

PLANNING COMMISSION STAFF REPORT

Agenda Item No.: 1

Hearing Date: November 12, 2015

To: Planning Commission

From: Dave Ward, Planning Manager (677-3964)
Jeffrey Lambert, Community Development Director

Subject: RESIDENTIAL ALLOCATION PROGRAM AND ASSOCIATED ACTIONS: REVIEW OF ADDENDUM #3 TO THE 2005 VENTURA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT, THE PROPOSED RESIDENTIAL ALLOCATION PROGRAM, THE REVISED CITY COUNCIL APPEAL PROCEDURE AND RECOMMENDATION TO CITY COUNCIL

Proj. No.: 10072

Case No.: GPA-10-15-30877; OA-10-15-30881; OA-10-15-30876;
EIR-10-15-30943

RECOMMENDATION

It is recommended that the Planning Commission:

- a. Adopt a resolution recommending that the City Council adopt Addendum # 3 to the 2005 General Plan Final Environmental Impact Report for the proposed Residential Allocation Program.
- b. Adopt a resolution recommending the City Council approve a General Plan Amendment to update Chapter 3 - *Our Well Planned and Design Community* and Appendix A to include the Residential Allocation Program.
- c. Adopt a resolution recommending the City Council approve an ordinance to rescind resolution 2006-057 to amend Division 24R, the Housing Approval Program, and adopt a new Chapter 24.508 of Division 24 Part 5 of the San Buenaventura Municipal Code to codify the Residential Allocation Program.
- d. Adopt a resolution recommending the City Council approve an ordinance to amend Chapter 24.565, Appeal Procedure, of the San Buenaventura Municipal Code to provide a specific procedure for members of the City Council to call for review of decisions of the Design Review Committee and/or Planning Commission.

COUNCIL PRIORITIES

This process supports the City Council's goal of:

- Delivering Core Services

PREVIOUS COUNCIL ACTIONS

The following provides an accounting of City Council direction and Community Development work efforts during the last 3 years to address General Plan implementation for land use policy and development. The RAP program is the first of these work efforts to reach the adoption milestone, with others following in summer/fall 2016.

April 13, 2015 – The City Council directed staff to commence preparation of an "expedited" residential allocation program (growth management) to be adopted by December 2015 and authorized staff to retain legal, land use and civic engagement consultants to prepare the program in an amount not to exceed \$170,000.

The City Council also directed staff to prepare an amendment to the City's municipal code extending the effective date of any final action of the Planning Commission, Design Review Committee, and Historic Preservation Commission to be ten days following notice of the action appearing as an "Information Only" Item on the Consent Calendar of the City Council's public agenda.

Lastly, the City Council directed continued quarterly check-ins regarding recently filed permit applications, with a strengthened pre-screen process; and directed the City Attorney to review and provide advice to the City Council on the ability of the City Council to pre-screen land use applications and what, if any, actions may be taken at the pre-screening stage.

February 2, 2015 – The City Council received a policy consideration and directed staff to draft a resolution to establish an "application window" for new 2015 residential permit applications and to establish a residential growth management strategy.

November 17, 2014 – The City Council received information related to the potential implementation of a building permit and/or water connection moratorium triggered by persistent drought conditions. The City directed the Water Task Force to determine whether substantial evidence and findings exist to support either a water connection or building permit moratorium and whether substantial evidence and findings exist to distinguish, within any moratorium, between geographical areas, classifications, and residential customers.

September 25, 2014 – In response to the Pending Project Status discussion of August 11, 2014 regarding growth management, the General Plan Ad Hoc Committee proposed a revised General Plan Refinement work plan to include and prioritize the creation of a residential allocation program and sent a policy consideration to the City Council.

September 14, 2014 – Staff issued a memo to City Council outlining a proposed scope of work which prioritized the development of a growth management program within the General Plan Refinement scope of work.

August 11, 2014 – During a special meeting, the City Council received the Quarterly Community Development Director's Pending Projects Report which generated a discussion regarding managed growth tied to levels of infrastructure and resources. The City Council directed staff to elevate growth management as a top priority and revise the General Plan Refinement work plan to reflect this shift in priorities.

August 4, 2014 – The City Council conceptually approved recommendations for twelve City Council goals for the General Plan Refinement project; and approved the preliminary scope of work and timeline with direction to return with a detailed final scope of work effort for approval in September 2014.

May 5, 2014 – The City Council received a status report regarding progress of efforts toward development of a revised Preliminary Screening Process; Development Code Refinement effort and initiation of the City Council General Plan Refinement Ad Hoc Subcommittee.

March 3, 2014 - The City Council appointed a General Plan Update Subcommittee to evaluate the desired scope of work to be pursued in an update of the General Plan. The General Plan Subcommittee began meetings in May 2014 to develop the scope of work and budget for the General Plan Update effort.

October 28, 2013 – The City Council reviewed and provided direction regarding project thresholds that would trigger application of the amended Preliminary Screening tool and suggested evaluation criteria to apply to the screenings. The City Council directed staff to proceed with revisions to the General Plan Preliminary Screening process; revision and deletion of the Housing Approval Program; and ordinance amendment for Rezone procedures.

July 15, 2013 – The City Council heard a summary and recommendation of the joint workshop of May 20, 2013 regarding the *Infill First Strategy*, Development Codes and General Plan, and directed staff to proceed with a formulation of a scope of work for a Development Code Refinement effort, including a Development Code Refinement Working Group; expansion of the General Plan Preliminary Screening process to include project types of concern to the City Council and repeal of the Housing Approval Program; and interim guidelines for the continued use of Warrants and Exception.

May 20, 2013 – In a joint session with the Historic Preservation Committee, Design Review Committee, and Planning Commission, the City Council participated in a workshop to discuss current Prescreen Processes for development applicants; principles of the *Infill First Strategy* of the General Plan; and application of Development Code tools used in implementing the General Plan. Council, Committee and Commission members considered such issues as community benefit agreements; ranking and prioritizing infill areas; refining principles and tools for density caps including parking and height provisions; prioritizing development distribution amongst infill areas; parking standards; adaptive reuse; variance tools; and neighborhood context and sensitivities.

January 7, 2013 - the City Council received a City Manager's report which provided an overview and history of the land use policy framework associated with reviewing development projects and implementing the Infill First Strategy of the General Plan through application of the form-based Development Codes, the Municipal Code and County and State initiatives such as SOAR and Housing Element requirements.

November 5, 2012 – the City Council received a report evaluating trends and issues associated with implementation of the Infill First strategy of the General Plan in light of several development projects of concern the year prior; and considered a proposal to adopt a resolution providing interim policy direction on the use of minimum parking standards, the application of Warrants and Exceptions and other amendments to the Development Codes. The City Council failed to pass a motion to take action at that time.

SUMMARY

On April 13, 2015, the City Council directed staff to develop a residential growth management strategy tied to levels of infrastructure and resources. Following City Council direction to create the Residential Allocation Program (RAP), a community engagement process allowed stakeholders to contribute to the program design. Two community workshops were held and all materials from the workshops, including summary notes, were posted on the City's web page for review and comment. (The engagement process is described in greater detail below. The analysis section that follows will identify how components of the RAP were shaped by community input.

The proposed Residential Allocation Program (RAP) will allow the City Council to control the pace and quality of residential development while continuing to meet the overall goals of the 2005 General Plan, including the adopted 2014-2021 Housing Element. The RAP will establish a three year cycle with a ceiling on the number of residential allocations for building permits that may be approved. Criteria to evaluate award allocations will be established to guide the City Council's preliminary review of applications, as well as review and analysis by staff, the Design Review Committee and

the Planning Commission. In order to comply with recent court decisions, the allocations will be awarded by the City Council after all discretionary approvals have been granted and environmental review has been completed. Exemptions are proposed for 100% affordable housing projects, projects within existing and future adopted Specific Plan areas and, importantly, to ensure the RAP does not prevent the City from achieving the goals set forth in the Housing Element.

DISCUSSION

Analysis: In order to implement the population growth policies set forth in the Land Use Element of the Comprehensive Plan, the City Council adopted a Residential Growth Management Program (RGMP) in 1990. This program was replaced in 2006 with the Housing Approval Program (HAP) which followed as the first implementation action of the 2005 Ventura General Plan. The 2005 General Plan updated and replaced the Comprehensive Plan for non-coastal zone areas to address city development through the year 2025. Per the General Plan, the HAP was intended to promote and achieve high-quality urban design for place-making and build a sustainable community. The HAP was envisioned as an interim program to fulfill the role of urban design requirements for residential development until such time as other design-oriented regulations, such as community plans and development codes, could be drafted and enacted for the City's various planning communities. Some of those plans and codes were subsequently adopted. In addition, the City is currently engaged in a work effort toward refining the General Plan for adoption in 2016, as well as revisions to the Development Codes that would follow at a later time. These efforts are expected to take at least another 12-16 months. Since land use policies such as the adopted Community Plan and Development Code areas continue to be refined to meet community expectations, and Design Guidelines can be amended to incorporate desired design principles in other areas of the City accordingly, the HAP is no longer necessary. However, the City Council still wishes to maintain appropriate oversight to manage the pace and quality of residential development.

On April 13, 2015, the City Council directed staff and a consulting team to develop a residential allocation program (RAP) that would achieve the following goals:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development;
2. Ensure thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas; and
3. Ensure a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

Allocation Cycle: Based on community input and the City's Housing Element goals, allocations are proposed to be granted over a fixed three year cycle. The first three year cycle, which includes calendar years 2016 through 2018, coincides with the City's current Housing Element in that the next RAP cycle (three year for 2019 through 2021) would conclude with that Housing Element and align the following RAP cycle with commencement of the City's next mandated Housing Element, 2022-2030. The number of residential allocations shall not exceed 1,050 during a three year cycle. The City Council may grant up to 450 allocations in any one year. However, if more than 350 allocations are granted, the allocations in subsequent year(s) must be reduced to ensure the three year cap is not exceeded. Unused allocations from prior year(s) may be added to the annual allocation. In the event that allocations from prior years have expired, the City Council may add these allocations to any annual allocation, even if the expired units will cause more than 1,050 allocations to be granted in the three year cycle. These allocation provisions will ensure that the City is able to maintain the necessary regulatory programs to meet the City's obligation to the Regional Housing Needs Assessment (RHNA) allocation plan included in its Housing Element.

Each year, the Director of Community Development shall submit a report to assist the Council in determining the number of allocations to grant in any year. This report shall summarize the number of units remaining in the current three year cycle; the number of units for which allocations have been granted; the number of building permits issued for projects with allocations and for those projects exempt from the RAP; and the number of allocations that have been unused or expired and are eligible to be allocated to other projects.

Exemptions: The following types of residential development will be exempt from the RAP:

1. Projects with less than three units, limited to one such project per developer per calendar year;
2. Second dwelling units as defined in the City's Municipal Code, pursuant to State law;
3. Projects in which all of the units will be reserved for low-income households;
4. Projects covered by an executed Development Agreement with the City, existing as of the date of the RAP or executed in the future (remaining residential units in existing Agreements for Parklands and UC Hansen Trust are identified below);
5. Projects within the boundaries of adopted Specific Plan Areas:

- a. Downtown, 1650 units (751 remaining residential units¹)
 - b. Parklands, 499 units (326 remaining residential units)
 - c. Saticoy Village, 254 units (no remaining residential units)
 - d. UC Hansen Trust, 213 units (213 remaining residential units);
6. Projects within the boundaries of future adopted Specific Plan areas; and
 7. Projects which have been fully entitled as of the effective date of the RAP.

Exemptions are intended to comply with State law; allow property owners to build single family homes; encourage development of affordable housing units, consistent with the City's Housing Element; and honor the Council's prior commitment to exempt units that have been entitled prior to adoption of the RAP, since these projects have already gone through the City's HAP process. During the community meetings, a preference to encourage infill development was evident. As a result, the list of exemptions was expanded to respect the design and phasing provisions included within adopted Specific Plans in east Ventura as well as to prioritize development in the City's Downtown. In addition, staff is recommending that future Specific Plans be exempt from the RAP because initiation of a Specific Plan requires action by the City Council and therefore the ability to set the pace and quality of residential development commences directly through the City Council and ensures the greatest flexibility "*...to ensure that high priority residential projects are developed in appropriate areas...*" for both current and future Councils, pursuant to City Council Goal No. 2 of the RAP program.

Some community members have expressed concern with the number of exemptions proposed; others have suggested that the range of exemptions be expanded to include projects that reserve 40% or more of units for low-income households. Exemption of discretionary applications deemed complete prior to the RAP was also suggested.

Criteria for Evaluation: The proposed criteria are based on goals included in the Land Use and Housing Elements of the General Plan that address good planning; meeting the diverse needs of the community through a range of housing types; ensuring adequate infrastructure; enhancing social well-being and security; providing more transportation choices; respecting the natural environment; promoting economic diversity and a strong economy; and providing adequate sites for housing to accommodate the City's share of regional housing needs. Projects will be rated as meeting, exceeding, or not meeting each criterion.

¹ The remaining DTSP number includes the 553 units from previously approved project and 346 units from pending projects, as of October 27, 2015.

During the first community workshop, participants were given the opportunity to review criteria included in growth management ordinances adopted by other California communities. They then identified criteria that should be employed in Ventura. This input shaped the initial draft. The criteria were further modified following input received during the second workshop. The criteria are summarized in Attachment A and presented in full in the draft ordinance (Attachment F).

As a result of community input, the following modifications were made to the draft criteria:

- ❖ Inclusion of more affordable units in a market rate project than required under the City's codes was identified as a factor to earn a stronger rating;
- ❖ A reference to minimizing shadows was added to design criteria;
- ❖ Infrastructure concerns were addressed by including criteria regarding a project's contributions to the City's Capital Improvement Program;
- ❖ The Water Department's "Water Demand Factors" were incorporated to clarify water use;
- ❖ Provisions were worded to accommodate the evolution of technology and sustainability actions;
- ❖ The list of City services evaluated was expanded; and
- ❖ Providing access to the beach was identified as a way to boost a project's rating.

The criteria generally do not address mitigation of project impacts, as these issues are covered during the project permit entitlement review, which includes the environmental analysis and through compliance with City standards and codes. A desire by some community members to minimize traffic impacts to existing neighborhoods was not incorporated in the criteria as the City has already established thresholds to evaluate, and mitigate, traffic impacts.

Some residents have recommended that the City retain the current HAP criteria. The HAP was intended to be an interim program that guided urban design and place-making until the City could amend its zoning code to a form-based code. The HAP includes very specific direction regarding building typology, access to units, and site design. Given that the City has completed its updates to the zoning code to address design criteria in high priority areas, the interim program is no longer necessary. Areas outside adopted form based code areas will be able to address design concerns through updated design guidelines which may be addressed in a future work program.

A brief comparison of the proposed RAP with the HAP and RGMP is attached (Attachment B).

Allocation Process: The City's prior programs to allocate residential building permits occurred at the beginning of the entitlement process, before required discretionary permits had been approved. This up-front process allowed applicants to obtain the City Council support for a project, or understand concerns, before filing full discretionary applications. However, the City Council did not have benefit of information regarding infrastructure availability and impacts since staff analysis, including environmental review, had not been conducted before the allocation. This review is required to occur before a project can be approved, pursuant to the California Environmental Quality Act (CEQA). Since the approval of the HAP in 2006, the courts have ruled that, "Before conducting CEQA review, agencies must not "take any significant action" that significantly furthers a project "in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project" (Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 138). In light of the City Council's desire to consider availability of infrastructure in the allocation process, and the legal mandate to avoid taking any actions to further a project before CEQA review is complete, the allocations must occur at the end of the project review process and therefore the draft RAP ordinance incorporates this direction.

As an alternative, the proposed RAP will make use of other existing processes to provide City Council with an advance preview of proposed projects. The City Council currently conducts a preliminary check-in of discretionary development projects of recently filed applications before they are formally considered by the Design Review Committee or the Planning Commission. It is envisioned that the RAP criteria will be used by the City Council during this preliminary check-in to frame individual Council member comments. In addition, staff will be reviewing each residential project's compliance with the RAP criteria during its analysis, as well as evaluating the projects against all applicable codes and standards. The staff's RAP evaluations will be considered by the Planning Commission and/or Design Review Committee, as may be required by the particular development case type.

After the preliminary review and entitlement processes are complete, once each year, developers who have obtained all required discretionary approvals from the City will be eligible to submit an allocation application. Staff will assemble the applications, provide completed rating sheets, and schedule a hearing at which the City Council may review the applications and grant allocations. The process is depicted on a flow chart (Attachment C). The City Council is not required to award allocations in specific ranking order, but may use its own judgment in determining priority needs. However, since the projects have already received entitlements and the environmental analysis has been adopted, the City Council will not be able to propose modifications to projects during the allocation phase.

If a project fails to receive an allocation, the developer may submit for allocations the following year, so long as the discretionary entitlements remain in effect. The Director of Community Development shall be authorized to extend the expiration dates for discretionary approvals to allow a developer to apply up to three times for allocations. Once an allocation has been granted, the developer must obtain all required grading and building permits and commence construction within 18 months. The Director of Community Development may grant one six-month extension of time if the developer has submitted construction plans for the project and been actively working through Building & Safety and Land Development plan check that are at least 80% complete.

Housing Element Compliance: The proposed RAP will allow the City Council to grant enough allocations to meet the City's share of the Regional Housing Needs Assessment allocation plan as defined in the Housing Element. Projects where 100% of the units will be affordable to low-income households will be exempt from the RAP, whereas other projects that contain affordable units above City requirements will be eligible for a higher rating. Therefore, the RAP is not expected to deter, and may actually incentivize, development of affordable units. As part of the next required update to the Housing Element in 2020-21, the City will need to analyze housing production under the RAP to confirm that it has not impeded achievement of the goals set forth in the Housing Element, nor introduced new constraints to the development of housing, such as significantly extending the time required to obtain residential permits.

Other Modifications to Land Use Policies and Procedures: Per the City Council direction staff is currently working on several programs to further refine the City's land use policies and procedures.

- *General Plan Refinement* - In addition to the proposed RAP program to address Council's concerns regarding growth management policy, the General Plan refinement will: Identify parcels with inconsistent zoning and land use designations which may contribute toward ambiguity in project level land use decisions; revise Chapter 2 - *Our Prosperous Community* chapter of the General Plan for consistency with the current Economic Development Strategy; amend Montalvo land use designations to better match the General Plan to the existing neighborhood context of this recently annexed area; amend the Vista Del Mar land use designation from residential to industrial to resolve outstanding conflict between the Local Coastal Plan (1989 Comprehensive Plan) and the General Plan; analyze Commerce, Industry, and Mixed Use land use designations to clarify the Infill First strategy and identify where land use/zoning inconsistencies exist; and confirm and prioritize "focus" areas.
- *Development Code Refinement* - In July 2013, the City Council directed staff to convene a Development Code Refinement Working Group to make adjustments to the adopted form-based development codes to accomplish the following goals: Revise Warrants and Exceptions for thresholds and guidance, use, applicability and

revised findings to ease adverse impacts to project review; clarify the design purpose and intent of each code area; heighten Code sensitivity to neighborhood context; refine building massing standards; adjust the mechanics of building types, heights, setbacks, percentages for stacked dwellings, frontage types and signage requirements; and simplify the complicated format of the Codes for ease of use. Additionally, the Code Refinement effort will also be tasked with revising transects in the Victoria Avenue Code for more compatible heights in select areas of the Code; and adjusting the use of Shopfront Overlays and allowable land uses commensurate with the revised Infill strategy decisions which may occur as a result of the General Plan Refinement.

- *Design Guidelines Amendments* - Currently, in conjunction with the RAP, the City Council is expected to rescind the HAP if the RAP is adopted. This will necessitate updates and amendments to the City Design Guidelines and, where appropriate the procedures for adoption of Specific Plans, will need to be initiated to bring the current collection of design guidelines into consistency with the body of adopted Development Code and Municipal Code requirements, including components that will be inadvertently eliminated upon repeal of the HAP in areas regulated by the municipal code. This effort can be initiated in a future work plan effort as early as 2016.
- *City Council Appeal and Call for Review Procedure* - Included in the proposed action to adopt the RAP, the City Attorney's office has proposed revisions to the current appeal procedures to make it easier for the City Council to receive notification and potentially "call for review" of decisions made by the Design Review Committee and the Planning Commission (Attachment G). The ability to review these decisions is critical if the City Council has concerns with any component of a project, as modifications to approved projects cannot occur through the allocation process. This ordinance revision will require all project approvals by the Design Review Committee and Planning Commission to be listed on the following City Council agenda. The project entitlement appeal timeframe will not commence until the date of the City Council agenda on which the project appears.

CEQA Summary: The California Environmental Quality Act §21166 and State CEQA Guidelines §15162 provide that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

- Substantial changes are proposed in the project that would require major revision to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- Substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance shows that the project would have one or more significant effects not discussed in the previous EIR, or that significant effects previously examined would be substantially more severe, or that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects but the City Council declined to adopt them, or mitigation measures or alternatives that are different from those included in the previous EIR would substantially reduce one or more significant effects on the environment but the City Council declined to adopt them.

Section 15006 of the State CEQA Guidelines expressly encourages public agencies to reduce delay and paperwork associated with implementation of CEQA by using previously prepared environmental documents when those previously prepared documents adequately address potential impacts of the proposed project.

In August 2005, the City Council approved the 2005 General Plan for purposes of guiding development and land use within the City (“General Plan”). Pursuant to the California Environmental Quality Act, the City Council certified a Final Environmental Impact Report for the General Plan in August 2005 (“General Plan FEIR”). The General Plan FEIR identified feasible alternatives and mitigation measures to mitigate to the extent feasible all environmental impacts associated with all uses contemplated by the General Plan at a programmatic level, and adopted a Mitigation Monitoring and Reporting Program for the same.

In light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 subdivisions (a) through (c) and State CEQA Guidelines section 15162 a Modified Initial Study was prepared that concluded that the General Plan FEIR fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the RAP actions and therefore, no subsequent EIR or MND is required. Because the RAP actions require the City to make some changes and additions to the certified 2005 General Plan FEIR, the City has prepared Addendum #3 to the 2005 General Plan FEIR pursuant to State CEQA Guidelines 15164. A copy of Addendum #3 and the Modified Initial Study are included as Exhibit A to the CEQA Resolution attached to the staff report as Attachment D and should be considered by the Planning Commission and City Council together with the 2005 General Plan FEIR.

Public Engagement: Public engagement in the preparation of the RAP was prioritized at the outset of the process and provided early guidance to the City staff and consultant team on key elements and components of the RAP. Following pre-workshop phone

interviews with pre-selected community stakeholders about the format and ideas for engagement, the consultant team and City staff designed and held two community workshops. Each was attended by about 45 community stakeholders, according to sign-in sheets. A stakeholder e-mail distribution list was maintained throughout the public engagement process and was used to provide e-mail notifications of upcoming community workshops and the availability of new documents and materials on the RAP web page (<http://www.cityofventura.net/page/residential-allocation-program-rap>). The Planning Commission is encouraged to review the webpage to gain a sense of the discussion and process to involve the public in the RAP Program development, beyond the summary provided below.

Community Workshop #1 was held on June 30, 2015 at City Hall in the Community Meeting Room to: (1) provide an overview of the RAP preparation process; (2) present examples of key elements of growth management programs from other communities in the state; (3) solicit input on allocation methods, process, criteria, and exemptions; (4) facilitate dialog among stakeholders about community priorities for the RAP; and (5) answer clarifying questions about the RAP. A significant volume of community input was received at the workshop and provided critical guidance in the preparation of an initial draft RAP ordinance. The agenda, PowerPoint presentation, summary notes, and comment cards from Workshop #1 were posted on the RAP web page following the workshop.

The initial draft ordinance and agenda for Community Workshop #2 were published on the RAP web page one week prior to the workshop. Workshop #2 was held on September 10, 2015 at the same location to: (1) provide a recap of Workshop #1; (2) present the fundamental components of the draft RAP ordinance; (3) solicit additional input and feedback on the draft evaluation criteria; (4) solicit input and feedback on the implementation mechanics of the draft RAP; and (5) answer clarifying questions. The agenda, PowerPoint presentation, summary notes, and comment cards from Workshop #2 were posted online following the workshop. As described in earlier sections of this report, additional modifications and refinements were made to the draft RAP ordinance in response to input received at Workshop #2.

Relevant input and comments received during the public engagement process, including workshop input and e-mail correspondence, are summarized in the discussion and alternatives sections of this report. A healthy balance of input and comments were received from different perspectives, all of which were reviewed and considered during the drafting process of the RAP ordinance.

In addition, two public comment letters from Mary Zugmeyer and Sister Joseph Cecile Voelker were received just prior to the release of this staff report (Attachment H).

IMPACTS

Legal Implications: As noted above, The California Supreme Court has indicated that taking any steps to approve projects prior to completion of CEQA review is not appropriate (Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 138). If the City Council wishes to continue to grant allocations through the HAP, the process would require modification to grant allocations at the end of the entitlement process.

Fiscal Impacts: Staff presently processes applications for compliance with the HAP. These costs are offset by a filing fee to cover staff processing costs. The process introduced as part of the RAP is not expected to increase the amount of time required for staff to process applications for housing allocations. Therefore, there will be no net impact to the general fund, and costs for developers are not expected to increase, either. There will be work effort expended by staff, however, to complete the necessary annual RAP reporting, in addition to the current work program efforts in Community Development.

ALTERNATIVES

The Planning Commission may recommend modifications to the proposed RAP for the City Council's consideration. Issues that have been raised by community stakeholders are summarized below.

1. Reduce the range of exemptions. Some community members believe that the proposed program exempts too many units.
2. Allow discretionary projects that have been deemed complete as of the date of adoption of the RAP to be exempt. These projects either have already been reviewed through the HAP or are located in a Development Code area and subject to detailed design regulations. In addition, the RAP criteria were not available during the initial project design by the applicant's that are well into the City's review process.
3. Exempt projects that include a certain percentage of affordable units from the RAP. As proposed, only projects that reserve 100% of the units for low-income households will be exempt. Advocates have suggested that a lower threshold is more appropriate.
4. Incorporate more of the evaluation criteria from the HAP into the RAP.
5. The Commission could also recommend that the City Council not adopt the RAP, finding that the change in appeal procedures, combined with the current

preliminary check-in review, will give the Council adequate opportunity to ensure the quality and pace of development.

Retention of the HAP is not recommended as an alternative due to the fact that its pre-qualification process would not likely stand up to a legal challenge, and the zoning code now contains urban design and place making provisions. However, as note earlier in this report, future staff work is anticipated to capture some key design elements from HAP and incorporate those into an update to the Citywide Design Guidelines.

This report was prepared by Best Best & Krieger, Kimley-Horn and Associates and Maggie Ide, Associate Planner, for Dave Ward, AICP, Planning Manager

ATTACHMENTS

- A. Summary of RAP Evaluation Criteria
- B. Comparison of RAP, HAP and RGMP
- C. Flow Chart Describing RAP Review Process
- D. Draft Planning Commission Resolution Recommending the City Council Accept and Adopt CEQA Addendum #3 to 2005 Ventura General Plan FEIR
- E. Draft Planning Commission Resolution recommending the City Council Adopt an Amendment to the 2005 General Plan for the RAP Program
- F. Draft Planning Commission Resolution Recommending the City Council Adopt an Ordinance creating the Residential Allocation Program
- G. Draft Planning Commission Resolution recommending the City Council Adopt an Ordinance Amending City Council Appeal Authority and Call for Review Procedures
- H. Public Comment Received Prior to Staff Report Release

Attachment A

Summary of RAP Evaluation Criteria

Proposed Residential Allocation Program
 Project Evaluation Criteria – Summarized
 (See RAP Ordinance for full criteria descriptions)

General Plan Goal(s)	Meet Criteria	Exceed Criteria
Our Well-Planned Community; Facilitate a Range of Housing Types	Harmonize with surrounding land uses	Minimize shadows, loss of sunlight and privacy on adjoining sites; preserve views; provide separation between existing and proposed buildings; enhance aesthetic appeal of the area; reinforce unique character of a neighborhood; respect historical context; enhance existing habitat/open space areas
	Locate near existing transportation corridors and existing businesses	Locate in an Infill-First Strategy area
	Mix units, including units with multiple bedrooms to accommodate families	Include a higher percentage of 2 and 3 bedroom units; provide significant number of affordable units in a market rate project
	Comply with City's Inclusionary zoning provisions for affordable housing	Exceed City requirements; contribute to the dispersal of affordable units in the community
	Enhance livability through design features, such as space for children to play	Introduce new public amenities in an existing neighborhood; include on-site amenities such as child care, community gardens
Our Sustainable Infrastructure	Comply with Ventura Water Department's "Water Demand Factors"	Reduce water consumption below projections through conservation or recycling
	Contribute to the implementation of the City's Capital Improvement Program.	Accelerate construction or funding of an improvement included in the City's Capital Improvement Program
Our Healthy and Safe Community	Maintain current level of services provided by the City	Contribute to an enhancement in service levels or public improvements
	Locate near food, services and active recreational opportunities	Introduce or expand neighborhood amenities such as food stores; improve pedestrian facilities to allow better access to existing amenities, including beach

Proposed Residential Allocation Program

Project Evaluation Criteria – Summarized

(See RAP Ordinance for full criteria descriptions)

General Plan Goal(s)	Meet Criteria	Exceed Criteria
Our Accessible Community	Provide on-site amenities that support a range of mobility options.	Include amenities such as charging/fueling stations for alternative fuel vehicles; bicycle storage above city requirements; car-share and bike share programs
	Provide sidewalks along public and private streets and path(s) of travel that allow residents easy access to neighborhood amenities	Introduce new pedestrian connections in an existing neighborhood; improve existing pedestrian facilities
	Locate close to existing bike trails.	Include amenities such as enclosed bike storage or on-site connections to existing trails; fund construction of a trail; introduce a bicycle connection in an existing neighborhood
	Contribute to public amenities along an existing transit or bike corridor, such as new bus shelters or water fountains.	Provide amenities beyond those required to mitigate project impacts
Our Natural Community	Include native plants and other techniques, such as no-turf landscapes, to reduce water use	Reduce anticipated demand for water for landscaping
	Utilize green building principles that provide greater efficiency than compliance with standards set forth in state and local codes	Design to achieve the highest rating offered through a third party such as LEED; demonstrate project is net power neutral or positive
Our Prosperous Community; Provide adequate housing sites to meet share of RHNA	Contribute to the desired mix of unit types, from entry level housing to executive housing	Provide a unit type specifically desired in a particular area; meet the needs of key economic sectors; provide housing designed for seniors or other groups with special needs

Attachment B

Comparison of RAP, HAP and RGMP

City of Ventura

Comparison of Residential Allocation Program, Housing Approval Program,
and Residential Growth Management Program

	RAP	HAP	RGMP
Goal	Control pace, quality of housing development; allocate resources	Interim program to address place making and urban design	Establish control over the quality, distribution, and rate of growth of the City
Year Adopted	2015 (proposed)	2006	1989
Growth ceiling	1,050 units per 3 year cycle	None specified	Cap established annually based on population growth, other factors
Allocation process	Post-entitlement	Pre-qualification before entitlement*	Pre-qualification before entitlement*
Imposes ceiling on permits issued	Yes	No	Yes
Exemptions			
• 1 unit project	Yes	Yes	Yes
• 2 unit projects	Yes	Yes	No
• Projects within Specific Plans	Yes	Yes	No
• 100% affordable housing projects	Yes	Yes	No
• Affordable units within mixed-income project	No	Yes	No
• Units covered by Development Agreement	Yes	No	No
• Second Units	Yes	Yes	No
• Fully Entitled Projects	Yes	N/A	N/A
• Replacement Housing	Yes	Yes	Yes
• Modifications to existing units	Yes	Yes	Yes
Evaluation Criteria			
• Harmony with surrounding properties	Yes	Yes	Yes

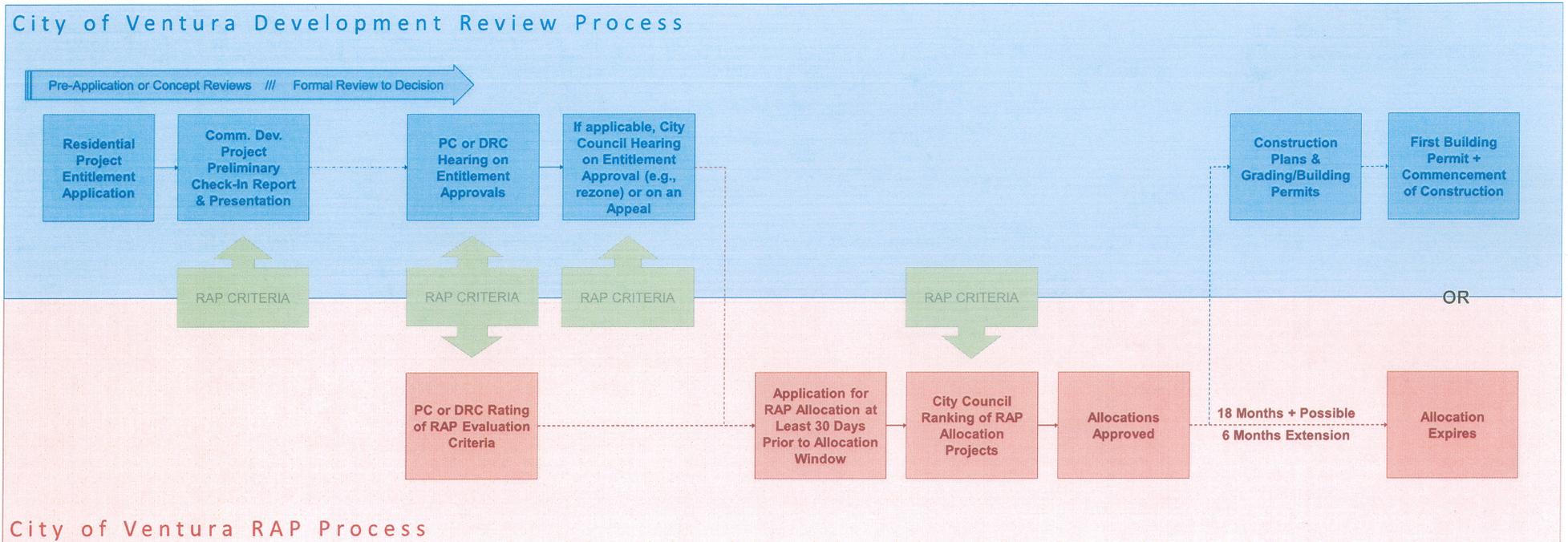
• Promotes Infill Development	Yes	Yes	Yes
• Incentive to include affordable units	Yes	Yes	No
• Livability features	Yes	Yes	Yes
• Infrastructure and city service levels	Yes	Yes	Yes
• Range of mobility options	Yes	Yes	No
• Green building	Yes	No	No
• Sustainability	Yes	Yes	Yes
• Mix of housing types	Yes	Yes	Yes
• Compliance with specified Building Typology and Design	No	Yes	No
• Separate criteria/process depending on project size	No	Yes	Yes
• Applies Simpson Diversity Index	No	Yes	No
• Fiscal Impacts	No	No	Yes
• Continuing Projects	No	No	Yes
Approval Authority	City Council	DRC, Planning Commission and Council, depending on project size	City Council, with review by the Planning Commission
Time to obtain permits following approval	18 months to obtain building permits	180 days to file subsequent applications	180 days to file subsequent applications

*Any required amendments to the General Plan must be approved before HAP/RGMP application considered

Attachment C

Flow Chart Describing RAP Review Process

Residential Allocation Program (RAP)
Illustrative Flowchart



Attachment D

PENDING
**Draft PC Resolution Recommending the City Council Accept and Adopt
CEQA Addendum #3 to the 2005 General Plan FEIR**

Attachment E

**Draft PC Resolution Recommending the City Council Adopt an Amendment
to the 2005 General Plan for the RAP Program**

PLANNING COMMISSION RESOLUTION NO. 2015 ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO UPDATE CHAPTER 3, ENTITLED, 'OUR WELL PLANNED AND DESIGNED COMMUNITY' FOR THE RESIDENTIAL ALLOCATION PROGRAM, AN IMPLEMENTATION COMPONENT OF THE CITY'S GROWTH POLICY

PROJECT NO. 10072
CASE NO. GPA 10-15-30877
EIR 10-15-30943

BE IT RESOLVED by the Planning Commission of the City of San Buenaventura as follows:

SECTION 1: The City of San Buenaventura has initiated a General Plan Amendment (Case No. GPA-10-15-30877) to update Chapter 3, entitled, 'Our Well Planned and Designed Community', to reflect the proposed enactment and implementation of the Residential Allocation Program (RAP), as part of the City's growth policy.

SECTION 2: The City has prepared Addendum #3 to the 2005 Ventura General Plan FEIR (EIR-2452), certified August 2005, with respect to this General Plan Amendment pursuant to State CEQA Guidelines Section 15164.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission hereby finds the following:

1. Chapter 3 of the 2005 General Plan called for a revision of the Residential Growth Management Plan (RGMP), originally enacted in 1990, which, together with an integrated set of development tools, would improve housing availability, affordability and design.

2. The proposed General Plan Amendment GPA - 10-15-30877 is consistent with and reflective of the General Plan's goals, policies, and intent to encourage orderly residential growth and development in a manner that preserves the public's health, safety, and welfare because it recognizes the City's proposed enactment of the RAP, which replaces the RGMP. Further, the RAP is designed with provisions that maintain consistency with the Housing Element and the City's obligation under the Regional Housing Needs Assessment.

3. The RAP furthers the General Plan policy of growth management identified in Chapter 3, in that it accomplishes the following objectives:

a. It provides the City Council with authority and discretion over the housing types, pace of growth, and quality of residential development;

b. It allows the City Council to allocate limited City resources and services, such as water, land, sewer, and transportation, in a thoughtful manner so as to ensure that high priority residential projects are developed in appropriate areas; and

c. It allows the City Council to ensure the City's growth includes a range of housing types that accommodate all income levels.

4. This General Plan Amendment also contains an administrative provision to remove reference to the outdated 2006 Housing Element goals and policies and replace with text indicating that the City's Housing Element is maintained outside the 2005 General Plan document due to State mandated updates.

SECTION 4: Based on the above findings, the Planning Commission hereby recommends that the City Council approve a General Plan Amendment to update Chapter 3, entitled, 'Our Well Planned and Designed Community', as identified in Exhibit "A" and Exhibit "B".

The City has complied with the California Environmental Quality Act in recommending adoption of this ordinance, as evidenced by Planning Commission Resolution No. 2015-_____, adopted on _____, 20__.

PASSED AND ADOPTED this _____ day of _____, 2015.

Dave Ward, AICP
Planning Manager

APPROVED AS TO FORM
Gregory G. Diaz
City Attorney

By:  10/29/2015
[Name] [Date]
[Assistant] City Attorney

ATTACHMENTS:

Exhibit A – Draft City Council Resolution to Approve a General Plan Amendment to Update Chapter 3, ‘Our Well Planned and Designed Community’ for the Residential Allocation Program

RESOLUTION NO. 2015 _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN BUENAVENTURA, CALIFORNIA
APPROVING A GENERAL PLAN AMENDMENT TO
UPDATE CHAPTER 3, ENTITLED, 'OUR WELL
PLANNED AND DESIGNED COMMUNITY' FOR
THE RESIDENTIAL ALLOCATION PROGRAM, AN
IMPLEMENTATION COMPONENT OF THE CITY'S
GROWTH POLICY**

**PROJECT NO. 10072
CASE NO. GPA-10-15-30877
EIR 10-15-30943**

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1: The City of San Buenaventura has initiated a General Plan Amendment (Case No. GPA-10-15-30877) to update Chapter 3, entitled, "Our Well Planned and Designed Community," to reflect the proposed enactment and implementation of the Residential Allocation Program (RAP), as part of the City's growth policy.

SECTION 2: The City Council has approved a Resolution, approving Addendum # 3, Case No. EIR-10-15-30943, to the 2005 Ventura General Plan Final Environmental Impact Report (FEIR), EIR-2452, with respect to this General Plan Amendment pursuant to State CEQA Guidelines Section 15164.

SECTION 3. All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council hereby finds as follows:

1. Chapter 3 of the 2005 General Plan called for a revision of the Residential Growth Management Plan (RGMP), originally enacted in 1990, which, together with an integrated set of development tools, would improve housing availability, affordability and design.

2. The proposed General Plan Amendment GPA - 10-15-30877 is consistent with and reflective of the General Plan's goals, policies, and intent to encourage orderly residential growth and development in a manner that preserves the public's health, safety, and welfare because it recognizes the City's proposed enactment of the RAP, which replaces the RGMP. Further, the RAP is designed with provisions that maintain consistency with the Housing Element and the City's obligation under the Regional Housing Needs Assessment.

3. The RAP furthers the General Plan policy of growth management identified in Chapter 3, in that it accomplishes the following objectives:

- a. It provides the City Council with authority and discretion over the housing types, pace of growth, and quality of residential development;
- b. It allows the City Council to allocate limited City resources and services, such as water, land, sewer, and transportation, in a thoughtful manner so as to ensure that high priority residential projects are developed in appropriate areas; and
- c. It allows the City Council to ensure the City's growth includes a range of housing types that accommodate all income levels.

4. This General Plan Amendment also contains an administrative provision to remove reference to the outdated 2006 Housing Element goals and policies and replace with text indicating that the City's Housing Element is maintained outside the 2005 General Plan document due to State mandated updates.

5. The City has complied with the California Environmental Quality Act in recommending adoption of this ordinance, as evidenced by City Council Resolution No. 2015-_____, adopted on _____, 20__.

PASSED AND ADOPTED this _____ day of _____, 2015.

Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz
City Attorney

By: Gregory G. Diaz 10/29/2015
[Name] Date
[Assistant] City Attorney

EXHIBIT LIST:

A – Revisions to Chapter 3 of the General Plan, Entitled, “Our Well Planned and Designed Community.”

B – Revisions to Appendix A to General Plan

Special Topics

Agricultural Lands

During the 20th Century, the value of agricultural land in Ventura became secondary to that for development. However, this pattern is not irreversible, and protecting green land to save the aesthetic beauty of open space, preserve the cultural landscape of the community's heritage, and conserve land for environmental quality are high priorities in Ventura. In fact, the land's historic role for food production may soon be more highly valued once again, as prime agricultural areas continue to disappear to development at an astounding rate.

Ventura is fortunate to retain much of its rural landscape. Agriculture still plays an important role in the economy of the City and County of Ventura. Significant yields are made possible by the presence of high quality soils, adequate water supply, favorable climate, long growing season, and level topography. Mechanisms such as the California Land Conservation Act (more popularly known as the Williamson Act), the Save Our Agricultural Resources (SOAR) initiative (see Appendix B), and greenbelt agreements with neighboring jurisdictions continue to help maintain a balance between urban growth and agricultural preservation. The SOAR initiative that was adopted by the voters in 1995, and that, by its own terms, remains in full legal effect until 2030, refers to specific policies from the 1989 Comprehensive Plan that are still in effect and, as such, have been carried forward into this Plan under Policy 3D and Action 3.20 in addition to

being incorporated in this General Plan as set forth in Appendix B.

A primary agricultural concern is the potential conflict with adjacent urban uses over pesticides, dust, odors, noise, and the visual impact of large greenhouses. Other issues of importance to agricultural producers include restrictions on farm-related activities, access to water, and provision of farmworker housing. Paralleling these concerns is a community interest in sustainability, the ability to provide for the needs of future generations. The policies and actions in this chapter intend to sustain viable farm operations in areas designated for agricultural use.

Growth Management

Growth management seeks to preserve public good, improve social equity, and minimize adverse impacts of development while still accommodating new housing and business attraction. The effects of growth management policies on housing prices are complex due to the idiosyncrasies of local real estate markets. Properly designed, growth management programs can plan for all development needs, such as open space, access to public transportation, and walkable neighborhoods.

The City Council will consider enactment of the Residential Allocation Program (RAP) to replace the Residential Growth Management Program (RGMP). The RAP will establish an allocation program for residential development that serves to i) provide the City Council authority and



Subsequent to the adoption of the SOAR initiative, there have been two general plan amendments, which redesignated individual agricultural properties through a vote of the electorate as required by SOAR. These remain in full legal effect and have been carried forward into this Plan. These include the new Community Park at Kimball Road and the southeast corner of Montgomery and Bristol (see Appendix D and E).

Evolution of the City's Growth Policy

The City's Residential Growth Management Program (originally established in 1979 to ensure that housing development would not outpace needed infrastructure) has not always contributed to housing affordability to quality design. The 2005 General Plan called for revising the Residential Growth Management Program with an integrated set of growth management tools. Such tools not only include the adoption of new form-based Development Codes, but also community or specific plans based on availability of infrastructure and resources.

discretion over the housing types, page of growth, and quality of development, ii) allow the City Council to give careful consideration to limited City resources and services, such as water, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas, and iii) allows the City Council to ensure the City's growth includes a range of housing types that accommodate all income levels.

~~The City's Residential Growth Management Program (originally established in 1979 to ensure that housing development would not outpace needed infrastructure) has not always contributed to housing affordability or quality design. This General Plan calls for revising the Residential Growth Management Program with an integrated set of growth management tools. Such tools not only include the adoption of a new form-based Development Code, but also community or specific plans based on availability of infrastructure and resources.~~

Long Term Potential Expansion Strategy

Indeed, the community has indicated that before the City expands any further, the first priority for achieving planning goals should be in the vacant and underutilized areas of the City. Yet, even the most successful effort to achieve community planning goals through infill may need to be supplemented at some point by expanding into areas outside the city limits. Such expansion may not only be necessary to fulfill development objectives; it also may be needed to provide open space, parklands, and natural areas to be

preserved and restored. To address this, citizens discussed during the preparation of this General Plan which areas, if any, should be possible expansion areas. These areas were identified because they embody opportunities for achieving a variety of community vision objectives that may not be feasible within existing city limits. The community further went on to agree upon a set of rules about how these areas should be planned. These areas were analyzed in the environmental impact report prepared for this General Plan, and a "long term potential expansion strategy" will be formulated to guide the process of prioritizing any potential future expansion areas to fulfill General Plan objectives that may not be able to be achieved by our "Infill First" approach. Should any areas be selected for future planning, a specific plan, a public vote (if required pursuant to SOAR), and an amendment with the regulatory planning framework would have to occur.

The policies and actions in this chapter call for measured and appropriate growth in Ventura by prioritizing areas appropriate for additional development based on community values and infrastructure potential.

Action 3.22: Offer incentives for agricultural production operations to develop systems of raw product and product processing locally. ☻

Policy 3E: Ensure the appropriateness of urban form through modified development review.

Action 3.23: Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation. ☻

Action 3.24: Implement the Residential Allocation Program (RAP) which replaces the Residential Growth Management Program (RGMP). The RAP will serve as one of the City's growth management tools, to be utilized in conjunction with the following: Revise the Residential Growth Management Program (RGMP) with an integrated set of growth management tools including:

- community or specific plans and development codes based on availability of infrastructure and transit that regulate community form and character by directing new residential development to appropriate locations and in ways that integrate with and enhance existing neighborhoods, districts and corridors;
- appropriate mechanisms to ensure that new residential development produces high-quality designs and a range of housing types across all income levels; and,

- ~~numeric limitations on dwelling units linked to the implementation of community or specific plans and development codes and the availability of appropriate infrastructure and resources; within those limitations, the RGMP should provide greater flexibility for timing new residential development.~~

Action 3.25: Establish first priority growth areas to include the districts, corridors, and neighborhood centers as identified on the General Plan Diagram; and second priority areas to include vacant undeveloped land when a community plan has been prepared for such (within the City limits).

Action 3.26: Establish and administer a system for the gradual growth of the City through identification of areas set aside for long-term preservation, for controlled growth, and for encouraged growth. ☻

Action 3.27: Require the use of techniques such as digital simulation and modeling to assist in project review.

Action 3.28: Revise the planning processes to be more user-friendly to both applicants and neighborhood residents in order to implement City policies more efficiently.

Policies and actions related to the preservation of **historic architecture and resources** are contained in Chapter 9.

The City Housing Element

Due to periodic State mandated updates, the Housing Element is maintained outside of this 2005 General Plan document but is incorporated by reference herein. The document may be obtained at the Planning Division public counter, Ventura City Hall, Room 117 and is currently located on the City's website:

<http://www.cityofventure.net/files/file/FINAL%20HE-TR%20Combined.pdf>

~~2000-2006 HOUSING ELEMENT GOALS AND POLICIES, City Council Adopted Resolution 2004-014. Adopted April 12, 2004~~

~~Goal 1-~~

~~Maintain and improve the quality of existing housing and residential neighborhoods in Ventura.~~

~~Policy 1.1~~ — Encourage citizen involvement in addressing the maintenance and improvement of the housing stock and neighborhood quality.

~~Policy 1.2~~ — Continue to preserve and maintain the City's historical and architecturally significant buildings and neighborhoods.

~~Policy 1.3~~ — Encourage homeowners and landlords to maintain properties in sound condition through the City's residential rehabilitation assistance programs and code enforcement efforts.

~~Policy 1.4~~ — Cooperate with housing providers in the acquisition, rehabilitation, and maintenance of older residential properties as long term affordable housing.

~~Policy 1.5~~ — Permit the conversion of apartments to condominiums only when such conversion would not adversely affect the overall supply and availability of rental units, particularly units occupied by lower and moderate income households.

~~Policy 1.6~~ — Continue to support the provision of rental assistance to lower income households, and encourage property owners to list units with the Housing Authority.

~~Policy 1.7~~ — Continue to preserve the affordability of mobile homes through the Rent Stabilization Ordinance. Support the acquisition and ownership of mobile home parks by non-profit housing

providers and resident organizations.

Policy 1.8 — Preserve the existing stock of affordable housing, including mobilehomes, through City regulations, as well as financial and other forms of assistance.

Goal 2

Facilitate the provision of a range of housing types to meet the diverse needs of the community.

Policy 2.1 — Provide high quality housing for current and future residents with a diverse range of income levels. Promote housing that is developed under modern sustainable community standards.

Policy 2.2 — Provide expanded housing opportunities for the City's workforce. Promote the City's affordable housing programs with employers in Ventura.

Policy 2.3 — Continue to offer and promote homeownership assistance programs to lower and moderate-income households to purchase both new and existing housing. Pursue participation in other homeownership programs available in the private market.

Policy 2.4 — Continue to provide financial and regulatory incentives to non-profits, private housing developers, and public agencies for the construction of the types of housing required to meet identified needs.

Policy 2.5 — Support the provision of quality rental housing with three or more bedrooms to accommodate large families, and encourage room additions in the existing housing stock to address household overcrowding.

Policy 2.6 — Support a variety of housing types to address the needs of agricultural workers, including affordable rentals, mobilehome parks, single room occupancy hotels (SROs), and group housing for migrant laborers.

Policy 2.7 — Facilitate the provision of housing to address Ventura's growing senior population, including senior housing with supportive services, assisted living facilities, and second units.

Policy 2.8 — Encourage the provision of housing adaptable to the physically disabled through integration of universal design

features in new development, and compliance with Title 24 of the California Health and Safety Code.

Policy 2.9 Encourage the provision of supportive housing for persons with mental illness to address the severe shortage of housing for this special needs population.

Policy 2.10 Support efforts by non-profits to expand transitional and emergency housing in Ventura, including support of grant applications and assistance in identification of suitable sites.

Policy 2.11 Evaluate adoption of an inclusionary housing ordinance as a means of integrating affordable units within new residential development: 1) Require affordable units to be provided on or off site, with allowance for payment of an in-lieu fee at the discretion of the City; 2) Evaluate the financial impact of inclusionary requirements on development, and assess incentive-based alternative strategies for provision of affordable housing.

Policy 2.12 Facilitate the provision of second units as a means of providing affordable rental housing in existing neighborhoods. Ensure

compatibility with the primary unit and surrounding neighborhood.

Policy 2.13 Encourage the production of housing that meets the needs of all economic segments, including lower, moderate, and above moderate income households, to achieve a balanced community.

Policy 2.14 Promote and facilitate non-traditional housing types and options, including co-housing, assisted living facilities, live-work spaces, and artist lofts.

Policy 2.15 Direct City-controlled housing funds towards programs that address the needs of very low and low income households.

Policy 2.16 Prioritize affordable housing opportunities and assistance for public service employees.

Policy 2.17 Annually monitor the City's progress in meeting its housing needs for all income levels.

Goal 3

Provide adequate housing sites through appropriate land use and zoning designations to accommodate the City's share of the regional housing needs.

Policy 3.1 — Maintain an up-to-date inventory of vacant and underutilized parcels and provide to interested developers in conjunction with information on available development incentives. Within redevelopment project areas, provide assistance in land assembly in support of affordable housing.

Policy 3.2 — Implement smart growth principles by rewarding quality infill projects that utilize existing infrastructure.

Policy 3.3 — Encourage efficient utilization of the City's limited land resources by encouraging development at the upper end of the permitted Zoning Code/Comprehensive Plan density.

Policy 3.4 — Utilize the Urban Infill Overlay Zone and Downtown Specific Plan as a tool to facilitate higher density residential and mixed-use development.

Policy 3.5 — Explore residential reuse opportunities on obsolete commercial properties, such as older motels and underutilized historic structures.

Policy 3.6 — Pursue use of publicly owned land, such as public parking lots, for development of affordable housing.

Policy 3.7 — Identify opportunities for housing development that achieves other community goals such as neighborhood improvement, recreation opportunities, and the preservation of sensitive lands and neighborhood character.

Policy 3.8 — Facilitate the development of mixed-use projects in appropriate commercial areas, including stand-alone residential developments (horizontal mixed-use) and housing above ground floor commercial uses (vertical mixed-use).

Policy 3.9 — Promote higher density housing as part of mixed-use developments along parts of Thompson Boulevard and Main Street in Midtown Ventura, as well as other areas such as Westside, Downtown and East Ventura.

Policy 3.10 — Promote mixed-use developments on the Westside of Ventura.

Policy 3.11 — Ensure that the updated Land Use Element designates adequate sites for housing for executives to

enhance the City's ability to attract businesses with higher paying jobs.

Goal 4

Mitigate or remove any potential governmental constraints to housing production and affordability.

Policy 4.1 Provide regulatory and/or financial incentives, where appropriate, to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards.

Policy 4.2 Utilize the Affordable Housing Program to provide incentives for production of affordable units, including streamlined permit processing, reduced fees and exemption from the required competition for RGMP allocations.

Policy 4.3 Amend the City's Residential Growth Management Plan (RGMP) to better facilitate housing production, while discouraging sprawl and maintaining quality of life goals.

Policy 4.4 Undertake a comprehensive review of the City's residential development project review

procedures and establish modified procedures as appropriate to streamline processing times, while maintaining adequate levels of public review.

Policy 4.5 Provide flexibility in development standards to accommodate new models and approaches to providing affordable housing, such as co-housing, live/work units and assisted living facilities.

Goal 5

Promote equal opportunity for all residents to reside in the housing of their choice.

Policy 5.1 Continue to enforce fair housing laws prohibiting arbitrary discrimination in the building, financing, selling or renting of housing on the basis of race, religion, family status, national origin, physical or mental disability, or other such factors.

Policy 5.2 Continue to support organizations that offer fair housing and mediation services to Ventura residents.

Policy 5.3 Promote housing that meets the special needs of large families,

elderly persons, agricultural workers, and the disabled.

Policy 5.4 Continue to enforce notification and provide relocation assistance for lower-income persons displaced due to demolition, reuse, condominium conversion, or rehabilitation as a result of code enforcement.

APPENDIX A

<p>KEY TO ABBREVIATIONS AS = Administrative Services Department AS [P] = Purchasing CA = City Attorney CD = Community Development Department CD [A] = Administration CD [CP] = Current Planning CD [LRP] = Long Range Planning CD [ED] = Economic Development CD [LD] = Land Development CD [RDA] = Redevelopment Agency CC = City Council CM = City Manager's Department CM [CE] = Civic Engagement CS = Community Services Department CS [CR] = Community Recreation</p>	<p>CS [CA] = Cultural Affairs CS [GS/AS] = Golf Services/Adult Sports CS [SS] = Social Services FD = Fire Department FD [IS] = Inspection Services HR = Human Resources Department PD = Police Department PW = Public Works Department PW [E] = Engineering PW [P] = Parks PW [MS] = Maintenance Services PW [U] = Utilities</p>	<p>Short-term = 0-5 years Mid-term = 5-10 years Long-term = 10-20 years Ongoing = May require short-, mid-, and long-term action</p>
<p> = Action included in the Land Use Plan of the City's Local Coastal Program</p>		

Number	Action	Lead Entity	Timeframe
3.20	Pursuant to SOAR, adopt development code provisions to “preserve agricultural and open space lands as a desirable means of shaping the City’s internal and external form and size, and of serving the needs of the residents.”	CD [LRP]	Short-term
3.21	 Adopt performance standards for non-farm activities in agricultural areas that protect and support farm operations, including requiring non-farm uses to provide all necessary buffers as determined by the Agriculture Commissioner’s Office.	CD [LRP]	Short-term
3.22	 Offer incentives for agricultural production operations to develop systems of raw product and product processing locally.	CD [ED]	Mid-term
3.23	 Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation.	CD [LRP]	Short-term
3.24	<u>Implement the Residential Allocation Program (RAP) which replaces the Residential Growth Management Program (RGMP). The RAP will serve as one of the City’s growth management tools, to be utilized in conjunction with the following: Revise the Residential Growth Management Program (RGMP) with an integrated set of growth management tools including:</u> <ul style="list-style-type: none"> • Community or specific plans and development codes based on availability of infrastructure and transit that regulate community form and character by directing new residential development to appropriate locations and in ways that integrate with and enhance existing 	CD [LRP]	<u>Ongoing</u> Short-term

<p>KEY TO ABBREVIATIONS AS = Administrative Services Department AS [P] = Purchasing CA = City Attorney CD = Community Development Department CD [A] = Administration CD [CP] = Current Planning CD [LRP] = Long Range Planning CD [ED] = Economic Development CD [LD] = Land Development CD [RDA] = Redevelopment Agency CC = City Council CM = City Manager's Department CM [CE] = Civic Engagement CS = Community Services Department CS [CR] = Community Recreation</p>	<p>CS [CA] = Cultural Affairs CS [GS/AS] = Golf Services/Adult Sports CS [SS] = Social Services FD = Fire Department FD [IS] = Inspection Services HR = Human Resources Department PD = Police Department PW = Public Works Department PW [E] = Engineering PW [P] = Parks PW [MS] = Maintenance Services PW [U] = Utilities</p>	<p>Short-term = 0-5 years Mid-term = 5-10 years Long-term = 10-20 years Ongoing = May require short-, mid-, and long-term action</p>
<p> = Action included in the Land Use Plan of the City's Local Coastal Program</p>		

Number	Action	Lead Entity	Timeframe
	neighborhoods, districts and corridors; <ul style="list-style-type: none"> • appropriate mechanisms to ensure that new residential development produces high-quality designs and a range of housing types across all income levels; and, • numeric limitations on dwelling units linked to the implementation of community or specific plans and development codes and the availability of appropriate infrastructure and resources; within those limitations, the RGMP should provide greater flexibility for timing new residential development. 		
3.25	 Establish first priority growth areas to include the districts, corridors, and neighborhood centers as identified on the General Plan Diagram; and second priority areas to include vacant undeveloped land when a community plan has been prepared for such (within the City limits).	CD [LRP]	Short-term
3.26	 Establish and administer a system for the gradual growth of the City through identification of areas set aside for long-term preservation, for controlled growth, and for encouraged growth.	CD [LRP]	Mid-term
3.27	Require the use of techniques such as digital simulation and modeling to assist in project review.	CD [CP]	Short-term
3.28	Revise the planning processes to be more user-friendly to both applicants and neighborhood residents in order to implement City policies more efficiently.	CD [CP]	Short-term
4. OUR ACCESSIBLE COMMUNITY			
4.1	Direct city transportation investment to efforts that improve user safety and keep the circulation	PW [E]	Ongoing

Attachment F

**Draft PC Resolution Recommending the City Council Adopt an Ordinance
Creating the RAP Program**

PLANNING COMMISSION RESOLUTION NO. 2015-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL RESCIND RESOLUTION 2006—57 TO AMEND DIVISION 24R AND ADOPT A NEW CHAPTER 24.508, “RESIDENTIAL ALLOCATION PROGRAM”, OF DIVISION 24 PART 5 OF THE SAN BUENAVENTURA MUNICIPAL CODE ESTABLISHING A RESIDENTIAL PROJECT ALLOCATION PROGRAM

**PROJECT NO. 10072; CASE NO. OA-10-15-30881
EIR-10-15-30943**

BE IT RESOLVED by the Planning Commission of the City of San Buenaventura as follows:

SECTION 1: On April 13, 2015, the City Council directed City staff to develop a residential allocation program (“RAP”) in order to accomplish the following three objectives:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development.
2. Thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas.
3. Ensure the City’s growth includes a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

SECTION 2: On June 30, 2015, the City conducted a Community Engagement Meeting for the purpose of soliciting input from all stakeholders, including residents, businesses and developers, on the RAP, including the criteria upon which the allocation of residential units should be based and the process by which the allocations would be granted.

On September 10, 2015, the City conducted a second Community Engagement Meeting to review the draft RAP ordinance with all stakeholders and solicit further comment and suggestions for consideration in the preparation of the final RAP ordinance.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other

pertinent information, the Planning Commission hereby finds the following:

1. The RAP Ordinance set forth in Exhibit A incorporates many of the suggestions presented at the Community Engagement Meetings and provides an orderly process for the allocation of residential units in a manner that achieves the City Council's three objectives.

2. The RAP furthers the objectives of the City's General Plan and is consistent with the City's Housing Element in that it ensures that the City will be able to meet its Regional Housing Needs Assessment ('RHNA') allocation plan established by the California Department of Housing and Community Development while still providing for thoughtful and measured residential development. Specifically,

a. Because projects in which all housing units are affordable to low income households will be exempt from the program, the RAP is not anticipated to be a constraint on the City's ability to provide affordable units. In addition, projects that provide more affordable units than required by City ordinance will receive a higher rating than projects which just meet the standard. Therefore, the program may be an incentive to develop affordable units;

b. The number of units allowed in the three-year cycle is adequate to accommodate the City's RHNA for the current planning period. The City Council may allocate more than 350 units in any given year if a substantial need can be shown to do so. The extra dwelling units would reduce the number that can be allocated in future years of the three-year cycle. In addition, residential development within adopted Specific Plan areas and any future Specific Plans adopted by the City Council will be exempt from the RAP. Therefore, the RAP is not expected to constrain the City's ability to meet its RHNA;

c. The allocation evaluation criteria give preference to infill projects, based on the City's Infill First strategy; and

d. The allocation evaluation criteria will be processed concurrently with discretionary permits (tentative maps, conditional use permits, etc.) and should not extend the processing time for development permits, though the schedule will be established by the RAP.

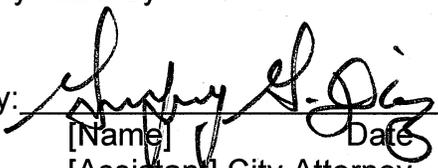
SECTION 4: Based on the above findings, the Planning Commission hereby recommends that the City Council rescind Resolution 2006-057, the Housing Approval Program (HAP), codified in San Buenaventura Municipal Code Chapter 24R.115 in its entirety and adopt a new Chapter 24.508 of Division 24 Part 5 of the Buenaventura Municipal Code Establishing a Residential Project Allocation Program.

The City has complied with the California Environmental Quality Act in recommending adoption of this ordinance, as evidenced by Planning Commission Resolution No. 2015-_____, adopted on _____, 20__.

PASSED and ADOPTED this ___ day of _____ 2015.

Dave Ward, AICP
Planning Manager

APPROVED AS TO FORM
Gregory G. Diaz
City Attorney

By:  10/29/2015
[Name] Date
[Assistant] City Attorney

ATTACHMENTS:
Exhibit A – New Chapter 24.508 of Division 24, Title 5 of the San Buenaventura Municipal Code

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RESCINDING RESOLUTION 2006-057 TO AMEND DIVISION 24R AND ADOPTING A NEW CHAPTER 24.508, "RESIDENTIAL ALLOCATION PROGRAM" OF DIVISION 24 PART 5 OF THE SAN BUENAVENTURA MUNICIPAL CODE ESTABLISHING A RESIDENTIAL PROJECT ALLOCATION PROGRAM

**PROJECT NO. 10072
CASE NO. OA-15-30881
EIR-10-15-30943**

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Findings.

A. On April 13, 2015, the City Council directed City staff to develop a residential allocation program ("RAP") in order to accomplish the following three objectives:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development.

2. Thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas.

3. Ensure the City's growth includes a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

B. On June 30, 2015, the City conducted a Community Engagement Meeting for the purpose of soliciting input from all stakeholders, including residents, businesses and developers, on the RAP, including the criteria upon which the allocation of residential units should be based and the process by which the allocations would be granted.

C. On September 10, 2015, the City conducted a second Community Engagement Meeting to review the draft RAP ordinance with all stakeholders and solicit further comment and suggestions for consideration in the preparation of the final RAP ordinance.

D. The RAP Ordinance set forth herein incorporates many of the suggestions presented at the Community Engagement Meetings and provides an

orderly process for the allocation of residential units in a manner that achieves the City Council's three objectives.

E. The RAP furthers the objectives of the City's General Plan and is consistent with the City's Housing Element in that it ensures that the City will be able to meet its Regional Housing Needs Assessment ("RHNA") allocation plan established by the California Department of Housing and Community Development while still providing for thoughtful and measured residential development. Specifically,

1. Because projects in which all housing units are affordable to low income households will be exempt from the program, the RAP is not anticipated to be a constraint on the City's ability to provide affordable units. In addition, projects that provide more affordable units than required by City ordinance will receive a higher rating than projects which just meet the standard. Therefore, the program may be an incentive to develop affordable units;

2. The number of units allowed in the three-year cycle is adequate to accommodate the City's RHNA for the current planning period. The City Council may allocate more than 350 units in any given year if a substantial need can be shown to do so. The extra dwelling units would reduce the number that can be allocated in future years of the three-year cycle. In addition, residential development within adopted Specific Plan areas and any future Specific Plans adopted by the City Council will be exempt from the RAP. Therefore, the RAP is not expected to constrain the City's ability to meet its RHNA;

3. The allocation evaluation criteria give preference to infill projects, based on the City's Infill First strategy; and

4. The allocation evaluation criteria will be processed concurrently with discretionary permits (tentative maps, conditional use permits, etc.) and should not extend the processing time for development permits, though the schedule will be established by the RAP.

Section 2. Rescind Prior Resolution.

Based on the foregoing and for the reasons and purposes stated further herein, the City Council hereby rescinds Resolution 2006-057, the Housing Approval Program (HAP), codified in San Buenaventura Municipal Code Chapter 24R.115 in its entirety.

Section 3. Amendment to Code

Chapter 24.508, "Residential Allocation Program", is hereby added to the

San Buenaventura Municipal Code: to read as follows:

CHAPTER 24.508

Residential Allocation Program

Sections:

- 24.508.010. – Chapter Description.
- 24.508.020. – Applicability of RAP.
- 24.508.030. – Residential Project Allocation; Time Limit to Commence Construction
- 24.508.040. – Establishment of Annual Maximum Number of Residential Project Allocations.
- 24.508.050. – Residential Project Allocation Evaluation.
- 24.508.060. – Residential Project Allocations.
- 24.508.070. – Applications for Residential Project Allocation.
- 24.508.080. – Annual Report of Residential Development Statistics.
- 24.508.090. – Amendment of Residential Project After Allocations Granted
- 24.508.100. – Expiration of Discretionary Approvals, Allocations for Residential Project.
- 24.508.110. – Judicial Review.
- 24.508.120. – Conditions of Approval.

24.508.010 Chapter Description. This Chapter which shall be known as the Residential Allocation Program or 'RAP' establishes a residential development allocation system for residential development projects (hereinafter 'Residential Projects') within the City in accordance with the growth rates in the City's General Plan and the needs of the City as determined through implementation of this Chapter, in order to achieve a steady, sustainable rate of growth rather than a fluctuating or overly rapid rate of growth and to better preserve the character of the City and the quality of life within the City.

24.508.020 Applicability of RAP. The Residential Allocation Program set forth in this Chapter applies to all Residential Projects, including mobile home developments in the City, with the exception of the following:

- A. Residential Projects of not more than two residential dwelling units on a single parcel, limited to only one such project per developer per calendar year;
- B. Second dwelling units added to existing single-family residential units as defined in Section 24.430, Residential Second Unit Regulations, of the San Buenaventura Municipal Code;
- C. Rehabilitation or remodeling of an existing dwelling, or conversion of apartments to condominiums, so long as no additional dwelling units are created;

D. Residential Projects in which 100% of the residential units are formally dedicated or restricted through recorded covenants for occupancy by low-income households as defined by federal, state or local laws;

E. Residential Projects subject to a fully executed Development Agreement entered into by and between the City and the property owner/developer seeking to develop such residential units;

F. Residential Projects which are located within the geographic boundaries of adopted Specific Plans; and

G. Residential Projects which have been fully entitled as of the effective date of this Chapter. For purposes of this Chapter, 'fully entitled' shall mean those Residential Projects for which all discretionary development permits have been granted by the City for such development, including, but not limited to zoning designation, planned development permits, coastal development permits, conditional use permits, variances, design review permits and tentative subdivision or parcel map approval. Such exemption shall no longer be applicable if construction of the project does not commence within the time frames of the permits in existence as of the effective date of this Chapter and any City approved extensions.

24.508.030 Residential Project Allocation; Time Limit to Commence Construction

A. No building permit for any nonexempt Residential Project may be issued, unless an allocation for the Residential Project has been granted pursuant to this Chapter.

B. Prior to obtaining a building permit, the developer of a proposed Residential Project subject to this Chapter shall apply for and obtain a Residential Project allocation for each unit for which a building permit will be sought.

C. Any person who has been granted a Residential Project allocation shall obtain all required grading and building permits and commence construction, pursuant to the first building permit issued, within eighteen (18) months of the date on which the residential development allocation is granted; provided, however, that the Community Development Director may grant any person who has obtained a Residential Project allocation one (1) six-month extension of time in which to obtain all required grading and building permits and commence construction of the Residential Project provided that no less than eighty percent (80%) of construction plans for the project have been submitted for approval. If the allocation is not utilized within the time frames set forth herein, the allocation shall expire.

D. Where a Residential Project for which allocations have been awarded pursuant to this Chapter is a phased development, the issuance of building permits for the first phase of the Residential Project shall be sufficient to meet the time limit to commence construction for the entire Residential Project as set forth in Section C above.

24.508.040 Establishment of Annual Maximum Number of Residential Project Allocations.

A. The maximum number of Residential Project allocations for dwelling units that may be granted shall not exceed 1,050 over a fixed three-year cycle. The City Council may, but need not, issue the maximum number of allocations available in any year. The initial three-year cycle shall be calendar years 2016 through 2018, the next cycle shall be from 2019 through 2021, and so forth.

B. No more than 450 allocations for residential units shall be granted in any one year of a three-year cycle, except as set forth herein. If more than 350 allocations for residential units are granted in any one year, the allocations in subsequent years shall be adjusted to ensure the number of allocations allowed during the fixed three-year cycle does not exceed 1,050, provided that if the allocation in the first year of a three-year allocation cycle was less than 350, that year's unused allocations may be credited towards the overall adjustment needed within the three-year cycle.

C. The City Council may approve more than 450 allocations in one year and may exceed 1,050 in a three-year cycle, if these numbers are exceeded because the Council determined to issue less than 350 allocations in the prior year(s) or during the immediately preceding three year-cycle or the Council is reassigning or granting allocations that have been previously granted but have expired pursuant to this Chapter.

D. Except as otherwise provided in Section 24.205.030, subdivision D above, if building permits are not issued for all of the units for which allocations have been granted and the allocations expire, or if allocations expire for other reasons, the unused, expired allocations may be available to be reassigned to other projects during a subsequent allocation cycle, even if the total number of allocations granted exceeds 450 allocations because of the reassigned allocations.

24.508.050 Residential Project Allocation Evaluation.

A. The City Council will consider and evaluate, annually, all completed RAP applications submitted based on the criteria set forth in this section. The Planning Commission shall consider and provide a recommendation for the RAP allocation criteria during the Residential Project entitlement approval process. The Community Development Director shall compile all eligible RAP applications

as recommended by the Planning Commission and forward such applications to the City Council. The Director may provide advice and recommendations to the City Council

B. RAP- Evaluation Criteria. Residential Project applications shall be evaluated based on the following evaluation criteria. Each project application will be rated as 'meeting', 'not meeting', or 'exceeding' the following criteria attributes.

To support the General Plan Goal: 'Our Well-Planned Community'- *Our goal is to protect our hillsides, farmlands, and open spaces; enhance Ventura's historic and cultural resources; respect our diverse neighborhoods; reinvest in older areas of our community; and make great places by insisting on the highest standards of quality in architecture, landscaping, and urban design; and,*

To implement the City's Housing Element Goal: Facilitate the provision of a range of housing types to meet the diverse needs of the community.

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
<p>1. The proposed project provides site and architectural design quality that is in harmony in terms of size, height, color, and location with the existing surrounding neighborhood.</p> <p><i>Project can achieve a rating of 'exceeds' if it minimizes shadows and impacts to privacy and sunlight on adjoining sites; preserves views that are not otherwise protected; provides appropriate separation between existing and proposed buildings; enhances the aesthetic appeal of the area; reinforces the unique character of a neighborhood; respects historical context, if applicable; and/or enhances existing habitat/open space areas, where applicable</i></p>			
<p>2. The project is located in an area adjacent to existing transportation corridors and existing businesses.</p> <p><i>Project can achieve a rating of 'exceeds' if it is located in an Infill-First Strategy area (a designated District, Corridor or</i></p>			

<i>Neighborhood Center).</i>			
<p>3. The proposed project includes an appropriate mix of units, including units with multiple bedrooms to accommodate families.</p> <p><i>Project can achieve a rating of 'exceeds' if it includes a higher percentage of 2 and 3 bedroom units than is typical in an area desirable to families; and/or it provides a significant number of affordable units in a market rate project.</i></p>			
<p>4. At least 15% of the units will be affordable to low-income and/or very low-income households, as defined in the Housing Element and Inclusionary Housing Ordinances.</p> <p><i>Project can achieve a rating of 'exceeds' if it includes more than the number of affordable units required by Ordinance; and/or the project contributes to the dispersal of affordable units throughout the community.</i></p>			
<p>5. The project incorporates appropriate design features to enhance livability, such as space for children to play; private outdoor space; common gathering areas; and space for gardening.</p> <p><i>Project can achieve a rating of 'exceeds' if it introduces new public amenities in an existing neighborhood; and/or includes on-site amenities such as child care, community gardens, recreational facilities, or a dog park.</i></p>			

To support the General Plan Goal: 'Our Sustainable Infrastructure'- *Our goal is to safeguard public health, well-being and prosperity by providing and maintaining facilities that enable the community to live in balance with natural systems.*

Criteria	Project does not Meet	Project Meets Criteria	Project Exceeds Criteria
-----------------	------------------------------	-------------------------------	---------------------------------

	Criteria		
1. The project's water use is projected to be consistent with the Ventura Water Department's 'Water Demand Factors'. <i>Project can achieve a rating of 'exceeds' if it includes water conservation/recycling features that are expected to reduce water consumption below the 'Water Demand Factors'.</i>			
2. The project will contribute to the implementation of the City's Capital Improvement Program. <i>Project can achieve a rating of 'exceeds' if it accelerates construction or funding of an improvement included in the City's Capital Improvement Program.</i>			

To support the General Plan Goal: 'Our Healthy and Safe Community'- *Our goal is to build effective community partnerships that protect and improve the social well-being and security of all our citizens.*

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
1. The project will not cause a deterioration of the current level of services provided by the City, including police, fire, library, recreation, and other governmental services. <i>Project can achieve a rating of 'exceeds' if it contributes to an enhancement in service levels; and/or to facilities or other improvements envisioned in the General Plan.</i>			
2. The project is located in an area with convenient access to food, services and active recreational opportunities. <i>Project can achieve a rating of 'exceeds' if it introduces or expands neighborhood amenities such as food stores, services and/or fitness opportunities, and/or improves pedestrian facilities to allow better access to existing amenities, including the</i>			

beach.			
--------	--	--	--

To support the General Plan Goal: ‘Our Accessible Community’- *Our goal is to provide residents with more transportation choices by strengthening and balancing bicycle, pedestrian and transit connections in the City and surrounding region.*

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
<p>1. The proposed project contains on-site amenities that support a range of mobility options. <i>Project can achieve a rating of ‘exceeds’ if it includes amenities such as charging/fueling stations for alternative fuel vehicles; bicycle storage above city requirements; and/or innovative options like car-share and bike share programs.</i></p>			
<p>2. The project promotes walkability through the incorporation of sidewalks along public and private streets and provision of a path(s) of travel that allows residents easy access to neighborhood amenities like parks and shopping <i>Project can achieve a rating of ‘exceeds’ if it introduces new pedestrian connections in an existing neighborhood; and/or improves existing pedestrian facilities through installation of highly visible crosswalks, curb extensions, or truncated domes.</i></p>			
<p>3. The project is located in close proximity to existing bike trails. <i>Project can achieve a rating of ‘exceeds’ if it includes amenities such as enclosed bike storage; incorporates on-site connections to existing trails; funds construction of a trail on adjacent parcels(s); and/or introduces a bicycle connection in an existing neighborhood.</i></p>			

<p>4. The project contributes to public amenities along an existing transit or bike corridor, such as new bus shelters or water fountains. <i>Project can achieve a rating of 'exceeds' if the amenities exceed the level of contribution required to mitigate project impacts.</i></p>			
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--

To support the General Plan Goal: 'Our Natural Community'- *Our goal is to be a model for other communities of environmental responsibility, living in balance with our natural setting of coastline, rivers, and hillside ecosystems.*

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
<p>1. The project will feature native plants and other techniques, such as no-turf landscapes, that will reduce demand for water on-site. <i>Project can achieve a rating of 'exceeds' if landscaping only requires temporary irrigation until plants are established; the plant palette incorporates locally endemic native plants; a subterranean watering system will reduce evaporation; and/or the proposed landscaping exceeds standards adopted by appropriate agencies for use of water.</i></p>			
<p>2. The project will utilize green building principles supporting environmentally sensitive building design and operation. Examples include house siting and design, solar technologies, cool and green roofs, environmentally preferable building materials, and/or other innovative techniques that provide greater efficiency than compliance with standards set forth in state and local codes. <i>Project can achieve a rating of 'exceeds' if it is net power neutral or positive; and/or it is designed to achieve the highest rating offered through a third party such as LEED.</i></p>			

To support the General Plan Goal: ‘Our Prosperous Community’- Our goal is to attract and retain enterprises that provide high-value, high wage jobs; to diversity the local economy; to increase the local tax base; and to anticipate our economic future in order to strengthen our economy and help fund vital public services; and

To implement the City’s Housing Element Goal: provide adequate housing sites through appropriate land use and zoning designations to accommodate the City’s share of regional housing need.

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
<p>1. The project will contribute to the desired mix of unit types as envisioned in the General Plan, including tenure (ownership/rental) and a range of unit sizes, types and affordability, from entry level housing to executive housing. <i>Project can achieve a rating of ‘exceeds’ if it provides a unit type specifically desired in a particular area; if it provides housing that will meet the needs of key economic sectors; and/or it provides housing designed for seniors or other groups with special needs.</i></p>			

24.508.060 – Residential Project Allocations.

A. The City Council shall consider, at a public hearing, the evaluation ratings of the Residential Projects. The public hearing may be continued from time to time.

B. At the completion of the public hearing, the City Council shall confirm or modify and confirm the rating of each Residential Project and create a ranking. The City Council shall then proceed to determine which projects shall be granted allocations.

C. The number of residential units for which Residential Project allocations may be issued shall not exceed the allocations established in Section 24.205.040.

D. The City Council is not required to award allocations in specific ranking order. The City Council may determine that one or more Residential Projects

meet the current priority needs of the City, notwithstanding a lower evaluation rating than other Residential Projects, and may determine to grant allocations to the lower rated project(s) to satisfy that priority.

24.508.070 Applications for Residential Project Allocation

The City Council shall set a 90-day allocation window, annually, upon which it will review, consider and make Residential Project allocations pursuant to this Chapter. Upon the establishment of this date, all applications and filing fees for Residential Project allocations shall be submitted 30 days prior to this date in the form determined by the Community Development Director.

24.508.080 Annual Report of Residential Development Statistics

A. City staff shall compile an annual report including at least the following information:

1. The number of residential units available for allocation during the current three-year cycle;
2. The number of residential units established annually by the City Council for each year in the current three-year cycle;
3. The number of residential units for which allocations have been granted;
4. The number of building permits issued for projects with allocations;
5. The number of building permits issued for units not subject to the allocation program;
6. The number of unit allocations which have expired or been unused and are eligible to be allocated to other projects; and
7. The time required for Residential Projects to receive entitlements under the RAP, from application submittal date to the date building permits are issued.

B. The annual report shall be considered by the City Council when determining the annual allocation within the three-year cycle.

24.508.090 Amendment of Residential Project After Allocations Granted.

After a Residential Project receives allocations pursuant to this Chapter, minor modifications or amendments of the approved Residential Project permits may be considered pursuant to Municipal Code Section 24.570, Permit Amendment, Revocation and Reevaluation Procedure; provided, however, that i) the unit allocation previously awarded to the approved Residential Project shall not be exceeded, and, ii) the amended Residential Project shall be substantially consistent with the criteria under which the allocation was awarded.

24.508.100 Expiration of Discretionary Approvals, Allocations for Residential Projects.

A. Notwithstanding any other provision in the Zoning Code to the contrary, upon request, the Director of Community Development shall grant an extension of the expiration dates for discretionary approvals granted for a Residential Project subject to this Chapter, including but not limited to planned development permits, coastal development permits, conditional use permits; variances, design review approvals, parcel map approvals, tentative maps, and other zoning code approvals until such time as allocations are granted for such Residential Project, provided, however, that such extension shall not exceed three (3) allocation application periods.

B. Where one or more discretionary approvals for a Residential Project expire, so too shall RAP allocations for such Residential Project.

24.508.110 Judicial Review.

Any legal action to challenge any decision or denial of the board or any other governmental body performing a function under this Chapter must be filed in a court of competent jurisdiction within thirty days immediately following the action challenged.

24.508.120 Conditions of Approval.

A. Conditions on development permits for Residential Projects.

All discretionary permits for Residential Projects, including, but not limited to planned development permits, coastal development permits, conditional use permits; variances, design review approvals, parcel map approvals, and other zoning code approvals for projects that require Residential Project Allocation shall be subject to a condition providing that permit approval is complete but no further rights for development will accrue and no grading permit, building permit or other city entitlement will be issued for the land within the permit area until and unless residential development allocation is first obtained.

B. Subdivision maps.

All tentative maps for subdivisions of five or more residential dwelling units which are subject to this Chapter shall be subject to a condition providing that the final map may be approved and the final map may be recorded prior to the awarding of a development allotment, provided that no grading permit, building permit, or other city entitlement will be issued for the land within the subdivision, or phase of the subdivision until and unless an allocation is first obtained for the residential units within the subdivision or phase.

Section 4. CEQA Compliance.

The City has complied with the California Environmental Quality Act in adopting this Ordinance as evidenced by City Council Resolution No. 2015-_____, adopted on _____, 201_.

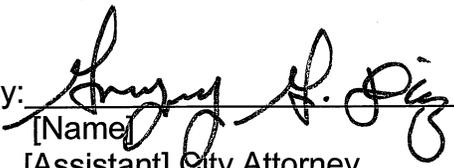
PASSED and ADOPTED this ___ day of _____ 2015.

Cheryl Heitmann, Mayor

ATTEST:

Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By:  10/29/2015
[Name]
[Assistant] City Attorney

Attachment G

**Draft PC Resolution Recommending the City Council Adopt an Ordinance
Amending City Council Appeal Authority and Call for Review Procedures**

PLANNING COMMISSION RESOLUTION NO. 2015-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 24.565, "APPEAL PROCEDURE," OF THE SAN BUENAVENTURA MUNICIPAL CODE TO PROVIDE A SPECIFIC PROCEDURE FOR MEMBERS OF THE CITY COUNCIL TO CALL FOR CERTAIN DECISIONS OF THE DESIGN REVIEW COMMITTEE AND/OR PLANNING COMMISSION

**PROJECT NO. 10072; CASE NO. OA-10-15-30876
EIR-10-15-30943**

BE IT RESOLVED by the Planning Commission of the City of San Buenaventura as follows:

SECTION 1: On April 13, 2015, as policy direction to accompany the City Council direction to develop a residential allocation program ("RAP"), the City Council directed staff to prepare an amendment to the San Buenaventura Municipal Code extending the effective date of any final action of the Planning Commission, Design Review Committee, and Historic Preservation Commission to be ten days following notice of the action appearing as an "Information Only" Item on the Consent Calendar of the City Council's public agenda.

SECTION 2: During ordinance amendment review and consideration of the appeal procedure sought by the City Council, City staff determined in all decisions not related to an historic resource or designated city landmark property, the Historic Preservation Committee provides only advisory/recommendation actions to the Design Review Committee and/or Planning Commission decisions and therefore an appeal procedure to an Historic Preservation Committee advisory/recommendation action was determined by City staff to be inapplicable and not considered in this ordinance amendment. Furthermore, the existing City's official landmark designation process already requires formal action by the City Council.

SECTION 3: On September 10, 2015, during a second Community Engagement Meeting by the City to review the draft RAP ordinance, the City provided information to the community on how the draft RAP ordinance would fit within the City's existing development review process for planning entitlements, including the new appeal procedure sought by the City Council to be implemented through an amendment to Title 24 of the Municipal Code.

SECTION 4: All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other

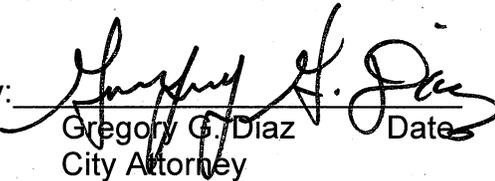
pertinent information, the Planning Commission hereby recommends that the City Council amend Chapter 24.565, "Appeal Procedure" of the Buenaventura Municipal Code to provide a specific procedure for members of the City Council to call for certain decisions of the Design Review Committee and/or Planning Commission.

The City has complied with the California Environmental Quality Act in recommending adoption of this ordinance, as evidenced by Planning Commission Resolution No. 2015-_____, adopted on _____, 20__.

PASSED and ADOPTED this ___ day of _____ 2015.

Dave Ward, AICP
Planning Manager

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By:  Date: 10/29/2015
Gregory G. Diaz
City Attorney

ATTACHMENTS:
Exhibit A – Amendment to Chapter 24.565 of the San Buenaventura Municipal Code

ORDINANCE NO. 2015-_____

**AN ORDINANCE OF THE COUNCIL OF THE CITY
OF SAN BUENAVENTURA, CALIFORNIA,
AMENDING CHAPTER 24.565, "APPEAL
PROCEDURE," OF THE SAN BUENAVENTURA
MUNICIPAL CODE TO PROVIDE A SPECIFIC
PROCEDURE FOR MEMBERS OF THE CITY
COUNCIL TO CALL FOR CERTAIN DECISIONS OF
THE DESIGN REVIEW COMMITTEE AND/OR
PLANNING COMMISSION**

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Chapter 24.565, "Appeal Procedures," of the San Buenaventura Municipal Code is hereby amended to read as follows:

"CHAPTER 24.565

APPEAL AND CALL FOR REVIEW PROCEDURE

Sections:

- 24.565.010. - Chapter Description.
- 24.565.020. - Effect of Filing.
- 24.565.030. - Appeal to Planning Commission.
- 24.565.040. - Action on Appeal by Planning
Commission.
- 24.565.050. - Appeal to City Council.
- 24.565.051. - Call for Review by the City Council.
- 24.565.060. - Action by City Council.
- 24.565.070. - Hearing Transcript not Required.

Sec. 24.565.010. - Chapter Description.

Chapter 24.565 establishes the appeals procedure governing administrative appeals of decisions carried out pursuant to this zoning ordinance. In addition, Chapter 24.565 establishes the procedures for Members of the City Council to Call for Review by the entire City Council decisions of the Design Review Committee and/or the Planning Commission.

Sec. 24.565.020. - Effect of Filing.

The filing of a notice of appeal and/or a Call for Review pursuant to this Chapter stays all proceedings until a decision on the appeal and/or a Call for Review is rendered.

Sec. 24.565.030. - Appeal to Planning Commission.

- A. Authority to Hear and Decide. The Planning Commission shall have the authority to hear and decide appeals of discretionary decisions by the Director.
- B. Filing Appeal. The applicant or an aggrieved person, as defined in Chapter 24.110, affected by any discretionary decision by the Director may file an appeal with the Planning Commission, provided the appeal is filed in writing within ten days after final action by the Director. The appeal shall be filed with the Planning Manager and shall set forth the grounds for appeal. If the applicant fails to appeal within ten days after the decision, the Director's decision is final.
- C. Hearing and Notice. The Planning Manager shall set a hearing before the Planning Commission on the appeal, which shall be conducted as provided in Section 24.565.040, and notices shall be given as specified in Chapter 24.560.

Sec. 24.565.040. - Action on Appeal by Planning Commission. The Planning Commission may:

- A. Continue the hearing and request a supplemental report from the Director, in which event the Planning Commission may extend the time for rendering the decision for a period of time deemed appropriate by the Planning Commission;
- B. Sustain the action upon finding that all applicable findings have been correctly made and all of the provisions of this zoning ordinance are complied with;

- C. Sustain an approval or conditional approval, but require additional conditions or guarantees as it deems necessary or desirable to further the purposes of this zoning ordinance or comply with other provisions of law;
- D. Overrule the action upon finding that all applicable findings have not been made or all provisions of this zoning ordinance, or other provisions of law, have not been complied with; or,
- E. Take such other action as may be necessary or desirable to further the purposes of this zoning ordinance, the comprehensive plan, or other provisions of law.

Sec. 24.565.050. - Appeal to City Council.

- A. Planning Commission or Design Review Committee Action. An application for appeal to the City Council may be filed by the applicant or an aggrieved person, as defined in Chapter 24.110, affected by a discretionary decision of the Planning Commission or the Design Review Committee, provided that the appeal is filed in writing within ten days after the decision appears as an 'Information Only' item on the Consent Calendar of the City Council's public agenda. If no appeal or Call for Review is filed, the decision is final following said ten day period. If an appeal or Call for Review is filed, the decision becomes final when the City Council adopts a Resolution deciding the appeal and/or Call for Review. For all other projects, the decision becomes final on the date the action is taken.
- B. Application for Appeal. An application for appeal required by this Section shall be filed by the appellant with the City Clerk and shall clearly state the grounds of appeal and the action which appellant requests the City Council to take. If the challenged decision consists of one or more actions based on particular findings or conditions that the appellant believes were erroneously or improperly included or omitted, the appeal shall specify which findings or conditions were

erroneous or improper or which findings or conditions should additionally be imposed.

- C. Appeal Fee. An application for an appeal must be accompanied by an appeal fee as set by Resolution of the City Council. Any application for an appeal that does not have the requisite appeal fee attached shall be rejected by the City Clerk.

Sec. 24.565.051. – Call for Review by the City Council.

- A. Calls for Review may be initiated by a Member of the City Council, in the Member's official capacity, if the purpose for the Call for Review is to bring the matter in front of the entire City Council for review.
- B. A Call for Review initiated by a Member of the City Council, in their official capacity, shall be submitted in writing and shall be for the purpose of bringing the matter in front of the entire City Council for review. A Call for Review must be filed in writing with the City Clerk within ten days after the decision appears as an 'Information Only' item on the consent calendar of the City Council's public agenda. If no Call for Review or appeal is filed, the decision is final following said ten day period. If a Call for Review or appeal is filed, the decision becomes final when the City Council adopts a Resolution deciding the Call for Review or appeal. For all other projects, the decision becomes final on the date the action is taken.
- C. No fee shall be required by a Member of the City Council as a condition of filing a Call for Review.

Sec. 24.565.060. - Action by City Council.

- A. Hearing Date. The City Manager or City Clerk shall fix the time for hearing the appeal and/or Call for Review.
- B. Notice. The City Clerk shall notice the hearing before the City Council as required by Chapter 24.560.

- C. Record on Appeal/Review. All materials on file with the Director shall be part of the City Council Hearing record. In addition, any party may offer supplemental evidence during the appeal/review hearing.
- D. De novo Review. The City Council is not limited to consideration of the material in the record on appeal and/or Call for Review. The City Council may review any matter or evidence relating to the action on the application regardless of the specific issue appealed and/or Called for Review.
- E. Actions. The City Council may:
 - 1. Continue action on the appeal and/or Call for Review for a period of time deemed appropriate by the City Council;
 - 2. Sustain the Planning Commission or Design Review Committee action upon finding that all applicable findings have been correctly made and all provisions of this zoning ordinance, or other provisions of law, are complied with;
 - 3. Sustain the Planning Commission or Design Review Committee action but require whatever additional conditions or guarantees as it may deem necessary or desirable to further the purposes of this zoning ordinance or comply with other provisions of law;
 - 4. Overrule the Planning Commission or Design Review Committee, action without prejudice upon a finding that all applicable findings have not been correctly made or all provisions of this zoning ordinance and the subdivision ordinance are not complied with but that, in either case, the application has merit and may possibly be modified to comply with this zoning ordinance or other provisions of law;
 - 5. Overrule the Planning Commission or Design Review Committee action upon finding that all required findings have not

been correctly made or all provisions of this zoning ordinance, or other provisions of law, are not complied with; or,

6. Take such other action as may be necessary or desirable to further the purposes of this zoning ordinance, the comprehensive plan, or other provisions of law.

F. **Vote Required.** A simple majority of the City Councilmembers voting shall be required to sustain, overrule, or modify a decision by the Planning Commission or Design Review Committee which is appealed and/or reviewed, or to grant an appealed and/or reviewed application where the Planning Commission has failed to act within the time allowed pursuant to the zoning ordinance.

G. **Effective Date.** A decision of the City Council sustaining, overruling, or modifying any decision, determination or requirement of the Planning Commission or Design Review Committee shall be final and conclusive upon the rendering of the decision unless otherwise provided by the City Council in its rules of procedure or elsewhere.

H. **Effect of Denial without Prejudice.** A land use decision that has been denied without prejudice on appeal and/or Call for Review may be refiled at any time but must be accompanied by the prescribed filing fee.

Sec. 24.565.070. - Hearing Transcript not Required.

No provision of this zoning ordinance shall be construed to require the keeping of a verbatim hearing transcript except as may be required by state law.”

//

//

Section 2. CEQA Compliance.

The City has complied with the California Environmental Quality Act in adopting this Ordinance, as evidenced by City Council Resolution No. 2015-____, adopted on _____, 20____.

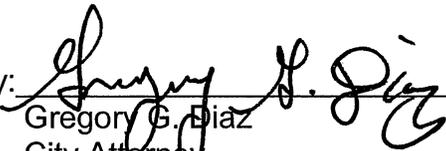
PASSED and ADOPTED this ____ day of _____ 2015.

Cheryl Heitmann, Mayor

ATTEST:

Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By:  10/27/2015
Gregory G. Diaz Date
City Attorney

Attachment H

Public Comments Received

Zimbra

dward@ci.ventura.ca.us

Re: RAP review

From : Dave Ward <dward@cityofventura.net>

Tue, Oct 27, 2015 01:52 PM

Subject : Re: RAP review**To :** Mary & Francois Zugmeyer <francois.zugmeyer@att.net>**Cc :** pc@cityofventura.net, Luz Juachon <ljuachon@ci.ventura.ca.us>

Hi Mary

This is to confirm receipt of your communication. We will include your letter as part of the staff report going to PC for their Nov 12th hearing.

Dave

Sent from my iPhone

On Oct 27, 2015, at 1:48 PM, Mary & Francois Zugmeyer <francois.zugmeyer@att.net> wrote:

To all of the Commissioners:

Dan Long, Nancy Francis, Christopher Beck, Laura Dunbar, Jane Farkas, David Ferrin, Randi Guthrie,

My name is Mary Zugmeyer, one of the Voelker family who are owners of the property at 8324 E. Telegraph Rd. We are in escrow with City Ventures, a company that you are familiar with. They have been working on getting approval for an infill development at the above address. Now, 18+ months into the process, it has come to our attention that you will soon be reviewing the new RAP, with the intent of sending it on to the City Council for final approval and implementation at their Dec. 7 meeting. The way I understand the new program to be structured, if it is approved as it now stands, City Ventures will have to wait until October 2016 for allocations, which even then may not be forthcoming.

Our family has been trying to complete the sale of this parcel since 2005. We are a large family, originally numbering nine siblings. We were seven when we began the challenge of finding a competent buyer who could work well with the City and the surrounding neighborhood to develop an appropriate mix of houses on this infill site. Now we are six, plus one estate. We are not getting any younger (ages vary from 78 to 59) and to be honest, this has been a very difficult, frustrating process for all. Some of us need the financial benefit of a sale. Some of us are looking to extricate ourselves from doing business with family members. Some would simply like to see the results of our parents' legacy before we die.

In the past 10 years, we have had several potential buyers. None was able to get as far into the process as City Ventures. One dropped out because the City Council at the time was intent on building a high density mix of townhouses and apartments, in spite of opposition from the surrounding neighborhood. Another dropped out when the rules changed and the need to build a percentage of affordable units put him in an untenable financial position. And now we are facing a

change of "rules" yet again.

I take issue with this new process when it unfairly affects property owners who, in all good faith, began the ve ng process well before any discussion of changes had taken place. To be fair, the new allocation program should apply to new projects, not those which were already "in the pipeline".

My request to all of you therefore is to use your influence to argue for exemp on of our property from the new RAP rules, thereby allowing City Ventures to continue the approval process and to receive their allocations in a more reasonable meframe. If there is something that our family can do to facilitate this, please advise us.

Thank you for taking this into considera on.

Sincerely,

Mary Zugmeyer

(949) 249-9921

franchois.zugmeyer@att.net

**Sister Joseph Cecile Voelker, CSC
% St. Catherine by the Sea Convent
1931 Poli Street
Ventura, CA 93001**

October 28, 2015

Mayor Heitmann and City Councilmembers
City of Ventura
501 Poli Street
Ventura, CA 93002

Re: Residential Allocation Program

Honorable Mayor Heitmann and City Councilmembers:

You no doubt recall my speaking to you at two City Council meetings last spring about the sale of our Voelker 8324 Telegraph property to City Ventures. We Voelker siblings have actively attempted for ten (10) years to complete the sale of this last piece of our original hundred-acre home and farmland. City Ventures, a developer with which you have successfully worked, has been the most successful thus far in advancing our cause.

Should you be leaning toward accepting the new development plan, I earnestly plead that you **exempt our property from the new RAP** and allow the final 3.4 acres of 8324 Telegraph to be developed by City Ventures.

The development proposed by City Ventures would complete the "missing piece" of the neighborhood begun by Concord Homes in the early 1970's. Delaying development for another year or more would not serve the City, nor City Ventures, nor our neighbors, nor us. Eventually it will take place. Better sooner than later for all of us.

We began as nine Voelker siblings and are now six. We have suffered the loss of family members who might have benefited from the sale had it occurred in a timely manner. It seems to this family that the original basis on which the property use was converted should be applied today. It seems inherently unfair for the City of Ventura to actively prevent the completion of the land use plan which relates back more than forty years. We feel our personal situation is unique and the city should allow this transaction to go forward at this time by **exempting our property from the new RAP**.

Thank you for your public service to the City of Ventura.

Respectfully,

Sister Joseph Cecile Voelker, CSC

cc: Erik Nasarenko, Deputy Mayor;
Neal Andrews, Councilmember
James L. Monahan, Councilmember
Carl E. Morehouse, Councilmember

Mike Tracy, Councilmember
Christy Weir, Councilmember
Cynthia M. Rodriguez, MMC, City Clerk