

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.



AGENDA
OXNARD CITY COUNCIL
HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
Council Chambers, 305 West Third Street
April 9, 2019
Regular Meeting - 4:30 to 5:45 PM

A. ROLL CALL / POSTING OF AGENDA

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of fifteen minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker cards will not be accepted after the beginning of the general public comment period. Based on the number of speaker cards submitted, the presiding officer may impose time limits per speaker. Typically, speakers are limited to two minutes, but shorter time may be established as deemed necessary. A person not able to address the legislative body at this time because the fifteen minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager for administrative action or scheduled on a subsequent agenda for discussion.

C. CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the Housing and Economic Development Committee approve the minutes of the March 26, 2019 Regular Meeting as presented.
Contact: Michelle Ascencion Phone: (805) 385-7805

D. REPORTS

Community Development Department

1. SUBJECT: Downtown Revitalization Program Update. (10/10/10)
RECOMMENDATION: That the Housing and Economic Development Committee receive a report regarding the Downtown Revitalization Program.
Contact: Jeffrey Lambert Phone: (805) 385-7882
2. SUBJECT: Policy Direction for Zone Text Amendment to Oxnard City Code Chapter 16 Article II and Article V, Division 13 Related to Accessory Dwelling Units. (15/10/10)
RECOMMENDATION: That the Housing and Economic Development Committee

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item time estimates: (Staff Presentation / Committee Discussion / Public Comment)

receive a summary report of the proposed ordinance amending Chapter 16, Article II and Article V, Division 13 of the Oxnard City Code pertaining to regulations governing land uses and development regulations for Accessory Dwelling Units (ADU), and provide policy direction on two modifications to the ADU ordinance recommended by the Planning Commission.

Contact: Jeffrey Lambert

Phone: (805) 385-7882

E. ITEMS FOR FUTURE AGENDAS

F. ADJOURNMENT

DRAFT

MINUTES

OXNARD CITY COUNCIL

HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE

Regular Meeting

March 26, 2019

A. ROLL CALL / POSTING OF AGENDA

At 4:30 p.m., Chair Madrigal called to order the regular meeting of the Oxnard City Council Housing and Economic Development Committee in the City Hall Council Chambers, 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Members Tim Flynn, Vianey Lopez, and Chair Oscar Madrigal were present.

Staff members present were Ashley Golden, Assistant City Manager; Kenneth Rozell, Assistant City Attorney; Mark Alvarado, Homeless Services Coordinator; Karl Lawson, Housing Compliance Services Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Peggy Rivera (rent control, status of Gateway Project) and Lucy Cartagena (requested update of Downtown revitalization efforts).

C. CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the Housing and Economic Development Committee approve the minutes of the February 26, 2019 Regular Meeting as presented.

It was moved by Member Lopez, seconded by Member Flynn, to approve the minutes as presented.
VOTE: Flynn, Lopez, and Madrigal voted in favor; the motion carried 3-0.

D. REPORTS

Housing Department

1. SUBJECT: Homeless Services Update.

RECOMMENDATION: That the Housing and Economic Development Committee:

1. Receive an update on the development of a homeless shelter and navigation center.
2. Receive a status update on the approved Homeless Five Year Plan.
3. Recommend that the City Council authorize the City Manager to accept \$1,500,000 in Homeless Emergency Aid Program funding from the State of California for a permanent shelter and operational support.

The Homeless Services Coordinator gave a report. Discussion ensued among the Council and staff. Public comments were received from Peggy Rivera, Lucy Cartagena, Lang Martinez, Yukio Okano, Cappi Patterson, Pat Brown, and Barbara Macri-Ortiz. Further discussion ensued. No action was taken.

E. ITEMS FOR FUTURE AGENDAS

Member Flynn requested that a discussion on Economic Development be initiated. Member Lopez requested an item to discuss mobile home rent control. Chair Madrigal announced an upcoming meeting of the Oxnard Downtown Management District.

The meeting was adjourned at 5:26 p.m., but reconvened at 5:31 p.m. to take action on item D-1 (recommendation #3).

It was moved by Member Flynn, seconded by Member Lopez, to approve the recommended action as presented. VOTE: Flynn, Lopez, and Madrigal voted in favor; the motion carried 3-0.

F. ADJOURNMENT

There being no further business on the agenda, and without objection, Chair Madrigal adjourned the meeting at 5:32 p.m.

MICHELLE ASCENCION, CMC
City Clerk

OSCAR MADRIGAL
Chair



**HOUSING AND ECONOMIC
DEVELOPMENT COMMITTEE**

AGENDA REPORT

TYPE OF ITEM: Report

AGENDA ITEM NO.: 1

DATE: April 9, 2019

TO: Housing and Economic Development Committee

FROM: Jeffrey Lambert, Community Development Director
Jeffrey.Lambert@oxnard.org (805) 385-7882

Claudia Pedroso, Downtown Revitalization Manager
Claudia.Pedroso@oxnard.org (805) 385-7932

SUBJECT: Downtown Revitalization Program Update (10/10/10)

RECOMMENDATION

That the Housing and Economic Development Committee receive a report regarding the Downtown Revitalization Program.

BACKGROUND

In January of 2016, the Congress for New Urbanism (CNU) was commissioned by the City to revisit and integrate earlier downtown planning and policy documents into an overarching “vision” for downtown. The results are expressed in the “Downtown Vision Plan (DVP)”, which was presented to City Council on October 18, 2016 and is available on the City’s website at www.oxnard.org.

On December 19, 2016, City Staff presented the “Three-Year Implementation Plan”, which included three main components: (i) Regulatory Retooling (Land Use and Design Review, Parking Management), (ii) Public Reinvestment (Capital Improvements, Business Inducement Programs, Arts Hub, and Property Disposition), and (iii) Program Administration (Project Management, Regulatory Documents, Tourism, Public Infrastructure, Stakeholder Involvement, Special Events, City Council Follow-up, and Homelessness Strategies). At the January 31, 2017 City Council meeting, Staff presented a total of 14 projects, collectively known as “Downtown Capital Improvement Projects” for consideration and prioritization by Council. On April 4, 2017, the City Council voted to fund some of these projects and authorized Staff to proceed. These projects included:

1. Downtown Trash Enclosures (not funded)
2. Downtown Lighting (funded)
3. Façade Improvements (not funded)
4. Public Restrooms (pilot program funding)

5. Downtown Tree Trimming (funded)
6. Downtown Land Use Policies and Design Guidelines (funded)
7. Revolving Loan Program (not funded)
8. Parking Management Plan (funded)
9. Arts Hub (funded)
10. "A" Street Enhanced Landscaping (not funded)
11. "A" Street Improvements (not funded)
12. Project Manager (funded)
13. Tourism (no specific funding or project)
14. Land Use Policies (funded)

This report will provide an overview of the Downtown Capital Improvement Projects and new projects that support the Downtown Vision Plan.

Overview of "Downtown Capital Improvement Projects"

The purpose of this agenda item is to report on the various activities the City is pursuing to support the revitalization of Oxnard's downtown, including a comprehensive summary of the Downtown Improvement Program Settlement Fund.

1) Downtown Capital Improvement Projects Update:

- a. Plaza Park Lighting includes installation of new up-lighting and updating existing light fixtures to LED fixtures. The project will be completed by the end of April 2019.
- b. Pilot Public Restrooms Program including locating and moving portable restrooms to test the efficacy of their location throughout downtown. Although the facilities were used by the public during the day, the restrooms were continuously vandalized and broken into for people to sleep in, use drugs, or conduct other unsuitable acts. After a few months of running the program, it was decided to suspend the program. There are no further plans to continue with the program at this time.
- c. All of the trees within the Downtown were trimmed, which included palm trees along A, B and C Streets, and ficus trees from Second Street to Wooley Road. The work was completed in 2017.
- d. Arts Hub - In April 2018, City Council approved appropriation of funds for the Arts Hub program and Downtown Oxnard Arts Hub Mural Program for the installation of three iconic murals in Downtown. The mural project is on schedule with the application deadline to the contractor with the initial entry screening being completed by LeBasse Projects. The contractor has finished compiling their recommendations. The next step of this process is a committee review of the chosen candidates. This will be further discussed at the next Cultural Arts Commission meeting on April 3, 2019.
- e. Downtown Project Manager was recruited and hired in 2017.

2) Downtown Design Guidelines and Land Use Policies: The proposed Downtown Code was presented to this Committee on January 22, 2019. In addition, staff distributed a link to the public draft (www.oxnard.org/Downtown) to numerous stakeholders and has presented an overview of the Downtown Code to:

- Oxnard Chamber of Commerce (December 10, 2018)

- Downtown Design Review Committee (December 13, 2018 and March 28, 2019)
- Community Workshop (December 17, 2018)
- Downtown Improvement Task Force/Oxnard Downtown Management District (December 20, 2018)
- Oxnard Community Planning Group (January 10, 2019)
- Housing and Economic Development Committee (January 22, 2019)

Following the January 22nd presentation to this Committee, Staff continued to meet with developers, architects, and public stakeholders. Many of these design professionals have had an opportunity to test the efficacy of the Downtown Code on potential projects. This practical application of the draft code lead to adjustments in the draft. The final Downtown Code is tentatively scheduled for consideration by the Planning Commission on May 2, 2019 and City Council on June 4, 2019.

3) **Parking Management Plan and In-Lieu Fee:**

On December 1, 2009, and with Resolution No. 13,751, the City Council adopted the *Downtown Oxnard Mobility and Parking Management Plan Final Report* (the “DOMPMP”). The Plan provides eight basic recommendations intended to both manage downtown transportation and stimulate economic activity. Though the DOMPMP was approved, implementation of the eight recommendations was to be phased and further analysis for establishing a parking in-lieu fee. Implementing Recommendation No. 2 (Reduce Minimum Parking Requirements and Institute an In-Lieu Fee) of the DOMPMP will provide parking standards specific to the unique setting and context of Downtown Oxnard and will generate a great degree of development interest from projects which may have been previously infeasible due to the suburban-oriented parking requirements of the existing City Code.

To implement Recommendation No. 2, Stantec Consulting conducted a comprehensive study of public and private parking within the downtown to assess peak demand and capacity. This study provides the technical justification for the reduced parking rates being proposed. Harris & Associates was hired to develop an in-lieu fee, which is yet to be determined. Harris & Associates is currently analyzing the parking data and draft Downtown Code in order to establish an in-lieu fee for the use of public parking lots for new development. The comprehensive parking study determined that the parking requirements could be less restrictive than those presented in the DOMPMP and to the Committee in January. Based on the findings of the study, parking standards within the Downtown are proposed as follows:

Table 1: Summary of Proposed Off-Street Parking and Application of In-Lieu Fee

Use	DOMPMP	Parking Required (Presented in January)	Parking Required (new proposal)	In-Lieu Availability
Commercial (all)	1 space per 1,000 square feet, with Minimum 50% In-Lieu Fee	1 space per 500 square feet	1 space per 1,000 square feet	Minimum 50%
Residential - Multi-Family (shared parking/ open structure)	0.60 - 1.50 stalls per unit based on the type of residential property developed	1.65 spaces per unit	*DT-C and DT-G: 0.5 spaces per unit; 1 parking space per unit maximum. *DT-E: 1.65 spaces per unit	*DT-C and DT-G: 0.5-0.99 parking spaces per unit pay In-Lieu fee. *DT-E: Less than 1.65 pay In-Lieu fee
Residential (when private garages are provided for unit)	0.60 - 1.50 stalls per unit based on the type of residential property developed	Per Section 16-222(F), Residential**	Per Section 16-222(F), <i>Residential**</i>	N/A

* Zones: Downtown Core (DT-C), Downtown General (DT-G), Downtown Edge (DT-E)

***Single Family* - 2 garage spaces for up to five bedrooms; *Townhomes* - 2 garage spaces
Apartments - 1 garage per studio and one bedroom, 2 garage spaces per unit, plus 1 visitor
parking per 30 units plus 0.5 visitor parking per unit over 31 units; *Multi-Family* - 1 garage
space per studio and one bedroom, 2 garage spaces per unit, plus 1 visitor parking per 30 units
plus 0.5 visitor parking per unit over 31 units.

Overview of New Projects

In addition to projects previously presented to Council, and in support of the Downtown Vision Plan, City Staff has disposed of Successor Agency properties, hired a consultant to perform a Downtown Market Assessment, hired a consultant to evaluate the current Business Improvement District (BID), and is implementing Southern California Association of Governments (SCAG) funded High-Quality Transit Area Pilot Program.

1) **Disposition of Successor Agency Properties in Downtown Update:**

On June 11, 2018, the Oxnard Community Development Commission Successor Agency approved the sale of the following Successor Agency Owned properties to the City of Oxnard:

Table 2: Successor Agency Properties Purchased

Property Acquisition	Purpose	Sales Price
720 South B Street (<i>Winery Building at Heritage Square</i>)	Tourism opportunities, public control at Heritage Square, City's cultural asset	\$75,000
425 South B Street (<i>Social Security Building</i>) (<i>North Plaza</i>)	Enhance development opportunities since City owns adjacent properties.	\$420,000
318 West Fifth Street (<i>Plaza Laundromat</i>) and 321 West Sixth Street (<i>Furniture Store</i>) (<i>South Plaza</i>)	Enhance development opportunities since City owns adjacent properties.	\$150,000
	TOTAL	\$645,000

Ownership of the properties identified above has been transferred from the Successor Agency to the City of Oxnard. In late 2018, the City terminated the RFQ selection process for the North and South Plaza properties. At this time the city continues to receive interest for development and use of City and Successor Agency owned parcels. Staff is focusing on the new Downtown Code, which will pave the way for development projects consistent with the Vision Plan.

Staff continues to seek interest for the remaining Successor Agency properties in the Meta District, which include the following properties:

- 144 and 150 E. Sixth St. (7,500 sq. ft.)
- 201 E. Sixth St. (4,300 sq.ft.)
- 141 and 145 E. Seventh St. (8,500 sq. ft.) - These two properties are part of a site designated as an All Affordable Housing Opportunity Additive Zone (AAHOP)
- 145 E. Seventh St. (4,250 sq. ft.)
- 538 and 544 Meta St. (7,321 sq. ft.) - These two properties are adjacent to an AAHOP designated site.
- 631 Meta St. (2,500 sq. ft.)

These parcels are envisioned for high density, Multi-Family housing with an affordable housing component, as well as mixed-use projects.

2) **Downtown Market Assessment:**

In 2018 the City approved Measure O funding for a Downtown Market Assessment. The City retained the services of The Natelson Dale Group, Inc. (TNDG), a professional consulting firm specializing in market/financial analyses. TNDG is preparing an assessment of potential development demand in Downtown Oxnard, identifying potential market niches within the larger competitive region and attracting future development in the Downtown. It will result in a baseline of market conditions relevant to the downtown's place in the larger city and

Ventura County region. This report is underway and expected to be completed by May 2019. Staff will develop an action plan from this baseline document.

3) Community Benefit District:

The City has retained the services of New City America, Inc. (NCA), a professional consulting firm specializing in business district revitalization. NCA organizes communities through the formation of community benefit assessment districts, which emphasize a public-private partnership to implement a comprehensive community and economic development strategy. NCA's role is to study the Downtown's current Property Based Improvement District (PBID) and make recommendations for transitioning the PBID into a Community Benefit District (CBD), which subject to pending legislation would allow an extended renewal period and expand the responsibilities of the PBID to include future residential units.

NCA's has successfully implemented business district revitalization in cities like San Diego, CA (Little Italy), Glendale, CA (Downtown), San Leandro, CA (Downtown), San Francisco, CA (Top of Broadway), to name a few examples of their work. This contract is funded by the Downtown Improvement Program Settlement Fund.

4) High-Quality Transit Area Pilot Program

With funding from the Southern California Association of Governments (SCAG), the City initiated the High-Quality Transit Area Pilot Program (HQTA). QTAs are areas within easy walking distance to current or anticipated transit service with 15-minute or better service. The City's transit center at Fourth and Meta Streets is a HQTA. The three main goals of the HQTA program are as follows:

- a) Implement the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for future job and housing growth near high-quality transit through actionable transit-oriented development projects
- b) Promote higher-density development and active transportation within QTAs
- c) Reduce Greenhouse Gases and Vehicle Miles Traveled.

These goals are consistent with the City of Oxnard's Downtown Vision Plan and the HQTA will focus on actions to implement the City's goals. These actions will include enhanced connections along 4th and B Streets to improve the experience and use of the Oxnard Transit Center. The focus of this report is to make recommendations based on existing City documents (such as the Vision and the Oxnard Boulevard Plan) for public improvements to complement and encourage private sector investment in Downtown Oxnard. The results of this report will be presented to the City Council when completed and will inform the City's next steps to revitalize the downtown and leverage the development of transit-oriented housing and mixed-use projects

STRATEGIC PRIORITIES

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Objective 1a. Focus available resources on a comprehensive effort to promote economic activity in Oxnard, including a marketing program that communicates the City's available resources and assets.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

Objective 2b. Improve relationships and communication between the City and the business community.

Objective 2c. Capitalize on historic, cultural and natural resources.

Goal 5. Revitalize Oxnard's downtown and pursue economic development opportunities.

Objective 5a. Develop a vision and plan (with timelines) for downtown revitalization to create a vibrant center for our community, emphasizing cultural arts, diversity and historic assets.

FINANCIAL IMPACT

There are no new financial impacts associated with this status report, meaning the City Council and/or City Manager previously authorized the budget appropriations for the initiatives described in this report. However, below is an overview of the Downtown Improvement Program Settlement Fund (DIPSF). In April 2015, a settlement agreement between the City and developer of Centennial Plaza was reached, which provided the City with funding of \$6.12 million to direct towards Downtown Revitalization efforts.

Table 3 below is a short summary that provides a financial outlook of the DIPSF through February 2019. This summary does not delineate, as a line item, any revenue from interest earned. However, the projected unassigned balance through June 30, 2019 does take into account all revenues.

Table 3 - Summary of Downtown Improvement Program Settlement Fund *(updated as of 2/10/19)*

DIPSF Beginning Balance			\$6,120,264	
FY18-19 (June 30, 2019) DIPSF Project Unassigned Fund Balance			\$5,041,55	
Type of Expenditure	Budget (Project)	Expense	Balance (Project)	Status
Capital Improvement				
Tree Trimming	\$97,755	\$97,755	\$0	completed
Plaza Park Lighting	\$47,818	\$21,623	\$26,195	in process
Portable Restrooms (*\$40,000 allocated to NCA)	\$145,322*	\$7,464 \$40,000	\$97,858	completed
CIP Total		\$166,842		
Professional services				
2016 Vision Plan (CNU)	-	\$24,118	\$0	completed
Downtown Code/Guidelines (Sargent Tn owPlanning)	\$80,000	\$84,915	-\$4,915**	in process
Parking Management Plan (Stantec)	\$50,000	\$32,693	\$17,307	in process
Downtown Priorities (CPAT)	-	\$724	\$0	completed
Community Benefit District (NCA)*	\$40,000	\$0	\$40,000	in process
Downtown Murals	\$45,000	\$0	\$45,000	in process
Prof. Services Total		\$142,450		
Capital Outlay-Buildings New				
425 S. B St.	\$420,000	\$420,000	\$0	completed
318 W. Fifth and 321 W. Sixth St.	\$150,000	\$150,000	\$0	completed
720 S. B St	\$75,000	\$75,000	\$0	completed
Capital Outlay Buildings-New Total		\$645,000		
Misc. Expenses				
Supplies-Reimb-Fees	-	\$3,633		on-going
Payroll (Downtown Manager)	-	\$220,000		on-going
Misc. Expenses Total		\$223,633		
Total Expenses (to date)			\$1,177,925	

**The excess spending in this account is the result of additional work associated with the CEQA review process for the project. There are funds available from the Parking Management Plan Project to cover the excess amount for the Downtown Code/Guidelines Project.

Prepared by Claudia Pedroso, Downtown Revitalization Manager.

Update on Downtown Revitalization Program



Jeffrey Lambert, Community Development Department Director
Claudia Pedroso, Downtown Revitalization Manager

Housing and Economic Development Committee
April 9, 2019



Background

- **Downtown Oxnard Vision Plan:**
 - January 2016 - Congress for New Urbanism (CNU) Charrette: To revisit and integrate earlier downtown planning and policy documents into an overarching “vision” for downtown.
 - October 2016 - Staff presented the Vision Plan to City Council

Background (Continued)

- **Downtown Oxnard Vision Plan** (continued):
 - December 2016 - Three Year Implementation Plan:
 - **Regulatory Retooling Plan:** Land Use/Design Review, Parking Management
 - **Public Reinvestment:** Capital Improvements, Business Inducement Programs, Arts Hub, Property Disposition
 - **Program Administration:** Regulatory Documents, Tourism, Public Infrastructure, Special Events, Homelessness Strategies

Background (Continued)

- Three Year Implementation Plan Projects:
 1. Downtown Trash Enclosures (not funded)
 2. Downtown Lighting (funded)
 3. Façade Improvements (not funded)
 4. Public Restrooms (pilot program funding)
 5. Downtown Tree Trimming (funded)
 6. Downtown Land Use Policies and Design Guidelines (funded)

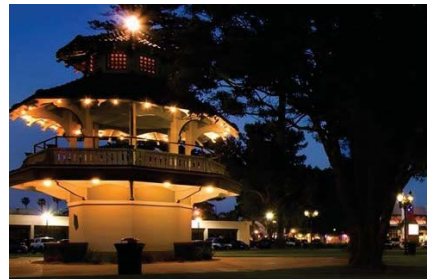
Background (Continued)

7. Revolving Loan Program (not funded)
8. Parking Management Plan (funded)
9. Arts Hub (funded)
10. "A" Street Enhanced Landscaping (not funded)
11. "A" Street Improvements (not funded)
12. Project Manager (funded)
13. Tourism (no specific funding or project)
14. Land Use Policies (funded)

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Downtown Projects Update:

- 1) Downtown Capital Improvement Projects:
 - a) Plaza Park Lighting- *in process*
 - b) Pilot Public Restroom Program- *suspended*
 - c) Tree Trimming - *completed*



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Downtown Projects Update:

1) Downtown Capital Improvement Projects:

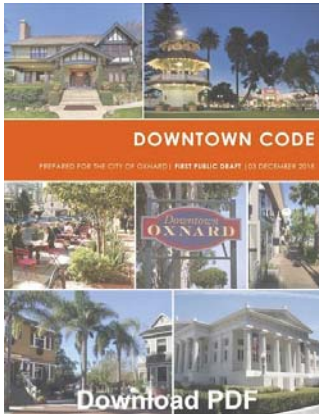
- d) Arts Hub/ Arts Murals - *in process - recommendations presented to the Cultural Arts Commission meeting on April 3, 2019*
- e) Downtown Manager - *recruited and hired in 2017*

Downtown Projects Update (Continued):

2) Downtown Design Guidelines and Land Use Policies:

- Public Outreach: Presentations to Chamber of Commerce, Downtown Design Review Committee (DDRC) and follow up, Community Workshop, Downtown Improvement Task Force, Oxnard Community Planning Group, HED Committee.
- Additional Outreach: Developers, architects and public stakeholders

Downtown Projects Update (Continued):



- Coordinated with Consultants to implement comments
- Tested on potential projects with positive outcomes
- Tentative Planning Commission - May, 2019
- Tentative City Council - June, 2019

Downtown Projects Update (Continued):

3) Parking Management Plan and In-Lieu Fee:

- Study shows that parking supply is sufficient for projected units (under current 2030 General Plan)
- Downtown Oxnard Mobility and Parking Management Plan (DODMPM)
- Maintenance fee and In-Lieu Fee
- Alternate Transportation enhancement fee

Downtown Projects Update (Continued):

PARKING REQUIREMENTS				
Use	DOMPMP	Parking Required (Presented in January)	Parking Required (new proposal)	In-Lieu Availability
Commercial (all)	1 space per 1,000 square feet, with Minimum 50% In-Lieu Fee	1 space per 500 square feet	1 space per 1,000 square feet	Minimum 50%
Residential - Multi-Family (shared parking/ open structure)	0.60 - 1.50 stalls per unit based on the type of residential property developed	1.65 spaces per unit	*DT-C and DT-G: 0.5 spaces per unit; 1 parking space per unit maximum. *DT-E: 1.65 spaces per unit	*DT-C and DT-G: 0.5-0.99 parking spaces per unit pay In-Lieu fee. *DT-E: Less than 1.65 pay In-Lieu fee
Residential (when private garages are provided for unit)	0.60 - 1.50 stalls per unit based on the type of residential property developed	Per Section 16-222(F), Residential**	Per Section 16-222(F), Residential**	N/A

* Zones: Downtown Core (DT-C), Downtown General (DT-G), Downtown Edge (DT-E)

**Single Family - 2 garage spaces for up to five bedrooms; Townhomes - 2 garage spaces

Apartments and Multi-Family - 1 garage per studio and one bedroom, 2 garage spaces per unit, plus 1 visitor parking per 30 units plus 0.5 visitor parking per unit over 31 units.

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Downtown Projects Update (Continued):

- **New Projects in Support of Downtown Vision Plan:**
 - 1) Disposition of Successor Agency Properties
 - 2) Downtown Market Assessment
 - 3) Community Benefit District
 - 4) High-Quality Transit Area Pilot Program

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Downtown Projects Update (Continued):

1) Disposition of Successor Agency Properties:

- Ownership of four properties has been transferred from the Successor Agency to the City of Oxnard.
- Request for Qualifications (RFQ) for North, South and East Plaza - Process suspended in order to focus on the new Development Code.
- Upon the adoption of the Development Code, Staff anticipates seeking developers for these key properties.

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Downtown Projects Update (Continued):

ACQUIRED SUCCESSOR AGENCY PROPERTIES		
Property Acquisition	Purpose	Sales Price
720 South B Street (<i>Winery Building at Heritage Square</i>)	Tourism opportunities, public control at Heritage Square, City's cultural asset	\$75,000
425 South B Street (<i>Social Security Building</i>) (<i>North Plaza</i>)	Enhance development opportunities since City owns adjacent properties.	\$420,000
318 West Fifth Street (<i>Plaza Laundromat</i>) and 321 West Sixth Street (<i>Furniture Store</i>) (<i>South Plaza</i>)	Enhance development opportunities since City owns adjacent properties.	\$150,000
	TOTAL	\$645,000

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Downtown Projects Update (Continued):

1) Disposition of Successor Agency Properties:

- Meta Area properties:
 - 144 and 150 E. Sixth St. (7,500 sq. ft.)
 - 201 E. Sixth St. (4,300 sq.ft.)
 - 141 and 145 E. Seventh St. (8,500 sq. ft.) - AAHOP site
 - 145 E. Seventh St. (4,250 sq. ft.)
 - 538 and 544 Meta St. (7,321 sq. ft.) - Adjacent to AAHOP designated site.
 - 631 Meta St. (2,500 sq. ft.)

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Downtown Projects Update (Continued):

1) Disposition of Successor Agency Properties:

- Meta Area properties:



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Downtown Projects Update (Continued):

2) Downtown Market Assessment:

The Natelson Dale Group, Inc., specializes in market/financial analyses.

- Assessment of potential development demand in Downtown Oxnard:
 - Identify potential market niches within the larger competitive region
 - Attract future development in the Downtown.
 - Provide a baseline of market conditions relevant to the downtown's place in the larger city and Ventura County region.

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Downtown Projects Update (Continued):

3) Community Benefit District:

New City America, specializes in business district revitalization

- Study Downtown's current Property Based Improvement District (PBID) and make recommendations
- Implemented business district revitalization in San Diego, San Leandro, Glendale, San Francisco and other cities



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Downtown Projects Update (Continued):

4) High-Quality Transit Area Pilot Program:

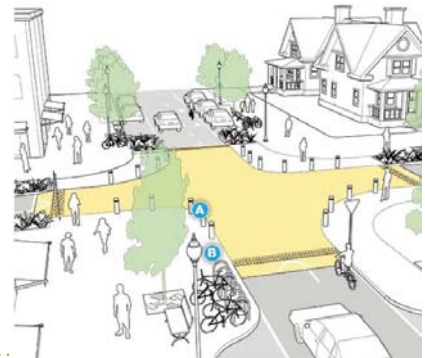
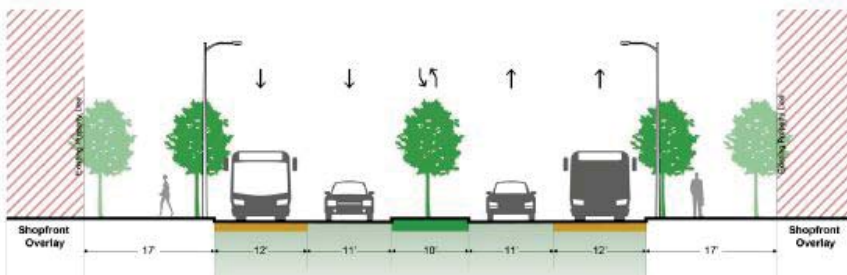
- Grant from Southern California Association of Governments (SCAG)
- HQTA areas are within easy walking distance to current or anticipated transit service with 15-minute or better service



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Downtown Projects Update (Continued):

- HQTA Goals:
 - Implement Regional Transportation Plan/Sustainable Community Strategy
 - Promotes higher-density developments
 - Reduce greenhouse gases and vehicle miles traveled



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Downtown

- HQTa Pilot Program will identify:
 - Street Improvements, i.e. Fourth and B Streets
 - Potential development opportunities
 - Funding Sources
 - Transit improvement opportunities

Financial Impact

- No new financial impacts associated with this status report. Council and/or City Manager have previously authorized budget appropriations.
- Downtown Improvement Program Settlement Fund (*DIPSF*): Distribution of funds derived from development of Riverpark theater complex
- Funds are intended to offset potential impact to Centennial Plaza and Downtown Oxnard

Financial Impact

- Fund established in 2015 - \$6.12 million
- \$1.178 million spent to date
- FY18-19 Project Unassigned Fund Balance \$5,041,55

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DIPSF Beginning Balance			\$6,120,264	
FY18-19 (June 30, 2019) DIPSF Project Unassigned Fund Balance			\$5,041,55	
Tree Trimming	\$97,755	\$97,755	\$0	completed
Plaza Park Lighting	\$47,818	\$21,623	\$26,195	in process
Portable Restrooms (\$40,000 allocated to NCA)	\$145,322	\$7,464 \$40,000	\$97,858	in process
	CIP Total	\$166,842		
Professional services				
2016 Vision Plan (CNU)	-	\$24,118	\$0	completed
Downtown Code/Guidelines (Sargent Town Planning)	\$80,000	\$84,915	-\$4,915	in process
Parking Management Plan (Stantec)	\$50,000	\$32,693	\$17,307	in process
Downtown Priorities (CPAT)	-	\$724	\$0	completed
Community Benefit District (NCA)	\$40,000	\$0	\$40,000	in process
Downtown Murals	\$45,000	\$0	\$45,000	in process
	Prof. Services Total	\$142,450		
Capital Outlay-Buildings New				
425 S. B St.	\$420,000	\$420,000	\$0	completed
318 W. Fifth and 321 W. Sixth St.	\$150,000	\$150,000	\$0	completed
720 S. B St	\$75,000	\$75,000	\$0	completed
	Capital Outlay Buildings-New Total	\$645,000		
Misc. Expenses				
Supplies-Reimb-Fees	-	\$3,633		on-going
Payroll	-	\$220,000		on-going
	Misc. Expenses Total	\$223,633		
			Total Expenses (to date)	\$1,177,925

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QUESTIONS?

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**HOUSING AND ECONOMIC
DEVELOPMENT COMMITTEE**

AGENDA REPORT

TYPE OF ITEM: Report

AGENDA ITEM NO.: 2

DATE: April 9, 2019

TO: Housing and Economic Development Committee

FROM: Jeffrey Lambert, Community Development Director
jeffrey.lambert@oxnard.org, (805) 385-7882

SUBJECT: Policy Direction for Zone Text Amendment to Oxnard City Code Chapter 16
Article II and Article V, Division 13 Related to Accessory Dwelling Units
(15/10/10)

RECOMMENDATION

That the Housing and Economic Development Committee receive a summary report of the proposed ordinance amending Chapter 16, Article II and Article V, Division 13 of the Oxnard City Code pertaining to regulations governing land uses and development regulations for Accessory Dwelling Units (ADU), and provide policy direction on two modifications to the ADU ordinance recommended by the Planning Commission.

BACKGROUND

The purpose of this staff report is to receive policy direction regarding two recommendation from the Planning Commission's February 7, 2019 review of proposed revisions to the Accessory Dwelling Unit (ADU) ordinance within Oxnard City Code (OCC) Chapter 16 (Non-Coastal Zoning) Article I (Section 16-10) and Article V, Division 13 (Sections 16-465 to 16-469.6).

On December 16, 2016, the City adopted an Accessory Dwelling Unit (ADU) ordinance (Ordinance No. 2914) amending the OCC to be consistent with three State housing bills (SB 1069 (Wieckowski), AB 2299 (Bloom), and AB 2406 (Thurmond)) that changed what was previously referred to as a "second unit" to an ADU and prescribed ADU permitting procedures and development standards. The State ADU legislation became effective on January 1, 2017. In general, State law required that an ADU be administratively permitted by a local government on a property with one existing "primary" single-family dwelling unit, the ADU parking requirement is set by State law, and an existing primary unit garage may be converted to an ADU.

In October 2017, the City amended the ADU regulations a second time (Ordinance No. 2925) to be fully consistent with Department of Housing and Community Development (HCD) ADU guidelines released after the City's first (2016) ADU amendment. The second amendment included HCD-recommended language defining three types of ADUs (entirely within the existing primary unit, an addition to existing primary unit, or a new detached ADU), clarification that an ADU use is allowed within a historic district but is subject to cultural resource procedures and standards, added additional "R" zoning designations that allow an ADU, removed a requirement to replace an ADU-converted garage, and prohibited required ADU parking in the front yard setback.

Following the second ADU amendment, the Legislature adopted SB 229 (Wieckowski) and AB 494 (Bloom) which became effective January 1, 2018. These "clean up" amendments allow ADUs to be built concurrently with a new or expanded single-family residence, expanded areas where an ADU is allowed to include all zoning districts that allow single-family uses (except in the Coastal Zone), clarify utility connection requirements and impact fees, and further clarify and reduce ADU parking requirements.

In mid-2018, staff began to prepare the present and third ADU amendment to remain consistent with State ADU laws and also to incorporate:

1. lessons learned from the Planning Division's processing of 58 ADU permit applications through February, 2019;
2. discussions with property owners pertaining to ADU construction and design;
3. discussions with the City's Housing Element consultants; and
4. input from House Farm Workers, the Ventura County Coastal Association of Realtors, and housing attorney Ms. Barbara Macri-Ortiz.

Five modifications within the third ADU zone text amendment are summarized below (OCC Sections 16-465 to 16-469.6). These five changes create consistency with State law:

1. Removed references to "complete" application. This change does not prohibit the City from denying an ADU because of incomplete information to determine if the ADU meets safety requirements and development standards.
2. Clarification that an ADU may be concurrently proposed with an application for a new primary unit.
3. Added text regarding utility connection fees, which cannot be considered as a new use for purposes of utility connection or capacity charges. However, it is allowable for utility providers to charge fees proportionate to the reasonable cost of providing the service.
4. Reduce the minimum ADU floor area from 600 gsf to 220 gsf consistent with the California Residential Building Code R304.5 and Health and Safety Code Section 17958.1.
5. Added text that the ADU parking requirement is, essentially, one off-street space regardless of size or number of bedrooms except for listed situations wherein the ADU need not provide any additional parking (located within one half mile of a transit station). Parking must be located outside of the front yard setback.

Incorporated into the third ADU ZTA, the following eight proposed changes reflect comparative research of other Ventura County jurisdictions and their respective ADU policies and standards, responds to issues identified during the City Council's October 17, 2017 ADU ordinance hearing, and staff's processing of 58 ADU permits since January 2018:

1. Text added that the terms "Efficiency", "Studio", and "Single" are types of ADU's for purposes of ADU zoning, not to be conflated with Building Code regulations.
2. Added reference to the proposed Downtown Code in the Central Business District (CBD) in which an ADU may be approved with a special use permit.
3. Clarification that passageways cannot be used to connect an ADU to the primary unit, a method sometimes used to treat the ADU as an addition rather than a separate structure.
4. Clarification that an ADU shall meet all applicable habitability standards and shall contain a separate bath, full kitchen facilities, and a separate or combined living and sleeping areas.
5. Requirement added that the ADU have a separate entrance and that each ADU room cannot have a second exterior access unless the additional access, such as French doors or a sliding patio door, is provided in accordance with applicable development standards or building code requirements.
6. Text added to allow the ADU floor area to be determined by the total primary unit floor area that includes a concurrent primary unit floor area addition. This change would allow an applicant to seek both a primary unit addition and an ADU where the ADU size is based on the floor area of the primary unit *after* completion of the addition.
7. Clarification that fire safety access could be a sufficient reason to change an otherwise allowed ADU minimum setback requirements.
8. Create a discretionary review process for an "ADU Exception" by special use permit for larger properties with a relatively small existing primary dwelling unit that allows for development of a new primary unit and re-designation of the existing unit as the ADU. Set the minimum qualifying property size at 10,890 gsf (1/4 acre), and set the minimum size of the new primary unit at twice (200%) the size of the existing unit being designated as the ADU.

The third proposed ADU ZTA was presented to the Planning Commission on February 7, 2019 (Attachment A is the Planning Commission staff report). At the February Planning Commission meeting public testimony was received from Ms. Barbara Macri-Ortiz regarding parking and the new "ADU Exception" process. The Planning Commission unanimously recommended that the City Council adopt the ADU ZTA with two policy changes. The two policy items are listed below along with staff's analysis of each recommendation.

Recommended Policy Changes within the "ADU Exception" Section

1. ADU Qualifying Minimum Parcel Size (Section 16-469.6(A)):
Commissioners recommended that the qualifying property minimum size be reduced from 10,890 gross square feet (gsf) to 9,000 gsf.

Staff Analysis: Section 16-469.6 was created to allow a homeowner with a small primary dwelling unit on a relatively large property to build a new primary dwelling unit and then designate the original dwelling unit as the ADU. Staff determined that there are 586 potentially qualifying parcels with the staff-proposed qualifying minimum property size of 10,890 gsf. Lowering the minimum property size threshold to 9,000 gsf adds an additional 676 parcels which could potentially qualify for the construction of a new dwelling unit and designate the existing unit as the ADU. The Commission's recommendation is a policy decision which could lead to additional ADUs. Staff supports this change and seeks direction from the Housing and Economic Development Committee before presenting the draft ordinance to the full city council.

2. Minimum ADU Size (Section 16-469.6(F)):

Commissioners recommended that the minimum size requirement for the new primary dwelling unit be changed from "twice the size" to "110 percent the size" of the existing dwelling unit.

Staff Analysis: The draft ADU ordinance that was presented to Planning Commission requires the new primary dwelling unit be at least twice the size of the original dwelling unit being re-designated through this Special Use Permit (SUP) process. As currently written, the size of the SUP-designated ADU would be consistent with the ADU standard that the ADU not be more than 50 percent of the size of the primary dwelling unit, or stated in reverse, the primary unit is at least twice (200%) the size of the ADU. Allowing the primary unit and ADU to be about the same size facilitates similarly sized primary and ADU units on a parcel - in essence duplexes. The purpose and findings section of the ADU ordinance states that one of the goals of an ADU is to "Establish[ing] reasonable regulations of accessory dwelling units [is an appropriate mechanism] to properly balance the need for additional affordable housing with the need to maintain existing community character and neighborhood quality of life." Creation of duplexes may not be consistent with the ADU purpose and findings. The Commission's recommendation is a policy decision. In this case, and for the above reason, staff believes the Commission's recommendation is not consistent with the purpose and intent of the ADU ordinance and is seeking direction from the Housing and Economic Development Committee before presenting the draft ordinance to the full city council.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goal and objective:

Goal 4. Implement a "one stop shop" effort at the City's Service Center.

Objective 4a. Streamline internal process to ensure government efficiencies.

FINANCIAL IMPACT

No General Fund impact. ADU permit fees cover staff administrative and direct reimbursable expenses.

Prepared by Chris Williamson, Consulting Principal Planner and Kathleen Mallory, Planning & Environmental Services Manager

ATTACHMENTS

ATTACH A - Planning Commission Staff Report - February 7, 2019



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Chris Williamson, Planning Consultant

DATE: February 7, 2019

**SUBJECT: Planning & Zoning (PZ) Permit No. 19-580-01 (Zone Text Amendment)
Relating to Accessory Dwelling Units (ADU).**

1) Recommendation: That the Planning Commission:

- a) Receive a presentation on the proposed Zone Text Amendment (ZTA's);
- b) Receive and provide comments on the proposed ZTA's; and
- c) Approve a resolution recommending that the City Council approve Planning & Zoning Permit No. 19-580-01 (Accessory Dwelling Unit Zone Text Amendment).

2) Project Description and Applicant: The proposed project ("Project") would amend Oxnard City Code (OCC) Sections 16-10, "Definitions," and 16-465, "Accessory Dwelling Units" (ADU). These amendments are necessary to be consistent with recent changes in State Law; establish a reduction in the minimum ADU size from 600 to 220 gross square feet (gsf); and make changes to the ADU ordinance to address minimum lot size and development standards to allow a primary unit to be converted to an ADU under specific regulatory standards. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the Commission's recommendations on the ZTA's is not considered a project as defined by CEQA. Filed by the City of Oxnard, Ashley Golden, Interim Development Services Director, 214 South C Street, Oxnard 93030.

3) Background: Government Code §65852.2 became effective on January 1, 2017 establishing the ADU as an allowed-by-right use generally on residentially-zoned parcels with one existing "primary" dwelling unit, subject to applicable ADU development standards. On December 20, 2016, the City adopted Ordinance No. 2914, amending OCC, Chapter 16, Section 16-465, "Second Units," to be consistent with Government Code Section 65852.2. In October 2017, the City adopted Ordinance No. 2925 to clarify the ADU definition, remove a restriction on an ADU in a listed historic district, and incorporate various "clean up" zone text amendments to be consistent with the ADU Guidelines issued by the Department of Housing and Community Development (HCD). The ADU minimum size was set at 600 gsf, the maximum size at 1,200 gsf, and the ADU could not exceed 50% of the size of the primary unit.

- 4) Discussion:** In late 2017, the State Legislature adopted SB 229 (Wieckowski) and AB 494 (Bloom) as ‘clean up’ bills amending various sections of Government Code Section 65852.2. The amendments, effective January 1, 2018, allow ADUs to be built concurrently with a single-family home, add areas where ADUs can be built to include all zoning districts that allow single-family uses, clarify utility connection and impact fees, and reduce parking requirements. Attachment A is a summary of these changes prepared by HCD.

Within the City, as of December 31, 2018, 53 ADU permit applications were filed of which 40 are permitted and the remaining are in process. Over the past year, staff has been processing requests for ADU’s which can be generally characterized as the following type of requests:

- Conversion of one or more rooms entirely within the primary structure into an ADU;
- Conversion of an attached or detached garage into an ADU;
- Addition to the primary unit and/or garage; and
- Construction of an independent and separate structure in the rear of the parcel.

Several ADU applications involve both a conversion of existing space and an addition. Other ADU application proposed an addition to the primary unit and an addition for the ADU. Based on public questions and review of ADU applications, and to bring the City into compliance with the State’s “clean up” ADU legislation, staff have identified the following amendments to OCC Sections 16-10 (Definitions) and 16-465 (Accessory Dwelling Units).

One important change to the ADU ordinance is a reduction in the allowable size of an ADU. Staff research revealed that most Ventura County cities and cities elsewhere in California set the minimum size of an ADU at 220 gsf. This sizing is to be consistent with Health and Safety Code Section 17958.1(b), as referenced in Part 2 of Title 24 of the California Code of Regulations (i.e. “Building Code”) (see Attachment B). This regulation effectively establishes the minimum ADU size for two persons at 220 gsf. Based upon questions at the public counter, staff’s implementation of the City’s ADU ordinance over the past two years, a review of these and other ADU applications, and to bring the City in compliance with the State’s most recent “clean up” ADU legislation, staff has identified amendments to OCC Sections 16-10 (Definitions) and 16-465 (Accessory Dwelling Units).

Section 16-10 DEFINITIONS

The definition of efficiency was added to the OCC; additionally, modifications were made in legislative format (strikethrough for removal and underline for additions - see Attachment C:

(1) **ACCESSORY DWELLING UNIT** – Add text “...or proposed...” to be consistent with State Law that allows the primary unit and ADU to be concurrently developed with an accessory dwelling unit.

(10) **APARTMENT** – Add text that indicates “efficiency”, “studio”, and “single” are interchangeable terms used for small apartments for purposes of zoning.

(XX) **EFFICIENCY** – Add this term and set the minimum size as 220 gsf.

(XX) HOUSEHOLD – Add this term and refer directly to FAMILY.

(132) TANDEM PARKING SPACE – Add text to be consistent with State Law.

Section 16-465 ACCESSORY DWELLING UNITS

The following summarizes key changes to the ADU ordinance:

- Text added that the terms Efficiency, Studio, and Single are types of ADU's.
- Clarification that an ADU may be concurrently proposed with the primary unit.
- Clarification that passageways cannot be used to connect an ADU to the primary unit.
- Clarifies that an ADU will have separate bath, full kitchen facilities, and a separate or combined living area, and sleeping areas.
- Text added regarding utility connection fees consistent with State Law.
- Requirement added that the ADU has a separate primary entrance.
- Reduce the minimum ADU floor area to 220 gsف.
- Text added to allow the ADU floor area to be determined by the total primary unit floor area that includes a concurrent primary unit floor area addition.
- Text added regarding parking consistent with State Law.
- Clarify that fire safety access could be a sufficient reason to increase an otherwise allowed ADU minimum setback requirement.
- Added a reference that an ADU in the CBD zone is subject to possible Downtown Development Code amendments to the CBD zone.
- Added a discretionary review process for larger properties with a relatively small existing primary dwelling unit that allows for development of a new primary unit and re-designation of the existing unit as the ADU, set the minimum qualifying property size as one-quarter acre (10,890 square feet), and set the minimum size of the new primary unit at a minimum of twice the size of the existing dwelling unit.

Attachment C includes a draft ordinance with Exhibits A and B which depict, respectively, the Section 16-10 and Section 16-465 text amendments presented in legislative format - with ~~strikeout~~ indicating removed text and underlining indicating added text.

5) Environmental Review: In accordance with Section 15061 (b) of the CEQA Guidelines, the Commission's recommendations on the ZTA's is not considered a project as defined by CEQA. Therefore, a notice of exemption has been prepared (see Attachment D).

6) Community Outreach: In compliance with state law, a notice of public hearing was published in the Vida Newspaper on January 24, 2019. The proposed ZTA was shared with House Farm Workers, Barbara Macri-Ortiz, and the Ventura County Coastal Association of Realtors between January 10 - 22, 2019. State and City legal noticing requirements were met with publication of a notice of hearing in the Vida Newspaper on January 24, 2019.

During this time, Ms. Barbara Macri-Ortiz provided comments on several sections of the ADU text amendment. Her recommended modifications included the following; staff's response follows in italics:

- Change in Section 16-469.6, Exceptions for Large Lots With a Proposal for New Primary Unit, regarding new primary unit size was incorporated into the proposed text amendment.
- Change in Section 16-466, Ministerial Considerations, requested removal of the word “complete” before “application” consistent with State Law.

8) Recommendation and Appeal Procedure: Staff recommends that the Planning Commission adopt a resolution recommending that the City Council adopt the proposed zone text amendments incorporated within Attachment C. The Planning Commission’s action is a recommendation to the City Council. The item will be scheduled for the City Council Housing and Economic Development Sub-Committee on February 26, 2019.

Attachments:

- A. Housing and Community Development ADU Memorandum May 29, 2018
- B. Survey of ADU Minimum and Maximum Size
- C. Resolution and Draft Ordinance with Text Amendments Exhibits A and B
- D. CEQA Notice of Exemption

Prepared by: _____
CW

Approved by: _____

Kathleen Malloy

KM

ATTACHMENT “A”

Housing and Community Development ADU Memorandum
May 29, 2018

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

**MEMORANDUM**

DATE: May 29, 2018

TO: Planning Directors and Interested Parties

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development 

SUBJECT: **Local Agency Accessory Dwelling Units
Chapter 594, Statutes of 2017 (Senate Bill 229) and
Chapter 602, Statutes of 2017 (Assembly Bill 494)**

This memorandum is to inform you of the amendments to California law, effective January 1, 2018, regarding the creation of accessory dwelling units (ADU). Chapter 594, Statutes of 2017 (Senate Bill 229) and Chapter 602, Statutes of 2017 (Assembly Bill 494) build upon recent changes to ADU law (Government Code (GC) Section 65852.2) and further address barriers to the development of ADUs.

SB 229 and AB 494, among other changes, addresses the following:

- Clarifies an ADU can be created through the conversion of a garage, carport or covered parking structure.
- Requires special districts and water corporations to charge a proportional fee scale based upon the ADUs size or its number of plumbing fixtures.
- Reduces the maximum number of parking spaces for an ADU to one space.
- Allows replacement parking spaces to be located in any configuration, as a result, of a parking structure conversion to an ADU.
- Authorizes the Department of Housing and Community Development to review and comment on ADU ordinances.
- Defines the term "tandem parking" to mean two or more automobiles.

For assistance, please see the amended statute in Attachment A. In addition, pursuant to GC Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact Greg Nickless, Housing Policy Analyst, at 916-274-6244.

ATTACHMENT A

TITLE 7, DIVISION 2, CHAPTER 4, ARTICLE 2

SB 229 and AB 494 Accessory Dwelling Units (65852.2)

Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in ~~single-family and multifamily residential zones~~ *areas zoned to allow single-family or multifamily use*. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria~~ *criteria* that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit ~~is not intended for sale~~ *may be rented* separate from the primary ~~residence and~~ *residence*, ~~but may be rented~~ *not be sold or otherwise conveyed separate from the primary residence*.

(ii) The lot is zoned ~~for~~ *to allow* single-family or multifamily use and ~~contains an existing~~ *includes a proposed or existing* single-family dwelling.

(iii) The accessory dwelling unit is either attached ~~to the existing dwelling~~ or located within the living area of the ~~proposed or existing primary dwelling~~ or detached from the ~~proposed or existing primary dwelling~~ and located on the same lot as the ~~proposed or existing primary dwelling~~.

(iv) The ~~increased floor total~~ *area of floorspace* of an attached accessory dwelling unit shall not exceed 50 percent of the ~~existing living area, with a maximum increase in floor area of~~ *proposed or existing primary dwelling living area* or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to ~~a~~ *an accessory dwelling unit or to a portion of an* accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per ~~bedroom~~ *bedroom, whichever is less*. These spaces may be provided as tandem parking on ~~an existing~~ *a* driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety ~~conditions, or that it is not permitted anywhere else in the jurisdiction~~ *conditions*.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit *or converted to an accessory dwelling unit*, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that ~~contains an~~ *includes a proposed or* existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives ~~its first application on or after July 1, 1983, an application~~ for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall ~~accept the application and~~ approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the *proposed or* existing *primary* dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

- (3) The accessory dwelling unit is part of the *proposed or* existing primary residence or an ~~existing~~-accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
- (e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a ~~single-family residential zone~~-zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, *including, but not limited to, a studio, pool house, or other similar structure*, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. *A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.*
- (f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
- (2) Accessory dwelling units shall not be considered ~~new-residential-uses~~ by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating ~~local-agency~~-connection fees or capacity charges for utilities, including water and sewer service.
- (A) For an accessory dwelling unit described in subdivision (e), a local ~~agency~~-agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.
- (B) For an accessory dwelling unit that is not described in subdivision (e), a local ~~agency~~-agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
- (h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. *The department may review and comment on this submitted ordinance.*
- (i) As used in this section, the following terms mean:
- (1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.
- (4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:
- (A) An efficiency unit, as defined in Section 17958.1 of *the* Health and Safety Code.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (6) *"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.*
- (j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

ATTACHMENT “B”

ADU Standards Comparison
October 30, 2018

ATTACHMENT B

October 30, 2018

Jurisdiction	Minimum ADU size	Maximum ADU size
Ventura County	220 sf	Interim ordinance 4507/4509: Minimum lot size 9,000 sf. but under 40 acres: Attached ADU not to exceed 50% of primary unit or 1,200 sf.; Detached ADU not to exceed 1,200 sf. Lots over 40 acres, maximum of 1,800 sf.
Camarillo	220 sf	700 sf. in R-E zone on 1 acre or less; 640 sf. in R-1 zone on more than 1 acre: not more than 30% of primary dwelling unit up to 1,200 sf.
Fillmore	800 sf	At time of construction, not to exceed more than 30% main dwelling unit if attached; 1,200 sf if detached.
Moorpark	220 sf	800 sf. on lots less than 1 acre, 1,200 sf. on lots of 1 acre or more
Ojai	220 sf	1200 sf or 50% of the existing habitable area of the legal primary unit, whichever is smaller
Port Hueneme	Not specified.	640 sf
Santa Paula	Not specified.	Detached and on 10,000-20,000 sf lot, maximum size 640 sf. If detached and on lot larger than 20,000 sf, maximum is 1,200 sf. If attached, maximum is either 50% of primary dwelling unit's floor area or 1,200 sf, whichever is less.
Simi Valley	220 sf	1,200 sf, but not to exceed 30% of primary unit living area
Thousand Oaks	220 sf	600 sf for attached and detached ADUs
Ventura (city)	Not specified.	750 sf for an attached ADU not to exceed 50% of primary unit living area. 750 sf for detached ADU.
Santa Barbara County	Living area of an ADU must be no smaller than 300 sf unless it qualifies as an "efficiency" unit in accordance w/ Health/Safety Code 17958.1	Attached ADU no larger than 50% of primary residential unit or 1,200 sq ft, whichever is less. Detached ADU varies: -Lots less than 9,999 sq ft, maximum is 400 sq ft -Lots between 10,000 and 19,999 sq ft, maximum is 600 sf -On lots between 20,000 sq ft to 1 acre, maximum is 800 sf -On lots between 1 to 2 acres, maximum is 1,000 sf -On lots greater than 2 acres, maximum is 1,200 sf
Santa Barbara (City)	Not specified.	If net lot area is less than 4,000 sf, maximum ADU size must be no greater than 2,200 sf If net lot area is between 4,000 to 9,999 sf then the maximum is 1,200 sf + 0.25 multiplied by the net lot area If net lot area is between 10,000 to 14,999 sf, then maximum is 2,500 sf + 0.125 multiplied by net lot area.

ATTACHMENT “C”

Planning Commission Resolution

ATTACHMENT B

RESOLUTION NO. - [PZ 19-580-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OXNARD ADOPT AN ORDINANCE APPROVING PLANNING AND ZONING PERMIT NO. 19-580-01 (ZONE TEXT AMENDMENT) RELATING TO DEFINITIONS AND ACCESSORY DWELLING UNITS. FILED BY CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, Government Code §65852.2 was amended in 2016 regarding Accessory Dwelling Units and became effective January 1, 2017 and, as a result, various provisions of the existing City Code would become inconsistent with state law unless the City Code was updated; and

WHEREAS, the California Department of Housing and Community Development (HCD) released a 39-page document “Accessory Dwelling Unit Memorandum” and held a webinar of December 20, 2016 that provided local governments guidance in preparing local zoning code amendments to comply with Government Code Section 65852.2; and

WHEREAS, on December 20, 2016, the Oxnard City Council adopted Ordinance No. 2914, amending the Oxnard City Code, Chapter 16, Section 16-465, “Second Units,” to be consistent with Government Code Section 65852.2; and

WHEREAS, on March 27, 2017, HCD conditionally approved the City’s 2013-2021 Housing Element, which included a direction to “...examine and modify, as appropriate, the recent zoning amendments passed in 2016”; and

WHEREAS, staff has implemented Ordinance No. 2914 since January 2017 by processing over 50 ADU applications and has determined that additional revisions are needed to assist in implementation of the Ordinance and better meet the intent of fostering affordable housing and being in compliance with Government Code Section 65852.2; and

WHEREAS, effective January 1, 2018, the State Legislature adopted SB 229 (Wieckowski) and AB 494 (Bloom) as ‘clean up’ bills amending various sections of Government Code Section 65852.2 regarding Accessory Dwelling Units and, as a result, various provisions of the existing City Code would again become inconsistent with state law unless the City Code was updated; and

WHEREAS, the revisions to this ordinance continues to implement Program 6, Zoning Code Amendments, of the 2013-2021 Housing Mid-Cycle Element; and

WHEREAS, Section 15061(b)(3) of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the State California Environmental Quality Act; and

WHEREAS, the Planning Commission considered public comments, and voted to recommend approval of this zone text amendment at its meeting of February 7, 2019.

NOW, THEREFORE, the Planning Commission of the City of Oxnard recommends that the City Council adopt the Zone Text Amendment herein included as Attachment A.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of February, 2019.

Vincent Stewart, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 7th day of February 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Kathleen Mallory, Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING ARTICLE II, DIVISION 1 AND ARTICLE V, DIVISION 13 OF THE OXNARD CITY CODE RELATING TO DEFINITIONS AND ACCESSORY DWELLING UNITS.

WHEREAS, Government Code §65852.2 was amended in 2016, effective January 1, 2017, regarding Accessory Dwelling Units and, as a result, various provisions of the existing City Code would become inconsistent with state law unless the City Code was updated; and

WHEREAS, the California Department of Housing and Community Development (HCD) released a 39-page document “Accessory Dwelling Unit Memorandum” and held a webinar of December 20, 2016 that provided local governments guidance in preparing local zoning code amendments to comply with Government Code Section 65852.2; and

WHEREAS, on December 20, 2016, the Oxnard City Council adopted Ordinance No. 2914, amending the Oxnard City Code, Chapter 16, Section 16-465, “Second Units,” to be consistent with Government Code Section 65852.2; and

WHEREAS, on March 27, 2017, HCD conditionally approved the City’s 2013-2021 Housing Element, which included a direction to “...examine and modify, as appropriate, the recent zoning amendments passed in 2016”; and

WHEREAS, staff has implemented Ordinance No. 2914 since January 2017 by processing over 50 ADU applications and has determined that additional revisions are needed to assist in implementation of the Ordinance and better meet the intent of fostering affordable housing and being in compliance with Government Code Section 65852.2; and

WHEREAS, the State Legislature adopted SB 229 (Wieckowski) and AB 494 (Bloom), effective January 1, 2018, as ‘clean up’ bills amending various sections of Government Code Section 65852.2 regarding Accessory Dwelling Units and, as a result, various provisions of the existing City Code would become inconsistent with state law unless the City Code was updated; and

WHEREAS, the revisions to this ordinance continues to implement Program 6, Zoning Code Amendments, of the 2013-2021 Housing Mid-Cycle Element; and

WHEREAS, Section 15061(b)(3) of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the State California Environmental Quality Act; and

WHEREAS, the Planning Commission considered public comments, and voted to recommend approval of this zone text amendment at its meeting of February 7, 2019; and

WHEREAS, the Housing and Economic Development Committee of the City Council considered public comments and voted to recommend approval of this zone text amendments at its meeting of DATE, 2019.

NOW THEREFORE, the City Council of the City of Oxnard hereby ordains as follows:

Section 1. Amend Oxnard City Code Section 16-10 “Definitions”. Existing Oxnard City Code Section 16-10 is amended as shown herein in Exhibit ‘A’ wherein strikeout indicates removed text and underline indicates added text.

Section 2. Amend Oxnard City Code Section 16-465 “Accessory Dwelling Units”. Existing Oxnard City Code Section 16-465 is amended as shown herein in Exhibit ‘B’ wherein strikeout indicates removed text and underline indicates added text.

Section 3. Severability. If any provision(s) of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, even though any one or more sections, subsections, clauses, phrases, parts or portions thereof was declared invalid or unconstitutional.

Section 4. Waiver of Second Reading. City Council approves reading of title only and waives reading of the ordinance at the second reading.

Section 5. Effective date. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 6. Publication. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk in accordance with Government Code section 36933.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the DATE day of MONTH, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

Ordinance No.

Page 3

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

EXHIBIT A

SEC. 16-10. DEFINITIONS.

(A) For the purposes of this chapter, the following words shall have the following meanings:

(1) ACCESSORY BUILDING - Any structure built for the support, shelter, or enclosure of property that is separate from but related, subordinate, and secondary to the main use of the property, such as but not limited to: storage sheds, greenhouses, and garages.

(2) ACCESSORY DWELLING UNIT - An independent living facility ~~for one or more persons~~ located entirely within or attached to an existing or proposed legal structure or as a detached structure that includes permanent provisions for living, sleeping, eating, cooking and sanitation, and is situated on the same parcel as an existing or proposed primary single-family dwelling, but is subordinate to and smaller than the primary dwelling.

(3) ACCESSORY SIGN - Any sign which advertises goods manufactured or produced, goods for sale, or services rendered on the property upon which such sign is located, also known as an on-premise sign.

(4) ACCESSORY STRUCTURE - A man-made object other than ornamental statuary, having a permanent location on the ground and more than six inches above the finished grade that is separate from but related, subordinate, and secondary to the main use of the property, such as but not limited to: patio covers, gazebos, and children's play structures.

(5) ACCESSORY USE - A use of property separate from, but related, subordinate and secondary to, the main use of the property.

(6) ADULT DAY CARE FACILITY - A state-licensed facility that provides less than 24-hour per day care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals.

(7) ADULT HEALTH CARE CENTER - Any family day home, day care center, or social rehabilitation center, as defined in Cal. Health and Safety Code, § 1570.7, and licensed by the State Department of Health, which provides, on less than a twenty-four hour basis, nonmedical care to adults in need of personal services, protection, supervision, assistance, guidance or training essential for sustaining the activities of daily living or for the protection of the individual.

(8) ALLEY - Any public thoroughfare for the use of pedestrians or vehicles, not less than ten feet nor more than thirty feet wide, which has been deeded or dedicated to the city as a secondary means of access to abutting property.

(9) ANTIQUE SHOP - A retail business that sells works of art, furniture, decorative objects and the like, all of which are at least thirty years old.

(10) APARTMENT - A room or suite of rooms in a multi-family dwelling unit designated as a residence for one family household and containing ~~one~~ permanent provisions for living,

sleeping, eating, cooking and sanitation. Efficiency, studio, and single are terms used for apartments with combined living, sleeping, and/or kitchen- areas.

(11) APARTMENT HOTEL - A building containing six or more apartments, designated for use as second or temporary dwellings for transient guests.

(12) APARTMENT HOUSE - Any building which is designed to ~~be~~ or is in fact occupied as the residence of two or more families living independently of each other in such building, in separate apartments, and where such apartments are rented or leased for a period of not less than one month.

(13) AUTOMOBILE REPAIR GARAGE - A building used for the overhaul and repair of vehicles, including body repairs, engine overhaul, upholstery work, parts rebuilding and like activities.

(14) AUTOMOBILE SERVICE STATION - Any business which dispenses gasoline and which may also sell other automotive-related and nonrelated goods and services, but which excludes auto body work, complete engine and transmission overhaul and rebuilding and similar intensive vehicle-related services.

(15) AUTOMOBILE WRECKING - The dismantling or destruction of one or more motorcycles or motor vehicles.

(16) BABYSITTING - The care of one or more children by an individual in a home on a temporary basis, and without the benefit of formal advertising or established hours of business.

(17) BASEMENT - A story partly underground with less than one-half its height above the average finished grade.

(18) BED AND BREAKFAST INN - An establishment, originally built as a single-family residence, operated by a resident owner and containing three to five guest bedrooms, each of which is available for rent to the general public for up to twenty-nine consecutive days.

(19) BEDROOM - Any room that is or can be used for sleeping purposes, including any room other than a kitchen, bathroom, or utility service room, such as a study, den and loft.

(20) BUILDING - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(21) BUILDING HEIGHT - Total height of a building measured from the average finished grade at the base of the building to the highest point of the building.

(22) BUILDING SITE - The area, including all required yards, open space and parking, which a main building and its accessory buildings and uses occupy.

(23) BUSINESS - Any use of property for profit requiring a business license.

(24) CANNABIS - Shall have the same meaning as set forth in Cal. Bus. and Prof. Code Section 26001(f), as that section now appears or may hereinafter be amended or renumbered.

(25) CAR WASH (MECHANICAL) - Any operation which provides for the washing of motor vehicles primarily through the use of mechanical equipment which may include conveyor chains, blowers, steam guns, roller brushes, high pressure vacuum units and similar equipment.

(26) CAR WASH (NONMECHANICAL, SELF-SERVICE) - Any operation which provides for the washing of motor vehicles by the customer, which employs persons only to check, maintain and supervise the use of the facility and equipment, and which has equipment limited to water softeners, water heaters, soap mixing tanks, low pressure vacuum units and similar equipment that produces only a low volume of sound.

(27) CHILD CARE CENTER - A state-licensed child care facility other than a family day care home, in which less than twenty-four hour per day nonmedical care and supervision is provided in a group setting for children.

(28) CHURCH - A building operated primarily for worship or for promotion of religious activities excluding other buildings or activities maintained by religious organizations such as educational institutions, hospitals, homeless shelters and day care centers or operations that are commercial in nature.

(29) CLUB - An association of persons for some common, nonprofit purpose excluding groups organized primarily to render a service which is customarily carried on as a business.

(30) COMMERCIAL DISTRICT - Stores and businesses located in a shopping center of more than ten acres but less than thirty acres and designed to serve several neighborhoods.

(31) COMMERCIAL SCHOOL - A nonaccredited school providing training or personal improvement, such as a beauty college, dance school, business school, or gymnasium.

(32) COMMISSION - The Planning Commission of the city.

(33) COMMON AREA - Any area or space designed for joint use by tenants occupying mobile home parks, condominiums, planned residential groups and similar residential developments.

(34) COMMUNITY APARTMENT PROJECT - A project in which an undivided interest in the property is coupled with the right of exclusive occupancy of any apartment located thereon.

(35) COMMUNITY CARE FACILITY - A State-licensed facility maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children and/or adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, as further defined in Cal. Health and Safety Code, § 1502.

(36) CONDOMINIUM - An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a building on real property such as a residence.

(37) CONGREGATE LIVING HEALTH FACILITY - A State-licensed residential home with a non-institutional home-like environment that provides twenty-four hour medical supervision and skilled nursing with services for persons who are physically disabled, have a

diagnosis of terminal illness, or are catastrophically and severely disabled, as further defined in Cal. Health and Safety Code, Section 1250.

(38) CORNER LOT - A lot having frontage on two intersecting streets.

(39) DETACHED BUILDING - Any building that is not physically joined to another building by a common wall.

(40) DIRECTOR - The city's development services director or designee.

(41) DRIVE-IN THEATER - A motion picture theater containing a vehicle parking area where patrons remain in their vehicles to view the entertainment presented on one or more screens.

(42) DRIVE-THRU FACILITY - A facility which, by its design, allows people to receive goods and/or services while remaining in their motor vehicles.

(43) DUPLEX - A building containing two dwelling units.

(44) DWELLING UNIT - A room or suite of rooms designed as a residence for one familyhousehold and containing one kitchen.

(45) EDUCATIONAL INSTITUTION - An institution offering academic instruction or training leading to a degree, or accredited by the state, including private colleges or trade schools but not including dance schools, business schools, and similar commercial establishments.

~~—(46)~~(46) EFFICIENCY – a housing unit typically a combined living room and bedroom area, a separate bathroom, and a kitchenette with a typical minimum gross floor area of 220 square feet. Occupancy standards and square footages shall be governed by California Residential Code R304.5. In no instance shall the minimum square footage be less than 220 square feet.

(47) EMERGENCY SHELTER FOR FAMILIES - A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless families with children under the age of 18, or 21 if they are full-time students or disabled, pursuant to standards set forth in article V, division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No family shall be denied emergency shelter because of an inability to pay. For purposes of this definition, "disabled" means persons with special needs, including mental disabilities, developmental disabilities, AIDS, substance abuse or chronic health conditions.

~~(4748)~~ EMERGENCY SHELTER, PERMANENT - A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless persons pursuant to standards set forth in article V, division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No individual or household shall be denied emergency shelter because of an inability to pay.

(4849) EMERGENCY SHELTER, TEMPORARY - A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a twelve-month period. No individual or household shall be denied emergency shelter because of an inability to pay.

(4950) ENTERTAINMENT - Any performance or activity defined herein; provided, however, that the term does not include vocal music or music from a single, unamplified, stringed instrument, including piano.

(5051) FAMILY - A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit; have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance and expenses; but not including residents of commercial group living such as hotels, dormitories and fraternities.

(5152) FARMWORKER - An employee, also known as an agricultural worker, engaged in agricultural work/farming and any practices performed on a farm in conjunction with farming including cultivating and tillage of soil, the raising of animals and the preparation of agricultural products for market and or to carriers for transportation to market.

(5253) FARMWORKER EMPLOYEE HOUSING - A residential use of one or more single or multi family dwelling units and accessory dwellings of the same type and in the same zone, and/or group quarters structures with common dining area. A farmworker housing complex does not need to be located on the site of a qualifying agricultural operation where the farmworkers are employed.

(5354) FAST FOOD RESTAURANT - An establishment whose principal business is sale of pre-prepared or rapidly prepared food served in disposable packaging directly to the customer, for consumption either within the restaurant building or off premises.

(5455) FRONTAGE - The portion of a lot, parcel or site that abuts a dedicated public street, not an alley.

(5556) FRONTAGE OF BLOCK - The length of a block measured between two cross streets whereon more than four lots have frontage.

(5657) FRONT LOT LINE - The line dividing a lot or parcel from an officially designated street; provided, however, that if the street is without frontage, the commission shall designate the front lot line.

(5758) FRONT YARD - The yard measured the full width of the lot, lying between the front lot line and the closest portion of the main building.

(5859) GARAGE - An accessory building or portion of the main building having a minimum of four walls, and designed and used principally for the housing of motor vehicles.

(5960) GENERAL COMMERCIAL - Individual stores and businesses where each establishment is located on a separate lot, with separate parking and loading facilities and not in a shopping center.

~~(6061)~~ GUEST HOUSE - An accessory building for the housing of temporary guests, not containing a kitchen and not being rented or leased.

~~(6462)~~ HABITABLE ROOM - Any room used, or intended or designed to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

~~(6263)~~ HOME FINDING AGENCY - Any individual or organization engaged in finding homes or other facilities as defined in the Cal. Code of Regulations, for placement of persons of any age for temporary or permanent care, or adoption, including providing continuing social services to such persons.

~~(6364)~~ HOME OCCUPATION - Gainful employment engaged in by the occupants of a dwelling, which is incidental and subordinate to and compatible with the residential use of the property and- surrounding residential uses.

~~(6465)~~ HOTEL - A building providing separate bedrooms or baths for the accommodation of travelers, semipermanent residents and the like, where no kitchen facility is provided, whether known as a hotel, motel, or rooming house.

~~—(65~~ (66) HOUSEHOLD – See Family.

(67) INLAND WATERWAY - A body of water confined to a channel which permits navigation by vessels and ships and is connected directly to the ocean.

~~(6668)~~ INSTITUTION - An organization having a social, educational, or religious purpose such as a school, church, hospital, club or lodge.

~~(6769)~~ INTERIOR LOT - A lot having lots adjoining on two sides.

~~(6870)~~ INTERIOR YARD SPACE - The area on the lot behind the front setback line which is open from ground to sky and used as private open space except as otherwise permitted in this chapter.

~~(6971)~~ JUNK - Scraps of copper, wood, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked motor vehicles or parts thereof, iron, steel and other scrap ferrous or nonferrous material.

~~(7072)~~ KEY LOT - A lot whose side lot forms the rear lot line of a reversed corner lot.

~~(7173)~~ KITCHEN - Any room or portion of a room used, or intended, or designed to be used for cooking and preparing food.

~~(7274)~~ LANDSCAPING - The treatment and maintenance of a yard area with predominantly vegetative materials, such as lawn or ground cover, shrubs or trees, and ornamental flagstone, brick or rock work and the like, organized in a manner designed to create or enhance a specific appearance.

~~(7375)~~ LARGE FAMILY DAY CARE HOME - A State-licensed facility that provides care, protection and supervision for seven to fourteen children in the provider's own home for periods

less than twenty-four hours per day, as further defined in Cal. Health and Safety Code, Section 1596.78.

(~~7476~~) LOT - A parcel of real property officially subdivided and recorded prior to or according to Chapter 15 of this code.

(~~7577~~) LOT AREA - The number of square feet enclosed by the lot lines of a lot.

(~~7678~~) LOT DEPTH - The average lineal distance between the front and rear lot lines, measured perpendicular to the front lot line.

(~~7779~~) LOT WIDTH - The lineal width of a lot measured at the midpoint between the front lot line and rear lot line.

(~~7880~~) MAIN BUILDING - The building wherein the principal use of a lot or parcel is conducted, including attached structures where more than eight lineal feet of a wall is commonly used.

(~~7981~~) MAJOR RECREATIONAL EQUIPMENT - Items designed to be used as temporary dwellings for recreational outings, or designed to be used for other recreational purposes, such as travel trailers, trailer coaches, pickup campers, motorized dwellings, tent trailers, boats and boat trailers.

(~~8082~~) MARIJUANA - Shall have the same meaning as cannabis.

(~~8183~~) MINI-WAREHOUSE - Any structure designed, built or used as individual compartments for five or more occupants on a lease or rental basis for the purpose of storage of any item for a period of more than forty-eight hours.

(~~8284~~) MOBILE HOME - A manufactured relocatable vehicle, other than a motor vehicle, designed or equipped for human residential habitation and for being drawn by a motor vehicle.

(~~8385~~) MOBILE HOME LOT - A parcel of land in a mobile home park rented and used exclusively by the occupants of the mobile home located on that lot.

(~~8486~~) MOBILE HOME PARK - A contiguous area or tract of land of at least sixteen acres under single ownership which has been planned and improved for the placement of mobile homes for nontransient residential use.

(~~8587~~) MOBILE HOME STAND - The part of a mobile home lot reserved for the placement of a mobile home.

(~~8688~~) MOBILE OFFICE - A vehicle other than a motor vehicle designed or used as an office for industrial, professional or commercial purposes, and designed to be drawn by a motor vehicle.

(~~8789~~) MOTEL - A building or group of buildings or units attached, semi-attached or detached, designed to serve as temporary sleeping quarters for transient persons, whether known as a motel, auto court, tourist court or bungalow court, excluding an adult motel, as defined in section [16-336\(A\)\(5\)](#).

- (~~102~~104) PERMANENT STORAGE - The storage of any item of personal property for a period of more than forty-eight hours.
- (~~103~~105) PERMANENT STRUCTURE - Any object having a solid foundation or fixed location on the ground.
- (~~104~~106) PRIMARY DWELLING UNIT - The main residential structure containing one dwelling unit located on a single-family lot.
- (~~105~~107) PRIVATE SCHOOL - An accredited private school or college providing academic or trade education.
- (~~106~~108) PRIVATE STREET - A privately owned vehicular right-of-way used as access by two or more lots which do not have frontage on a public street.
- (~~107~~109) PRODUCT ASSEMBLY PLANT - Production facilities primarily engaged in final or partial assembling or packaging of premanufactured, treated, or fabricated components, materials or products.
- (~~108~~110) PUBLIC CAMPGROUND - A public area wherein major recreational equipment may be placed as temporary dwellings.
- (~~109~~111) PUBLIC PARKING LOT - A parking lot for motor vehicles created to serve the public either as a separate business or as an accessory use to a business, whether owned by a governmental agency or by a private person or business.
- (~~110~~112) QUARRY - Any premises or site from which rock, sand, gravel, stone, earth, soil or any other mineral is removed or excavated for the purpose of sale, excluding the necessary grading or excavating of a building site under a valid building permit.
- (~~111~~113) REAR LOT LINE - The lot line most nearly parallel to the front lot line and dividing the lot from an alley or adjoining lot; provided, however, that the Planning Commission shall designate the rear lot line for through lots.
- (~~112~~114) REAR YARD - The yard measured the full width of the lot, lying between the rear lot line and the nearest portion of the main building.
- (~~113~~115) RECREATION COMMERCIAL - Indoor or outdoor sport, game, or recreational activity which may occur within a building or as outdoor activities, including but not limited to arenas, stadiums, rinks, golf courses, ranges, auditoriums, or theaters.
- (~~114~~116) REQUIRED YARD - The yard area required by this chapter.
- (~~115~~117) RESEARCH AND DEVELOPMENT - Facilities or establishments primarily performing research or development of industrial or scientific products.
- (~~116~~118) RESIDENTIAL CARE FACILITY FOR THE ELDERLY - A housing arrangement of residents at least sixty years of age, where personal care and supervision are provided, as defined in Cal. Health and Safety Code, § 1569.2.

(~~117~~119) REVERSED CORNER LOT - A corner lot whose rear lot line abuts the side lot line of an adjoining lot.

(~~118~~120) SCRAP METAL PROCESSING FACILITY - Any property which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, abandoned or dismantled motor vehicles or motor vehicle parts.

(~~119~~121) SENIOR AND/OR SENIOR ASSISTED LIVING RESIDENTIAL FACILITY - A state-licensed residential facility with seven or more residents that provides a range of community dining and/or recreation areas integrated with individual apartment units that may have individual cooking facilities; that provides at least one non-medical and/or medical support service to residents such as housekeeping, laundry, media room facility, library, hair care, recreation, and transportation services; that is restricted to qualifying residents or senior citizens as those terms are defined in Cal. Civil Code, section 51.11; that may include a secure area(s) for residents with limited memory or cognitive abilities and/or limited physical mobility; and that is subject to the regulations for Planned Residential Groups set forth in section [16-466](#) of this code.

(~~120~~122) SIDE LOT LINE - All other lot lines that are not front or rear lot lines.

(~~121~~123) SIDE STREET - A street providing secondary frontage to a lot, and having an angle between forty-five to one hundred and forty degrees at its intersection with the street providing principal frontage for the lot in question.

(~~122~~124) SIDE YARD - The yard lying between the side lot line and the closest portion of the main building and between the front and rear yards.

(~~123~~125) SINGLE-FAMILY DWELLING - A building containing one dwelling unit whether built as a detached building or as an attached townhouse type of unit that does not involve common ownership or adjacent parcels of real property. The definition of single family dwelling does not include farmworker employee housing, but shall including farmworker employee housing projects with six or fewer residents as allowed by state law.

(~~124~~126) SMALL RESIDENTIAL HEALTH OR CARE FACILITY - A facility licensed, authorized or certified by the State that provides nonmedical health or care services to six or fewer persons (except as otherwise provided herein), which State statutes identify as a residential use of property subject only to standards and restrictions applicable to other dwellings of the same type in the same zone, including but not limited to: a congregate living facility, as defined in Cal. Health and Safety Code, § 1250, having no more than six beds; an intermediate care facility/developmentally disabled habilitative, as defined in Cal. Health and Safety Code, § 1250, serving no more than six persons; an intermediate care facility/developmentally disabled-nursing, as defined in Cal. Health and Safety Code, § 1250, having no more than six beds; a state-licensed residential care facility, as defined in Cal. Health and Safety Code, § 1568.01, serving no more than six persons; a small family day care home serving no more than eight children, as defined in Cal. Health and Safety Code, § 1596.78; a pediatric day health and respite care facility, as defined in Cal. Health and Safety Code, § 1760.2, having no more than six beds; an alcoholism or drug abuse recovery or treatment facility, as defined in Cal. Health and Safety Code, § 11834.02, serving no more than six persons; and a state authorized, certified or licensed family care home, foster home or group home providing care on a twenty-four hour a day basis

to six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, as referred to in Cal. Welfare and Institutions Code, § 5116.

—~~(125~~ (127) STORY - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above; also, if the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

~~(126~~128) STREET - Land dedicated to or owned by a city, county, or state and designated as a public right-of-way, but not including an alley as defined herein.

~~(127~~129) STRUCTURAL ALTERATIONS - Any change to a bearing wall, column, beam, joist, roof, rafter or other supporting member of a building or structure.

~~(128~~130) STRUCTURE - A man-made object other than ornamental statuary, having a permanent location on the ground, and more than six inches above the finished grade.

~~(129~~131) SUBTERRANEAN GARAGE - Any enclosed motor vehicle storage area of which any portion extends below the average grade of the project site.

~~(130~~132) SUPPORTIVE HOUSING - Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.

~~(131~~133) SWAP MEET - Any indoor or outdoor facility containing multiple tenant spaces, stalls or booths from which new or used merchandise, crafts, or food are sold, exchanged or bought by separate vendors. An admission fee may or may not be charged. Any facility bearing the name of, or otherwise being promoted as a swap meet or flea market, shall constitute a swap meet for purposes of this chapter.

~~(132~~134) TANDEM PARKING SPACE - A parking space located ~~so that it abuts~~immediately behind or in front of a second parking space, such that vehicular access to that second space can be made only through the abutting space. Tandem parking accommodates two or more vehicles.

~~(133~~135) THEATER - A motion picture theater or an establishment regularly featuring live performance of dramatic productions for any form of consideration.

~~(134~~136) THRIFT STORE or SECONDHAND STORE - A retail business that engages or specializes in the sale of previously owned, secondhand or used merchandise, in which the area devoted to such merchandise is larger than twenty-five percent of the total floor area devoted to retail sales; provided, however, that this definition does not include antique shops or specialty

retail stores that sell only one type of used merchandise, including but not limited to used record stores, used bookstores, used furniture stores, and sports trading card stores.

| (~~135~~137) THROUGH LOT - An interior lot whose front and rear lot lines both abut public streets.

| (~~136~~138) TIMESHARE - Dwelling units or commercial transient quarters (such as hotel or motel rooms) divided for purposes of marketing and sale into at least twelve annual time segments of not less than one week or more than thirty days during which the units or quarters may be occupied, with the annual right of occupancy extended over a specified period of time.

| (~~137~~139) TOWNHOUSE - A single-family dwelling unit attached to one or more other single-family dwelling units with each dwelling unit occupying a separate lot.

| (~~138~~140) TOWNHOUSE CONDOMINIUM - A townhouse, having associated with it an undivided interest in common in a parcel of real property that is contiguous with the townhouse lots.

| (~~139~~141) TRADITIONAL BED AND BREAKFAST - An establishment which contains no more than two guest bedrooms each of which is available for rent to the general public for up to twenty-nine consecutive days.

| (~~140~~142) TRAILER - A vehicle designed to be towed behind an automobile or truck.

| (~~141~~143) TRAILER PARK - Any area where one or more mobile homes are located.

| (~~142~~144) TRANSIENT - A tourist or other person abiding in the city for a short period of time.

| (~~143~~145) TRANSITIONAL HOUSING - Five or more dwelling unit(s) used as rental housing but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient. Supportive services ~~are~~are provided to facilitate the movement of homeless individuals and their families to permanent housing. An eligible person(s) may live in the dwelling for up to two years, pursuant to Cal. Health and Safety Code, §§ 50675.2(h) and 50801(i). Some units may be designated for transition in place, where person(s) may stay in the unit for more than two years. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same /one.

| (~~144~~146) USE - Utilization of property or buildings for a specific purpose.

| (~~145~~147) USE AREA - An open or yard area, uncovered by building or structures, used as the main use or accessory use of a lot or parcel.

| (~~146~~148) USED CAR JUNK AREAS - Any property which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, abandoned or dismantled motor vehicles or motor vehicle parts.

EXHIBIT B

DIVISION 13. ACCESSORY DWELLING UNITS

SEC. 16-465. PURPOSE AND FINDINGS.

(A) Accessory dwelling units (also known as “second units” or “granny flats”) are located within, attached to, or ~~behind~~detached and adjacent to the primary single-family ~~units~~unit, and can provide an important source of affordable housing.

(B) Accessory dwelling units, when appropriately sized and located, have little impact on neighborhood quality of life.

(C) Establishing reasonable regulations of accessory dwelling units is an appropriate mechanism to properly balance the need for additional affordable housing with the need to maintain existing community character and neighborhood quality of life.

~~(Ord. No. 2914, 2925)~~

~~(D) Accessory dwelling units may be referred to as “Efficiency”, “Studio”, or “Single” and be of any room count and configuration allowed by applicable development standards and building codes. (Ord. No. 2914, 2925)~~

~~(E) For purposes of these regulations, reference to “director” shall mean the the Director of Development Services.~~

SEC. 16-466. MINISTERIAL CONSIDERATIONS.

(A) New detached construction - If the director receives an application to construct an accessory dwelling unit by constructing a new detached ~~structure~~structure, and the proposal meets all of the requirements of the ~~Municipal~~Oxnard City Code, then within 120 days of the director receiving ~~a complete~~an application the accessory dwelling unit, the director shall ministerially approve the application without a hearing.

(B) New attached construction - If the director receives an application to construct an accessory dwelling unit by adding on to an existing structure and the proposal meets all of the requirements of the City Code, then within one-hundred 120 days of the director receiving ~~a complete~~an application ~~for~~ the accessory dwelling unit, the director shall ministerially approve the application without a hearing.

(C) Construction within existing structure - If the applicant will not be adding floor area, and instead has submitted ~~a complete~~an application for an accessory dwelling unit entirely within the existing space of a single-family residence or accessory structure, then ~~the requirements of section 16-469 (“Exception for Accessory Dwelling Unit Within Existing Single Family Residence or Accessory Structure”)~~ shall apply within one-hundred 120 days of the director receiving an application for the accessory dwelling unit, the director shall ministerially approve the application without a hearing.

(D) Historic district or historic property - If the applicant submits ~~a complete~~an application for an accessory dwelling unit within a designated historic district or on a parcel with a historic designation by the City, County of Ventura, State of California, and/or U.S. Department of the Interior, or on a property that is within the 2005 Downtown Oxnard Historic Resources Survey area, the application will default to applicable permitting procedures for development ~~of a new housing unit in that location~~, except that the accessory dwelling unit application and use is allowed pursuant to Cal. Gov't Code Section 65852.2.

(Ord. No. 2914, 2925)

SEC. 16-467. STANDARDS FOR REVIEW.

Except as provided in section ~~16-469, ("Exception for Accessory Dwelling Unit Within Existing Single Family Residence or Accessory Structure~~16-469, ("Fire Safety Exception to Setback Requirements for Accessory Unit"), all accessory dwelling units shall meet or exceed all of the following standards:

(A) Zoning compliance - Except as otherwise provided herein, the primary residence and the accessory dwelling unit shall meet current applicable requirements ~~for interior yard space, height, landscaping, setbacks and parking~~ for the zone in which the primary residence and the accessory dwelling unit are located. The accessory dwelling unit shall not be considered when calculating the maximum number of dwelling units permitted by the underlying zone designation.

(B) Residentially zoned - The lot must be zoned R-1, R-1-PD, R-1-7-PD, R-10-PD, R-1-8-PD ("Single-Family"), R-2, R-2-PD ("Multiple Family"), ~~R-3, R-3-PD ("Garden Apartment"), and C-2 ("General Commercial") or CBD ("Central Business District")~~ with approval of a special use permit.

(C) Single-family dwelling - There must be an existing or proposed single-family dwelling on the lot, and the single-family dwelling must be ~~either a legal noneconforming, or legal residence.~~

(D) No passageway - No passageway, breezeway, or other type of covered passageway that is not fully enclosed and/or conditioned space shall be ~~required in conjunction with~~ allowed to connect the ~~construction of primary dwelling unit to~~ an accessory dwelling unit.

(E) Setbacks for garage units - All otherwise applicable setback requirements apply except that in no event shall:

(1) A setback be required for a garage that is converted to an accessory dwelling unit, or

(2) A required setback exceed five feet from the side and rear lot lines for an accessory dwelling unit that is constructed ~~above~~ as an addition to an existing garage.

(F) ~~Kitchen~~Functional Areas - The accessory dwelling unit shall comply with all applicable habitability standards. The accessory dwelling unit shall contain ~~its own~~an independent kitchen facility ~~and bathroom facility separate from the primary dwelling unit. The kitchen facility that~~ shall include ~~at least one of each of~~ the following features: (i) sink; (ii) refrigerator of more than

five cubic feet capacity; and (iii) range or cooktop. The accessory dwelling unit shall ~~comply~~include a separate bathroom with all applicable habitability standards, sink, toilet, and bathing facility; and separate or combined living and sleeping areas.

(G) Foundation - The accessory dwelling unit shall be constructed on a permanent foundation, complying to the California Building Standards Code.

(H) Architecture - An attached or detached accessory dwelling unit shall comply with the architectural standards of ~~section~~Section 16-2316-23 and shall be of materials, colors and in a style which are each compatible with the primary residence, or as reasonable determined by the director.

~~(I) —(I)~~ Public utilities - The accessory dwelling unit shall be served by adequate public utility facilities including, but not limited to, electric, sewer, water and streets, as certified by the public works director. Accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service. Where an accessory dwelling unit is created within an existing structure (primary or accessory), no new utility connection or payment of impact fees shall be required. For any other accessory dwelling unit, a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Any connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(J) Separate entrances - The accessory dwelling unit shall have ~~an~~one entrance separate from the entrance to the primary residence. Only one of the entrances may be visible from the front yard of the primary residence unless the primary and accessory dwelling unit entrances are designed in a manner that maintains the appearance of a single-family dwelling. An entrance leading to a foyer with entrances leading from the foyer to the primary dwelling unit and the accessory dwelling unit is allowed. An accessory dwelling unit shall have one primary entrance similar in design to that of the primary dwelling unit. Secondary exterior access including sliding doors, french doors, etc. may be provided in accordance with applicable development standards.

- (K) Occupancy by owner - The primary residence or the accessory dwelling unit shall be occupied by the property owner, and the property owner shall annually certify to the city such occupancy in ~~a manner similar to the annual reasonable accommodation self-certification process~~accordance with the ADU permit conditions of approval. An owner may be absent from the primary or accessory dwelling unit for up to 12 months during any 36-month period. A property owner who will be absent for more than 12 months may obtain an additional 12 months' absence with director approval if the director determines the approval will not be detrimental to the neighborhood. Before a certificate of occupancy is issued for the accessory dwelling unit, an agreement affecting real property shall be recorded against the property that ~~imposed~~imposes specific restrictions on the property including occupancy by owner of the property, the accessory unit not being for sale separate from the primary residence and limitations on rentals. The

language of the agreement affecting real property shall be approved by the city prior to its recordation.

(L) Not for sale - The accessory dwelling unit shall not be ~~intended to be~~ sold or offered for sale separately from the primary residence.

(M) Rentals - Either the accessory dwelling or the primary residence may be rented, but not both. Rental terms shall be 30 days or longer.

(N) Only one accessory dwelling unit - No more than one accessory dwelling unit may be constructed on any legally existing lot or ~~combinations~~combination of lots that are developed as one residential use.

(O) Sprinklers - Fire sprinklers are required for any accessory dwelling unit if they are required for the primary residence.

(P) Building code - ~~All~~ building standards code requirements that apply to detached dwellings apply to accessory dwelling units.

(Q) Minimum and Maximum ~~floor area~~Gross Floor Area -

(1) Detached unit - If the accessory dwelling unit is detached from the existing primary dwelling unit, then the accessory dwelling ~~unit's~~unit maximum permissible floor area shall be 50% of the square footage of the existing or proposed primary residence, not including garage floor area, except that ~~the maximum~~that floor area shall ~~not be~~ no less than ~~600~~220 gross square feet, or more than 1,200 gross square feet, ~~except that the otherwise applicable maximum permissible floor area shall be increased to the extent necessary for ADA compliance; provided, however, that at least an efficiency unit (as that term is defined by Cal. Health and Safety Code, Section 17958.1) shall be allowed to be constructed in compliance with the local development standards.~~

(2) Addition to existing residence for accessory dwelling unit - If the accessory dwelling unit is attached to an existing primary dwelling unit, and the accessory dwelling unit floor area is added to the existing primary dwelling unit, then the gross square feet and the maximum floor area the applicant may add is 50% of the gross square footage of the primary residence, not including garage floor area, except that the maximum floor area shall ~~not be~~ no less than ~~600~~220 gross square feet, or more than 1,200 gross square feet, ~~except that the otherwise applicable maximum permissible additional floor area shall be increased to the extent necessary for ADA compliance; provided, however, that at least an efficiency unit (as that term is defined by Cal. Health and Safety Code, Section 17958.1) shall be allowed to be constructed in compliance with the local development standards.~~

(3) Construction entirely within existing structure – If the accessory dwelling unit is developed entirely within the existing primary residence and/or accessory structure, the ADU shall be the smaller of the two units and the minimum floor area of the ADU shall be no less than 220 gross square feet and the maximum no more than 1,200 gross square feet.

(4) An accessory dwelling unit may be constructed concurrently with construction of an addition to the primary dwelling unit that, by and of itself, meets applicable zoning district development standards for a primary dwelling unit. The minimum and maximum allowed accessory dwelling unit floor areas shall be based on the total size of the primary dwelling unit plus any additions integrated with only the primary dwelling unit, not including garage floor area.

(Ord. No. 2914, 2925)

SEC. 16-468. OFF-STREET PARKING.

- ~~(A)~~ ~~—(A)—~~ Parking requirements - The requirements of ~~Municipal~~Oxnard City Code section ~~16-622~~16-622(F) (entitled "Schedule of Vehicle-Off-Street Parking Requirements") apply, where not specified in this section.
- ~~(B)~~ ~~—(B)—~~ Off-Street Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is greater. These spaces may be provided as tandem parking. The accessory dwelling unit parking space(s) may not be located in the required front yard setback.
- ~~(C)~~ ~~—(C)—~~ Off-street parking is not required in any of the following instances when the Applicant demonstrates that:
- (1) The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations;
 - (2) The accessory dwelling unit is located within an architecturally and historically significant historic district;
 - (3) The accessory dwelling unit is constructed entirely within the proposed or existing primary dwelling unit or an accessory structure;
 - (4) When on-street parking permits are required by the City but not offered to the occupant of the accessory dwelling unit; or
 - (5) When there is a car share vehicle located within one block of the accessory dwelling unit.
- ~~(D)~~ ~~—(D)—~~ Demolished or converted required parking spaces - When a required garage, carport, or covered parking structure for the primary unit is demolished or converted in conjunction with the construction of an accessory dwelling unit, required parking for the primary unit shall be provided on the property, outside of the front yard setback, and on a city approved pad or structure ~~in compliance with applicable Oxnard City Code requirements.~~

(Ord. No. 2914, 2925)

SEC. 16-469. FIRE SAFETY EXCEPTION TO SETBACK REQUIREMENTS FOR ACCESSORY UNIT ~~WITHIN EXISTING SINGLE FAMILY RESIDENCE OR ACCESSORY STRUCTURE.~~

Notwithstanding any other provision of this code to the contrary, the director shall ~~without a hearing, not~~ ministerially approve ~~a complete~~an application for a permit to create an accessory dwelling unit if ~~all of the following apply:~~

- ~~—(A)—~~ ~~The unit is contained entirely within the existing space of a single family primary residence or legal accessory structure (without adding floor area to the existing residence or accessory structure).~~
- ~~—(B)—~~ ~~The unit will be on a lot with a zoning designation listed in section 16-467(B).~~
- ~~—(C)—~~ ~~There will be only one accessory dwelling unit on the lot.~~

- ~~—(D) The accessory dwelling unit has independent exterior access from the existing residence.~~
- ~~—(E) The accessory dwelling unit side and/or rear setbacks are ~~suffieient~~insufficient for fire safety as determined by the fire marshal.~~
- ~~—(F) Fire sprinklers are provided to the same extent that they are required for the primary residence.~~

(Ord. No. 2914, 2925)

SEC. 16-469.5. ACCESSORY DWELLING UNIT IN GENERAL COMMERCIAL (C-2) AND CENTRAL BUSINESS DISTRICT (CBD) ZONES.

Accessory dwelling units are allowed in the General Commercial (C-2) zone and in the Central Business District (CBD-zones) zone, subject to Downtown Development Code amendments, upon the issuance of a special use permit pursuant to Division 3, ~~section 16-530~~Section 16-530 of the Oxnard ~~Municipal~~City Code if the lot is developed with only ~~aone~~ legal single-family unit.

(Ord. No. 2914, 2925)

SEC. 16-469.6. EXCEPTIONS FOR LARGE LOTS WITH A PROPOSAL FOR NEW PRIMARY UNIT

Notwithstanding any other provision of this code to the contrary, the Planning Manager shall consider a request for a Development Design Review (DDR) permit to develop a new primary housing unit and designate an existing housing unit as the accessory dwelling unit if all of the following apply:

- (A) The qualifying legal lot is at least 10,890 (1/4 acre) square feet.
- (B) Contiguous lots must be under the same ownership shall be required to complete a lot merger.
- (C) The existing legal single-family housing unit is not greater than 1,200 square feet in size, not counting an attached or detached garage.
- (D) The lot complies with zoning designations listed in section 16-467(B).
- (E) The proposed new housing unit is situated on the lot in compliance with applicable zoning setbacks and uniformly applied development and parking standards.
- (F) The proposed new housing unit shall be a minimum of twice the size of the existing dwelling unit now designated as the accessory dwelling unit, not counting an attached or detached garage.
- (G) That approved plans, certificate of occupancy, and related documents shall reflect that the existing housing unit is classified as the accessory dwelling unit and subject to Sections 16-

467(F)/-(I) / -(J)/ -(L)/ -(M)/ -(O)/ -(P) and the newly constructed housing unit is classified as the primary unit and subject to Sections 16-467(K)/ -(M)/ -(P).

ATTACHMENT “D”

CEQA Exemption



NOTICE OF EXEMPTION

Project Description:

PLANNING AND ZONING PERMIT NO. 19-580-01 (Zone Text Amendment): a request to amend Oxnard City Code (OCC) Sections 16-10, Definitions, and 16-465, Accessory Dwelling Units (ADU), to be consistent with recent changes in State Law; reduce the ADU minimum size from 600 to 220 gross square feet; and establish minimum lot size and development standards for an exception process whereby lots with small primary units may develop a new primary residence and the original unit be designated the ADU. In accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the Commission's recommendations on the ZTA's is not considered a project as defined by CEQA. Filed by the City of Oxnard, Development Services Department, Ashley Golden, Director, 214 South C Street, Oxnard 93030.

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☐ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with the California Environmental Quality Act Guidelines and Section 15061(b)(3), the adoption of a zoning code amendment does not lead to a direct or foreseeable change in the physical environment as any development that would be affected by the proposed zoning amendment requires a development application for which the approval is either ministerial by State law or discretionary subject to a project-level CEQA review.

(Date)

Kathleen Mallory, AICP
Planning and Environmental Services
Manager

Policy Direction Accessory Dwelling Unit Zone Text Amendment

Planning & Zoning Permit No. 19-580-01

Housing and Economic Development Committee
By: Kathleen Mallory, Planning Manager

April 9, 2019



Request

- Receive report on the proposed Accessory Dwelling Unit (ADU) Zone Text Amendment (ZTA).
- Provide policy direction on 'ADU Exception' process:
 - Qualifying property minimum size be reduced from 10,890 gross square feet to 9,000 gsf; and
 - Primary dwelling unit be changed from "twice the size" to "110 percent the size" of the existing dwelling unit.

Background

Accessory Dwelling Unit Defined - Formerly a second unit or granny unit. Is a legal housing unit created by:

- Converting room(s) in a house or a garage.
- Adding square footage to a primary unit or accessory structure.
- Constructing new structure on property.
- Any combination of the above.
- Generally, 'by right' on parcels with one Primary Unit.
- Not allowed in Coastal Zone.

3

Background

- State ADU law adopted in 2016.
- City amends City Code December, 2016 (Ord. No. 2914).
- State issues ADU Guidelines (2017).
- 2013-2021 Housing Element certified January, 2017.
- City amends ADU Code October, 2017 (Ord. No. 2925).
- State adopts ADU 'Clean Up' legislation 2017 (effective 1/18).
- Proposed ADU Code amendment achieves:
 - a. Consistency with Clean Up Legislation (effective 2018);
 - b. Follow up to Oct. 2017 Council hearing; and
 - c. Housing Element Program 6 implementation progress.

4

a) Consistency with Clean Up Legislation

- Clarifies ADU conversion of garage or carport.
- Requires proportional utility fees.
- Sets maximum ADU parking at one space.
- Allows parking in any configuration.
- Defines 'tandem' as two or more vehicles.
- Adds "with proposed unit" to ADU definition.
- Removes word "complete" before "application."

5

b) Follow up to Oct. 10, 2017 Council Hearing

- Adds "Efficiency Dwelling Unit" in Definitions (16-10).
- Clarifies "studio" "efficiency" and "single" are the same meaning for purposes of an ADU.
- Adds habitability requirements (sink, range, etc.).
- Notes that parking standards are set by State law.

6

c) Housing Element Program 6

Zoning Code Amendments to encourage affordable housing:

- Reduces minimum size to 220 gsf (size of Efficiency).
- Clarifies annual certification process.
- Clarifies concurrent application for an ADU with Primary Unit.
- Clarifies fire safety exception to ADU setbacks.
- Adds reference to proposed Downtown Code.
- Establishes Special Use Permit “ADU Exception” for large properties with small Primary Unit.

7

Planning Commission

- February 7, 2019
- Public testimony from Ms. Barbara Macri-Ortiz.
- Discussed various options and issues.
- **Unanimously recommended with two changes:**
 1. Qualifying Minimum Parcel Size
 - Reduce from 10,890 gsf to 9,000 gsf.
 2. Minimum ADU Size
 - Change from “twice the size” to “110 percent the size” of the existing dwelling unit.

8

Staff Analysis

- As proposed, ADU size consistent with ADU standard.
- Allowing primary unit and ADU at about the same size facilitates a duplex design.
- ADU purpose is to balance affordable housing with community character and neighborhood quality of life.
- Creation of duplexes may not be consistent with ADU purpose.
- Requesting HED Committee direction.

9

Recommendation

That the Housing and Economic Development Committee:

- Provide policy direction on the two ADU Exception modifications recommended by the Planning Commission.

10

Environmental Review

- ADU ZTA is not considered a project under the California Environmental Quality Act (CEQA).
- CEQA Guidelines Section 15061(b) “General Rule” exemption applies when no potential for causing significant effect on the environment.
- The Exception SUP does not lead to actual development.
- Qualifies for General Rule Exemption.

11

ADU Size Survey

City/County	Minimum	Maximum of primary unit*
County	220 sf	50%
Camarillo	220 sf	30%
Ventura	Not specified	50% or 750 sf
Fillmore	800 sf	30%
Santa Paula	Not specified	50%

* Maximum 1,200 sf per State Law

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ADU Permits Issued

- As of March 31, 2019, 58 ADU applications:
31 approved, 2 withdrawn, remainder in progress.

13

City-Initiated Changes

- Added Titles - “Efficiency”, “Studio”, and “Single” are types of ADU’s.
- Allowance in additional zone - ADU in Central Business District (CBD) and Commercial General (C-2) zones with special use permit.
- Passageways cannot connect an ADU to Primary Unit.
- ADU rooms cannot have a second exterior access.
- ADU Code modifications:
 - 600 gsf. reduced to 220 gsf to align with building code efficiency sizing and to address “gap” between efficiency and City minimum.
 - Maximum ADU size at 50% of Primary Unit too small.
 - ADU concurrently with addition to Primary Unit.
 - ADU’s with “too many outside doors”.

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City-Initiated Changes

- ADU size determined by Primary Unit size plus addition.
- Fire safety may increase ADU setback.
- New “exception” for larger properties with small Primary Unit:
 - a. Special Use Permit
 - b. New Primary Unit per zoning regulations
 - c. Existing unit becomes the ADU
 - d. Minimum property 10,890 gsf (1/4 acre).S
 - e. New Primary Unit at least twice size of existing unit.

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ADU Survey

Attachment B is ADU survey of cities and Ventura County.

Based on survey; staff ADU permitting experience; interaction with applicants, architects, and housing advocates; and consultant review staff propose changes in Attachment C, Draft Ordinance, Exhibits A and B:

Major changes on following slides.

Black text is original, **Red text** is proposed change.

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2018 ADU Size Survey

Jurisdiction	Minimum ADU size	Maximum ADU size
Ventura County	220 sf	Interim ordinance 4507/4509: Minimum lot size 9,000 sf. but under 40 acres: Attached ADU not to exceed 50% of primary unit or 1,200 sf.; Detached ADU not to exceed 1,200 sf. Lots over 40 acres, maximum of 1,800 sf.
Camarillo	220 sf	700 sf. in R-E zone on 1 acre or less.; 640 sf. in R-1 zone on more than 1 acre: not more than 30% of primary dwelling unit up to 1,200 sf.
Fillmore	800 sf	At time of construction, not to exceed more than 30% main dwelling unit if attached; 1,200 sf if detached.
Moorpark	220 sf	800 sf. on lots less than 1 acre, 1,200 sf. on lots of 1 acre or more
Ojai	220 sf	1200 sf or 50% of the existing habitable area of the legal primary unit, whichever is smaller
Port Hueneme	Not specified.	640 sf
Santa Paula	Not specified.	Detached and on 10,000-20,000 sf lot, maximum size 640 sf. If detached and on lot larger than 20,000 sf, maximum is 1,200 sf. If attached, maximum is either 50% of primary dwelling unit's floor area or 1,200 sf, whichever is less.
Simi Valley	220 sf	1,200 sf, but not to exceed 30% of primary unit living area
Thousand Oaks	220 sf	600 sf for attached and detached ADUs
Ventura (city)	Not specified.	750 sf for an attached ADU not to exceed 50% of primary unit living area. 750 sf for detached ADU.