

EXHIBIT 1

April 6, 2023, Planning Commission Staff Report

Proposed NCZO Amendments Pertaining to Maximum
Building Lot Coverage Development Standards, Setback
Exceptions and Grammatical, Stylistic, Definitional and Other
Clarifying Amendments
(Case No. PL22-0163)



Planning Commission Staff Report - Hearing on April 6, 2023

County of Ventura • Resource Management Agency

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

Subject: *Public Hearing to Consider County-Initiated Ordinance Amending Articles 1, 2, 6, 7, 8, 11, 13 and 19 of the Ventura County Non-Coastal Zoning Ordinance to Include Building Lot Coverage Development Standards, a Setback Exception, and Grammatical, Stylistic, Definitional and Other Clarifying Amendments; and Consider a Finding that Adoption of the Amendments is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3); All Supervisorial Districts (Case No. PL22-0163)*

PROJECT INFORMATION

1. **Applicant:** County of Ventura, Resource Management Agency (RMA), Planning Division, 800 S. Victoria Avenue, L/C #1740, Ventura, CA 93009.
2. **Location:** The proposed amendments to the Non-Coastal Zoning Ordinance (NCZO) would be applicable to the non-coastal unincorporated areas of Ventura County. (All Districts).
3. **Request:** Planning staff requests that your Commission review this staff report and its attachments and adopt a resolution (Exhibit 4) recommending that the Board of Supervisors (Board) adopt the staff recommended actions stated in Section E of this staff report, including approval of the proposed ordinance amending Articles 1, 2, 6, 7, 8, 11, 13 and 19 of the NCZO to include building lot coverage development standards, a setback exception, and grammatical, stylistic, definitional and other clarifying amendments ("proposed NCZO amendments"), and find that adoption of the proposed NCZO amendments is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3). The proposed NCZO amendments are included as Exhibit 2 (legislative format) and Exhibit 3 (clean version) of this report.
4. **Review/Decision-Making Authority:** Pursuant to Section 8115-3.1 of the NCZO and Government Code section 65853, the Planning Commission is required to review, conduct a public hearing on, consider, and make recommendations to the Board regarding the proposed NCZO amendments. The Board, at a subsequent public hearing, will consider your Commission's recommendations and decide whether to adopt, not adopt, or adopt the proposed amendments with modifications.

- 5. Objective and Definitions:** The primary objective of the proposed NCZO amendments is to incorporate maximum building lot coverage development standards primarily contained in the Ventura County 2040 General Plan into the NCZO. The proposed amendments consolidate existing building lot coverage regulations from nine documents into one section of the NCZO for efficiency and ease of use by residents, applicants, and County staff; to address one new regulation for property owner flexibility; and to address administrative improvements to the NCZO.

Before commencing with additional project details, it is helpful to review key definitions for terms used throughout this staff report:

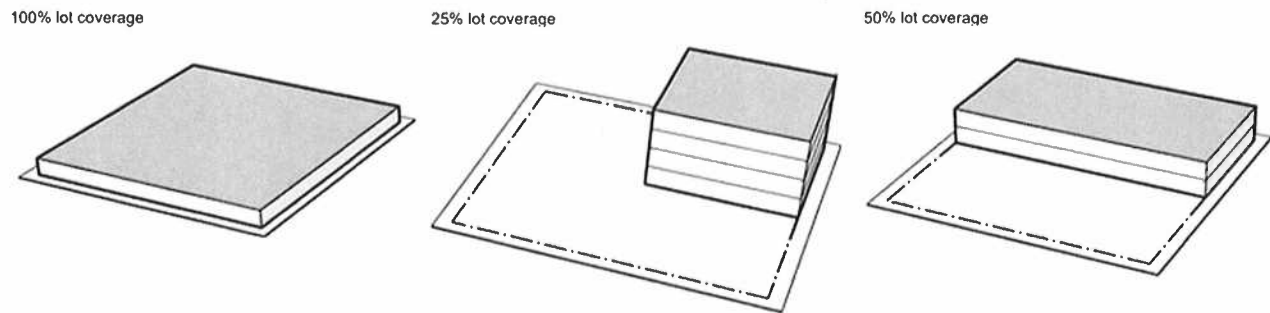
- **Area Plans** are land use plans for specific geographic subareas within the unincorporated areas of the county. The area plans govern the distribution, general location, and extent of uses of the land for housing, business, industry, open space, agriculture, and public facilities. There are nine area plans within unincorporated Ventura County¹.
- **Mapped Existing Community Designated Areas** are areas designated as Existing Community in the General Plan and identified in the Save Open Space & Agricultural Resources (SOAR) initiative. These areas identify existing urban residential, commercial, or industrial enclaves outside of incorporated areas and urban centers. The Existing Community Designated Areas include uses, densities, building intensities, and zoning designations that are normally found in incorporated areas or urban centers, but which do not qualify as urban centers.

There are 22 Existing Community Designated Areas mapped in Figure 2-1 (Urban and Existing Community Designated Areas) of the Land Use and Community Character Element of the General Plan.

¹ The nine area plans within unincorporated Ventura County include the El Rio / Del Norte Area Plan, Lake Sherwood Area Plan, North Ventura Avenue Area Plan, Oak Park Area Plan, Ojai Valley Area Plan, Piru Area Plan, Thousand Oaks Area Plan, Coastal Area Plan, and the Saticoy Area Plan.

- **Building Lot Coverage** is the ratio of the land area covered by buildings (i.e., the total “building area”) to total lot area, expressed as a percentage of lot area. For purposes of this definition, “building” is any structure having a roof supported by columns or walls, and “building area” is the area included within the surrounding exterior walls or columns of a building, exclusive of courts.

The drawings below from the General Plan illustrate the concept of building lot coverage.



Prior to the adoption of the current General Plan, building lot coverage development standards were included in the 2019 “Goals, Policies, and Programs” (“GPP”) document of the prior General Plan (which has since been repealed) and the nine area plans². Building lot coverage development standards apply to all areas of the unincorporated county. For purposes of building lot coverage standards, the unincorporated area is divided into three geographic subsets:

- Lots subject to an Area Plan;
- Lots within a Mapped Existing Community Designated Area Boundary and not subject to an area plan; and
- Lots outside of a Mapped Existing Community Designated Area Boundary and not subject to an area plan.

Exhibit 5 (Proposed NCZO Building Lot Coverage Development Standard References) summarizes the location of building lot coverage standards in the County’s source documents (i.e., 2040 General Plan, repealed 2019 GPP and Area Plans) and identifies the proposed NCZO section where the standards would be incorporated. There are some exceptions and exclusions to maximum building lot coverage standards established by General Plan policies. They include exceptions for nonconforming lot size with either a Rural, Agricultural, Open Space, or Residential Land Use Designation (Policies LU-7.3, LU-8.4, LU-9.8, and

² No Coastal Zoning Ordinance amendments are proposed as part of this project. Building lot coverage development standards for each of the Coastal Area Plan Designations are included in Sec. 8175-2.1 (Building Coverage Standards) of the Coastal Zoning Ordinance. Therefore, the proposed ordinance amendments include building lot coverage standards only from the eight non-coastal area plans.

LU-10.3 respectively), and an exclusion for structures used for growing plants (e.g., greenhouses, hothouses) (Policy LU-6.2).

6. **Summary of Proposed NCZO Amendments for Building Lot Coverage Amendments into Article 6**

The proposed building lot coverage amendments include incorporating the defined term, “building lot coverage”, into Article 2 (Definitions) of the NCZO³. The proposed amendments amend the use of the terms “lot coverage” and “building coverage” where used in the NCZO to conform to the newly defined term, “building lot coverage”, proposed by this amendment.

The proposed amendments also incorporate building lot coverage development standards into the NCZO from the repealed GPP, the 2040 General Plan, and the eight non-coastal Area Plans. The following proposed amendments do not include any policy or development standard changes.

The proposed NCZO amendments to incorporate building lot coverage development standards will be included in NCZO Article 6 (Lot Area and Coverage, Setbacks, Height and Related Provisions).

A) Lots Subject to Area Plans: For lots subject to an Area Plan, building lot coverage development standards are established by the applicable area plan and the lot’s Area Plan land use designation. Building lot coverage development standards from each of the eight non-coastal area plans are incorporated into Sections 8106-1.4.1.1.1 to 8106-1.4.1.1.8 of the proposed ordinance. One exception is the unique regulations for the community of Saticoy.

Saticoy Area Plan: Within the Saticoy Area Plan, three distinct planning areas exist: Old Town Saticoy, the West Industrial area, and the South Industrial area. Within the Old Town Saticoy area, the Old Town Saticoy Development Code (NCZO Sec. 8119-1), a form-based code, regulates development. The Old Town Saticoy Development Code is a “form-based code” because its regulations go beyond height, setback, and building lot coverage standards to address the placement, massing, and design of buildings with tools such as “Building Types” and “Frontage Types” for each zone.

For zones within the West and South Industrial areas, building lot coverage development standards are established by the Land Use Designation General Development Standards from the Land Use and Community Character Element of the General Plan. (General Plan, Table 2-2.) All other

³ The definition for “building lot coverage” is proposed for incorporation into the NCZO from the General Plan Goals, Policies and Programs.

zoning regulations for the West and South Industrial areas are established by Article 6 of the Non-Coastal Zoning Ordinance.

An amendment to Article 19 of the NCZO is proposed to clarify the development standards for Old Town Saticoy, the West Industrial Area, and the South Industrial Area.

B) Lots within a Mapped Existing Community Designated Area Boundary and Not Subject to an Area Plan: Building lot coverage development standards for lots within a Mapped Existing Community Designated Area but not subject to an Area Plan were established by the repealed GPP. Figures 3.7a through Figure 3.28b from the GPP established maximum building lot coverage for each zone designation. Planning Division staff reviewed each of these development standards and confirmed that the maximum building lot coverage development standard for each zone designation was consistent in each of the 22 Existing Communities not subject to an area plan. The proposed Table 8 set forth in Section 8106-1.4.1.2 incorporates these building lot coverage standards from GPP Figures 3.7a through 3.28b. (See Exhibit 6).

Staff noted the building lot coverage development standards for each of the zone designations from the 2019 GPP did not always include a complete lot area suffix for each zone. Consistent with NCZO Sections 8103-0 (Purpose and Establishment of Zones and Minimum Lot Areas) and 8103-1.1 (Lot Area Suffix), staff have included the complete lot area suffix for each zone for clarity in Table 8.

Additionally, the Rural Agricultural, 160-acre minimum lot size (RA - 160ac) zone classification is included in Table 8 because staff is recognizing Thomas Aquinas College, which is zoned RA – 160 ac, is newly designated as an Existing Community as part of the 2040 General Plan update project.

Lastly, the Rural Exclusive, 40,000 square foot minimum lot size (RE-40,000 sq. ft.) zone classification is included in Table 8 from the Saticoy Country Club Existing Community. The repealed GPP (Figure 3.23b) did not establish a maximum building lot coverage development standard for the RE-40,000 sq. ft. zone classification. The General Plan land use designation (ECU-Rural) for RE-40,000 sq. ft. zoned parcels establishes a 25 percent building lot coverage development standard in Table 2-2 of the Land Use and Community Character Element. Therefore, the 25 percent building lot coverage development standard is included for the RE-40,000 sq. ft. zone classification in Table 8 of the proposed NCZO amendments.

- C) Lots Outside of a Mapped Existing Community Designated Area Boundary and Not Subject to an Area Plan:** In these areas, building lot coverage development standards are established by the 2040 General Plan and the lot's General Plan land use designation. Building lot coverage development standards for this category are incorporated from the 2040 General Plan Land Use and Community Character Element (Table 2-2 *Land Use Designation General Development Standards*) into Section 8106-1.4.1.3 of the proposed ordinance.

The General Plan policies below establish exceptions and exclusions for building lot coverage for two standards applicable to five land use designations: maximum building lot coverage exceptions for nonconforming lots and the exclusion of structures used for growing plants from building lot coverage standards.

General Plan Policy – Land Use and Community Character Element	Corresponding Proposed NCZO Amendment
LU – 7.3 (Maximum Lot Coverage Nonconforming Lots - Rural Land Use Designation)	Section 8106-1.4.2.1
LU – 8.4 (Maximum Lot Coverage Nonconforming Lots - Agricultural Land Use Designation)	Section 8106-1.4.2.2
LU – 9.8 (Maximum Lot Coverage Nonconforming Lots - Open Space Land Use Designation)	Section 8106-1.4.2.3
LU – 10.3 (Maximum Lot Coverage Nonconforming Lots - Residential land Use Designations)	Section 8106-1.4.2.4
LU – 6.2 (Maximum Lot Coverage Exclusions – Agricultural Land Use Designation)	Section 8106-1.4.2.5

7. Additional NCZO Amendments not related to Building Lot Coverage

Although the primary objective of the proposed amendments is to incorporate existing General Plan building lot coverage development standards into the NCZO, other amendments described below are proposed as part of this project by request of the Planning Director to improve the use and readability of the NCZO.

- A) Chimneys, Bay Windows, and Fireplaces:** The proposed amendment adds bay windows to the setback exception (see Sec. 8106-5.7) for chimneys and fireplaces. This is a policy change and allows greater flexibility for project applicants, and based upon staff experience, will benefit

property owners without a significant negative impact to the undeveloped portion of a lot, solar access, air quality, or privacy of adjacent properties.

B) Grammatical, Stylistic, and Clarifying Amendments: The proposed amendments to Article 6 include grammatical, stylistic, and clarifying amendments to make the article consistent with other articles of the NCZO. Illustrative examples of these proposed amendments include the following:

- i. Text style: replacing the written number with the numeric version,
- ii. Incorporating grammatical amendments including capitalization, punctuation, etc.,
- iii. Deletion of unnecessary language for clarity or the addition of clarifying language based upon Planning Division staff and applicant use of the NCZO, and
- iv. Changes to be consistent with recent update of the California Building Code and California Residential Code.

8. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the proposed project is subject to environmental review. As described above, the proposed project includes incorporating existing maximum building lot coverage development standards from the General Plan, Area Plans, and repealed General Plan GPP into the NCZO, adds bay windows to the setback exception for chimneys and fireplaces, and makes various minor administrative clarifying amendments. Together, these amendments do not have the potential to cause a significant effect on the environment.

As none of these proposed changes result in significant effects on the environment, the proposed ordinance amendments are exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3). This section states that a project is exempt from CEQA when, “[t]he activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA.”

9. NCZO AMENDMENT FINDINGS AND SUPPORTING EVIDENCE

The Board of Supervisors must make certain findings to amend the NCZO pursuant to NCZO section 8115-0, which states in relevant part that the NCZO “may be amended by the Board of Supervisors whenever the public health, safety, or general welfare, good zoning practice, and consistency with the General Plan justify such action”.

The Board’s ability to make the required findings to adopt the proposed amendments is evaluated below for your Commission’s consideration in making its recommendations to the Board.

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

The proposed amendments would incorporate existing maximum building lot coverage development standards from the General Plan, Area Plans, and repealed General Plan GPP into the NCZO.

No policy changes are included in the proposed amendments regarding building lot coverage development standards. All referenced maximum building lot coverage development standards from the General Plan and Area Plans are to be retained in the source documents without modification. This proposed revision would improve customer service by reducing the number of references to three external documents (such as the General Plan or Area Plans) for development standards (such as maximum building lot coverage) to be located in one place, the NCZO, for readily available use by property owners, applicants, or County staff.

One policy change to make bay windows eligible for an existing setback exception (proposed in NCZO section 8106-5.7) would promote building design flexibility for property owners by allowing the construction of bay windows in a manner consistent with other similar dwelling components (chimneys and fireplaces). Thus, such a change would not be detrimental to the public health, safety, or general welfare.

Based on the above discussion, this finding can be made.

B) The proposed amendment represents good zoning practice.

Good zoning practice requires zoning ordinances be periodically updated to maintain consistency with current zoning practices, other County ordinances, state laws and building codes affecting planning and land use.

The proposed amendments to Article 6 of the NCZO represent good zoning practice because they incorporate existing maximum building lot coverage development standards with other already established development standards in Article 6. Incorporating building lot coverage standards from the General Plan, Area Plans, and repealed GPP will also assist staff and members of the public with determining the applicable development standards for their project by reducing the number of documents to reference, which could cause unnecessary costs and delays.

Based on the above discussion, this finding can be made.

C) The proposed amendment is consistent with the Ventura County General Plan.

The proposed NCZO amendment is consistent with the Ventura County General Plan because it incorporates standards from the General Plan and Area Plans. All referenced standards to be included in the NCZO from the General Plan and Area Plans are to be retained in whole in the General Plan and Area Plans with no modifications.

The proposed policy change in section 8106-5.7 to make bay windows eligible for an existing setback exception is not inconsistent with land use and community character policies in the General Plan. Further, the proposed amendment allows greater site and building design flexibility for project applicants.

Further, consistent with Ventura County General Plan Policy EV-1.4 (Regulatory Environment), the proposed amendments promote business friendliness in the permitting environment by improving the efficiency in the permitting process. This proposed amendment will include building lot coverage development standards in NCZO Article 6, listed with the other development standards such as required minimum setback requirements and maximum structure height. For reference, Policy EV-1.4 (Regulatory Environment) from the Ventura County General Plan, is included below:

EV-1.4 (Regulatory Environment)

The County shall promote business-friendliness in the regulatory and permitting environment throughout Ventura County through collaboration, exchange of ideas and best practices, improvement in clarity and efficiency in the permitting process, taking advantage of opportunities for streamlining in the development process, and promoting consistency in policy and practice among cities and the County.

Based on the above discussion, this finding can be made.

10. PLANNING COMMISSION HEARING NOTICE AND PUBLIC COMMENTS

The Planning Division provided public notice regarding the Planning Commission hearing in accordance with Government Code section 65090, and NCZO section 8111-3.1. The Planning Division placed a legal ad providing notice of this public hearing in the Ventura County Star. No public comments have been received as of the date of this report.

11. RECOMMENDED ACTIONS

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

- A) CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;

B) ADOPT a resolution in the form attached as Exhibit 4 hereto recommending that the Board of Supervisors take the following actions regarding the proposed NCZO amendments:

- i. **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 process and hearing process;
- ii. **FIND**, on the basis of the entire record and as set forth in the Planning Commission staff report, that adoption of the NCZO amendments (Exhibit 3) is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because there is no possibility it may have a significant effect on the environment;
- iii. **FIND**, on the basis of the entire record and as set forth in the Planning Commission staff report, the public testimony received and the entire record, that the proposed NCZO amendments (Exhibit 3) are consistent with the Ventura County General Plan and good planning practices and are in the interest of public health, safety or general welfare;
- iv. **ADOPT** the proposed NCZO amendments (Exhibit 3); and
- v. **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 NCZO amendments is anticipated in July 2023.

If you have any questions concerning the information presented above, please contact Todd Davis at (805) 654-2498 or todd.davis@ventura.org.

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Reviewed by:



Dave Ward, AICP, Planning Director
Ventura County Planning Division

EXHIBITS

- Exhibit 2: Proposed NCZO Amendments, Legislative Version
- Exhibit 3: Proposed NCZO Amendments, Clean Version
- Exhibit 4: Draft Planning Commission Resolution to the Board of Supervisors
- Exhibit 5: Proposed NCZO Building Lot Coverage Development Standard
References
- Exhibit 6: Maximum Building Lot Coverage Development Standards for Lots Subject
to NCZO § 8106-1.4.1.2