



CITY OF OJAI

Community Development Department

401 South Ventura Street · Ojai · California · 93023
Main (805) 646-5581 · Inspection (805) 646-5581 x 127
www.ojai.ca.gov

August 9, 2023

Barbara Macri-Ortiz
P.O. Box 6432
Oxnard, CA 93031
b.macriortiz@verizon.net

Cabrillo Economic Development Corporation
Attn: Mr. William Hughes
702 County Square Drive, Suite No. 200
Ventura, CA 93003
whughes@cabrilloedc.org

Re: 320 Bryant Street, Ojai, CA 93023; SPL Overlay Site #17 SB 35 Application for Development of Affordable Housing Second Response Letter of Incompleteness, Case No. ZCL 23-051, et al. Applicant Cabrillo Economic Development Corporation

Dear Ms. Macri-Ortiz,

This letter is in response to your August 2, 2023 letter regarding the above-titled matter. As discussed below, the City of Ojai disagrees with your contention that the City must complete its design review process by August 9, 2023 as the statutory standards to qualify for that portion of SB 35 are not met. The City has not yet, and cannot yet, decide the project's application as the application is not complete, it does not meet all applicable objective zoning standards, and the required tribal consultation process is not yet complete, each of which is independently sufficient to bar streamlined design review processing under SB 35.

The City is committed to processing the proposed project's application in compliance with all applicable laws and is mindful of the City's Housing Element and related requirements, and to that end invites a collaborative discussion regarding the process, steps, and timeline for the remaining steps of the City's processing of the project application. We hope to reach agreement on, then implement, a reasonable public hearing process, and through that process, the City will render its final decision on the project application in compliance with all applicable laws.

In your letter you make two points along these lines. First, you contend that Cabrillo Economic Development Corporation (“CEDC”) “will not apply for a General Plan or zoning code amendment because under SB 35, such a procedure is unnecessary and actually contrary to relevant state law.” Please identify the source and your justifications for this conclusion. On page 8 of the Department of Housing and Community Development Department’s Guidelines, Article III (Approval process), Section 300 (Local Government Responsibility), subsection (c)(2), it states:

A standard that requires a general plan amendment, the adoption of a specific plan, planned development zoning, or another discretionary permit or approval does not constitute an objective standard. A locality shall not require a development proponent to meet any standard for which the locality typically exercises subjective discretion, on a case-by-case basis.

Please confirm if this is the source of your conclusion and its basis in the Government Code. The City maintains that CEDC must apply for a General Plan Amendment and a Zoning Code Amendment to accommodate its proposed project, especially as the City’s process for General Plan and zoning code amendments will not be evaluated using subjective standards, and as stated in the City’s prior letters, the proposed project does not comply with the City’s existing, objective General Plan and zoning standards.

Similarly, as noted in previous comments on CEDC’s proposed project by the City, the height limit for this site is only two stories, while the proposed project comes in at three stories—which contradicts the City’s objective zoning standards of two-stories for the site. As noted in my July 28, 2023 Second Response Letter of Incompleteness, the proposed project’s 43-foot height exceeds the site’s 30-foot maximum height. My July 28, 2023 letter also noted other General Plan Land Use Element policies and objective standards of the SPL overlay zoning district, including density and parking, that conflict with the proposed project.

Second, you contend in your letter that “environmental review is not appropriate for this by-right development, in accordance with Section 65913.4(d)(2).” You then cite this entire section in a footnote, which I reproduce below.

If the development is consistent with the requirements of subparagraph (A) or (B) of paragraph (9) of subdivision (a) and is consistent with all objective subdivision standards in the local subdivision ordinance, **an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth in paragraph (1).** [emphasis added].

In your citation of this section, you bolded “shall be exempt from the requirements of the California Environmental Quality Act[.]” As you can see above, the language I have highlighted is the fact that only the subdivision application is exempt from environmental review, not the rest of the proposed project. As you note on page five of your letter, “the development does not involve a subdivision of a parcel, [and] is not subject to the Subdivision Map Act[.]” The statute is silent on

whether the project can be subjected to environmental review and only focuses on the subdivision application. At this time, the City reserves all rights to complete an initial study under the California Environmental Quality Act, then will comply with CEQA as required from the findings of the initial study.

In response to your inquiries regarding the tribal consultation process, the City initiated the process on July 21, 2023 by sending a letter to the Barbareno/Ventureno Band of Mission Indians. This letter is attached to this email.

The City also sent a letter on August 2, 2023 to the Native American Heritage Commission requesting assistance in identifying any additional California Native American Tribes within the area and attached a description of the project. This letter is attached to this email.

The City has yet to receive any comment from the Barbareno/Ventureno Band of Mission Indians or the Native American Heritage Commission. The tribal consultation process is not yet complete, thus the proposed project is not eligible for streamlined processing per Government Code Section 65913.4, subdivision (b).

The City commends CEDC's willingness to continue working with the City on the "Project Plans Incomplete Items" that were listed in my previous letter to CEDC. For Item No. 5, you write that "in the event that the plans are not able to meet the Code, we will use a concession, under a density bonus law and consistent with HCD Guidelines, the project should be considered 'consistent with the City's objective standards.'" Please provide plans and additional details, so the City can evaluate this proposal.

The City also asserts that the August 9, 2023 deadline you declared is not applicable. The City understands the relevant provision of Government Code Section 65913.4 as requiring the City to complete design review or public oversight within 90 days of receiving a *completed submittal* of an SB 35 project with fewer than 150 units. The City plans to continue processing this project and hold public oversight hearings while complying with the statutory time limits for project approval under the Permit Streamlining Act. The City will make its final decision on the project in compliance with all applicable laws, and by the adoption of a Resolution with the necessary findings.

Please provide the additional information and revised plans as requested in my letter of July 28, 2023, and as offered in your letter of August 2, 2023. Please also forward the applicant's signature on the indemnity agreement included in my letter of July 28, 2023.

The City is committed to processing the proposed project's application in compliance with all applicable laws and is mindful of the City's Housing Element and related requirements, and to that end invites a collaborative discussion regarding the process, steps, and timeline for the remaining steps of the City's processing of the project application.

Let me know if you and your client are amenable to convene a meeting regarding the processing plan for the project. We hope to reach agreement on, then implement, a reasonable public hearing process, and through that process, the City will render its final decision on the project application in compliance with all applicable laws.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lucas Seibert', written over a horizontal line.

Lucas Seibert
Community Development Director

Enclosures: July 21, 2023 Letter to the Barbareno/Ventureno Band of Mission Indians
August 2, 2023 Letter to the Native American Heritage Commission

- c: Mark Scott, Interim City Manager
- Matthew T. Summers, City Attorney
- Ephraim S. Margolin, Deputy City Attorney



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July 21, 2023

Barbareno/Ventureno
Band of Mission Indians
Attn: BVBMI Chair Vestuto
PO Box 364
Ojai, CA 93024

TRANSMITTAL VIA EMAIL:
cr@bvbmi.com

FORMAL NOTICE

RE: California Environmental Quality Act (CEQA) Public Resources Code Section 21080.3.1, subdivision (b) – Formal Notification of Proposed Project Within the Barbareno/Ventureno Band of Mission Indians (BVBMI) Tribe’s Geographic Area of Traditional and Cultural Affiliation. Proposed Project, is a 50 unit affordable housing development and density bonus referred to as Cabrillo Vistas Affordable Housing Project, incorporated within two separate buildings on approximately two acres, and within a two- three-story affordable housing development – located at 320 Bryant Street.

Dear BVBMI Chair Vestuto,

In accordance with Public Resources Code Section 21080.3.1, subd. (b), BVBMI, which is traditionally and culturally affiliated with the geographic areas in and around the City of Ojai, and have requested in a recent letter dated July 5, 2023 and received July 10 (enclosed) from Eleanor Fishburn, Secretary of the Barbareno/Ventureno Band of Mission Indians requests formal notice of information on proposed projects for which the City will serve as lead-agency under the California Environmental Quality Act, Public Resources Code section 21000 et seq.

The letter is generated to notify you of a project, referenced above, for which the City of Ojai will serve as lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. This letter is directed to BVBMI representatives, and requests formal notification pursuant to the Public Resources Code identified in the subject heading above.

Furthermore, pursuant to California Government Code Section 65913.4(b) the City of Ojai is including a project description (enclosed) generated by the applicant of the proposed project located at 320 Bryant Street as well as the location of the subject project site; 320 Bryant Street, Ojai CA 93023. Chair Vestuto, you are invited to an upcoming engagement in a scoping consultation in accordance Government Code 65913.4(b).

Provide dates and times to Lucas.Seibert@ojai.ca.gov and those dates will be shared with the applicant of the project, if BVBMI approves the participation of the development proponent and its consultants engaging in this meeting (face-to-face or virtual).

Notification pursuant to Public Resources Code Section 21080.3.1, subdivision (b) will be sent via certified U.S. Mail with return receipt as well as via email to cr@bvbmi.com.

Sincerely,

Handwritten signature of Lucas Seibert in blue ink, consisting of a stylized 'L' and 'S'.

Lucas Seibert
Community Development Director

Enclosures: BVBMI Letter dated July 5, 2023; received July 10, 2023
Project Description – Cabrillo Vistas Affordable Housing Project

c: Mark Scott, Interim City Manager



RECEIVED

JUL 10 2023

Community Development
Department

July 5, 2023

City of Ojai
Planning and Zoning Division
401 S. Ventura Street
Ojai CA 93023

RE: California Environmental Quality Act Public Resources Code section 21080.3, subd. (b).
Request for Formal Notification of Proposed Projects Within the Barbareño/Ventureño Band of
Mission Indians (BVBMI) Tribe's Geographic Area of Traditional and Cultural Affiliation.

To Whom It May Concern:

As of the date of this letter, in accordance with Public Resources Code Section 21080.3.1, subd. (b), BVBMI, which is traditionally and culturally affiliated with a geographic area within your agency's geographic area of jurisdiction, requests formal notice of and information on proposed projects for which your agency will serve as a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

Pursuant to Public Resources Code section 21080.3.1, subd. (b), and until further notice, we hereby designate the following person as the tribe's lead contact person for purposes of receiving notices of proposed projects from your agency:

Cultural Resource Department
c/o BVBMI Chair Vestuto
PO Box 364
Ojai CA 93024
cr@bvbmi.com

805-746-6685

We request that all notices be sent via certified U.S. Mail with return receipt. Following receipt and review of the information your agency provides, within the 30-day period proscribed by Public Resources Code section 21080.3.1, subd. (d), the BVBMI may request consultation, as defined by Public Resources Code section 21080.3.1, subd. (b), pursuant to Public Resources Code section 21080.3.2 to mitigate any project impacts a specific project may cause to tribal cultural resources.

If you have any questions or need additional information, please contact our lead contact person listed above.



Sincerely,

Eleanor Fishburn

Eleanor Fishburn, Secretary
Barbareño/Ventureño Band of Mission Indians

PROJECT DESCRIPTION

Cabrillo Vistas Affordable Housing Project

318-320 Bryant Street, Ojai

Date: June 29, 2023

Project Summary:

Cabrillo Economic Development Corporation proposes to develop 50 new residential units on an approximately 2-acre vacant parcel located at 318-320 Bryant Street, behind the Condor Self-Storage facility. 49 of the units will be dedicated to housing families and individuals earning below 60% of the Area Median Income, and one unit will house an on-site property manager. Of the 49 affordable units, 19 of the units will be set-aside for farmworker households. The number of bedrooms per unit is as follows: 14 three-bedroom units; 26 two-bedroom units; 10 one-bedroom units. The number of children living at the site is estimated to range from 76-96. The project will be 100% electric and self-sustaining from roof-mounted PV panels and back-up battery storage. The project is comprised of one, two and three-story elements and is designed in the modern farmhouse style. 95 parking spaces will be provided onsite; most spaces will be assigned to specific units.

Parking:

95 parking spaces will be provided onsite.

-72 full-size spaces (4 have EV charging stations),

-6 ADA spaces, and

-17 compact size spaces - less than the 25% allowed per Ojai Zoning Ordinance (18 spaces).

A parking placard system will help the manager control parking. In general, two- and three-bedroom units will be assigned two parking spaces (80 spaces), and one-bedroom units will be assigned one space (10 spaces) and 5 spaces will be for general parking.

In reality, some units will not need two spaces or even any spaces, and some units will need 4 spaces. Having an onsite manager helps keep parking distributed where it is needed.

Parking Requirement per City of Ojai: 120 total spaces:
Multifamily Residential
 1.5 covered spaces per unit: 50 x 1.5 = 75 covered spaces
 0.5 uncovered guest spaces per 1-bedroom unit: 10 x 0.5 = 5 uncovered spaces
 1.0 uncovered guest spaces per 2 & 3-bedroom unit: 40 x 1.0 = 40 uncovered spaces

Parking Requirement per SB 35: **51 total spaces**

- **SB 35 Parking Requirements are less than the State’s Density Bonus requirements: One space per unit for a 100% affordable housing project – regardless of size or number of bedrooms.** SB35 parking requirement supersedes State Density Bonus Law requirements.

SB35

Per 49 units	1 space/unit	49 spaces
1 Manager’s 3bd Unit	2 spaces/unit	2 spaces
Total=		51 spaces

Other State Laws restrict the amount of parking required for 100% affordable housing projects as follows:

Parking Requirement per Density Bonus Law: 71 total spaces.

-In addition to concession/incentives and unlimited waivers or reductions of City of Ojai Development Standards, State Density Bonus Law allows for a maximum parking requirement as follows:

*Section 65915 (p) Upon the developer’s request, the city or county may not require more than the following parking ratios for a **density bonus project** (inclusive of parking for persons with disabilities):*

1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	1.5 spaces

-Using the **State Density Bonus** parking requirements above, the Cabrillo Vistas project would need to provide 71 parking spaces where 96 are proposed, or 25 more spaces than required.

Density Bonus

1 Bedroom	1 space/unit	10 units	10 spaces
2 Bedroom	1.5 spaces/unit	26 units	39 spaces
3 Bedroom	1.5 spaces/unit	13 units	20 spaces
3 Bedroom Manager's Unit	2 spaces/unit	1 unit	2 spaces

Total = 71 spaces

Covered Parking:

City requirements that 1.5 covered parking spaces per unit are provided for multi-family residential development, or 75 spaces. However, Govt. Code § 65915(p)(5) states as follows:

"For purposes of this subdivision, a development may provide onsite parking through tandem parking or **uncovered parking**, but not through onstreet parking."

Thus, no concession or incentive is required to allow for uncovered parking.

Parking Stall Dimension Reduction:

As described above, the applicant is not required to provide 95 parking spaces pursuant to both SB35 and State Density Bonus Law. However, CEDC's experience with family projects is that more residents have cars than in a senior or a homeless housing development. Unfortunately, so much of the site area is dedicated to providing the required fire truck access (a full 360 degrees around the project site), that we were initially only able to fit 75 parking spaces on site.

However, we found that 20 additional parking spaces would fit on site if the *length* of the parking stall was reduced by 2', to an 18' length - consistent with neighboring Ventura County parking standards, Santa Barbara County standards, and many local city parking standards as well. As a result, the project's "regular" size parking stalls have been reduced to 18' in length and the project will request a development standard "reduction" pursuant to the State's Density Bonus Law. Note: the project's regular parking stall *width* meets the City's 9' requirement, and both the project's compact stall and parallel parking stalls meet the City's dimension requirements.

Please see attached Letter from Barbara Macri-Ortiz dated June 14, 2023, further explanation of the allowable exceptions to the City's parking stall length requirement for this project.

Setbacks: The project meets or exceeds all setback requirements except for the southern property line behind the units in Building B. The building is setback 10 feet from the property line in this location (side setback) per City requirements, however, the proposed 5-foot deep patios are not allowed in this setback. As a result, the applicant is proposing to use another modification of development standards as granted per State Density Bonus Law to reduce the setback distance from 10 feet to 5 feet in this approximately 300-foot length of building. (Note: vehicle self-storage is the use adjacent to this area of the project.) Please see attached Letter from Barbara Macri-Ortiz dated June 14, 2023, for further explanation.

Project Affordability:

49 of the proposed 50 units will be affordable to "low-income: households. The State HCD defines "Low income" as earning at or below 80% of the Area Median Income (AMI); however, the State Tax Credit Allocation Committee defines "Low-income" as earning at or less than 60% AMI. CEDC intends to apply for tax credits to finance this project, and so is structuring the project based on incomes of households earning below 60% AMI. The resident manager's unit will not be income-restricted. Please see attached State HCD Income Limits for the current year, however, these income amounts can and often do change annually. Income limits effective at the time of filing for State funding assistance will

establish the initial income limits, but as stated earlier, they are likely to change annually.

19 of the 49 units intended to house low-income households will be reserved for area "farmworkers"; the definition of which is very inclusive of people working in all areas of agricultural operations:

- truck drivers,
- warehouse workers,
- office managers,
- salespeople,
- farmer's market workers,
- handymen,
- foremen,
- harvesters

Note: There will be no distinction between the farmworker and non-farmworker units, and all size units will be available to both farmworkers and non-farmworker households.

Project Funding:

CEDC will seek 50% of project costs from State Housing and Community Development funds targeted for multifamily housing and farmworker housing (see HCD Super NOFA '23). 45% of the project will be funded by State tax credits and the remaining 5% will have to be financed or covered by another funding source (Ventura County HOME fees?)

Amenities for children:

- Common meeting room with kitchen and two common restrooms. After-school programs will operate out of these common areas,
- Out-door older children and adults's play area,
- Covered and gated toddler play area located off the laundry room,
- Internet access to all units,
- Secure bike and eBike parking areas.
- Location adjacent to Ojai Valley Trail.
- 6-block walk to Libby Park on Ojai Valley Trail, 4 blocks to Valley Oak Park, 6 blocks to Sarzotti Park.

Estimated number of children living at Cabrillo Vistas: 76-96 children.

It is difficult to estimate the precise number of children in any development, but the above estimate is based on other similar sized projects in the area. Experience with affordable housing corroborates that larger units attract applicants with children.

ADA Accessibility: The South Building (Building B) will have an elevator serving floors one and two. As a result, all units in this building (35) are ADA accessible. The North Building (Building A) will not have an elevator and so only the ground floor units (4 units) will be ADA accessible since no elevator is proposed for this building. All common indoor and outdoor areas, and paths of travel within the site and out to the public street, will be ADA compliant.

Unit size and distribution:

(14) 3-bedroom units; size = approximately 1,200 sq. ft.

(26) 2-bedroom units; size = approximately 880 sq. ft.

(10) 1-bedroom units; size = approximately 580 sq. ft.

The project plans (floor plans pages) provide the breakdown for the number of each type of unit within both the north and south buildings.

Water Efficiency and Use

The project landscape architects are local to the Ojai area and have designed a landscape plan with a mostly drought tolerant plant palate, but also provides the requisite trees in the parking lot planter islands for shade in the summer. The project site is in the Casitas Municipal Water District approved 10.07 AFY of water for the Cabrillo Vistas project – a 0.07 average of the 10.00 AFY annual allocation (see attached Memorandum dated January 6, 2023).

The project will be more efficient than even State of California Model Water Efficiency Landscape Ordinance standards. The MWELo calculations were performed by the project landscape design team which indicate a 20% decrease below the State’s MWELo maximum allowance. Weather-based watering sensors make irrigation scientifically efficient; these sensors determine whether to water in advance of a storm or make up for the lack of water if a predicted storm does not occur. This project will use these sensors throughout the landscaped areas.

The units themselves will have state-of-the-industry water efficient faucets and toilets. Please see Project Plans L-1,2,3 for more information on water efficiency and plant palate.

Net Zero Energy Consumption and Production: The State of California requires that affordable housing project's receiving State funding/grants must be all electric, and must also be net-zero energy efficient where possible. To comply with these requirements, the project will have enough solar photovoltaic panels to power the project during daytime. Additionally, batteries capable of storing up to 72 hours of back-up power will also be utilized to enhance electricity autonomy at night and during cloudy days. The project will not use natural gas pursuant to both the State and City prohibitions.

Modular development: The project has been designed to be built using customized factory-built modules. Using modular construction speeds up the project development by approximately 50% and it means less disturbance for neighbors. For example, each of the two buildings proposed on site will take approximately 5 days to install for a total of 10 days of crane work.

Of course, the site must be graded and foundations built for the modules to be placed upon, but the months of physical unit construction are replaced with 10 days of modular unit installation and a few weeks of roof and overhand construction on site.

Design and Architecture:

The project is designed in the "modern farmhouse" aesthetic. This design choice was made based on the following factors:

1. The Cabrillo Vistas design team was not able to discern a single clear design theme, aesthetic or period in the city of Ojai; it is truly eclectic.
2. The modern farmhouse has proved to be a popular architectural style in many areas of the County. It is considered to have a more relaxed aesthetic and, since the project is mostly screened by other developments and trees in the area, we believe it is a good choice for this location.
3. The second most likely choice would be to call upon the Spanish style of parts of downtown Ojai, however, we did not think that it fit into the surrounding area as well the modern farmhouse look. Also, CEDC's nearest

new project, which was recently approved further down on the Hwy 33 corridor, is designed in the Spanish style, so we didn't want to replicate this project in Ojai.

Building Height: The original SPL Overlay Zone Ordinance 827 adopted in 2012 allowed "3 stories and 35' height limit" for Site #17. The affordable housing site was subsequently inhibited to 30' height limit and 2 stories via Ordinance 838 in 2014. The underlying M Zone continues to have a 35' height limit. Both the project's 1 and 2 story sections are less than the City's current 30' allowable height; only the 3-story sections exceed the height limit at 41'-7". Note: the three-story structure, to the top of the roof, is only 33'-5", however, this project adds a parapet roof of ~ 3'- 6" to visually obscure the roof-mounted equipment and solar PV panels. Additionally, several 2' to 7'-5" high decorative false gables are added to the roofline to break-up the monotony of a single roof height. Without the parapet roof and decorative gables, the 3-story portion of the building could be as low as 33'-5", or 3'-5" over the City's height limit.

According to the Ojai Municipal Code Sec. 10-2.803. (d) (1) Height Measurement and Exceptions, certain architectural feature can exceed the City's height limit by 10 feet; it seems that the project's decorative false gables would meet this requirement and could account for some of the exceedance of the City's height limit. Nevertheless, the State's Density Bonus Law provides an option for 100% affordable housing developments to exceed local building heights by using a "modification" to a jurisdiction's development standards that would result in a project not being built at the State's allowable density. Additionally, newly adopted State Law AB2334 allows for 100% affordable projects to develop projects with 3 stories beyond the jurisdiction's maximum height limit and up to an additional 33 feet of height. Specifically, AB2334 states:

"If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet."

Please see Attachment Letter from project attorney, Barbara Macri-Ortiz, dated June 14, 2023 for further explanation of the allowable exceptions to the City's

building height for this project based on recent modifications to Density Bonus Law.

Please see Pages A2.01 – A2.05 for a full examination of building, parapet, and gable heights.

Apparent Height:

The site is currently covered with varying depth of fill dirt (3'-7') across the property presumably placed there during grading for the adjacent mini storage development approximately 20 years ago. The Cabrillo Vistas project proposes to remove the layer of fill dirt, and then grade further into the existing topography for a total depth of up to 7.2 feet to reduce the apparent height of the structure. Note: the grade of Building B, the building closest to our nearest residential neighbor (to the east), is below the grade of the neighbor's property by 7.2 feet. As a result, the proposed one-story portion of Building B will be lower in height than the structures on the neighboring property. Please see Project Plan Pages A2.05 for an illustration of the project's relative height to the neighboring property, and Page C-1,2,3 for details of site grading.

Step-Down Height:

In conformance with the City of Ojai's Design Standards, Cabrillo Vistas Building B is stepped or terraced to match or be below the height of the adjacent residential development to the east. From the east property line, the building massing (one story) matches the massing of the adjacent single-story structure for the length of two units or 24'-4" feet, then the massing increases to two-stories for another two units until it increases to three stories. Project Plan Page A2.05 illustrates the project terracing of building heights.

The project's Building A is also stepped down for its interface with Bryant Street, although it is approximately 380 feet set back.

Site Access: The specific development standards for Site #17 of the SPL Overlay Zone, indicate that vehicle access to the subject property "should" be taken off Whispering Oaks Drive. The condition is worded as a suggestion because Whispering Oaks is a private drive, and the local jurisdiction cannot force a private property owner to allow another development access across their

private drive. CEDC met with the Area Housing Authority of Ventura County, the owner of Whispering Oaks Drive and the whole adjacent affordable multifamily residential development. The AHACV indicated that the narrow width of the drive made it difficult to support the number of vehicles currently using the driveway because of the parallel parking allowed on the west side of the drive. They noted that situation is an ongoing area of concern with Whispering Oaks residents and guests. Therefore, they denied our request. (See Miscellaneous item 1. For the formal letter from the AHAVC dated 9.6.2022)

Local Artist Involvement: The east-facing side of Building 1 is intentionally left blank to provide a space for an artist to paint or tile or install a piece of art. This is the most publicly visible elevation of the project; it will be visible mainly to our neighbors to the east.

CEDC seeks to work with a local artist on a commission to create something of interest to this portion of the project (a stairwell is behind). Normally we would add windows to the stairwell to balance the outside appearance which can be done if no artist shows interest in this project.

Studies and Reports Prepared for the Project:

(In approximate chronological order of preparation)

- **Topographical Survey**, MBS Land Surveys
- **Phase 1 Archaeological Study**, A. Jaqua Consulting
- **Professional Traffic Study**, Associated Traffic Engineers
- **Photometric Lighting Study**, Alan Noelle Engineers
- **Noise/Acoustic Study**, Rincon Environmental, Inc.
- **Biological Resources Report**, Sentinel Science
- **Geotech Testing Reports**, GeoLabs Westlake Village
- **Solar Shade Study**, RJC, Inc.
- **Arborist Report** of existing trees, Inaba Horticulture, LLC
- **Plotted Easement Plan**



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August 2, 2023

California Native American Heritage Commission
1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691

TRANSMITTED VIA EMAIL
nahc@nahc.ca.gov
cr@bvBMI.com

Barbareno/Ventureno
Band of Mission Indians
Attn: BVBMI Chair Vestuto
PO Box 364
Ojai, CA 93024

FORMAL NOTICE

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Dear BVBMI Chair Vestuto and Native American Heritage Commission Representatives,

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AB 168 (Chapter 166, Statutes of 2020 and codified in Gov. Code, 65400, 65913.4 and 65941.1) created a process for tribal scoping consultation for housing development proposals seeking review under the Streamlined Ministerial Approval Process.

The letter is generated as formal notice of a proposed project, referenced above, for which the City of Ojai will serve as lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. This letter is directed to the BVBMI representatives, the California Native American Heritage Commission, and requests formal notification pursuant to the Public Resources Code identified in the subject heading above.

Furthermore, pursuant to California Government Code Section 65913.4(b) the City of Ojai is including a project description (enclosed) generated by the applicant of the proposed project located at 320 Bryant Street as well as the location of the subject project site; 320 Bryant Street, Ojai CA 93023.

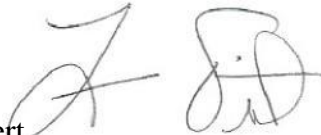
Chair Vestuto and any other tribal representatives are invited to engage in a scoping consultation in accordance with Government Code 65913.4(b). Provide dates and times to Lucas.Seibert@ojai.ca.gov and those dates will be shared with the applicant of the project, if BVBMI approves the participation of the development proponent and its consultants engaging in this meeting (face-to-face or virtual).

Each tribe that receives this formal notification has 30 calendar days to accept the invitation to engage in consultation pursuant to Government Code 65913.4(b)(1)(A)(iii)(II). Responses must be in writing via email or USPS with attention to Lucas Seibert, Community Development Director.

Notification pursuant to Public Resources Code Section 21080.3.1, subdivision (b) will be sent via certified U.S. Mail with return receipt as well as via email to cr@bvbmi.com.

Sincerely,

Lucas Seibert
Community Development Director



Enclosures: BVBMI Letter dated July 5, 2023; received July 10, 2023
Project Description – Cabrillo Vistas Affordable Housing Project

c: Mark Scott, Interim City Manager



RECEIVED

JUL 10 2023

Community Development
Department

July 5, 2023

City of Ojai
Planning and Zoning Division
401 S. Ventura Street
Ojai CA 93023

RE: California Environmental Quality Act Public Resources Code section 21080.3, subd. (b).
Request for Formal Notification of Proposed Projects Within the Barbareño/Ventureño Band of
Mission Indians (BVBMI) Tribe's Geographic Area of Traditional and Cultural Affiliation.

To Whom It May Concern:

As of the date of this letter, in accordance with Public Resources Code Section 21080.3.1, subd. (b), BVBMI, which is traditionally and culturally affiliated with a geographic area within your agency's geographic area of jurisdiction, requests formal notice of and information on proposed projects for which your agency will serve as a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

Pursuant to Public Resources Code section 21080.3.1, subd. (b), and until further notice, we hereby designate the following person as the tribe's lead contact person for purposes of receiving notices of proposed projects from your agency:

Cultural Resource Department
c/o BVBMI Chair Vestuto
PO Box 364
Ojai CA 93024
cr@bvbmi.com

805-746-6685

We request that all notices be sent via certified U.S. Mail with return receipt. Following receipt and review of the information your agency provides, within the 30-day period proscribed by Public Resources Code section 21080.3.1, subd. (d), the BVBMI may request consultation, as defined by Public Resources Code section 21080.3.1, subd. (b), pursuant to Public Resources Code section 21080.3.2 to mitigate any project impacts a specific project may cause to tribal cultural resources.

If you have any questions or need additional information, please contact our lead contact person listed above.



Sincerely,

Eleanor Fishburn

Eleanor Fishburn, Secretary
Barbareño/Ventureño Band of Mission Indians

PROJECT DESCRIPTION

Cabrillo Vistas Affordable Housing Project

318-320 Bryant Street, Ojai

Date: June 29, 2023

Project Summary:

Cabrillo Economic Development Corporation proposes to develop 50 new residential units on an approximately 2-acre vacant parcel located at 318-320 Bryant Street, behind the Condor Self-Storage facility. 49 of the units will be dedicated to housing families and individuals earning below 60% of the Area Median Income, and one unit will house an on-site property manager. Of the 49 affordable units, 19 of the units will be set-aside for farmworker households. The number of bedrooms per unit is as follows: 14 three-bedroom units; 26 two-bedroom units; 10 one-bedroom units. The number of children living at the site is estimated to range from 76-96. The project will be 100% electric and self-sustaining from roof-mounted PV panels and back-up battery storage. The project is comprised of one, two and three-story elements and is designed in the modern farmhouse style. 95 parking spaces will be provided onsite; most spaces will be assigned to specific units.

Parking:

95 parking spaces will be provided onsite.

-72 full-size spaces (4 have EV charging stations),

-6 ADA spaces, and

-17 compact size spaces - less than the 25% allowed per Ojai Zoning Ordinance (18 spaces).

A parking placard system will help the manager control parking. In general, two- and three-bedroom units will be assigned two parking spaces (80 spaces), and one-bedroom units will be assigned one space (10 spaces) and 5 spaces will be for general parking.

In reality, some units will not need two spaces or even any spaces, and some units will need 4 spaces. Having an onsite manager helps keep parking distributed where it is needed.

Parking Requirement per City of Ojai: 120 total spaces:
Multifamily Residential
 1.5 covered spaces per unit: 50 x 1.5 = 75 covered spaces
 0.5 uncovered guest spaces per 1-bedroom unit: 10 x 0.5 = 5 uncovered spaces
 1.0 uncovered guest spaces per 2 & 3-bedroom unit: 40 x 1.0 = 40 uncovered spaces

Parking Requirement per SB 35: **51 total spaces**

- **SB 35 Parking Requirements are less than the State’s Density Bonus requirements: One space per unit for a 100% affordable housing project – regardless of size or number of bedrooms.** SB35 parking requirement supersedes State Density Bonus Law requirements.

SB35

Per 49 units	1 space/unit	49 spaces
1 Manager’s 3bd Unit	2 spaces/unit	2 spaces
Total=		51 spaces

Other State Laws restrict the amount of parking required for 100% affordable housing projects as follows:

Parking Requirement per Density Bonus Law: 71 total spaces.

-In addition to concession/incentives and unlimited waivers or reductions of City of Ojai Development Standards, State Density Bonus Law allows for a maximum parking requirement as follows:

*Section 65915 (p) Upon the developer’s request, the city or county may not require more than the following parking ratios for a **density bonus project** (inclusive of parking for persons with disabilities):*

1 Bedroom	1 space
2 Bedroom	1.5 spaces
3 Bedroom	1.5 spaces

-Using the **State Density Bonus** parking requirements above, the Cabrillo Vistas project would need to provide 71 parking spaces where 96 are proposed, or 25 more spaces than required.

Density Bonus

1 Bedroom	1 space/unit	10 units	10 spaces
2 Bedroom	1.5 spaces/unit	26 units	39 spaces
3 Bedroom	1.5 spaces/unit	13 units	20 spaces
3 Bedroom Manager's Unit	2 spaces/unit	1 unit	2 spaces

Total = 71 spaces

Covered Parking:

City requirements that 1.5 covered parking spaces per unit are provided for multi-family residential development, or 75 spaces. However, Govt. Code § 65915(p)(5) states as follows:

"For purposes of this subdivision, a development may provide onsite parking through tandem parking or **uncovered parking**, but not through onstreet parking."

Thus, no concession or incentive is required to allow for uncovered parking.

Parking Stall Dimension Reduction:

As described above, the applicant is not required to provide 95 parking spaces pursuant to both SB35 and State Density Bonus Law. However, CEDC's experience with family projects is that more residents have cars than in a senior or a homeless housing development. Unfortunately, so much of the site area is dedicated to providing the required fire truck access (a full 360 degrees around the project site), that we were initially only able to fit 75 parking spaces on site.

However, we found that 20 additional parking spaces would fit on site if the *length* of the parking stall was reduced by 2', to an 18' length - consistent with neighboring Ventura County parking standards, Santa Barbara County standards, and many local city parking standards as well. As a result, the project's "regular" size parking stalls have been reduced to 18' in length and the project will request a development standard "reduction" pursuant to the State's Density Bonus Law. Note: the project's regular parking stall *width* meets the City's 9' requirement, and both the project's compact stall and parallel parking stalls meet the City's dimension requirements.

Please see attached Letter from Barbara Macri-Ortiz dated June 14, 2023, further explanation of the allowable exceptions to the City's parking stall length requirement for this project.

Setbacks: The project meets or exceeds all setback requirements except for the southern property line behind the units in Building B. The building is setback 10 feet from the property line in this location (side setback) per City requirements, however, the proposed 5-foot deep patios are not allowed in this setback. As a result, the applicant is proposing to use another modification of development standards as granted per State Density Bonus Law to reduce the setback distance from 10 feet to 5 feet in this approximately 300-foot length of building. (Note: vehicle self-storage is the use adjacent to this area of the project.) Please see attached Letter from Barbara Macri-Ortiz dated June 14, 2023, for further explanation.

Project Affordability:

49 of the proposed 50 units will be affordable to "low-income: households. The State HCD defines "Low income" as earning at or below 80% of the Area Median Income (AMI); however, the State Tax Credit Allocation Committee defines "Low-income" as earning at or less than 60% AMI. CEDC intends to apply for tax credits to finance this project, and so is structuring the project based on incomes of households earning below 60% AMI. The resident manager's unit will not be income-restricted. Please see attached State HCD Income Limits for the current year, however, these income amounts can and often do change annually. Income limits effective at the time of filing for State funding assistance will

establish the initial income limits, but as stated earlier, they are likely to change annually.

19 of the 49 units intended to house low-income households will be reserved for area "farmworkers"; the definition of which is very inclusive of people working in all areas of agricultural operations:

- truck drivers,
- warehouse workers,
- office managers,
- salespeople,
- farmer's market workers,
- handymen,
- foremen,
- harvesters

Note: There will be no distinction between the farmworker and non-farmworker units, and all size units will be available to both farmworkers and non-farmworker households.

Project Funding:

CEDC will seek 50% of project costs from State Housing and Community Development funds targeted for multifamily housing and farmworker housing (see HCD Super NOFA '23). 45% of the project will be funded by State tax credits and the remaining 5% will have to be financed or covered by another funding source (Ventura County HOME fees?)

Amenities for children:

- Common meeting room with kitchen and two common restrooms. After-school programs will operate out of these common areas,
- Out-door older children and adults's play area,
- Covered and gated toddler play area located off the laundry room,
- Internet access to all units,
- Secure bike and eBike parking areas.
- Location adjacent to Ojai Valley Trail.
- 6-block walk to Libby Park on Ojai Valley Trail, 4 blocks to Valley Oak Park, 6 blocks to Sarzotti Park.

Estimated number of children living at Cabrillo Vistas: 76-96 children.

It is difficult to estimate the precise number of children in any development, but the above estimate is based on other similar sized projects in the area. Experience with affordable housing corroborates that larger units attract applicants with children.

ADA Accessibility: The South Building (Building B) will have an elevator serving floors one and two. As a result, all units in this building (35) are ADA accessible. The North Building (Building A) will not have an elevator and so only the ground floor units (4 units) will be ADA accessible since no elevator is proposed for this building. All common indoor and outdoor areas, and paths of travel within the site and out to the public street, will be ADA compliant.

Unit size and distribution:

(14) 3-bedroom units; size = approximately 1,200 sq. ft.

(26) 2-bedroom units; size = approximately 880 sq. ft.

(10) 1-bedroom units; size = approximately 580 sq. ft.

The project plans (floor plans pages) provide the breakdown for the number of each type of unit within both the north and south buildings.

Water Efficiency and Use

The project landscape architects are local to the Ojai area and have designed a landscape plan with a mostly drought tolerant plant palate, but also provides the requisite trees in the parking lot planter islands for shade in the summer. The project site is in the Casitas Municipal Water District approved 10.07 AFY of water for the Cabrillo Vistas project – a 0.07 average of the 10.00 AFY annual allocation (see attached Memorandum dated January 6, 2023).

The project will be more efficient than even State of California Model Water Efficiency Landscape Ordinance standards. The MWELo calculations were performed by the project landscape design team which indicate a 20% decrease below the State’s MWELo maximum allowance. Weather-based watering sensors make irrigation scientifically efficient; these sensors determine whether to water in advance of a storm or make up for the lack of water if a predicted storm does not occur. This project will use these sensors throughout the landscaped areas.

The units themselves will have state-of-the-industry water efficient faucets and toilets. Please see Project Plans L-1,2,3 for more information on water efficiency and plant palate.

Net Zero Energy Consumption and Production: The State of California requires that affordable housing project's receiving State funding/grants must be all electric, and must also be net-zero energy efficient where possible. To comply with these requirements, the project will have enough solar photovoltaic panels to power the project during daytime. Additionally, batteries capable of storing up to 72 hours of back-up power will also be utilized to enhance electricity autonomy at night and during cloudy days. The project will not use natural gas pursuant to both the State and City prohibitions.

Modular development: The project has been designed to be built using customized factory-built modules. Using modular construction speeds up the project development by approximately 50% and it means less disturbance for neighbors. For example, each of the two buildings proposed on site will take approximately 5 days to install for a total of 10 days of crane work.

Of course, the site must be graded and foundations built for the modules to be placed upon, but the months of physical unit construction are replaced with 10 days of modular unit installation and a few weeks of roof and overhand construction on site.

Design and Architecture:

The project is designed in the "modern farmhouse" aesthetic. This design choice was made based on the following factors:

1. The Cabrillo Vistas design team was not able to discern a single clear design theme, aesthetic or period in the city of Ojai; it is truly eclectic.
2. The modern farmhouse has proved to be a popular architectural style in many areas of the County. It is considered to have a more relaxed aesthetic and, since the project is mostly screened by other developments and trees in the area, we believe it is a good choice for this location.
3. The second most likely choice would be to call upon the Spanish style of parts of downtown Ojai, however, we did not think that it fit into the surrounding area as well the modern farmhouse look. Also, CEDC's nearest

new project, which was recently approved further down on the Hwy 33 corridor, is designed in the Spanish style, so we didn't want to replicate this project in Ojai.

Building Height: The original SPL Overlay Zone Ordinance 827 adopted in 2012 allowed "3 stories and 35' height limit" for Site #17. The affordable housing site was subsequently inhibited to 30' height limit and 2 stories via Ordinance 838 in 2014. The underlying M Zone continues to have a 35' height limit. Both the project's 1 and 2 story sections are less than the City's current 30' allowable height; only the 3-story sections exceed the height limit at 41'-7". Note: the three-story structure, to the top of the roof, is only 33'-5", however, this project adds a parapet roof of ~ 3'- 6" to visually obscure the roof-mounted equipment and solar PV panels. Additionally, several 2' to 7'-5" high decorative false gables are added to the roofline to break-up the monotony of a single roof height. Without the parapet roof and decorative gables, the 3-story portion of the building could be as low as 33'-5", or 3'-5" over the City's height limit.

According to the Ojai Municipal Code Sec. 10-2.803. (d) (1) Height Measurement and Exceptions, certain architectural feature can exceed the City's height limit by 10 feet; it seems that the project's decorative false gables would meet this requirement and could account for some of the exceedance of the City's height limit. Nevertheless, the State's Density Bonus Law provides an option for 100% affordable housing developments to exceed local building heights by using a "modification" to a jurisdiction's development standards that would result in a project not being built at the State's allowable density. Additionally, newly adopted State Law AB2334 allows for 100% affordable projects to develop projects with 3 stories beyond the jurisdiction's maximum height limit and up to an additional 33 feet of height. Specifically, AB2334 states:

"If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet."

Please see Attachment Letter from project attorney, Barbara Macri-Ortiz, dated June 14, 2023 for further explanation of the allowable exceptions to the City's

building height for this project based on recent modifications to Density Bonus Law.

Please see Pages A2.01 – A2.05 for a full examination of building, parapet, and gable heights.

Apparent Height:

The site is currently covered with varying depth of fill dirt (3'-7') across the property presumably placed there during grading for the adjacent mini storage development approximately 20 years ago. The Cabrillo Vistas project proposes to remove the layer of fill dirt, and then grade further into the existing topography for a total depth of up to 7.2 feet to reduce the apparent height of the structure. Note: the grade of Building B, the building closest to our nearest residential neighbor (to the east), is below the grade of the neighbor's property by 7.2 feet. As a result, the proposed one-story portion of Building B will be lower in height than the structures on the neighboring property. Please see Project Plan Pages A2.05 for an illustration of the project's relative height to the neighboring property, and Page C-1,2,3 for details of site grading.

Step-Down Height:

In conformance with the City of Ojai's Design Standards, Cabrillo Vistas Building B is stepped or terraced to match or be below the height of the adjacent residential development to the east. From the east property line, the building massing (one story) matches the massing of the adjacent single-story structure for the length of two units or 24'-4" feet, then the massing increases to two-stories for another two units until it increases to three stories. Project Plan Page A2.05 illustrates the project terracing of building heights.

The project's Building A is also stepped down for its interface with Bryant Street, although it is approximately 380 feet set back.

Site Access: The specific development standards for Site #17 of the SPL Overlay Zone, indicate that vehicle access to the subject property "should" be taken off Whispering Oaks Drive. The condition is worded as a suggestion because Whispering Oaks is a private drive, and the local jurisdiction cannot force a private property owner to allow another development access across their

private drive. CEDC met with the Area Housing Authority of Ventura County, the owner of Whispering Oaks Drive and the whole adjacent affordable multifamily residential development. The AHACV indicated that the narrow width of the drive made it difficult to support the number of vehicles currently using the driveway because of the parallel parking allowed on the west side of the drive. They noted that situation is an ongoing area of concern with Whispering Oaks residents and guests. Therefore, they denied our request. (See Miscellaneous item 1. For the formal letter from the AHAVC dated 9.6.2022)

Local Artist Involvement: The east-facing side of Building 1 is intentionally left blank to provide a space for an artist to paint or tile or install a piece of art. This is the most publicly visible elevation of the project; it will be visible mainly to our neighbors to the east.

CEDC seeks to work with a local artist on a commission to create something of interest to this portion of the project (a stairwell is behind). Normally we would add windows to the stairwell to balance the outside appearance which can be done if no artist shows interest in this project.

Studies and Reports Prepared for the Project:

(In approximate chronological order of preparation)

- **Topographical Survey**, MBS Land Surveys
- **Phase 1 Archaeological Study**, A. Jaqua Consulting
- **Professional Traffic Study**, Associated Traffic Engineers
- **Photometric Lighting Study**, Alan Noelle Engineers
- **Noise/Acoustic Study**, Rincon Environmental, Inc.
- **Biological Resources Report**, Sentinel Science
- **Geotech Testing Reports**, GeoLabs Westlake Village
- **Solar Shade Study**, RJC, Inc.
- **Arborist Report** of existing trees, Inaba Horticulture, LLC
- **Plotted Easement Plan**