

ORDINANCE NO. 2023-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA APPROVING TEXT AMENDMENTS TO THE ZONING ORDINANCE TO MODIFY CHAPTER 24.244 - M-X-D (MIXED USE ZONE) OF THE SAN BUENAVENTURA MUNICIPAL CODE IN ORDER TO MEET THE CITY'S REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) ALLOCATION AND RECOMMENDATIONS OUTLINED IN THE 6TH CYCLE OF THE HOUSING ELEMENT (2021-2029)

WHEREAS, on January 31, 2022, the City of San Buenaventura City Council adopted the 6th cycle Housing Element (2021-2029); and

WHEREAS, the City's Housing Element required rezoning of certain properties to provide the site inventory needed to meet the City's Regional Housing Needs Assessment (RHNA) allocation; and

WHEREAS, on May 24, 2023, the Planning Commission of the City of San Buenaventura held a duly noticed public hearing and at that time considered all testimony, written and oral, and forwarded a recommendation to adopt the proposed text amendments to the Zoning Ordinance.

WHEREAS, on July 10, 2023, the City Council was presented text amendments to the San Buenaventura Municipal Code Zoning Regulations modifying Chapter 24.244, M-X-D (Mixed Use Zone) regulations as depicted in this ordinance; and,

WHEREAS, on July 10, 2023, the City Council of the City of San Buenaventura held a duly noticed public hearing and at that time considered all testimony, written and oral, and approved the proposed text amendments to the Zoning Ordinance.

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

SECTION 1: The above recitations are true and correct and are incorporated herein by this reference.

SECTION 2: The proposed text amendments to the Zoning Ordinance are consistent with and reflective of the General Plan's goals, policies, and intent to encourage orderly growth and development in a manner that preserves the public's health, safety, and welfare because it addresses changes that have occurred in the City's housing needs by implementing the policies, procedures, and programs contained in the updated 2021-2029 Housing Element. Specifically, the amendments further 2021-2029 Housing Element Policy 3.4 which states "*establish citywide objective standards for housing, while considering form-based codes citywide to accommodate infill and mixed use development contextually*" and Policy 3.8, which calls to "*Facilitate the development of mixed-use projects in appropriate areas, including standalone residential*

developments (horizontal mixed-use) and housing above ground floor commercial uses (vertical mixed-use).”

SECTION 3: CALIFORNIA ENVIRONMENTAL QUALITY ACT.

As part of the adopted Housing Element, and Addendum, Case No. EIR-1-22-62118, to the 2005 General Plan Final Environmental Impact Report (FEIR), EIR-2452, was conducted, including increased dwelling units as part of rezoning, and found the following:

No substantial changes are proposed in the project, and no changed circumstances under which the proposed project is to be undertaken that would require major revisions of the previous EIR have been identified. No new significant environmental effects or substantial increase in the severity of previously identified significant effects under the certified FEIR have been found with the proposed project. Further, no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, shows that (1) the proposed project would have one or more significant effects not previously discussed in the approved FEIR; (2) significant effects previously examined will be substantially more severe; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or (4) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects. Addendum #2 to the 2005 Ventura General Plan Final Environmental Impact Report is complete, in compliance with CEQA, and it represents the independent judgment of the City of Ventura.

SECTION 4: These sections of Chapter 24.244 of Title 24 of the San Buenaventura Municipal Code, “M-X-D Mixed Use Zone,” are hereby amended in its entirety as follows:

Sec. 24.244.010. Chapter description.

Chapter 24.244 establishes the MXD Mixed-Use Zone, also known as the “MXD” zone, and prescribes use types and other regulations for this zone. The provisions of this Chapter are further intended to set forth development standards for each land use type within the MXD zone, and provide for feasible use of buildings for selected combined uses, including opportunities for development of combined live/work spaces.

Any applicable overlay zones described in Chapters 24.300 through 24.399 may impose regulations in addition to those prescribed by this Chapter for the MXD zone. In addition, Chapter 24.305 (Ventura Residential and Mixed-Use Overlay Development Code (LM and MU Overlays) provides development and design standards that replace and/or are in addition to those prescribed in this Chapter for the MXD zone.

(Code 1971, § 15.244.010)

Sec. 24.244.020. Uses—Permitted.

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

A. Residential.

Family Residential: Large Multi-Family

Family Residential: Small Multi-Family

Residential Care

Residential Condominiums

B. General.

Administrative, Business, and Professional Services

Animal Sales and Services: Grooming and Pet Stores

Animal Sales and Services: Veterinary

Automotive and Accessories: Automotive Rentals

Automotive and Accessories: Automotive Repairs, Systems

Automotive and Accessories: Automotive Sales, Retail

Automotive and Accessories: Automotive Sales, Wholesale

Automotive and Accessories: Parking

Boating and Harbor Activities: Boat Sales and Services

Business and Professional Support

Construction Sales and Services: Building Supply Stores

Cultural and Library Services

Dining Establishments: Ancillary Service

Dining Establishments: Fast Counter Service

Dining Establishments: Full Service

Dining Establishments: Take Out

Drinking Establishments

Educational Services: Commercial

Equipment Rentals, Sales, and Services: Light

Food and Beverage Retail Sales

Funeral and Interment Services

Government Services

Laundry Services

Light Industrial

Lodging Services: Bed and Breakfast Inns
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
Retail Sales
Safety Services
Shopping Center: Large
Shopping Center: Small
Utility or Equipment Substations
Wireless Telecommunications Facilities: Mini
Wireless Telecommunications Facilities: Minor
Wireless Telecommunication Services: Major

C. *Agricultural.*

None

(Code 1971, § 15.244.020; Ord. No. 2000-04, § 42, 1-24-00; Ord. No. 2002-05, § 11, 3-18-02)

Sec. 24.244.030. 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:

A. *Residential.*

Group Residential

B. *General.*

Auction Sales

Automotive and Accessories: Cleaning

Automotive and Accessories: Gasoline Sales

Community Meeting
Construction Sales and Services: Building Contractor Yards
Construction Sales and Services: Lumber Yards
Day Care Centers
Day Services Facility
Dining Establishments: Fast Service, Drive-Up
Education Services: General
General Industrial
Group Care
Helicopter Landing Services
Lodging Services: Hotels and Motels
Recreational Services: Amusement Centers
Recreational Services: Indoor Entertainment
Recreational Services: Indoor Sports and Recreation
Recreational Services: Outdoor Entertainment
Recreational Services: Outdoor Sports and Recreation
Research or Laboratory Services
Swap Meets
Transportation Services
Wholesaling and Distribution

C. *Agricultural.*

None

(Code 1971, § 15.244.030; Ord. No. 2011-010, § 18, 8-1-11; Ord. No. 2012-024, § 15, 12-17-12; Ord. No. 2017-008, § 8, 4-17-17)

Sec. 24.244.035. Same—Subject to a director's permit.

The following use types may be permitted, subject to the provisions of this Chapter and further provided that a director's permit is approved pursuant to Chapter 24.505:

A. *Residential.*

None

B. *General.*

Farmers' Market, Certified

Thrift stores

C. *Agricultural.*

None

(Ord. No. 2010-006, § 8, 4-26-10; Ord. No. 2012-024, § 16, 12-17-12)

Sec. 24.244.040. Same—Incidental.

Incidental uses as defined in Chapter 24.110 may be permitted.

(Code 1971, § 15.244.040)

Sec. 24.244.050. Same—Special provisions.

Uses listed in sections 24.244.020 through 24.244.40 must also comply with the following special provisions:

- A. *Reserved.*
- B. *Design review. Design review approval must be obtained as required by Chapter 24.845.*
- C. *Planned development permit. Approval of a Planned Development Permit pursuant to Chapter 24.525, or amendment pursuant to Chapter 24.570, is required for any construction of new structures or additions or alterations to existing structures in conjunction with, or in any way related to the use types listed in sections 24.244.020 and 24.244.030 except for the Recycling Services: Consumer Recycling Collection Points and Wireless Telecommunications Facilities: Mini and Minor use Types.*
- D. *Temporary uses. Temporary uses may be conducted in the MXD zone only to the extent permitted by Chapter 24.120.*
- E. *Home occupations. Home occupations may be conducted in the MXD zone only to the extent permitted by Chapter 24.125.*
- F. *Factory-built homes. Factory-built homes may be used for residential purposes in the same manner as conventional site-built housing subject of the provisions of this Chapter.*
- G. *Group Care. All Group Care uses must comply with the provisions of Chapter 24.435.*
- H. *Dining Establishments: Fast Service, Drive-Up. Dining Establishments: Fast Service, Drive+Up uses must comply with the provisions of Chapter 24.475.*
- I. *Domestic animals.*
 - 1. *Domestic animals, as defined in Chapter 24.110, are permitted in the MXD zone, provided that, in conjunction with uses other than those uses within the Animal Sales and Services: Grooming and Pet Stores use type, only four adult animals over the age of four months are permitted per dwelling unit or establishment and, further provided that, no more than three adult dogs shall be permitted per dwelling unit or establishment.*

2. *Notwithstanding paragraph (a) of this subsection 9., for uses conducted in the MXD zone that are classified in the Residential Condominiums use types, up to six adult animals over the age of four months are permitted, provided that, no more than three adult dogs shall be permitted per dwelling unit.*

J. *Livestock animals. Livestock animals are not permitted in the MXD zone.*

K. *Wild animals. Wild animals are not permitted in the MXD zone, except in conjunction with the Animal Sales and Services: Grooming and Pet Stores use type.*

L. *Recycling Services: Consumer Recycling Collection Points. Uses classified in the Recycling Services: Consumer Recycling Collection Points use types must comply with the provisions of Chapter 24.485.*

M. *Assembly uses. All Assembly uses must comply with the provisions of Chapter 24.480.*

N. *Wireless Telecommunications Facilities: Minor. Uses classified in the Wireless Telecommunications Facilities: Minor uses type shall require a director's permit pursuant to Chapter 24.505.*

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

(Code 1971, § 15.244.050; Ord. No. 2000-04, § 43, 1-24-00; Ord. No. 2011-010, § 19, 8-1-11; Ord. No. 2021-017, § 23, 12-13-21)

Sec. 24.244.060. Standards—Density.

For building and lots in the MXD zone not used exclusively for residential purposes, there shall be no general lot area, lot width, or lot coverage standards. For buildings or lots used exclusively for residential purposes, the lot area, lot width, and lot coverage standards for the R-3 zone. The standards for minimum lot area per dwelling unit of the R-3-3 subzone, shall apply with the following exceptions:

A. *In the Downtown Specific Plan Area the residential dwelling unit density for each zone within the Plan shall apply.*

B. *In the Residential and Mixed-Use Overlay zones (MU-3, MU-4, MU-5, and MU-6) the residential dwelling unit density per each overlay shall apply (See Chapter 24.305 (Residential and Mixed-Use Overlay Development Code (LM and MU Overlays)).*

(Code 1971, § 15.244.060)

Sec. 24.244.070. Same—Height.

The following height standards apply, with the exception of parcels in the Residential and Mixed-Use Overlay zones where the maximum height and stories per each overlay shall apply.

- A. *Height determination. The height of buildings and other structures in the MXD zone shall be determined in accordance with section 24.405.040.*
- B. *Maximum number of stories. Buildings and other structures in the MXD zone shall not exceed six stories in height.*
- C. *Maximum height. Regardless of the number of stories comprising a building or structure, no portion of a building or other structure in the MXD zone shall exceed 75 feet in height except as provided in section 24.405.030.*

(Code 1971, § 15.244.070)

Sec. 24.244.080. Same—Yards. Fences, walls, and other uses of yards in the MXD zone shall comply with the yard requirements contained in Chapter 24.410 with the exception of Section 24.410.030 for parcels in the Residential and Mixed-Use Overlay zones where the yard and projection standards per each overlay shall apply.

(Code 1971, § 15.244.080)

Sec. 24.244.090. Same—Setbacks.

Buildings and other structures, not including fences or walls, on a lot in the MXD zone shall comply with the following setback requirements with the exception of parcels in the Residential and Mixed-Use Overlay zones where the setback standards per each overlay shall apply:

- A. *Front setbacks. There shall be no general front setback in the MXD zone, provided that, buildings or lots used exclusively for residential purposes shall comply with the front setback regulations of the R-3 zone.*
- B. *Side setbacks. There shall be no side setback requirement in the MXD zone, except as provided in this subsection 2.:*
 - 1. *Where the side of a lot in the MXD zone not used exclusively for residential purposes abuts any residential zone, there shall be a side setback of not less than ten percent of the width of the lot; provided that, such side setback shall not be less than three feet, and need not exceed five feet in width.*
 - 2. *Buildings or lots used exclusively for residential purposes shall comply with the side setback regulations for the R-3 zone.*
- C. *Rear setbacks.*
 - 1. *Each lot in this zone not used exclusively for residential purposes shall have a required rear setback of not less than 20 percent of the depth of the lot; except that such rear setback need not exceed 20 feet.*
 - 2. *Buildings and lots used exclusively for residential purposes shall comply with the rear setback regulations of the R-3 zone.*

(Code 1971, § 15.244.090)

Sec. 24.244.100. Same—Accessory structures.

Accessory structures, as defined in Chapter 24.110, shall only be allowed to the extent such accessory structures comply with subsections 1. through 4. of this section. In addition, the Residential and Mixed-Use Overlay Zones as described in Chapter 24.305 (Residential and Mixed-Use Overlay Development Code (LM and MU Overlays)) provide accessory structure standards in addition to those prescribed in this Chapter.

- A. The portion of any accessory structures used for required parking (e.g., garage, carport), shall provide for adequate ingress and egress as determined by the director.
- B. The portion of any accessory structure that contains a habitable room shall not be located closer than three feet to any lot line, regardless of the location of the accessory structure on the lot.
- C. All accessory structures are subject to compliance with all Uniform Building Code requirements, including, but not limited to, separation between structures.
- D. In addition to the applicable provisions of subsections 1. through 3. of this section, a detached accessory structure may be located in the required yard areas only to the extent allowed by this subsection 4. as follows:
 - 1. Detached accessory structures may be entirely or partially located in a required rear yard as long as these accessory structures do not occupy more than 50 percent of that required rear yard;
 - 2. Detached accessory structures may be partially or entirely located in the portion of the required side yard which overlaps the required rear yard;
 - 3. Detached accessory structures may be partially or entirely located in one of the required front yards of a through lot, provided that, such accessory structure is set back from the nearest front lot line a distance of not less than ten percent of the depth of the lot, but need not exceed a setback of 25 feet, and at least five feet from any side lot line;
 - 4. Where the average natural grade of a required front setback line is more than eight feet above the average established curb grade of the street upon which the lot abuts, a garage may be erected so as to extend into the required front yard or required side yard, but not so as to extend closer than five feet to any street property line; and
 - 5. All detached accessory structures located in required yard areas shall not exceed one story in height and shall be no more than 14 feet in height.

(Code 1971, § 15.244.100; Ord. No. 2021-017 , § 23, 12-13-21)

Sec. 24.244.110. Same—Attached patio covers.

A covering for a patio in any required rear yard may be attached to a main building used exclusively for residential purposes, subject to all of the following provisions:

- A. *Width of covering.* The width of such patio cover shall not exceed one-half of the width of the lot upon which it is located.
- B. *Location of supports.* Supports shall be a minimum of 12 feet from the rear lot line and a minimum of five feet from the side lot lines.
- C. *Overhang allowable.* Eave overhangs shall be a minimum of ten feet from the rear lot line and a minimum of three feet from each of the side lot lines.
- D. *Side enclosure prohibited.* No enclosure of any kind shall be permitted on any non-attached side of such structure.
- E. *Coverage of building area limited.* The area of covering combined with the area of all other buildings and structures on the lot shall not exceed the maximum lot coverage permitted in this Chapter.

(Code 1971, § 15.244.110)

Sec. 24.244.120. Same—Other.

The following development regulations and standards shall also apply within the MXD zone:

- A. *Parking.* Off-street parking shall be provided for all uses as may be required by Chapter 24.415 or Chapter 24.345 where applicable, or per Subpart 24F for parcels in the Residential and Mixed-Use Overlay zones; however, if a dwelling unit is designed as a combined live/work space, incorporating both a residential use type and a general use type, the off-street parking space requirement shall be calculated based solely on the parking requirement for the applicable general use type existing or proposed at the site and no additional parking for the residential use type shall be required, but only if the following standards are met:
 - 1. *The living space shall be contiguous with and made an integral part of the work space, with direct access between the living and working areas to be provided and maintained at all times. If the living space is not contiguous and integral with the work space and the required direct access is not provided, the off-street parking space requirement shall be based on the general use type and residential use type requirements combined, unless a director's permit is obtained in accordance with Chapter 24.505 to indicate the director's determination that the design of the live/work use complies with the intent of this standard.*
 - 2. *Living and working areas within one live/work space shall not be rented separately.*
 - 3. *All regulations, requirements, and conditions of the city's building and safety division and fire department shall be met.*
 - 4. *The residential dwelling unit density for the zone shall not be exceeded. However, within the Downtown Specific Plan Area the residential dwelling*

unit density for the zone shall not be more or less than allowed by the plan.

- B. Signs. All signs must comply with the provisions of Chapter 24.420. Sign allowance for general use types shall be based on section 24.420.140. The maximum sign allowance for residential uses shall be based on section 24.420.120.*
- C. Coastal development. All development within the CP Overlay Zone must comply with the provisions of Chapter 24.310 and Chapter 24.515;*
- D. Flood Plain Overlay Zone. All development within a designated Flood Plain (FP) Overlay Zone must comply with the provisions of Chapter 24.320 and Chapter 24.530;*
- E. Displays for uses in the Automotive and Accessories use type category. Outdoor display of merchandise in conjunction with uses classified within the Automotive and Accessories: Gasoline Sales, and Automotive and Accessories: Automotive Repairs, Systems use types may be permitted provided that all the following standards are met:*
 - 1. Lubricating materials. Not more than one day's supply of lubricating materials, computed on the basis of average daily sales, may be placed upon the pump island or within two feet of the pump island or primary building. All such lubricating materials must be displayed in appropriate racks.*
 - 2. Tire display. Not more than two enclosed tire storage or display cabinets are permitted. In lieu of tire cabinets, not more than four individual new tires in appropriate open racks or stands may be displayed, provided that such racks or stands are located within two feet of the perimeter of the pump island or primary building.*
 - 3. Vending machines. Vending machines, including but not limited to, soft drink dispensers or cigarette or candy vending machines, may be displayed within two feet of the perimeter of the primary building. Not more than four such machines are permitted.*
- F. Open storage. Except for outdoor displays of merchandise conditionally allowed by subsection 5. of this section, open storage in the front yard of any lot is prohibited. Open storage area in side or rear yard area is subject to a director's permit for existing uses or a planned development permit for new development. The following standards shall be met:*
 - 1. Such storage shall be located on the rear one-half of the lot and shall be confined to an area not to exceed 3,000 square feet;*
 - 2. No power-driven excavating or road-building equipment shall be stored on the lot;*
 - 3. The storage area shall be completely enclosed by a solid wall or fence not less than six feet in height and which may include a solid gate;*

4. *No materials or equipment shall be stored to a height greater than the height of the required fence or wall; and*
 5. *The director or planning commission, in approving an application that would allow open storage in a side or rear yard may impose such conditions as deemed necessary or desirable to ensure that the proposed project will be compatible with, and not adversely impact, the surrounding vicinity and uses.*
- G. *Equipment repair and reconditioning. All new and used automobile, trailer, and boat sales, services, or repairs shall comply with the following standards:*
1. *All outdoor display areas related to such uses shall be entirely surfaced with concrete or asphaltic concrete.*
 2. *No repair or reconditioning of automobiles, trailers, or boats shall be permitted unless conducted entirely within an enclosed building.*
- H. *Swap Meets. Except for properties within the boundaries of the Downtown Specific Plan Area, uses classified within the Swap Meets use type may be conducted in the MXD zone, provided that, all such uses must obtain a use permit pursuant to Chapter 24.520, and further provided that, any such use may be conducted only for a maximum of 48 hours within any seven day consecutive period.*
- I. *Vehicle repair. No vehicles may be repaired on sites occupied by residential land uses unless all the following conditions are met:*
1. *The vehicle under repair must be owned by the current resident of the property upon which the repairs are being made.*
 2. *Registration or proof of current ownership of the vehicle being repaired shall be available for inspection on the premises at all times while the vehicle is under repair.*
 3. *Vehicle repairs may be conducted only between the hours of 7:00 a.m. and 10:00 p.m.*
 4. *Repair of a particular vehicle shall be conducted and completed in no more than 30 days.*
 5. *Storage of any vehicle under repair, or storage of parts of a vehicle, upon a public street or alley or upon an unpaved yard area, other than a driveway, is prohibited.*
 6. *Body work on a vehicle is prohibited.*
 7. *Painting of a vehicle or any portion of a vehicle is prohibited.*

(Code 1971, § 15.244.120)

Sec. 24.244.130. Density review.

Prior to issuance of building permits, floor plans may be reviewed by the director to determine that density standards will not be exceeded. In order to preclude or lessen the possibility that density standards will be exceeded, or that unlawful density increases will occur in the future, no more than one kitchen shall be allowed per dwelling unit. In the density review process, additional changes may be required in the placement of exterior doors, windows, stairways, hallways, utility connections, or other fixtures or architectural features when determined by the director to be necessary or desirable to preclude or lessen the likelihood of unlawful density increases.

(Code 1971, § 15.244.130)

Sec. 24.244.140. Nonconformance.

All nonconforming uses, nonconforming structures, and nonconforming parcels are subject to the provisions of Chapter 24.465.

(Code 1971, § 15.244.140)

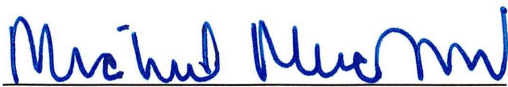
The foregoing Ordinance was adopted by the City Council of San Buenaventura on July 24, 2023 and ordered published by posting the following vote:

Ayes: Councilmembers Duran, McReynolds, Johnson, Halter, Campos, and Mayor Schroeder
Noes: None
Absent: Deputy Mayor Sanchez-Palacios



Joe Schroeder
Mayor

ATTEST:



Michael B. MacDonald, CMC
City Clerk



APPROVED AS TO FORM
Andrew Heglund, City Attorney

By: Andrew Heglund for 8/14/23
Christopher de la Vega Date
Assistant City Attorney

Christopher de la Vega



Christopher de la Vega