

October 17, 2024

Planning Commission Hearing

Proposed Non-Coastal Zoning Ordinance and Coastal Zoning Ordinance Amendments 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 (PL23-0135)



**Resource Management Agency, Planning Division
Ruchita Kadakia, Planning Manager,
Housing and State Mandates**

Agenda for Today's Presentation

1. Project Objective and Scope
2. Background and Proposed Amendments to the Non-Coastal Zoning Ordinance (NCZO) and Coastal Zoning Ordinance (CZO)
3. CEQA Exemption, Amendment Findings, and Public Noticing
4. Recommended Actions



2021-2029 Housing Element

2021-2029 Housing Element (HE) addresses the 6th RHNA cycle

- Adopted by Board of Supervisors - October 2021
- Certified by HCD - December 2021

Housing Element Includes:

- Five goals, 32 policies, and 26 programs to support housing development at all income levels
- HE-M and HE-N are two such programs



Project Objective and Scope

The proposed ordinances update the County's land use regulations to comply with state law and implement two Housing Element programs:

- **HE-M**: commits County to update its density bonus ordinance to ensure consistency with state law
- **HE-N**: commits County to update its regulations governing housing for special needs populations, including emergency shelters, low barrier navigation centers, residential care facilities, transitional and supportive housing, and reasonable accommodations for individuals with disabilities



Background and Proposed Amendments to the NCZO and CZO

Proposed NCZO and CZO Amendments

- Implements **Program HE-M – Density Bonus Provisions** by updating NCZO and CZO
- Implements **Program HE-N – Special Needs Housing** by updating NCZO and CZO (as applicable) to regulate emergency shelters, LBNCs, transitional and supportive housing, RCFs, and reasonable accommodations pursuant to state law

NCZO: Articles 1, 2, 5, 7, 8, 9, 11, 16, and 19;

and

CZO: Articles 1, 2, 4, 5, and 11

Program HE-M: Density Bonus Law

- Requires the County to grant developers of affordable housing projects a density bonus, concessions or incentives, waivers of development standards, and/or reduced parking requirements
- Frequently amended by the State Legislature

Program HE-M: Density Bonus Law

Density Bonus Provisions in NCZO:

- Located in Article 16
 - Last updated in 2013
 - Outdated due to frequent Legislature updates
-
- State density bonus law applies in the coastal zone, but the CZO does not include any implementing regulations

Proposed Amendments – Density Bonus

- **NCZO:** Repeal and replace Article 16 with new **Sections 8116-0** and **8116-1** that incorporate state density bonus law by reference
- **CZO:** Add a new section, **Section 8175-6**
 - Incorporates state density bonus law by reference; and
 - Provides guidance for staff on implementing density bonus law in the coastal zone

Program HE–N: Special Needs Housing

- State law specifies how the County must regulate housing for certain special needs populations, included in Program HE-N:

NEW
SECTIONS

1. Emergency Shelters (NCZO only)

2. Low Barrier Navigation Centers

3. Transitional and Supportive Housing

4. Residential Care Facilities

5. Reasonable Accommodations (for individuals with disabilities)

- Program HE-N commits the County to updating regulations in the NCZO and (as applicable) the CZO governing these uses

Special Needs - Emergency Shelters

Emergency Shelters:

- Refers to Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less
- Program HE-N specifically directs the County to amend the NCZO to align with requirements for permitting emergency shelters with state law
- Regulations currently included in Section 8107-44
- Allowed in the CPD Zone, only if it meets several provisions

Special Needs - Emergency Shelters

- Following AB 2339, the County can only impose objective standards on emergency shelters regarding the following eight topics:
 1. Proximity to other shelters (cannot require more than a 300' buffer)
 2. Max. number of beds or persons permitted to be served nightly by the facility
 3. On-site management
 4. Sufficient parking to accommodate staff
 5. Size and location of interior and exterior waiting and client intake areas
 6. Lighting
 7. Security when the shelter is in operation
 8. Length of stay
- Several provisions of Section 8107-44 are inconsistent with AB 2339's requirements

Proposed Amendments – Emergency Shelters (*NCZO only*)

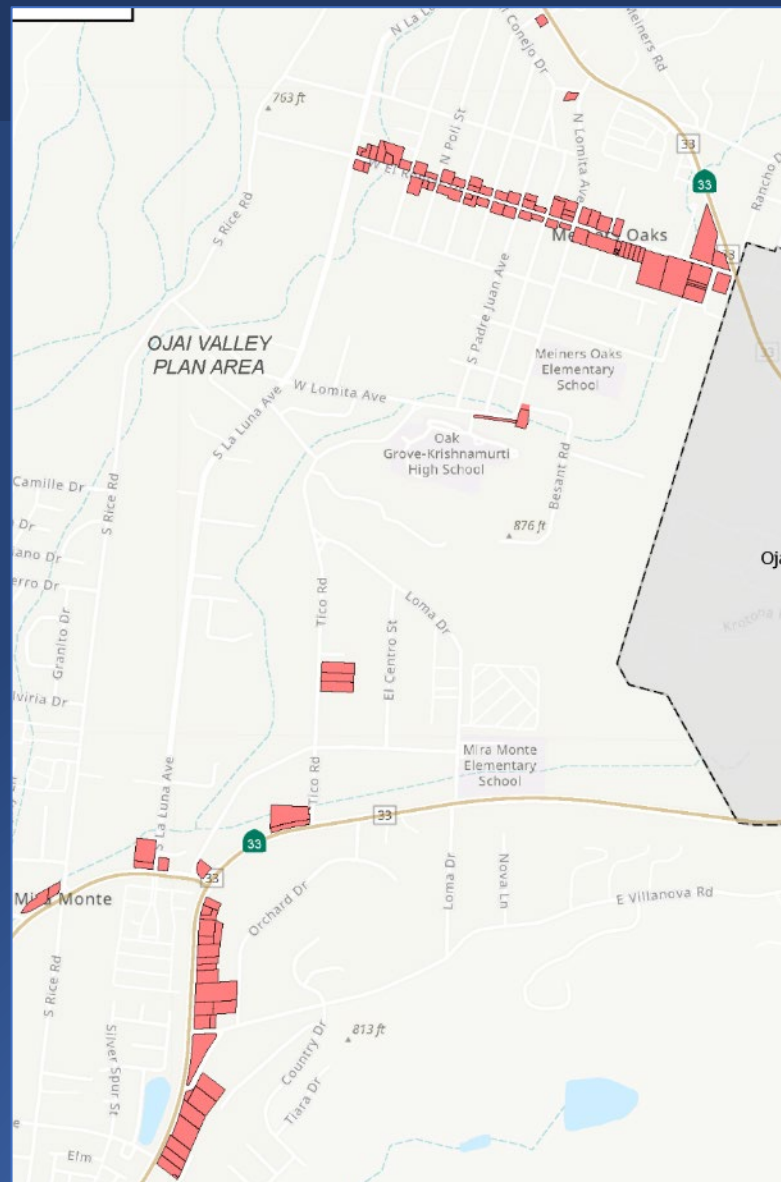
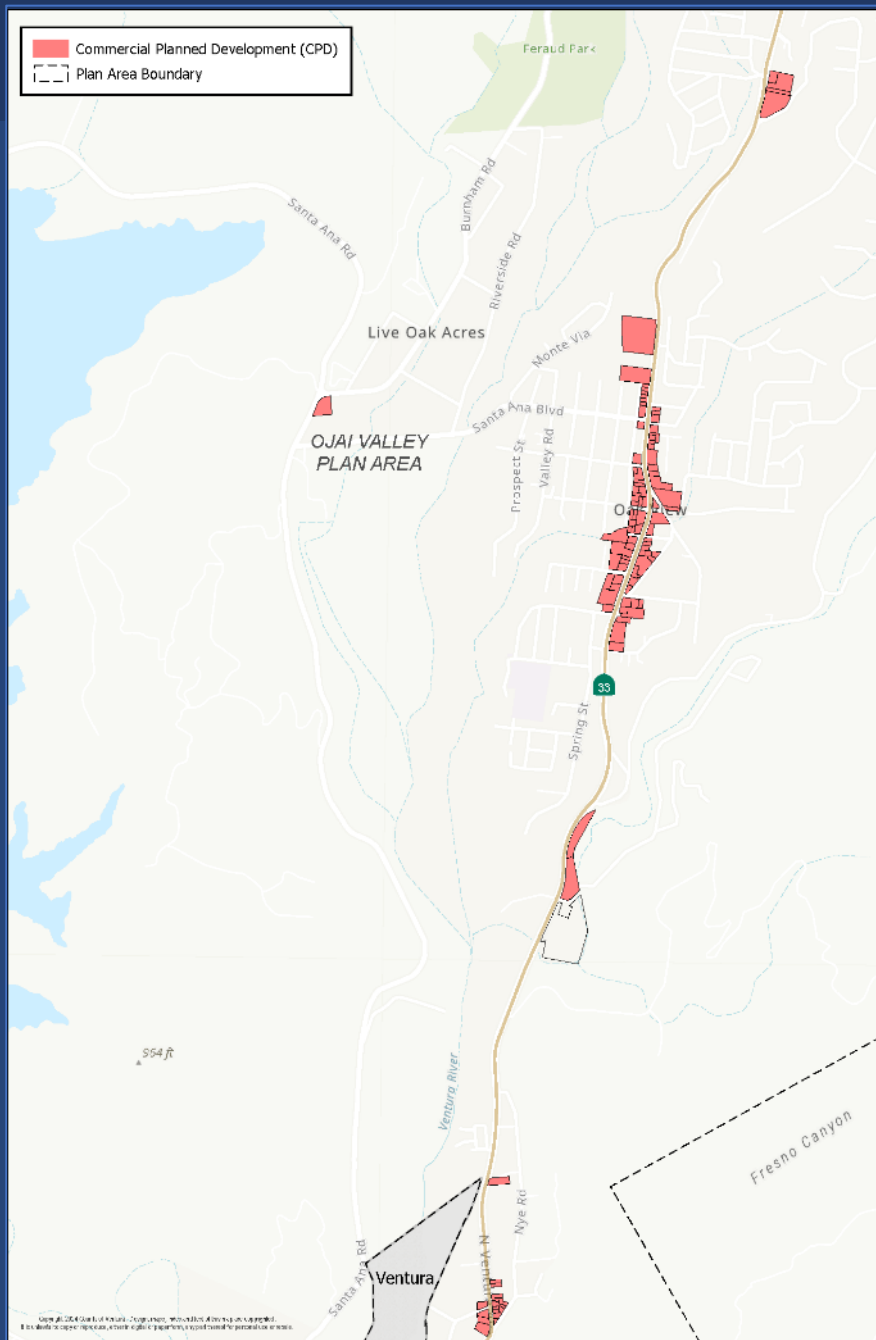
- **Article 2:**
 - Updated emergency shelter definition to match state law
- **Article 7:**
 - Clarified application requirements
 - ZC approval, requests total number of employees, etc.
 - Amended development standards to comply with AB 2339
 - Deleted sections inconsistent with AB 2339 and reduces duplication
- **Article 8:**
 - Updated parking requirements to align with state law

Proposed Amendments - Emergency Shelters

Allowed in CPD Zones

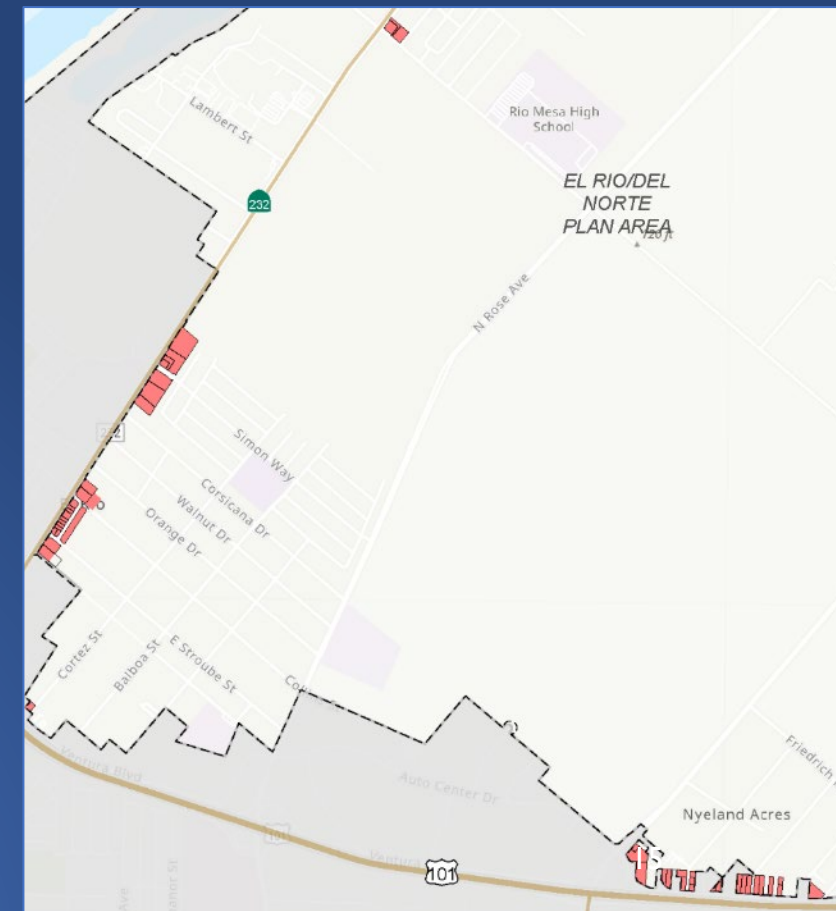
1. May not be located 300 feet from another shelter
2. Maximum Capacity –
 - 60 persons served nightly, and
 - Max. number of beds - one bed for every 50 sq. ft. of gross floor area for sleeping
3. One on-site property manager and one attendant for every 20 occupants
4. Parking – One space per employee in largest shift
5. Intake areas –
 - Interior client intake area - minimum 250 sq. ft.,
 - Exterior waiting area – located onsite, and outside pedestrian/parking areas and public ROW
6. Outdoor Lighting Requirements (fully shielded, in active pedestrian areas)
7. One security guard during all hours of operation
8. Maximum length of stay not to exceed 6 months within a 12-month period
9. Contact information of on-site property manager to be maintained with Planning Division

Emergency Shelters

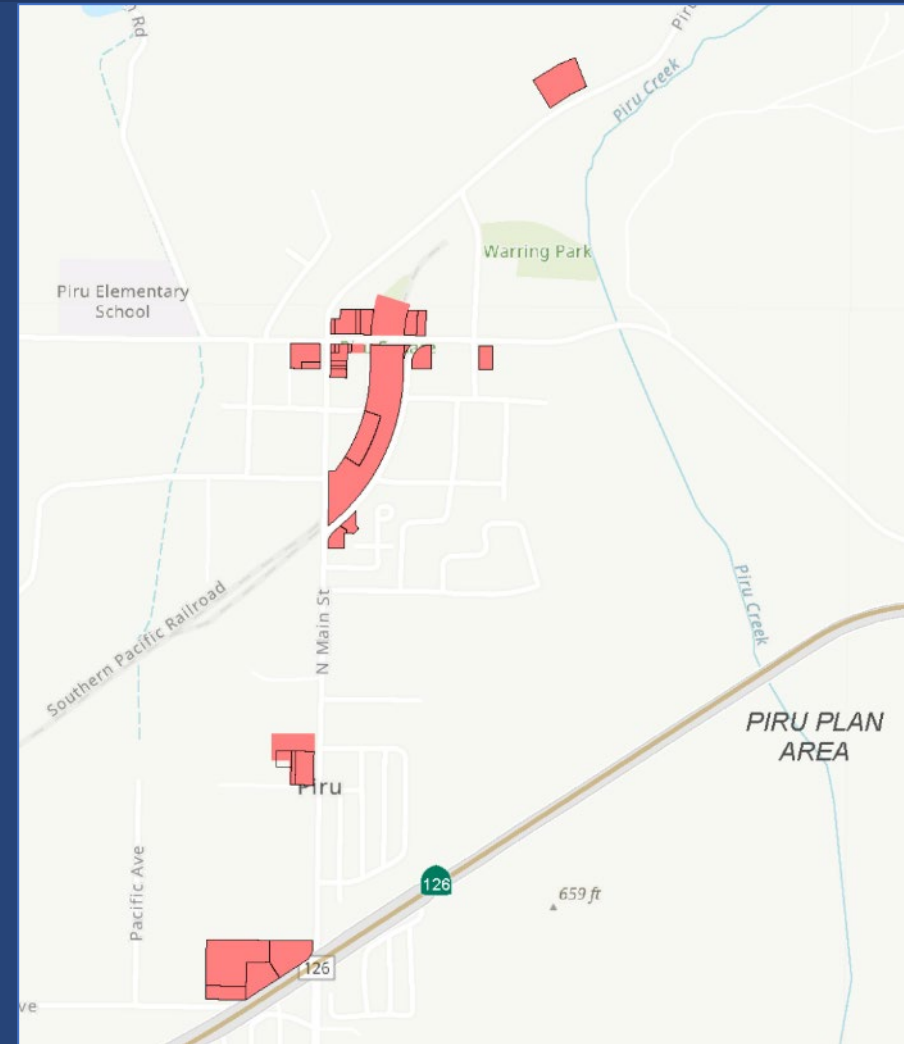


CPD Zoned Parcels within Ojai Area Plan (Meiners Oaks, Oak View)

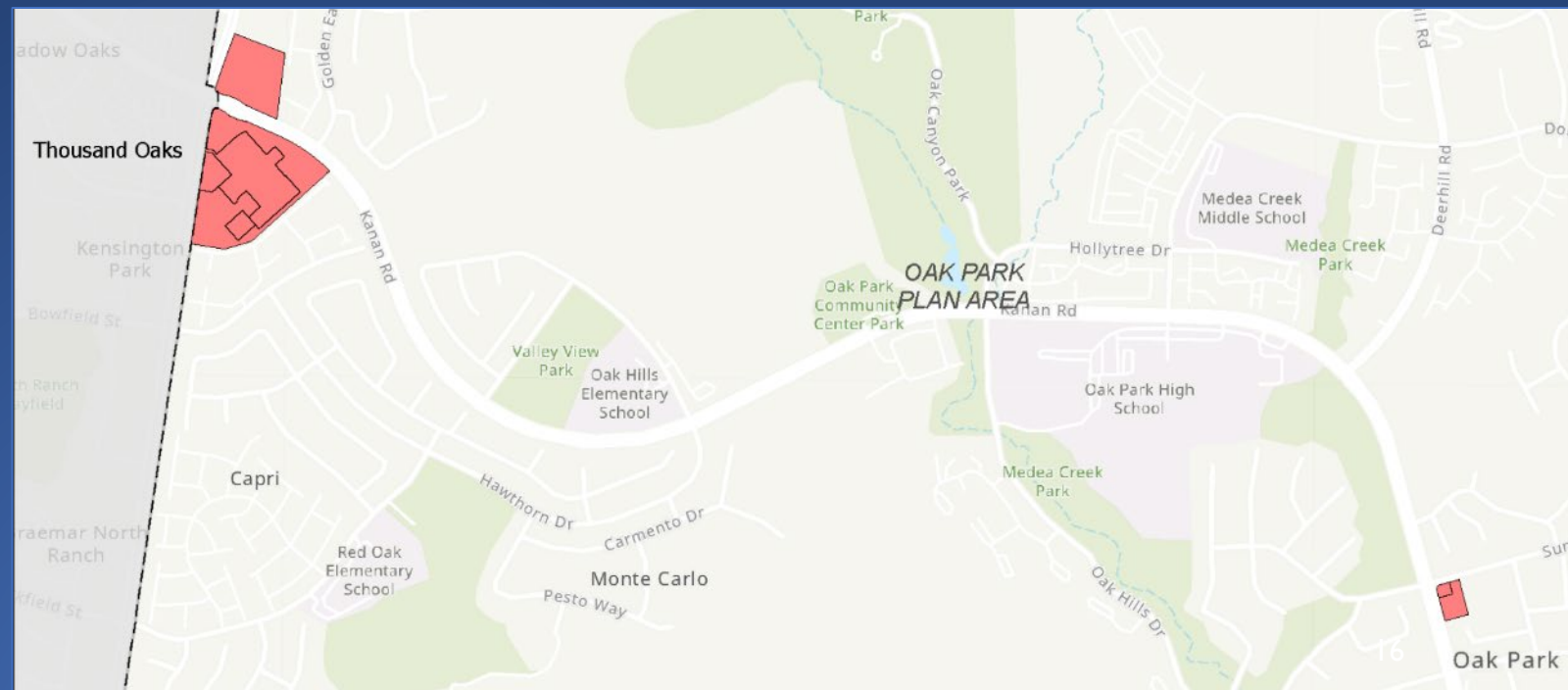
CPD Zoned Parcels within El Rio/Del Norte Area Plan



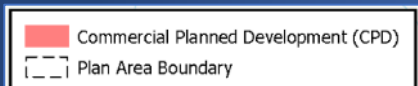
Emergency Shelters



CPD Zoned Parcels in East Santa Paula Existing Community and Bell Canyon



CPD Zoned Parcels within Piru Area Plan (top) and Oak Park Area Plan (right)



Special Needs - Low Barrier Navigation Centers (LBNCs)

Low Barrier Navigation Centers:

- Refers to Housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing and that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing
- “Low barrier” means best practices to reduce barriers to entry, including (among other things) the presence of partners, pets, storage of possessions, and privacy

Special Needs - Low Barrier Navigation Centers (LBNCs)

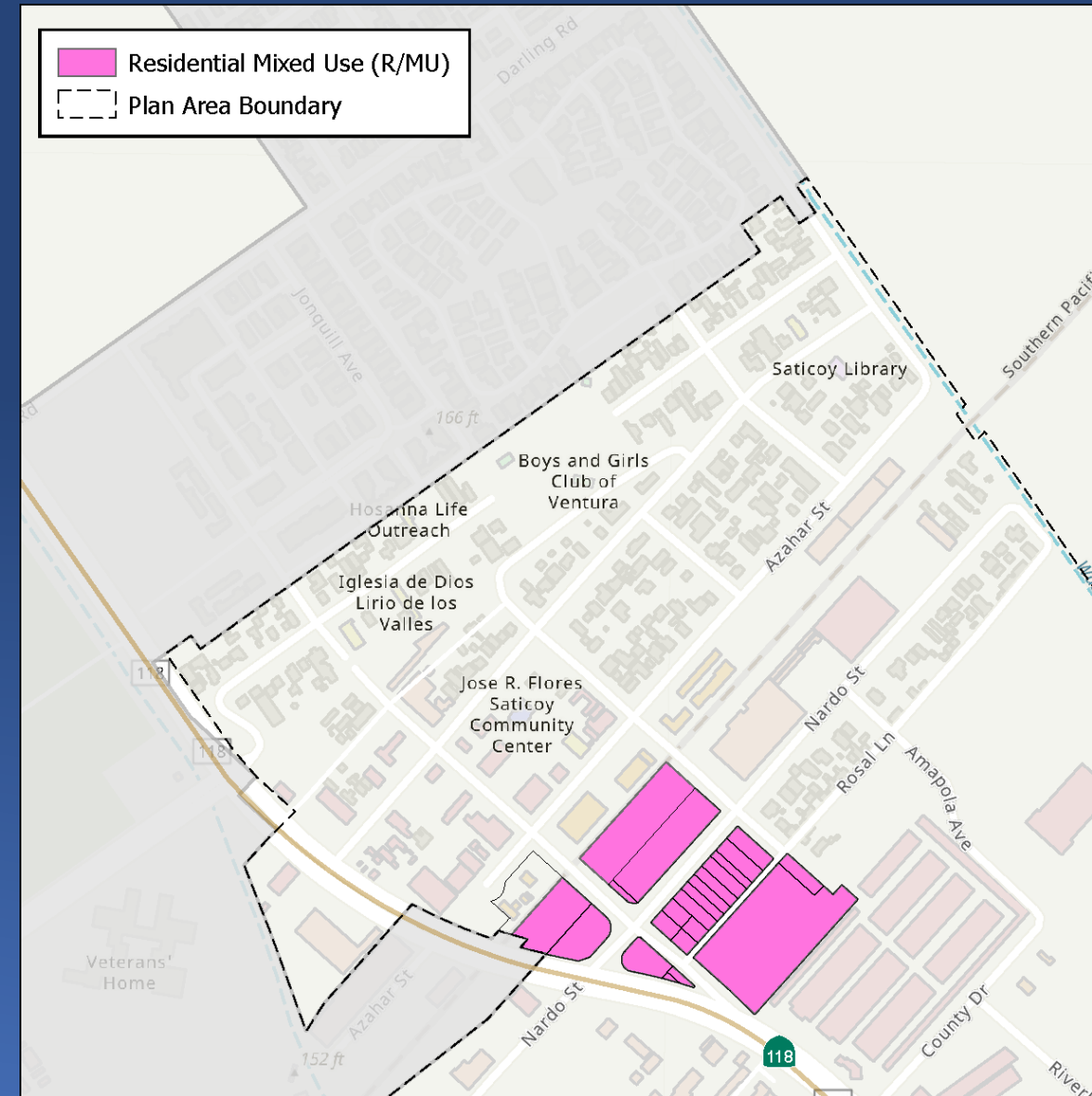
- No current regulations governing LBNCs in NCZO or CZO
- Following AB 101, LBNCs:
 - Must be permitted by right in areas zoned for mixed-use and non-residential zones permitting multifamily uses
 - Can impose objective standards, but limited to the same eight topics as emergency shelters
- No coastal zones met the criteria of AB 101

Proposed Amendments – LBNCs (NCZO only)

- **Article 2:**
 - Added new definition for LBNC, matching state law
- **Articles 5 and 19:**
 - Added new use to land use matrix allowing LBNCs in CO, CPD, and R/MU zones
- **Article 7:**
 - Added a new **Section 8107-XX** that regulates LBNCs in accordance AB 101
 - LBNCs would be required to apply for a Zoning Clearance; and
 - Comply with the same objective standards as Emergency Shelters
 - Includes Operational Services per state law requirements
- **Article 8:**
 - LBNCs to comply with the same parking requirements as Emergency Shelters

LBNCs

- All allowable areas shown earlier for Emergency Shelters, and
- R/MU zone in the Saticoy Area Plan



Special Needs - Transitional and Supportive Housing

Transitional Housing:

- Housing configured as rental housing, but operated under program requirements that limit length of stay (minimum of 6 months) and require the recirculation of units to other eligible program recipients

Supportive Housing:

- Housing with no limit on length of stay, occupied by the target population and linked to services that assist residents in retaining the housing, improving health status, and maximizing their ability to live and work in the community

Special Needs - Transitional and Supportive Housing

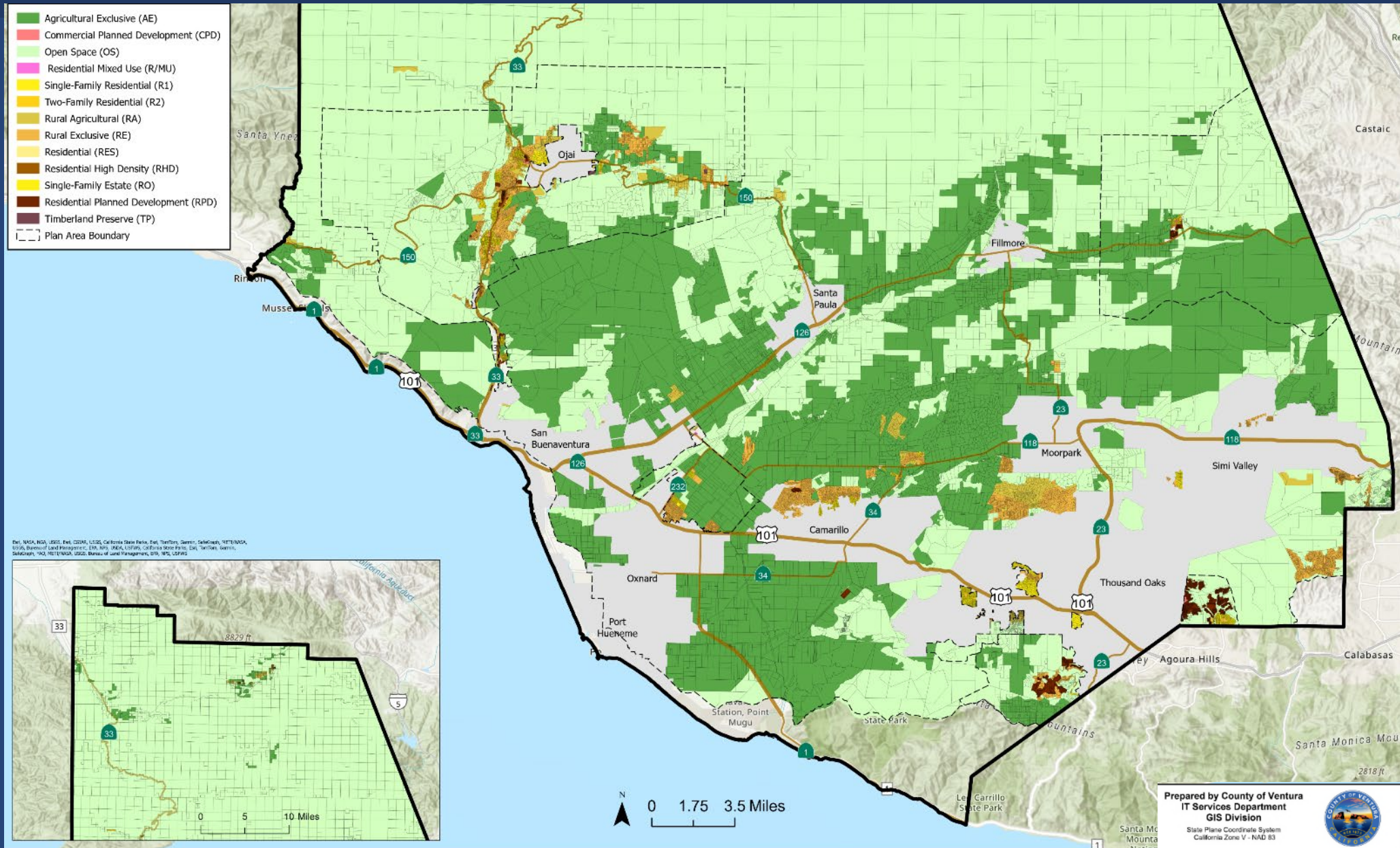
- Transitional and Supportive Housing must be treated as a residential use of property that is subject to only those restrictions that apply to other residential dwellings of the same type and in the same zone
 - Additionally, Supportive Housing must be allowed as a use by right when it complies with Gov. Code section 65650 et seq. and is located in a zone where multifamily or mixed uses are permitted
-
- The **NCZO** definitions do not align with state law, and no specific use regulations are included
 - The **CZO** does not include any regulations

Proposed Amendments – Transitional and Supportive Housing

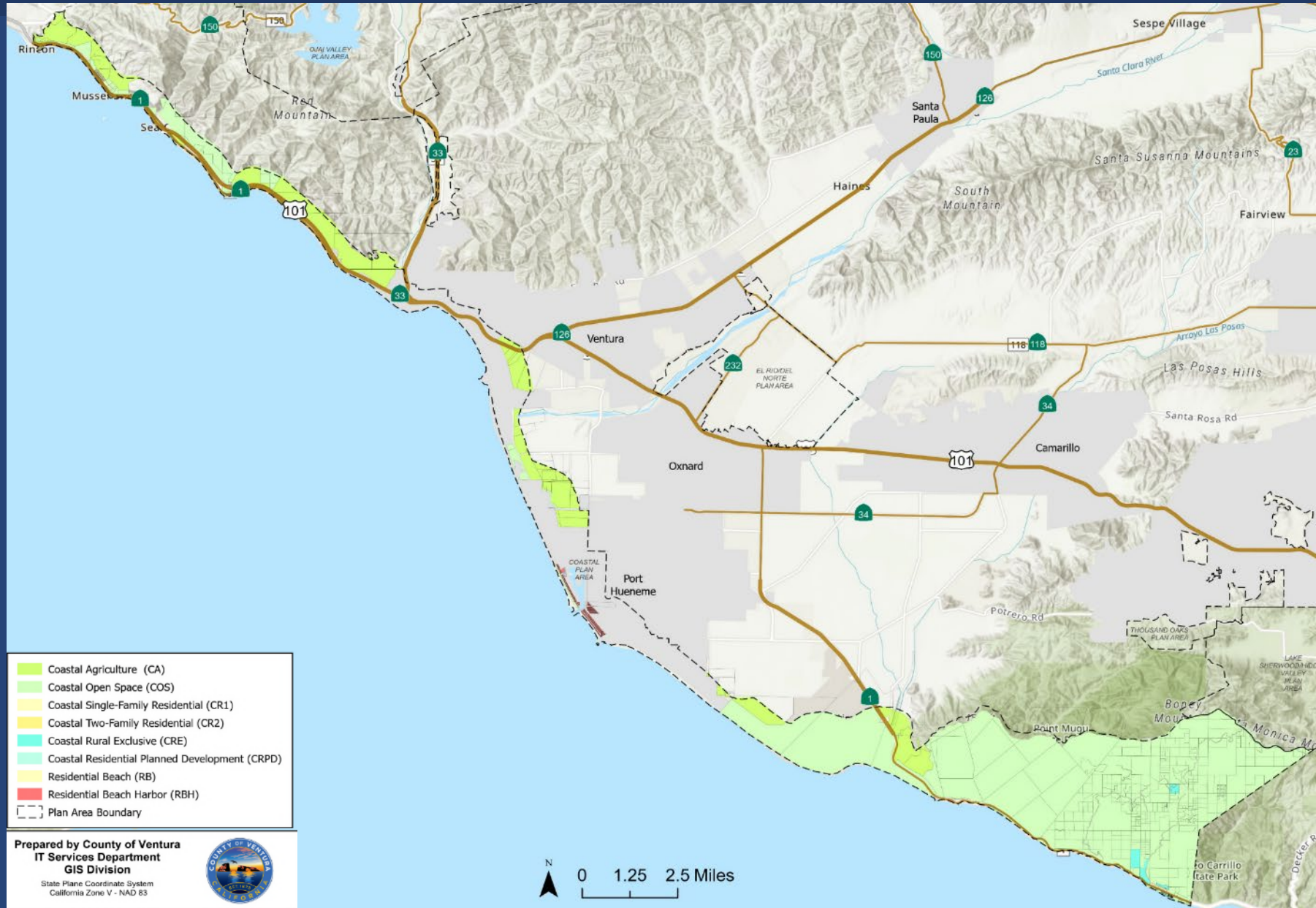
Consistent revisions proposed in NCZO and CZO:

- Amended definitions to match state law (Article 2)
- Amended the land use tables to include new use categories
 - NCZO Articles 5 and 19
 - CZO Article 4
- Added a new Section regulating these uses consistent with state law (NCZO Section 8107-YY; and CZO Section 8175-5.AA), which:
 - Specifies allowable zones and applicable development standards, and
 - When supportive housing may qualify for approval as a use by right (i.e., approval with a Zoning Clearance)

Transitional & Supportive Housing – Allowable Zones (NCZO)



Transitional & Supportive Housing – Allowable Zones (CZO)

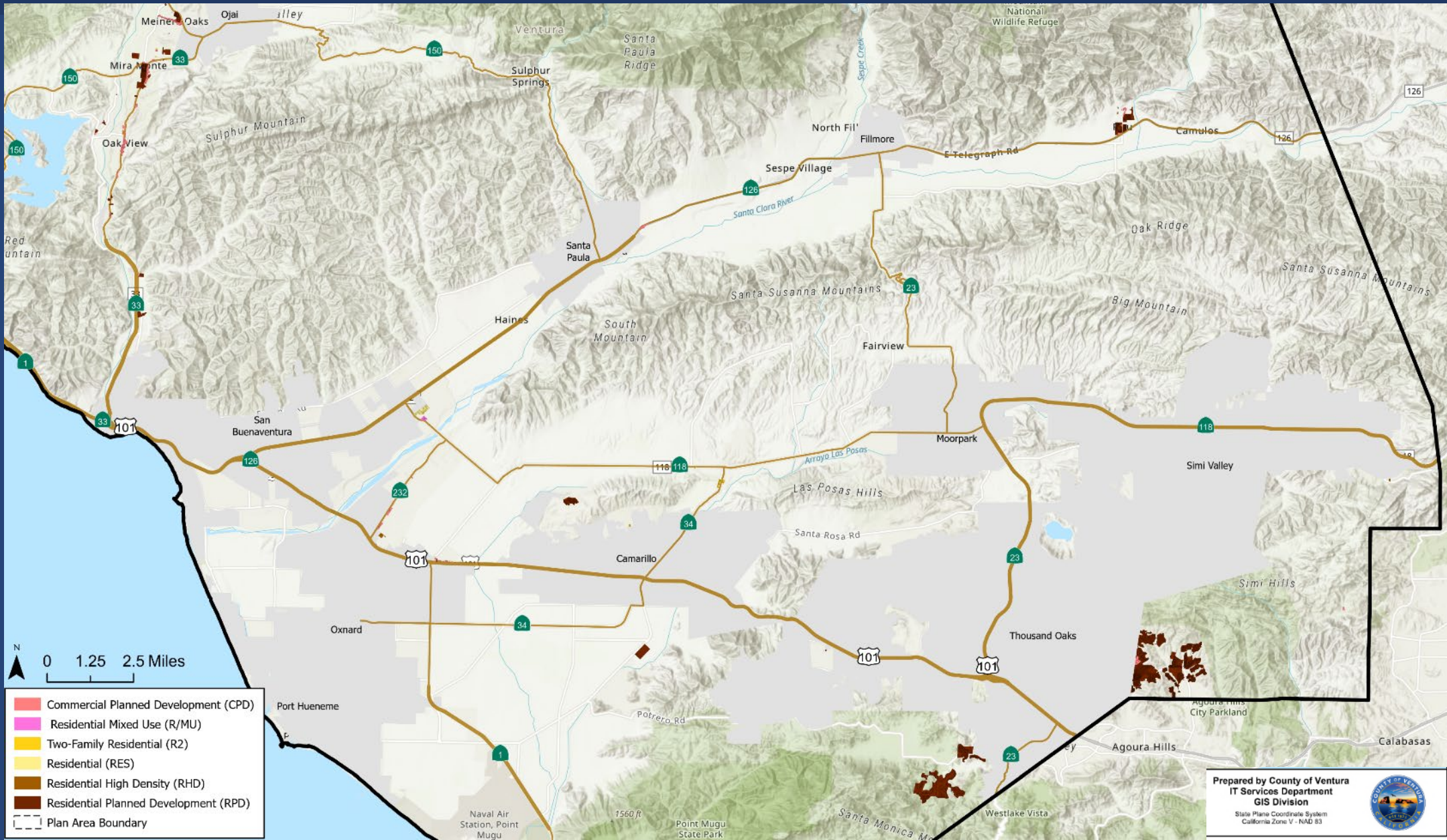


Proposed Amendments – Supportive Housing as a Use by Right

Supportive Housing may qualify for approval as a use by right (i.e., approval with a Zoning Clearance) if it meets all the standards in Gov. Code 65650 et seq. – in zones where multifamily or mixed uses are permitted, such as:

- Maximum 50 units
- Units have a recorded affordability of 55 years (deed restriction)
- 100% of units for lower income households (except Managers units)
- At least 12 units / 25% of units restricted for the target population
- Nonresidential floor area used for on-site supportive services and administrative office space
- Etc.

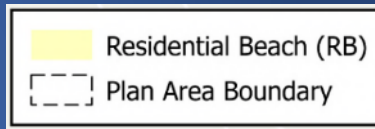
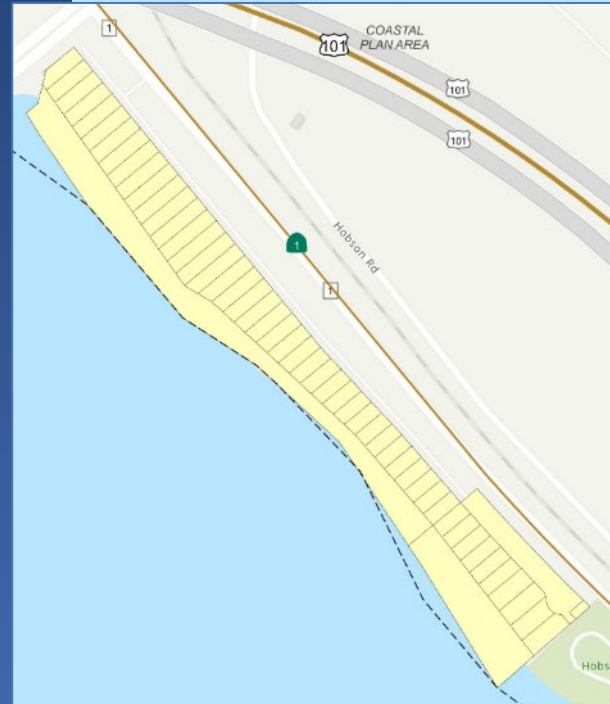
Supportive Housing as a Use by Right – Allowable Zones (NCZO)



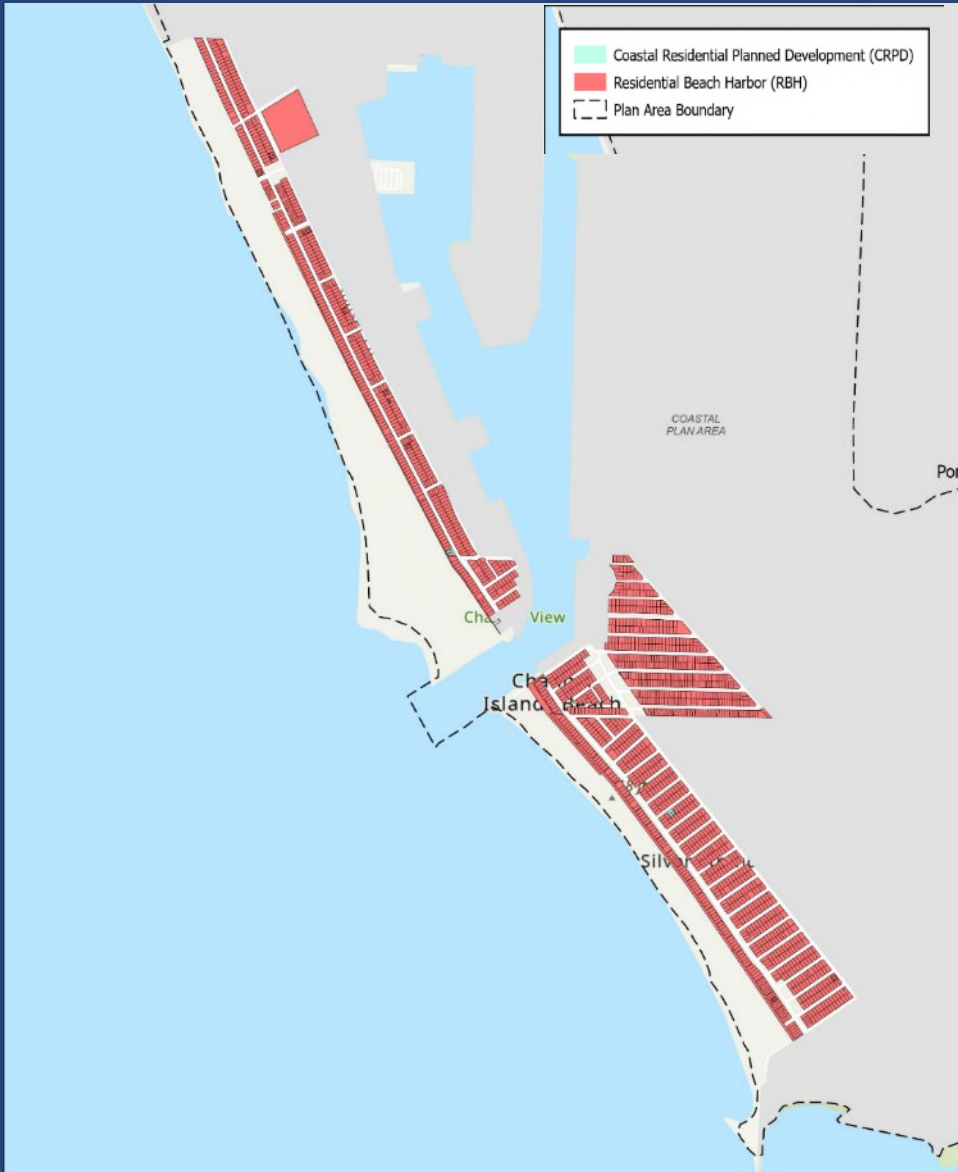
Supportive Housing as a Use by Right – Allowable Zones (CZO)



RB Zoned Parcels on the North Coast



Supportive Housing as a Use by Right – Allowable Zones (CZO)



RBH, CR2 and CRPD Zoned Parcels in the Central and South Coast

Special Needs - Residential Care Facilities

Residential Care Facilities (RCFs)

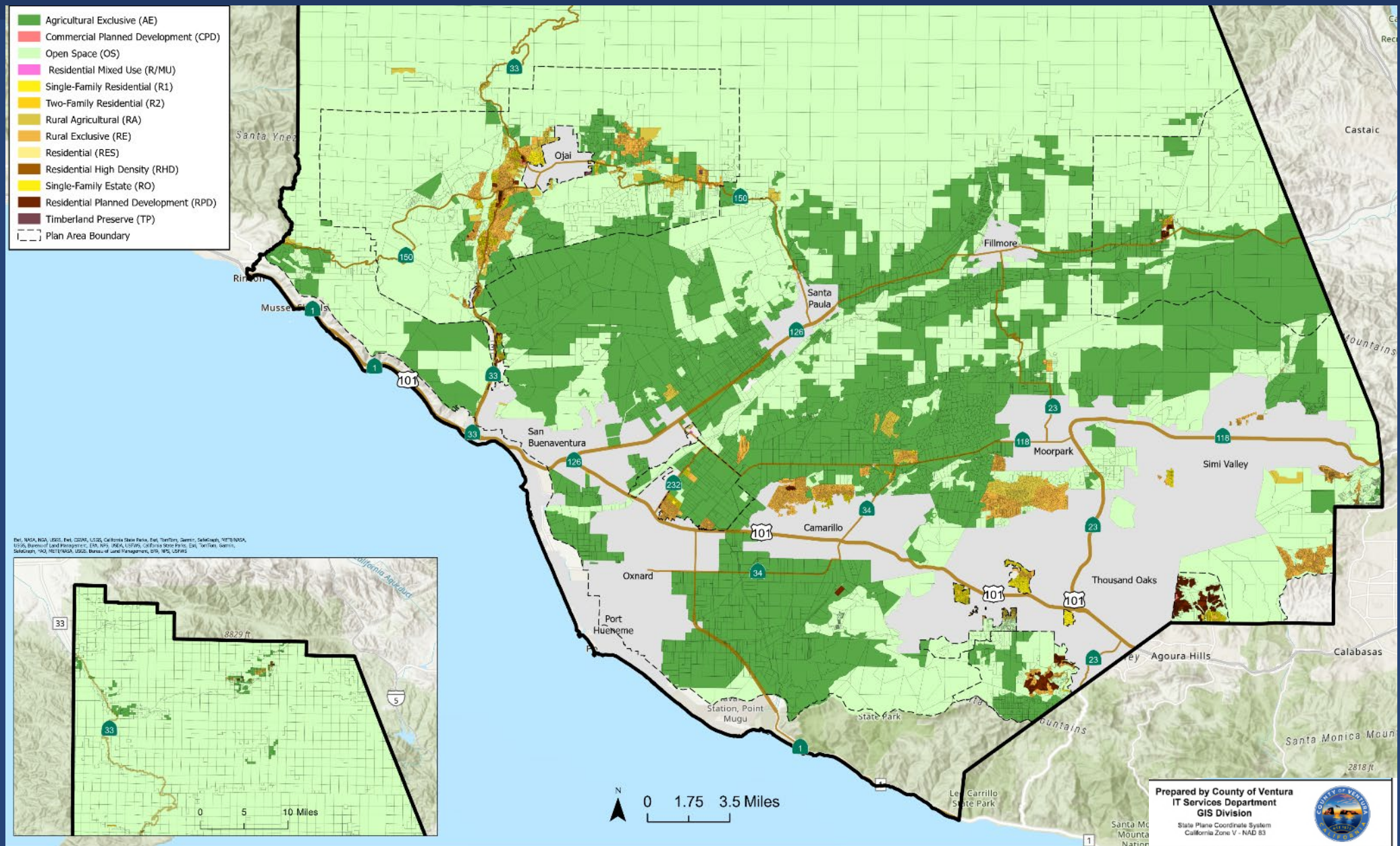
- Provide nonmedical or incidental medical services to people in need of personal services, supervision, or assistance for everyday living activities or for protection of the individual (e.g., for persons with disabilities, dependent or neglected children, elderly persons, etc.)
 - Must treat RCFs serving 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
-
- Definitions and land use matrices for RCFs serving six or fewer require updates for consistency with state law, and regulations need to be added in both **NCZO** and **CZO**

Proposed Amendments – Residential Care Facilities <6

Consistent revisions proposed in NCZO and CZO:

- Revised definition to track state law (**Article 2**)
- Amended the land use tables for RCFs serving six or fewer
 - **NCZO Articles 5 and 19**
 - **CZO Article 4**
- Added a new Section regulating RCFs serving six or fewer consistent with state law, including requiring them to be regulated in the same manner as family dwelling of the same type in the same zone.
 - **NCZO Section 8107-ZZ;**
 - **CZO Section 8175-5.BB**

Residential Care Facilities <6 – Allowable Zones (NCZO)



Residential Care Facilities <6 – Allowable Zones (CZO)



Special Needs - Reasonable Accommodations

- State and federal fair housing laws 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** include a (near identical) process for how the County will review and process reasonable accommodation requests
 - Minor amendments proposed to **NCZO Article 11** and **CZO Article 11**:
 - 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

Amendments To Use Matrices

NCZO: Sections 8105-4, 8105-5 and 8119-1.2

CZO: Section 8174-5

- Low Barrier Navigation Centers
- Residential Care Facilities of Six or Fewer
- Transitional and Supportive Housing

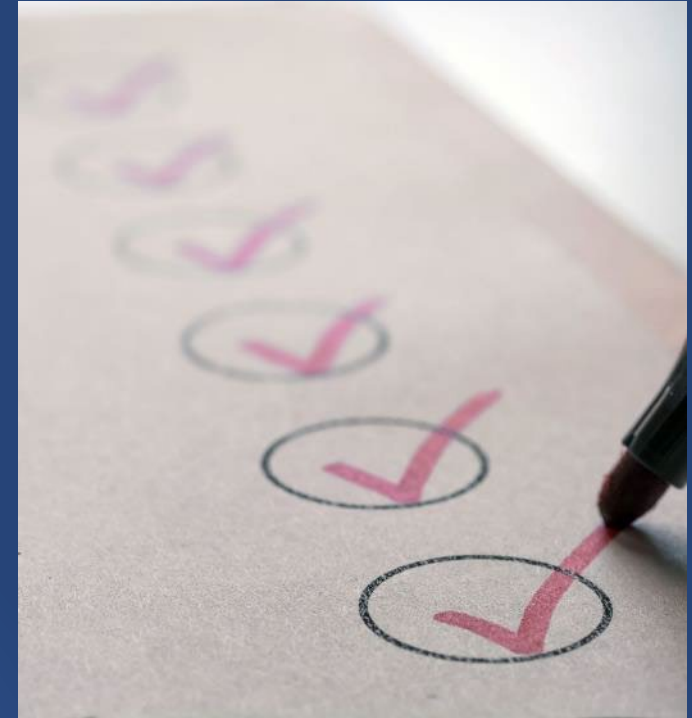
Sec. 8105-5 - Permitted Uses in Commercial and Industrial Zones

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

Summary of Proposed NCZO and CZO Amendments

Implement **Program HE-M** by updating the NCZO and CZO to regulate density bonuses in accordance with state law

Implement **Program HE-N** by updating the NCZO and CZO (as applicable) to regulate emergency shelters, LBNCs, transitional and supportive housing, RCFs, and reasonable accommodations pursuant to state law



By updating the County's Ordinances to be consistent with these state law provisions, the County will likely be eligible to apply for the state Prohousing Designation



CEQA Exemption, Ordinance Amendment Findings, and Public Noticing

California Environmental Quality Act (CEQA) Exemptions

- The proposed ordinance amending the **NCZO** (**Exhibit 3a**) is **exempt** from CEQA pursuant to section 15061(b)(3) of the CEQA Guidelines; and CEQA Guidelines section 15168
- The proposed ordinance amending the **CZO** (**Exhibit 3b**) is **exempt** from CEQA pursuant Public Resources Code section 21080.9; and CEQA Guidelines section 15265

Proposed Amendment Findings

Pursuant to NCZO Section 8115-0 and CZO Section 8184-1, the proposed ordinance amending the NCZO (**Exhibit 3a**) and CZO (**Exhibit 3b**):

- Would not be detrimental to the public health, safety or general welfare;
- Represents good zoning practice; and
- Is consistent with the Ventura County General Plan

Proposed CZO Amendments meets additional consistency with the Local Coastal Program and Coastal Act (for future review with CCC; **Exhibit 6**)

Public Noticing and Comments

- Legal Notice published in VC Star and *Vida*
- No Public Comments were received for this project



Recommended Actions

Recommended Actions

- I. **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

Recommended Actions

- 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; and
- c. **FIND**, on the basis of the entire record and as set forth in Sections A, B, C and D (and the 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

Recommended Actions

- d. **ADOPT** the proposed ordinance amending the NCZO (**Exhibit 3a**); and
- e. **ADOPT** the proposed ordinance amending the CZO (**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.

The Board of Supervisors hearing for adoption of the proposed ordinances is tentatively scheduled for **December 17, 2024**



Questions?

Planning Commission Public Comments (Zoom)

Comentarios Públicos de la Comisión de Planificación (Zoom)

CASE NUMBER PL23-0135

Agenda Item # 6A

FOR PARTICIPANTS ON ZOOM

https://ventura-org-rma.zoom.us/webinar/register/WN_w2S7mlXRmiFUfG8tHb8Nw#

Members of the public who wish to speak, please press the raise hand button on Zoom now and you will be connected at the appropriate time.

If participating by telephone, please press * and then 9 to be queued. This is for agenda item # 6A

NÚMERO DE CASO PL23-0135

Punto del Orden del Día # 6A

PARA PARTICIPANTES EN ZOOM

https://ventura-org-rma.zoom.us/webinar/register/WN_w2S7mlXRmiFUfG8tHb8Nw#

Miembros del público que deseen hablar, presionen el botón de levantar la mano en Zoom ahora y se conectarán en el momento apropiado.

Si participa por teléfono, presione * y luego 9 para esperar su turno en línea. Esto es para el tema de la agenda # 6A