

ORDINANCE NO. 2011-009

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA ESTABLISHING A SECOND DWELLING UNIT AMNESTY AND LEGALIZATION PROGRAM**

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

**Questions and Answers About This Ordinance**

A. What is an ordinance?

An ordinance is a law enacted by the City Council. It is enforceable by the City. It creates rights and obligations for the people and properties to which it applies.

B. What does this Ordinance do?

This Ordinance relaxes certain City requirements to make it easier for the owners of undocumented second dwelling units to bring them into compliance with building and zoning codes. This Ordinance allows the owners of undocumented second dwelling units to apply for *amnesty* and *legalization* of their property. *Amnesty* means that the owners of undocumented second dwelling units will be given the opportunity to bring their properties into compliance with relaxed City zoning requirements without fear of being criminally or civilly prosecuted by the City upon completion of the process. *Legalization* means that once a property has been issued final inspection approval under this Ordinance, the second dwelling unit will be considered legal for all purposes by the City. All future work must be completed in compliance with applicable laws, codes and regulations.

C. How do I use this Ordinance?

This Ordinance is written so that a property owner can follow it step-by-step as a checklist of the actions needed to legalize a second dwelling unit. There are six steps to follow. They are explained below. City staff are available to answer questions at (805) 654-7869, and the City's website has forms and information.

D. How much will it cost to legalize my second dwelling unit?

The application fee is \$580. In addition, you will need a licensed electrical and licensed general contractor to inspect your property and to complete any remedial building work that needs to be done. Finally, you will have to pay any development-related fees, such as water or sewer connection charges, that would have ordinarily been paid when your second dwelling unit

was originally placed into service (the "In-Service Date" which is defined later in this Ordinance). You will also have to pay applicable school fees charged by the Ventura Unified School District.

E. When do I have to apply?

This program will be in effect only until December 31, 2012. You must apply by that date. In addition, your contractor will need to complete any remedial work and receive final building inspection approval from the City by June 30, 2013.

F. What paperwork will I need?

You will need to complete and submit three kinds of paperwork: 1) a "Contractor Life Safety Inspection Checklist," 2), a "Zoning and Development Standard Checklist" and 3) "In-Service Date" documentation.

G. What is a "Contractor Life Safety Inspection Checklist?"

The Contractor Life Safety Inspection Checklist is a City-provided inspection checklist that will be completed by a licensed electrical contractor and a licensed general contractor that you hire. The same contractors will need to do any remedial or corrective work that is identified on the checklist (except in the case of contractors acting as "home inspectors" performing "home inspections" as those terms are defined in Business & Professions Code Section 7195 and requiring the inspecting contractor to do the work would violate Business & Professions Section 7197 because the home inspection is being done in connection with a transfer of the property). This checklist is important because it identifies the important life safety and habitability conditions that the City needs to review and approve your building permit.

H. What is a "Zoning and Development Standard Checklist?"

The Zoning and Development Standard Checklist is a collection of information about your property, including a sketch of the site plan, information about setbacks and parking, building heights, fences, drains, and other information about the physical layout of your property and the structures on it. It will be used by the City to document the condition of your property in official files.

I. What is "In-Service Date" documentation?

In-Service Date documentation is information that will let you establish when your second dwelling unit was originally placed into service. This may include things like County Assessor's records, escrow documents, utility bills, and building, planning and code enforcement records. This information is important for two reasons. First, the City's development-related fees you will

need to pay are based on the fees that were in effect on the date the second dwelling unit was originally placed into service (you will also have to pay school fees as charged by the Ventura Unified School District). Second, second dwelling units placed into service in 2004 or later will have to meet current zoning and development standards unless they receive a zoning modification approval.

J. Does it matter when my second unit was placed into service?

Yes. Older second dwelling units that were placed into service before 2004 when the City's second dwelling unit ordinance was adopted are exempt from compliance with many City zoning standards, like lot coverage and setbacks. Second dwelling units that were placed into service in 2004 or later will need to comply with current zoning standards, unless they receive a zoning modification approval. In addition, the City will charge the City development fees that were in effect on the date the second dwelling unit was placed into service, as well as any applicable Ventura Unified School District school fees.

K. Why is 2004 the cut-off date for zoning compliance?

Beginning in 2004, the City established zoning and development standards for second dwelling units in response to a new state law. In addition, undocumented second dwelling units in newer neighborhoods are more likely to be out of character with surrounding construction and harmful to the neighborhood.

L. What if my 2004 or newer second dwelling unit does not meet zoning standards?

The ordinance allows the owners of newer second dwelling units to seek a "modification" of zoning standards when to do so would not be materially inconsistent with the physical character and context of the neighborhood and when it would not negatively impact neighboring properties. A separate fee is charged for a zoning modification.

M. What if I apply for a permit but my property does not meet all the eligibility requirements under this Ordinance?

Applications made that do not meet the minimum eligibility requirements will be granted amnesty from fines and investigation fees, provided that they achieve compliance with the City's current standards by June 30, 2013.

N. If I have already removed my undocumented second dwelling unit under a City code enforcement's order or otherwise, can I apply under this Ordinance to restore the unit?

No. Only second dwelling units that existed as of February 28, 2011 and continue to exist may be legalized under this Ordinance. This date was chosen because it was the earliest date the City Council gave direction to staff on how to write this Ordinance.

O. How is this Ordinance organized?

This Ordinance is broken down into a six-step process. Start by reading the definitions in Section 8 beginning at page 9 because this section helps explain the most important and binding concepts in the ordinance. Then move on to the "steps" beginning in Section 1 at page 4. The six steps are:

Step One: Inspect the Second Dwelling Unit and Complete a Contractor Life Safety Inspection Checklist.

Step Two: Collect Documentation to Establish the In-Service Date of the Second Dwelling Unit.

Step Three: Complete a Zoning and Development Standard Checklist.

Step Four: Submit the Checklists and Documentation to the City with a Building Permit Application.

Step Five: City Review and Decision-making on the Second Dwelling Unit Amnesty and Legalization Permit Application.

Step Six: Issuance of the Building Permit and Final Inspection.

**Section 1. Step One: Inspect the Second Dwelling Unit and Complete a Contractor Life Safety Inspection Checklist.**

A. The first step in the Second Dwelling Unit, Amnesty and Legalization process is to have a licensed electrical contractor and a separately licensed general contractor thoroughly inspect the second dwelling unit. The contractor(s) will then complete and sign a Contractor Life Safety Inspection Checklist on a City-approved form. This is an official document that must be completed truthfully.

B. The Contractor Life Safety Inspection Checklist will be used by the City to confirm that critical life safety and habitability requirements are satisfied by the Second Dwelling Unit, or to identify any remedial or corrective actions that are necessary to bring the Second Dwelling Unit into compliance.

C. The City will verify the life safety and habitability conditions and any remedial or corrective actions identified on the Contractor Life Safety Inspection

Checklist to the extent reasonably possible through a visual inspection before the final inspection is approved.

D. Owners should obtain estimates of the construction costs that will be incurred to complete any remedial or corrective actions identified on the Contractor Life Safety Inspection Checklist.

**Section 2. Step Two: Collect Documentation to Establish the In-Service Date of the Second Dwelling Unit.**

A. The second step in the Second Dwelling Unit Amnesty and Legalization process is to collect documentation to establish the In-Service date of the second dwelling unit. The In-Service Date is the date that the owner can show to be the date a structure was first occupied as a dwelling unit. The owner has the burden of proving the In-Service Date to the Chief Building Official by a preponderance of the evidence. The In-Service Date is important because it is used to determine the amount of the Development-Related Fees that must be paid to the City to legalize the second dwelling unit. School fees are determined by and paid to the Ventura Unified School District.

B. There are two ways an owner can establish the In-Service Date.

1. The In-Service Date may be established with at least one of the following forms of documentation:

- a. County Assessor's initial date recognizing the second dwelling unit
- b. Escrow documents
- c. Prior official building, planning or code enforcement records
- d. Real estate transfer disclosure forms for second dwelling units with a proposed In-Service Date after December 31, 1986.

2. The In-Service Date may be established with at least two of any of the following forms of documentation:

- a. Signed rental contracts for the second dwelling unit
- b. Income tax records clearly showing itemized second dwelling unit expenses
- c. Utility bills showing service specifically at the second dwelling unit address
- d. Sanborn maps, engineering maps or dated aerial photography showing the second dwelling unit structure
- e. Other reliable evidence, including but not limited to photographs or an owner's notarized affidavit submitted

under penalty of perjury, which tends to show the In-Service Date.

C. In addition to the documentation described in B.1. & B.2. above, the owner must also sign a notarized affidavit on a form provided by the City stating that the documentation used to establish the In-Service Date is to the best of their knowledge true, accurate and unaltered.

**Section 3. Step Three: Complete a Zoning and Development Standard Checklist.**

A. The third step in the Second Dwelling Unit Amnesty and Legalization process is to complete a Zoning and Development Standard Checklist.

B. The Zoning and Development Standard Checklist will be used to create a record of the structures and improvements on the property. It will also be used to make sure certain health and safety requirements are satisfied, including but not limited to the requirement for fire resistant exterior walls in certain situations.

C. Second dwelling units with In-Service Dates prior to 2004 shall be exempt from the General Requirements of the City's Residential Second Unit Regulations as established in San Buenaventura Municipal Code Section 24.430.020.

D. Second dwelling units with In-Service Dates in 2004 or later shall either comply with the General Requirements of the City's Residential Second Unit Regulations as established in San Buenaventura Municipal Code Section 24.430.020 (with the exception of Section 24.430.020 1. which restricts second units to the R-1 and R-P-D zones) or seek a Second Dwelling Unit Zoning Modification as provided in Section 7 of this Ordinance.

E. The owner should also consult with the Ventura Unified School District and the Ventura County Tax Assessor to determine the amount of the applicable school fees and property tax implications. This Ordinance requires payment of any applicable school fees as determined by the Ventura Unified School District prior to amnesty permit issuance.

**Section 4. Step Four: Submit the Checklists and Documentation to the City with a Building Permit Application.**

A. The fourth step is to submit the following materials to the City's Chief Building Official, along with a completed residential building permit application form:

1. Contractor Life Safety Inspection Checklist
2. In-Service Date documentation and notarized affidavit
3. Zoning and Development Standard Checklist
4. Acknowledgement of the owner's willingness and ability to pay all Development-related Fees and school fees that were applicable at the In-Service Date.
5. Second Dwelling Unit Amnesty and Legalization Permit fee.

B. City counter staff will include "Second Dwelling Unit Amnesty and Legalization Permit" in the description of work on the building permit application along with a description of any required remedial or corrective construction work identified on the Contractor Life Safety Inspection Checklist. This building permit will be known as the Second Dwelling Unit Amnesty and Legalization Permit.

**Section 5. Step Five: City Review and Decision-making on the Second Dwelling Unit Amnesty and Legalization Permit Application.**

A. The fifth step is City review and decision-making on the Second Dwelling Unit Amnesty and Legalization Permit application. The Chief Building Official is responsible for review and decision-making, except for Second Dwelling Unit Zoning Modifications, which will be decided by the City's Director of Community Development under San Buenaventura Municipal Code Chapter 24.505. Decisions of the Chief Building Official may be appealed to the local appeals board. Second Dwelling Unit Zoning Modifications shall be appealable to the Planning Commission and City Council pursuant to the procedures established in San Buenaventura Municipal Code Chapter 24.565, as further provided in Section 7A. of this Ordinance. This section 5 establishes the applicable review and decision-making criteria.

B. Second Dwelling Unit Amnesty and Legalization Permits will, to the greatest extent possible, be issued within five working days after the City receives a completed application. The City reserves the right, in extraordinary circumstances, to give more detailed review of the facts and circumstances for any particular application. If a Second Dwelling Unit Zoning Modification is sought by the owner, substantial additional time will be required in order to comply with scheduling requirements.

C. The Contractor Life Safety Inspection Checklist will be reviewed to confirm the life safety and habitability elements of a structure and to identify any remedial or corrective actions that are necessary for life safety code and habitability compliance. If remedial or corrective actions are required, the City will include a description of the necessary work on the building permit, when those actions are apparent from the Contractor Life Safety Inspection Checklist provided by the owner. Remedial or corrective actions that are identified after a City inspection will be noted and required on a revised building permit.

) )

D. The In-Service Date documentation will be used to calculate the Development-related Fees that must be paid by the owner before issuance of the Second Dwelling Unit Amnesty and Legalization Permit. School fees will be determined by the Ventura Unified School District. The owner will be responsible for providing the City with proof that school fees have been paid prior to permit issuance.

E. The Zoning and Development Standard Checklist will be used differently depending upon whether the In-Service Date of the second dwelling unit is before 2004, or 2004 and later.

1. For second dwelling units with an In-Service Date before 2004, the Zoning and Development Standard Checklist will be used primarily to create a record documenting the condition of the property. Zoning and development standard non-conformities will be permitted to remain, except where those non-conformities conflict with the following life safety and habitability requirements:

- a. Fire resistant exterior walls where required by California Residential Code Section R302.
- b. Building drains cannot pass under other structures.
- c. Multiple building drains serving not more than 33 plumbing units may be connected to a single common sewer lateral.
- d. Existing fence heights may be retained provided they are no higher than 8'0."
- e. Existing single water meters may be used notwithstanding the multiple private meter requirement of San Buenaventura Municipal Code Section 24.430.020, 7.

2. For second dwelling units with an In-Service Date of 2004 and later, the Zoning and Development Standard Checklist will be used to determine and require compliance with the General Requirements of the City's Residential Second Unit Regulations as established in San Buenaventura Municipal Code Section 24.430.020.

a. If a second dwelling unit with an In-Service Date of 2004 or later is determined not to be in compliance with the General Requirements of the City's Residential Second Unit Regulations as established in San Buenaventura Municipal Code Section 24.430.020, the owner shall bring the second dwelling unit into compliance before final inspection of a Second Dwelling Unit Amnesty and Legalization Permit will be undertaken or completed. The owner may also seek a discretionary Second Dwelling Unit Zoning Modification pursuant to Section 7 of this ordinance.

**Section 6. Step Six: Issuance of the Building Permit and Final Inspection.**

A. The sixth step is City issuance of the building permit and final inspection upon completion of any required remedial or corrective work.

B. The building permit will be issued to the general contractor that signed the Contractor Life Safety Inspection Checklist upon payment of the permit fees, Development-related Fees and school fees. A different contractor may perform the work only if the inspecting contractor is acting as a "home inspector" performing a "home inspection" as those terms are defined in Business & Professions Code Section 7195 and when requiring the same contractor to do the work would violate Business & Professions Code Section 7197 because the home inspection is being done in connection with a transfer of the property. The Chief Building Official may allow deferral of City permit and Development-related Fees until final inspection is requested. Payment of school fees is administered by the Ventura Unified School District and cannot be deferred by the Chief Building Official.

C. Upon completion of any required remedial or corrective work, the licensed general contractor will call the City for a final inspection.

D. The City inspector's responsibility shall be limited to confirming visually the conditions reported on the Contractor Life Safety Inspection Checklist and satisfactory completion of any required remedial or corrective work.

E. If the City inspector determines that any remedial or corrective work has not been completed in a satisfactory manner, or that there are conditions present that should have been but were not identified on the Contractor Life Safety Inspection Checklist, the licensed general contractor will be advised of the corrective action needed. Corrective actions may include a report from a licensed professional engineer or other construction professional and any additional work required by the licensed professional(s).

F. Upon successful completion of the inspection, the inspector will approve the final inspection and the job card will serve as proof that the unit is now legal. A similar record will be made at City Hall for historical reference.

**Section 7. Second Dwelling Unit Zoning Modifications.**

A. Second Dwelling Unit Zoning Modifications may be granted by the City's Director of Community Development pursuant to the procedures in San Buenaventura Municipal Code Sections 24.505.030, 24.505.050, 24.505.060 and 24.505.090. The Director's decision shall be discretionary and shall be appealable to the Planning Commission and City Council pursuant to the procedures established in San Buenaventura Municipal Code Chapter 24.565.

) )

B. The decision-making criteria governing the Director's exercise of discretion shall be as follows:

1. Modifications may be allowed when not materially inconsistent with neighborhood physical character and context, as assessed after taking into account the impacts of any modification of the subject property upon neighboring properties.

**Section 8. Definitions.** For the purposes of this Ordinance, the following words and phrases shall be defined terms having the meaning set forth below:

A. Contractor Life Safety Inspection Checklist means a City-approved form designed to facilitate an inspection by a licensed electrical contractor and a separately licensed general contractor in order to confirm the life safety and habitability elements of a structure and to identify any remedial or corrective actions that are necessary for life safety code and habitability compliance.

B. Development-related Fee means city, county, or state mitigation, connection or deficiency fees. School impact fees will be determined by the Ventura Unified School District.

C. Documentation Establishing In-Service Date means written or photographic documentation that reasonable persons would rely upon in the conduct of serious business affairs, which tends to prove the In-Service Date.

D. Eligible Second Dwelling Unit means one attached or detached second dwelling unit, as defined in San Buenaventura Municipal Code Section 24.110.650, on the same lot as an existing legal single-family residential structure that was constructed without benefit of known inspections and permits and which existed as of February 28, 2011.

E. In-Service Date means the date the owner can establish as the date a structure was first occupied as a dwelling unit.

F. Second Dwelling Unit Amnesty and Legalization Permit means a building permit, issued for an Eligible Second Dwelling Unit pursuant to this Ordinance, which has been given final inspection approval.

G. Second Dwelling Unit Zoning Modification means a minor modification of otherwise applicable development standards that may be allowed when not inconsistent with neighborhood physical character and context, as assessed after taking into account the impacts of any modification of the subject property upon neighboring properties.

H. Zoning and Development Standard Checklist means a package of materials including the following:

- 1) a sketched site plan of the property
- 2) address and Assessor's Parcel Number
- 3) current zoning designation
- 4) proposed lot coverage and setbacks
- 5) building heights
- 6) lot dimensions
- 7) proposed floor area and use of each structure
- 8) proposed on or off-street parking
- 9) any architectural requirements
- 10) fire resistant exterior walls where required by the California Residential Code Section R302
- 11) fence heights (which may not exceed 8'0")
- 12) location of existing water and sewer services
- 13) location of building drains.

**Section 9. Applicability.**

A. This Ordinance shall apply to Eligible Second Dwelling Units.

B. Exclusion for Annexed Second Dwelling Units. This Ordinance shall not apply to second dwelling units for which the owner can demonstrate that the first tax assessment as a dwelling unit precedes the date of annexation into the City and the Assessor's records indicate the permit number under which the second dwelling unit was first permitted. These annexed second dwelling units will be officially recognized as legal second dwelling units via a City-issued Certificate of Occupancy. Requests for Certificates of Occupancy shall be made to the Chief Building Official and shall include a copy of the Assessor's records used to meet this exclusionary provision.

C. Exclusion for Second Dwelling Units in the Pierpont Area. This Ordinance shall not apply to properties subject to Ordinance No. 77-13, adopted March 28, 1977. The boundaries of this area are shown on Exhibit "A" to this Ordinance, attached and incorporated by this reference.

**Section 10. Application and Final Inspection Time Limits.**

A. Any person who owns an Eligible Second Dwelling Unit (or their authorized representative) may apply for a Second Dwelling Unit Amnesty and Legalization Permit pursuant to this Ordinance until December 31, 2012.

B. Any person who has applied for a Second Dwelling Unit Amnesty and Legalization Permit must complete all required remedial actions and obtain final inspection from the City by June 30, 2013.

) )

**Section 11. Relationship to Existing Code Requirements.**

A. The City Council intends this Ordinance to supersede any directly conflicting requirements of the San Buenaventura Municipal Code, except as otherwise provided.

B. This Ordinance shall not be construed to create any right, vested or otherwise, to establish or maintain undocumented second dwelling units, except upon final issuance of a Second Dwelling Unit Amnesty and Legalization Permit obtained through the processes established by this Ordinance.

C. Upon final issuance of a Second Dwelling Unit Amnesty and Legalization Permit obtained through the processes established by this Ordinance, the second dwelling unit shall be deemed a legal nonconforming structure which shall be subject to the nonconforming structure regulations of the San Buenaventura Municipal Code.

D. Second dwelling units that do not successfully receive final inspection approval by June 30, 2013, shall be subject to all current Development-related Fees, as well as any applicable civil and criminal penalties.

**Section 12. Interpretation, Forms and Regulations.**

A. If any question arises as to the interpretation of this Ordinance or potential conflicts between this Ordinance and other provisions of city, state or federal law, the Director of Community Development acting upon the advice and counsel of the City Attorney is authorized to issue an interpretation. The Director of Community Development may also seek an interpretation from the City Council.

B. The Chief Building Official is authorized to promulgate forms and regulations as deemed necessary to implement and interpret this Ordinance.

**Section 13. Violations and Penalties.**

A. Violations of this Ordinance shall be a misdemeanor prosecutable pursuant to San Buenaventura Municipal Code Section 1.150.010.

B. Violations of this Ordinance shall be subject to civil penalties pursuant to San Buenaventura Municipal Code Chapter 1.050.

**Section 14. Effective Period of this Ordinance; Amendments.**

A. No person shall apply for any permit pursuant to this Ordinance after December 31, 2012.

B. No permits issued pursuant to this Ordinance shall be given final inspection by the City after June 30, 2013.

C. This Ordinance shall remain in full force and effect after June 30, 2013 for the purposes of enforcement and interpretation of any permits issued by the City. All parts of this Ordinance, including the questions and answers, shall be effective and enforceable.

D. This Ordinance may be amended at any time. Any permit issued pursuant to this Ordinance shall be processed under the law in effect at the time a final inspection is requested so that any permit issued but not completed before an amendment of this Ordinance shall be subject to the amended terms of this Ordinance.

**Section 15. Findings, Determinations and Purposes.** The City Council finds and determines as follows:

A. In early 2009, City staff undertook a three-month pilot program during which 412 separate properties in a specified area of the City were inspected visually from the public right of way in order to record, and facilitate the abatement of, substandard buildings. Approximately 20% of the properties were observed to require abatement of minor to severe substandard conditions. Fifteen undocumented dwelling units were identified, amounting to about 3.6% of the observed properties. Since that time, as a result of unsolicited public inquiries and complaints, an additional 45 properties have been identified citywide as having undocumented dwelling units. The City Council finds that there are a significant number of undocumented dwelling units in Ventura. The City Council also finds that many undocumented, illegal second dwelling units are substandard in that they pose a threat to human safety as a result of construction methods and materials that do not meet current building and safety code requirements.

B. In May 2009, City staff recommended that the City Council approve a substandard housing program for all residential properties, including an amnesty program under which property owners could come forward to obtain permits for undocumented dwelling units without the risk of incurring civil penalties. In response, the City Council directed that staff suspend any "proactive" enforcement pending the development of additional civic engagement processes to gather community comment before any programmatic decisions.

C. In November 2009, the City Manager returned to the City Council with a recommendation to form a thirteen-member stakeholder group named the "Ventura Safe Housing Collaborative." The Collaborative was charged with "development of a framework for equity, civic engagement for community buy-in and outreach to a diverse and often voiceless community segment. The group

) )

will also review other proven safe housing programs to gain a wider perspective to develop recommendations for a successful program. . . .”

D. On February 28, 2011, the Ventura Safe Housing Collaborative presented its final report to the City Council. City staff also presented a series of findings and recommendations responsive to the Collaborative report. These findings and recommendations, and the Collaborative final report, are set forth in an Administrative Report dated February 14, 2011.

E. The February 14, 2011 Administrative Report included, among other things, a staff finding that “many of the illegal dwelling unit property owners became frustrated with the expense and/or inflexibility of Zoning and Building laws and the mandatory costs to legalize their undocumented dwelling units. Several claimed that they purchased their property in this condition and felt that they should be allowed to ‘grandfather’ their undocumented dwellings/improvements without cost or penalty.”

F. As a result of the foregoing proceedings, reports, findings and recommendations, the City Council has determined that certain City-enacted or City-enforced zoning and building laws are indeed an impediment that causes many undocumented dwelling unit owners to fail to seek essential life safety and habitability inspections and permits for their properties.

G. While the City Council does not condone nor wish to encourage the construction of new undocumented dwelling units, it has concluded that the public health, safety and general welfare of the community would be promoted and enhanced by an amnesty and legalization program that would encourage the owners of undocumented second dwelling units to obtain necessary safety and habitability inspections and permits for existing improvements. These inspections and permits would increase the likelihood that currently undocumented second dwelling units would be free from hazardous electrical wiring, substandard plumbing such as improperly installed water heaters, and fire safety violations.

H. The City Council finds that an amnesty and legalization program would be consistent with and in furtherance of the City’s General Plan and the 2000-2006 Housing Element, adopted by Resolution 2004-014, which provides as follows:

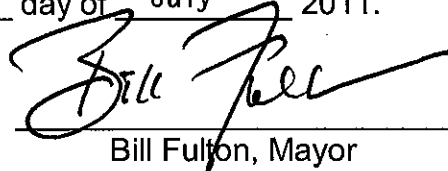
“Goal 2: Facilitate the provision of a range of housing types to meet the diverse needs of the community. . . . Policy 2.7: Facilitate the provision of housing to address Ventura’s growing senior population, including senior housing with supportive services, assisted living facilities, and second units. . . . Policy 2.12: 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.”

I. The City Council has also determined that a reasonable and effective amnesty and legalization program must: 1) assure that the basic life safety and habitability requirements of state and city codes are satisfied, 2) assure that applicable City and school district development fees and charges are collected, 3) reasonably distinguish between undocumented second dwelling units put into service in 2004 or later (the year that the City adopted specific second dwelling unit development regulations), and 4) assure certainty by requiring undocumented dwelling unit owners to apply for amnesty and legalization no later than December 31, 2012 and to complete any necessary life safety remedial work by June 30, 2013.


**Section 16. CEQA Findings.**

The City Council further finds that this Ordinance is exempt under Section 15061(b)3 of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") in that the enactment of this Ordinance merely implements an administrative process that will not foreseeably result in construction activities or other physical activities, either directly or indirectly. Accordingly, it can be seen with certainty that the enactment of this Ordinance does not have the potential to result in significant effects on the environment. Moreover, this Ordinance is statutorily exempt from CEQA as provided in State CEQA Guidelines Section 15282 as the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

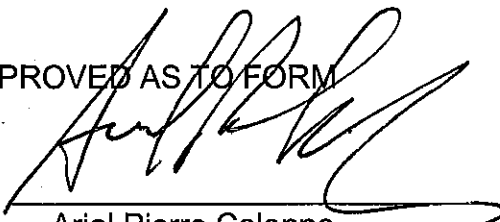
PASSED and ADOPTED this 25 day of July 2011.

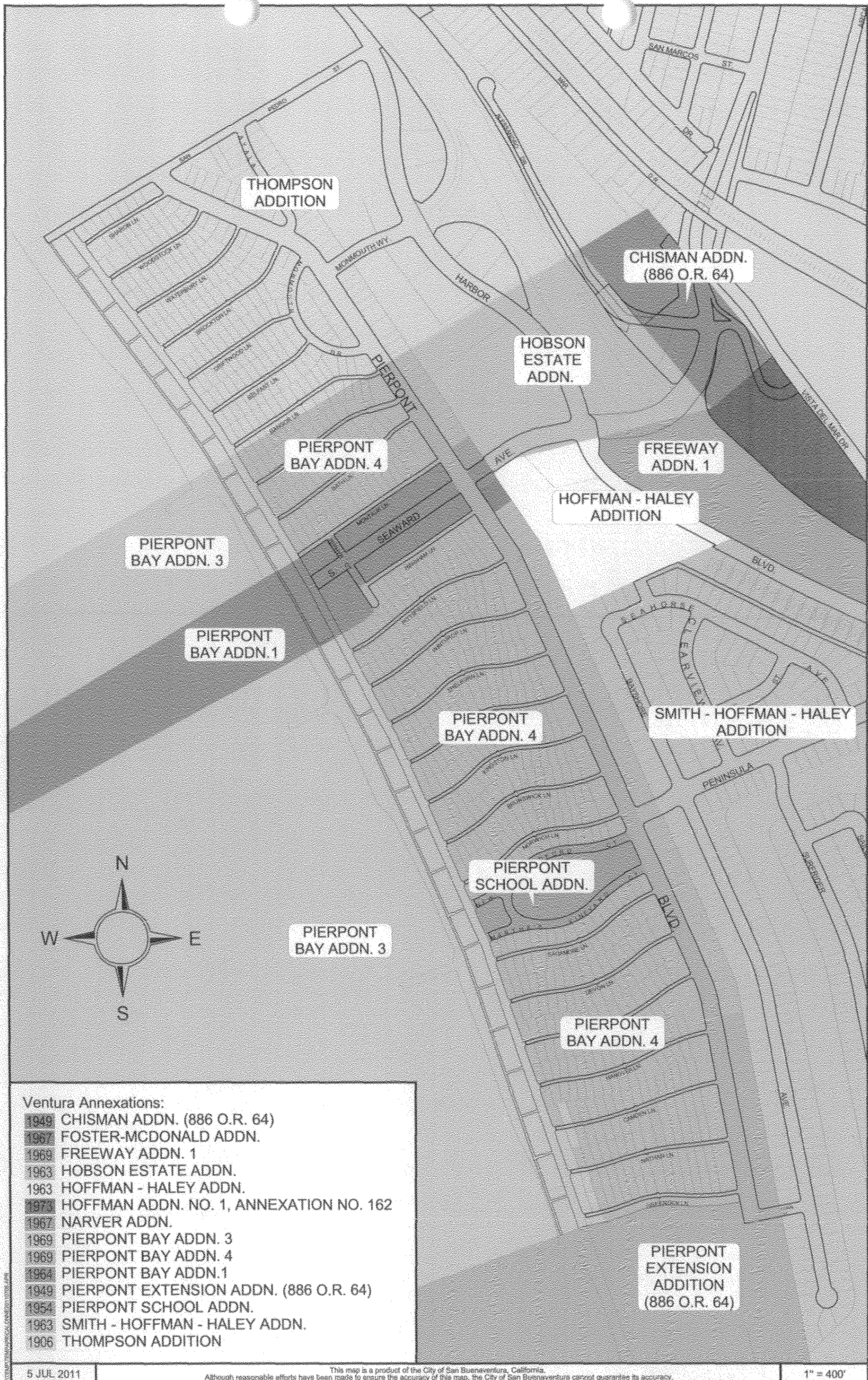
  
\_\_\_\_\_  
Bill Fulton, Mayor

ATTEST:

  
\_\_\_\_\_  
Elaine Preston  
Interim City Clerk

APPROVED AS TO FORM

By:   
\_\_\_\_\_  
Ariel Pierre Calonne  
City Attorney



- Ventura Annexations:**
- 1949 CHISMAN ADDN. (886 O.R. 64)
  - 1967 FOSTER-MCDONALD ADDN.
  - 1969 FREEWAY ADDN. 1
  - 1963 HOBSON ESTATE ADDN.
  - 1963 HOFFMAN - HALEY ADDN.
  - 1971 HOFFMAN ADDN. NO. 1, ANNEXATION NO. 162
  - 1967 NARVER ADDN.
  - 1969 PIERPONT BAY ADDN. 3
  - 1969 PIERPONT BAY ADDN. 4
  - 1964 PIERPONT BAY ADDN.1
  - 1949 PIERPONT EXTENSION ADDN. (886 O.R. 64)
  - 1954 PIERPONT SCHOOL ADDN.
  - 1963 SMITH - HOFFMAN - HALEY ADDN.
  - 1906 THOMPSON ADDITION

STATE OF CALIFORNIA            )  
COUNTY OF VENTURA            ) ss  
CITY OF SAN BUENAVENTURA    )

I, ROXANNE FIORILLO, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular meeting on July 25, 2011, by the following vote:

AYES:            Councilmembers Brennan, Morehouse, Andrews, and Mayor  
                    Fulton.

NOES:            Councilmember Monahan.

ABSENT:          Councilmember Weir and Deputy Mayor Tracy.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on July 26, 2011.

  
Deputy City Clerk

