CITY OF VENTURA

COMMUNITY DEVELOPMENT

Date: March 4, 2013

AGENDA ITEM NO. 2

To: **Honorable Mayor and City Council**

From: **Jeffrey Lambert, Community Development Director**

Subject: **Director's Report: 2013 General Plan Implementation Status**

PREVIOUS COUNCIL ACTION

On April 9, 2012, and February 8, 2011, Council received and reviewed status reports from Community Development regarding the implementation of the 2005 Ventura General Plan.

Since 2005, major policy implementation measures of the General Plan have included the following:

- Housing Approval Program (HAP) replacement of the RGMP, September 2006
- Downtown Specific Plan and Code, December 2006
- Midtown Corridors Development Code, December 2007
- Citywide Design Guidelines, January 18, 2008
- Inclusionary Housing Ordinance, August 6, 2008
- UC Hansen Specific Plan and Code, November 3, 2008
- Victoria Avenue Corridor Plan and Code, April 2009
- Saticoy & Wells Community Plan and Code, November 2009
- Community Memorial Hospital District Code, December 2010

SUMMARY

Under California State Planning Law, each city and county in the state is required to prepare a comprehensive long term general plan to guide future physical development of the jurisdiction and land outside its boundary that is related to its planning. This status report is intended to assess the progress of implementation of the 2005 Ventura General Plan. This report presents the 2013 annual report on implementation of the 2005 General Plan and current issues affecting future implementation of the Growth Strategy. Part I presents an evaluation of the amount of development that has been approved to date and the cumulative growth analysis will be presented. Part II discusses various mandates and policy issues that will impact reconsideration of Ventura's General Plan growth policy and work items in the future. Lastly, Part III is a brief presentation of recent Council directives to reengage for purposes of reexamining entitlement processing and development codes given lessons learned during initial implementation of the General Plan.

DISCUSSION

In 2005, the City of Ventura adopted a new General Plan that goes beyond minimum state requirements. Growing out of an ambitious community-wide visioning effort, the General Plan serves as the comprehensive policy document for ensuring that Ventura "continues to be a great place for us to live." The General Plan's 10 "strategic visions" are used to guide, fund and measure the performance of all departments' major programs, current efforts, and anticipated objectives set by Council.

"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.". In 2011, at the end of the General Plan's short-term implementation period, Community Development began reporting on the progress made toward "*Our Well Planned and Designed Community*" as defined by the General Plan Growth Strategy (Attachment A). This report presents an updated view of the cumulative growth implemented by the General Plan as well as a look into emerging issues as the City moves forward with additional experience at implementing the Plan.

I. Cumulative Growth and Status of Our Sphere of Influence (SOI)

A. 2005 General Plan Growth Assumptions

The districts, corridors, and neighborhood centers represented by the Intensification/Reuse Only Scenario are areas where opportunities for infill development are targeted by the 2005 General Plan which would result in a .88% per year growth rate. However, in order to initially arrive at a preferred policy growth rate, the total carrying capacity of the land proposed for inclusion in the proposed project boundary was determined as shown in Table 3-1 of the General Plan (Attachment B). Of the 1,099 acres project area, the total carrying capacity based on the land use designations of the 2005 General Plan was calculated to be 29,910 dwelling units and 57,869,859 square feet of non-residential development at total build-out of the land.

Applying the anticipated .88% growth rate commensurate with the Intensification/Reuse Only scenario adopted in the 2005 General Plan resulted in the Predicted Development Intensity & Patterns reflected in Table 3-2 of the 2005 General Plan (Attachment C). Overall, at .88% per year growth, the City was predicted to develop by the year 2025:

Table 1: 2005 General Plan Predicted Development		
Land Use	**Dwelling Units**	**Square Feet**
Residential	**8,318**	
Retail		**1,241,377**
Office		**1,213,208**
Industrial		**2,235,133**
Hotel		**530,000**

B. Intensification/Reuse Strategy Status

As we cross the seventh year milestone of implementation of the 2005 General Plan, Community Development has taken stock of progress to date in development and policy implementation that has occurred under direction of the Intensification/Reuse Strategy. The 2005-2012 Development Entitlement Report (Attachment D) shows approvals as they are distributed in various neighborhoods, districts, corridors, and neighborhood centers throughout the city. Building permit and entitlement data from 2005 through 2012 shows approval of projects totaling the following amount of development citywide:

Table 2: 2005 - 2012 Project Approvals (Approved, Under Construction and Built)			
Land Use	**Dwelling Units**	**Square Feet**	**% Predicted Dev.**
Residential	***3,035***		***36%***
Retail		***268,580***	***22%***
Office		***485,733***	***40%***
Industrial		***449,116***	***20%***
Hotel		***87,000***	***16%***

C. Cumulative Growth Analysis

Overall, the Intensification/Reuse Strategy of the 2005 General Plan is implemented 36% for residential; 22% for retail; 40% for office; 20% for industrial; and 16% for hotel uses. In the past year, the housing approvals represent an overall reduction in previously approved entitlements, but increases for new projects approved on Victoria Avenue and Ventura Avenue respectively. For office uses, the increase in percentage implemented reflects a redistribution adjustment from retail space to office space for previously approved projects as City data reporting has improved. Percentages for retail space, industrial space and hotel space all show a downward trend that reflects expired projects.

D. Spheres of Influence, Open Space and Agriculture Updates

On the long term horizon, the City of Ventura will face expiration of the major growth management and conservation measure that have influenced and formed the essence of the compact urban form of Ventura County as we know it today. As this occurs, the city will need to anticipate and adjust long-range planning efforts to potentially change parameters in available land use assumptions. Tools such as the Save Our Agricultural

Resources Ordinance (SOAR) preserves specifically identified parcels of agricultural land for long-term preservation while the city greenbelt agreements and sphere of influence boundaries have historically worked in conjunction with one another to establish urban growth boundaries and areas intended for future incorporation.

1. SOAR

In 1995, the voters of Ventura adopted the Save Our Agricultural Resources Ordinance (SOAR) which called for protection from urban encroachment of existing agricultural and watershed lands until December 31, 2030 unless reconsidered by a vote of the people. The purpose of the initiative was to ensure that the goals and objectives of the 1989 Comprehensive Plan were protected from transitory short-term political decisions and that open space and agricultural lands were not prematurely or unnecessarily developed. While this measure has proven a powerful tool in shaping the urban form decisions of the City of Ventura, its expiration is within the horizon of long-range planning efforts that would need to be undertaken by the city in the future.

2. LAFCO

Several adjustments to the Ventura Sphere of Influence have occurred in the course of periodic mandated review by LAFCO that affect potential future development in the City of Ventura and the calculation of assumptions into the Land Use Element of the General Plan. These, along with any other corrections found during further staff GIS analysis can be folded into other Land Use Element work plan items in summer 2013.

- In 2007, in conjunction with adoption of the 2005 General Plan, the Sphere of Influence (SOI) of the City of Ventura was subsequently shrunk to exclude the hillside area consistent with the Hillside Voter Participation Act (HVPA). This SOI adjustment formally completed development policy mechanisms designed to preserve open space on the Ventura hillsides. It effectively excludes the hillsides from being developed as part of the City's potential annexation area consistent with the City's Infill Only strategy to concentrate development within the Neighborhoods, Districts and Corridors.

- In conjunction with the 2012 Municipal Service Review, LAFCO staff discovered an historic mapping error on approximately 55 acres of agricultural land within the City of Ventura SOI, between Highway 101 and Channel Drive. While the error predated the use of digitized mapping, it has been historically included in City of Ventura planning study areas for comprehensive planning, including the 2005 General Plan assumptions for Potential Expansion Areas. The parcels are located in the Olivas Potential Expansion Area. In January 2013, LAFCO formally adopted a SOI adjustment to correct for their mapping error and remove the parcels from the SOI (see Attachment F, LAFCO resolution). However, these properties are within the City's coastal zone and as such are subject to the Local Coastal Program (LCP) and Coastal Act provisions for strong agricultural

resource protection. Therefore in the framework of local/state land use regulations processes, the LCP and any necessary amendment is the most important determinant for current and future land uses.

- Future comprehensive planning by the City of Ventura will need to correct planning assumptions to exclude this area from potential development assumptions as it no longer resides in the City's formal SOI.

3. Greenbelts

Since, 1993 and 1994 respectively, the City of Ventura has been in two separate long-standing agreements with the cities of Santa Paula and Oxnard (Attachment G) to reduce the possibility of conflicts between urban and rural uses and to identify and preserve agricultural and open space lands that are under the greatest threat of conversion to other uses. These strategies help define the urban and rural boundaries of a community, preserve natural resources, manage the production of resources, provide outdoor recreation, and promote public health and safety. While both of the greenbelt agreements have been reaffirmed by both cities party to the agreements, they have been the subject of amendments over the years to align the greenbelts for consistency with land use policy changes, and amendments and mapping corrections to the Sphere of Influence by Local Agency Formation Commission (LAFCO). As such they remain current joint agreements between the cities and County of Ventura to effectively define urban growth boundaries. Both the Ventura-Oxnard and Ventura-Santa Paula Greenbelt Agreements are in full effect indefinitely. Each agreement calls for periodic review which is satisfied with this General Plan Status Report. Staff recommends no changes to the current agreements unless otherwise directed by Council.

II. Status of General Plan Updates

In order to clearly establish the goals of the City of Ventura, the 2005 General Plan organizes the state mandated planning elements around a framework of chapters designed to articulate the policy vision of the City. Thus, rather than referring to required elements as the circulation element or land use element, the General Plan weaves required elements into goal setting chapter such as *Our Accessible Community* and *Our Well Planned and Designed Community*. This General Plan status report includes updates on the status of various required work plan items through the current year.

A. Housing Element

1. Housing Element Adoption

Included among the required elements is the state required Housing Element which is due for revision in the coming year. In August of 2008, the City Council and Planning

Commission reviewed the current 2008-2014 General Plan Housing Element prior to staff submitting to the State's Department of Housing and Community Development (HCD) for their review. After compliance with directed revisions, the 2008-2014 Housing Element was certified in January 2012 by the HCD. In accordance with Senate Bill 375 (2009), future Housing Elements will hereafter be synchronized with Regional Transportation Plans (RTP) as a way to reduce greenhouse gas (GHG) emissions from motor vehicle trips. As required by SB 375, the Southern California Association of Governments (SCAG) developed each city's Regional Housing Needs Assessment (RHNA) in areas sufficient to house the 8-year projected housing need and will identify transportation networks to service the transportation needs of the region. In theory, this mandate is already promoted in the City's 2005 General Plan's "Infill First" strategy, which discourages urban sprawl and encourages walkable neighborhoods.

However state requirements call for the next iteration, the 2014-2021 Housing Element to be submitted to the State for review. A 60-day review of the City's draft element will be submitted to HCD on March 15th of this year. After receipt of HCD's comments, staff will consider any revisions and the Draft Housing Element will be reviewed by the Planning Commission and ultimately the City Council in late summer/early fall 2013. While SB 375 will allow for Housing Element updates every 8 years rather than every 4 years, the City must comply with any HCD review and revisions, and locally adopt the Housing Element by October 2013 and receive HCD certification by February 2014. If the City does not meet this deadline or receive certification, our Housing Element will require update in 4 years, not eight, and any potential rezoning mandated by the state will require action on an expedited schedule.

2. Housing Element Annual Report

Government Code Section 65400 establishes the requirement that each city or county agency prepare an annual report on the status of the housing element of its general plan and progress in its implementation, progress in meeting its share of regional housing needs, and local efforts to remove governmental constraints to maintenance, improvement, and development of housing. All jurisdictions including charter cities must submit annual reports in those cases where submittal is required for certain funding programs. In addition, HCD encourages all jurisdictions to submit an annual report as a useful tool in meeting the review and revise requirement of subsequent housing element revisions. The City of Ventura Annual Housing Element Progress Report is attached herein as Attachment H.

B. Other State Mandates Tied to Housing Element Updates

While the Housing Element Update remains the priority effort in our General Plan departmental work plan, there are series of other efforts requiring action as "tag along" items subject to action during the Housing Element adoption, as well as other programs that were directed as part of general plan implementation. These are summarized in Attachment I of this report.

C. Hillside Management Plan

Beginning in 2012, Community Development attached Implementation Action 1.7 and 1.10 calling for an update of the Hillside Management Program to the Advanced Planning work program. However, significant departmental resources have been diverted in the last year to additional continuing efforts on the Westside Plan and Code, and since December 2012, time-sensitive work on the Housing Element and Ventura Water's Water Supply report due to Council for a workshop deadline. In light of current priorities, the Hillside Management Plan will be delayed until fall 2013.

D. Regional Water Quality Control

In 2009, Ventura became subject to an amended Municipal Stormwater NPDES Permit. Among the requirements of the permit is a requirement to amend, revise or update a local plan to include watershed and storm water quality management considerations and policies when any of the Land Use, Housing, Conservation and Open Space elements are updated or amended. The City of Ventura remains out of compliance with this requirement and could be subject to random audits and fines. Community Development staff is working with other departments to determine the specific policy and action language necessary to update the General Plan.

E. Victoria Montalvo/Moon Drive Overlay

In April 2009, the City of Ventura adopted the Victoria Avenue Corridor Plan & Development Code, designed to direct public and private investment. Included in the assignment of form based coding for the Victoria Corridor were parcels anticipated to be incorporated into the City through the required Montalvo annexation, approved by City Council on March 19, 2012. Those parcels, for which the City assigned pre-zoning in advance of the annexation, were assigned a transect code of T4.9 with an accompanying overlay zone: The Moon Drive Overlay. Generally speaking, the T4.9 General Urban Zone envisioned creating a grand avenue edge along Victoria Ave. with workplace buildings and vertical mixed-use of two to six stories to a maximum of 75 feet, with required bulk reduction and minimum lot width and access requirements stipulated by the Moon Drive Overlay.

However, during deliberation and public hearing of the proposed Montalvo annexation, residents of the Montalvo neighborhood expressed concern about future development allowed at permissible heights under the Victoria Development Code. In July 2012, Council directed Community Development to revisit the Victoria Corridor Plan & Development Code to study the area designated as the Moon Drive Overlay. A specialized technical study of the area would entail specific consideration of the height of allowable buildings, necessary setbacks, alleys, bulk reduction of upper stories, noise buffering, and lot size requirements. This effort was folded into the Codes Evaluation Project expected in late spring 2013. Since fall 2012, staff has worked closely with the

Montalvo neighborhood addressing a nonconforming ordinance due to their annexation from the County. That effort has been delayed since December due to additional requests by the community.

As with any potential amendment to development standards, alternative coding to an area of the Victoria Corridor Development Code would require a consistency analysis with existing City policy. Concurrently, consideration of redesignated transect coding would necessarily require consideration of any Victoria Code amendments to Citywide General Plan policies such as those relating to Housing Element requirements and General Plan Corridor policies, in addition to those specifically included in the Victoria Corridor Plan (Attachment J).

III. Entitlement Process and Development Code Refinement

In recent months, several development project reviews have been the subject of conflict at the midstream point in implementation of the General Plan. Council is currently in the process of scoping and providing direction to staff to investigate several areas for potential fine tuning and revision which will be the subject of a workshop between City boards and commissions with City Council in spring 2013. Several issues to be explored include:

A. Project Pre-Screen Procedures

1. HAP:

In 2006-2007, the City of Ventura revised its former Residential Growth Management Program (RGMP) to become the Housing Approval Program (HAP) for regulation of residential projects outside of the new form based codes areas of the City. The HAP process was meant to streamline the development approval process while stipulating standards for improving the quality of projects. Once an updated regulating plan and code us adopted for an area, the HAP process no longer applies. However, in the last year, different findings have arisen regarding the desirable qualities of several projects between City Council and advisory committees and commissions. This would indicate that the 'early check' in nature of the existing process may not be effectively vetting projects to the satisfaction of approval authorities and revised procedure may be required. This issue will be discussed and scoped as an issue during the upcoming workshop.

2. General Plan/Comprehensive Plan Pre-Screen

A second existing process for preliminarily screening for development requiring a General Plan amendment to land use designations is the General Plan/Comprehensive Plan Pre-Screen process. One recent pre-screen raised Council concerns at the end of a lengthy review process. Council and the boards and commissions will also examine this

process for facilitating clear direction during early screening and subsequent levels of review.

B. Alternate Strategies for Infill

Among the issues of recent debate have been General Plan land use designations. The workshop will discuss the need to reconsider the locations for the Infill Only strategy of the 2005 General Plan or possibly (re)defining the principles for infill development, based upon seven years of implementation.

C. Tools For Evaluation

Also to be considered is the possibility of adjusting technical tools embedded in the development codes such as submittal requirements for applicants, parking standards, use of code "variances" (warrants and exceptions), and the code parameters addressing neighborhood adjacency. These as well as other refinements to the development codes can be examined to further refine the mechanism and operation of the code as a tool for shaping desirable projects.

Prepared by Margaret Ide, Associate Planner
For Dave Ward, Planning Manager

ATTACHMENTS

A Summary Growth Strategy
B 2005 General Plan Table 3-1
C 2005 General Plan Table 3-2
D 2005- 2012 Development Entitlement Report
E Resolution Adjusting Sphere of Influence,2013
F Greenbelt Agreements
G Annual Housing Element Status Report
H State Mandates Tied to Housing Element Updates
I Victoria Montalvo/Moon Drive Overlay Map

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ATTACHMENT A

SUMMARY GROWTH STRATEGY

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ATTACHMENT A
Growth Strategy

In the fall of 1998, City Council initiated Seize the Future, a partnership effort comprised of city government, non-profit organizations, community groups, businesses, schools, and individual residents to chart the community's future through a visioning process. The process was shaped by a 7-member Steering Committee and organized through a 39 member Citizen Outreach Committee that worked in coordination with city staff and consultants to conduct workshops, large scale visioning events, surveys, post websites, and press releases to gather input for crafting the Ventura Vision document which was accepted by City Council in March 2000. The Ventura Vision served as the foundation for the five-year process to craft the 2005 Ventura General Plan.

The following year, the Comprehensive Plan Advisory Committee (CPAC) was formed to guide an update of the 1989 Ventura Comprehensive Plan that had served as the City's General Plan document until that time. In conjunction with the CPAC, as well as large-scale outreach efforts during 2004-05 through the environmental review processing and plan revisions, the City Council adopted the 2005 Ventura General Plan in August 2005.

As technical analysis milestones were reached during the process, decision points were addressed in the drafting of the General Plan. Among those critical items considered during this extensive community visioning and planning effort was the basic urban form and growth rate assumptions to be used as the foundation policy to guide land use and development of the City through the year 2025. In Summer 2004, Council considered and approved moving forward with an 'infill first' urban form comprised of the neighborhoods, districts, corridors and neighborhood centers present in the 2005 General Plan today (see General Plan Land Use Designations Map in Attachment A).

Additionally, because development in the existing City limits and Sphere of Influence might not be able to achieve all of the Major Planning Goals and Policies established by Council during the general plan update process, several Potential Expansion Areas (PEAs) were also identified for analysis and considered as project alternatives in the environmental impact report. These areas would potentially be able to provide a variety of housing types, economic and environmental restoration opportunities, community facilities such as parks, open space, schools and fire stations, and to address existing circulation deficiencies (see PEAs Map in Attachment B). Six alternative land use and growth scenarios were considered in the environmental analysis comprised of various scenarios that included one or more of the PEAs. The six 2025 development scenarios studied included:

1. Intensification/Reuse Only Scenario
2. Intensification/Reuse + North Avenue + Olivas +Serra Scenario
3. Intensification/Reuse + North Avenue + Olivas Scenario
4. Intensification/Reuse + North Avenue + Serra Scenario
5. Intensification/Reuse + North Avenue + Western Canada Larga Scenario
6. Intensification/Reuse + North Avenue + Poinsettia Scenario

The options ranged from including no PEAs and focusing almost exclusively on already urbanized areas to including up to three expansion areas for possible future development. Each of the land use scenarios emphasized intensification and reuse of already urbanized lands prior to development of greenfields at the City's periphery. Ultimately, City Council chose to adopt the 'Intensification/Reuse Only' strategy.

ATTACHMENT B

2005 GENERAL PLAN PLAN TABLE 3-1

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Table 3-1. Potential Development Based on Carrying Capacity of Land Area

Planning Designation	Allowed Density (du/acre)	Existing Development 2004					General Plan Capacity			
		Single Family Units	Multi Family Units	Comm./Ind. Sq. Ft.	Parcels	Acres	Vacant Parcels	Vacant Acres	Additional Potential[3] Units	Additional Potential[3] Sq. Ft.
Neighborhood Low	0-8	19,425	3,335	49,386	22,511	4,629	108	426	1,221	
Neighborhood Medium	9-20	1,163	8,965	149,513	4,414	1,061	32	116	4,859	
Neighborhood High	21-54	814	2,468	194,143	1,634	303	8	16	8,477	
Commerce[1]		257	490	4,995,248	1,366	808	95	108	7,892	22,328,276
Industry[2]		29	31	8,299,840	1,037	1,401	89	392	4,724	34,215,483
Public & Institutional		4	0	54,422	66	571				
Park & Open Space		6	0	15,491	264	11,693				
Agriculture		4	0	19,550	154	6,857				
Downtown Specific Plan	21-54	332	1,543	1,795,401	1,174	307	45	20	2,500	450,000
Harbor District		0	310	350,160	10	254	1	21	300	876,100
Total		22,034	17,142	15,923,154	32,630	27,884	378	1099	29,910	57,869,859

1. Commerce residential unit capacity is for property within a Corridor, District, or Neighborhood Center and assumes buildout to the maximum FAR and that 25% of floor area would be commercial (with the remainder residential).
2. Industry residential unit capacity is for property within a Corridor, District, or Neighborhood Center and assumes buildout to the maximum FAR and that 75% of floor area would be industrial (with the remainder residential).
3. "Additional Potential" assumes a historic buildout rate of 70% for both residential and non-residential.

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ATTACHMENT C

2005 GENERAL PLAN TABLE 3-2

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Table 3-2. Predicted Development Intensity & Pattern	Residential Development (units)	Non-Residential Development (square feet)				
		Retail	Office	Industrial	Hotel	Total
DISTRICTS						
Upper North Avenue	100	10,000	50,000	150,000	-	210,000
North Avenue	50	10,000	50,000	250,000	-	310,000
Downtown Specific Plan	1,600	100,000	200,000	-	150,000	450,000
Pacific View Mall	25	25,000	-	-	-	25,000
Harbor	300	315,000	-	-	230,000	545,000
Arundell	200	25,000	300,000	1,000,000	-	1,325,000
North Bank	50	300,000	50,000	300,000	-	650,000
Montalvo	50	-	50,000	25,000	-	75,000
Saticoy	50	-	-	25,000	-	25,000
Subtotals (Districts)	**2,425**	**785,000**	**700,000**	**1,750,000**	**380,000**	**3,615,000**
CORRIDORS						
Ventura Avenue	800	40,000	100,000	50,000	-	190,000
Main Street	100	15,000	40,000	-	-	55,000
Thompson Boulevard	300	15,000	40,000	-	-	55,000
Loma Vista Road	25	15,000	40,000	-	-	55,000
Telegraph Road	250	15,000	40,000	-	-	55,000
Victoria Avenue	50	15,000	40,000	-	-	55,000
Johnson Drive	150	50,000	20,000	-	-	70,000
Wells Road	50	15,000	20,000	-	-	35,000
Subtotals (Corridors)	**1,725**	**180,000**	**340,000**	**50,000**	**0**	**570,000**
SPHERE OF INFLUENCE (SOI)/OTHER INFILL/NEIGHBORHOOD CENTERS						
101/126 Agriculture	200	-	-	-	-	-
Wells/Saticoy	1,050	-	-	-	-	-
Pierpont	100	30,000	-	-	-	30,000
Other Neighborhood Centers	100	-	-	-	-	-
Second Units	300	-	-	-	-	-
Underutilized	250	-	-	-	-	-
Vacant	450	165,000	50,000	-	-	215,000
Subtotals (Other Infill)	**2,450**	**195,000**	**50,000**	**0**	**0**	**245,000**
TOTAL INFILL	***6,600***	***1,160,000***	***1,090,000***	***1,800,000***	***380,000***	***4,430,000***
PLANNED AND PENDING DEVELOPMENTS						
Downtown	50	1,072	-	-	150,000	151,072
Ventura Avenue/Westside	238	7,086	-	27,000	-	34,086
Midtown	34	13,751	-	-	-	13,751
College (Telegraph/Loma Vista)	4	2,718	8,843	-	-	11,567
Telephone Road Corridor	256	-	54,785	-	-	54,785
Montalvo/Victoria	296	-	4,300	-	-	4,300
Saticoy/East End	840	7,950	5,600	-	-	13,550
Arundell	-	41,640	42,614	18,080	-	102,334
Olivas	-	7,160	7,066	390,053	-	404,279
Subtotals (Planned/Pending)	**1,718**	**81,377**	**123,214**	**435,133**	**150,000**	**789,724**
TOTAL (Infill+SOI/Other+Pending)	**8,318**	**1,241,377**	**1,213,214**	**2,235,133**	**530,000**	**5,219,724**

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ATTACHMENT D

2005 -2012 DEVELOPMENT ENTITLEMENT REPORT

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ATTACHMENT D: DEVELOPMENT ENTITLEMENT REPORT 2005-2012
(Approved, Under Construction and Built Projects)

	2005 Retail (sf)	2012 Retail (sf)	% Projected	2005 Office (sf)	2012 Office (sf)	% Projected	2005 Industrial (sf)	2012 Industrial	% Projected	2005 Hotel	2012 Hotel	% Projected	2005 Total Non-Residential	2012 Total Non - Residential	% Projected	2005 Residential Dwelling Units	2012 Residential Dwelling Units	% Projected
DISTRICTS																		
Upper North Avenue	10,000	0	0	50,000	0	0	150,000	0	0	0	0	0	**210,000**	**0**	**0**	**100**	**0**	**0**
North Avenue	10,000	0	0	50,000	0	0	250,000	0	0	0	0	0	**310,000**	**0**	**0**	**50**	**0**	**0**
Downtown Specific Plan	100,000	18,807	19	200,000	123,665	62	0	0	0	150,000	0	0	**450,000**	**142,472**	**32**	**1,600**	**449**	**28**
Pacific View Mall	25,000	16,981	68	0	7,434	743,400	0	0	0	0	0	0	**25,000**	**24,415**	**98**	**25**	**0**	**0**
Harbor	315,000	21,300	7	0	0	0	0	0	0	230,000	0	0	**545,000**	**21,300**	**4**	**300**	**300**	**100**
Arundell	25,000	11,628	47	300,000	2,320	1	1,000,000	55,087	6	0	0	0	**1,325,000**	**69,035**	**5**	**200**	**0**	**0**
North Bank	300,000	30,282	10	50,000	0	0	300,000	394,029	131	0	0	0	**650,000**	**424,311**	**65**	**50**	**0**	**0**
Montalvo	0	0	0	50,000	0	0	25,000	0	0	0	0	0	**75,000**	**0**	**0**	**50**	**0**	**0**
Saticoy	0	0	0	0	0	0	25,000	0	0	0	0	0	**25,000**	**0**	**0**	**50**	**0**	**0**
Subtotals (Districts)	**785,000**	**98,998**	**13**	**700,000**	**133,419**	**19**	**1,750,000**	**449,116**	**26**	**380,000**	**0**	**0**	**3,615,000**	**681,533**	**19**	**2,425**	**749**	**31**
CORRIDORS																		
Ventura Avenue	40,000	7,029	18	100,000	7,300	7	50,000	0	0	0	0	0	**190,000**	**14,329**	**8**	**800**	**240**	**30**
Main Street	15,000	6,082	41	40,000	593	1	0	0	0	0	0	0	**55,000**	**6,675**	**12**	**100**	**46**	**46**
Thompson Boulevard	15,000	17,716	118	40,000	0	0	0	0	0	0	0	0	**55,000**	**17,716**	**32**	**300**	**34**	**11**
Loma Vista	15,000	5,100	34	40,000	341,660	854	0	0	0	0	0	0	**55,000**	**346,760**	**630**	**25**	**0**	**0**
Telegraph Road	15,000	0	0	40,000	0	0	0	0	0	0	0	0	**55,000**	**0**	**0**	**250**	**0**	**0**
Victoria Avenue	15,000	0	0	40,000	0	0	0	0	0	0	0	0	**55,000**	**0**	**0**	**50**	**154**	**308**
Johnson Drive	50,000	840	2	20,000	0	0	0	0	0	0	0	0	**70,000**	**840**	**1**	**150**	**0**	**0**
Wells Road	15,000	25,000	167	20,000	0	0	0	0	0	0	0	0	**35,000**	**25,000**	**71**	**50**	**173**	**346**
Subtotals (Corridors)	**180,000**	**61,767**	**34**	**340,000**	**349,553**	**103**	**50,000**	**0**	**0**	**0**	**0**	**0**	**570,000**	**411,320**	**72**	**1,725**	**647**	**38**
SPHERE OF INFLUENCE(SOI/OTHER INFILL/NEIGHBORHOOD CENTERS																		
101/126 Agriculture	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**	**200**	**0**	**0**
Wells/Saticoy	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**	**1,050**	**694**	**66**
Pierpont	30,000	20,230	67	0	0	0	0	0	0	0	0	0	**30,000**	**0**	**0**	**100**	**138**	**138**
Other Neighborhood Centers (includes Seaward/Allessandro+College/ Day+Gateway Plaza+Victoria Plaza+Bristol+Kimball/Telegraph+Petit/Telephone+Telephone/ Cachuma+Saticoy)	0	20,965	2,095,600	0	0	0	0	0	0	0	87,000	8,888,900	**0**	**107,965**		**100**	**0**	**0**
Second Units	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**	**300**	**55**	**18**
Underutilized	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**	**250**	**0**	**0**
Vacant	165,000	0	0	50,000	0	0	0	0	0	0	0	0	**215,000**	**0**	**0**	**450**	**0**	**0**
Subtotals (SOI/Other Infill/NC)	**195,000**	**41,195**	**21**	**50,000**	**0**	**0**	**0**	**0**	**0**	**0**	**87,000**	**8,888,900**	**245,000**	**107,965**	**44**	**2,450**	**887**	**36**

	2005 Retail (sf)	2012 Retail (sf)	% Projected	2005 Office (sf)	2012 Office (sf)	% Projected	2005 Industrial (sf)	2012 Industrial	% Projected	2005 Hotel	2012 Hotel	% Projected	2005 Total Non-Residential	2012 Total Non - Residential	% Projected	2005 Residential Dwelling Units	2012 Residential Dwelling Units	% Projected
Planning Communities (Not Included within District/Corridor/Center-above)																		
Downtown	1,072	0	0	0	0	0	0	0	0	150,000	0	0	**151,072**	**0**	**0**	**50**	**0**	**0**
Ventura Ave/Westside	7,086	0	0	0	0	0	27,000	0	0	0	0	0	**34,086**	**0**	**0**	**238**	**0**	**0**
Midtown	13,751	0	0	0	0	0	0	0	0	0	0	0	**13,751**	**0**	**0**	**34**	**3**	**9**
College (Telegraph/Loma Vista)	2,718	0	0	8,843	1,761	20	0	0	0	0	0	0	**11,561**	**1,761**	**15**	**4**	**14**	**350**
Telephone Road Corridor	0	0	0	54,785	0	0	0	0	0	0	0	0	**54,785**	**0**	**0**	**256**	**0**	**0**
Montalvo/Victoria	0	0	0	4,300	0	0	0	0	0	0	0	0	**4,300**	**0**	**0**	**296**	**0**	**0**
Saticoy/East End	7,950	56,102	706	5,600	0	0	0	0	0	0	0	0	**13,550**	**56,102**	**414**	**840**	**220**	**26**
Arundell	41,640	0	0	42,614	0	0	18,080	0	0	0	0	0	**102,334**	**0**	**0**	**0**	**0**	**0**
Olivas	7,160	0	0	7,066	0	0	390,053	0	0	0	0	0	**404,279**	**0**	**0**	**0**	**0**	**0**
Pierpont	0	912	91,200	0	0	0	0	0	0	0	0	0	**0**	**912**	**91,200**	**0**	**0**	**0**
Serra	0	0	0	0	1,000	100,000	0	0	0	0	0	0	**0**	**1,000**	**100,000**	**0**	**232**	**23,200**
Thille	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**	**0**	**120**	**12,000**
Wells	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**	**0**	**0**	**0**
Westside	0	0	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0**	**0**	**163**	**16,300**
Subtotal (Planning Communities)	**81,377**	**57,014**	**70**	**123,208**	**2,761**	**2**	**435,133**	**0**	**0**	**150,000**	**0**	**0**	**789,718**	**59,775**	**8**	**1,718**	**752**	**44**
TOTAL	**1,241,377**	**258,974**	**21**	**1,213,208**	**485,733**	**40**	**2,235,133**	**449,116**	**20**	**530,000**	**87,000**	**16**	**5,219,718**	**1,280,823**	**25**	**8,318**	**3,035**	**36**

ATTACHMENT E

COUNTY RESOLUTION ADJUSTING SPHERE OF INFLUENCE, 2013

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LAFCo 13-01S

RESOLUTION OF THE VENTURA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE UPDATE OF THE SPHERE OF INFLUENCE FOR THE CITY OF SAN BUENAVENTURA

WHEREAS, Government Code Section 56425 et seq. requires the Local Agency Formation Commission (LAFCo or Commission) to develop and determine the sphere of influence of each local governmental agency within the County; and

WHEREAS, Government Code Section 56425(g) requires that LAFCo, as necessary, review and update the adopted sphere of influence boundaries on or before January 1, 2008 and every five years thereafter; and

WHEREAS, Government Code Section 56430 requires that a municipal service review be conducted prior to or in conjunction with a sphere of influence update; and

WHEREAS, LAFCo conducted a municipal service review of the services provided by the City of San Buenaventura and adopted written determinations as required by Government Code Section 56430 on November 14, 2012 for the services provided by the City; and

WHEREAS, the City staff has reviewed the changes proposed for this sphere of influence update and have no objections; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the City's sphere of influence; and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the consideration of this action by the Commission; and

WHEREAS, the sphere of influence update action was duly considered at a public hearing on January 16, 2013; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the sphere of influence update including, but not limited to, testimony at the public hearing on January 16, 2013 and the LAFCo Executive Officer's staff report and recommendation;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

(1) The Executive Officer's Staff Report and Recommendation for approval of the sphere of influence update for the City of San Buenaventura, dated January 16, 2013 is adopted.

(2) The Commission has considered the criteria set forth in Government Code §56425(e) and determines as follows:

a) *The present and planned land uses in the area, including agricultural and open-space lands.* – The sphere of influence update for the City of San Buenaventura is to provide for all areas currently developed and within the City boundary to be included in the City's sphere of influence, and to correct a previous mapping error. There will be no development, no change in land use and no impact to agricultural and open space lands as a result of the sphere of influence update.

b) *The present and probable need for public facilities and services in the area.* – No changes in public facilities or services provided by the City will result from this sphere of influence update. The City bases its public facilities and services on the extent of its existing infrastructure and its General Plan.

c) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.* – The sphere of influence update will not affect the present capacity of public facilities or the adequacy of the services provided by the City of San Buenaventura.

d) *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.* – The sphere of influence update will not affect any social or economic communities of interest in the area.

e) *The present and probable need for City sewer, municipal and industrial water, or structural fire protection services for any disadvantaged unincorporated communities within the existing sphere of influence.* – The Commission determined that the community of

Saticoy, located within the City's existing sphere of influence, is a disadvantaged unincorporated community (Commissioner's Handbook Section 3.2.5). Saticoy receives wastewater services from the Saticoy Sanitary District, an independent special district which serves only the community of Saticoy. Potable water services are provided by the City and customers are subject to the City's water surcharge for service provided outside of City limits. City policy generally precludes new or expanded water services greater than a ¾-inch meter, thus, limiting the amount of multi-family, commercial, and industrial development/redevelopment that can occur within the community. Law enforcement services are provided by the County Sheriff's Office and fire protection services are provided primarily by the City under a mutual aid agreement.

(3) The sphere of influence for the City of San Buenaventura is hereby updated to be the area shown as "proposed sphere of influence", as generally depicted on Exhibit A attached hereto.

(4) The Commission directs staff to have the official sphere of influence geographic information system data maintained for the Ventura LAFCo by the Ventura County Information Technology Services Department as the official sphere of influence record for the City of San Buenaventura updated consistent with this action.

(5) In accordance with the Executive Officer's determination, the Commission, as lead agency for the purposes of the California Environmental Quality Act (CEQA), hereby determines that the sphere of influence update for the City of San Buenaventura is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

(6) The Commission directs staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

This resolution was adopted on January 16, 2013.

	AYE	NO	ABSTAIN	ABSENT
Commissioner Dandy	☑	☐	☐	☐
Commissioner Long	☑	☐	☐	☐
Commissioner Ford-McCaffrey	☑	☐	☐	☐
Commissioner Morehouse	☑	☐	☐	☐
Commissioner Parks	☑	☐	☐	☐
Commissioner Parvin	☑	☐	☐	☐
Commissioner Pringle	☑	☐	☐	☐
Alt. Commissioner Bennett	☐	☐	☐	☑
Alt. Commissioner Cunningham	☐	☐	☐	☐
Alt. Commissioner Freeman	☐	☐	☐	☐
Alt. Commissioner Smith	☐	☐	☐	☑

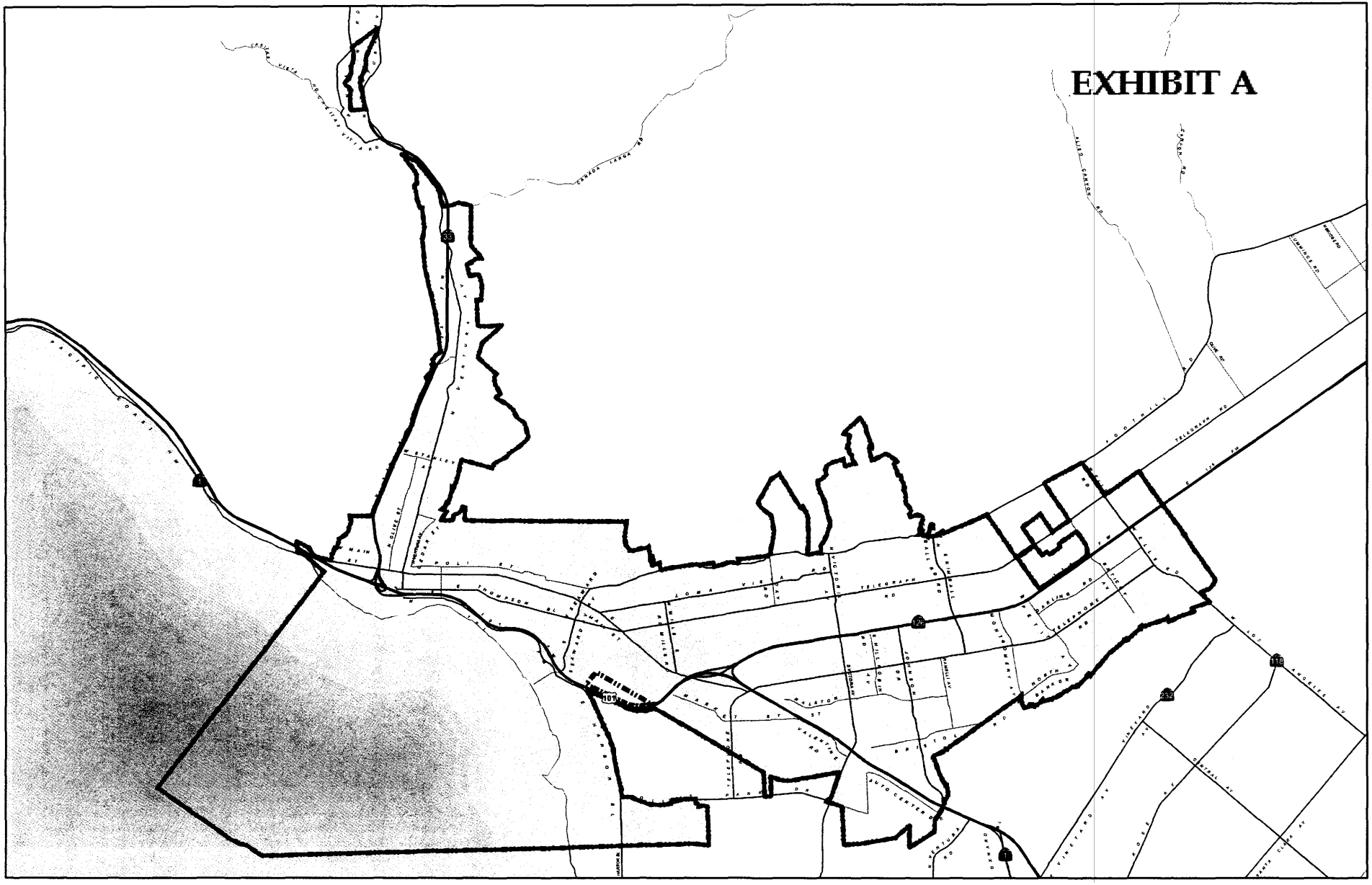
Dated: January 16, 2013

Gail L. Pringle
Chair, Ventura Local Agency Formation Commission

Attachments: Exhibit A

Copies: City of San Buenaventura
Ventura County Surveyor
Ventura County Geographic Information Systems Officer
Ventura County Planning Department

EXHIBIT A



Legend

San Buenaventura Existing Sphere of Influence
16241.26 acres (land area)

San Buenaventura Proposed Sphere of Influence
16177.75 acres (land area)

City of San Buenaventura - 14071.85 acres

City of San Buenaventura

LAFCo Sphere of Influence Update

Proposed Sphere of Influence, November 14, 2012

Prepared by County of Ventura - IT Services Department - GIS Services

State Plane Coordinate System California Zone V - NAD 27

This map was compiled from records and computations

Published: November, 2012

N
W E
S

0 4,000 8,000 16,000 Feet

WARNING: The information contained hereon was created by the Ventura County Geographic Information System (GIS), which is designed and operated solely for the convenience of the County and related contract entities. The County does not warrant the accuracy of this information, and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

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ATTACHMENT F

GREENBELT AGREEMENTS

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RESOLUTION NO. 2002-70

A JOINT RESOLUTION OF THE CITY COUNCILS OF THE CITY OF SAN BUENAVENTURA, THE CITY OF OXMARD, AND THE COUNTY OF VENTURA REVISING A GREENBELT BETWEEN THE TWO CITIES

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

SECTION 1: A Greenbelt can be defined as an area consisting of prime agricultural land, as defined by Section 35046 of the Government Code, which is preserved in agricultural uses.

SECTION 2: The City Councils of the City of San Buenaventura, the City of Oxnard and the Board of Supervisors of the County of Ventura encourage the preservation of agricultural uses whenever possible.

SECTION 3: The area lying generally south of the City of San Buenaventura, and north and west of the City of Oxnard, is now devoted to agricultural pursuits and assists in providing community identity, definition and character in keeping with the objective of controlling urban sprawl as outlined in the adopted Guidelines for Orderly Development.

SECTION 4: The Ventura-Oxnard Greenbelt is comprised of about 5,104 acres of unincorporated County territory, located between the Cities of San Buenaventura and Oxnard and within these cities' Areas of Interest, is bounded by the following features identified in Exhibit A of this Resolution:

1. On the west by the City of San Buenaventura's and the City of Oxnard's Spheres of Influence;

2. On the north by the City of San Buenaventura's Sphere of Influence;

3. On the east by the City of San Buenaventura's and the City of Oxnard's Spheres of Influence;

4 On the south by the City of Oxnard's Sphere of Influence.

SECTION 5: All the Community and regional plans designate the area for agricultural uses, and the area is excluded from all City Spheres of Influence.

SECTION 6: The revisions to the Ventura-Oxnard Greenbelt are Class 7 Categorical Exemption (Section 15307) of the California Environmental Quality Act.

SECTION 7: The City Councils of the Cities of San Buenaventura and Oxnard, and the Board of Supervisors of the County of Ventura hereby find the lands in this area are worthy of retention in agricultural use for the overall best interest of the Cities, the County and the State.

SECTION 8: The San Buenaventura City Council, the Oxnard City Council, and the Ventura County Board *of* Supervisors hereby revise this Greenbelt and agree to a policy of non-annexation, non-development, and retention of agricultural uses for the territory between the Cities of San Buenaventura and Oxnard as shown on the map attached as Exhibit A of this Resolution and subject to the following conditions:

1. The Greenbelt will be reviewed within five years of its adoption by the Cities of San Buenaventura and Oxnard, and the County of Ventura.

2. In adopting a Greenbelt resolution, the parties involved understand that in order to successfully preserve agricultural lands contained in the Greenbelt Area, and to make the agricultural industry economically viable, the government agencies party to this greenbelt must work cooperatively with landowners and other interested groups to ensure that agriculture remains a viable industry. This work must address such issues as adequate water supplies, encroachment of urban development and roads on agricultural uses, environmental concerns and local, regional, State, and Federal government regulation.

PASSED AND ADOPTED this 25th day of November 2002.

Attest:

City Clerk

Approved as to Form:

City Attorney

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

I, BARBARA J. KAM, City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was duly passed and adopted by the City Council of the City of San Buenaventura at a regular meeting thereof held on the 25th of November, 2002 by the following vote:

AYES: Councilmembers Friedman, Smith, Andrews Monahan, Brennan, and Di Guilio.

NOES: None.

ABSENT: Councilmember Morehouse.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the City of San Buenaventura this 26th of November, 2002.

Barbara J. Kam, City Clerk

RESOLUTION NO. 6204 (Santa Paula)
RESOLUTION NO. 2005-091 (City of San Buenaventura)
RESOLUTION NO. (County of Ventura)

A JOINT RESOLUTION
OF
THE CITY COUNCIL OF THE CITY OF SANTA PAULA,
THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, AND
THE BOARD OF SUPERVISORS FOR THE COUNTY OF VENTURA

APPROVING A CHANGE IN THE ESTABLISHED GREENBELT
BETWEEN THE CITY OF SANTA PAULA AND THE CITY OF SAN BUENAVENTURA

The City Council of the City of Santa Paula ordains as follows:

Section 1. PURPOSE AND INTENT -- The purpose of this Greenbelt Resolution is to promote the agricultural and open space land conservation goals and policies contained in the General Plans of the County of Ventura and the Cities of Santa Paula and San Buenaventura with a Greenbelt program designed to preserve unincorporated County lands that are located between the Cities of Santa Paula and San Buenaventura for agricultural and open space purposes.

Section 2. GOVERNMENT CODE REFERENCE – The Greenbelt consists of irrigated agricultural and open space lands as defined by Sections 56064 and 65560 of the Government Code.

Section 3. NON-ANNEXATION AND NON-URBAN DEVELOPMENT POLICY – The City Councils of the Cities of Santa Paula and San Buenaventura and the Board of Supervisors of the County of Ventura establish this Greenbelt so as to maintain its agricultural and open space uses and agree to a policy of non-urban development, non-annexation and the retention of agricultural and open space uses on the Greenbelt's lands.

Section 4: ENVIRONMENT ASSESSMENT – The City Councils of the Cities of Santa Paula and San Buenaventura finds that the proposed changes to the City of Santa Paula, City of San Buenaventura and the Ventura County Greenbelt is exempt from the requirements of the California Environmental Quality Act (CEQA), Section 15308, 15307 and 15261(a) of the State Guidelines.

Section 5. FINDINGS – The City Councils and Board of Supervisors adoption of, 1) general plan policies and zoning regulations, 2) the Guidelines for Orderly Development, 3) greenbelt agreements, and 4) the Land Conservation Act (LCA)

Program, has demonstrated a long term commitment to agricultural land conservation. The Councils and Board hereby reaffirm the following findings:

1. The predominantly agricultural Santa Clara River valley area lying generally between the City of Santa Paula and the City of San Buenaventura was originally identified as a greenbelt area by joint resolution on December 18, 1967.
2. The City Council of the City of Santa Paula passed Resolution No. 2538 on September 4, 1973, which was followed by similar resolutions of reaffirmation by the City of San Buenaventura and by the County of Ventura that same year.
3. The City Council of the City of Santa Paula again reaffirmed the greenbelt by Resolution No. 3682 on May 2, 1989.
4. California is losing farmland at a rapid rate and some of Ventura County's most developable land is also its most productive agricultural land;
5. Acre-for-acre, Ventura County's agricultural lands are among the most productive in California, nearing three times the production level of the Statewide average;
6. Encroaching urban development poses a threat to the continued viability of Ventura County's farmland, especially for parcels located adjacent to urban areas;
7. Some urban uses, when located contiguous to farmland, are incompatible with commercial agricultural operations which can lead to farmland conversion;
8. The respective City Councils of the Cities of Santa Paula and San Buenaventura, and the County of Ventura Board of Supervisors mutually desire to expand the greenbelt to encompass a larger geographic area, including agricultural and non-agricultural open spaces.
9. In November 2000, the voters of the City of Santa Paula established a City Urban Restriction Boundary (CURB) surrounding their community, requiring voter approval for annexation and urban development of territories located outside the CURB.
10. The voters of the City of San Buenaventura approved by popular vote on November 6, 2001 the establishment of Hillside Voter Participation Area (HVPA) as a means of further protecting open space areas surrounding their community.
11. Urban development of the land located within the Santa Paula — San Buenaventura Greenbelt would be undesirable and generally incompatible with the purpose of the Greenbelt;
12. The County of Ventura has established numerous farmland protection programs and initiatives in recent years including the Agricultural Lands Protection Program (ALPP) and was instrumental in creating the Ventura Agricultural Land Trust (VALT);

13. It is the policy of the County of Ventura to protect and conserve agricultural land, especially in areas that are presently farmed or feature *"Prime"* or *"Statewide Importance"* soils as defined by the Important Farmlands Inventory (IFI);
14. The loss of agricultural land to urban development is consistently a significant unmitigable impact under the California Environmental Quality Act (CEQA);
15. Agriculture represents an important component of Ventura County's economy – the loss of farmland to urban development is irreversible and may have an impact on the County's economy;
16. Protecting open space, maintaining the integrity of separate distinct cities and preventing inappropriate urban development from locating between city boundaries represent important "quality of life" goals; and
17. The retention of open space lands protects scenic resources and provides opportunities for recreational activities, parks and trail systems.

Section 6. DEFINITIONS – As used in this article, the following terms shall have the meanings set forth in this section:

AREAS OF INTEREST – Plans adopted by the Ventura Local Agency Formation Commission (LAFCO) which divide the County into major geographic areas reflective of community and planning identity. Within each *Area of Interest*, there is to be no more than one city (but there will not necessarily be a city in each *Area*).

CONSERVATION EASEMENT – A deed restriction that is granted by a landowner (grantor) on a parcel of land to another party (grantee), which prevents or limits its development. To qualify for federal tax benefits, the *easement* must be a perpetual grant to a government entity or one of a narrow class of tax-exempt charitable organizations with conservation purposes.

CITY URBAN RESTRICTION BOUNDARY (CURB) – Urban growth boundaries (see definition) that were approved by the voters or adopted by the City Council of the Cities of Camarillo, Fillmore, Moorpark, Oxnard, Santa Paula, Simi Valley and Thousand Oaks. Each jurisdiction's CURB is in effect for different periods of time. The CURBs cannot be expanded unless approved by the city's voters.

DEVELOPMENT RIGHTS -- A portion of the "bundle of property rights" or the future speculative value associated with the ownership of real estate. The *development rights* value represents the difference between the value of the property after the imposition of a restriction (e.g., conservation easement) and the value of the property before the imposition of the restriction, with both before and after value conclusions being made on the same date.

DISCRETIONARY DEVELOPMENT -- Any development proposal, project or permit which requires the exercise of judgment, deliberation or decision on the part of the decision-making authority in the process of approving or disapproving a particular activity.

GENERAL PLAN -- A long term plan for the physical development of a county or city and of any land outside its boundaries which in the planning agency's judgment bears

relation to its planning needs. The California Government Code requires that each planning agency prepare, and its legislative body adopt, seven mandatory elements of the *general plan* (including open space and conservation elements). An agriculture element is considered optional.

GREENBELT – An area consisting of irrigated agricultural land or other Important Farmlands Inventory (IFI) and designated open space lands as defined in Sections 35046 and 65560 of the Government Code.

GUIDELINES FOR ORDERLY DEVELOPMENT – The Ventura County Board of Supervisors, all city councils within Ventura County and the Local Agency Formation Commission (LAFCO) have adopted *Guidelines for Orderly Development (Guidelines)*. The *Guidelines* maintain the consistent theme that urban development should be located within incorporated cities whenever and wherever practical.

IMPORTANT FARMLANDS INVENTORY (IFI) – IFI maps for California are compiled from United States Department of Agriculture (USDA) and Natural Resources Conservation Service (NRCS) soil surveys and current land use information using eight mapping categories. Ventura County uses five of the eight IFI classifications including Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance and Grazing Land.

LAND CONSERVATION ACT (LCA) – Also known as the Williamson Act, the *LCA Program* was adopted by the State Legislature in 1965. The *program* authorizes counties to enter into "rolling" ten-year or twenty-year contracts with landowners that restrict the future use of their farmland to only agriculture-related uses in return for property tax assessments that are based on the "agriculture only" value of the land.

MINISTERIAL DEVELOPMENT – Any development proposal, project or permit where the decision-making authority merely determines whether there has been conformity with applicable statutes, ordinances or regulations.

OPEN SPACE LANDS – Land or water area that either remains in its natural state or is used for agriculture or is otherwise essentially undeveloped.

SPHERES OF INFLUENCE – Plans adopted by a Local Agency Formation Commission (LAFCO) which designates the probable ultimate boundary of a city or special district.

URBAN GROWTH BOUNDARY (UGB) – An officially adopted and mapped line that divides land to be developed from open space lands to be protected for agriculture, recreation and/or habitat use. A *UGB* is a regulatory tool, usually designated for specific periods of time. In order to provide greater certainty for both development and conservation goals, it is rarely subject to revision and could be made more fixed over time.

Section 7. GREENBELT DESCRIPTION – The San Buenaventura-Santa Paula Greenbelt is comprised of about 27,902 acres of unincorporated County territory, located between the Cities of Santa Paula and San Buenaventura and within the these cities' Areas of Interest, and is bounded by the following features and (such area depicted on Exhibit A, attached hereto as the San Buenaventura-Santa Paula Greenbelt Area Map):

Northern Boundary: Coterminous with the northern boundaries of the San Buenaventura and Santa Paula Areas of Interest.

Eastern Boundary: Southward along parcel lines to the northern boundary of the City of Santa Paula Sphere of Influence, coterminous with the Santa Paula Sphere of Influence boundary westward and southward to the southern terminus of the Santa Paula Sphere of Influence, coincident with the westernmost ridgeline of Adams Barranca watershed to Foothill Road, then following Foothill Road east to Peck Road, south to Fillmore Street, westerly to Adams Barranca, then southward along parcel lines to the southern Santa Paula Area of Interest boundary

Southern Boundary: Coterminous with the southern boundaries of the San Buenaventura and Santa Paula Areas of Interest.

Western Boundary: Northward to the City of San Buenaventura Sphere of Influence Boundary, coterminous with the Sphere of Influence boundary to the southern edge of Foothill Road, eastward and coterminous with the southern edge of Foothill Road to the eastern boundary of the City of San Buenaventura Hillside Voter Participation Act (HVPA), coterminous and northward along the HVPA boundary to its northern terminus, and northward along parcel lines to the City of San Buenaventura Area of Interest boundary.

Section 8. **SPHERES OF INFLUENCE (URBAN GROWTH BOUNDARIES)** – The boundaries of this Greenbelt will be consistent with the Santa Paula and San Buenaventura spheres of influence, where applicable. Portions of the San Buenaventura sphere of influence shall form the western boundary, and portions of the Santa Paula sphere of influence shall form the eastern boundary of the Greenbelt, respectively. The coterminous greenbelt/sphere of interest boundary, consistent with LAFCO's policies and procedures, will establish limits on the extension of urban services and infrastructure.

Because spheres of influence represent the probable ultimate boundaries of incorporated cities, the Greenbelt shall not extend into the sphere of influence of either of the two Cities unless there is a comparable adjustment to the sphere of influence (urban growth boundary). Future expansions or reductions of the spheres of influence shall be approved by the Ventura LAFCO, and the Greenbelt boundaries may be adjusted accordingly, so as to assure consistency. This resolution does not establish any regulatory authority over spheres of influence or annexations.

Section 9. **AREAS OF INTEREST** -- The boundaries of this Greenbelt include only those unincorporated County lands that are located within the Santa Paula and San Buenaventura *Areas of Interest.* Future modifications of the Greenbelt's boundaries will not be permitted to cross over adjoining *Area of Interest* boundaries.

Section 10. **TIME FRAME AND REVIEW PROCEDURES** -- The description, terms, conditions and features of the Greenbelt resolution will be in effect for an indefinite time period. Periodic reviews of the Greenbelt's boundaries, features and other factors will be conducted at five year intervals.

Section 11. **AMENDMENT PROCEDURES** – Proposals for amending the boundaries or features of the Greenbelt could be initiated by the Cities of Santa Paula, San Buenaventura, or the County of Ventura. Proposed amendments will be reviewed by a Technical Review Committee (TRC) comprised of representatives from the participating cities, the County and LAFCO.

After reviewing the proposal, the TRC will forward a recommendation to the Santa Paula and San Buenaventura City Councils, the Board of Supervisors and LAFCO concerning the merits and deficiencies of the proposed greenbelt amendment.

Section 12. **ANNUAL REPORT** – Annually, beginning one year after the adoption of this resolution, the City of Santa Paula's Planning Director will provide a report to the City Planning Commission. The report will list and report on the status of all lands and easements located within the Greenbelt and report on any changes to the Cities of Santa Paula and San Buenaventura greenbelt resolutions.

Section 13. **LAFCO ACTION** – The City Council of the City of Santa Paula requests that the Ventura Local Agency Formation Commission (LAFCO) endorse and certify this Greenbelt Resolution and continue to act in a manner consistent with the preservation of the aforementioned lands for agricultural and open space purposes.

Section 14. **PRECEDENCE** – This Resolution will take precedence over all previous resolutions or parts of resolutions, pertaining to the Santa Paula-San Buenaventura Greenbelt, in conflict herewith.

Section 15. **SEVERABILITY** – If any section, subsection, sentence, clause or phrase of this resolution is held by a court of competent jurisdiction to be invalid, such decision will not affect the remaining portions of this resolution. The City Councils and Board of Supervisors hereby declare that it would have passed this resolution and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

NOW, THEREFORE, BE IT RESOLVED, BY THE RESPECTIVE CITY COUNCILS OF THE CITIES OF SANTA PAULA AND SAN BUENAVENTURA, AND BY THE BOARD OF SUPERVISORS FOR THE COUNTY OF VENTURA, that the boundaries of the area located between the two cities for which each City desires to pursue and maintain a policy of non-annexation, known as San Buenaventura – Santa Paula Greenbelt Area, shall be duly expanded and modified as shown on Exhibit A of this Resolution.

BE IT FURTHER RESOLVED THAT, as may be necessary following future actions by the Ventura County LAFCO to modify the Santa Paula Sphere of Influence, this agreement may be amended in the future to ensure that the Greenbelt boundary line for that portion of the Greenbelt located north of Foothill Road will remain coincident with the SOI boundary line.

BE IT FURTHER RESOLVED BY THE RESPECTIVE CITY COUNCILS OF THE CITIES OF SAN BUENAVENTURA AND SANTA PAULA, AND BY THE BOARD OF SUPERVISORS FOR THE COUNTY OF VENTURA, that this Agreement is found to be consistent with the preservation of the aforementioned lands for agricultural and other open space purposes.

The respective Clerks of the City of San Buenaventura, the City of Santa Paula, and the County of Ventura are hereby directed to send certified copies of this Resolution to the Ventura County Local Agency Formation Commission.

[Approval signatures are on the following three pages]

PASSED, APPROVED AND ADOPTED, this ____ day of September, 2005.

(City of Santa Paula)

PASSED AND ADOPTED this 6 day of September, 2005.

Mary Ann Krause,
Mayor

ATTEST:

Josie G. Herrera,
City Clerk

CITY OF SANTA PAULA INCORPORATED APRIL 22, 1902 VENTURA CO. CAL.

APPROVED AS TO FORM:

Karl H. Berger,
City Attorney

APPROVED AS TO CONTENT:

Wally Bobkiewicz,
City Manager

Certified Copy
Record on File
City of Santa Paula
Josie G. Herrera
City Clerk

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

PASSED, APPROVED AND ADOPTED, this 14 day of November 2005.

(City of San Buenaventura)

Mr. Brian Brennan, Mayor
City of San Buenaventura

ATTEST:

Roxanne Frouillo
for Mabi Plisky, City Clerk
City of San Buenaventura

APPROVED AS TO FORM:

Robert Boehm, City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss

PASSED, APPROVED AND ADOPTED, this ____ day of _____, 2005.

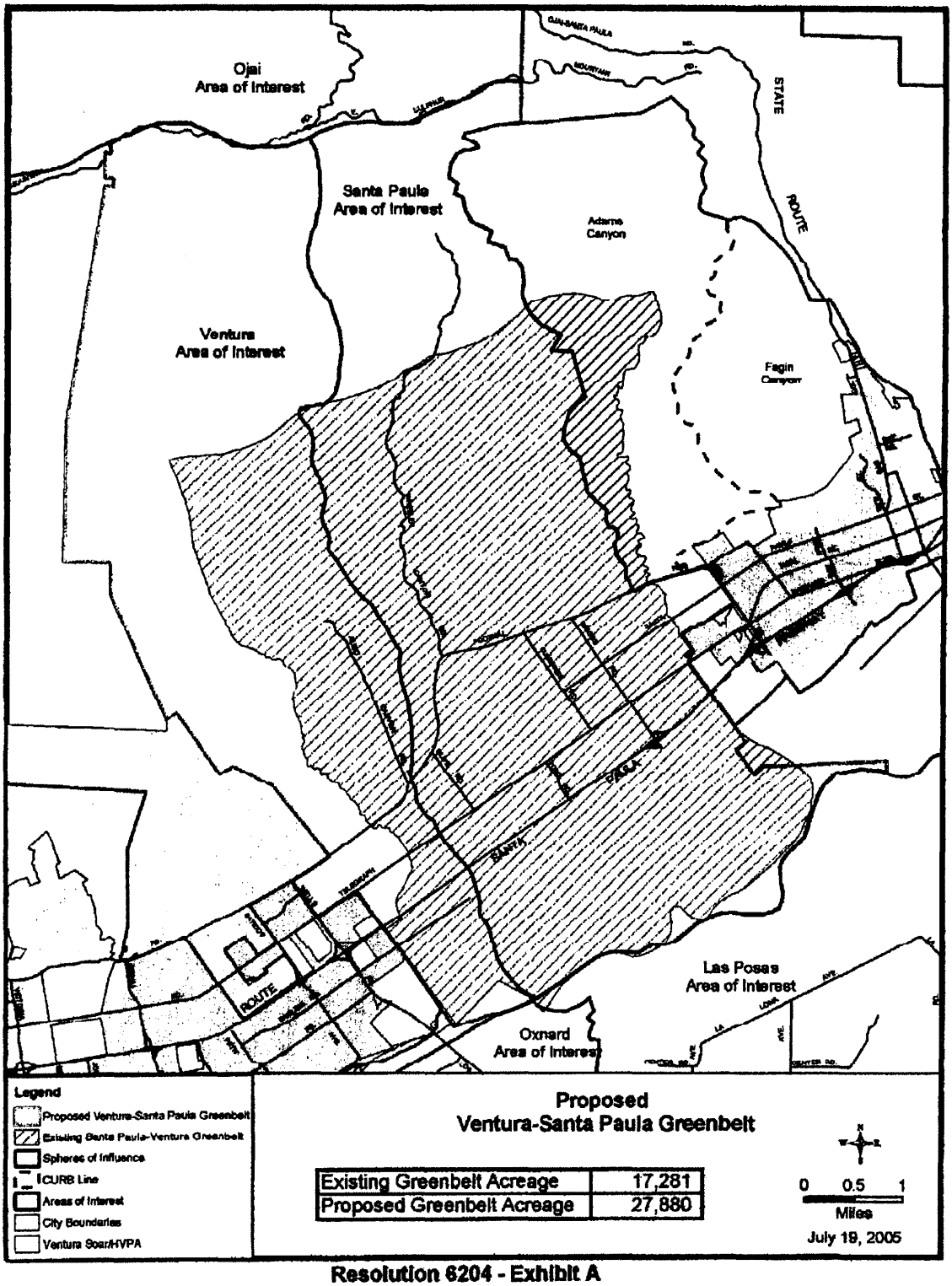
(County of Ventura)

Upon motion of Supervisor _____, seconded by Supervisor _____, duly carried, the foregoing Resolution was passed and adopted on this __th day of ____, 2005

_____
Ms. Kathy Long, Chair
Board of Supervisors
County of Ventura

ATTEST: JOHN F. JOHNSTON
Clerk of the Board of Supervisors
County of Ventura, State of California

By_____
Deputy Clerk of the Board



Resolution 6204 - Exhibit A

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

I, FIDELA GARCIA, Deputy City Clerk of the City of San Buenaventura, California, do hereby certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting held on November 14, 2005, by the following vote:

AYES: Councilmembers Smith, Fulton, Weir, Andrews, and Brennan.

NOES: Councilmember Monahan.

ABSENT: Councilmember Morehouse

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on November 15, 2005.

Fidela Garcia

Fidela Garcia, Deputy City Clerk

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ATTACHMENT G

ANNUAL HOUSING ELEMENT STATUS REPORT

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CITY OF
VENTURA

March 4, 2013

Glen Campora
Assistant Deputy Directory
HCD – Division of Housing Policy Development
P.O. Box 952053
Sacramento, CA 94252-2053

Re: City of San Buenaventura 2012 Housing Element Annual Progress Report

Dear Mr. Campora:

With the 2012 certification of the City of San Buenaventura's (Ventura) Housing Element, the City agreed to begin providing one-year annual reports per the HCD standard templates. Because this is the first year in this format, previous years are not tabulated as noted in the report. Attached herewith is Ventura's Annual Housing Element Progress Report for calendar year 2012.

If you have any questions regarding this report, please contact me at (805) 677-3964 or dward@cityofventura.net.

Sincerely,

Dave Ward
Planning Manager
Community Development Department

C: Governor's Office of Planning and Research

Department of Housing and Community Development

ANNUAL HOUSING ELEMENT PROGRESS REPORT

City or County Name: San Buenaventura (Ventura)

Mailing Address: 501 Poli Street, P.O. Box 99, Ventura CA 93002

Contact Person: Dave Ward Title: Planning Manager

Phone: 805.677.3964 FAX: _____ E-mail: dward@cityofventura.net

Reporting Period by Calendar Year: from January 1, 2012 to December 31, 2012

These forms and tables, (see sample – next page) must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1, of each year for the prior calendar year; submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

Department of Housing and Community Development
Division of Housing Policy Development
P.O. Box 952053
Sacramento, CA 94252-2053

-and-

Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction **City of San Buenaventura (Ventura)**

Reporting Period **01/01/12 - 12/31/12**

Table A
Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information									Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions
1	2	3	4				5	5a	6	7	8
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Building Permits initially issued prior to 2012, with final building permits issued & construction completed in 2012:											
Azahar Place Citrus Drive, Ventura	5+	R	30	29	1	0	**60**	0	TCAC, CDLAC, RDA, HOME, MHP, HCD - Joe Serna Farmworker Housing	HOME, RDA, TCAC, HCD-MHP, HCD-JSFWH, USDA Rural Development Section 514, TCAC ARRA funds.	
Encanto del Mar Thompson Blvd., Ventura	5+	R	36		1		**37**	37	NSP Tier 1, NSP Tier 3, and 9% Tax Credit	NSP Tier 1, NSP Tier 3, and 9% Tax Credit	
Building Permits initially issued in 2012; final permits not issued and construction not completed in 2012:											
							0				
							0				
							0				
TOTALS			**66**	**29**	**2**	**0**	**97**	**37**			
(9) Total **of Moderate and Above Moderate** from Table A3 ► ►									[illegible]	[illegible]	[illegible]
(10) Total by income Table A/A3 ► ►			102						[illegible]	[illegible]	[illegible]

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction **City of San Buenaventura (Ventura)**

Reporting Period **01/01/12 - 12/31/12**

Table A
Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information								Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions
1	2	3	4				5	5a	6	7	8
(11) Total **Extremely Low-Income** Units*			0								

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of San Buenaventura (Ventura)

Reporting Period 01/01/12 - 12/31/12

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units		1		1	Alice's House was acquired by Kids & Families Together with City CDBG funding, consistent with the Quantified Objective of providing units through housing rehabilitation programs for the cycle covered in the Housing Element (p. 27).
(5) Total Units by Income	0	1	0	1	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction **City of San Buenaventura (Ventura)**

Reporting Period **01/01/12 - 12/31/12**

Table A3

Annual Building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)

	1. Single Family	2. 2-4 Units	3. 5+ Units	4. Second Unit	5. Mobile Home	6. Total	7. Number of Infill Units*
No. of Units Permitted for **Moderate**						0	
No. of Units Permitted for **Above Moderate****	50			10		60	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction **City of San Buenaventura (Ventura)**

Reporting Period **01/01/12 - 12/31/12**

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Income Level		RHNA Allocation by Income Level	Year 1 2008 *	Year 2 2009 *	Year 3 2010 *	Year 4 2011 *	Year 5 2012	Year 6 2013	Total Units to Date *	Total Remaining RHNA by Income Level *
Very Low	Deed Restricted	849					66		66	783
	Non-deed restricted								0	
Low	Deed Restricted	703					29		29	674
	Non-deed restricted								0	
Moderate	Deed Restricted	816							0	814
	Non-deed restricted						2		2	
Above Moderate	N/A	1,643					60		60	1,583
Total RHNA by COG. Enter allocation number:		4,011							0	4,011
Total Units ► ► ►			0	0	0	0	157			
Remaining Need for RHNA Period ► ► ► ► ►										
Note: Units serving extremly low-income households are included in the very low-income permitted units totals.										

*** Per previous communication between the Department of Housing and Community Development and the City of Ventura, accomplishments for previous years (2008-2011) are not included in this table. Therefore, "Total Units to Date" and "Total Remaining RHNA by Income Level" data is not cumulative (data only represents 2012).**

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of San Buenaventura (Ventura)
Reporting Period 01/01/12 - 12/31/12

Table C

Prog. #	**Program Description:** By Housing Element Program Names	**Housing Programs Progress Report - Government Code Section 65583:** Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
	Name of Program	**Objective**	**Status of Program Implementation**
Housing Conservation			
1	**Housing Preservation Program (HPP)**	Assist 30 Households with Housing Preservation Loans.	After issuing eleven deferred loans up to $25,000 each to low-income homeowners in 2011-2012, the **Housing Preservation Program (HPP)** program was put on a temporary hold. The City is considering additional funding sources for the program and, if it is restarted, will revise the program parameters and materials.
2	**Housing Code Enforcement Program**	Continue implementation of Housing Code Enforcement Program. Potential implementation of a resale inspection program.	In 2012, 586 code enforcement cases were resolved within the City; approximately 40% (or 238) were **Housing Code Enforcement** cases. A **Second Unit Amnesty Program** began in October 2011 allowing homeowners with illegal 2nd units to bring the units in compliance with the Municipal Code. The initial application deadline of December 2012 was extended to December 2013. Applicants seeking amnesty will have final inspection no later than June 30, 2014. Under the 2nd Unit Amnesty program in 2012, sixteen (16) second units were finalized, eight (8) 2nd unit permits were issued, and three (3) permit were submitted for review. In September 2011, the **Building Records Disclosure Report (BRDR) Program** was started to ensure full disclosure of permitted building activity prior to transfer of the property. The BRDR program requires that during escrow of a residential property, both buyer and seller acknowledge receipt of permit information.
3	**Condominium Conversion Ordinance**	Continue to enforce the Condominium Conversion Ordinance.	City continues to enforce the **Condominium Conversion Enforcement**. To date, no conversions have been processed and, hence, no new rental units have been created as a result of conversion.
4	**Section 8 Rental Assistance**	Continue to participate in Housing Authority's Section 8 program and encourage the Housing Authority to seek additional subsidy funding, if offered by HUD.	The Housing Authority was invited to apply for 25 VASH Vouchers, and received 25 VASH vouchers in 2012. The Housing Authority also applied for 5 Shelter plus Care Vouchers through Continuum of Care in 2012 for 2013 funding.
5	**Preservation of Assisted Housing**	Monitor at-risk units, coordinate conversion of Ventura Terrace, purchase affordability covenants.	**Ventura Terrace**: Affordability covenant expired, owner declined to further participate; HUD issued 97 enhanced vouchers to continue the affordability. **Casa de Anza**: Affordability covenant expires in 2013. **Weston Colony**: Affordability covenant expired in April 2012. **664 Riverside**: Affordability covenant expires in November 2016.
6	**Mobile Home Park Rent Stabilization**	Continue to enforce Mobile Home Park Rent Stabilization.	The City continued to administer its **Mobile Home Rent Stabilization Municipal Code** Section 6.600 in its entirety. A total of eleven (11) rent adjustment applications were received and processed within the prescribed 30-day time frame.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of San Buenaventura (Ventura)
Reporting Period 01/01/12 - 12/31/12

Table C

Prog. #	**Program Description:** By Housing Element Program Names	**Housing Programs Progress Report - Government Code Section 65583:** Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
	Name of Program	**Objective**	**Status of Program Implementation**
7	**Mobile Home Park Preservation**	Continue to preserve the Mobile Home Park designation.	A request to convert a Mobile Home Park to a condominium map was denied by the Planning Commission; an appeal to City Council was also denied. The owner then appealed to the State Court and won; the judgement required the City to rehear the case and approve the condo map, which was done. There is no change in zone with this action, and the Mobile Home Park (MHP) designation remains, however, each unit may be sold individually, as a "condominium." Per the State Subdivision Map Act (Gov't Code Section 66427.5), upon sale of at least one unit the park would not be subject to the City's rent stabilization ordinance. The condominium conversion would not require existing tenants to purchase their space nor relocate. For tenants choosing to stay and continue renting, the monthly rent would increase over a four-year period to market rate. For qualified low-income households, the monthly rate would increase by an amount equal to the average monthly increase in rent in the four previous years or the average monthly percentage increase in the Consumer Price Index, which ever is less.
8	**Mobile Home Park Resident Ownership Program (MHROP)**	Provide MPROP info to MHP tenants & non-profit organizations active in MHPs. Support applications to the State HCD.	Each quarter in 2012, City staff met with the Mobile Home Park Residents Council to discuss issues of concern to park residents, including the proposed conversion of a mobile home park to a park where space ownership through purchase would be offered. The City's Mobile Home Rent Administrator also participated in a League of California Cities Task Force to review proposed and/or pending legislation concerning various mobile home park and mobile home park resident issues.
9	**Mobile Home Grant Program**	Assist 10-20 MH owners/year (60-120 over 6-year period).	Assisted 7 MH owner-occupants each with a loan up to $5,000 for rehabilitation of MH unit; loan is forgiven 20% each year up to five years of continued owner-occupancy. Assisted additional 20 MH owner-occupants with preliminary work write ups and processing.
10	**Rental Acquisition and Rehabilitation Program**	Continue to seek opportunities for acquisition and rehabilitation of deteriorating rental properties in locations that contribute to overall neighborhood revitalization.	In 2012, the City Council approved issuance of a HOME NOFA giving priority to acquisition/rehabilitation rental projects that also provide community benefit. The HOME NOFA will issued in early 2013, with funding awarded by mid-2013.
Production of Housing			
11	**Workforce & Downtown Housing**	Provide financial and regulatory incentives to developers to increase supply of rental Affordable Housing for lower income workforce.	Through an agreement between the City and the Ventura Housing Authority, $25,000 is provided by the City for permits or other development costs, at the Housing Authority's discretion. The City provided $3 million in HOME and RDA funds for the Azahar Place project, which opened in 2012. Azahar comprises 60 units of workforce housing, including 30 units reserved for farmworkers, 29 units for low-income at 60%, and 1 manager's unit.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of San Buenaventura (Ventura)
Reporting Period 01/01/12 - 12/31/12

Table C

Prog. #	**Program Description:** By Housing Element Program Names	**Housing Programs Progress Report - Government Code Section 65583:** Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
	Name of Program	**Objective**	**Status of Program Implementation**
12	**For-Sale Housing Assistance**	Seek partnerships in securing Prop 1C/ other funding, with goal of at least 1 mixed income for-sale housing project. Assist Low-Income Households with Homebuyer Assistance Program.	During 2012, a mixed income, for-sale housing project was not developed. The Homebuyer's Assistance Program was not in effect during 2012, thus no loans were issued.
13	**Homebuyer Assistance Program (HBAP)**	Evaluate program guidelines and outside funding opportunities; expecte completion for evaluation is beyond 2014, at which time program is expected to reopen.	Program is currently on hold. City is currently evaluating funding sources other than HOME for ths program.
14	**Interim Inclusionary Housing Ordinance**	Continue to implement the interim inclusionary ordinance.	**Ventura Cannery Apartments**: 78 units, 12 AH (7 low/moderate income and 5 very low income), in compliance with the Inclusionary Housing Program of the Downtown Merged Project Area.
15	**Second Units**	Facilitate development of at least 8 units annually; address safety of illegal unit conversions by 2013.	In 2012, 1 permit for an individual 2nd unit was issued/ approved. Also in 2012, nine (9) 2nd Units were permitted and are under construction within the 47-single family Aldea Hermosa project. These 2nd units are not restricted.
16	**Non-Traditional Housing**	Revise zoning regulations (by '13) through form-based codes in facilitating development of non-traditional housing.	Although zoning codes have been adopted during the six-year Housing Element program term, no codes were adopted and/or revised in 2012.
17	**Public Service Employees Assistance**	Continue to implement/ monitor Employee Housing Assistance Program; assist 5 households.	This program was removed due to a lack of funding and concern with public service benefits.
Provision of Housing Sites			
18	**10-Year Strategy to End Homelessness**	Continue to fund and support Strategy; participate in Interagency Council on Homelessness for Ventura County as set forth in Recommendation #19 of the Strategy.	The City continues to fund and support the 10 Year Strategy to End Homelessness (the Strategy). A recent decision by the Ventura Council of Governments (VCOG) established VCOG as the Inter-Agency Council on Homelessness (IACH) for Ventura County, pursuant to Recommendation #19 in Ventura County's Strategy.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of San Buenaventura (Ventura)
Reporting Period 01/01/12 - 12/31/12

Table C

Prog. #	**Program Description:** By Housing Element Program Names	**Housing Programs Progress Report - Government Code Section 65583:** Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
	Name of Program	**Objective**	**Status of Program Implementation**
19	**Infill First Strategy**	Continue to facilitate infill development through site assembly and lot consolidation; maximize higher density residential and mixed uses (e.g., 30 du/ac). Promote infill development and support rezone efforts within General Plan districts, corridors, neighborhood centers, and/or community plan areas.	The City's *Infill First Stategy* was amended in 2012. Accomplishments related to that strategy include: **2055 North Ventura Avenue**: Change of zone from General Industrial (M-2) to Mixed Use (MXD) in the *North Avenue Corridor*. The 6.01-acre lot currently developed with a 21,000 sf industrial building will become 6 separate neighborhood blocks with 105 condos (density of 17 du/ac), including 16 income-restricted units, 7,300 sf of commercial, and a 1/4-acre public park. **Island View**: 154 apartment units (density of 38.12 du/ac) in the *Victoria Corridor*. Since rental projects are not subject to the Interim Inclusionary Housing ordinance, none of the units are income-restricted. **Los Angeles Avenue Apartments**: Approved in 2012, this project is development of 60 multi-family on just over 2 acres (density of 24 du/ac), including 25 low-income, 24 farmworker, and 1 manager's apartments within the *Saticoy Specific Plan/Saticoy Village* area. **Jen-Ven**: Approved in 2012, this project is development of 51 condominiums on just over 3 acres (density of 16.5 du/ac), including 5 of condominiums that are restricted at moderate-income level, within the *Saticoy Specific Plan* area. **Parlkand Apartments**: Approved in May of 2012, this project is development of 173 rental apartments on a 7.1-acre site, adjacent to a proposed for-sale project (density of 24 du/ac), along the *Wells Road Corridor*. Although this rental project is not subject to the Interim Inclusionary Housing ordinance, typical rents for apartments in Ventura fall within the moderate-income level. **The Bluffs**: Property Owner requested a reclassification of the Comprehensive Plan land use designation of *Industrial Planned Development* to *Planned Residential* (PR-20). City Council denied the request; the applicant has asked for a re-hearing. The proposed project has an average unit count of 20 units per acre however, the density range is from 6 to 36 du/ac.
20	**Transitional & Supportive Housing, Emergency Shelters**	Amend zoning code (by '12) to allow emergency shelters by right in M-1 & M-2, & amend definitions transitional and supportive housing.	The City approved SB2 in 2011, allowing emergency shelters by right within the M-1 and M-2 industrial zones.
21	**Farm Worker Housing**	Enable FW housing development thru Community/ Specific Plan policies where AG is within community's framework.	Farmworker Ordinance adopted in 2012, including policy allowing Farm Worker housing in Agricultural land. **A copy of the Ordinance is included with this Report as Exhibit A.**
22	**Adaptive Reuse Ordinance**	Evaluate nonconformity regulations, determine provisions for an adaptive reuse ordinance with development standards and building codes in 2013.	This program is still under consideration.
23	**City Land for AH**	Inventory Agency-owned & Downtown sites, assist with site assembly/ land write-downs. Evaluate in '13.	With the demise of the Redevelopment Agency, pursuant to Assembly Bill 1x 26 (AB1x26) and Assembly Bill 1484 (AB1484), the identified Agency properties will be part of a Long Range Property Management Plan (Plan) which is mandated by certain requirements by the State of California. Based on the Plan, if the identified properties become part of the City-owned property inventory then they could be utilized as potential sites for development inclusive of affordable housing.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of San Buenaventura (Ventura)
Reporting Period 01/01/12 - 12/31/12

Table C

Prog. #	**Program Description:** By Housing Element Program Names	**Housing Programs Progress Report - Government Code Section 65583:** Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
	Name of Program	**Objective**	**Status of Program Implementation**
Removal of Constraints			
24	**Affordable Housing Program - Density Bonus Ordinance**	Evaluate and amend density bonus provisions of the Affordable Housing Program consistent with State law, by 2013.	In compliance with State Law requiring jurisdictions to bring their ordinances into conformance with State Density Bonus Law, an Ordinance Amendment to Division 24 of the City's Municipal Code was drafted with City Attorney in Fall 2012. The Planning Commission recommended approval; City Council condsidered the ordinance on February 11, 2013 and directed additional work from staff. The oridinance will return to Council for approval in April. **A copy of the Draft Ordinance is included with this Report as Exhibit B.**
25	**Streamlined Processing Procedures**	Continue to streamline processing times, develop form based codes, report to CC annually, and adjust accordingly by 2013.	Community Development continues to coordinate with the development community/ developers about the processes and procedures.
Equal Housing			
26	**Fair Housing Program**	Continue to promote FH, education & outreach, contract with HA for tenant/landlord inquiries, & HRC	In 2012, the Housing Rights Center of Los Angeles and the Housing Authority of the City of San Buenaventura provided fair housing services for the City, collectively distributing fair housing literature, including pamphlets & posters, in English and Spanish to Public Services Organizations; Press Releases & Public Service Announcements were distributed to Radio & T.V. Landlord/ Tenant Workshops, Tester Trainings, Fair Housing Presentations, and Seminars were conducted. Housing Authority provided housing and referral services to 201 persons, and the Housing Rights Center provided services to promote fair housing including counseling and investigative services for housing discrimination, public education and outreach to 141 persons.
27	**Universal Design**	Continue work with major homebuilders to provide universal design features in new construction.	The City continues working with homebuilders in providing universal design features in new construction.
28	**Reasonable Accommodation**	Amend Municipal Code, by 2013, establishing reasonable accommodations consistent with State/ Federal law.	The City adopted the most recent California Building Code, which requires reasonable accommodation.

EXHIBIT A

2012-017 FARM EMPLOYEE HOUSING ORDINANCE

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ORDINANCE NO 2012-017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA AMENDMENT TO DIVISION 24 OF THE MUNICIPAL CODE TO COMPLY WITH THE EMPLOYEE HOUSING ACT BY IDENTIFYING FARM EMPLOYEE HOUSING AS AN AGRICULTURAL LAND USE

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

Section 1. Findings. The City Council finds and determines as follows:

A. The Employee Housing Act, Health and Safety Code Sections 17000, *et seq.*, establishes, among other things, state policy that each county and each city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need.

B. Health and Safety Code Sections 17021.5 and 17021.6 prohibit a city from requiring for farm employee housing a conditional use permit, zoning variance, or other zoning clearance that is not required of any other family dwelling of the same type in the same zone or any other agricultural activity in the same zone.

C. State Employment Development Department data (2007) and the 2008-2010 American Community Survey estimates indicate that there are between 291 to 832 persons employed in the agricultural business that are located in the City.

D. The City of San Buenaventura currently permits farm employee housing only in the Agricultural (A) zone subject to a conditional use permit.

E. The City currently permits agricultural type uses in the R-1 Single Family Residential (R-1), M-1 Limited Industrial (M-1) and restricted agricultural type uses in the M-2 General Industrial (M-2) zoning designations and not Farm Employee Housing.

F. There is not a substantial need for Farm Employee Housing in the M-1 or M-2 zones as there is no current crop production in these zones and it is primarily intended for non-residential type uses.

G. Farm employee housing should be designed for the protection of the public health, safety and welfare and allow for the development of farm employee housing which affirms the goals and objectives set forth in the City's Housing Element and State law.

H. The City's General Plan Housing Element (2008-2014) includes program #21: Farm Worker Housing with the objective to amend the Zoning Regulation to be consistent with the Health and Safety Code.

I. Based upon the foregoing, the City Council finds that it is in the local and regional public interest, will promote the health, safety and general welfare, and is consistent with the City's General Plan, to amend the City's Zoning Ordinance to comply with the Employee Housing Act.

Section 2. Section 24.210.020 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.210.020. - Uses—Permitted.

The following use types are permitted in the R-1 zone, subject to the provisions of this chapter:

1. Residential.

   Family Residential: Mobile Home
   Family Residential: Single Family
   Farm Employee Housing
   Residential Care
   Residential Second Unit

2. General.

   Government Services
   Recreation Services: Public Parks and Playgrounds
   Recycling Services: Consumer Recycling Collection Points
   Wireless Telecommunications Facilities: Mini
   Wireless Telecommunications Facilities: Minor

3. Agricultural.

   None

Section 3. Section 24.210.030 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.210.030. - Same—Subject to a use permit.

The following use types may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520:

1. Residential.

   Farm Employee Housing

2. General.

   Automotive and Accessories: Parking
   Community Meeting
   Cultural and Library Services
   Day Care Centers
   Education Services: General
   Group Care
   Lodging Services: Bed and Breakfast Inns
   Nursery Sales
   Safety Services
   Utility or Equipment Substations
   Wireless Telecommunications Facilities: Major

3. Agricultural.

   Animal Husbandry
   Crop Production
   Horticulture: Cultivation
   Indoor Production

Section 4. Section 24.210.050 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.210.050. - Same—Special provisions.

Uses listed in Sections 24.210.020 through 24.210.040 must also comply with the following special provisions:

1. Accessory structures. Accessory structures, except garages as defined by Section 24.110.810, and/or structures containing less than 750 square feet, shall obtain a Director's Permit based on the provisions of Chapter 24.505. All applications for granting or amending a Director's Permit for a Detached Accessory Structure shall be considered at a noticed public hearing as prescribed by Chapter 24.560

2. Design review. Design Review approval by the Design Review Committee must be obtained to the extent required by Chapter 24.545

3. Temporary uses. Temporary uses may be conducted in the R-1 zone only to the extent permitted by Chapter 24.120

4. Home occupations. Home Occupations may be conducted in the R-1 zone only to the extent permitted by Chapter 24.125

5. Residential Second Units. Uses classified under the Residential Second Unit use type must comply with the provisions of Chapter 24.430

6. Factory-built homes. Factory-built homes may be used for residential purposes in the same manner as conventional site-built housing subject to the provisions of this Chapter.

7. Group Care. All Group Care uses must comply with the provisions of Chapter 24.435

8. Mobile homes. Uses classified as Family Residential: Mobile Home use types must be located on a permanent foundation system and must comply with the following architectural standards:

(a) Roofing and siding materials shall be non-reflective; and

(b) Roofs shall have a minimum roof overhang of 16 inches.

9. Domestic animals. Domestic animals, as defined in Chapter 24.110, are permitted, provided that, no more than six adult animals over the age of four months are permitted per dwelling unit, and further provided that, no more than three adult dogs shall be permitted per dwelling unit.

10. Livestock animals. Livestock animals are permitted in the R-1 zone only to the extent allowed by subsections 11. and 12. of this Section.

11. Livestock animal raising—Group-sponsored projects. Rabbits, sheep, goats, and fowl, other than roosters, may be raised, kept, or maintained as an incidental use of a site in the R-1 zone for 4-H or other organized group-sponsored projects only if a director's permit is approved pursuant to Chapter 24.505 to authorize the raising of such animals and only if the following provisions of this subsection are met:

(a) No such livestock animal or animals shall be raised, kept or maintained without a valid Director's Permit. All terms and conditions of the required Director's Permit shall be complied with at all times;

(b) No more than a total of four such livestock animals, including fowl, shall be raised, kept or maintained on any one lot;

(c) No such livestock animal, including fowl, shall be housed, stabled, lodged, confined, or otherwise maintained within 35 feet

of any school, church, hospital, place of business, residence, dwelling unit, or other building used for human habitation other than any dwelling units on the subject site;

(d) Any lot used for the keeping of sheep or goats for this type of project must have a minimum lot area of 6,000 square feet;

(e) An application packet for a Director's Permit, including an application form, a neighbor consent form, and other related materials specified by the Director, shall be filed with the Director so as to allow at least 30 days for processing prior to the proposed initiation of such incidental use; and

(f) If all the residents and property owners of properties abutting the subject site have signed a neighbor consent form, the Director shall review and consider the Director's Permit application to determine whether the requirements of this subsection are met. If one or more of the adjacent neighbors do not sign the neighbor consent form, the Director shall refer the Director's Permit application to the Planning Commission pursuant to Section 24.505.030. In such instance, the Planning Commission shall review and consider the application following a public hearing for which notice has been as provided pursuant to Chapter 24.560

12. Animal Husbandry—Livestock animals. Animal Husbandry uses involving livestock animals are permitted in the R-1 zone only to the extent allowed by this subsection:

(a) Animal Husbandry uses carried out in the R-1 zone are limited to the raising of dogs, cats, horses, cows, oxen, sheep, goats, and fowl, not including roosters;

(b) No such livestock animals shall be raised, kept, or maintained on a lot having an area of less than one acre;

(c) The number of such livestock animals allowed shall not exceed two adult animals and their immature offspring per one acre;

(d) The total number of such livestock animals on any one site, regardless of its total acreage, shall not exceed four adult animals and their immature offspring; and

(e) No such livestock animal, including fowl, shall be housed, stabled, lodged, confined, or otherwise maintained within 35 feet of any dwelling unit or other building used for human habitation

or within 100 feet of any public park, school, hospital, or similar institution.

13. Animal Husbandry—Domestic animals. Animal Husbandry uses involving domestic animals, as defined in Chapter 24.110, are permitted in the R-1 zone only to the extent allowed by this subsection:

(a) Animal Husbandry uses involving domestic animals in the R-1 zone are limited to the commercial raising, for purposes of sale, of domestic animals;

(b) No such domestic animals shall be kept or maintained on the site for purposes other than raising such animals for subsequent sale. Boarding, training or otherwise keeping any such domestic animal not owned by a person residing at the site is prohibited;

(c) No such domestic animals shall be raised, kept, or maintained on a lot having an area of less than 6,000 square feet;

(d) The number of such animals allowed shall not exceed two adult animals and their immature offspring per each 6,000 square feet of lot area;

(e) The total number of such domestic animals on any one site, regardless of its total acreage, shall not exceed four adult animals and their immature offspring; and

(f) No such domestic animal shall be housed, stabled, lodged, confined, or otherwise maintained within 35 feet of any dwelling unit, or other building used for human habitation, except for the dwelling unit on that site, or within 100 feet of any public park, school, hospital, or similar institution.

14. Recycling Services: Consumer Recycling Collection Points. Uses classified in the Recycling Services: Consumer Recycling Collection Points use type must comply with the provisions of Chapter 24.485

15. Wild animals. Wild animals may be permitted in the R-1 zone only if all the following requirements of this subsection are met:

(a) The only wild animals that may be permitted are:

(1) Chipmunks or squirrels

(2) Turtles

(3) Raccoons

(4) Marmoset, spider or squirrel monkeys

(5) Non-poisonous snakes

(6) Hawks, falcons or other raptors;

(b) No such wild animal may be kept or maintained unless any and all permits required by the California Department of Fish and Game have been approved therefor; and

(c) No such wild animal shall be housed, stabled, lodged, confined, or otherwise maintained within 35 feet of any school, church, hospital, place of business, residence, dwelling unit, or other building used for human habitation other than the dwelling unit on the subject site.

(d) Such wild animals may only be kept and maintained for noncommercial purposes.

16. Wireless Telecommunications Facilities: Minor. Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a Director's Permit pursuant to Chapter 24.505

17. Farm Employee Housing. All Farm Employee Housing uses must comply with the provisions of Section 24.435.030.

Section 5. Section 24.260.020 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.260.020. - Uses—Permitted.

The following use types are permitted subject to the provisions of this chapter:

1. Residential.

None

2. General.

Administrative, Business, and Professional Services
Animal Sales and Services: Grooming and Pet Stores
Animal Sales and Services: Veterinary
Animal Boarding

Automotive and Accessories: Automotive Rentals
Automotive and Accessories: Automotive Repairs, Bodies
Automotive and Accessories: Automotive Repairs, Systems
Automotive and Accessories: Automotive Sales, Retail
Automotive and Accessories: Automotive Sales, Wholesale
Automotive and Accessories: Operable Vehicle Storage
Automotive and Accessories: Parking
Boating and Harbor Activities: Boat Building or Repair
Boating and Harbor Activities: Boat Sales and Services
Business and Professional Support
Construction Sales and Services: Building Contractor Yards
Construction Sales and Services: Building Supply Stores
Construction Sales and Services: Lumberyards
Cultural and Library Services
Dining Establishments: Ancillary Service
Dining Establishments: Fast Counter Service
Dining Establishments: Full Service
Dining Establishments: Take Out
Drinking Establishments
Education Services: Commercial
Emergency Shelter
Equipment Rentals, Sales, and Services: Heavy
Equipment Rentals, Sales, and Services: Light
Food and Beverage Retail Sales
Food and Fish Processing: Fish and Meat Processing
Food and Fish Processing: Food Processing
Funeral and Interment Services
Government Services
Laundry Services
Light Industrial
Medical Services: Consulting
Medical Services: Mobile Equipment
Nursery Sales
Oil Equipment Services: Light
Personal Services
Personal Storage
Property Maintenance Services
Recreation Services: Public Parks and Playgrounds
Recycling Services: Consumer Recycling Collection Points
Repair Services
Research or Laboratory Services
Retail Sales
Safety Services
Shopping Center: Small
Wholesaling and Distribution
Wireless Telecommunications Facilities: Mini

Wireless Telecommunications Facilities: Minor

3. Agricultural.

None

Section 6. Section 24.260.030 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.260.030. - Same—Subject to a use permit.

The following use types may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520:

1. Residential.

Family Residential: Caretaker

2. General.

Auction Sales
Automotive and Accessories: Cleaning
Automotive and Accessories: Gasoline Sales
Automotive and Accessories: Impound Yards
Billboards
Community Meeting
Day Care Centers
Dining Establishments: Fast Service, Drive-Up
Education Services: General
Farm Employee Housing
Farmers' Market, Certified
General Industrial
Group Care
Hazardous Waste Facility
Helicopter Landing Services
Oil Equipment Services: Heavy
Recreation Services: Indoor Entertainment
Recreation Services: Indoor Sports and Recreation
Recreation Services: Outdoor Entertainment
Recreation Services: Outdoor Sports and Recreation
Recycling Services: Recycling Transfer
Recycling Services: Scrap Operations
Shopping Center: Large
Swap Meets
Transportation Services

Utility or Equipment Substations
Wireless Telecommunications Facilities: Major

3. Agricultural.

Horticulture: Cultivation
Horticulture: Storage
Indoor Production

Section 7. Section 24.260.050 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.260.050. - Same—Special provisions.

Uses listed in sections 24.260.020 through 24.260.040 must also comply with the following special provisions:

1. Design review. Design review approval must be obtained to the extent required by chapter 24.545

2. Temporary uses. Temporary uses may be conducted in the M-1 zone only to the extent permitted by chapter 24.120

3. Family Residential: Caretaker. Caretaker's residences must comply with the provisions of chapter 24.435

4. Group Care. All Group Care uses must comply with the provisions of chapter 24.435

5. Dining Establishments: Fast Service, Drive-Up. Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of chapter 24.475

6. Assembly uses. All assembly uses must comply with chapter 24.480

7. Recycling Services use types. Uses classified in the Recycling Services use type category must comply with the provisions of chapter 24.485

8. Hazardous Waste Facility. All uses classified within the Hazardous Waste Facility use type must comply with the provisions of chapter 24.495

9. Wireless Telecommunications Facilities: Minor. Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a director's permit pursuant to chapter 24.505

10. Animal Boarding. All animal boarding related activities must occur within an enclosed building, except for transporting animals to and from vehicles. An operational plan to address storage of food and disposal of waste products must be submitted with the Business License application.

11. Emergency Shelter. Emergency shelters must comply with the provisions of Chapter 24.437.

12. Farm Employee Housing. All Farm Employee Housing uses shall comply with Section 24.435.030.

Section 8. Section 24.262.020 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.262.020. - Uses—Permitted.

The following use types are permitted subject to the provisions of this chapter:

1. Residential.

   None

2. General.

   Administrative, Business, and Professional Services
   Animal Boarding
   Animal Sales and Services: Grooming and Pet Stores
   Animal Sales and Services: Veterinary
   Automotive and Accessories: Automotive Rentals
   Automotive and Accessories: Automotive Repairs, Bodies
   Automotive and Accessories: Automotive Repairs, Systems
   Automotive and Accessories: Automotive Sales, Retail
   Automotive and Accessories: Automotive Sales, Wholesale
   Automotive and Accessories: Operable Vehicle Storage
   Automotive and Accessories: Parking
   Boating Harbor Activities: Boat Building or Repair
   Boating Harbor Activities: Boat Sales and Services
   Business and Professional Support
   Construction Sales and Services: Building Contractor Yards
   Construction Sales and Services: Building Supply Stores
   Construction Sales and Services: Lumberyards

Cultural and Library Services
Dining Establishments: Ancillary Service
Dining Establishments: Fast Counter Service
Dining Establishments: Full Service
Dining Establishments: Take Out
Drinking Establishments
Education Services: Commercial
Emergency Shelter
Equipment Rentals, Sales, and Services: Heavy
Equipment Rentals, Sales, and Services: Light
Food and Beverage Retail Sales
Food and Fish Processing: Fish and Meat Processing
Food and Fish Processing: Food Processing
Funeral and Interment Services
General Industrial
Government Services
Laundry Services
Light Industrial
Medical Services: Consulting
Medical Services: Mobile Equipment
Nursery Sales
Oil Equipment Services: Heavy
Oil Equipment Services: Light
Personal Services
Personal Storage
Property Maintenance Services
Recreation Services: Public Parks and Playgrounds
Recycling Services: Consumer Recycling Collection Points
Repair Services
Research or Laboratory Services
Retail Sales
Safety Services
Shopping Center: Small
Wholesaling and Distribution
Wireless Telecommunications Facilities: Major

3. Agricultural.

None

Section 9. Section 24.262.030 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.262.030. - Same—Subject to a use permit.

The following use types may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520:

1. Residential.

   Family Residential: Caretaker

2. General.

   Auction Sales
   Automotive and Accessories: Cleaning
   Automotive and Accessories: Gasoline Sales
   Automotive and Accessories: Impound Yards
   Billboards
   Community Meeting
   Day Care Centers
   Dining Establishments: Fast Service, Drive-Up
   Education Services: General
   Farm Employee Housing
   Farmers' Market, Certified
   Group Care
   Hazardous Waste Facility
   Helicopter Landing Services
   Recreation Services: Indoor Entertainment
   Recreation Services: Indoor Sports and Recreation
   Recreation Services: Outdoor Entertainment
   Recreation Services: Outdoor Sports and Recreation
   Recycling Services: Recycling Transfer
   Recycling Services: Scrap Operations
   Shopping Center: Large
   Swap Meets
   Transportation Services
   Utility or Equipment Substations
   Wireless Telecommunications Facilities: Mini
   Wireless Telecommunications Facilities: Minor

3. Agricultural.

   Horticulture: Storage
   Indoor Production

Section 10. Section 24.270.020 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.270.020. - Uses—Permitted.

The following use types are permitted subject to the provisions of this chapter:

1. Residential.

   Family Residential: Single Family
   Farm Employee Housing

2. General.

   Recreation Services: Public Parks and Playgrounds
   Wireless Telecommunications Facilities: Mini
   Wireless Telecommunications Facilities: Minor

3. Agricultural.

   Animal Husbandry
   Apiculture
   Crop Production
   Horticulture: Cultivation
   Horticulture: Storage
   Produce Sales

Section 11. Section 24.262.050 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.262.050. - Uses—Special provisions.

Uses listed in sections 24.262.020 through 24.262.040 must also comply with the following provisions:

1. Design review. Design review approval must be obtained to the extent required by chapter 24.545

2. Temporary uses. Temporary uses may be conducted to the extent permitted by chapter 24.120

3. Family Residential: Caretaker. Caretaker's residences must comply with the provisions of chapter 24.435

4. Group Care. All Group Care uses must comply with the provisions of chapter 24.435

5. Dining Establishments: Fast Service, Drive-Up. All Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of chapter 24.675.

6. Assembly uses. All assembly uses must comply with the provisions of chapter 24.480

7. Recycling Services. All uses within the Recycling Services use type category must comply with the provisions of chapter 24.485

8. Hazardous Waste Facility. All use classified within the Hazardous Waste Facility use type must comply with the provisions of chapter 24.495

9. Wireless Telecommunications Facilities: Minor. Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a director's permit pursuant to chapter 24.505

10. Animal Boarding. All animal boarding related activities must occur within an enclosed building, except for transporting animals to and from vehicles. An operational plan to address storage of food and disposal of waste products must be submitted with the Business License Application.

11. Emergency Shelter. Emergency shelters must comply with the provisions of Chapter 24.437.

12. Farm Employee Housing. All Farm Employee Housing uses shall comply with Section 24.435.030.

Section 12. Section 24.270.030 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.270.030. - Same—Subject to a use permit.

The following use types may be permitted subject to the provisions of this chapter and further provided that a use permit is approved pursuant to chapter 24.520:

1. Residential.

   Family Residential: Caretaker

2. General.

   Safety Services
   Utility or Equipment Substations
   Wireless Telecommunications Facilities: Major

3. Agricultural.

Indoor Production

Section 13. Section 24.270.090 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.270.090. - Same—Setbacks.

No building or other structure, not including fences or walls, nor vehicle parking area, nor farm equipment storage area, on a lot in the A zone shall be located within 50 feet of any lot line, except as permitted in Section 24.435.030.

Section 14. Section 24.435.030 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.435.030. - Farm employee housing.

Uses classified within the Farm Employee Housing use type shall comply with all the following provisions:

1. The site upon which such a use is established shall be not less than 40 acres in area and shall include an operational Agricultural use type.

2. Such housing shall be used exclusively for the purpose of housing farm employees and their families employed for farm work where the majority of family income comes from farm work.

3. Not more than 12 dwelling units or 36 beds shall be constructed or used on a 40-acre site. For sites larger than 40 acres, no more than three dwelling units shall be constructed or used for each ten acres of additional site area.

4. No more than one family shall occupy any dwelling unit.

5. Each detached dwelling unit and each building containing attached dwelling units shall have a front setback of not less than 20 feet, a rear setback of not less than 20 feet, and, side setbacks of not less than ten feet; provided that, the side setback required for any one detached dwelling unit or building containing attached dwelling units may be considered as part or all of the required side setback of any other detached dwelling unit or building containing attached dwelling units.

6. A minimum 300-foot setback from all active agriculture is required for farm employee dwellings.

7. The property owner must obtain a permit with the state Department of Housing and Community Development pursuant to the Employee Housing Act, Health and Safety Code Sections 17000, *et seq.*

8. The property owner must annually complete and submit to the city's Community Development Director a declaration listing the number of occupants and their place of work.

Section 15. CEQA Findings.

An Initial Study and Mitigated Negative Declaration were prepared for the 2008-2014 Housing Element and its program to address the Employee Housing Act. The initial study for this project was circulated for review and comment by affected governmental agencies and in compliance with the California Environmental Quality Act (CEQA). The zoning amendment is consistent with the Mitigated Negative Declaration prepared (EIR 2-11-5112) and the mitigation measure identified and adopted by Council on July 18, 2011 and subsequently amended on January 23, 2012. The City Council hereby approves and adopts the Mitigated Negative Declaration. Pursuant to CEQA Guidelines Section 15074(c) the Council states that the location of the documents or other material which constitute the record of the proceedings upon which its decision is based is the City of Ventura, Planning Division, 501 Poli Street, Ventura, California 93001 and are available for inspection during normal business hours.

PASSED and ADOPTED this 10 day of September, 2012.

Mike Tracy

Mike Tracy, Mayor

ATTEST:

Cynthia M Rodriguez

Cynthia M. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM

By: _____
Ariel Pierre Calonne
City Attorney

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

I, ELAINE M. PRESTON, 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 September 10, 2012, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews, Monahan, Deputy Mayor Heitmann, and Mayor Tracy.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on September 11, 2012.

Deputy City Clerk

CITY OF SAN BUENAVENTURA
1866
EUREKA
1905
CALIFORNIA

EXHIBIT B

AMENDMENT TO THE DRAFT DENSITY BONUS ORDINANCE

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CITY OF VENTURA

CITY ATTORNEY LEGAL REPORT

Agenda Item No.: 8

Council Action Date: February 11, 2013

February 11, 2013

Honorable City Council
City of San Buenaventura, California

Re: Errata for Density Bonus Ordinance

Dear Members of the Council:

Please find attached changes to the Density Bonus Ordinance, Agenda Item 8 for the City Council meeting of February 11, 2013. The changes to Sections 24.445.050 and 24.445.060 are necessary to better incorporate statutory language pursuant to the Planning Commission's recommendation. The change to Section 24.445.100 is necessary to ensure consistency in the requirements for Regulatory Agreements within the ordinance.

Respectfully Submitted,

Keith Bauerle
Assistant City Attorney

KB:as

cc: Johnny Johnston, City Manager
Jeffrey Lambert, Community Development Director
Ariel Pierre Calonne, City Attorney

A12-00438

E. Concessions Unavailable for Select Projects. Concessions shall not be provided to a development which obtains its entire density bonus entitlement through a qualifying land dedication.

F. Findings to Deny Concessions. If the required entitlements for the housing project are approved, the requested concessions or incentives shall also be approved unless one of the following findings is made:

1. The concession or incentive is not required in order to provide ~~density bonus units at an affordable rent or an~~ for affordable housing costs, as defined in Health and Safety Code section 50052.5, or for rents for the targeted units to be set as specified in Health and Safety Code section 5005~~2.5~~3;

2. The concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

3. The concession or incentive would be contrary to state or federal law.

G. Regulatory Agreement. A regulatory agreement shall be recorded against any property receiving a concession pursuant to this Chapter. The agreement shall be recorded at the earliest time possible, but in all events, prior to issuing a building permit, or in the case of subdivisions, prior to approving a final map.

Section 24.445.060 Waivers.

A. An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Section 24.445.030 at the densities or with the concessions or incentives permitted under this Chapter, and may request a meeting with the City.

B. The City shall not waive or reduce development standards if the waiver or reduction would:

1. Have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

2. Have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

3. Be contrary to state or federal law.

Section 24.445.070 Child Care Facility.

A. The City shall grant an additional density bonus or an additional concession to a project that is eligible to receive a density bonus and incentives or concessions under Section 24.445.030 if it provides a qualified day care facility that will be located on the premises of, as part of, or adjacent to the proposed project.

B. The City shall decide whether it provides an additional density bonus or an additional concession pursuant to this Section. If an additional density bonus is provided, the additional residential area shall equal the square footage of the qualified child care facility. If a concession is provided, it shall contribute significantly to the economic feasibility of the construction of the qualified child care facility.

C. The City shall not be obligated to grant the additional density bonus or provide an additional concession if it finds, pursuant to Government Code section 65915(h)(3), that the City has adequate child care facilities.

D. A regulatory agreement shall be recorded against any property receiving a density bonus or concession for the construction of a child care. The agreement shall be recorded at the earliest time possible, but in all events, prior to issuing a building permit, or in the case of subdivisions, prior to approving a final map.

Section 24.445.080 Land Donation.

A. When an applicant for a housing development of five (5) or more dwelling units donates land to the City as provided in this Section, the applicant shall be entitled to a fifteen (15) percent increase above the otherwise allowable residential density permitted in the applicable zone. For each one (1) percent increase above the minimum ten (10) percent land donation described in Government Code section 65915(g), the density bonus shall be increased one

F. Once deemed complete, a density bonus or regulatory incentive application shall be processed, and determinations made thereon, by the decision-making authority at the same time that applications for related permits and approvals for the underlying housing development are processed and acted upon. A density bonus or regulatory incentive application shall be processed and heard concurrently with applications for the project's other required entitlements.

Section 24.445.100. Regulatory Agreements.

A. ~~Prior to the granting of a density bonus, concession, or waiver under this Chapter, a~~A Regulatory Agreement shall be recorded against the relevant property that binds the owner's successors and assigns at the earliest time possible, but in all events, prior to issuing a building permit, or in the case of subdivisions, prior to approving a final map.

B. Provisions Common to All Regulatory Agreements. Except as provided below, a Regulatory Agreement shall:

1. Bind the relevant property or properties for a period equaling or exceeding the mandated operating period;

2. Require compliance with the terms of state law, this Chapter, and all other applicable statues, ordinances, regulations and covenants running with the land;

3. Provide the City with reports, monitoring procedures, and enforcement methods (including legal actions permitting the recovery of attorney fees) to assure compliance with the preceding obligations; and

4. Provide reimbursement to the City for its expenses whether those expenses arise on a recurring or nonrecurring basis.

Regulatory Agreements may also contain other requirements to protect neighborhoods and the public interest which do not impair the intent or purposes of this Chapter or state law.

C. Regulatory Agreements for Developments with Affordable Units shall:

1. Set forth the number of affordable units, their size, location, and production schedule;

ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA AMENDING IN ITS ENTIRETY CHAPTER 24.445 OF THE SAN BUENAVENTURA MUNICIPAL CODE PERTAINING TO RESIDENTIAL DENSITY BONUSES

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

Section 1. Findings and Intent. State law pertaining to density bonuses and regulatory incentives changed in 2009. This Ordinance is intended to implement the requirements of Government Code section 65915 by providing incentives to developers to provide housing for very low, low or moderate income and senior households, and to developers who donate land or provides child day care facilities. It is intended that density bonuses and concessions provided pursuant to this Chapter shall equal, but not exceed, the minimum required pursuant to the state law.

Section 2. Chapter 24.445 of the San Buenaventura Municipal Code is amended in its entirety to read as follows:

Chapter 24.445 - Residential Density Bonus Regulations

Sec. 24.445.010 – Purpose and Intent
Sec. 24.445.020 – Definitions
Sec. 24.445.030 – Project Eligibility
Sec. 24.445.040 – Density Bonus
Sec. 24.445.050 – Concessions and Incentives
Sec. 24.445.060 – Waivers
Sec. 24.445.070 – Child Care Facility
Sec. 24.445.080 – Land Donation
Sec. 24.445.090 – Processing of Density Bonus and Incentive Applications
Sec. 24.445.100 – Regulatory Agreements
Sec. 24.445.110 – Fees and Expenses
Sec. 24.445.120 – Interpretation and Enforcement

Section 24.445.010 Purpose and Intent.

This Chapter implements Government Code section 65915 by providing incentives to developers to provide housing for very low, low or moderate income and senior households, and to developers who donate land or provides child day care facilities. It is intended that density bonuses and concessions provided pursuant to this Chapter shall equal, but not exceed, the minimum required pursuant to the state law.

Section 24.445.020 Definitions.

The following terms, when used in this Chapter, shall have the meanings set forth below.

Adjusted for Household Size Appropriate for the Unit shall have the meaning set forth in Health and Safety Code section 50052.5(h).

Affordable Rent means monthly housing rent, including utilities and all fees for housing services (calculated in accordance with Health and Safety Code §50053 and 25 CCR §6918), which does not exceed the following:

(1) For very low-income households: 30 percent of 50 percent of the area median income for County, adjusted for household size appropriate for the unit, divided by twelve.

(2) For lower-income households: 30 percent of 60 percent of the area median income for County, adjusted for household size appropriate for the unit, divided by twelve.

Affordable Housing Cost means average monthly housing costs during the first calendar year of a household's occupancy (calculated in accordance with Health and Safety Code §50052.5 and 25 CCR §6920), including mortgage payments, property taxes, homeowner's insurance, and homeowners association dues, if any, which do not exceed:

(1) For very low-income households: 30 percent of 50 percent of the area median income, adjusted for household appropriate for the unit, divided by twelve.

(2) For lower income households: 30 percent of 70 percent of the area median income adjusted for household appropriate for the unit, divided by twelve.

(3) For moderate income households: 35 percent of 110 percent of the area median income adjusted for household size appropriate for the unit, divided by twelve.

To qualify as an affordable housing cost the purchaser: (1) shall make a down payment of at least three percent of the purchase price; (2) obtain a thirty-year fully amortizing loan; and (3) obtain a fixed rate loan with level payments or such other loan as may satisfy applicable City affordability standards.

Affordable Unit means a dwelling unit within a residential development which will be reserved for sale or rent to very low, low, or moderate-income households at an affordable sales price or affordable rents in a manner to qualify the residential development for a density bonus under this Chapter.

Area Median Income means area median income for Ventura County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.

Child Care Facility means a child day care facility, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child day care centers.

Common Interest Development means housing that qualifies as a common interest development under Civil Code section 1351, such as condominiums and housing cooperatives, provided that all units in the development are offered to the public for purchase.

Density Bonus means a density increase over the otherwise maximum allowable residential density under the City's Zoning Ordinance and General Plan Land Use Element as of the date of the application, as granted under this Chapter.

Density Bonus Units means those units that are built due to a grant of a density bonus and which exceed the otherwise maximum allowable residential density for the development site.

Director means the community development director or the director's designee.

Eligible Household means a household that satisfies the size and income requirements applicable to an affordable unit.

Eligible Residential Development means a development project for five or more residential units; a project to substantially rehabilitate and convert an existing commercial building to residential use; and the substantial rehabilitation of an existing multifamily dwelling as defined in Government Code section 65863.4(d), where the result of the rehabilitation would create a net increase in residential units.

Inclusionary Housing Program means the interim program established by Resolution No. 2006-058 for the purpose of requiring the inclusion of affordable units in housing developments as codified in Section 24R.240.110, *et seq.*

Lower Income Household means households whose income does not exceed the lower income limits applicable to the County of Ventura, as published and periodically updated by the State Department of Housing and Community Development `pursuant to Health and Safety Code section 50079.5.

Maximum Allowable Residential Density means the maximum density allowed for a particular development based on the combined regulatory constraints imposed by the City's Zoning Ordinance and General Plan Land Use Element, or if a range of density is permitted, the maximum allowable density for the specific range applicable to the site. In determining maximum allowable residential density, conditions particular to the site shall be considered which affect the density of a development, such as the presence of wetlands, open space easements, protected habitat, and the like. In no event shall the maximum allowable residential density provided by this definition be applied to a development project in a way to produce a lower density than the minimum which would be required by Government Code section 65915.

Mandated Operating Period means a period of at least 30 years during which the affordable units, the qualified child care facility, or the senior citizen housing development is operated in accordance with the requirements of state law and this Chapter.

Moderate Income Household means households whose income does not exceed the moderate income limits applicable to the County of Ventura, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

Qualified Day Care Facility means a day care facility which: (1) is located in or adjacent to a housing development that has dwelling units reserved for very low, low, or moderate-income households in satisfaction of this Chapter; (2) serves children from very low, low, or moderate income households (as applicable) in a percentage equaling the percentage of restricted units reserved for that income-category within the housing development; and (3) is subject to a recorded child care regulatory agreement requiring operation of the day care facility for a period that at least equals the affordability period. For example, if ten percent of the units are reserved for low-income households, at least ten percent of the space in the day care facility must be reserved for children from low income households.

Required Entitlements means all discretionary approvals, permits, licenses, zoning amendments, or other actions that must be authorized, granted, or approved by the City (including its city council, commissions, officers, and employees) for the proposed housing development to be fully approved by the City in the manner presented in the density bonus application. Required entitlements can include, among other approvals, zoning amendments, tentative maps, design review, parcel maps, use permits, environmental approvals, and the like.

Senior Citizen Housing Development means a housing development of at least 35 dwelling units as defined in Civil Code section 51.3, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code sections 798.76 or 799.5.

Specific Adverse Impact means a "specific adverse impact" as defined in Government Code section 65589.5.

State Law means California Government Code sections 65915 through 65918.

Substantial Rehabilitation means the rehabilitation of dwelling units including correction of code violations, Title 24 upgrades, seismic rehabilitation (where appropriate) and accessibility upgrades such that the unit is returned to the City's housing supply as decent, safe and sanitary housing. The minimum cost threshold for substantial rehabilitation is $40,000 per unit, which shall be adjusted each calendar year, beginning in 2014, to account for the cumulative change in the Consumer Price Index published for the County of Ventura, or if such index is no longer published, such equivalent index as shall be selected by the Director of Community Development.

Very Low Income Household means households whose income does not exceed the very low income limits applicable to County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code section 50105.

Section 24.445.030 Project Eligibility.

A. Eligible Developments. A housing development with at least five dwelling units is eligible to receive a density bonus and incentives or concessions if it satisfies one of the following requirements:

1. At least ten percent of the total dwelling units, prior to the grant of the density bonus, are reserved for lower income households;

2. At least five percent of the total dwelling units, prior to the grant of the density bonus, are reserved for very low income households;

3. The development qualifies as a common interest development and at least ten percent of the total dwelling units, prior to the grant of a density bonus, are reserved for moderate income households;

4. The development is a condominium conversion and: (a) at least 15 percent of the total dwelling units are reserved for low income households; or (b) at least 33 percent of the total dwelling units are reserved for moderate income households; or

5. The development is a senior citizen housing development.

6. When affordable housing is required to be provided under the provisions of the Inclusionary Housing Program, the number of units required to be provided shall not count towards the number of units necessary to qualify for a density bonus under the provisions of this Chapter.

Section 24.445.040 Density Bonus.

A. Eligible projects shall receive density bonuses equal to the bonus required to satisfy state law, as shown in the following table:

Density Bonus				
Income Category	Minimum percentage of affordable units	Bonus to be granted	Additional bonus for each 1% increase in affordable units above the minimum	Total Maximum Bonus
Very Low Income	5%	20%	2.5%	35%
Low Income	10%	20%	1.5%	35%
Moderate-Income Common Interest Development	10%	5%	1%	35%
Senior Citizen Housing Development	N/A	20%	N/A	20%

B. All density calculations resulting in fractional units shall be rounded up to the next whole number.

C. Density bonus units shall not be included when determining the number of affordable units necessary to qualify for a density bonus.

D. Nothing in this Chapter shall prevent an applicant from accepting a density bonus which is less than the minimum required under state law.

E. The granting of a density bonus or incentive or concession pursuant to this Chapter shall not be interpreted, in and of itself, to require an amendment of the general plan, a specific plan, a zoning ordinance or other discretionary approval.

F. Regulatory Agreement. A regulatory agreement shall be recorded against any property receiving a density bonus or which will provide affordable housing pursuant to this Chapter. The agreement shall be recorded at the earliest time possible, but in all events, prior to issuing a building permit, or in the case of subdivisions, prior to approving a final map.

Section 24.445.050 Concessions and Incentives.

A. Concession or Incentive means any of the following:

1. A reduction in a site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Commission as provided in Health and Safety Code section 18901, *et seq.* This includes, but is not limited to, a reduction in setback and square footage requirements and a reduction in the ratio of vehicular parking spaces that would otherwise be required that result in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

3. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

B. Under no circumstances shall the City be required to grant, as a concession or incentive, public land, a waiver of fees, a waiver of dedication requirements, or direct financial incentives for the housing development.

C. Calculating Number of Concessions. Eligible residential developments shall receive concession(s) in a number to satisfy the minimum requirements of state law as follows:

Number of Concessions or Incentives	Level of Affordability
1	5% affordable to very low income households (rental units) 10% affordable to lower income households (rental units) 10% affordable to moderate income households (common interest development)
2	10% affordable to very low income households (rental units) 20% affordable to lower income households (rental units) 20% affordable to moderate income households (common interest development)
3	15% affordable to very low income households (rental units) 30% affordable to lower income households (rental units) 30% affordable to moderate income households (common interest development)

D. For purposes of this calculation, each individual deviation from the zoning requirements, rules, or other standards or conditions of the City shall constitute a separate concession. However, a variation in one standard or requirement shall constitute only one concession if, by necessity, the one variation results in the automatic and unavoidable variation in a second standard.

E. Concessions Unavailable for Select Projects. Concessions shall not be provided to a development which obtains its entire density bonus entitlement through a qualifying land dedication.

F. Findings to Deny Concessions. If the required entitlements for the housing project are approved, the requested concessions or incentives shall also be approved unless one of the following findings is made:

1. The concession is not required in order to provide density bonus units at an affordable rent or an affordable housing cost, as defined in Health and Safety Code section 50052.5, or for rents for the targeted units to be set as specified in Health and Safety Code section 50052.5;

2. The concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or

3. The concession or incentive would be contrary to state or federal law.

G. Regulatory Agreement. A regulatory agreement shall be recorded against any property receiving a concession pursuant to this Chapter. The agreement shall be recorded at the earliest time possible, but in all events, prior to issuing a building permit, or in the case of subdivisions, prior to approving a final map.

Section 24.445.060 Waivers.

A. An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Section 24.445.030 at the densities or with the concessions or incentives permitted under this Chapter, and may request a meeting with the City.

B. The City shall not waive or reduce development standards if the waiver or reduction would:

1. Have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment;

2. Have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

3. Be contrary to state or federal law.

Section 24.445.070 Child Care Facility.

A. The City shall grant an additional density bonus or an additional concession to a project that is eligible to receive a density bonus and incentives or concessions under Section 24.445.030 if it provides a qualified day care facility that will be located on the premises of, as part of, or adjacent to the proposed project.

B. The City shall decide whether it provides an additional density bonus or an additional concession pursuant to this Section. If an additional density bonus is provided, the additional residential area shall equal the square footage of the qualified child care facility. If a concession is provided, it shall contribute significantly to the economic feasibility of the construction of the qualified child care facility.

C. The City shall not be obligated to grant the additional density bonus or provide an additional concession if it finds, pursuant to Government Code section 65915(h)(3), that the City has adequate child care facilities.

D. A regulatory agreement shall be recorded against any property receiving a density bonus or concession for the construction of a child care. The agreement shall be recorded at the earliest time possible, but in all events, prior to issuing a building permit, or in the case of subdivisions, prior to approving a final map.

Section 24.445.080 Land Donation.

A. When an applicant for a housing development of five (5) or more dwelling units donates land to the City as provided in this Section, the applicant shall be entitled to a fifteen (15) percent increase above the otherwise allowable residential density permitted in the applicable zone. For each one (1) percent increase above the minimum ten (10) percent land donation described in Government Code section 65915(g), the density bonus shall be increased one

(1) percent, up to a maximum of thirty-five (35) percent. This increase shall be in addition to any increase in density mandated by Section 24.445.040, up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and Section 24.445.040. All density calculations resulting in fractional units shall be rounded up to the next whole number.

B. Nothing in this Section shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.

C. A housing development shall be eligible for the density bonus described in this Section if the Director determines that all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or other development application for the housing development.

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of dwelling units affordable to very low income households in an amount not less than ten (10) percent of the number of residential units of the proposed development.

3. The transferred land is at least one acre in size or sufficient enough to permit the development of at least forty (40) units, has the appropriate general plan land use designation, is appropriately zoned for housing development, and is or will be served by adequate public facilities and infrastructure.

D. A regulatory agreement shall be recorded against any property receiving a supplemental density bonus for a donation of land. The agreement shall be recorded at the earliest time possible, but in all events, prior to issuing a building permit, or in the case of subdivisions, prior to approving a final map.

Section 24.445.090. Processing of Density Bonus and Incentive Applications.

A. Preliminary Application. Unless waived by the Director, a preliminary application shall be submitted prior to the submittal of any formal development application for a housing project that includes a request for a density bonus and/or a concession. The preliminary application shall include the following information:

1. Categorization of Project. The applicant who requests a density bonus shall elect one of the categories identified in Section 24.445.030 to be used in calculating available density bonuses and concessions.

2. A brief description of the proposal including the total number of units prior to the grant of a density bonus, the number of density bonus units, and the number of affordable units;

3. The zoning and general plan designations and assessor's parcel number(s) for the project site;

4. A site plan, drawn to scale, which includes: building footprints, driveway and parking layout, existing topographic contours and proposed grading; and

5. A letter identifying what specific density bonus, and/or concessions are being requested and the basis on which the project qualifies for a density bonus;

B. The Director shall provide to an applicant/developer, a letter that identifies project issues of concern and the procedures for compliance with this Chapter.

C. Prior to submission of the formal application, the applicant shall discuss the preliminary application with the Director, unless the requirement is waived. At the meeting, the applicant and Director shall discuss how the proposed project can be designed (including any requested concessions) to promote the objectives of this Chapter while also serving the interests of the immediately surrounding community.

D. Formal Application. The following information shall be included with the development application(s) required for the project:

1. A legal description of the total site proposed for development of the affordable units including a statement of present ownership and present and proposed zoning;

2. A letter signed by the applicant stating the specific density bonus, incentives, or concessions (e.g., standards modifications, additional density bonus, or fee waiver, etc.) are being requested from the city;

3. A detailed vicinity map showing the project location and such details as the location of the nearest commercial retail, transit stop, potential employment locations, park or recreation facilities or other social or community service facilities;

4. Site plans, designating the total number of units proposed on the site, including the number and location of affordable and density bonus dwelling units, and supporting plans per the application submittal requirements;

5. In the case of a request for an incentive or concession, evidence that the incentive or concession is required in order to provide for affordable housing costs, as defined in Health and Safety Code section 50052.5, or for rents for the targeted units to be set as specified in Section 24.445.100. If the Director determines that additional information or special skill is require to review, assess, or verify the developer's financial data and calculations, the Director may request to engage an outside consultant, at the applicant's expense, to perform that required review, assessment, or verification;

6. If a waiver is requested, evidence that the development standard if not waived or reduced will have the effect of precluding the construction of the development at the densities or with the concessions or incentives permitted by this Chapter.

7. Upon written submissions seeking relaxed parking requirements prior to the time the application is deemed or declared complete, the City shall not require parking that exceeds the requirements of Government Code section 65915(p).

8. Such other information as may be reasonably required by the City to evaluate the application, including additional requirements that are needed to evaluate projects offering qualifying land dedications;

E. The cost of any financial review of an application, including estimated construction costs, shall be subject to reimbursement or advance payment by the applicant.

F. Once deemed complete, a density bonus or regulatory incentive application shall be processed, and determinations made thereon, by the decision-making authority at the same time that applications for related permits and approvals for the underlying housing development are processed and acted upon. A density bonus or regulatory incentive application shall be processed and heard concurrently with applications for the project's other required entitlements.

Section 24.445.100. Regulatory Agreements.

A. Prior to the granting of a density bonus, concession, or waiver under this Chapter, a Regulatory Agreement shall be recorded against the relevant property that binds the owner's successors and assigns.

B. Provisions Common to All Regulatory Agreements. Except as provided below, a Regulatory Agreement shall:

1. Bind the relevant property or properties for a period equaling or exceeding the mandated operating period;

2. Require compliance with the terms of state law, this Chapter, and all other applicable statues, ordinances, regulations and covenants running with the land;

3. Provide the City with reports, monitoring procedures, and enforcement methods (including legal actions permitting the recovery of attorney fees) to assure compliance with the preceding obligations; and

4. Provide reimbursement to the City for its expenses whether those expenses arise on a recurring or nonrecurring basis.

Regulatory Agreements may also contain other requirements to protect neighborhoods and the public interest which do not impair the intent or purposes of this Chapter or state law.

C. Regulatory Agreements for Developments with Affordable Units shall:

1. Set forth the number of affordable units, their size, location, and production schedule;

2. Require that affordable units be made available to eligible households at an affordable rent or affordable housing cost based on household size appropriate for the affordable unit;

3. Prohibit an eligible household from renting or subletting an affordable unit;

4. Limit sales of units reserved for low and very-low income households to affordable sales made to eligible households (until the mandated operating period lapses);

5. Ensure continued affordability of all low- and very low income units that qualified the applicant for the award of the density bonus or concession for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program;

6. Ensure that the initial occupant of moderate-income units that are directly related to the receipt of the density bonus in a common interest development are persons and families of moderate income, and that the units are offered at an affordable housing cost;

7. Control sales of moderate-income condominiums to provide the City with a share of the sale proceeds to achieve the equity-sharing arrangement required by Government Code section 65915(c)(2); and

8. Place a deed of trust on affordable for-sale units to assure that the City obtains any required equity-sharing payment and, for other for-sale units, to place a deed of trust to secure performance of all obligations imposed by this Chapter and state law.

D. Regulatory Agreements for Developments with Qualifying Land Dedications shall:

1. Ensure that the applicant has proposed a development for very low-income households that will provide sufficient affordable units to satisfy the applicable density bonus requirements;

2. Guarantee that all permits and plans, with the exception of building permits, required for development of the very low income units on the transferred land have received full approval no later than the date of approval of the final subdivision map, parcel map, or residential development application;

3. Require that a qualified contractor, acceptable to the City, has committed to build the development at the cost proposed by the applicant;

4. Subject the affordable units and transferred land to a deed restriction, which shall be recorded on the property prior to the time of transfer, ensuring continued affordability of the units for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

E. Regulatory Agreements for Senior Citizen Housing Developments shall assure that the development is operated in accordance with Civil Code section 51.3, or if the development is a mobile home park, that is operates in accordance with Civil Code sections 798.76 or 799.5.

F. Regulatory Agreements for Developments with Qualified Child Care Facilities shall:

1. Require that the Child Care Facility provide care for child of very low, low, or moderate-income households for a period of time during which the affordable units are required to remain affordable under this Section;

2. Require that the children of very low, low, and moderate income households attending Child Care Facility shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to Section 24.445.030;and

3. Provide financial or other guarantees to assure the continued operation of the day care facility during the mandated operating period.

Section 24.445.110. Fees and Expenses.

A. Application Fees. The City Council may establish by resolution fees to be paid by the applicant to defray the city's cost of reviewing density bonus applications and preparing density bonus housing agreements.

B. Expenses. The City may charge fees to recover any and all expenses associated with administering the programs required by this Chapter and in performing the functions associated with Regulatory Agreements.

Section 24.445.120. Interpretation and Enforcement.

A. Density Bonus Regulations. The Director shall prepare and promulgate rules and procedures to implement and explain the operation of this Chapter.

B. Inclusionary Housing Program. Except to the extent otherwise required by applicable law, affordable units that qualify a development for a density bonus are in addition to, and do not count toward, satisfying any obligation under the City's inclusionary housing program.

C. Parking. Upon written submissions seeking relaxed parking requirements prior to the time the application for is deemed or declared complete, the City shall not require parking that exceeds the requirements of Government Code section 65915(p). If the number of required parking spaces pursuant to Government Code section 65915(p) is other than a whole number, the number shall be rounded up to the next whole number.

D. Automatic Incorporation of State Law Amendments. This Chapter implements Government Code sections 65915-65918. In the event that these sections are amended, those amended provisions shall be incorporated into this Chapter. Should any inconsistencies exist between the amended state law and the provisions set forth herein, state law shall prevail. Until the Code is formally amended to eliminate any such inconsistencies, the Director shall maintain an explanation of all such amendments which shall be distributed with on as part of the Density Bonus Regulations.

E. Interpretation. This Chapter and the density bonus regulations are to be construed and applied by the City staff and city officers in a manner that avoid conflicts with other applicable laws, including state law. No provision of this Chapter or the density bonus regulations shall be applied if it would result in a violation of state or federal law. Further, no provision of the regulations shall be applied in a manner that conflicts with the lawful provisions of this Chapter.

F. Enforcement. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to actions to revoke, deny or suspend any permit or development approval.

Section 3. CEQA Findings.

The City Council further finds that the enactment of the density bonus regulations pursuant to this Ordinance is determined to be exempt under Section 15061(b)3 of Title 14 of the California Code of Regulations (State "CEQA Guidelines") in that the adoption of the new procedures implements an existing State mandate and regulatory process that will not directly result in construction activities or other physical activities. However, the new regulations could have indirect impacts that will allow for higher densities and other physical changes to the environment. Upon individual project analysis, each proposal seeking a density bonus could be subject to environmental review and necessary mitigation. It can therefore be foreseen that the enactment of the ordinance itself does not have the potential to result in significant effects on the environment.

PASSED and ADOPTED this ___ day of _____ 2013.

_____
Mike Tracy, Mayor

ATTEST:

_____
Cynthia M. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM

By: _____
Ariel Pierre Calonne
City Attorney

ATTACHMENT H

STATE MANDATES TIED TO HOUSING ELEMENT UPDATES

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Attachment H

State Mandates Tied to Housing Element Updates

1. Safety and Conservation Elements

In conjunction with required housing element updates, Government Code 65302 requires all cities and counties to amend the safety and conservation elements of their general plans to include analysis and policies regarding flood hazard and flood management information upon the next revision to the housing element on, or after, January 1, 2009. Government Code Section 65302 also requires cities and counties, effective January 1, 2008 to annually review the land use element of those areas subject to flooding identified by flood plain mapping prepared by the Federal Management Agency (FEMA) or the State Department of Water Resources (DWR). Any amendments to the safety, conservation, and land use elements, based on the requirements of Government Code Section 65302, will require a review of the housing element for internal consistency, which may in turn, require amendments to the housing element. For example, if sites identified in the housing element as suitable for housing development are subsequently identified as inappropriate for development, other sites may need to be identified. Annual review of the land use element will assist future updates of the housing element and facilitate identification of appropriate sites to accommodate the regional housing need. The City is performing this mandate as part of the Housing Element update later this summer/fall.

2. SB 244 Disadvantaged Unincorporated Communities

In 2011, the state legislature passed SB 244 which called for cities and counties to review and update the land use elements of their general plans to include an analysis of the presence of island, fringe or legacy unincorporated communities and provide specific information regarding same on or before the next adoption of its housing element. Specifically, SB 244 requires cities and counties to address the infrastructure needs of unincorporated disadvantaged communities in city and county general plans and Local Agency Formation Commission Municipal Service Reviews to help inform futureannexation considerations and decisions. Per SB 244, the updated land use element shall include the following criteria:

- Cities must identify and describe each "island community" and/or "fringe community", as defined, that exist within that city's sphere of influence that is a disadvantaged unincorporated community.

- Counties must identify and describe each legacy community, as defined, within the boundaries of a county that is a disadvantaged unincorporated community, but not including any area within the sphere of influence of a city.

- Cities and counties must include an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each of the identified communities in the land use element.

- Cities and counties must include an analysis in the land use element of potential funding mechanisms that could make the extension of services and facilities to identified communities financially feasible.

Unincorporated Saticoy, adjacent to the City of Ventura and within the city's sphere of influence, was one of two disadvantaged unincorporated communities identified in Ventura County by Ventura LAFCo on March 21, 2012. In compliance with SB 244, Community Development will submit to Council a Feasibility Study Pursuant to Senate Bill 244 for Unincorporated Saticoy. This study will be presented to the community and Council will review the information this spring/summer. If a Land Use Element amendment is necessary, then the amendment will track along with the Housing Element adoption schedule this summer/fall. SB 244 does not require the City to initiate annexation of Saticoy, only that its feasibility be considered.

ATTACHMENT I

VICTORIA MONTALVO/MOON DRIVE OVERLAY MAP

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GOLDENEYE STREET
MERLIN STREET
MOON DRIVE
TANAGER ST.
BELL ST.
CLARA STREET
BRISTOL RD.
GENEVA ST.
JAMES AV.
GRAND AVENUE
SEAHAWK ST.
ALAMEDA AVENUE
EIGHTH ST.
S. VICTORIA AV.
WALKER STREET
101 FREEWAY
VALENTINE RD.
CHURCH DR. (PVT)
WASHINGTON DR. (PVT)
MONTANA DR. (PVT)
IDAHO DR. (PVT)
OREGON DR. (PVT)
GLOVER DR. (PVT)
ARIZONA DR. (PVT)
Moon Drive Overlay Area
COVE-GIS
CITY OF VENTURA