

CITY OF VENTURA

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# PLANNING COMMISSION STAFF REPORT

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<b>Agenda Item:</b>	<b>Hearing Date: November 3, 2021</b>
Project/Case No.:	15322/OA-10-21-61920, SPA-10-21-61921
Applicant:	City of Ventura
Planner:	Peter Gilli, Community Development Director
Location:	Citywide
Environmental Review:	Exempt from CEQA – Section 15061(b)(3)

## DESCRIPTION

Request for City-initiated Zoning Text Amendments to amend Division 24, the Downtown Specific Plan, Midtown Corridor Plan, Victoria Avenue Corridor Plan, Saticoy and Wells Community Plan, UC Hansen Specific Plan, Parklands Specific Plan and Olivas Park Specific Plan for streamlining and other miscellaneous amendments.

## RECOMMENDATION

That the Planning Commission:

1. Recommend that the City Council adopt ordinance amendments to Division 24 for streamlining and other miscellaneous amendments;
2. Recommend that the City Council adopt amendments to the following Plans for streamlining:
  - a. Downtown Specific Plan
  - b. Midtown Corridor Community Plan
  - c. Victoria Avenue Corridor Community Plan
  - d. Saticoy and Wells Community Plan
  - e. Parklands Specific Plan
  - f. UC Hansen Specific Plan
  - g. Olivas Park Specific Plan
3. Authorize staff to make adjustments to the ordinances and plans related to renumbering, formatting, corrections and/or clarifications that do not change the meaning of any regulation; and

4. Authorize staff to make adjustments to the ordinances and plans if required by Coastal Commission staff.

## **BACKGROUND**

A major tenet of economic development is to increase private investment in real property, which is commonly referred to as “development”. Development leads to a strengthened tax base, which supports public services, while also providing more opportunities for the public to live, work and play within the community.

The City’s Development Review Process has been a bottleneck for development. Thus, the City’s process has been a bottleneck for strengthening the local tax base and has resulted in fewer opportunities for the public to live, work and play within the community.

To some, the fact that the City has not grown much in the last decade is viewed as a positive. But from the standpoint of the tax base and housing costs, the lack of growth has been detrimental to the City’s fiscal well-being.

### City Council Goals and Actions

City Council has taken many actions to address the Development Review Process

- Early 2019 – funded the Matrix Report, a consultant analysis of the Development Review Process;
- Late 2019 – endorsed the Matrix Report and the recommendations within;
- Early 2020 – established a Goal to implement the Matrix Report, and the streamlining of the planning/hearing process had an early 2020 timeframe in the report;
- May 2020 – after the pandemic hit, Council pivoted and adopted a temporary Emergency Streamlining Ordinance (ESO) that had positive results;
- Early 2021 – a newly formed City Council established a Goal to adopt a permanent streamlining ordinance; and
- April 2021 – extended ESO to May 2022 to allow for the preparation of the permanent ordinance. [Link to Council report](#)

### Issues for the Streamlining Ordinance

The Matrix Report had three key findings related to this streamlining ordinance:

- Projects take too long because of a complicated process that is difficult to describe, leading to Matrix Recommendation #1, to simplify the process;

- Projects take too long because of DRC/HPC acting subjectively or outside their role, also leading to Matrix Recommendation #1, to reconsider retaining DRC/HPC or reduce scope; and
- Projects take too long because too many things go to DRC/HPC/PC hearings, leading to Matrix Recommendation #12, to make more applications go to staff level hearings or administrative actions.

In addition, Community Development Department leadership and the City Attorney's Office identified legal concerns with the process related to piecemeal decision making, potential double appeals and potential conflicting CEQA determinations.

### Budget and Staffing

In a survey of neighboring cities with a population near 100,000 or greater, Ventura and Santa Barbara are the only ones that have citywide design review boards as well as historic boards. Yet Santa Barbara has nearly four times the planning staff per capita. Most other larger cities in the two counties have planning staff per capita closer to Ventura's, without the additional boards, as their staff handle design review and their Planning Commission (PC) handle historic preservation. Ventura also has to manage having a notable portion of the City within the Coastal Zone, which results in additional hearings for development.

Overall, the numbers show Ventura is not staffed for a design or historic board. Long-term budget projections, coupled with numerous other important needs in the organization, make it questionable as to whether the City should significantly increase its planning staff to support these boards. Put simply, the City cannot effectively manage having a DRC and HPC that reviews as much as the ordinance and past practice require.

### Status of DRC/HPC

The Matrix Report recommending reconsidering the retention of DRC/HPC or reducing their scope. If efficiency was the only goal, then DRC and HPC should be disbanded. Many California cities operate design review with staff and historic preservation with the PC, and fewer hearing bodies will lead to a more efficient process. But efficiency is not the only goal. Staff believes that quality development and community participation are also important to the process.

Staff reviewed the application types being reviewed by DRC/HPC with the existing regulations with the intent to make the best use of resources while providing the most community benefit:

- The applications where DRC provides the greatest value and benefit are for the larger, more complicated projects, that have the greatest impact on the community. Smaller, more minor projects such as façade improvements have less impact on the community.
- The applications where HPC provides the greatest value and benefit are for designations of landmarks and review of projects that may affect a resource.

CEQA determinations related to potential resources are tasks that can be handled administratively.

A goal of streamlining is to establish a more simplified planning hearing process that addresses legal concerns, has more minor applications handled administratively, that uses DRC and HPC for projects they provide the most value for, all within the existing staffing capacity we have. This fulfills Matrix Recommendation #1 and #12.

## **ANALYSIS**

### Simplify the Process

The Matrix consultant noted that long-time staff said they could not determine the process certain projects would have to go through without consulting management:

- Certain use permits go to PC, others to staff level hearings. The only way to know which is to read the code section specifically.
- Administrative Coastal Permits go to staff hearings unless they are associated with other applications such as use permits, planned development permits and parcel maps, and then they require PC. But some use permits and planned development permits can be approved at staff hearings, so why couldn't the Administrative Coastal Permit stay at a staff hearing too?
- Parcel maps (smaller subdivisions) can be a staff hearing or PC, with no language saying when it should be one or the other.
- There are Administrative Variances and Major Variances. Major Variances go to PC. But so do some Administrative Variances, even though the label administrative seems to imply a staff hearing. Then there are sign variances, which go to DRC, unless it's a monument sign over 12 feet and then it's PC.
- A livestock permit for a residence is a staff hearing unless a neighbor does not provide a written agreement and then it's PC.
- Monument and building signs are administrative but a sign program for a shopping center is DRC. And DRC makes a determination of whether a roof sign is allowed.
- There are some aspects of the process that are more understandable.
  - New housing projects with a Major Variance or Exception has to go to PC, no matter the size of the project.
  - New development that complies or only has an Administrative Variance or Warrant go to a staff hearing.
  - Major design review is DRC and Minor design review is administrative without a hearing.
- Some façade changes are Minor Design Review, some are Major depending on location. But you could literally have two properties next door to each other and one façade would be DRC and the other façade an administrative action without a hearing.

In general, staff considers the ordinance to be unclear when it comes to processes and procedures. What likely happened is that the original rules were set in 1971, based on the dates of most of the Municipal Code, and over time, amendments were made for certain application types to go to certain hearings without a comprehensive look to make sure the process as a whole could be understood.

Matrix recommended:

1. Simplify the process
2. Reduce the role of DRC/HPC
3. Make more applications staff level hearings or administrative actions

Staff recommends the following process, which has been utilized during the ESO, and the streamlining ordinance has been built around:

### **Development Permits (three levels)**

- Any Development Permit with a Major Variance or Exception, no matter the scale, goes to PC for final action;
- Any Development Permit for a project that fully complies or only needs a Minor Variance (staff level Administrative Variance) or Warrant, no matter the scale, can go to a staff hearing for final action; or
- Director's Permits, which are minor land use permits, remain Administrative actions.

### **Design Review (three levels)**

- All projects adding 5+ units, 2,000 sq. ft. of non-residential buildings, or adding 25% to an existing non-residential building require Major Design Review by the DRC, where they will make a recommendation;
- All projects less than 5 units, less than 2,000 sq. ft., or adding less than 25% to an existing non-residential building, as well as façade improvements, building and monument signs, and sign programs are Minor Design Review and can be Administrative actions. Some façade improvements and sign programs were Major Design Review prior to ESO; or
- All projects that may affect a historic resource will go through Historic Design Review and receive an HPC recommendation.

### **Subdivision (three levels)**

- A tract map (creation of 5 or more lots) requires Planning Commission action;
- A parcel map (creation of less than 5 lots) requires a staff hearing action; or
- Lot line adjustments are Administrative actions.

Attachment A is a Decision Making Matrix that shows these three categories in a matrix. The intersection of the choices for each section determines the hearing process and final decision maker. With the existing ordinance, it is not possible to create such a matrix, because the final decision maker for the type of development permit varies significantly. This matrix directly addresses Matrix Recommendation #1 to simplify the process and create a decision-making matrix that staff, applicants and the public can use.

Staff is not saying this matrix is easy to figure out, but compared to the existing regulations, this at least can be determined intuitively based on determining the answers to three questions:

- A 10-unit project that has a Major Variance will be DRC making a recommendation to PC for final action.
- If this project may affect a historic resource, then HPC is added to the process as a recommending body.
- A 30-unit project that fully complies with zoning regulations will be DRC making a recommendation to a staff hearing for final action.
- A 1,999 sq. ft. new commercial building with a Minor Variance will be Minor Design Review with a staff hearing.
- But a 1,999 sq. ft. new commercial building with a Minor Variance and a Tract Map will be Minor Design Review and PC (because the Tract Map requires PC).
- There is no potential project that could trigger Major Design Review without also having a Development Permit, which is why that cell in the table is left blank.
- There is a potential case where a Historic Design Review could require HPC review without a Development Permit, such as a single-family home or duplex in a historic district. In that case, the HPC would recommend to a staff hearing for final action.

Note, if a project includes a legislative action such as Amendments to the General Plan, Zoning Ordinance or Map, Specific Plan, Community Plan, or Corridor Plan, or a Development Agreement, will require what was to be the final decision maker to make a recommendation on the entire project to the City Council for final action.

#### Planning Commission or Staff Hearing (SH)

In the existing regulations, Major Variances or Exceptions require PC. Minor Variances and Warrants can be acted on at a staff hearing. That differentiation has been used for ESO and is formalized in the streamlining ordinance.

To further simplify the process, any project that is compliant with the City's regulations can be handled at a staff hearing. Existing regulations already allow Minor Variance and Warrants to be handled at staff hearings as well.

This results in certain use permits and Coastal permits to shift from PC action to a staff hearing. This is consistent with the Matrix recommendation to shift more applications to staff level hearings. The net result is a more understandable and predictable process.

As previously mentioned, some Administrative Variances went to PC and some went to a staff hearing. The streamlining ordinance proposes that Administrative Variances that go to PC are now reclassified as Major Variances. Administrative Variances that used to go to staff hearings are now called Minor Variances. While the names change, PC sees the same Variances with streamlining as before streamlining. The only change is that sign variances that used to be acted on by DRC have been reclassified as Minor Variances acted on at a staff hearing.

#### Major Design Review and Minor Design Review

In the existing regulations, Major Design Review is 5 or more units, 2,000 sq. ft. of a new non-residential building, or a 25% increase to a non-residential building. Minor Design Review are projects below these thresholds. These thresholds existed prior to emergency streamlining, and no changes are proposed.

Façade improvements in certain areas and sign programs for shopping center are Major Design Review in the existing regulations. Façade improvements in other areas and general building signs and monument signs are Minor Design Review. As part of streamlining, all façade improvements and sign programs for shopping centers are shifted to Minor Design Review. These are the smallest of the projects that DRC would have reviewed, and therefore, the least overall value from going to DRC. Also, there is a major difference in fees between Major and Minor Design Review, so staff believes it is more appropriate to have façade improvements and sign programs be administrative. This change implements the Matrix Recommendation to shift more application types to administrative actions.

The City Council can choose to adjust these thresholds to keep more applications going to PC and DRC, but that would be counter to the Matrix Report, and it would introduce the need for more planners for the development review process.

#### Implementing this System

Implementing this process requires changes to the Municipal Code, Specific Plans, Corridor Plans and Community Plans, some major changes and numerous small changes.

Attachment B is a table prepared to aid the reader in getting through the proposed ordinance/code changes. This table generally describes each type of change, describes which Attachment it is located in, and categorizes it. Staff encourages the reader to have Attachment B printed or on a separate screen as you go through the other Attachments.

Attachments C, D and E are the Amendments to Division 24 (Zoning Regulations). Proposed new language is underlined. Proposed language to be deleted is struck-through. Staff considers Attachment E, which is Division 24, Part 5 – Administrative Procedures to be the most significant section to review.

In Attachment B, the ten most notable changes, in staff's opinion, are bolded to aid the reader. All of these notable changes are in Attachment E, Division 24, Part 5, which is expected for a streamlining ordinance because this is the section that describes the procedures and processes. All of these notable changes directly implement the Matrix Report recommendations for the simplification of the process, the reduction in scope of DRC and HPC, and the increase in application types handled at staff hearings or administrative actions.

Attachment F is for the deletion of Division 24R, which was adopted by City Council Resolution. This was a Housing Approval Program that the City Attorney's Office determined in past years are not legal to enforce. Staff has not used it for several years. Deleting the codified resolution would clean the City's regulations. While this is the deletion of a lot of language, staff considers this a housekeeping measure.

Attachment G lists Amendments to Division 26 (Subdivisions). The newspaper notice for this agenda item did not include reference to Division 26. Therefore, Division 26 will return to Planning Commission on November 17, 2021 for a recommendation to City Council.

Attachment H lists Amendments to Division 2 (Administration). Technically, the PC does not have authority to make recommendations for changes to Division 2 of the Municipal Code. Staff has included it in this package to provide the public with the complete package that will go to City Council in December. Staff welcomes any feedback from PC on these sections even if it can't be part of a formal motion.

Attachments I through O are Amendments to Specific, Corridor and Community Plans to reflect the streamlining changes.

#### *Notes about the Attachments*

- All revised ordinance language was prepared by Community Development and reviewed by the City Attorney's Office.
- In all documents showing amendments, changes to lists to reflect a numbered or lettered section being added or deleted has **not** been completed, nor has formatting and indentation. These will be completed in final ordinances presented to City Council.
- Where punctuation or a space has been added, we are highlighting the located in yellow to ensure this change is not lost when the final ordinances are prepared for City Council.
- Also, it is standard practice with ordinance amendments to only show the sections that have changes. Sections within the ordinances that are not changing are not shown in the attachments. Anyone interested in reading the entire code section can refer to the online version of the Municipal Code at the following link:

[https://library.municode.com/ca/san\\_buenaventura/codes/code\\_of\\_ordinances](https://library.municode.com/ca/san_buenaventura/codes/code_of_ordinances)

- For Attachments covering amendments to Specific, Corridor or Community Plans, the hyperlink to the complete plan is provided at the top of the page for reference.

### *Categories of Changes*

The attachments are color-coded to differentiate the type of change, again, to aid the reader in discerning the material:

- **Orange font** is for changes that relate to streamlining and modified authority.
- **Green font** is changes for consolidation or consistency. There are several examples where one set of text or regulations is repeated in multiple sections throughout the codes. As part of this streamlining ordinance, these sections have been consolidated in one location in the Municipal Code, and thus all repeated sections are deleted.
- **Blue font** is for clean-up, corrections or other miscellaneous changes. Miscellaneous changes are not related to streamlining, but are being proposed since we are already amending the ordinance. Some of these have been suggested by potential applicants, local business owners, or the general public. Staff considers these to be very minor and has added them to the streamlining package to avoid requiring separate costly applications. The exact locations of these are listed in Attachment B:
  1. Allow car washes with gas stations which require a Use Permit. Requested by a project applicant.
  2. Remove Director's Permit requirement for Accessory Structures. Staff proposal.
  3. Make Personal Services: Restricted use types (tattoo/piercing shops) require a Use Permit. Requested by a member of the public.
  4. Allow an MRI trailer for veterinary clinics in the industrial districts with a Use Permit. Requested by a local business owner.
  5. Allow more animal (pet) uses in industrial districts. In 2019, at the request of a local business owner, partial changes were made to allow more pet uses in some of the industrial districts. Staff proposes to make it more uniform.
  6. Remove requirement that compact parking spaces to be dispersed in a parking lot. Staff proposal.
  7. Remove discouragement of continuous landscape strips to provide stormwater options. Staff proposal to align with new regulations.
  8. Allow alternatives to 6" curbs in parking lots for stormwater options. Staff proposal to align with new regulations.
  9. Authorize staff to require photometric plans for lighting. Requested by a member of the public.

10. Reference State mandated water efficient landscape requirements. Staff proposal.
11. Reference review of lighting fixtures for off-site impacts. Requested by a member of the public.
12. Remove public hearing requirement for minor telecom facilities. Staff proposal to align with new regulations.

### **“Virtual Road Show”**

Staff offered briefings on the streamlining ordinance to stakeholders. As of the Planning Commission meeting, the following briefings have been held:

- City Councilmembers (6 of 7)
- Planning Commissioners (7 of 7)
- Design Review Committee members (1 of 4)
- Historic Preservation Committee members (3 of 3)
- Community Council Congress (Yes)
- Historic Preservation Advocates (Yes)
- Local Design Professionals (Yes)
- Chamber of Commerce (Yes)
- Local Housing Advocates (Yes)
- Livable Ventura (Yes)

### *Notable Comments Received From Stakeholders:*

- Support for more application types shifting to staff level hearings or administrative actions, with recognition that many local businesses have either chosen not to invest in façade or site improvements to avoid the costly and cumbersome process;
- Strong interest in streamlining being adopted and the time savings for staff being used to focus on other Department tasks such as improving the building permit system;
- Emphasize the need for quality development, which will require City Council, all appointed boards and commissions and staff to be working together to get higher quality;
- Consideration of how lighting impacts will be considered and addressed, and a section was added to the streamlining ordinance to address this. While the addition is not about streamlining, staff is using this ordinance as an opportunity to put in other minor adjustments to respond to local business or public concerns;

- Develop a process that provides public notification of the more significant Minor Design Review projects. Staff adjusted the Minor Design Review process to allow the Director to require public noticing for any Minor Design Review that the Director determines is likely to be of significant public interest;
- Ensure certain businesses that may impact neighborhoods have sufficient review. Personal Services: Restricted use types were shifted to require use permits. Other sensitive uses were raised as well such as alcohol and adult businesses, but staff found that existing licensing requirements provide more protections than a land use solution would;
- Ensure there are protections from DRC subjectivity. Streamlining makes DRC a recommending body so an applicant who believes the DRC is being subjective or is otherwise not satisfied with the experience will have a separate hearing body to make their case to;
- Make sure objective standards and design guidelines are the next priority. Staff has informed the PC, DRC and HPC have we will request City Council prioritize objective standards for next year;
- Make sure that processes to streamline affordable housing are prioritized once the Housing Element is adopted. Overall streamlining will help free up staff time to complete other tasks;
- Make sure interdepartmental coordination continues to get attention and improvement, with certain departments named. Helping align these departments with the rest of the development review team is an ongoing priority;
- Ensure that the historic ordinance is revised after the citywide survey is completed. Staff will recommend that City Council prioritize a revised historic ordinance with the completion of the citywide survey;
- Continue to take steps to help streamline processes that small businesses utilize. This is part of the reason staff continues to recommend that façade changes be administrative and use permits be at staff hearings;
- Ensure that the City can attract and retain quality staff involved in the process since more responsibility is put on staff; and
- Appreciation for staff's efforts working with existing procedures and processes that have been difficult and proposing improvements.

## HPC Review

HPC reviewed proposed changes that applies to historic preservation October 21. Recommendations are listed below. Those recommendations that are being implemented or included in the staff recommendation are underlined. [Link to DRC report](#)

- Acceptance of designation and removal process changes
- Acceptance of expanding the licensed architect qualification for a board member

- Retain allowance for up to two members being lay persons
- Council should consider 7 members, more community involvement and back-ups in case people cannot attend
- Administrative parts of historic design review and determination of potential resource acceptable if performed by a qualified staff member or supported by a historic resource consultant. First preference is a staff member, consultant support is second
- Peer review by a historic consultant of the proposed ordinance changes

The Municipal Code does not give the HPC any formal authority to make recommendations on these ordinance changes. However, staff took the changes to HPC, nevertheless, to get informal feedback. HPC provided ideas for procedures that would further the overall goal of streamlining, which staff appreciates and will follow-through on.

All but one of HPC's suggestions have been incorporated into the proposed streamlining ordinance amendment package except for one. Staff will not recommend expanding the board to 7 members given the difficulty in having a balanced board of five members.

### **DRC Review**

DRC reviewed the design review portion of streamlining on October 20. Recommendations are listed below. Those recommendations that were incorporated into the staff recommendation are underlined. [Link to HPC report](#)

- Keep facades in key areas as Major Design Review (thus DRC review) (key areas = Downtown, Midtown, the Avenue, Saticoy Village, Auto Center, Harbor)
- Wants to keep final authority for cases that don't have to go to other hearings
- Sunset in four years unless extended by City Council
- Add language to Minor Design Review for avoid project piecemealing, if someone does multiple minor design reviews separately, route to DRC.
- Urban design experience is critical, for ARC interview considerations, but no change to the ordinance qualifications for board members

Unlike the HPC, the DRC recommendation was not in alignment with the direction of the Matrix Report and would result in slower processing and possibly the need for more staff than presently occurring with ESO. DRC did support sign variances being handled at staff hearings.

### **Coastal Commission**

The ESO expires in May 2022. If City Council adopts permanent streamlining on in December 2022, then the regulations go into effect in Mid-January 2022.

However, to have the new processes apply in the Coastal Zone, an LCP amendment must be approved by the Coastal Commission. Staff's intent is to apply for an LCP amendment in January 2022 in order to give sufficient time for the LCP amendment to be adopted in time for the May 2022 expiration of the ESO. That will allow the City to have a single uniform process citywide.

Staff continues to communicate with Coastal Commission staff about the ordinance changes. In the event Coastal Commission staff request changes prior to the December Council meeting, staff plans to make such changes and call them out so Council is aware. Staff believes any such changes would only be for the Coastal Development Permit procedures, which apply to the Coastal Zone. Staff requests the PC authorize such changes requested by Coastal Commission staff. Section 24.540.020.2 of the Municipal Code already notes that if the Coastal Commission sends back modifications to the City's adopted zoning regulations, that the City Council can consider and adopt such changes without sending the changes back to PC for review. So the staff request in this recommendation is very similar to this process outlined in the Code.

### **City Council Policy Consideration**

On October 11, 2021, City Council adopted a policy consideration to have four topics added to the streamlining package that is brought to them in December:

1. Report on Energov Enterprise, the new permit database launched in August 2021;
2. Staff recommendation on whether and how to change the make-up and duties of DRC and HPC;
3. Staff recommendation on how to get more value from Exceptions; and
4. Graphic materials to help assist the public in participating in the review process for projects.

The recommendation on the DRC and HPC are included in Attachment H.

The topic of getting value from Exceptions is a challenging one, as staff had not had as much time to prepare this.

The City's form-based codes are complicated, resulting in a multi-story mixed use project needing to comply with 50-100 regulations. Compare this to a single-family house in a standard zoning district that might have 12 zoning regulations to meet. Staff does not believe it is an issue if a mixed-use project requests a small number of warrants or exceptions, because that still means they complied with 90%+ of the rules. Warrants are minor variations from the form based codes. Exceptions are major.

A common narrative in public comment about multi-family projects are concerns with the Exceptions. The Council Policy Consideration requested staff look at ways the City could get value from a project for Exceptions.

Requiring benefits to offset Exception requests can add an incentive for an applicant to try to meet the rules, or will provide the community with something out of the project that we would not have otherwise received, while also improving the area around a project which actually benefits the applicant as well.

This concept is consistent with language in the Saticoy Village Specific Plan, which states that variances should be considered if:

“the proposed development conforms to the overall purpose and intent of the Specific Plan and is warranted because its benefits outweigh any benefit obtained by strict conformance to the Specific Plan.”

But it should be noted that with the upcoming Inclusionary Housing Ordinance, every housing project will effectively qualify for a Density Bonus and be able to request two concessions. So any potential public benefit would only come from Exceptions that concessions are not used for.

The streamlining ordinance would have the Planning Commission (PC) and the decision-making body for projects that have Exceptions. Of all of the potential decision-making bodies, staff believes the PC is well equipped to handle such decisions. These will be cases where good judgment and fairness, for both the applicant and the community, need to be weighed.

Please refer to Section 24.537.050.B.3 in Attachment E for the actual language.

Exceptions vary in scale and significance. And some Exceptions can be determined to be consistent with the intent of the form-based codes. So the proportion of the public benefit would be based on how much the Exception varies from the intent of the codes.

The benefit should be tangible and must exceed what the project would otherwise have been required to do. Staff believes examples of benefits could include:

1. Providing and maintaining a publicly accessible space within the project;
2. Undergrounding overhead utilities, sidewalk and/or planter strip improvements, or street tree planting and maintenance;
3. Contribution to a City fund for #2 above, and/or to a capital improvement project.

The intent would be that a project with Exceptions that are not already addressed through a Density Bonus concession might be plant more street trees or make more sidewalk improvements than they would otherwise have been required to. Or they could provide a public plaza or space as part of the project.

Procedurally, staff would work with the applicant to bring forward a proposal for benefits when applicable. That will provide the PC with a proposal to reach to. The PC can accept, add to, reduce, or even eliminate the need for the benefit.

Applicants that do not want to have to deal with this uncertainty simply have to adhere to the objective standards in the form-based codes and not ask for as many Exceptions.

It is essential that the benefits required be proportionate to the public impact of the exception.

There are concerns with the proposed Exception/Benefit process:

1. Density Bonus concessions may result in few projects that actually trigger the need for a public benefit. Therefore, establishing this process may raise public expectations when the actual use of the process may be limited;
2. Exceptions are already challenging, and does this make it even harder for the PC, and would this create more appeals? A developer thinking the benefit required is too high. Opposition to the project thinking the benefit is too low.
3. Does this give the impression a developer can “buy” an Exception? A counter to this argument is that critics of the City say that we are giving Exceptions away already.
4. There would be no financial analysis of the Exception vs. the Benefit, which some in the public may believe should be required. This process has no intent of requiring additional reports or analysis.

Given the time provided, this is the approach we have been able to prepare. This section was not shared at any of the “virtual road-show” because it was not finalized until the preparation of this report. PC input is requested. Community Development and City Attorney’s Office will work more on this concept prior to the Council meeting.

### **Annual Review**

After the first full year of the streamlining ordinance, staff will begin providing annual reports to the PC and Council on Planning applications listing all projects that received final actions at hearings as well as administrative actions such as Minor Design Review. Future ordinance amendments can be adopted to adjust to any lessons learned.

### **Environmental Review**

The proposed amendments qualify for the General Rule or Common Sense Exemption to the California Environmental Quality Act (CEQA). State CEQA Guidelines Section 15061(b)(3) states:

“Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”

The proposed amendments primarily modify the development review process with miscellaneous corrections or clarifications to existing regulations and noting conformance with State laws. The twelve miscellaneous amendments could also not possibly have a significant effect on the environment.

## **CONCLUSION**

The streamlining ordinance establishes a more simplified planning hearing process that addresses legal concerns, has more minor applications handled administratively, that uses DRC and HPC for projects they provide the most value for, all within the existing planning staff we have.

Successes from the ESO showed these approaches work. Major projects will continue to have at least two hearings and courtesy notices early in the process. More minor projects will be allowed to move forward with staff hearings or administrative actions. Projects that have the most community interest get the most hearings, while projects that do not get as much interest have a lower cost process. This approach balances the competing interests of the City as an organization, applicants and the public.

In addition, improvements to the code for consolidation, consistency, clean-up, clarification and a dozen miscellaneous amendments are provided.

## **ATTACHMENTS**

Resolution

- A – 2021 Streamlining Ordinance – Decision Making Matrix
- B – 2021 Streamlining Ordinance – Table of Changes
- C – Amendments to Division 24 – Zoning Regulations Part 1 and 2
- D – Amendments to Division 24 – Zoning Regulations Part 3 and 4
- E – Amendments to Division 24 – Zoning Regulations Part 5
- F – Deletion of Division 24R – Housing Approval Program
- G – Amendments to Division 26 - Subdivisions
- H– Amendments to Division 2 – Administration Part 4
- I – Downtown Specific Plan Amendments
- J – Midtown Corridor Plan Amendments
- K – Victoria Avenue Corridor Plan Amendments
- L – Saticoy & Wells Community Plan Amendments
- M – Parklands Specific Plan Amendment
- N – UC Hansen Trust Specific Plan Amendments
- O – Olivas Park Specific Plan Amendment