the environment because they merely amend the Ventura County Ordinance Code to be consistent with state law and fair housing laws, which are already binding on the County and govern.

The Proposed NCZO Amendments are also exempt pursuant to CEQA Guidelines section 15168 as they directly implement Programs HE-M and HE-N of the County's Housing Element, which was adopted by the Board of Supervisors on October 19, 2021. As part of its adoption of the Housing Element, the County prepared and adopted Addendum No. 1 to the certified General Plan EIR, finding that none of the conditions set forth in CEQA Guidelines sections 15164(a) and 15162 to require the preparation of a subsequent or supplemental environmental impact report for adoption of the Housing Element had occurred or existed and that Addendum No. 1 satisfied environmental review requirements in compliance with CEQA. The County determined that implementation of the Housing Element, including implementation of programs HE-M and HE-N, will not result in any new significant impacts, increases in intensity of identified impacts, substantial changes in circumstances, identification of new or now feasible mitigation measures or new or now feasible alternatives. Therefore, implementation of these two Housing Element programs by way of adoption of the Proposed NCZO and CZO Amendments would not result in any development or other physical changes to the environment beyond what was previously identified in the EIR. The EIR analyzed physical environmental impacts from land use and infrastructure development under the General Plan, including the types of physical improvements resulting from the Housing Element. And as stated above, the Proposed NCZO and CZO Amendments simply amend the County Ordinance Code to be consistent with state law.

CZO

The Proposed CZO Amendments are exempt from CEQA pursuant to Public Resources Code section 21080.9 and CEQA Guidelines section 15265. The Proposed CZO Amendments constitute an amendment to the County's Local Coastal Program (LCP). Section 21080.9 of the Public Resources Code (which is part of CEQA) exempts local governments from preparing an environmental impact report or other CEQA document in connection with the approval of an amendment to an LCP. Instead, certification of an LCP and amendments thereto by the California Coastal Commission (Coastal Commission) are subject to Coastal Commission review for compliance with the California Coastal Act of 1972. The Coastal Commission's regulatory program for the preparation, approval and certification of LCPs has been certified by the Natural Resources Agency under Public Resources Code section 21080.5 as the functional equivalent of CEQA review. Because of this certification, the County is exempt from CEQA review in connection with the Proposed CZO Amendments, provided that the Coastal Commission ultimately finds them to be consistent with the Coastal Act.

C. NCZO and CZO AMENDMENT FINDINGS AND SUPPORTING EVIDENCE

Both the NCZO and the CZO authorize the Board to amend these zoning ordinances *"whenever the public health, safety, or general welfare, good zoning practice, and consistency with the General Plan [or the Coastal Act, or Coastal Area Plan] justify such action..."* Pursuant to NCZO section 8115-0 and CZO section 8184-1, the Board must make certain findings in order to amend them. The Board's ability to make the required findings pursuant to these sections is evaluated below for your Commission's consideration in making its recommendations to the Board.

In addition to the findings below, the Proposed CZO Amendment also requires additional findings for consistency with the Local Coastal Program and the Coastal Act, which is included separately in Exhibit 6. This is being done to facilitate the future review of the Proposed CZO Amendments by the California Coastal Commission,

Based on staff's analysis, which is summarized below and in Exhibit 6, each of the required findings for the Proposed NCZO and CZO Amendments can be made.

1. The proposed amendments would not be detrimental to the public health, safety or general welfare.

The proposed amendments implement Housing Element Programs HE-M and HE-N. Adopting the proposed amendments will benefit the public health, safety and general welfare by ensuring that the County's regulations governing density bonuses, emergency shelters, low barrier navigation centers, residential care facilities, transitional and supportive housing, and reasonable accommodations are current and comply with state law requirements governing the same. While state laws limit local authority or discretion on the adoption of these zoning regulations, Planning Division staff incorporated standards where possible to provide for operational oversight and compatibility with adjacent uses (e.g., in the Proposed NCZO Amendment, each LBNC must have at least one security guard on-site during all hours of operation, each LBNC must have an interior client intake area of at least 250 square feet, an LBNC's outdoor lighting must be fully-shielded, directed downward, and not illuminate onto adjacent properties). For these reasons, the Proposed NCZO and CZO Amendments would not be detrimental to the public health, safety and general welfare and this finding can be made.

2. The proposed amendments represent good zoning practice.

The proposed amendments implement updates that the County committed to in Housing Element Programs HE-M and HE-N. They do so by updating regulations relating to density bonuses, emergency shelters, low barrier navigation centers, residential care facilities, transitional and supportive housing, and reasonable accommodations to comply with state law. They also make targeted revisions to related provisions to ensure that cross-references and provisions therein remain internally consistent. Additionally, the proposed amendments ensure that the uses are allowed in zones with compatible uses, and in accordance with state law. Consequently, the Proposed NCZO and CZO Amendments represent good zoning practice, and this finding can be made.

3. The proposed amendments are consistent with the Ventura County General Plan.

Staff conducted a review of the goals and policies of the Ventura County General Plan ("General Plan") and determined that the proposed amendments are consistent for the reasons set forth in Exhibit 5. Therefore, the Proposed NCZO and CZO Amendments are consistent with the General Plan and this finding can be made.

D. PLANNING COMMISSION HEARING NOTICE AND COMMENTS

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with Government Code section 65090. The Planning Division also placed a legal ad providing notice of this public hearing in *Vida* (in Spanish) on September 19, 2024, and in the *Ventura County Star* (in English) on September 22, 2024, and sent an email to interested parties for this project. This Planning Commission staff report and associated exhibits were made available to the public on the Planning Division website on September 26, 2024. The Planning Commission hearing will include simultaneous interpretation in Spanish for the community.

E. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that your Commission has reviewed and considered this staff report and all exhibits hereto, and has considered all comments received during the public comment and hearing process;
2. **ADOPT** a Resolution (Exhibit 2) recommending that the Board of Supervisors take the following actions regarding the proposed ordinances:
 - a. **CERTIFY** that the Board of Supervisors has reviewed and considered the Board letter, the Planning Commission staff report and all exhibits thereto and has considered all comments received during the public comment and hearing process; and
 - b. **FIND**, on the basis of the entire record and as set forth in Section B of the Planning Commission staff report, that the adoption of the proposed ordinance amending the NCZO is exempt from CEQA review pursuant to CEQA Guidelines sections 15061(b)(3) and 15168; and **FIND** that the adoption of the proposed ordinance amending the CZO is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.9 and CEQA Guidelines section 15265 as an amendment to the County's LCP.
 - c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D (and Exhibits mentioned therein) of the Planning Commission staff report, that the proposed ordinances amending the NCZO and CZO (Exhibits 3a and 3b) are consistent with the goals, policies and programs of the Ventura County General Plan and Coastal Act (as applicable), reflect good planning practices, and are in the interest of public health, safety and general welfare; and
 - d. **ADOPT** the proposed ordinance amending the NCZO, attached as Exhibit 3a; and
 - e. **ADOPT** the proposed ordinance amending the CZO, attached as Exhibit 3b; and

- f. **SPECIFY** the Clerk of the Board of Supervisors at 800 S. Victoria Avenue, Ventura, CA 93009 as the custodian and location of the documents and materials that constitute the record of proceedings upon which these decisions are based.

This staff report has been reviewed by County Counsel. The Board of Supervisors hearing to consider the Proposed Ordinances is tentatively scheduled for December 17, 2024, in the Board of Supervisor's hearing room.

If you have any questions concerning the information presented above, please contact Ruchita Kadakia at (805) 654-2414 or by email at Ruchita.Kadakia@ventura.org.

Prepared by:



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Reviewed by:



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EXHIBITS:

Exhibit 2: Draft Planning Commission Resolution to the Board of Supervisors

Exhibit 3: Proposed NCZO and CZO Amendments (Clean Version):

3a: Proposed Ordinance amending Articles 1, 2, 5, 7, 8, 9, 11, 16, and 19 of the Non-Coastal Zoning Ordinance

3b: Proposed Ordinance amending Articles 1, 2, 4, 5, and 11 of the Coastal Zoning Ordinance

Exhibit 4: Proposed NCZO and CZO Amendments (Legislative Version):

4a: Proposed Ordinance amending Articles 1, 2, 5, 7, 8, 9, 11, 16, and 19 of the Non-Coastal Zoning Ordinance

4b: Proposed Ordinance amending Articles 1, 2, 4, 5, and 11 of the Coastal Zoning Ordinance

Exhibit 5: List of Applicable General Plan Goals and Policies Consistent with the Proposed Amendments

Exhibit 6: Coastal Zoning Ordinance Amendment Findings and Consistency Analysis