

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 Library, 251 South "A" Street and the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Any materials to be presented at this meeting will be made available electronically 24 hours prior to the meeting, at the end of this agenda. The agenda reports are on the City of Oxnard web site at www.oxnard.org.



AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
October 10, 2017
Regular Meeting - 6:00 PM
Appointment Item - 5:00 PM

A. ROLL CALL/POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council.

B. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

C. APPOINTMENT ITEMS (5:00 PM)

Finance Department

1. SUBJECT: Independent Accountant's Report on Applying Agreed-Upon Procedures (10/10/20)

RECOMMENDATION: That the City Council receive and file the Independent Accountant's Report on Applying Agreed-Upon Procedures, presented to the Fiscal Policy Task Force on September 13, 2017.

Legislative Body: CC

Contact: Jesus Nava

Phone: 385-7497

D. CEREMONIAL CALENDAR (6:00 PM)

1. SUBJECT: Presentation of a Proclamation Designating October 13, 2017 as "Community Safety and Anti-Violence Day."
2. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2017 as "Arts and Humanities Month."

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty

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.

City of Oxnard internet address: www.oxnard.org.

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 three minutes, but shorter time may be established as deemed necessary. A person not able to address the legislative body at this time because the thirty 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/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

F. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

G. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS

At this time, a member of the legislative body may make a brief announcement, or make a brief report on his or her activities. Further, members of the legislative body may request to schedule consideration of whether to place an item on a future agenda. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. The member's report shall not exceed three minutes, unless additional time is granted by the presiding officer.

H. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

J. INFORMATION CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the June 27, 2017 and July 11, 2017 Regular Meetings.

RECOMMENDATION: That the City Council approve the Minutes as presented.

Legislative Body: CC

Contact: Michelle Ascencion

Phone: 385-7805

City Manager Department

2. SUBJECT: Agreements for City Council Review

RECOMMENDATION: That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the following agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000:

A. Carahsoft (8069-17-IT) renewal of Accela agenda & minutes and CRM/Public 311 Solutions (\$53,140).

B. MGT of America (7147-15-FN) for State mandate cost reimbursement claims and SB90 services (\$9,400).

C. LAFCO (Purchase Order No. 6523) for City's share of the commission's operational costs pursuant to Government Code Section 56381(b)(1) (\$63,326).

D. City of Camarillo (Purchase Order No. 6524) for Regional Defense Partnership for the 21st Century (RDP-21) dues for Fiscal Year 2017-18 (\$32,000).

E. Flo-Systems, Inc. (Purchase Order No. 6507) to purchase a bio-tower recirculation pump (\$30,324).

F. Flo-Systems, Inc. (Purchase Order No. 6508) to purchase a process water replacement pump (\$31,059).

Legislative Body: CC

Contact: Greg Nyhoff

Phone: 385-7430

K. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Six Amendments to the Zoning Code Related to Housing Element (10/20/20)
RECOMMENDATION: That the City Council:

1. Approve for first reading six Zoning Text Amendment ordinances (PZ NO. 17-580-02 AND PZ NOS. 17-580-05/-06/-07/-08/-09) relating to: 1) Attached Dwelling Unit development standards; 2) R-2 Multiple Family development standards; 3) Accessory Dwelling Units standards; 4) Reasonable Accommodation application fee and findings; 5) waiver of lot merger fees to encourage affordable housing development; and 6) farmworker housing definitions, allowed use in industrial and community reserve zones, and parking standards.

2. Direct staff to incorporate zoning text amendments into the Municipal Code after the second reading.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

2. SUBJECT: Adoption of 2013-2021 Mid-Cycle Housing Element Update (10/20/20)
RECOMMENDATION: That the City Council:

1. Approve Addendum No. 4 to the 2030 General Plan Program Environmental Impacts Report that documents that the proposed General Plan Amendment complies with the California Environmental Quality Act (CEQA).

2. Approve a resolution adopting and amending the 2030 General Plan Goals and Policies,

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Chapter 8, 2013-2021 Mid-Cycle Housing Element Update, with the change identified (PZ 16-620-02), and subsequently forward the document to the California Department of Housing and Community Development (HCD) for certification.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

L. ADJOURNMENT



**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Appointment
Item**

AGENDA ITEM NO.: 1

DATE: October 10, 2017

TO: City Council

THROUGH: Greg Nyhoff
City Manager

A handwritten signature in blue ink, appearing to read "Greg Nyhoff".

FROM: Jesus Nava
Assistant City Mgr

A handwritten signature in blue ink, appearing to read "Jesus Nava".

SUBJECT: Independent Accountant's Report on Applying Agreed-Upon Procedures
(10/10/20)

CONTACT: Jesus Nava, Assistant City Mgr
Jesus.Nava@oxnard.org, 385-7497

RECOMMENDATION:

That the City Council receive and file the Independent Accountant's Report on Applying Agreed-Upon Procedures, presented to the Fiscal Policy Task Force on September 13, 2017.

BACKGROUND

The City of Oxnard's 2015 annual independent, external audit had a total of 111 findings and recommendations. Two findings pertained to the Chief Financial Officer and Treasurer's review and maintenance of supporting documentation:

Finding 2015-032: The Treasurer did not review all supporting documentation prior to signing the check or wire transfer authorization.

Auditor's Recommendation: The Treasurer or designated individual in the Treasurer's Office should review all supporting documentation prior to signing the check or wire transfer authorization.

Finding 2015-033: Proper documentation of wire transfers was not maintained by the Finance Department.

Independent Accountant's Report on Applying Agreed-Upon Procedures (10/10/20)

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Auditor's Recommendation: The Finance Department should maintain a complete copy of the wire transfer authorization package, including all supporting documentation.

In response, the Oxnard Finance Department prepared and implemented new policies and procedures to process city checks, warrants, wire transfers, electronic fund transfers (EFT) and automatic clearing house payments (ACH). In addition, the newly-elected Treasurer also reviewed the required supporting documentation prior to signing the payment authorization.

In late-June, the independent, external auditor, Eadie + Payne LLP. was asked to review and test the new policies and procedures and render an opinion as to the "sufficiency of the agreed-upon procedures" written to resolve the two audit findings.

In performing their review, the independent, external auditors examined the following:

- The new written policies and procedures developed by the Finance Department and approved by CFO Jim Throop on May 17, 2017.
- The policies and procedures of the Treasurer's Office provided by the Treasurer, Phillip Molina, dated June 22, 2017.
- Whether the new policies and procedures comply with the California Government Code, the City of Oxnard Code of Ordinances and City Council Resolutions.
- Whether the new policies and procedures sufficiently address Findings 2015-032 and 2015-033 and whether staff is complying with the new policies and procedures to satisfy the auditors and have them consider the findings resolved.

Auditor's Findings

Based on their review of the agreed upon procedures, the auditor's found:

- The new policies and procedures sufficiently address Findings 2015-032 and 2015-033.
- Certain policies and procedures of the Treasurer's Office duplicated the procedures already being performed by the Finance department, including review of source documents, determination of budget appropriations and classification of accounts.
- These functions, for the review, audit and oversight of the City expenses, have been delegated to the Finance Director (CFO) in compliance with the California Government Code, City of Oxnard Ordinance and City Resolution, and are no longer necessary functions of the Treasurer's Office.

STRATEGIC PRIORITIES

Independent Accountant's Report on Applying Agreed-Upon Procedures (10/10/20)

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This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to strengthen and stabilize the organizational foundation of the City in the areas of Finance, Information Technology, and Human Resources, and to improve workforce quality while increasing transparency to the public. This item supports the following goals and objectives:

Goal 1. To help foster a healthy and accountable corporate foundation by strengthening the support functions of the organization, which include Finance, Information Technology and Human Resources.

Goal 2. Increase transparency with Council, community and staff related to the City's budget and financial management processes.

FINANCIAL IMPACT

The financial impact of this item is that the new financial policies and procedures are sufficient to ensure that city payments are made with the proper review and approval of the required source documents by the Finance Director (CFO).

ATTACHMENTS:

Attachment A: Eadie and Payne Agreed Upon Procedures June 30 2017

Attachment B: E&P PP FPTF 9-13-17

CITY OF OXNARD

**AGREED-UPON PROCEDURES
WITH INDEPENDENT ACCOUNTANT'S REPORT**

JUNE 30, 2017

CITY OF OXNARD
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**CERTIFIED
PUBLIC
ACCOUNTANTS
& BUSINESS
ADVISORS**

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

City of Oxnard
Oxnard, California

We have performed the procedures enumerated below which were prepared by City of Oxnard's (City) management. The agreed-upon procedures relate to the policies and procedures currently used by the City to process checks/warrants, wire transfers, and Electronic Fund Transfers (EFT) and Automatic Clearing House (ACH) payments. The City's management designed the policies and procedures to process checks/warrants, wire transfers, and EFT and ACH payments. The sufficiency of the agreed-upon procedures is the responsibility of City's management. We make no representation regarding the sufficiency of the agreed-upon procedures described below either for the purpose for which this report has been requested or for any other purpose.

The agreed-upon procedures and findings are as follows:

1. Obtain written documentation of the City's current policies and procedures to process checks/warrants, wire transfers, and EFT and ACH payments from the City Treasurer's Office and the Finance Department.

*We reviewed the current Finance Department's policies and procedures which was approved by Jim Throop, Chief Financial Officer on 5/1/17 (**Attachment A**). The policies and procedures of the Treasurer's Office was also provided by Phillip Molina, City Treasurer on 6/22/17 (**Attachment B**). These policies and procedures were the basis of applying agreed-upon procedures.*

2. Evaluate whether the City's current policies and procedures for checks/warrants, wire transfers, and EFT and ACH payments are in compliance with relevant sections of the California Government Code, City of Oxnard Code of Ordinances, and City Council resolution(s). We will seek approval from the City's outside counsel, Joshua Goodman, to identify the relevant sections, and legal interpretation of such, as the need arises.

The City's outside counsel, Liebert Cassidy Whitmore, identified the following sections of the California Government Code, City of Oxnard Code of Ordinances, and City Council Resolutions as relevant to the City's issuance of checks/warrants, wire transfers, and EFT and ACH payments.

*California Government Code
Title 4. Government of Cities
Division 3. Officers
Part 3. Other Officers
Chapter 3. City Treasurer
Section 41003*

*California Government Code
Title 4. Government of Cities
Division 3. Officers
Part 2. Legislative Body
Chapter 4. Financial Powers
Section 37203
Section 37209*

*City of Oxnard Code of Ordinances
Division 4: City Treasurer
Section 2-168*

*City of Oxnard Code of Ordinances
Division 5: Director of Finance
Section 2-176
Section 2-184
Section 2-185
Section 2-186*

City Council Resolution No. 10,820

*A copy of the abovementioned code sections and resolutions are attached as **Attachment C**. Based on its review of the Accounts Payable Finance Procedure (**Attachment A**), Liebert Cassidy Whitmore, outside counsel, determined that the City's policies and procedures are in compliance with the abovementioned code sections and resolutions.*

3. Evaluate whether the City's current policies and procedures for checks/warrants, wire transfers, and EFT and ACH payments sufficiently address **Findings 2015-032** and **2015-033**. Select a sample of 25 checks/warrants, wire transfers, and EFT and ACH payments between January 1, 2017 and May 15, 2017 and test compliance with the City's policies and procedures and relevant California Government Code, City of Oxnard Code of Ordinances, and City Council resolution(s).

Finding 2015-032: The Treasurer did not review all supporting documentation prior to signing the check or wire transfer authorization.

Recommendation: The Treasurer or designated individual in the Treasurer's Office should review all supporting documentation prior to signing the check or wire transfer authorization.

Finding 2015-033: Proper documentation of wire transfers was not maintained by the Finance Department.

Recommendation: The Finance Department should maintain a complete copy of the wire transfer authorization package, including all supporting documentation.

We selected a sample of 25 checks/warrants, wire transfers, and EFT and ACH payments between January 1, 2017 and May 15, 2017. The sample consisted of 17 checks, 5 wires, and 2 EFTs and 1 ACH. The following are our findings:

- *The Finance Department maintained a copy of the authorization package for all 25 items selected, including supporting documentation. We examined the supporting documentation for each; no exceptions were noted. For checks/warrants, the supporting documentation included the copy of the cancelled check, field purchase order (FPO) or purchase order (PO), invoice, and fund and account allocation. For wires, EFT and ACH payments, we examined the electronic payment memo, invoice (if available), and fund and account allocation. If no invoice was present, other supporting documentation was attached to the electronic payment memo.*
- *Additionally, we noted that the 5 wires and 2 EFTs have proper approval from the Chief Financial Officer. The 18 checks/warrants were approved by department heads and reviewed by the accounting technician/account clerk III in the Finance Department.*
- *We noted that the City Treasurer approved 24 out of 25 items. The City Treasurer stamped "paid without verification of source documents by the City Treasurer" on an ACH payment to American Fidelity Assurance Co. (#3008927) in the amount of \$9,218.67. We examined the electronic payment memo, which was approved by the CFO; wire transfer request, invoice, and detailed statement from American Fidelity Assurance Co.; and a detailed report from the City's payroll system. It was represented to us by various individuals interviewed that the City Treasurer was not provided the detailed statement for American Fidelity Assurance Co. and the detailed report from the City's payroll system because these reports contained "individually identifiable information" as provided by HIPAA and CMIA.*

4. Prepare a report stating our findings.

*Based on the above agreed upon procedures, we found that the City's policies and procedures as described in **Attachment A** sufficiently address **Findings 2015-032** and **2015-033**.*

*Based on our review of **Attachment B**, certain policies and procedures of the Treasurer's Office duplicated the procedures already being performed by the Finance department, including review of source documents, determination of budget appropriations and classification of accounts. **These functions, for the review, audit and oversight of the City expenses, have been delegated to the Finance Director in compliance with the abovementioned sections of the government code, City ordinance and City resolution, and are no longer necessary functions of the Treasurer's Office.***

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the agreed-upon procedures. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of City of Oxnard and is not intended to be and should not be used by anyone other than those specified parties.

Eadie and Payne LLP

June 30, 2017
Redlands, California

ATTACHMENT A

MEMO



July 12, 2017

TO: Eadie & Payne

FROM: Jim Throop

SUBJECT: A/P Approval

Invoices require proper review and authorization before a check/wire transfer can be processed. The CFO or designee is responsible for review and approval using the following guidelines:

The current procedure for authorization starts with the budget division that reviews the document for accuracy, confirming that the account codes are correct and there is available budget. Once confirmed, the budget division initials the invoice and sends to the CFO or designee for review. The CFO, or designee reviews the invoice, corresponding back-up, budget review (initials showing reviewed), and any calculations or allocations that are included.

A detail of the procedures for A/P is attached.



Finance Procedure

Accounts Payable

Purpose: The following procedures provide guidance to Accounts Payable staff.

General Information: The Accounts Payable staff consists of a Financial Analyst II, two Accounting Technicians, and an Account Clerk III. They are responsible for processing payments of vendor invoices, employee reimbursements and other warrant requests on a weekly basis. The invoices require proper review and authorization before a check can be prepared.

Procedures:

Invoices are received by the department that initiated the transaction. Invoices are paid only from original invoices and will not be paid by copies or statements received from the vendor (unless the original invoice was lost, a copy would be stamped original).

Each department is responsible for verification of invoices for payment including the following items:

- Comparison of quantities billed on the invoice with quantities listed on the purchase order (if issued) and received.
- Comparison of prices, discounts, and terms with those specified on the purchase order (if issued).
- Check clerical accuracy of the invoice with respect to extensions, mathematical accuracy and deductions for discounts.

Amounts less than \$ 2,500 are processed with a Field Purchase Order (FPO). Amounts greater than \$ 2,500 are processed through a requisition resulting to a creation of a purchase order (PO). A Field Purchase Order (FPO) must be entered and approved by the department. The PO/FPO stamp is used to clearly document the goods or services purchased. Once the department has approved an FPO, it would create an encumbrance group. The Account Clerk III would review and approve all encumbrance groups. It is reconciled on a quarterly basis. When the Accounting Technician/Account Clerk III received the PO/FPO from the department, it would then be reviewed and approved. After the proper approvals have been secured, Accounts Payable staff will process the request on the next available accounts payable check-run. Based upon the invoices, there are additional items to be reviewed, such as:

- Any payment requests related to legal/attorney fees must be approved by the City Attorney or designee.
- Trade services require an agreement. A/P verify current business license, current certificate of insurance, and current agreement number.
- Sole source memo needs Purchasing Agent's approval.

June 13, 2017

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- FPO's greater than \$2,500 requires Purchasing approval unless lease payments, utility payments, or payroll third-party vendors.
- Purchasing staff assigns the vendor number and maintains the vendor file.

All disbursements over \$ 500,000 must have the Chief Financial Officer's approval.

Issuance of Accounts Payable Check:

After payment requests have been reviewed by the Accounting Technician, they are entered into the Accounts Payable Module by the Account Clerk III. An Accounts Payable report is generated ("Expenditure Approval List"), printed and proofed. Proofing is the process of comparing the report with the batched payment requests. The Controller or designee (Financial Analyst) and the City Treasurer audits and approves the check run prior to check printing.

Once the audit/approval is complete, the Accounts Payable staff proceeds with printing and issuing the checks according to accounts payable calendar.

After the checks are issued, the checks are matched up to payable voucher and duplicate copy of check. The Account Clerk III will review for accuracy prior to mailing.

PO/FPO and supporting documentation are perforated. A vendor file is created and filed alphabetically in the vendor file according to fiscal year.

City of Oxnard disbursement checks are released the day after City Manager or designee approves the Check Register on Wednesday morning. Checks are mailed Wednesday afternoon. If there are any checks to be held the Accounting Manager will notify Accounting Technician.

Check Log

Accounts payable checks are pre-numbered and secured in the safe. Each time a check is used it is recorded into the check register log, including date, number of checks used and initialed by employee receiving the checks. All checks must be accounted for. Any damaged or voided checks are to be turned into City Treasurer.

Void Checks:

When voiding an Accounts Payable check, a Stop Payment Form must be filled out and approved by the City Treasurer, when voiding a "live" check, Accounts Payable staff will notify City Treasurer.

Once approval from the City Treasurer is obtained, the Account Clerk III will void the check in the financial system.

Manual Checks

On occasion, a manual check may be prepared. To obtain a manual check, it requires the approval of the Chief Financial Officer and City Manager.

Approved:

James Throop
James Throop, CFO

Date: 05/1/2017

ATTACHMENT B

Eden Casareno

From: Molina, Phillip <phillip.molina@oxnard.org>
Sent: Thursday, June 22, 2017 5:01 PM
To: Eden Casareno
Cc: Eden Alomeri (Eden.Alomeri@oxnard.org); Martha Guerra
Subject: Re: Policies and procedures
Attachments: Warrant Printing Policies and Procedures 2017.pdf; 2.5 Procedures for EFT Payment.pdf

Ms. Eden Casareno, CPA

This is the reply I promised I would send to you. I believe this will provide your auditor's with the information they need. Note we did not provide the step by step we go through to "approve" the final steps to issue the wires out of concern for security.

Attached are the written policies you requested. They identify the process we follow to pay by use of warrant payments and EFT (Electronic Funds Transfers).

--
 Respectfully,

Phillip S. Molina
 Oxnard City Treasurer

On Thu, Jun 22, 2017 at 11:11 AM, Eden Casareno <ecasareno@eadiepaynell.com> wrote:

Phil and Eden,

Good morning! I'm wondering if you have any updates for me regarding the written policies and procedures I requested last week.

Thank you.

Eden

EDEN CASARENO
 CPA

Partner in-Charge of Attest Services
 E. ecasareno@eadiepaynell.com
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ep
 EADIE + PAYNE
 expect quality.

[Click here](#) to upload files.

Warrant Printing Policies and Procedures

Upon receiving a preliminary list of warrants payable from the Chief Financial Officer or his/her designee,

The Elected City Treasurer or the appointed Assistant City Treasurer will:

1. Review the list and through selective random sampling decide which items on the list to review in detail. That list should generally comply with the 20/80 rule of identifying 20% of the list and 80% of the dollar amount of the list.
2. Once the A/P staff have pulled the detailed source documents and all items that attached the Elected Treasurer or the appointed Assistant Treasurer will review each of those documents.
3. Verify that all the proper signatures have been appended to the demand
4. Confirm that all source documents including invoices, receipts, statements are attached
5. Review the account number that the CFO has assigned to the demand
6. Perform visual check in the H T E/Sungard financial software data to establish that there are sufficient unspent budgeted funds remaining on the line item being charged
7. When the CFO charges a "clearing account" the Treasurer or his staff will review the clearing account to assure that the account is the usual account charged for that particular activity.
8. Elected City Treasurer or appointed Assistant City Treasurer stamps the document and appends his/her signature. The stamp signifies approval that all of the above listed verifications have been performed.
9. If the CFO has charged an account with insufficient remaining budget balance the item will be held pending the preparation of a BA (budget adjustment) to either move budgeted funds into the G/L account being charged, or change the G/L account to an alternative valid account number that has sufficient unspent funds to cover the costs.
10. If there is an insufficient amount remaining in the budgeted line item and/or there is no City Council action to appropriate funds to cover the costs, the Elected Treasurer and/or appointed Assistant City Treasurer will reject the wire, and hold the demand until Council has appropriated the funds during a public city council meeting.
11. When the CFO does not provide any source documents with the demand for payment the Elected City Treasurer or appointed Assistant City Treasurer is directed by the City Attorney to issue the payment without having reviewed source documents. These include but not limited to AIMS, CalPERS or payroll registers. Elected City Treasurer or appointed Assistant City Treasurer will stamp the document and append his signature. The stamp signifies that payment is granted under City Attorney's order.

AREA	POLICY	PROCEDURE
Equipment/Printer is located in the City Treasurer's Office	All personnel take appropriate precautions to protect their user IDs/passwords.	- Personnel do not share user IDs and passwords. - User IDs and passwords are not be posted where others can access them. - Any changes in personnel must be communicated between the departments involved promptly.
ACOM (check printing software) access only by Finance		
Treasurer's Office	Both Finance and Treasurer Departments maintain physical safeguards for check printing equipment.	When not in use, the printer's signature and font USB Flash Drive is kept in the City Treasurer's vault. Blank check stock is kept in a cabinet in a separate, secured locations and Finance is the key holder to that secured room.
Treasurer's Office	The Finance Department staff safeguard the blank checks from destruction or unauthorized use.	- Only Finance has access to blank check stock. - City Treasurer's keeps track (log) of check/warrant usage/void to account for all checks issued.
Function and responsibilities:		
Treasurer's and Finance	The check printing process provides a way to detect errors or omissions. Control of the check printing function and segregation of the check printing responsibilities must be maintained.	The check printer duties are performed by separate individuals; one individual from Finance has the key to the check stock cabinet and one individual from City Treasurer's Office has access to the signature card.

Mailing or distribution of checks/warrants are handled by Finance.

Upon receiving a demand for Electronic Fund Transfer (EFT) from the Chief Financial Officer or his/her designee,

The Elected City Treasurer or the appointed Assistant City Treasurer will:

1. Review the source documents that are attached to the demand,
2. Verify that all proper signatures have been appended to the demand,
3. Confirm that all source documents including invoices, receipts and statements are attached,
4. Review the account number that the CFO has assigned to the demand,
5. Perform visual check in the H T E/Sungard financial software data to establish that there are sufficient unspent budgeted funds remaining on the line item being charged,
6. When the CFO charges a "clearing account" the Treasurer or his staff will review the clearing account to assure that the account is the usual account charged for that particular activity,
7. Elected City Treasurer or appointed Assistant City Treasurer stamps the document and appends his/her signature (the stamp signifies approval that all of the above listed verifications have been performed),
8. If the CFO has charged an account with insufficient remaining budget balance the item will be held pending the preparation of a BA (budget adjustment) to either move budgeted funds into the G/L account being charged, or change the G/L account to an alternative valid account number that has sufficient unspent funds to cover the costs,
9. If there is an insufficient amount remaining in the budgeted line item and/or there is no City Council action to appropriate funds to cover the costs, the Elected Treasurer and/or appointed Assistant City Treasurer will reject the wire, and hold the demand until Council has appropriated the funds during a public city council meeting.
10. When the CFO does not provide any source documents with the demand for payment the Elected City Treasurer or appointed Assistant City Treasurer has been directed by the City Attorney to issue the payment without having reviewed source documents. These include but not limited to AIMS, CalPERS or payroll registers. Elected City Treasurer or appointed Assistant City Treasurer will stamp the document and append his signature (this stamp signifies that payment is granted under City Attorney's order).

HOW TO SET UP WIRES IN CASHPRO

(Wire is a type of EFT that can be entered on the same day as the effective date, is guaranteed and cannot be reversed.)

Log in to CashPro

Click on Payment tab

Click on Global Payments

Click on the account number (xxxxx50047 if paying from City's regular bank account

Or xxxxx15907 if paying from Successor Agency)

On the drop down menu for Payment Type click on Domestic High Value (Wire)

Enter the Beneficiary Bank ID (routing number) and click on the magnifying glass next to it to search for the bank. Match the name of the bank found by the system with the bank on the request form.

Fill in the beneficiary name and address fields. Copy from the result of your search the address if address is not provided on the request form.

Enter the Beneficiary account number in Beneficiary Account field.

Enter the credit amount (amount to pay).

Enter Value Date effective date of wire.

Enter other information, memo or reference in Beneficiary Information field.

Click on Continue. New window will bring information entered. Verify accuracy of information on screen. Click on Submit button.

The system will return a confirmation number. Write confirmation number on the memo. Sign and date the memo.

Transaction can not be completed without approval from a secondary CashPro approver using his/her own SafePass Token. Cash Pro will not allow a transaction to be initiated and completed by the same Cash Pro user. Each authorized Cash Pro user has their own unique and private log in and password. There are 4 CashPro approvers in the City Treasurer's Department.

There is at least one person in the Finance Department who has access to CalPERS wire process, who can complete a wire without oversight and that person is not authorized to do so by the Elected City Treasurer.

HOW TO SET UP ACH PAYMENT

(ACH is a type of EFT that must be entered 24 hours prior to the effective date and can be reversed.)

Log in to Cash Pro

Click on Payment tab

Click on ACH Payment tab

Click on the name of the ACH template (New window will bring up the template)

Click on "All" to show all the accounts grouped under that template

Click on "Zero Fill" to zero out any amount from prior payments

Click on the account to set up the payment for

Enter the amount of payment

Fill in Additional Payment Information if needed (usually description or reference)

Verify all your entries

Click on Save

Click on ACH Database List

Click on the click on the box next to the name of the ACH template you just set up

Click on Create Batch

Click on the effective date of the ACH payment based on the request

Click on OK

Click on ACH Batch List

Click on Refresh

The ACH you just set up should show on top of the list.

Transaction cannot be completed without approval from a secondary CashPro approver using his/her own Safe Pass Token. Cash Pro will not allow a transaction to be initiated and completed

by the same Cash Pro user. Each authorized Cash Pro user has their own unique and private log in and password. There are 4 CashPro approvers in the City Treasurer's Department.

There is at least one person in the Finance Department who has access to CalPERS wire process, who can complete a wire without oversight and that person is not authorized to do so by the Elected City Treasurer.

HOW TO APPROVE EFT IN CASHPRO

There are four staff members in the City Treasurer's Department who are authorized to approve EFTs. Each staff member is provided with their own log in, password and a SafePass token. A SafePass token must be activated to generate a unique code, which is required to approve EFTs.

ATTACHMENT C



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GOVERNMENT CODE - GOV

TITLE 4. GOVERNMENT OF CITIES [34000 - 45345] (Title 4 added by Stats. 1949, Ch. 79.)

DIVISION 3. OFFICERS [36501 - 41005] (Division 3 added by Stats. 1949, Ch. 79.)

PART 3. OTHER OFFICERS [40601 - 41005] (Part 3 added by Stats. 1949, Ch. 79.)

CHAPTER 3. City Treasurer [41001 - 41007] (Chapter 3 added by Stats. 1949, Ch. 79.)

41001. The city treasurer shall receive and safely keep all money coming into his hands as treasurer.

(Added by Stats. 1949, Ch. 79.)

41002. He shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his possession.

(Added by Stats. 1949, Ch. 79.)

41003. He shall pay out money only on warrants signed by legally designated persons.

(Added by Stats. 1949, Ch. 79.)

41004. Regularly, at least once each month, the city treasurer shall submit to the city clerk a written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.

(Added by Stats. 1949, Ch. 79.)

41005. The city treasurer shall perform such duties relative to the collection of city taxes and license fees as are prescribed by ordinance.

(Added by Stats. 1949, Ch. 79.)

41006. The city treasurer may appoint deputies for whose acts he and his bondsmen are responsible.

(Added by Stats. 1949, Ch. 79.)

41007. The deputies shall hold office at the pleasure of the city treasurer and receive such compensation as is provided by the legislative body.

(Added by Stats. 1949, Ch. 79.)



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GOVERNMENT CODE - GOV

TITLE 4. GOVERNMENT OF CITIES [34000 - 46345] (Title 4 added by Stats. 1949, Ch. 79.)

DIVISION 3. OFFICERS [36501 - 41805] (Division 3 added by Stats. 1949, Ch. 79.)

PART 2. LEGISLATIVE BODY [36901 - 49592] (Part 2 added by Stats. 1949, Ch. 79.)

CHAPTER 4. Financial Powers [37201 - 37216] (Chapter 4 added by Stats. 1949, Ch. 79.)

37291. Demands against the city for money or damages are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1, except as provided therein, or by other statutes or regulations expressly applicable thereto.

(Amended by Stats. 1982, Ch. 454, Sec. 77.)

37292. Except as provided in Section 37208, the legislative body shall approve or reject demands only after such demands have been audited in the manner prescribed by ordinance or resolution. Such audited demands may be submitted separately or a register of audited demands may be submitted to the legislative body for approval or rejection and shall have attached thereto the affidavit of the officer submitting the demands certifying as to the accuracy of the demands and the availability of funds for payment thereof.

(Amended by Stats. 1970, Ch. 261.)

37293. Upon allowing a demand or approving a register of audited demands, the mayor shall draw a warrant or warrants upon the city treasurer specifying the purpose for which drawn and the fund from which payment is to be made. The city clerk shall countersign the warrant. The legislative body, by ordinance or resolution, may prescribe an alternative method of drawing warrants and checks.

(Amended by Stats. 1980, Ch. 770.)

37294. When an order or demand is not approved for want of funds and its amount does not exceed the income and revenue for the year in which the indebtedness was incurred, the city clerk shall endorse on it: "Not approved for want of funds," with the date of presentation and his signature.

(Added by Stats. 1949, Ch. 79.)

37295. The clerk shall number the endorsement, register the order or demand in his records, and deliver it to the claimant, or his order. From delivery the order or demand bears interest at 6 percent a year. Orders or demands shall be paid in the order they are registered.

(Added by Stats. 1949, Ch. 79.)

37296. By ordinance or resolution, the legislative body shall prescribe the time and method of paying salaries and wages of officers and employees.

(Added by Stats. 1949, Ch. 79.)

37297. Department heads shall certify or approve departmental pay rolls or attendance records for employees in their departments. The city clerk shall certify or approve pay rolls or attendance records of other officers and employees.

(Added by Stats. 1949, Ch. 79.)

37208. (a) Payroll warrants or checks need not be audited by the legislative body prior to payment. Payrolls shall be presented to the legislative body for ratification and approval at the first meeting after delivery of the payroll warrants or checks.

(b) Warrants or checks drawn in payment of demands certified or approved by the city clerk as conforming to a budget approved by ordinance or resolution of the legislative body need not be audited by the legislative body prior to payment.

(c) Notwithstanding subdivisions (a) and (b), budgeted payrolls and demands paid by warrants or checks may be presented to the legislative body for ratification and approval in the form of an audited comprehensive annual financial report.

(Amended by Stats. 1986, Ch. 982, Sec. 14.)

37209. The duties imposed upon the city clerk by this article may be transferred to a director of finance when such office has been established and the powers and duties thereof defined by ordinance. Such an ordinance shall require the execution by the director of finance of the bond required of the city clerk by Section 36518 of this code.

(Added by Stats. 1955, Ch. 1754.)

37210. Newly incorporated cities that have not received revenues from property taxes may issue temporary non-negotiable notes bearing interest at a rate not exceeding 6 percent per annum to pay lawfully incurred current expenses and the salaries and wages of officers and employees. Said notes must be repaid on or before the last day of the fiscal year in which the money is borrowed and the maturity date of said notes shall not be later than said last day. The aggregate amount of said notes shall not exceed 85 percent of the anticipated revenues for the fiscal year in which the money is borrowed. Said notes shall be repaid only from revenues received during or allocable to the fiscal year in which the money is borrowed.

(Added by Stats. 1957, Ch. 1740.)

(64 Code, Sec. 2-3.4) (Ord. No. 2203, 2350)

DIVISION 3. CITY MANAGER

SEC. 2-155. POSITION CREATED; APPOINTMENT; TERM.

- (A) The city manager form of government is adopted and shall be followed by the city.
 - (B) The office of city manager is established.
 - (C) The city manager shall be appointed by a majority vote of the city council and shall hold office at the pleasure of the city council.
- (64 Code, Sec. 2-9)

SEC. 2-156. COMPENSATION.

- The city manager shall receive such compensation for services as shall be fixed by the city council.
- (64 Code, Sec. 2-10)

SEC. 2-157. POWERS AND DUTIES; OFFICE.

- (A) The city manager shall be the chief executive and administrative officer of the city and shall have all of the powers and duties heretofore vested in the several ministerial, executive and administrative and other subordinate officers heretofore appointed by the city council except the city clerk, the city attorney and the city treasurer.
 - (B) The city manager shall maintain an office in the city to be provided for by the city council and shall keep the same open during all business hours.
 - (C) The city manager shall perform such other and further acts as shall be provided for by resolution of the city council.
- (64 Code, Sec. 2-11)

DIVISION 4. CITY TREASURER

SEC. 2-165. CITY TREASURER AS DEPARTMENT DIRECTOR.

- The person occupying the classification of city treasurer is designated as a department director and shall be the administrative head of the city treasurer's office.
- (64 Code, Sec. 2-4) (Ord. No. 2203, 2350)

SEC. 2-166. BENEFITS OF CITY TREASURER.

- (A) The person occupying the city treasurer classification shall receive all benefits provided to top management employees, unless otherwise provided by resolution.
- (B) Notwithstanding the above, a person occupying the classification of city treasurer shall not be entitled to transfer to or be promoted or demoted to any other classification in the city service.

(' 64 Code, Sec. 2-4.1) (Ord. No. 2203, 2315, 2350)

SEC. 2-167. BOND OF CITY TREASURER AND ASSISTANT CITY TREASURER.

The bond of the city treasurer and assistant city treasurer is set at \$50,000.

(' 64 Code, Sec. 2-4.2) (Ord. No. 2203, 2350)

SEC. 2-168. DUTIES OF CITY TREASURER.

(A) The city treasurer shall perform such statutory duties as are assigned to the city treasurer of a general law city by the laws of the State and confirmed by resolution.

(B) The city treasurer shall also perform such administrative duties as assigned by the city manager.

(' 64 Code, Sec. 2-4.3) (Ord. No. 2203, 2350)

SEC. 2-169. COMPENSATION OF CITY TREASURER.

(A) The city treasurer shall receive compensation for the performance of statutory duties as established by ordinance.

(B) The city treasurer shall receive compensation for the performance of administrative duties in accordance with the principles and guidelines of the management pay system applicable to top management employees.

(' 64 Code, Sec. 2-4.4) (Ord. No. 2203, 2350)

DIVISION 5. DIRECTOR OF FINANCE

SEC. 2-175. CREATION.

There shall be a finance department, headed by a director of finance who shall supervise such employees as are necessary to carry out the functions and duties of the department.

(Ord. No. 2643)

SEC. 2-175.5. CHIEF FINANCIAL OFFICER.

Effective April 14, 2008, all references to the classification of director of finance, finance and management services director, or finance director in the city code, and any in city resolutions, agreements, contracts, rules, regulations or procedures shall incorporate the classification and/or working title of chief financial officer.

(Ord. No. 2772)

SEC. 2-176. FINANCIAL AND ACCOUNTING DUTIES.

(A) Pursuant to Cal. Gov't Code Section 37209, the duties imposed on the city clerk by Chapter 4, Part 2, Division 3, Title 4 of the Cal. Gov't Code are transferred to the director of finance.

(B) Pursuant to Cal. Gov't Code Section 40805.5, the financial and accounting duties imposed on the city clerk by Cal. Gov't Code Sections 40802 through 40805 are transferred to the director of finance.

(C) Pursuant to Cal. Gov't Code Section 34004, the duties imposed on the city treasurer by Cal. Gov't Code Section 41004 are transferred to the director of finance.

(D) The powers and duties of the director of finance include centralizing fiscal and accounting duties; controlling inventory; financial reporting; and assisting in budgeting.

(E) The director of finance shall promote, secure and preserve the financial and property interests of the city.

(F) The city manager may assign to the director of finance additional powers and duties not set forth herein.
(Ord. No. 2643, 2804)

SEC. 2-177. BOND.

The director of finance shall file with the city clerk a bond covering the faithful performance of his/her duties, in the penal sum of not less than \$20,000. The bond shall conform to the provisions of Chapter 3, Division 4, Title 1 of the Cal. Gov't Code. The premium on the bond shall be paid by the city.

(Ord. No. 2643)

SEC. 2-178. FISCAL YEAR.

The fiscal year of the city shall begin on the first day of July and end on the last day of June of each calendar year.

(Ord. No. 2643)

SEC. 2-179. BUDGET.

(A) Before the beginning of each fiscal year for which the city council has not adopted a budget, the city manager shall submit to the city council a proposed operations and capital budget for the following fiscal year or for more than one of the following fiscal years.

(B) At a minimum, the proposed budget shall include:

- (1) An itemized statement of estimated revenues from all sources for the year.
- (2) An itemized statement of proposed expenditures for each department and division.
- (3) A statement of the amount required for the payment of interest, amortization and redemption charges on the debt of the city.
- (4) Provision for contingent expense.
- (5) A general budget summary.
- (6) A budget statement outlining the proposed financial plan for the year.

(7) The appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Division 9 of Title 1 of the Cal. Gov't Code, commencing with Section 7900.

(C) The city council shall hold a public hearing on the proposed budget, at which all interested persons may be heard. At the conclusion of the public hearing, the city council may make changes to the proposed budget.

(D) The city council shall adopt a budget for the following fiscal year or for more than one of the following fiscal years. If the budget is not adopted on or before the beginning of such fiscal year, the proposed budget shall become effective without action by the city council.

(E) The city council may revise at any time an adopted budget or a proposed budget that became effective

without action by the city council.

(Ord. No. 2643)

SEC. 2-180. AUDIT.

After the end of each fiscal year, the director of finance shall cause an audit of the city's financial reports for the previous fiscal year to be prepared promptly by a certified public accountant. Within a reasonable time, the director of finance shall present the audit to the city council at a public meeting.

(Ord. No. 2643)

SEC. 2-181. TORT CLAIMS.

Demands against the city, its officers or employees, for money or damages are governed by the Cal. Gov't Code, except as provided therein, or by other statutes, ordinances or regulations expressly applicable thereto.

(64 Code, Sec. 2-87) (Ord. No. 801)

SEC. 2-182. CLAIMS FOR REFUND OF FEES AND CHARGES.

(A) If the procedure for refund of a fee or charge collected by the city is not specifically otherwise provided for in this code or in the ordinance or resolution imposing the fee or charge, a claim for refund of a fee or charge shall not be allowed unless the claim is filed with, and in the manner and form prescribed by, the department that originally collected the fee.

(B) The department director or designee may authorize payment of a claim for refund of a fee or charge if he/she determines that the fee or charge was overpaid or that the service, license or permit for which the fee or charge was paid was not received or used.

(C) A refund shall not exceed the amount of overpayment or unearned fee or charge actually paid by the claimant.

(64 Code, Sec. 2-87.1) (Ord. No. 1378, 2440)

SEC. 2-183. CLAIMS FOR REFUND OF TAXES, ASSESSMENTS AND UTILITY FEES.

(A) The provisions of this section are enacted pursuant to Cal. Gov't Code, Section 935 and shall apply to all claims presented to the city for refund of taxes, assessments or utility fees levied or imposed by the city. For purposes of this section, "utility fees" shall mean fees for water services, wastewater services or solid waste collection services.

(B) A claim for refund shall be in writing, signed under penalty of perjury by the claimant or the claimant's guardian, executor, conservator or administrator and shall be filed with the city clerk no later than one year after the date the claimant paid the taxes, assessments or utility fees of which refund is requested.

(C) A claim shall include the name and address of the claimant or the name and address of the claimant's guardian, executor, conservator or administrator; the facts and reason on which the claim is based; the date and method of payment of the taxes, assessments or utility fees of which refund is requested; and the name and title of the person to whom such payment was made.

(D) No claim may be filed on behalf of a class of claimants.

(E) No suit for refund of taxes, assessments or utility fees shall be filed unless a claim has been filed and rejected in accordance with this section. Any such suit shall be commenced within six months from and after the date on which the city council rejects the claim. No recovery shall be allowed in any such suit on any ground not

specified in the claim.

('64 Code, Sec. 2-87.2) (Ord. No. 2440)

SEC. 2-184. PROCEDURE FOR PAYMENT OF DEMANDS, WARRANTS AND CHECKS.

The finance director shall prepare a written form of demand and proposed check for each approved invoice and claim. Supporting documents such as the purchase order, and invoice or claim for payment shall be attached thereto. Demands shall be individually audited by the finance director or designee, who shall certify as to the accuracy of each demand and the availability of funds for payment thereof. Such demands may be in the form of check-warrants and when approved by all officers as required by this code, shall be delivered to the city treasurer. The city treasurer shall subscribe a direction to the depository of funds to pay the funds to the order of the payee, which action shall convert the warrant, or demand, to a bona fide check.

('64 Code, Sec. 2-88) (Ord. No. 801)

SEC. 2-185. PRESENTATION OF DEMANDS; APPROVAL.

(A) All demands against the city shall, before being paid, be presented to and approved by the proper officer.

(B) Demands for which no appropriation has been made shall be presented to the city council; and all other demands shall be presented to the city manager; provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the city council, and the approval of such demand by the city council shall have the same effect as its approval by the city manager.

('64 Code, Sec. 2-89) (Ord. No. 801)

SEC. 2-186. APPROVAL OF WARRANTS BY DIRECTOR OF FINANCE; REGISTERED WARRANTS; PAYMENT OF BONDS AND COUPONS.

(A) All demands approved by the proper board, commission or officers shall be presented to the city's finance director, who shall examine the same; and if the amount thereof is legally due and there remains on the books an unexhausted balance or an appropriation against which the same may be charged, the finance director shall approve such demand and draw and sign the warrant on the city treasury therefor, payable out of the proper fund.

(B) (1) Objections of the finance director to any demand may be overruled by the city council, and the finance director shall thereupon draw the warrant as directed by the city council.

(2) Such warrants when presented to the city treasurer, shall be paid by the finance director out of the fund therein designated, if there be sufficient money in such fund for that purpose.

(3) A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor.

(C) The finance director shall draw warrants for payment of municipal or other bonds payable out of funds in the treasury upon presentation and surrender of the proper bonds and coupons, without approval of any body or officer.

('64 Code, Sec. 2-90) (Ord. No. 801)

DIVISION 6. FIRE

SEC. 2-205. ESTABLISHED; VOLUNTEER FORCE.

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CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 10.820RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD ESTABLISHING JOB SPECIFICATIONS FOR THE
PERFORMANCE OF STATUTORY DUTIES AND
ADMINISTRATIVE DUTIES BY THE CITY CLERK AND CITY
TREASURER

WHEREAS, City Council is authorized by ordinance to establish job specifications for the performance of statutory duties by the City Clerk and City Treasurer; and

WHEREAS, City Council desires to establish such job specifications.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The job specifications for the City Clerk attached hereto as Exhibit A and incorporated herein by this reference are hereby adopted.
2. The job specifications for the City Treasurer attached hereto as Exhibit B and incorporated herein by this reference are hereby adopted.
3. This resolution shall be effective January 1, 1995.

PASSED AND ADOPTED this 15th day of November, 1994, by the following vote:

AYES: Councilmembers Pinkard, Plisky, Herrera & Halden

NOES: Councilmember Lopez

ABSENT: None

ATTEST:

Daniel Martinez
Daniel Martinez, City Clerk

Dr. Manuel M. Lopez
Dr. Manuel M. Lopez, Mayor

APPROVED AS TO FORM:

Gary L. Gillig 11-15-94
Gary L. Gillig, City Attorney

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EXHIBIT A

City of Oxnard
January 1, 1995

CITY CLERK**DEFINITION**

With respect to the performance of statutory duties as set forth below, the City Clerk is directly responsible to the electorate of the City of Oxnard.

ADMINISTRATION AND SUPERVISION

Statutory duties are those duties specified in the Elections Code and Government Code of the State of California to be performed by a city clerk in a general law city. The City Manager monitors the City Clerk's performance of statutory duties and advises the City Council of that monitoring.

STATUTORY DUTIES

Keep an accurate record of the proceedings of the City Council.

Prepare a summary of the City's financial report to be published once in a newspaper of general circulation.

Keep a book marked "ordinances" and maintain in it all City ordinances with a certificate annexed to each stating: (a) It is a true and correct copy of a City ordinance. (b) The ordinance number, and (c) It has been published or posted pursuant to law. The book shall have a comprehensive general index.

Custodian of the City seal.

Conduct elections in accordance with the Elections Code and handle related procedures pursuant to the Elections Code.

Enter on the minutes of the City Council a record of the bonds canceled sufficient to identify them and the fact and date of their cancellation.

Maintain a reasonable supply of copies of the primary City Code and of any secondary code incorporated in it by reference available for purchase by the public at a moderate price, not to exceed the actual cost thereof.

QUALIFICATIONS - Statutory Duties

Qualified elector of the City of Oxnard

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ADMINISTRATIVE DUTIES

The City Clerk's administrative duties are assigned by the City Manager. The following is a list of duties currently assigned to the City Clerk:

Plan, coordinate, and direct the activities of personnel assigned to the City Clerk Department. Supervise, train develop, evaluate and select all such personnel.

Prepare and administer the department budget and related budgetary materials.

Participate in meetings and conferences with other department administrators, public officials and agencies, private citizens, and professional groups to discuss issues and resolve problems.

Serve as clerk to City Council; compile and prepare the City Council agenda; attend City Council meetings, transcribe and communicate legislative actions and proceedings of the City Council meetings, ordinances, resolutions, minutes, and indices thereof.

Serve as clerk to the Redevelopment Agency and the Housing Authority; compile or supervise the compilation and preparation of the Redevelopment Agency and Housing Authority agendas, attend meetings, record, transcribe and communicate legislative actions and proceedings, resolutions, minutes, and indices thereof.

Supervise the preparation of Planning Commission meeting minutes and the preparation and distribution of meeting notices.

Administer oaths or affirmations; certify authenticity of municipal corporate documents for public officials, governmental agencies, courts, and the general public including ordinances, resolutions, agreements, deeds, and other official documents.

Serve as the filing officer for election campaign reports and statements of economic interest for designated employees, certain appointed officials, officeholders, candidates, and committees; coordinate City Council, City Treasurer, City Manager, City Attorney, and Planning Commissioner filings with the Fair Political Practices Commission.

Provide a variety of information-gathering and records-retrieval research services to the public and public officials regarding elections, local government legislative processes and actions, municipal corporate history, elections, and Fair Political Practices Commission filings.

Coordinate the citywide records management program.

Mailing, publication and posting of legal public notices.

Receive purchase and contract bids, attend bid openings, maintain and release purchase, contract, and agreement related securities.

Provide notary services.

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Promote and maintain a strong public relations program with emphasis on public services.

Perform related administrative duties as assigned by the City Manager.

QUALIFICATIONS - Administrative Duties

Knowledge of:

Applicable federal law.

Elections Code and Government Code.

Political Reform Act requirements and procedures.

Principles of office administration, management, supervision, public relations, training, and performance evaluations.

Modern office practices, procedures, and equipment.

Ability to:

Meet public officials and private citizens, provide information, and organize material in compliance with laws, regulations, policies, and procedures.

Supervise, train, and evaluate departmental personnel.

Communicate clearly and concisely, orally and in writing.

Experience:

Five years of increasingly responsible office management or secretarial experience.

Education:

Equivalent to completion of the twelfth grade including or supplemented by specialized clerical and public administration courses. A bachelor's degree in public administration or a closely related field would be desirable.

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EXHIBIT B

City of Oxnard
January 1, 1995

CITY TREASURER**DEFINITION**

With respect to the performance of statutory duties as set forth below, the City Treasurer is directly responsible to the electorate of the City of Oxnard.

ADMINISTRATION AND SUPERVISION

Statutory duties are those duties specified in the Government Code of the State of California to be performed by a city treasurer in a general law city. The City Manager monitors the City Treasurer's performance of statutory duties and advises the City Council of that monitoring.

STATUTORY DUTIES

Receive and safely keep all monies received into the city treasury.

Comply with all laws governing the deposit and securing of city funds and the handling of trust funds.

Pay out money only on warrants signed by legally designated persons.

Regularly, at least once each month, submit to the City Clerk a written report and accounting of all receipts, disbursements, and fund balances, and file a copy with the City Council.

Keep a book showing at all times what bonds are registered and in whose names.

Record all warrants, judgments, notes or other evidences of indebtedness redeemed and report the redemptions to the City Council.

QUALIFICATIONS - Statutory Duties

Qualified elector of the City of Oxnard.

ADMINISTRATIVE DUTIES

The City Treasurer's administrative duties are assigned by the City Manager. The following is a list of duties currently assigned to the City Treasurer:

Plan, coordinate, and direct the activities of personnel assigned to the City Treasurer Department. Supervise, train, develop, evaluate and select all such personnel.

Prepare and administer the department budget and related budgetary materials.

Participate in meetings and conferences with other department administrators, public officials and agencies, private citizens, and professional groups to discuss and resolve problems related to assigned functions.

Pay legal obligations of the City and serve as the treasurer for a number of entities as designated by the City Council.

Assume full responsibility to invest and re-invest surplus and special funds as provided by City Council resolution.

Maintain records of receipts, deposits and expenditures.

Conduct quarterly meetings of the Investment Review Committee.

Prepare a variety of monthly, quarterly, and annual management and accounting reports.

Implement procedures for effective cash controls and for effective cash management.

Establish and maintain effective working relationships with financial institutions and implement and monitor banking procedures.

Study developments in the financial field and participate in professional conferences.

Perform such duties relative to the collection of City taxes and license fees as are prescribed by ordinance.

Direct the City central cashiering functions for the receipt of all City revenue, including but not limited to the posting of utility and other fees and the processing of City payroll checks and accounts payable.

Resolve difficult administrative and technical problems.

Promote and maintain a strong public relations program with emphasis on public services.

Perform related administrative duties as assigned by the City Manager.

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QUALIFICATIONS - Administrative Duties**Knowledge of:**

The principles and procedures pertaining to general accounting and investment practices.

Investment analysis.

Laws and other regulations pertaining to banking and treasury operations.

Principles of cash management and cash flow forecasting.

Principles of office administration, supervision, training and public relations.

Ability to:

Develop effective financial methods and procedures.

Understand and interpret laws and regulations.

Prepare a variety of financial statements, reports and analyses.

Supervise, train and evaluate departmental personnel.

Communicate clearly and concisely, orally and in writing.

Experience:

Five years experience in financial analysis, cash management or investment management, including substantial administrative and supervisory experience.

Education:

Equivalent to completion of a bachelor's degree from an accredited college or university with major coursework in accounting, business administration or economics. A master's degree in finance, economics or closely related field would be desirable.

CITY OF

OXNARD



Fiscal Policy Task Force Meeting 9-13-17

Agenda

Procedures Performed	3
Policies and Procedures	4
Government Code Sections	5
Significant Provisions	6-7
2015 Audit Findings	8
Sampling	9
Conclusion	10

Procedures Performed

1. Obtain written documentation of the City's current policies and procedures to process checks/warrants, wire transfers, EFT & ACH payments from the City Treasurer's Office and the Finance Department.
2. Evaluate whether the City's current policies and procedures for checks/warrants, wire transfers, EFT & ACH payments are in compliance with relevant sections of the California Government Code, City of Oxnard Code of Ordinances, and City Council resolution(s).
3. Evaluate whether the City's current policies and procedures for checks/warrants, wire transfers, EFT & ACH payments sufficiently address Findings 2015-032 and 2015-033.

Policies and Procedures

1. Obtain written documentation of the City's current policies and procedures to process checks/warrants, wire transfers, EFT & ACH payments from the City Treasurer's Office and the Finance Department.
 - **Attachment A:** Finance Department's policies and procedures approved by Jim Throop, CFO on 5/1/17
 - **Attachment B:** Treasurer's Office policies and procedures provided by Philip Molina, City Treasurer on 6/22/17

Government Code Sections

2. Evaluate whether the City's current policies and procedures for checks/warrants, wire transfers, EFT & ACH payments are in compliance with relevant sections of the California Government Code, City of Oxnard Code of Ordinances, and City Council resolution(s).

The City's outside counsel, Liebert Cassidy Whitmore, identified the following sections as relevant to the subject matter (Attachment C):

- *California Government Code Title 4. Government of Cities Division 3. Officers Part 3. Other Officers Chapter 3. City Treasurer Section 41003 Part 2. Legislative Body Chapter 4. Financial Powers Sections 37203 and 37209*
- *City of Oxnard Code of Ordinances Division 4: City Treasurer Section 2-168 Division 5: Director of Finance Sections 2-176, 2-184, 2-185 and 2-186*
- *City Council Resolution No. 10,820*

Significant Provisions

City of Oxnard Code of Ordinances

Division 5: Director of Finance Section 2-184

The **finance director** shall prepare a written form of demand and proposed check for each approved invoice and claim. Supporting documents such as the purchase order, and invoice or claim for payment shall be attached thereto.



Demands shall be individually audited by the **finance director or designee**, who shall certify as to the accuracy of each demand and the availability of funds for payment thereof. Such demands may be in the form of check-warrants and when approved by all officers as required by this code, shall be delivered to the **city treasurer**.



The **city treasurer** shall subscribe a direction to the depository of funds to pay the funds to the order of the payee, which action shall convert the warrant, or demand, to a bona fide check.

Significant Provisions

City of Oxnard Code of Ordinances

Division 5: Director of Finance Section 2-186

All demands approved by the proper board, commission or officers shall be presented to the city's **finance director** who shall examine the same, and if the amount thereof is legally due and there remains on the books an unexhausted balance or an appropriation against which the same may be charged, the **finance director shall approve such demand and draw and sign the warrant on the city treasury** therefore payable out of the proper fund.

Such warrants when presented to the **city treasurer** shall be paid by the **finance director** out of the fund therein if there be sufficient money in such fund for that purpose.

The **finance director** shall draw warrants for payments of municipal or other bonds payable out of funds in the treasury upon presentation of the proper bonds and coupons, without approval of any body or officer.

2015 Audit Findings

3. Evaluate whether the City's current policies and procedures for checks/warrants, wire transfers, and EFT and ACH payments address Findings 2015-032 and 2015-033.

Finding 2015-032

- The Treasurer did not review all supporting documentation prior to signing the check or wire transfer authorization.
Recommendation: The Treasurer or designated individual in the Treasurer's Office should review all supporting documentation prior to signing the check or wire transfer authorization.

Finding 2015-033

- Proper documentation of wire transfers was not maintained by the Finance Department.
Recommendation: The Finance Department should maintain a complete copy of the wire transfer authorization package, including all supporting documentation.

Sampling

We selected a sample of 25 checks/warrants, wire transfers, and EFT and ACH payments between January 1, 2017 and May 15, 2017. The sample consisted of 17 checks, 5 wires, and 2 EFTs and 1 ACH.

- The Finance Department maintained a copy of the authorization package for all 25 items selected, including supporting documentation. We examined the supporting documentation for each; **NO EXCEPTIONS.**
- 5 wires and 2 EFTs have proper approval from the Chief Financial Officer. The 18 checks/warrants were approved by department heads and reviewed by the accounting technician/account clerk III in the Finance Department; **NO EXCEPTIONS.**
- The City Treasurer stamped "paid without verification of source documents by the City Treasurer" on an ACH payment. We examined the electronic payment memo, which was approved by the CFO; wire transfer request, invoice, and detailed statement from American Fidelity Assurance Co.; and a detailed report from the City's payroll system; **NO EXCEPTIONS.**

Conclusion

*Based on the above agreed upon procedures, we found that the City's policies and procedures as described in **Attachment A** address **Findings 2015-032** and **2015-033**.*

*Based on our review of **Attachment B**, certain policies and procedures of the Treasurer's Office duplicated the procedures already being performed by the Finance department, including review of source documents, determination of budget appropriations and classification of accounts. These functions, for the review, audit and oversight of the City expenses, have been delegated to the Finance Director in compliance with the abovementioned sections of the government code, City ordinance and City resolution, and are no longer necessary functions of the Treasurer's Office.*

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 1

DATE: October 10, 2017

TO: City Council

FROM: Michelle Ascencion
City Clerk

A handwritten signature in black ink, appearing to read "Michelle Ascencion".

SUBJECT: Minutes of the June 27, 2017 and July 11, 2017 Regular Meetings.

CONTACT: Michelle Ascencion, City Clerk
Michelle.Ascencion@oxnard.org, 385-7805

RECOMMENDATION:

That the City Council approve the Minutes as presented.

STRATEGIC PRIORITIES

This agenda item is a routine operational item that does not directly relate to the four strategic plans adopted by City Council on May 17, 2016. This agenda item does provide transparency of Council meetings to the public.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS:

Attachment A: Minutes 06.27.17 CC regular meeting

Attachment B: Minutes 07.11.17 CC regular meeting

MINUTES
OXNARD CITY COUNCIL
 Regular Meeting
 June 27, 2017

A. ROLL CALL/POSTING OF AGENDA

At 5:10 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council in the City Hall Council Chambers, 305 W. Third Street, Oxnard, California. The City Clerk called the roll: Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello; and Mayor Tim Flynn were present (Mayor Pro Tem Carmen Ramirez arrived at 5:30 p.m.). The City Clerk stated that the agenda was posted June 22, 2017 at City Hall, with an amended agenda posted on June 23, 2017.

Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; Daniel Rydberg, Public Works Director; Robert Hearne, Interim Civil Engineer; Shiri Klima, Assistant City Attorney; Eric Sonstegard, Assistant Chief of Police; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None)

C. CLOSED SESSION

The Mayor read the following closed session statement:

“The City Council will recess to a closed session pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.

The City Council will also recess to a closed session pursuant to Government Code section 54956.8, to give instructions to its negotiators, Robert McDowell of Hamner, Jewell & Associates, and Robert Hearne, Interim Civil Engineer, concerning price and terms or payment relating to right of way acquisition and construction easements for a pipeline project.”

At 5:12 p.m., the City Council recessed to a closed session. (Mayor Pro Tem Ramirez arrived at 5:30 p.m.) At 6:17 p.m. the City Council reconvened in open session in the Council Chambers. There was no announcement following closed session.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Arturo Casillas, Housing Director; Kymberly Horner, Economic Development Director; Steve Naveau, Human Resources Director; Ralph Alamillo, Public Works Project Manager; Kathleen Mallory, Planning Division Manager; Todd Vasquez-Housley, Environmental Resources Manager; Chris Williams, Police Commander; and Raymond Williams, Streets Manager;

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Gerard Kapuscik (SR-3 Levy Project Completion), Daniel Kalbacher (police interaction with the homeless), Julie Miller Kalbacher (concern regarding proposed car wash business), Gregory Ramirez (status of September 16 parade sponsorship applications), Kimberly Rivers (appeal to Ventura County regarding proposed oil project), Noemi Tungui (concerned about proposed Cabrillo Oil expansion project), Francisco Ferreyra (Cabrillo project), Tomas Morales Rebecchi (Cabrillo project), Roy Prince (Citizen Jane screening, land use), Arturo de la Cerda (Cabrillo project), Pete Placencia (La Colonia Boxing Gym), Dan Pinedo (recall election), and Woodrow Thomas Sr. (public safety).

F. REPORT OF CITY MANAGER

The City Manager reminded the community that fireworks are illegal, reported on attending the recent Redwood neighborhood council meeting, and commented on homelessness issues.

G. CITY COUNCIL REPORTS

Councilmember Madrigal reminded residents to drive carefully now that school is out for the summer.

Mayor Pro Tem Ramirez commented on the recent Ormond Beach planning meeting, the proposed federal health care act, a future agenda item regarding the proposed Cabrillo expansion project, the city of San Juan Capistrano's lawsuit against the California Public Utilities Commission, and fireworks.

Councilmember Perello commented on a future agenda item regarding the proposed Cabrillo expansion project, a Los Angeles Times article on excess energy, the recent Ormond Beach planning meeting, the recent Performing Arts Center board meeting, the recent El Rio West neighborhood council meeting, a Ventura Regional Sanitation District meeting regarding the amount of material going to landfills, and a recent Chinese heritage event in downtown, and the benefits of acupuncture.

Mayor Flynn commented on attending the recent Riverpark Neighborhood Council meeting and sustaining reactivated neighborhood councils, budget augmentations and Measure O funding, and priority based budgeting.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Councilmember Perello and the City Manager, Economic Development Director, Assistant Police Chief, Police Commander, City Attorney, Housing Director, and Environmental Resources Manager discussed items on J-1 A, B, C, D, E, and G.

Regarding Item J-5: the City Attorney, pursuant to new Brown Act requirements, announced a summary of the recommended action, as it is a modification to the existing salary and benefits for executive management employees. Mayor Flynn made some comments.

Regarding Item J-2: Councilmember Perello commented on the senior meals to be provided by the agreement.

Regarding Item J-3: Assistant City Manager Nava clarified that the contract pertains to sales taxes only.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Daniel Chavez Jr. The Human Resources Director responded.

J. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Agreements for City Council Review.
RECOMMENDATION: That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000:
 - A. Interface Children and Family Services (7958-17-CM) for 2-1-1 services provided to Oxnard residents (\$37,000).
 - B. Oxnard Downtowners (7937-17-ED) for downtown events support (\$30,000).
 - C. Vigilant Solutions (7907-17-PO) for purchase of three automated license plate reader camera system (\$150,000).
 - D. Public Safety Corporation (7915-17-PO) for alarm management services (\$150,000).
 - E. Housing Rights Center (7158-15-HO) for fair housing services (\$29,000).
 - F. Tyler Technologies (5463-11-PD) for electronic citation module for the Police Department (\$47,102).
 - G. Mario's Trucking Corporation (A-7894) for supplemental waste transfer hauling (\$30,445).
 - H. Kustom Signals, Inc. for the purchase of two variable message sign trailers (\$41,413).

Cultural and Community Services Department

2. SUBJECT: Acceptance of Senior Nutrition Grant Funds from the Ventura County Area Agency on Aging (VCAAA).
RECOMMENDATION: That City Council:
 1. Authorize the City Manager or designee to execute Ventura County Area Agency on Aging Grant Contract No. 3500FY18-05 for the Provision of Services (Senior Nutrition Program) ("Senior Nutrition Program Grant Agreement") and any other document or instrument necessary to carry out the purposes of Senior Nutrition grant; the Chief Financial Officer or designee to submit financial reports, grant claims and approve budget adjustments for the use of Senior Nutrition grant funds; and
 2. Approve a budget appropriation to recognize the Senior Nutrition grant award in the amount of \$103,550 and program donations in the amount of \$14,000 for the FY 2017-2018 Senior Nutrition Program.

Finance Department

3. SUBJECT: Hinderliter, De Llamas and Associates Consulting Contract.

RECOMMENDATION: That City Council approve and authorize the City Manager to execute the First Amendment of the Agreement for Consulting Services with Hinderliter, de Llamas and Associates (HDL Coren & Cone), in the amount of \$175,500 for a total not to exceed \$200,000 for the consulting services contract.

4. SUBJECT: Public Safety Tax Assessment FY2017-18.

RECOMMENDATION: That City Council adopts **Resolution No. 15,038** establishing the FY 17-18 tax rates on property in the City of Oxnard for the payment of voter approved obligations.

Human Resources Department

5. SUBJECT: A Resolution of the City Council of the City of Oxnard Establishing Rules for the Application of Compensation Rates and Benefit Levels for Unrepresented Executive, Unrepresented Mid-Managers, and Unrepresented Confidential Employees through September 2019.

RECOMMENDATION: That City Council adopt **Resolution No. 15,039** regarding compensation rates and benefit levels for Unrepresented Executive, Unrepresented Mid-Managers, and Unrepresented Confidential Employees through September 2019.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve the Information/Consent Agenda as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

K. REPORTS

City Manager Department

1. SUBJECT: Creation of Internal Audit Program—Approval of Contract with Price Paige and Company.

RECOMMENDATION: That City Council approve and authorize the Mayor to execute an Agreement with Price Paige and Company (A-7986) to provide the first comprehensive Internal Audit program, for which \$200,000 has been budgeted for FY17-18

The City Manager gave a brief report and introduced Bob Deis of Renne Sloan Holtzman Sakai LLP, who gave a report.

Public comments were received from Steve Nash and Jack Villa.

Discussion ensued among the Council, staff, Mr. Deis, and Fausto Hinojosa of Price Paige and Company.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

L. PUBLIC HEARINGSDevelopment Services Department

1. SUBJECT: Updating the City of Oxnard's California Environmental Quality Act (CEQA) Threshold Guidelines.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,040** approving the updated CEQA Threshold Guidelines (herein referred to as CEQA Guidelines).

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Planning Division Manager gave a report and introduced Joe Power of Rincon Consultants, who also gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Woodrow Thomas Sr.

Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, moved to close the public testimony portion of the public hearing; the Council approved unanimously. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

M. REPORTSCity Attorney Department

1. SUBJECT: Construction and Repair Work Ordinance Amendment.
RECOMMENDATION: That the City Council approve the introduction and first reading by title only and waive further reading of an ordinance amending Article II of Chapter 4 of the City Code regarding public projects to increase bidding thresholds; to amend the change order threshold; to allow the City Council to award projects over the Tier 2 limit as authorized by statute; to increase the City Manager's authority to award and execute public project contracts; to allow delivery of notices by any legally permissible method and to reduce required delivery time for notices inviting formal bids; to delegate the adoption of formally bid project plans, specifications and working details to the City Engineer; and to amend the requirements for the prequalification of contractors.

The Assistant City Attorney gave a report. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

Economic Development Department

2. SUBJECT: Downtown Lighting and Tree Trimming.
RECOMMENDATION: That City Council:
1. Appropriate \$145,575 from the Downtown Improvement Program Settlement Funds (“DIPSF”) to initiate two Downtown Capital Improvement Projects identified within the Downtown Vision Plan, which will include lighting for Plaza Park and tree trimming within the Central Business District; and
 2. Approve the carryover of unused funds of \$97,758 from the General Fund Capital Outlay for Downtown tree trimming within the Central Business District in support of the Downtown Vision Plan.

(Mayor Flynn left the meeting at this time.)

The Economic Development Director and Public Works Project Manager gave a report. Discussion ensued among Council and staff.

Public comments were received from Abel Magana and Pat Brown. Further discussion ensued.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve the recommendation as presented. VOTE: MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 4-0 (Flynn absent).

3. SUBJECT: Downtown Public Restrooms.
RECOMMENDATION: That City Council approve the appropriation of \$145,322 from the Downtown Improvement Program Settlement Funds (“DIPSF”) to install public restrooms within the Central Business District.

The Economic Development Director and Public Works Project Manager gave a report. Discussion ensued among Council and staff.

Public comments were received from Abel Magana and Pat Brown. Further discussion ensued.

It was moved by Councilmember Perello, seconded by Councilmember Madrigal, to approve the recommendation as presented. VOTE: Madrigal, Perello, and Ramirez voted in favor, MacDonald was opposed; the motion carried 3-1 (Flynn absent).

Public Works Department

4. SUBJECT: Agreement A-7955 for On-Call Sidewalk, Curb and Gutter and Spandrel Grinding Services.
RECOMMENDATION: That City Council approve a one-year agreement with BPR, Inc. (A-7955) for an amount that is not to exceed \$250,000 for sidewalk, curb, gutter and spandrel grinding and authorize the Mayor to execute the contract upon receipt of final documents.

The Streets Manager gave a report.

(Mayor Flynn returned to the meeting at this time.)

Public comments were received from Pat Brown and Abel Magana. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

(As it was after 10:00 p.m., the City Council voted unanimously for the remaining agenda item to be heard.)

5. SUBJECT: First Amendment to Agreement No. 7517-16-CM with West Coast Arborists, Inc. for On-Call Tree Trimming Services.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a First Amendment to Agreement No. 7517-16-CM with West Coast Arborists, Inc. in the amount of \$700,000 to increase the amount from \$246,255 to a total amount of \$946,255 for on-call citywide tree trimming services.

Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

N. PUBLIC COMMENTS ON REPORTS (None)

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:07 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor

MINUTES
OXNARD CITY COUNCIL
 Regular Meeting
 July 11, 2017

A. ROLL CALL/POSTING OF AGENDA

At 4:34 p.m., the regular meeting of the Oxnard City Council was called to order by Mayor Flynn in the Council Chambers. The City Clerk called the roll: Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present. The City Clerk stated that the agenda was posted July 6, 2017 at City Hall.

Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; Ashley Golden, Development Services Director; Steve Naveau, Human Resources Director; Kenneth Rozell, Assistant City Attorney; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None)

C. CLOSED SESSION

Mayor Flynn read the following closed session statement:

“The City Council will recess to a closed session, pursuant to Government Code section 54956.9(d)(1), to confer with its attorneys on three cases. The titles and case number of the litigation being discussed are:

1. Green Energy Holdings, LLC; Auto Fuels, Inc. v. City of Oxnard, et al., Ventura County Superior Court, Case No. 56-2015-00470344-CU-EI-VTA;
2. John C. Zaragoza v. City of Oxnard; et al., Ventura County Superior Court, Case No. 56-2017-00498218-CU-WM-VTA;
3. Susan Engbrecht; Linda Gray v. City of Oxnard, Ventura County Superior Court, Case No. 56-2017-00496779-CU-WM-VTA.

The City Council will also recess to a closed session, pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case regarding County of Ventura and Channel Islands Harbor Properties LLC's threat to sue the City concerning their proposed development of Fisherman's Wharf at the corner of Victoria Avenue and Channel Islands Boulevard with a 400-unit apartment and commercial mixed use project.

The City Council will also recess to a closed session, pursuant to Government Code section 54957(b)(1), evaluation of public employee, City Attorney.”

Mayor Flynn announced that he would be recusing himself from Items 2 and 3, as they pertain to the

PARS supplemental retirement system, of which he also is a member, and there are similarities in the facts of these cases to his own situation.

At 4:39 p.m. the City Council recessed to a closed session. At 6:22 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement:

“Regarding Item 4 on the Closed Session agenda, regarding Ventura County’s and Channel Islands Harbor Properties LLC’s threat to sue the City concerning their proposed development of Fisherman’s Wharf, the City Council deliberated and instructed the City Manager to send a letter to the Harbor Director and County CEO stating the City’s position.”

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were James Throop, Chief Financial Officer; Shiri Klima, Assistant City Attorney; and Thien Ng, Wastewater Division Manager.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Lucy Cartagena Martinez (Fiestas Patrias event), Hector Pelayo (Fiestas Patrias event), Jesus Gonzalez (Fiestas Patrias event), Maricela Lopez (Fiestas Patrias event), Jessie Gonzalez (Fiestas Patrias event), Malio Correa (Fiestas Patrias event), Woodrow Thomas Sr. (senior apartment building on C Street), Daniel Chavez Jr. (recent homicide), Francisco Ferreyra (appeal of oil facility expansion), Karina Kaye (appeal of oil facility expansion), Noemi Tungui (appeal of oil facility expansion), Jackie Tedeschi (upcoming INCO activities), Pat Brown (trucks and store security doors on Oxnard Boulevard), Lawrence Stein (budget discrepancies), Greg Kenney (La Dolce Vita rent agreement), Roy Prince (Oxnard Community Planning Group), Dan Pinedo (potential recall), and Genevieve Flores-Haro (potential recall).

F. REPORT OF CITY MANAGER

The City Manager responded to some of the public comments about the Fiestas Patrias event, announced a housing grant award to improve several Oxnard parks, announced the upcoming National Night Out on August 1st, the Dallas Cowboys opening ceremonies on July 24th, and a special City Council meeting on July 18 at 2:00 p.m. He announced that consideration of the proposed Measure O expenditures would be moved to September.

G. CITY COUNCIL REPORTS

Councilmember Madrigal commented on the recent heat wave and sun safety, issues with illegal fireworks, and a recent Oxnard Downtown Improvement District meeting and awards ceremony.

Mayor Pro Tem Ramirez commended the Fire Department for assisting with the recent Santa Barbara County fires, commented on the Ed Hunt Rehab Point’s 25 year anniversary, asked the Police Chief for a future presentation on effects of illegal fireworks, commented on the housing grant, and requested Council support for a future agenda item on the oil facility expansion appeal.

Councilman MacDonald announced the upcoming Fiscal Policy Task Force meeting, upcoming Relay for Life event at Rio Mesa High School, and a sleeping bag drive for homeless veterans.

Councilmember Perello requested Council support for a future agenda item regarding waiving penalty fees, attended a recent Oxnard Downtown Improvement District meeting, recommended that a City facility should be named after Ignacio Carmona, commented on illegal fireworks, lauded the Ed Hunt anniversary event, and recent Los Angeles Times articles about the tsunami warning system and public pensions.

Mayor Flynn lauded the Ed Hunt event, commented on illegal fireworks and proposed a block captain approach to assist with community policing. He said he will revisit the Council committee issue in September.

Further discussion ensued about the potential recall election and the illegal fireworks.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1 and J-2 were pulled for discussion.

Regarding J-1: Councilmember Perello and Assistant City Attorney Klima discussed the proposed bid timeline under the new ordinance.

Regarding J-2: Councilmember Perello commented on the proposed contract award.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown and Manuel Munoz.

J. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of Construction and Repair Work Ordinance No. 2920.
RECOMMENDATION: That City Council adopt **Ordinance No. 2920** amending Article II of Chapter 4 of the City Code regarding public projects to increase bidding thresholds; to amend the change order threshold; to allow the City Council to award projects over the Tier 2 limit as authorized by statute; to increase the City Manager's authority to award and execute public project contracts; to allow delivery of notices by any legally permissible method and to reduce required delivery time for notices inviting formal bids; to delegate the adoption of formally bid project plans, specifications and working details to the City Engineer; and to amend the requirements for the prequalification of contractors.

City Clerk Department

2. SUBJECT: Legal Advertising Agreement.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an agreement (A- 7994) with Vida Newspaper for the publication of legal notices and legal advertisements for fiscal year 2017-18.

Public Works Department

3. SUBJECT: Resolution for Right of Way Certifications.
RECOMMENDATION: That City Council adopt **Resolution No. 15,041** authorizing the Public Works Director, City Engineer, and Development Services Director to each individually approve and execute right of way certifications.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the Information/Consent Agenda as presented. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted no on J-2, because the contract was not awarded to the lowest bidder. The motion carried 5-0 on J-1 and J-3, and 4-1 on J-2 (Perello opposed).

K. PUBLIC HEARINGSPublic Works Department

1. SUBJECT: Public Hearing Regarding and First Reading of Ordinance for Water Rate Increases.
RECOMMENDATION: That City Council:
1. Holds a public hearing to receive public testimony and consider all protests concerning the adoption of an ordinance establishing water system user fees and charges.
 2. Finds that, according to the CEQA exemption listed in 14 CCR section 15273, CEQA does not apply because this ordinance establishes rates, which the Council finds are for the purposes of: meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or materials; meeting financial reserve needs and requirements; and obtaining funds for capital projects, necessary to maintain service within existing service areas.
 3. Approves the introduction and first reading by title only and waives further reading of an ordinance establishing fees and charges for the use of and for services relating to City water services.

The City Clerk announced the affidavit of publication and stated that nine written communications had been received.

Assistant City Manager Osuna gave a brief report and introduced Alex Bugbee of Carollo Engineers, who gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Victor Pandolfi, Mike Bruketta, Lawrence Stein, John Jay, Cheryl Hodge, Pat Brown, Alicia Percell, Aaron Starr, Dan Pinedo, and Daniel Chavez Jr.

Mayor Pro Tem Ramirez, seconded by Councilmember Madrigal, moved to close the public testimony portion of the public hearing; the Council approved unanimously.

Discussion ensued among the Council and staff. The City Clerk declared that, pursuant to Resolution No. 14,877, the number of written protests received was manifestly less than half of the parcels served by the City's water utility. Further discussion ensued.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve staff's recommendations (numbers 2 and 3) as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

(As it was after 10:00 p.m., the Council voted unanimously to hear Item L-1.)

L. REPORTS

Public Works Department

1. SUBJECT: Approval of Lowest Responsive Bid and Authorization to Issue and Execute a Contract for Rio Lindo Neighborhood Street Resurfacing Project PW 16-15.
RECOMMENDATION: That City Council award and approve Agreement 7949-17-PW to the lowest bidder, All American Asphalt, in the amount of \$1,547,034 for the Rio Lindo Neighborhood Street Resurfacing Project and authorize the Mayor to execute the Agreement upon receipt of final documents.

The Wastewater Division Manager gave a report. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

2. SUBJECT: Ventura County Work Release Agreement No. A-7974.

(Due to time, this item was postponed to the next meeting.)

M. PUBLIC COMMENTS ON REPORTS (None)

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:16 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 2

DATE: October 10, 2017

TO: City Council

FROM: Greg Nyhoff
City Manager

SUBJECT: Agreements for City Council Review

CONTACT: Greg Nyhoff, City Manager
Greg.Nyhoff@oxnard.org, 385-7430

RECOMMENDATION:

That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the following agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000:

- A. Carahsoft (8069-17-IT) renewal of Accela agenda & minutes and CRM/Public 311 Solutions (\$53,140).
- B. MGT of America (7147-15-FN) for State mandate cost reimbursement claims and SB90 services (\$9,400).
- C. LAFCO (Purchase Order No. 6523) for City's share of the commission's operational costs pursuant to Government Code Section 56381(b)(1) (\$63,326).
- D. City of Camarillo (Purchase Order No. 6524) for Regional Defense Partnership for the 21st Century (RDP-21) dues for Fiscal Year 2017-18 (\$32,000).
- E. Flo-Systems, Inc. (Purchase Order No. 6507) to purchase a bio-tower recirculation pump (\$30,324).
- F. Flo-Systems, Inc. (Purchase Order No. 6508) to purchase a process water replacement pump (\$31,059).

BACKGROUND

On November 16, 2010, the City Council approved changes to the City's Purchasing Procedures reducing the threshold for City agreements/contracts and change orders/amendments requiring

Agreements for City Council Review
October 10, 2017
Page 2

City Council approval to \$25,000. The agreements/contract and change orders/amendments described on the attached list involve amounts above \$25,000 and up to \$250,000.

FINANCIAL IMPACT

A complete explanation of the agreement and funding sources are attached.

NOTE: Copies of the agreement/contracts and change orders/amendments on the list are available in the City Clerk's Office prior to the Council meeting.

ATTACHMENTS:

Attachment : City Manager Contract List for October 10, 2017

City Manager Contract List for 10/10/2017

Contracts from \$25,000 to \$250,000

J.2.a

A Software License Agreement

Vendor: Carahsoft
Type: Original Agreement
Agreement No.: 8069-17-IT
Amendment No.: N/A
Purchase Order No.: 6164
Begin Date: 10/02/2017
End Date: 11/03/2018
Term: 13 months

Amount to be Approved: \$53,140
Current FY Amount: \$53,140
Total Contract Amount: \$53,140
Funding Source: 731 - Information Service
Vendor Selection Process: Joint Purchase
of Bids/Proposals/Quotes: N/A
Project Manager: Gary Krumian
Department: Information Technology Department
Telephone: 805-385-7558
Email: gary.krumian@oxnard.org

Purpose: Staff is requesting authorization to enter into an agreement with Carahsoft Technology Corp (8069-17-IT) in the amount of \$53,140 for the renewal of Accela Agenda & Minutes and CRM/Public 311 solutions for a 13-month term beginning in October 2017 and ending in November 2018. Agenda & Minutes and the CRM/Public 311 services are two distinct and independent products and can be renewed or cancelled separately at any time.

These products will be purchased through the General Services Agreement (GSA) contract number GS-35F-0119Y which the City can use for purchasing as it falls within cooperative purchasing guidelines.

B Comprehensive State Mandates Cost Reimbursement Claims for SB90 Services

Vendor: MGT of America
Type: Amendment
Agreement No.: 7147-15-FN
Amendment No.: 2
Purchase Order No.: 5627
Begin Date: 07/01/2015
End Date: 06/30/2018
Term: 3

Amount to be Approved: \$9,400
Current FY Amount: \$9,400
Total Contract Amount: \$28,200
Funding Source: 101 - General Fund
Vendor Selection Process: Negotiated Contract
of Bids/Proposals/Quotes: N/A
Project Manager: Christine Williams
Department: Finance Department
Telephone: 805-385-7468
Email: Christine.Williams@oxnard.org

Purpose: Staff is requesting authorization to enter into a Second Amendment with MGT of America (7147-15-FN) in the amount of \$9,400 for comprehensive State mandate cost reimbursement claims for SB90 services.

MGT is to establish a schedule and approach needed to complete all new or first-time claims due within the first quarter and second quarters of FY 2017-2018. Facilitate department staff describing how the agency complies with the specific mandated programs and assist City to determine eligible cost. MGT will also prepare all necessary department-wide Indirect Cost Rate Proposals to determine allowable costs in accordance with Office of Management and Budget (OMB).

City Manager Contract List for 10/10/2017

Contracts from \$25,000 to \$250,000

J.2.a

C Local Agency Formation Commission (LAFCo) Apportionment of Net Costs

Vendor: LAFCo
Type: Purchase Order
Agreement No.:
Amendment No.: N/A
Purchase Order No.: 6523
Begin Date: 10/02/2017
End Date:
Term:

Amount to be Approved: \$63,326
Current FY Amount: \$63,326
Total Contract Amount: \$63,326
Funding Source: 101 - General Fund
Vendor Selection Process: Government Entity
of Bids/Proposals/Quotes: N/A
Project Manager: Greg Nyhoff, City Manager
Department: Office of the City Manager
Telephone: 805-385-7430
Email: greg.nyhoff@oxnard.org

Purpose:

Pursuant to Government Code Section 56381(b)(1), staff is requesting authorization to pay LAFCo in the amount of \$63,326 for the City's share of the commission's operational costs. LAFCo is required by law to annually adopt a budget for a July 1 to June 30 fiscal year. LAFCo charges application fees for processing proposals and can accept grants and other forms of revenue. Any costs necessary to fund LAFCOs that are not derived from application fees or other revenue sources are apportioned by the County Auditor based on the budget adopted by LAFCo and charged one third to the County, one third to the cities based on total revenues, and one third to the independent special districts based on "revenues for general purpose transactions."

Each County in California has a LAFCo. LAFCOs are independent agencies that are not part of County government and are not under the authority of the County Board of Supervisors. All LAFCOs include at least five Commissioners from cities, the county and the public. Mayor Pro Tem Ramirez is the City of Oxnard representative on LAFCo.

City Manager Contract List for 10/10/2017

Contracts from \$25,000 to \$250,000

J.2.a

D Regional Defense Partnership for the 21st Century (RDP-21) Dues for Fiscal Year 2017-18

Vendor: City of Camarillo
Type: Purchase Order
Agreement No.:
Amendment No.: N/A
Purchase Order No.: 6524
Begin Date:
End Date:
Term:

Amount to be Approved: \$32,000
Current FY Amount: \$32,000
Total Contract Amount: \$32,000
Funding Source: 101 - General Fund
Vendor Selection Process: Government Entity
of Bids/Proposals/Quotes: N/A
Project Manager: Greg Nyhoff, City Manager
Department: Office of the City Manager
Telephone: 805-385-7430
Email: greg.nyhoff@oxnard.org

Purpose: Staff is requesting authorization to pay the City of Camarillo in the amount of \$32,000 for Regional Defense Partnership for the 21st Century (RDP-21) dues for Fiscal Year 2017-18. The City of Camarillo acting in a fiduciary capacity on behalf of the RDP-21. The City of Oxnard has been a member of the Regional Defense Partnership for the 21st Century (RDP-21) since 1997 and adopted City Council Resolution No. 11,251 for lobbying efforts to prevent reductions in our two military bases at Naval Base Ventura County and Point Mugu.

RDP-21 was formed in the early 1990's to fight Base Realignment and Closure (BRAC) and has remained active ever since to lobby for military construction projects needed by Naval Base Ventura County (NBVC) and for the transfer of functions from shrinking or closing military bases to NBVC. Since NBVC is the county's single largest employer, retaining its tenant activities is vital for the economic health of the entire county. RDP-21 is made up of cities, the County, and residents who either work for local military contractors or are retired employees of the base. These people generously donate their time and technical expertise, but funding comes from government agencies.

As a member of RDP-21, the City of Oxnard is allocated one representative to serve on RDP-21 Board of Directors (the Board). Councilman MacDonald is the City's representative. The Cities of Ventura, Port Hueneme, Camarillo, Simi Valley and Thousand Oaks, and the County of Ventura, also have representatives who serve on the Board.

Since 1997, the City has funded RDP-21 membership dues, which are based on the proportion of the Base's employees that reside in each member city. Although RDP-21's staff works on a volunteer basis, the group uses funding to hire consultants and lobbyists to carry out its mission.

City Manager Contract List for 10/10/2017

Contracts from \$25,000 to \$250,000

J.2.a

E Bio-Tower Recirculation Pump Bowl Assembly

Vendor: Flo-Systems, Inc.
Type: Purchase Order
Agreement No.:
Amendment No.: N/A
Purchase Order No.: 6507
Begin Date: 07/11/2017
End Date: 12/31/2017
Term:

Amount to be Approved: \$30,324
Current FY Amount: \$30,324
Total Contract Amount: \$30,324
Funding Source: Wastewater Treatment Operating
Vendor Selection Process: Negotiated Contract
of Bids/Proposals/Quotes: N/A
Project Manager: Thien Ng
Department: Public Works/Wastewater
Telephone: 805-432-3575
Email: thien.ng@oxnard.org

Purpose: Staff is requesting authorization to purchase a bio-tower recirculation pump from Flo-Systems (Purchase Order No. 6507) in the amount of \$30,324. On May 26, 2017, the bio-tower recirculation pump #1 failed. The bio-tower provides first stage of secondary treatment to remove wastewater organics. The bio-tower recirculation pump delivers treated primary effluent to the bio-tower for secondary treatment. The bio-tower recirculation pumping station consists of three vertical turbine pumps, two on duty and one standby.

The bio-tower recirculation pump is manufactured by Cascade Pump Company. Flo-Systems, Inc. is the sole municipal market distributor in Southern California that can provide a new pump bowl assembly replacement; therefore, this is a sole source purchase from Flow-Systems, Inc.

F Process Water (3W) Replacement Pump

Vendor: Flo-Systems, Inc.
Type: Purchase Order
Agreement No.:
Amendment No.: N/A
Purchase Order No.: 6508
Begin Date: 07/11/2017
End Date: 12/31/2017
Term:

Amount to be Approved: \$31,059
Current FY Amount: \$31,059
Total Contract Amount: \$31,059
Funding Source: Wastewater Treatment Operating
Vendor Selection Process: Negotiated Contract
of Bids/Proposals/Quotes: N/A
Project Manager: Thien Ng
Department: Public Works/Wastewater
Telephone: 805-432-3575
Email: thien.ng@oxnard.org

Purpose: Staff is requesting authorization to purchase a new pump assembly from Flow-Systems, Inc. (Purchase Order No. 6508) in the amount of \$31,059. The Wastewater Treatment Plant utilizes a portion of the treated and disinfected wastewater flow as process (3W) non-potable water. Process water (3W) is utilized as equipment cooling water, biosolids process water and process wash down water. On June 8, 2017, pump #3 in the 3W pumping station failed. The 3W pumping station consists of three vertical turbine pumps, two on duty and one standby.

The 3W pump is manufactured by Byron Jackson JFL Pump Company. Flo-Systems, Inc. is the sole municipal market distributor in Southern California that can provide a new pump assembly replacement; therefore, this is a sole source purchase from Flow-Systems, Inc.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Public Hearing

AGENDA ITEM NO.: 1

DATE: October 10, 2017

TO: City Council

THROUGH: Greg Nyhoff
City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: Six Amendments to the Zoning Code Related to Housing Element (10/20/20)

CONTACT: Ashley Golden, Development Services Director
Ashley.Golden@oxnard.org, 385-7882

RECOMMENDATION:

That the City Council:

1. Approve for first reading six Zoning Text Amendment ordinances (PZ NO. 17-580-02 AND PZ NOS. 17-580-05/-06/-07/-08/-09) relating to: 1) Attached Dwelling Unit development standards; 2) R-2 Multiple Family development standards; 3) Accessory Dwelling Units standards; 4) Reasonable Accommodation application fee and findings; 5) waiver of lot merger fees to encourage affordable housing development; and 6) farmworker housing definitions, allowed use in industrial and community reserve zones, and parking standards.
2. Direct staff to incorporate zoning text amendments into the Municipal Code after the second reading.

BACKGROUND

On December 13, 2016, the City Council adopted the 2013-2021 Housing Element and accompanying Zoning Code Amendments pertaining to State Density Bonus, the All-Affordable Housing Opportunity Program (AAHOP), and Accessory Dwelling Units (ADU) (Ordinances Nos. 2912, 2913, and 2914, respectively).

Six Amendments to the Zoning Code Related to Housing Element (10/20/20)

October 10, 2017

Page 2

Pursuant to Government Code Section 65588(e)(4), the City must revise its next element by October 15, 2017 because it did not adopt the Housing Element within the Department of Housing and Community Development (HCD) prescribed eight-year time frame; the Housing Element was initially required to be adopted by October 15, 2013. The four-year update cycle (Oct. 2013 – Oct. 2017) is known as a Mid-Cycle. Adopting the Mid-Cycle Housing Element will enable the City to be back on an eight-year Housing Element review cycle. Cities who do not adopt Housing Elements within the prescribed deadlines follow the Mid-Cycle review process.

On March 27, 2017, HCD issued a conditional certification letter (Attachment A) for the 2013-2021 Housing Element. This conditional certification letter listed five specific Housing Element programs (“programs”) for which the City had expressed commitment to implement. These programs are:

- Programs 6 “Zoning Code/Text Amendments” (addressed within this staff report)
- Program 9 “Farmworker Housing” (addressed within this staff report)
- Program 25 “Annexation” (addressed within Mid-Cycle Housing Element companion staff report item on Oct. 10th agenda)
- Program 26 “All Affordable Housing Opportunity Program (AAHOP) Monitoring” (addressed within Mid-Cycle Housing Element Companion staff report item on Oct. 10th agenda); and
- Program 29 “Review of Parking Standards” (addressed within this staff report)

Staff has prepared six Zone Text Amendments (ZTA’s) (PZ Nos. 17-580-02/-05/-06/-07/-08/-09) with the intent that the ZTA’s would move in tandem with the 2013-2021 Mid-Cycle Housing Element Update (“Update”) which is also on the City Council’s Oct. 10th agenda for consideration. Proceeding in this fashion will allow the City to conduct the HCD required first reading of the ZTA’s by the HCD imposed deadline of October 15, 2017.

DISCUSSION

The six draft ZTA’s: reflect amendments needed to address changes in and clarification of state regulations; address questions/comments Planning staff have received at the public counter and as a result of processing affordable housing development projects; and responds to public comments received during the outreach process (April – Sept. 2017) and at the Planning Commission meeting on September 7, 2017. The six ZTA ordinances are summarized below and are included as Attachments B to G.

1. PZ 17-580-02 (Attachment B) - Attached Dwelling Unit Development Standards (for six or more attached dwelling units)

Section 16-362(A): Changes the minimum size of a one-bedroom unit from 700 to 450 square feet (sf) and of a two-bedroom unit from 900 to 800 sf. The minimum size unit in the Central Business District is 450 sf. and will not be changed with this proposed ZTA.

Section 16-362(B): Changes the minimum separation between two multifamily structures from the height of the tallest structure to one-half the height of the tallest structure, or as determined during the development review process to address health and safety issues. This standard is frequently waived and largely unworkable with three story buildings that are increasingly included with multifamily developments.

At its September 7, 2017 hearing, the Planning Commission recommended changing one word of the R-2 ZTA from “buildings” to “dwelling unit” pertaining to setbacks between buildings in the R-2 zone. The draft ZTA proposed by staff currently reads (legislative format and bold word recommended to be changed by the Commission): “Building separation – Minimum ~~building~~ separation between any two **buildings** shall be a distance equal to half of the height of the height of the taller structure unless otherwise determined by health and safety requirements during the development advisory committee review process”. Staff believes the Planning Commission was not fully aware of the Oxnard City Code (OCC) definitions of the two terms (building versus dwelling unit) and that the term “building” is more appropriate. A building is any kind of structure including garages or carports (OCC Section 16-10(20)) while a dwelling unit is limited to just habitable space (OCC Section 16-10(43)). The intent of the code modification was that the distance and development review requirement should consider building height and adjacency regardless of the type of building.

2. PZ 17-580-05 (Attachment C) - R-2 Multiple-Family Zone

Section 16-41: Deletes the requirement of no more than six units per building. This standard is frequently waived though a Planned Development (PD) or Planned Residential Group (PRG) process. Though discussions with the development community and staff’s professional work, Staff has found that this requirement is largely unworkable with attached townhouse style structures. Further density is regulated by the zoning ordinance dwelling units/acre standard. The requirement of no more than six units per building is a requirement unique to just the R-2 zone.

3. PZ 17-580-06 (Attachment D) - Accessory Dwelling Units (ADU)

Sections 16-10 and 16-465: Modifies to better match HCD’s December 2016 ADU Memorandum clarifying the three types of ADU: 1) entirely within an existing legal housing unit or accessory structure; 2) attached to an existing legal housing unit or existing legal accessory structure; or 3) a new free-standing structure.

Sections 16-466 and 16-467: Modifies selected ADU development review standards and procedures to better match HCD’s December 2016 ADU Memorandum and clarify procedures for ADU proposals with a local, State, or Federal historic designation or within the 2005 Downtown Oxnard Historic Resources Survey area. The minimum ADU size remains at 600 gross sf (gsf) and the maximum of 50 percent of the primary unit living area up to 1,200 square feet. State law requires that cities allow an efficiency unit with a minimum size of 220 gross square feet as defined by Health and Safety Code (HSC) Section 17958.1.

Section 16-468, 16-469, and 16-622: Amends ADU parking requirements to be consistent with State law and clarifies that conversion of a primary unit's required garage to an ADU requires replacement of the converted garage spaces within a new garage located on the same lot and compliant with applicable zoning regulations.

Since the beginning of the 2017, Planning Staff have received approximately 30 inquiries regarding conversion of a garage required for the primary residence into an ADU. ADU updates address questions and issues Planning staff have encountered at the public counter since Jan. 2017. This amendment clarifies when a garage for the primary residence is converted to an ADU, a replacement code compliant garage shall be required. Of the few local jurisdictions that have adopted ADU zoning code updates, both Port Hueneme and the City of Camarillo require a replacement garage when a required garage for the primary residence is converted to an ADU. In response to questions regarding replacement housing, County Planning staff is updating their ordinance to require replacement parking. Housing Element Program 6 commits the City to monitor this requirement to determine if the requirement is an impediment to the creation of ADU's.

Section 16-469.5: Clarifies that an ADU may be approved within the Central Business District (CBD) and Commercial General (C-2) zones on a legal parcel with a single family home through the special use permit process.

4. PZ 17-580-07 (Attachment E) - Reasonable Accommodation

Section 16-501.5: Pursuant to discussions with HCD, remove Consideration (B)(7) – which states: “Whether proposed changes to property or structures are compatible with surrounding development or create potential impact(s) on surrounding uses”. This finding was considered by HCD as too discretionary for what is a ministerial “by right” permit. Other development standards in other sections of the Oxnard City Code address land use compatibility.

5. PZ 17-580-08 (Attachment F) - Lot Merger Fees within AAHOP projects

Section 16-420G: With support from public commenters and HCD staff, and with approval by the City Council, this amendment would waive lot merger fees for lots that are within an AAHOP site. Presently, the lot merger application fee is \$2,116.89 and increases by \$26.03 for each additional lot. To date, two of the four AAHOP projects either approved or in process involved lot mergers. With Council approval, this waiver would be considered a City incentive to merge lots into larger lots more suitable to redevelopment and construction of affordable housing.

6. PZ 17-580-08 (Attachment G) - Farmworker Employee Housing

Section 16-10: Replaces the definition for Farmworker Housing and modifies the definition for Single Family Dwelling to be consistent with State law.

Sections 16-188(B) and 16-256: Adds “Farmworker Employee Housing” as an allowed use within the M-L Limited Manufacturing Zone and C-R Community Reserve Zone to be consistent with State law. This amendment has the effect of allowing “Farmworker

Employee Housing” in the M-1 Light Manufacturing and M-2 Heavy Manufacturing Zones as these two zones allow the M-L uses, under certain conditions.

With regards to allowing Farmworker Employee Housing in the City’s three industrial zones, Staff has been working with stakeholders and will bring forward by the middle of 2018 comprehensive revisions to the M-L, M-1, and M-2 industrial zoning sections to update uses and development standards. The proposed changes include changing agriculture from an allowed-by-right use to a conditional use, which would also change Farmworker Employee Housing to a conditional use. With regards to the C-R zone, 49 areas with C-R zoning are owned by the Union Pacific Railroad, City, or one of the area school districts.

Section 16-622(F): Adds off-street parking requirements for group-quarters-style farmworker employee housing at one space for every two farmworkers and up to four spaces for employees. Off-street parking requirements for farmworkers living in single and multifamily housing units are the same as already required.

Farmworker housing in dormitory-style group quarters is a use usually found only in farming communities. City staff have determined that the parking requirements for Farmworker employee housing is comparable to the standard utilized in other jurisdiction. Staff contacted the following agricultural communities to obtain information regarding their Farmworker parking requirements:

- Gilroy – one parking space per two occupants
- Salinas – one parking space per three beds
- King City – one parking space per occupant

The September 7, 2017 Planning Commission Resolution No. 2017-19 recommending that the City Council adopt the amendments is included as Attachment H.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

In accordance with Section 15061 (b) 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. Therefore, a notice of exemption has been prepared (see Attachment I).

COMMUNITY INPUT AND LEGAL NOTICE

The draft ZTA’s were posted on the City’s website in mid-August and distributed to interested parties in this same timeframe. State and City legal noticing requirements were met with publication of a notice of hearing in the Vida Newspaper on September 28, 2017. Several letters were received commenting on the proposed ZTA’s and are included as Attachment J.

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

Six Amendments to the Zoning Code Related to Housing Element (10/20/20)
October 10, 2017
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vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

FINANCIAL IMPACT

Adoption of the reduced application fee for a Reasonable Accommodation permit and waiver of fees for Lot Mergers for AAHOP projects would result in reduced permit fee revenue to the Planning Division of an estimated \$10,000 over the next five years.

ATTACHMENTS:

ATTCH A March 27 2017 HCD cert of 2013-2021 Housing Element

ATTCH B PZ 17-580-02 Attached DU standards

ATTCH C PZ 17-580-05 Remove R-2 six-unit standard

ATTCH D PZ 17-580-06 Clean Up ADU

ATTCH E PZ 17-580-07 Reasonable Accommodation

ATTCH F PZ 17-580-08 Lot merger fee waiver for AAHOP

ATTCH G PZ 17-580-09 Farmworker employee housing

ATTCH H Planning Commission Reso. 2017-19_Zone Text Amendments

ATTCH I CEQA Exemption

ATTCH J Public Correspondence RE Mid-Cycle Housing Element and ZTAs 2017

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
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March 27, 2017

Mr. Greg Nyhoff, City Manager
City of Oxnard
City Manager's Office
300 West Third Street, 4th Floor
Oxnard, CA 93030

Dear Mr. Nyhoff:

RE: City of Oxnard's 5th Cycle (2013-2021) Adopted Housing Element

Thank you for submitting Oxnard's housing element. The element was adopted on December 13, 2016 and received for review on December 27, 2016. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review. The Department also considered comments from the Law Office of Barbara Macri-Ortiz pursuant to GC Section 65585(c).

The adopted element conditionally meets the statutory requirements of State housing element law (GC, Article 10.6). The Department's review found the adopted housing element to be substantially the same as the revised housing element the Department's September 15, 2015 review determined met statutory requirements. Further, the City completed zoning amendments (e.g., density bonus, accessory dwelling units, AAHOP) as noted in the prior review.

This finding of compliance is conditioned on implementation of programs, particularly related to zoning amendments. Specifically, the City must continue timely and effective implementation of remaining commitments in Program 6 (Zoning Code Amendments), Program 9 (Farmworker Housing), Program 25 (Annexation), Program 26 (AAHOP Monitoring) and Program 29 (Review of Parking Standards). The City should also examine and modify, as appropriate, the recent zoning amendments passed in 2016.

The City must revise its next element by October 15, 2017. GC Section 65588(e)(4) requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date of October 15, 2013 for SCAG localities to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates.

Mr. Greg Nyhoff, City Manager
Adopted Housing Element Review
Page 2

Please note the City of Oxnard now meets specific requirements for several State funding programs designed to reward local governments for compliance with State housing element law. Please see the Department's website for specific information about housing element compliance and funding programs.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information and revisions regularly available in a timely manner, considering and incorporating comments where appropriate.

The Department wishes the City of Oxnard success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide assistance in implementing the housing element, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,



Jennifer Seeger
Assistant Deputy Director

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
OXNARD CITY CODE SECTIONS 16-362 (A) AND 16-362 (B) TO REDUCE MINIMUM
UNIT SIZE AND MODIFY BUILDING SEPARATION

WHEREAS, Oxnard City Code section 16-362(A), “Minimum dwelling size” in the Development Standards subsection of the Division 2 “Attached Dwelling Unit Development Standards” currently states: “One bedroom: 700 square feet; two or more bedrooms; 900 square feet;” and

WHEREAS, City Code section 16-362(B), “Building separation” in the Development Standards subsection of the Division 2 “Attached Dwelling Unit Development Standards” currently states: “Minimum building separation between any two buildings shall be a distance equal to the height of the taller structure;” and

WHEREAS, the Division 2 “Attached Dwelling Unit Development Standards” are increasingly applied to most new development in the City as average density increases and most development includes six or more units that requires application of the Division 2 “Attached Dwelling Unit Development Standards;” and

WHEREAS, the Division 2 “Attached Dwelling Unit Development Standards” were originally created when multi-unit development was designed as low-rise garden apartments at a generally lower density than current and anticipated multifamily developments that increasingly include affordable housing units; and

WHEREAS, developers routinely request a concession, Planned Development reduction, and/or a development standards waiver for one or both of these standards; and

WHEREAS, the minimum unit size within the Central Business District (CBD) area is 450 square feet and public safety or neighborhood compatibility reasons do not require that the City restrict smaller apartments to only the CBD zone; and

WHEREAS, the revisions to this ordinance are implementing Program 6, Zoning Code Amendments, of the conditionally-certified 2013-2021 Housing Element and will assist with implementation and administration of the Housing Element; and

WHEREAS, it is in the best interest of the public to establish and update standards relating to provision of affordable housing in specified zones in the City; 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 September 7, 2017.

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

Section 1. Amend Oxnard City Code Section 16-362(A). Existing subsection (A) of City Code Section 16-362, “Development Standards” is amended as shown below wherein strikeout indicates removed text and underline indicates added text:

“(A) Minimum dwelling size – one bedroom: ~~700~~ 450 gross square feet; two or more bedrooms; ~~900~~ 800 gross square feet.”

Section 2. Amend Oxnard City Code Section 16-362(B). Existing subsection (B) of City Code Section 16-362, “Development Standards” is amended as shown below wherein strikeout indicates removed text and **bold** indicates added text:

“(B) Building separation – Minimum ~~building~~ separation between any two buildings shall be a distance equal to half of the height of the taller structure unless otherwise determined by health and safety requirements during the development advisory committee review process.

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

Section 5. 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 10th day of October, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING OXNARD CITY CODE SECTION 16-41 TO REMOVE THE
REQUIREMENT OF NOT MORE THAN SIX UNITS PER BUILDING

WHEREAS, Oxnard City Code section 16-41(B), “Uses Permitted” in the R-2 “Multiple-Family Zone” currently states: “Multiple-family dwelling units, either in separate buildings or combined in one or more main buildings to a maximum of six units per building;” and

WHEREAS, the R-3 “Garden Apartment” and R-4 “High-Rise Residential” zones and a range of Commercial zone indirectly incorporate the requirements of 16-41(B) and create a question whether the not-more-than-six-units-per-building regulation applies in these zones; and

WHEREAS, the revisions to this ordinance are implementing Program 6, Zoning Code Amendments, of the conditionally-certified 2013-2021 Housing Element; and

WHEREAS, this ordinance will assist in the implementation and administration of the City’s Housing Element; and

WHEREAS, it is in the best interest of the public to establish and update reasonable standards relating to affordable housing in specified zones in the City; 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.

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

Section 1. Amend Oxnard City Code Section 16-41 “Uses Permitted”. Existing subsection (B) of City Code Section 16-41, “Uses Permitted” is amended as shown below wherein strikeout indicates removed text and underline indicates added text:

“(B) Multiple-family dwelling units, either in separate buildings or combined in one or more main buildings ~~to a maximum of six units per building.~~”

Section 2. 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.

Ordinance No.

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Section 3. Effective date. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 4. 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 10th day of October, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING DIVISION 13 OF ARTICLE V OF CHAPTER 16 OF THE OXNARD
CODE RELATING TO ACCESSORY DWELLING UNITS.

WHEREAS, effective January 1, 2017, Government Code §65852.2 was amended 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, 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, the California Department of Housing and Community Development (HCD) released their 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 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 have implemented Ordinance No. 2914 since January 2017 and determined additional revisions are needed to assist in implementation of the Ordinance while still being in compliance with Government Code Section 65852.2; and

WHEREAS, it is in the best interest of the public to establish and update standards relating to ministerial approval of Accessory Dwellings Units in specified zones in the City that are likely to play an increasingly important role in providing affordable housing; and

WHEREAS, the revisions to this ordinance implements Program 6, Zoning Code Amendments, of the 2013-2021 Housing 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 September 7, 2017.

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 subsection (A)(2) of City Code Section 16-10, “Accessory Dwelling Unit”, is amended as shown below wherein strikeout indicates removed text and underline indicates added text:

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

Section 2. Amend Oxnard City Code Section 16-465 “Definitions”. Existing Oxnard City Code Section 16-465 is amended as shown below wherein strikeout indicates removed text and underline indicates added text:

Section 16-465. Purpose and Findings.

- A. Accessory dwelling units are ~~typically~~ located within, attached to, or ~~behind or within large and the~~ primary single family units, and can provide an important source of affordable housing.
- B. Accessory dwelling units, when appropriately size 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.

Section 3. Amend Oxnard City Code Section 16-466. Existing Oxnard City Code Section 16-466 “Ministerial Consideration” is amended as shown below wherein strikeout indicates removed text and underline indicates added text.

Section 16-466. Ministerial Consideration.

- A. *New Detached Construction*. If the director receives an application to construct an accessory dwelling unit ~~(by either adding on to an existing structure, or constructing a new detached structure)~~, and the proposal meets all of the requirements of the City Code, then within 120 days of the director receiving a complete 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 120 days of the director receiving a complete application the accessory dwelling unit, the director shall ministerially approve the application without a hearing.
- C. ~~No Expansion.~~ *Construction Within Existing Structure*. If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory dwelling unit entirely within the existing space of a single-family residence or accessory structure, then the requirements of 16-469 (“Exception for Accessory Dwelling Unit Within Existing Single Family Residence or Accessory Structure”) shall apply.
- D. *Historic District or Historic Property*. If the applicant submits a complete 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, except that the accessory dwelling unit use is allowed pursuant to Government Code Section 65852.2.

Section 4. Amend Oxnard City Code Section 16-467. Existing Oxnard City Code Section 16-467 “Standards for Review” is amended as shown below wherein strikeout indicates removed text and underline indicates added text.

Section 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”), 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 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”.
- C. *Single Family Dwelling*. There must be an existing single-family dwelling on the lot, and the single-family dwelling must be either legal nonconforming, or legal.

- D. *No Passageway.* No passageway shall be required in conjunction with the construction of 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 a garage.
- F. *Kitchen.* The accessory dwelling unit shall contain its own kitchen facility and bathroom facility separate from the primary dwelling unit. The kitchen facility shall include at least one of each of the following features: (i) sink; (ii) refrigerator of more than 5 cubic feet capacity; and (iii) range or cooktop. The accessory dwelling unit shall comply with all applicable habitability standards.
- 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 ~~The~~ accessory dwelling unit shall comply with the architectural standards of section 16-23. ~~If the accessory dwelling unit is an addition to the primary unit, the accessory dwelling unit and~~ shall be of materials, colors and in a style which are each compatible with the primary residence, as reasonably determined by the director.
- 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.
- J. *Separate entrances.* The accessory dwelling unit shall have an 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.
- 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. 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 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 of lots that are developed as one residential use.

- ~~O. *Historic Structures.* The accessory dwelling unit shall not be on any parcel that is listed in the California Register of Historic Places, and shall not be conspicuously visible from any parcel that is listed in the California Register of Historic Places. Applicant shall obtain a certificate of appropriateness from the City, prior to filing an application for an Accessory Dwelling Unit permit on a parcel that is visible from the parcel listed in the Register.~~
- P. *Sprinklers.* Fire sprinklers are required for any accessory dwelling unit if they are required for the primary residence.
- Q. *Building Code.* All building standards code requirements that apply to detached dwellings apply to accessory dwelling units.
- R. *Maximum Floor Area.*
1. *Detached Unit.* If the accessory dwelling unit is detached from the existing primary dwelling unit, then the accessory dwelling unit's maximum permissible floor area shall be 50% of the square footage of the primary residence, except that the maximum shall not be less than 600 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 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 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, except that the maximum shall not be less than 600 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 Health and Safety Code Section 17958.1) shall be allowed to be constructed in compliance with the local development standards.

Section 5. Amend Oxnard City Code Section 16-468. Existing Oxnard City Code Section 16-468 "parking" is amended as shown below wherein ~~strikeout~~ indicates removed text and **bold** indicates added text.

Section 16-468. Parking.

- A. *Parking Requirements.* The requirements of Municipal Code Section 16-622.F (entitled “Schedule of Vehicle-Off-Street Parking Requirements”) apply.
- B. *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, ~~and the offstreet parking spaces are required to be replaced (See Code Section 16-622 for a listing of the special situations when parking is not required for accessory dwelling units),~~ parking for the required primary unit shall be provided in accordance with Oxnard City Code requirements and shall comply with all applicable setbacks and other standards. 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.

Section 6. Amend Oxnard City Code Section 16-469. Existing Oxnard City Code Section 16-469 is amended as shown below wherein strikeout indicates removed text and **bold** indicates added text.

Section 16-469. Exception for Accessory Dwelling 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, ministerially approve a complete application for a ~~building~~ 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 ~~zoned R-1 (Single Family), R-2 (Multiple Family), and R-3 (Garden Apartment) zones.~~ 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 rear setbacks are sufficient 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.

Section 7. Amend Oxnard City Code Section 16-469.5. Oxnard City Code Section 16-469.5 is amended as shown below wherein strikeout indicates removed text and underline indicates added text.

Section 16-469.5. Accessory Dwelling Unit Uses in C-2 and CBD Zones.

(A) Accessory Dwelling Units are allowed in the C-2 and CBD zones upon the issuance of a special use permit pursuant to Division 3, Section 16-530 of the Oxnard City Code if the lot is developed with only a legal single family unit.

~~(B) The Director is directed to approve the application within 120 days of receipt of a complete application.~~

Section 8. Revised Code Section 16-622. City Code section 16-622, entitled (“Schedule of Vehicle-Off-Street Parking Requirements”) are hereby revised as follows:

The second row of the chart within subsection (F) entitled “Residential” is revised, and a row shall be added immediately thereafter, to provide as follows:

<i>Uses</i>	<i>Minimum Off-Street Parking Requirements</i>	<i>Notes</i>
Residential:		
<i>Detached single-family units:</i>		
Detached single-family dwelling with either (1) detached accessory dwelling unit or (2) the construction of additional square footage to accommodate an attached accessory dwelling unit	Same as above for the single family dwelling. For accessory dwelling units: In addition to the required parking for the single family dwelling, there shall also be a number of vehicle parking spaces equal to the greater of: (a) one; or (b) the number of bedrooms in the accessory dwelling unit. The vehicular access to the parking area for the accessory dwelling unit shall be at least ten (10) feet wide and paved. The required parking space(s) for an accessory dwelling unit are not required to be covered.	Parking for accessory units may be provided either as (1) tandem parking on an existing driveway or in an existing garage; or (2) in a setback area. <u>The accessory dwelling unit parking space(s) may not be located in the front yard.</u> <u>The parking shall be located on the same lot as the primary residential dwelling unit.</u> The director may, however, disapprove such tandem/setback parking if the director finds that the tandem/setback 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.
<i>Note:</i> To the extent required by Government Code Section 65852.2, as it may be amended from time to time, none of the following accessory dwelling units require <u>additional</u> parking <u>for the accessory dwelling unit</u>: (1) the accessory dwelling unit is located within one-half mile of public transit; (2) the accessory dwelling unit is located within a city-recognized historic district; (3) the accessory dwelling unit is <u>constructed entirely within the part of the existing</u> legally existing primary residence or a legally 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.		

Section 9. Development Related Fees. City staff is directed to continue to collect all lawful fees relating to the approval of accessory dwelling units (previously referred to as “second units”), including but not limited to, the processing of planning applications, impact fees, connections fees, and the consideration and issuance of building and related permits, to the maximum extent allowed by Government Code Section 65852.2 (d) (4). The City Council may update such fees by resolution.

Section 10. 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 11. Effective date. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 12. 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 10th day of October, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
DIVISION 13 OF ARTICLE V OF CHAPTER 16 OF THE CITY CODE RELATING TO
REASONABLE ACCOMMODATION.**

WHEREAS, Division 17 of the Oxnard City Code provides a procedure and sets standards for persons with disabilities seeking a reasonable accommodation in the provision of housing and is intended to comply with Government Code Section 65583(c)(3); and

WHEREAS, the Oxnard 2030 General Plan Chapter 8, 2013-2021 Housing Element, provides goals and policies for reasonable accommodations for persons with disabilities, as well as the Federal Fair Housing Act (42 U.S.C. Sections 3601 *et seq.*) and the California Fair Employment and Housing Act (Government Code Sections 12900 *et seq.*) regarding the application of zoning laws and other land use regulations, policies and procedures; and

WHEREAS, City Council Ordinance No. 2848 was adopted on September 13, 2011 amending the Zoning Code Chapter 16 and creating Division 17 to provide a procedure and set standards for persons with disabilities seeking a reasonable accommodation in the provision of housing; and

WHEREAS, on March 27, 2017, the California Department of Housing and Community Development (HCD) conditionally approved the City's 2013-2021 Housing Element, which included a direction to modify Code Section 16-501.5 regarding findings; and

WHEREAS, it is in the best interest of the public to modify reasonable accommodation procedures and standards at the suggestion of HCD and in response to public input that the permit fee was not proportional to the valuation of the typical reasonable accommodation permit; 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 September 7, 2017.

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

Section 1. Amend Section 16-501.2. Existing Oxnard City Code Section 16-501.2, "Application Requirements" is amended as shown below wherein strikeout indicates removed text and underline indicates added text:

Section. 16-501.2. APPLICATION REQUIREMENTS.

(A) Application - A request for reasonable accommodation shall be made on a city application form or in the form of a letter to the director and shall contain the following information:

- (1) The applicant's name, address and telephone number, and written permission of the property owner, if applicable.
- (2) The address of the property for which the request is being made.

- (3) The current use of the property.
- (4) Documentation for the claim that the person is considered disabled under the Acts.
- (5) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.
- (6) Why the reasonable accommodation is necessary to make the specific property accessible to the person.
- (7) Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling unit.
- (B) Fee - An application must be accompanied by the applicable processing fee (equivalent to a ~~minor modification~~ Temporary Use Permit – Tier 3 fee until such time as the City Council modifies the reasonable accommodation fee) adopted by City Council resolution.

Section 2. Amend Section 16-501.5. Existing Oxnard City Code Section 16-501.5, “Findings and Decisions” is amended as shown below wherein strikeout indicates removed text and underline indicates added text:

Section. 16-501.5. FINDINGS AND DECISION.

(A) Written findings - The applicant shall be notified of the decision whether to approve, conditionally approve, modify or deny the request for reasonable accommodation through a written determination. The written determination shall be consistent with the Acts and shall be based on the following findings, all of which are required for approval:

- (1) The accommodation is requested by or on the behalf of one or more persons with a disability protected under the Acts.
- (2) The accommodation is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling unit.
- (3) The accommodation will not impose an undue financial or administrative burden on the city.
- (4) The accommodation will not result in a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
- (5) The accommodation will not result in a direct threat to the health and safety of other persons or physical damage to the property of others.

(B) Considerations - The director or planning commission may consider, but are not limited to, the following factors in determining whether the requested accommodation is reasonably necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling unit or would result in a fundamental alteration in the nature of the city’s zoning program:

- (1) Whether the reasonable accommodation is being provided primarily to benefit one or more persons with a disability.
- (2) Whether the reasonable accommodation is necessary for therapeutic benefit to the person(s) with a disability.
- (3) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
- (4) Whether granting the requested accommodation would substantially undermine any express purpose of either the city’s general plan or an applicable specific plan.

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(5) Whether the requested accommodation would significantly deprive any neighboring property owners of the use and enjoyment of their own properties.

(6) Whether there are preferable and/or feasible alternatives to the requested accommodation that may provide an equivalent level of benefit.

~~—(7) Whether proposed changes to property or structures are compatible with surrounding development or create potential impact(s) on surrounding uses.~~

Section 3. Development Related Fees. City staff is directed continue to collect all lawful fees relating to the approval of reasonable accommodation permits to the maximum extent allowed. The City Council may update such fees by resolution.

Section 4. 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 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 10th day of October, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING DIVISION 13 OF ARTICLE V OF CHAPTER 16 OF THE OXNARD
CITY CODE RELATING TO LOT MERGER FEES.

WHEREAS, the revisions to this ordinance implements Program 5, Parcel Assemblage, of the 2013-2021 Housing Element and will assist with the provision of affordable housing through the All-Affordable Housing Opportunity Program (AAHOP); and

WHEREAS, twenty-four AAHOP site listed in Supplement 2 of the 2013-2021 Housing Element include two or more City-owned parcels; and

WHEREAS, development of a project on more than one parcel usually requires the merger of the parcels and payment of a lot merger fee as stipulated by the City fee schedule; and

WHEREAS, lot merger fees are often not covered by affordable housing grants or programs; and

WHEREAS, 2013-2021 Housing Element Program 5, Parcel Assemblage, states that the City will facilitate parcel (lot) consolidations as an incentive for development of affordable housing through the AAHOP process; and

WHEREAS, it is in the best interest of the public to provide financial incentives for provision of affordable housing within the reasonable fiscal ability of the City; 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 September 7, 2017.

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

Section 1. Amend Section 16-420G. Amend Existing Oxnard City Code Section 16-420G, “Assistance for AAHOP Projects” is amended as shown below wherein strikeout indicates removed text and underline indicates added text:

Section. 16-420G. ASSISTANCE FOR AAHOP PROJECTS.

All-Affordable Housing Opportunity Program projects on designated sites within the current housing element of the general plan that are composed of multiple lots may request that lot merger fees be waived. Unless the lot merger involves unique situations that involve an agency or easement party other than the City or a utility company, the City shall grant the lot merger fee waiver request.

The City Council may, but is not required to, consider the following forms of assistance, among other forms of assistance: providing funding (e.g., in-lieu fees, gap financing, costs of public improvements

such as sidewalks), providing soft costs for project development and deferment of development impact fees and project review fees.

Section 2. Development Related Fees. City staff is directed continue to collect all lawful fees relating to the approval of AAHOP permits to the maximum extent allowed. The City Council may update such fees by resolution.

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

Section 5. 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 10th day of October, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING SEVERAL SECTIONS OF CHAPTER 16 OF THE OXNARD CITY
CODE RELATING TO FARMWORKER HOUSING AND PARKING.

WHEREAS, the revisions to this ordinance implements Program 9, Farmworker Housing Program, of the 2013-2021 Housing Element; and

WHEREAS, farmworkers and their families are welcome and important members of the Oxnard community who often have very low or low incomes due to the nature of the agricultural economy; and

WHEREAS, agricultural and agricultural processing constitutes about one-fourth of local economic activity and is supported by the general community as expressed by the initial passage and subsequent extension to the year 2050 of the Save Open Space and Agricultural Resources (SOAR) initiatives; and

WHEREAS, the local climate allows year-round agricultural uses and agricultural businesses largely employ an agricultural workforce with permanent residency in Oxnard and other locations; and

WHEREAS, farmworker households, like all household, should have access to public and commercial goods and services such as schools, transit, and recreation usually and ideally provided within an urban setting; and

WHEREAS, there are periods during which additional agricultural workers are employed who are transitory or seasonal and in need of appropriate temporary housing; and

WHEREAS, Federal and State laws require that farmworkers and the housing units they live in be treated the same as other housing within the same zoning district; and

WHEREAS, City staff have worked with House Farm Workers, Cabrillo Economic Development Corporation, and other organizations and individuals involved in farmworker quality of life and housing issues; 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 September 7, 2017.

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

Section 1. Amend Section 16-10 “Definitions”. Existing subsection (51) “farmworker housing” of Oxnard City Code Section 16-10, “definitions”, is amended as shown below wherein strikeout indicates removed text and underline indicates added text:

~~(51) FARMWORKER HOUSING – Deed restricted housing for agricultural workers that is available to and occupied only by low and very low income farmworker households, and that is subject to standards that apply to other residential dwellings of the same type and in the same zone.~~

(51) FARMWORKER EMPLOYEE HOUSING – A residential use of one or more single or multifamily dwelling units and accessory dwelling units for agricultural workers, subject to standards that apply to other residential dwellings of the same type and in the same zone, and/or group quarters structures with up to twelve (12) units or thirty-six (36) beds and a 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.

(121) SINGLE FAMILY DWELLING – A building containing one dwelling unit whether built as a detached building or 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 include Farmworker Employee Housing projects with six or fewer residents as allowed by State law.

Section 2. Amend Section 16-188(B). Existing Section 16-188(B) “permitted uses” of Oxnard City Code, Division 13 “M-L Limited Manufacturing Zone” is revised as shown below wherein strikeout indicates removed text and underline indicates added text:

(4) Farmworker Employee Housing in compliance with Health and Safety Code Section 17008(a) in connection with an agricultural workplace and provided by the employer, or Health and Safety Code Section 17008(b) for all other situations;

Section 3. Amend Section 16-256. Existing Section 16-256 “permitted uses” of Oxnard City Code, Division 16 “C-R Community Reserve Zone” is revised shown below wherein strikeout indicates removed text and underline indicates added text:

(N) Farmworker Employee Housing in compliance with Health and Safety Code Section 17008(a) in connection with an agricultural workplace and provided by the employer, or Health and Code Section 17008(b) for all other situations;

Section 4. Amend Section 16-622(F). The existing parking requirements table within Subsection (F) of Section 16-622 “Schedule of Vehicle Off-Street Parking Requirements” of Oxnard

City Code Division 2 “Parking Space and Loading Requirements” is revised shown below wherein strikeout indicates removed text and underline indicates added text:

A new row within subsection the (F) parking table entitled “Residential” is inserted, to provide as follows:

Farmworker Employee Housing

<u>Group quarters style facility</u>	<u>One off-street space for every two farmworkers.</u> <u>One space for every two facility employees, up to four maximum.</u>	<u>The official building occupancy load shall be used to determine the number of farmworkers permitted.</u>
<u>Single and Multi-family housing units</u>	<u>The same as required elsewhere in this table.</u>	

Section 5. 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 6. Effective date. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 7. 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 10th day of October, 2017, by the following vote:

Ordinance No.
Page 4

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

RESOLUTION NO. 2017 – 19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OXNARD ADOPT SIX ORDINANCES APPROVING PLANNING AND ZONING PERMIT NOS. 17-580-02, 17-580-05, 17-580-06, 17-580-07, 17-580-08, AND 16-580-09 (ZONE TEXT AMENDMENTS) RELATING TO ADOPTION AND IMPLEMENTATION OF THE 2013-2021 MID-CYCLE HOUSING ELEMENT UPDATE. FILED BY CITY OF OXNARD, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, the California State Legislature identified the State's major housing goal as the attainment of a decent home and suitable living environment for every Californian and due to the critical role that local planning programs play in achieving this goal, the California State Legislature requires that all jurisdictions prepare and periodically review and update a housing element as the directed by the California State Legislature; and

WHEREAS, Government Code Section 65583 lists requirements of the housing element wherein each housing element must contain "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled program actions for the preservation, improvement, and development of housing;" and

WHEREAS, the housing element requires review and certification by the State of California, Department of Housing and Community Development (HCD); and

WHEREAS, the City Council adopted the 2013-2021 Housing Element on December 13, 2016 reflecting more recent information regarding proposed or completed housing projects that reduced RHNA need, together with the changes to the list of All Affordable Housing Opportunity Program (AAHOP) parcels contained within Supplement 2, from 1,030 units in the July 2015 Draft to 509 units in the Final 2013-2021 Housing Element; and

WHEREAS, the adopted 2013-2021 Housing Element was submitted to HCD for certification on December 23, 2016 and the City received a HCD letter dated March 27, 2017 that stated the 2013-2021 Housing Element meets statutory requirements of State housing element law provided several conditions were satisfied with the adoption of a Mid-Cycle Update by October 15, 2017; and

WHEREAS, City staff prepared and circulated a survey to the public requesting input on city housing policies and programs and held a workshop on April 27, 2017 on the same topics; and

WHEREAS, City staff prepared a draft 2013-2021 Mid-Cycle Housing Element Update document and presented same to the Planning Commission at a study session on June 15, 2017 at which comments were received, and

WHEREAS, the draft 2013-2021 Mid-Cycle Housing Element Update was submitted to HCD for review on June 19, 2017 and during the following 60 days staff held numerous discussions with HCD staff that led to several additional changes; and

Resolution No. 2017 - 19
 September 7, 2017
 Page 2

WHEREAS, City staff prepared a final draft 2013-2021 Mid-Cycle Housing Element Update, incorporated by reference as Exhibit A, that reflects HCD comments and public comments through August 29, 2017; and

WHEREAS, City staff prepared a 2030 General Plan consistency evaluation that finds that the 2013-2021 Mid-Cycle Housing Element Update consistent with the 2030 General Plan Goals and Policies; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2017 to consider approving a resolution recommending that the City Council of the City of Oxnard adopt and amend the 2030 General Plan by adopting the 2013-2021 Mid-Cycle Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 16-620-02); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, the Planning Commission finds that the six zoning code amendments incorporated by reference as Exhibits A to F, inclusive, either bring City Code into compliance with State law and/or implement 2013-2021 Mid-Cycle Housing Element Update programs and/or are HCD conditions of certification; 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.

NOW, THEREFORE, the Planning Commission of the City of Oxnard recommends that the City Council adopt the six Zoning Code Amendments herein.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of September, 2017, by the following vote:

AYES: Commissioners: Chua, Fuhring, Dozier, Huber, Sanchez, Frank

NOES: Commissioners:

ABSENT: Commissioners: Stewart

 Deidre Frank, Chair

ATTEST: _____
 Kathleen Mallory, Secretary

NOTICE OF EXEMPTION

Project Description:

Planning and Zoning (PZ) Permit Nos. 17-580-02/-05/-06/-07/-08/-09 (Zone Text Amendment) Relating to Implementation of the 2013-2021 Mid-Cycle Housing Element Update. The six proposed Zoning Code Amendments are summarized below:

1) PZ 17-580-02 Attached Dwelling Unit Development Standards

Section 16-362(A): Change the minimum size of a one-bedroom unit from 700 to 450 square feet and of a two-bedroom unit from 900 to 800 square feet.

Section 16-362(B): Change the minimum separation between to multifamily structures from the height of the tallest structure to one-half the height of the tallest structure, or as determined by the Oxnard Fire Department during review by the Development Advisory Committee process.

2) PZ 17-580-05 R-2 Multiple-Family Zone

Section 16-41: Delete the requirement of no more than six units per building.

3) PZ 17-580-06 Accessory Dwelling Units (ADU)

Sections 16-10 and 16-465: Modify to better match the HCD's December 2016 ADU Memorandum clarifying the three types of ADU: 1) entirely within an existing housing unit or accessory structure, 2) attached to an existing housing unit or existing accessory structure, or 3) separate free-standing structure.

Sections 16-466 and 16-467: Modify selected ADU development review standards and procedures to better match the HCD's December 2016 ADU Memorandum and clarify procedures for ADU proposals within an historic district, structures, or potentially eligible structure.

Section 16-468, 16-469, and 16-622: Amend ADU parking requirements to be consistent with State law and clarify that conversion of a primary unit required garage to an ADU requires replacement of the converted garage spaces within a new garage located on the same lot and compliant with applicable zoning regulations.

Section 16-469.5: Clarify that an ADU may only be approved within the Central Business District (CBD) and Commercial General (C-2) zones on a legal parcel with a single family home through the special use permit process.

4) PZ 17-580-07 Reasonable Accommodation

Section 16-501.5: Per the direction of HCD, remove Consideration (B)7.

5) PZ 17-580-08 Lot Merger Fees Waiver Incentive

Section 16-420G: Waive lot merger fees for lots that are within an All-Affordable Housing Opportunity Program (100% affordable housing) site as a City incentive to merge lots into larger lots.

6) PZ 17-580-08 Farmworker Housing

Section 16-10: Replace the definition for Farmworker Housing and modify the definition for Single Family Dwelling to be consistent with State law.

Sections 16-188(B) and 16-256: Add “Farmworker Employee Housing” as an allowed use within the M-L Limited Manufacturing Zone and C-R Community Reserve Zone to be consistent with State law as agriculture is allowed by right in these zones.

Section 16-622(F): Add off-street parking requirements for group-quarters-style farmworker employee housing at one space for every two farmworkers and up to four spaces for employees.

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 any or all of the six zoning code amendments does not lead to a direct or foreseeable change in the physical environment as any development that would be affected by the proposed zoning amendments 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

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April 4, 2017

Mr. Stephen Huber, Chairperson
Oxnard Planning Commission
City of Oxnard
214 South "C" Street
Oxnard, CA 93030

***RE: Study Session on the 2013-2021 HOUSING ELEMENT Mid-Cycle
Review Requirement and Prioritizing Housing Element Programs
Agenda Item G.1., April 6, 2017 Meeting***

Dear Chairperson Huber and Members of the Planning Commission:

I write this letter on behalf of the Oxnard Committee of *House Farm Workers!* and my low income clients who live and/or work in the City of Oxnard.

I note that the City's recently adopted Housing Element received only a "***conditional***" finding of compliance from HCD. So once again, the City has its work cut out for it, especially since the deadline for adoption of the next Housing Element, October 15, 2017, is only six months away. In its review letter, dated March 27, 2017, HCD stated:

"This finding of compliance is conditioned on implementation of programs, particularly related to zoning amendments. Specifically, the City must continue timely and effective implementation of remaining commitments in Program 6 (Zoning Code Amendments), Program 9 (Farmworker Housing), Program 25 (Annexation), Program 26 (AAHOP Monitoring) and Program 29 (Review of Parking Standards). The City should also examine and modify, as appropriate, the recent zoning amendments passed in 2016."

Letter to Mr. Stephen Huber, Chairperson, Oxnard Planning Commission
 RE: 4/6/17 - Study Session on the 2013-2021 Housing Element, Agenda Item G.1.
 April 4, 2017
 Page 2

According to the recommendation contained in the Staff Report, the purpose of this Study Session is for the Planning Commission to provide input on programs as implemented to date, receive public input and *provide input on selecting and prioritizing programs in the near future.*” The conditional nature of HCD’s approval, coupled with its list of pending items to be completed would dictate the City’s priorities, especially since the City has already established these priorities.

First on the agenda for the City this year must be **completion** of the Chapter 16, Zoning Code Amendments as described in Program 6. ¹ These include the following:

- * Modification of the accessory dwelling unit ordinance to allow larger second units ***proportional to the available space on a parcel*** and to legalize safe existing unpermitted second units where possible. ²
- * Amendment of the Density Bonus ordinance and associated entitlement procedures to allow a density bonus of 35 to 50 percent in order to encourage the production of affordable housing under certain circumstances and findings. ³

¹. Program 6 now calls for these zoning code amendments to be adopted in 2017 “at the time of Housing Element adoption.” [Refer to Page G-12]. Almost two years has passed since the City advised HCD that it was going to make these changes. It is time to turn these promises into reality!

². At the public hearing before the Planning Commission on November 17, 2016, I proposed that the maximum floor area of a detached accessory unit be 1,200 square feet [consistent with state law, Govt. Code § 65852.2(a)(1)(D)(v)], provided that the accessory dwelling unit otherwise complies with all setbacks, life safety and building code provisions. For a more comprehensive explanation of the need for this change to the City Code, Sec. 16-467. R.1. Maximum Floor Area for a Detached Unit, please refer to the discussion on page 8 of my letter dated November 14, 2016, addressed to Chair Stephen Huber (Planning Commission Public Hearing re: 2013-2021 Housing Element, November 17, 2016, Agenda Item F., 2).

³. Additionally, it should be noted that in September 2015, the City represented to HCD that it would amend Oxnard’s Density Bonus Ordinance to allow for approval of density bonus applications by the same body that is responsible to make the ultimate determination on the underlying projects, i.e. for DDR permits, the Development Services Director; for SUP or PDP permits, the Planning Commission; and for general plan amendments or zone changes, the City

Letter to Mr. Stephen Huber, Chairperson, Oxnard Planning Commission
 RE: 4/6/17 - Study Session on the 2013-2021 Housing Element, Agenda Item G.1.
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- * Amendment of the Zoning Code to remove the requirement limiting multi-family development to six units per building in the R-2, R-2-C, and R-BF zoning districts.
- * Amendment of the Zoning Code to decrease the minimum dwelling size for attached dwelling units with certain findings.
- * Amendment of the Zoning Code to reduce the required building separation between attached dwelling units to a distance required for adequate fire safety as determined by the Oxnard Fire Department.

During the public hearings before the Planning Commission and the City Council in November and December 2016, some of the Planning Commissioners and City Council members expressed support for a number of these changes, but were frustrated when they were told that changes could not be entertained at that time because the City was up against a self imposed end of the year deadline to adopt the Housing Element in order to be eligible for grant funding. The Planning Commission should direct Staff to commence this work immediately as its *highest priority* so as to avoid another unnecessary blunder.

The next highest priority should be Program 9 - Farm Worker Housing, specifically related to the continuing need to house unaccompanied farm workers. It is time for the City to recognize the unique need for all types of farm worker housing and encourage innovative and creative design to integrate single worker housing within affordable housing developments and within the various zones, all of which permit farm worker

Council. In fact, earlier versions of the City's Density Bonus Ordinance provided that "approval of a Density Bonus permit be at the same level as the planning entitlement action for the project." However, without explanation, just hours before the Planning Commission's November 17, 2016 Public Hearing, new language was inserted to require approval by the Planning Commission. With all due respect to the Commissioners, this change does not make any sense because the City recognizes that approval of a density bonus permit is *nondiscretionary*: the statutory density bonus cannot be denied for any reason for a project meeting the requirements of a "Qualified Housing Development" and requests for incentives, concessions, waivers and reductions of development standards can only be denied for very specific, statutorily prescribed reasons. Common sense would dictate that Commissioners' precious time need not be spent reviewing Density Bonus applications for DDR projects that are routinely reviewed and approved by the Director.

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housing.

Program 9 envisions that the City will 1) work with farmworker housing proponents to develop housing and permit processes that meet the requirements of the H2A Guest Farmworker program; and 2) investigate what would be required for the City to allow the Vanessa Farm Labor Camp to become a legal use. The Garden City Labor Camp on Cypress Road should also be included in this review, as these two facilities provide the best opportunity for the City to address the housing needs of a segment of the farm worker labor force that is desperately needed for agriculture in western Ventura County to thrive. As you know, SOAR regulations are now in place until 2050. It behooves the City to seriously address the housing needs of the very workforce that is critical to ensure that agriculture remains a viable segment of our economy for at least the next 33 years.

Thank you for your consideration of our concerns and comments about these very important issues.

Sincerely,



Barbara Macri-Ortiz

copies via email to

xc: Ashley Golden, Development Services Director, ashley.golden@oxnard.org
 Kathleen Mallory, Planning Manager, kathleen.mallory@oxnard.org
 Chris Williamson, Planning Consultant, chris.williamson@oxnard.org
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 Mayor Timothy Flynn, timbflynn@gmail.com
 Mayor Pro tem Carmen Ramirez, carmen4oxnard@gmail.com
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 City Council Member Oscar Madrigal, oscar.madrigal@oxnard.org
 Gail Weller Brown, gwellerb@gmail.com
 Alondra Serna, info@housefarmworkers.org
 Paul McDougall, paul.mcdougall@hcd.ca.gov

June 12, 2017

**Honorable Mayor and Members of City Council
Honorable Members of the Oxnard Planning Commission**

Re: Inclusion of "Safe Sleep" Ordinance in Housing Element

Dear Mayor, Council Members, and Planning Commissioners,

As the Chair of the Commission on Homelessness, I am writing to inform you that our Commission is formally requesting that the City's Housing Element include as a priority goal the institution of a "Safe Sleep" program, to enable homeless persons who park and sleep in their vehicles in designated safe areas.

The Commission on Homelessness has been made aware over the years of the fact that there are some homeless persons who possess vehicles, but who do not have the resources or means to obtain housing. Some of these homeless persons sleep in their vehicles, and they are forced to seek places where they can do so safely and without being cited. The City Attorney has advised us, however, that sleeping in vehicles is not permitted.

Recent incidents have been brought to the attention of our Commission which shed light on the fact that there are some private property owners who are willing to allow homeless persons to park on their property and sleep in their vehicles, but who would be violating City Codes if such were to occur.

Several cities around the nation, including our neighboring cities of Ventura and Santa Barbara, have developed Safe Sleep programs under which specific property owners, including churches, can apply to be designated as authorized places for individuals to sleep in their vehicles. Those programs have strict requirements, and usually limit the number of vehicles to no more than one or two per site. The property owner and the homeless persons must register through a local non-profit, and agree to abide by specified rules of conduct, in order to be able to participate in the program.

On June 5, 2017 the Commission on Homelessness voted unanimously to recommend that the Housing Element update prioritize the institution of such a program in Oxnard, and directed me as Chair to communicate our recommendation. We ask that an ordinance be drafted and presented to the Planning Commission and Council, to adopt a Safe Sleep program in Oxnard.

We thank you very much for your consideration of our recommendation.

Sincerely,

Francine Castanon, Chair, Commission on Homelessness

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Via Email: Paul.Mcdougall@hcd.ca.gov & U.S. Mail

July 31, 2017

Mr. Paul McDougall, Manager
Manager, Division of Housing Policy Development
Dept. of Housing & Community Development
2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833

RE: Review of Oxnard's Draft 2013-2021 Mid-Cycle Housing Element Update

Dear Mr. McDougall:

On September 15, 2015, HCD reviewed the City of Oxnard's 5th Cycle (2013-2021) draft Housing Element and opined that it would be in compliance if certain actions were taken. Over a year later, on December 13, 2016, the City finally adopted its Housing Element, and once again, on March 27, 2017, HCD issued a conditional certification letter because the City had failed to complete actions that it represented to HCD in September 2015, that it was prepared to do in order to enact a viable Housing Element.

After waiting over a year to bring forth the Housing Element and the promised zoning amendments, City Staff rushed the Element and only two of the promised zoning amendments (Density Bonus Ordinance and Accessory Dwelling Units) through the approval process with hearings before the Planning Commission on November 16, 2016, and City Council on December 13, 2016. However, neither of the adopted ordinances contained the specific amendments that were anticipated. The abbreviated review also denied the stakeholders and the decision makers the opportunity to thoughtfully consider the important issues before them. Staff insisted that the expedited schedule was necessary in order to get the job done by the end of 2016, so that the City would be eligible to apply to HCD for parks funding. Congratulations to the City for snagging a grant for nearly \$1.4 million to upgrade seven City parks. However, that grant came at the cost of the integrity of the process and left the residents with a hollowed out shell of a

Letter to Mr. Paul McDougall, Manager
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housing element.

Now, once again the City has adopted a schedule that minimizes the ability of stakeholders to critique this Mid-Cycle draft element or have their voices heard.

The City Has Not Engaged the Public in Community Outreach

Lacking in this Mid-Cycle review is an honest effort to substantively engage the public and the stakeholders in a manner that would produce a housing element that will truly facilitate the production of the lower income housing that is desperately needed in our City. The draft was released for public comment on June 12, just three days before the scheduled hearing before the Planning Commission, and the draft was received by HCD on June 21, 2017 (before many of us even had a chance to read the draft). The proposed amendments to the Zoning Code have yet to be presented to the public, even though according to the Planning Manager's June 15, 2017 Planning Commission Staff Report, the future schedule calls for the whole package (i.e. the Final Housing Element Update and the zoning amendments) to be presented to the Planning Commission at its August 17th meeting.¹ Presentation of the housing element and the proposed ordinances are slated to be presented to the City Council in late September in order to meet HCD's October 15, 2017, due date. So here we go again.

Significantly, the City has reneged on two key previous representations that were made to

¹. The Planning Commission Staff report stated: "With transmittal of the HE Update to HCD by June 20th, HCD is expected to provide preliminary comments in late July which will enable staff to prepare a Final HE Update and present it to the Planning Commission at its August 17th meeting." I would seriously question HCD as to whether the Agency is unwittingly playing a role in allowing the City to once again cram this process down the throats of the public without any legitimate opportunity for meaningful input. Staff will claim they offered stakeholders an opportunity to meet on June 14, 2017. However, that was only two days after the HE was released and June 14th fell right in the middle of graduation week in Oxnard. I did not attend that meeting because I was celebrating the graduation of a member of my family that afternoon/evening. While the City stated that it would "continue to take comments on the HE Update until June 30th," it is evident that the City has no interest in actually considering the public's critique of the Housing Element (or the ordinances) and does not intend to do anything that is not absolutely mandated by state law [See footnote 2]. Staff is just looking for HCD to anoint the process and hope that HCD Staff are too busy to actually read/review the document, especially in the absence of public input.

Letter to Mr. Paul McDougall, Manager

RE: Review of Oxnard's Draft 2013-2021 Mid-Cycle Housing Element Update

July 31, 2017

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HCD and the stakeholders: 1) that density bonus applications would be reviewed by the decision maker for the underlying project, choosing instead to adopt a density bonus ordinance that requires review of all applications by the Planning Commission, even for All-Affordable Housing Opportunity Program (AAHOP) projects that only require "a Development Design Review Permit which does not include discretionary review of the residential use." [See June 2017 Draft Housing Element, Table G-2. Program 3, Page G-9]; and 2) that the City would "[a]mend the Density Bonus Ordinance and associated entitlement procedures to allow a density bonus of up to 50% in order to encourage the production of affordable housing under certain circumstances and findings."²

Now that the *City has set its ceiling at the same level as its floor*, i.e. that it will only comply with the strict requirements of state law, so too should HCD require strict compliance by the City with Housing Element Law. In other words, HCD should require Oxnard to comply with the 30 dwelling units per acre default density standard set forth in Government Code § 65583.2.].

Oxnard' Default Density Must Be 30 Units Per Acre

Pursuant to § 65583.2(c)(3)(B)(iv), the City has the obligation to identify sites that allow for at least 30 units per acre. In order to establish its default density at 24 units to the acre, the statute at subparagraph (A) requires the City to do the following:

"(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households."

². This representation was contained in the memo to Paul McDougall from Amy Sinsheimer dated September 4, 2015, page 23, Table G-2, Program 6, Zoning Code Amendments, which were scheduled for implementation in 2016. However, instead, the Density Bonus Ordinance that was codified in the Municipal Code in December 2016, states in Sec. 16-410A Purpose:

"The purpose of this Division 7A is to meet the requirements set forth in Government Code Section 65915, *et seq.* (known as State Density Bonus Law). If any provision of this Division conflicts with state law, *or provides more rights than are legally required by state law, the minimum requirements of state law shall control.*"

Letter to Mr. Paul McDougall, Manager

RE: Review of Oxnard's Draft 2013-2021 Mid-Cycle Housing Element Update

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Supplement 1 of the Housing Element purports to establish that 24 units per acre is an appropriate default density for all-affordable housing projects. However, review of Supplement 1 demonstrates that such is not the case. In fact, the City's assertion that 24 units to the acre is an appropriate default density for all-affordable housing projects is contradicted by its own documentation regarding past projects contained in Supplement 1. This data demonstrates that the average density is actually **26.9 units per acre** for all projects dating back to 2000. Furthermore, a review of the financing for the 20 affordable housing projects relied on by the City, demonstrates that most of the projects were at least partially funded by financing sources that no longer exist or are in very short supply. Also, seven of the twenty projects (35%) were constructed on land that was either donated or significantly discounted, primarily as a result of successful litigation waged against the City and/or private land owners.

Nor does Supplement 1 contain the appropriate analysis regarding "market demand, financial feasibility or information" based on development project experience because it ignores the reality in which affordable housing developers now operate in Oxnard and Ventura County.³ The statements in Paragraph 2 of the Supplement are unsupported, rendering them empty, meaningless conclusions wholly lacking in analysis of any data, much less any relevant data. The interviews in Paragraph 3 are at least five years old and thus, clearly dated [i.e. statements can be traced at least as far back as the City's February 2012 Draft Housing Element (Draft No. 4)]. This is evident because the same statements attributed to McCarthy Companies and Todd Temanson also appear in Supplement 1 of that draft. Additionally, in the first bullet, attributed to Cabrillo Economic Development Corporation, a CEDC representative refers to "the City's proposed All Affordable Overlay Zone Program." Note that the AAHOP was adopted by the City Council on July 16, 2013, four years ago.

Much has changed since then, most notably, the City's about face change of position that

³. I recently learned that low income housing built within one-half mile of the City's major transit center located downtown would not qualify for parking standards under Govt. Code § 65915(p)(2) because there is insufficient traffic at the center during peak hours to qualify as a "major transit stop" as defined in Public Resource Code § 21155(b). This puts the development of properties in the downtown CBD zone [where density is 39 units per acre] at a severe competitive disadvantage when competing for 9% tax credits or Cap & Trade funds. Thus, affordable housing development is becoming increasingly more difficult in Oxnard, a City that has shown itself to care more about housing cars than housing its residents.

Letter to Mr. Paul McDougall, Manager
 RE: 'Review of Oxnard's Draft 2013-2021 Mid-Cycle Housing Element Update
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AAHOP sites would provide *by right* development opportunities. The City has certainly run from that position. Under Section 16-420F.H. of the AAHOP ordinance passed on December 13, 2016, "The AAHOP DDR Permit is *not defined as ministerial* within the meaning of CEQA and Public Resources Code 21080(b)(1)." ⁴

Additional provisions inserted in the December 2016 AAHOP ordinance further distance the program from its original purpose as set forth in the original ordinance adopted in July 2013. The City essentially has a bad case of amnesia or cold feet, as is clearly described on page E-25, in its analysis of Development Design Review as a constraint:

- "Recently proposed affordable and density bonus housing projects at **24 units per acre** have raised considerable concern over fire safety and quality of life for children, as the applicants wanted to crowd buildings on parcels and minimize open space. The City cannot compromise public safety and quality of life for everyone in the development as a trade offs for adding a marginal number of additional units. It should be noted that the goal for sites with the AAHOP designation is that they are at least 1 acre in size partially to address the types of concerns discussed above." ⁵

⁴. Govt. Code § 65582.2(I) provides:

"For purposes of this section and Section 65583, the phrase "**use by right**" shall mean that the local government's review of the owner-occupied or multifamily residential use *may not require* a conditional use permit, planned unit development permit, or other *discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.* A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code."

⁵. This statement is not only devoid of fact, it is offensive and exposes the City's bias against affordable housing. For the record, all affordable housing plans are vetted by the Development Advisory Committee (DAC), Fire Department officials participate in that review, and every project is issued Fire Department Conditions of approval [See Page E-22, Development Review Process]. "[A]dding a marginal number of additional units" may very well be the difference between children living in a garage or in their own home, especially here in Oxnard where 14% of households are overcrowded and "multiple families are living in one single family unit or in the garage." [Housing Element, Page E-11].

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The challenges facing affordable housing developers today in Oxnard are far greater than they were prior to the housing crash of 2010 and the subsequent elimination of Redevelopment Agencies. With less availability of funding, limited vacant land, higher land and construction costs and more competition for nine percent tax credits, affordable housing developers now operate in a totally different world. Thus, it is no surprise that the average density is **35.3 units per acre** for the two most recent rental projects that completed construction (The Village and River Park/Sonata).⁶

All things considered, the City's chosen *default density* of 24 units per acre misses the mark. There is no good reason to relieve the City from the statutorily prescribed default density of 30 units per acre, and even if HCD wanted to give the City a break, at the very least, the density on the AAHOP sites should be at least 27 units per acre.

Oxnard's Housing Element Does Not Identify Sufficient Adequate Sites

Government Code § 65583 mandates that the housing element identify adequate sites for housing, including rental housing. Even assuming for the sake of argument that all of the AAHOP sites listed in the Housing Element were in fact *adequate* sites, the Housing Element's Comparison of Site Capacity and the Regional Housing Need Allocation [Table F-1, page F-8], still suffers from a deficit of sites to accommodate 418 total units, including 365 very low, low and moderate income units. *The City would have to identify over 15 acres of vacant land in order to accommodate these 365 units at a density of 24 DUA.*

This significant shortfall renders the Housing Element out of compliance, even if all of the AAHOP sites listed on Supplement 2 were adequate. However, such is definitely not the case. As will be shown below, only 12 of the City's 40 AAHOP sites are adequate sites, and these sites are projected to produce only 735 units, which results in a deficit of sites to accommodate 1,762 units of the remaining RHNA for very low, low and moderate income households.

⁶. Although Terraza de las Cortes was finally completed in 2016, it is a public housing replacement project on City land that was in the planning stage since at least 2003 and was heavily subsidized by both the Housing Authority and the City, in addition to receiving tax credits and bond financing. Thus, its density, at 19 units to the acre, is not reflective of today's reality for the vast majority of affordable housing projects.

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Oxnard's Land Inventory is Grossly Inadequate

The City's land inventory consists of 40 AAHOP sites, categorized as either vacant, largely vacant, largely vacant structure or constrained. These sites are supposed to accommodate 2,132 of the remaining 2,497 units needed for very low, low and moderate income households. The inventory also includes an additional 62 vacant parcels which are identified to accommodate the remaining 56 units needed for above moderate income households. Of the 40 AAHOP sites, only seven, with a capacity of 409 units, are identified as *vacant sites*, while twelve sites, with a capacity of 607 units, are identified as *constrained sites*. There are eighteen *largely vacant sites*, with a capacity of 853 units, and three sites, with a capacity of 263 units, are identified as a *largely vacant structure*.

Twenty-two of the 40 AAHOP sites, which account for 1,266 units or 59.4% of the total unit inventory are made up of multiple parcels. These 22 AAHOP sites are spread among 135 different parcels on 59.86 acres, and only two of these sites are vacant [See Attachment A]. Obviously, parcel assemblage is critical to success, especially since most of the individual parcels are significantly less than one acre and the site capacity for many of the parcels is in the single digits. [See Table S-2.1]. The challenge of having to negotiate multiple sales transactions with diverse owners, including in some cases having to provide for the relocation of existing businesses and residents, is daunting. Obviously, these AAHOP sites are marginal and would require extraordinary work to convert into affordable housing, even assuming a vibrant Parcel Assembly Program was in place.

The City's Housing Element does include as Program 5, a Parcel Assembly Program that provides:

“As developers/owners approach the City interested in lot consolidation for the development of affordable housing, the City will reduce setbacks and/or parking requirements, could defer certain fees, consider waiving lot merger fees for certain small continuous lots, and concurrent fast/tracking of program application reviews to developers who provide affordable housing.” [Table G-2, Page G-11].

This statement is just window dressing, in light of the City's attitude toward higher density, its distaste for neighborhood complaints and its proclaimed unwillingness to go beyond the limits of state density bonus law. Whatever breaks the developer may get regarding setbacks and parking requirements will be dictated by state density bonus law, not the City's benevolence. Oxnard already must defer impact fees consistent

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Government Code § 66007, and one cannot take to the bank any City willingness to ***consider*** waiving or deferring other fees, so the developer is basically on its own.

In any event, for all practical purposes, Program 5, the Parcel Assembly program in the Housing Element, is dead, as is reported on Page A-8 of the Housing Element in its Review of Previous Housing Element Implementation:

“Neither the State nor the City has a development program that replaces the ability of what was the redevelopment agency (CDC) to acquire and assemble sites. The City's AAHOP allows additional density for assembled sites designated as AAHOP. Short of the City purchasing property from willing sellers in a land bank program for target future development, ***there is little likelihood of a parcel assemblage program.***”

In this current environment where there is little or no ability to assemble parcels, it is apparent that these twenty-two AAHOP sites that require parcel assembly are not ***adequate sites*** within the meaning of Government Code §§ 65583 and 65583.2. The reality is that these AAHOP sites are in no way appropriate or adequate sites that would provide feasible opportunities for the production of the 1,266 very low income units called for on these twenty-two AAHOP sites, irrespective of any claims by the City to the contrary.

However lacking these twenty-two sites are, unfortunately these sites are not the only deficient sites listed on the City's land inventory. The following is a summary of six other AAHOP sites on the City's inventory, representing a total of 131 units, that also are not adequate sites within the meaning of Government Code §§ 65583 and 65583.2:

1) Site A-08 – 5301 Whitecap Street, a 1.5 acre site owned by the City and described as a well drilling set aside area. The site is projected for 24 units and the narrative on Page S2-17 acknowledges that the site's development potential is limited by a two-story height limit, “in keeping with surrounding neighborhood character.” The City has not offered the property to affordable housing developers and has not clarified whether the site is contaminated and/or would require clean up of the soil. This site is also in the Coastal Zone, which could very well preclude the ability to receive a density bonus under the City's ordinance which provides at Sec. 16-410C.F:

“.... consistent with the Second Appellate District case of Kalnel Gardens,

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LLC v. City of Los Angeles (2016) 3 Cal.App.5th 927, within the Coastal Zone, Density Bonuses shall not be available to Affordable Housing Developers if the City finds that the proposed project cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.”

In any event, there is no way that a 24 unit low income housing project on a 1.5 acre parcel would pencil anywhere in the City, and certainly not within an area of the Coastal Zone that is surrounded by an existing neighborhood.

2) Site B-15 – 2415 South M Street, a 0.8 acre parcel, projected to yield 19 units. This site is not feasible for inclusion in the AAHOP program both because it is too small and also because it would require demolition of a single family home which is legally being used for church services.

3) Site B-16 – 1350 E. Channel Islands Blvd., a 1.9 acre parcel that includes a building that houses the Channel Islands Community Church. The one acre of buildable land, projected to yield 24 units, is located in between the church and the parking lot being used by the church. Based on the configuration of the parcel and the current use, this site is not feasible for inclusion in the AAHOP program.

4) Site C-4 – APN 224-0-011-01, 1.3 acre vacant site, located south of Channel Islands, bordered by Dupont Street on the east, an overpass, and South Oxnard Blvd on west. This site's location is as difficult to describe as it would be to develop. No development would be viable until the City abandons and removes the flyover bridge and declares the ROW a surplus property which would be offered to adjacent property owners. That is not expected to happen any time soon and it would be fiction to expect an affordable housing developer to purchase the property and wait for this eventuality to happen. Furthermore, as noted, the developer would likely be required to complete the infrastructure improvements to Channel Islands Blvd. (which needs to double in size), and at the end of the day the site is only projected to yield 36 units. This site should not be included as an AAHOP site both because it is unlikely that this site could be developed within the planning period and in any event, the construction of lower income housing on this site appears infeasible.

5) Site D-3 – APN 203-0-070-28, a 0.29 acre vacant lot, mixed use transition to single family homes, located on 1132 and 1158 South C Street, estimated to produce 6 affordable units. Even with a 35% density bonus, a maximum of only ten units could be

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produced, and this simply is not enough units to produce affordable housing.

6) Site D-4 – APN 217-0-030-02. There is an existing women's shelter on the site that will stay. The City originally believed that it owned all of the 1.7 acre property, and but this appears not to be the case. In any event, in July 2017, the City issued an RFQ for Architectural and Engineering services for the development of a second year-round shelter facility on the property to house up to 48 temporary and permanent homeless individuals. We applaud the City for this action which will address a longstanding need in the community. However, in light of this development, this site, as well as the 22 projected units must be removed from the City's land inventory.

In light of the deficits of the above six sites, they should be removed from the City's Land Inventory and the capacity of the City's Land Inventory should be reduced accordingly by the 131 units of low income housing that the City projected could be produced on these sites. These 131 units are in addition to the 1,266 sites projected for sites containing multiple parcels (See Attachment).

In summary, the total remaining RHNA for very low, low and moderate income households is 2,497 units. The AAHOP land inventory contains only 12 adequate sites which account for only 735 units. Thus, the inventory lacks sufficient adequate sites to accommodate the need for 1,762 units for very low, low and moderate income households [See Attachment B].

CONCLUSION

The genesis of the AAHOP was the absence of adequate sites within the City to accommodate the RHNA numbers specifically for very low and low income housing. The City and the stakeholders came up with this solution as part of the fourth draft of the 2006-2014 Housing Element (February 2012) in a good faith effort to comply with the vacant land inventory requirements under Housing Element Law and provide opportunities for affordable housing developers to have a modicum of success in producing very low and low income housing. At that time development was at a standstill in the aftermath of the housing crisis, and a number of large sites that had been abandoned during the recession offered the potential for significant numbers of affordable housing units to be developed.

An integral part of the pact between the City and the stakeholders was that the City would

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implement some key changes to its zoning ordinance and housing policy including: 1) amend its density bonus ordinance so that density bonus applications for AAHOP properties would be approved by the Development Services Director as part of the DDR approval process; 2) that the density bonus ordinance would allow for additional density for special needs housing projects; 3) that the City would facilitate the development of affordable housing on AAHOP sites; 4) that AAHOP sites would be available only for projects that proposed that 100% of the housing would be affordable for low and very low income households; 5) that the City would creatively work with the developers to facilitate the development of difficult sites; and 6) that the City would update the zoning code as needed and continue to develop and strengthen housing element programs, such as the Parcel Assembly Program, to facilitate the development of affordable housing.

Fast forward five years to 2017: only one AAHOP project has been approved since the inception of the AAHOP, while two projects languish in the process while the applicants try to address the City's insistence on overreaching public improvements, maneuver through unwritten requirements in order to deem a project complete, and contend with unreasonable parking requirements imposed on an existing legal non conforming use that will remain on part of an AAHOP site where the remainder of the site is proposed to be developed with special needs housing. The City not only refuses to honor its commitments, but now it suggests that "recently proposed affordable and density bonus projects at 24 units per acre" create "fire safety" problems and "compromise public safety and quality of life for everyone in the development."

In the meantime, five of the most desirous AAHOP sites were gobbled up for other endeavors. These sites together had provided an inventory for 557 lower income units but are now being converted to other uses.⁷

Additionally, it should be noted that the proposed Teal Club Specific Plan (Table S-2.3) is not within the City limits and thus will require annexation. At this point its status is

⁷. One of these sites (C-01) is still listed as an AAHOP site, even though the property was acquired last year in an auction by a moving company with plans to develop a storage facility on the site. Two affordable housing developers unsuccessfully bid on the property. I have not included this site on the list of inadequate sites included on Attachment B, out of respect for Dr. Williamson, who explained that the site would not be removed until the City received an application to develop the property. However, it is unlikely that the community will ever see any of the 128 very low, low or moderate income units projected for that property.

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unclear, in light of the constraints it faces due to the proximity of the property to the Oxnard airport and its current agricultural use. It is questionable whether the City Council will approve the proposed specific plan, and whether LAFCO will ultimately approve the property's annexation to the City. Even if this were to pass, it is doubtful whether the project would receive all necessary approvals within the remaining four years of this planning period, much less whether any housing would actually be built within this planning period.

The inability of the City to replace the five lost AAHOP sites referenced above with sufficient alternate sites that are both available and adequate for the development of lower income housing, coupled with the City's refusal to allow any housing element program that may stretch beyond the minimum requirements of state law, betrays the trust of the stakeholders who together with staff created this unique program to address a very real need.

Stripped of any faith in the integrity of the City or its process, the stakeholders must look to HCD to ensure that the City complies with housing element law. It is a fact that the City's AAHOP land inventory contains 28 inadequate sites, and thus, the inventory demonstrates a deficiency of sites to accommodate 1,762 units for very low, low and moderate income households in Oxnard. [See Attachment B.]

The City's adopted Housing Element is not in substantial compliance with the statutory requirements of State housing element law and HCD must make that finding. Additionally, HCD should direct the City of Oxnard to implement the 30 dwelling units per acre default density standard, pursuant to State Law.

Please feel free to give me a call if you have any questions or would like to discuss this matter.

Sincerely,



Barbara Macri-Ortiz

cc Via Email:

Tom Brinkhuis, HCD Division of Housing Policy Development
Gail Weller-Brown, Chair, Oxnard Committee of House Farm Workers!
Kathleen Mallory, Oxnard Planning Manager

AAHOP SITES WITH MULTIPLE PARCELS

K.1.j

	A	B	C	D	E	F	G	H
1								
2								
3	SITE		ACREAGE		# PARCELS		Estimated Units	
4								
5	Vacant							
6	A-03		1.39		7		42	
7	A-11		0.96		3		24	
8								
9	Largely Vacant							
10	B-02		1.75		2		25	
11	B-03		0.96		6		30	
12	B-04		1.28		8		32	
13	B-05		0.98		2		22	
14	B-06		1.36		3		19	
15	B-09		2.39		5		52	
16	B-10		5.22		2		113	
17	B-12		4.30		5		60	
18	B-13		0.92		5		12	
19	B-14		1.28		7		17	
20	B-17		1.00		2		24	
21	B-18		4.22		27		211	
22	B-19		1.95		12		47	
23								
24	Largely Vacant Structure							
25	C-03		6.97		10		99	
26								
27	Constrained							
28	D-02		1.36		2		29	
29	D-06		8.42		3		121	
30	D-08		1.28		5		39	
31	D-11		2.65		4		38	
32	D-12		1.02		4		14	
33	D-14		8.20		11		196	
34								
35	TOTALS:		59.86		135		1266	
36								
37								
38								
39					# SITES		TOTAL CAPACITY	
40	VACANT SITES				7		409	
41	LARGELY VACANT				18		853	
42	LARGELY VACANT STRUCTURE				3		263	
43	CONSTRAINED				12		607	
44								
45			TOTALS:		40		2132	

	A	B	C	D	E	F	G	H
1								
2	INADEQUATE AAHOP SITES ON SINGLE PARCELS							
3								
4	SITE		ACREAGE		# PARCELS		Estimated Units	
5								
6	A-08		1.5		1		24	
7	B-15		0.8		1		19	
8	B-16		1.9		1		24	
9	C-4		1.3		1		36	
10	D-3		0.29		1		6	
11	D-4		1.7		1		22	
12								
13	Totals:							
14	6 SITES		7.49		6		131	
15								
16	SUMMARY OF INADEQUATE AAHOP SITES ON MULTIPLE PARCELS							
17				(From Attachment A)				
18								
19	22 SITES		59.86		135		1266	
20								
21	TOTAL OF ALL INADEQUATE AAHOP SITES							
22				(Single + Multiple Parcels)				
23								
24	28 SITES		67.35		141		1397	
25								
26								
27	SUMMARY OF OXNARD'S AAHOP LAND INVENTORY vs. REMAINING RHNA							
28								
29	TOTAL REMAINING RHNA FOR LOW & MODERATE INCOME						2,497	Units
30								
31	PROJECTED UNITS ALLOWED ON 40 AAHOP SITES						2,132	Units
32	LOST UNITS FROM 28 INADEQUATE AAHOP SITES						1,397	Units
33	PROJECTED UNITS ALLOWED ON 12 REMAINING AAHOP SITES						735	Units
34								
35	LAND INVENTORY DEFICIT						1,762	
36	[i.e. Total remaining RHNA - Units projected on							
37	12 Remaining (Viable) AAHOP Sites]							

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September 1, 2017

Ms. Deirdre Frank, Chairperson
 Oxnard Planning Commission
 City of Oxnard
 214 South "C" Street
 Oxnard, CA 93030

RE: 2013-2021 HOUSING ELEMENT Mid-Cycle Update; PZ No. 16-620-02
Agenda Item F.3, September 7, 2017 Meeting

Dear Chairperson Frank and Members of the Planning Commission:

I write this letter on behalf of the Oxnard Committee of *House Farm Workers!* and my low income clients who live and/or work in the City of Oxnard.

I note that HCD recently reviewed the City's draft Housing Element and by letter dated August 18, 2017 [Exhibit D attached to the Staff Report], opined that the City's land inventory and programs as presented to HCD on June 21, 2017, including revisions received on August 14, 2017, are insufficient to comply with state housing element law. HCD instructed the City to provide further analysis of the 28 problematic AAHOP sites, and based on the results of additional analysis, add or revise programs to address the shortfall of sites or zoning available to accommodate the regional housing need.

The document you have before you does not address HCD's concerns. The fact is that the City's land inventory, on its face, shows a deficit of sites for lower income housing. The fact that the City has now removed two sites from the inventory and has reduced the number of units that can be produced on a third site only increases the deficit of adequate sites.

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission
 RE: 2013-2021 Housing Element, Mid-Cycle Update; PZ No. 16-620-02
Agenda Item F.3, September 7, 2017 Meeting
 September 1, 2017
 Page 2

The City has failed to provide further analysis of the 26 remaining problematic AAHOP sites, and has not revised programs to address the shortfall of sites or zoning available to accommodate the regional housing need. The language added to the programs does not commit the City to do anything but “consider” taking an action.

The General Plan is supposed to be the City’s constitution. In turn, the Housing Element is the City’s constitution concerning housing policy and programs. I wonder where the United States would be if our constitution stated that the President could *consider* whether to treat the Courts and the Legislature as co-equal branches of government.

There is a reason why the statute requires HCD to review draft housing elements. It is not meant to be a perfunctory review just so the City can check a box. At some point the City should engage in thoughtful consideration of HCD’s concerns in order to produce a housing element that has the best chance of addressing the real housing problems that the City faces. As stated by HCD, “the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.” The stakeholders have been waiting patiently to be heard. The Planning Commission should refer the Housing Element back to the staff to conduct the appropriate analysis and revise the programs to address the shortfall of sites or zoning available to accommodate the regional housing need, taking into consideration and incorporating the suggestions of the community as appropriate.

To give the Staff a head start in this review, I propose the following site be added to the list of vacant AAHOP sites. I am informed and believe that the property owner of the property located at Graves and Santiago is willing to offer this site to the inventory of AAHOP sites. The relevant information to add to Supplement 2 is as follows:

Parcel Number(s);	214-0-031-025
Site Size (acre):	4.15
Buildable Area:	4.15
2030 General Plan:	Ind. Limited Man.
Current Zoning:	ML
Density (units per acre):	24
Estimated Net Affordable Units:	100
Redevelopment Area:	No

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission
 RE: 2013-2021 Housing Element, Mid-Cycle Update; PZ No. 16-620-02
Agenda Item F.3, September 7, 2017 Meeting
 September 1, 2017
 Page 3

Description:

This parcel is a vacant property located directly across the street (Graves) from other high density (R3) zoned properties with over 777 residential apartments in two (2) developments. Services such as transportation, medical, retail (grocery store, pharmacy) schools are all within walking distance from one block to about ½ mile with high school just over 1 mile away. Property is located on a corner property and adjacent to parking lots at rear and side of parcel.

Thank you for your consideration of our concerns and comments and we trust that your actions will be responsive to the severe deficit of affordable housing that plagues our community.

Sincerely,



Barbara Macri-Ortiz

copies via email to
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September 4, 2017

Ms. Deirdre Frank, Chairperson
Oxnard Planning Commission
City of Oxnard
214 South "C" Street
Oxnard, CA 93030

***RE: Zone Text Amendments - PZ No. 17-580-02/-05/-06/-07/-08/-09
Implementation of the 2013-2021 Housing Element Mid-Cycle Update;
Agenda Item F.4, September 7, 2017 Meeting***

Dear Chairperson Frank and Members of the Planning Commission:

I write this letter on behalf of the Oxnard Committee of *House Farm Workers!* and my low income clients who live and/or work in the City of Oxnard.

As a preliminary matter, it should be pointed out that there was no public outreach over the summer regarding the proposed zoning ordinances. Contrary to the implication in the staff report, no draft ordinances were available for review or discussion at the June 15, 2017 Planning Commission Housing Element study session, which was limited to a presentation of proposed changes to the Housing Element. Unfortunately, public input was sparse at that study session because it occurred during graduation week in Oxnard.

The Staff Report informs the reader that "[o]ver the past summer Staff worked closely with HCD" to draft the zoning code amendments. Unfortunately Staff made no effort over the summer to solicit public input regarding the substance of the zone text amendments being considered; nor was the public given an opportunity to weigh in on the zoning code amendments prior to them being officially released a couple of weeks ago.

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That said, I offer the following comments with respect to five of the proposed zoning code amendments:

1. Attachment A - Ordinance No. PZ 17-580-02 - Unit Sizes & Building Separation

A. Section 1. Section 16-362(A). We concur with the proposed reduction of the minimum dwelling sizes for one and two bedroom units. However, the affordable housing development community has specifically been stymied by the absence in the City Code of a minimum dwelling size for a *studio*. Staff have required studios to be the same size as one bedroom units because “there is no separate standard for a studio.” This is a primary constraint that the City was supposed to address. Thus, we propose that the minimum size for a studio should be the same as for an efficiency unit under the Building Code, i.e. 220 square feet.¹

B. Section 2. Section 16-362(B). The language as drafted, is vague and ambiguous, and allows the exception to eviscerate the rule. Thus, we propose to eliminate the extra language and just have the Code read:

“Minimum separation between any two buildings shall be a distance equal to half of the height of the taller structure unless otherwise determined by public safety requirements.”

2. Attachment B - Ordinance No. PZ 17-580-05 - Dwelling Units Per Building

This change is acceptable and will facilitate the production of affordable housing.

It should be noted that the last “WHEREAS” should be deleted because it is inaccurate. The Planning Commission did not hold a study session on this proposed ordinance, much less two study sessions.

¹. Note that the 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to have a minimum floor area of 150 square feet. This is considerably smaller than the 220 square feet minimum standard for an Efficiency Dwelling Unit (EDU). [See <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf>; & <http://www.hcd.ca.gov/docs/IB2016-06.pdf>]

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3. Attachment C - Ordinance No. PZ 17-580-06 - Accessory Dwelling Units

A. Once again we raise the objection that under Government Code Section 65852.2, the City may not limit the size of **detached** ADUs to 50% of the square footage of the primary residence. [Section 16-467. R. *Maximum Floor Area*]. Nor is it prudent or sensible to do so.

As I explained to the Planning Commission in my letter dated November 14, 2016, the statute, at Gov. Code §65852.2(a)(1)(E)(iii), provides that in the case of an **attached** accessory dwelling unit, the increased floor area *shall not exceed 50 percent* of the existing living area. However, in the case of a **detached** accessory unit, the statute simply limits the total area of floor space to a maximum of 1,200 square feet. There is no proportionality requirement related to the existing dwelling unit. I think the Legislature's distinction between the two product types is well founded. There are at least two good reasons for this distinction:

First, many older homes in our community are small, typically less than 1,200 square feet, even though they sit on large lots. As a practical matter, under Oxnard's proposed ordinance, the allowed minimum and maximum floor area would be the same, effectively just 600 square feet, regardless of the size of the lot. For example, I have a client who lives in a 1,200 square foot home that sits on a 9,500 square foot lot. In such circumstances, there is simply *no rational basis* to limit that family to a 600 square foot accessory unit when the combined square footage of the two units together would only cover 19% of the total lot area.

Second, under the statute, the owner may be required to live in either the existing unit or the accessory unit so it would make sense to allow the owner the option to construct the new unit to the owner's specifications for his or her own use, including upgrades that are important to home owners who choose to age in place. In the example above, the owner might want to build the accessory unit with certain upgrades to improve his or her quality of life, i.e. forced air heating, wheel chair accessible toilets, sinks, kitchen cabinets, etc. However, under the proposed ordinance, the owner would have to sacrifice 600 square feet or more of his or her current living area in order to relocate to the second unit. This restriction would severely limit the owner's ability to use the new statute to improve his or her own quality of life, and would not facilitate the construction of second units, contrary to the clear intent of the statute.

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For these reasons, I proposed that the maximum floor area of a detached accessory dwelling unit be 1,200 square feet, provided that the ADU as proposed would otherwise comply with all setbacks, life safety and building code provisions. At least one Commissioner and one City Council member voiced support for such a proposal. However, the proposed ordinance once again failed to address this legitimate concern.

B. Section 16-466 correctly provides that the various types of Accessory Dwelling Units are subject to *ministerial consideration*. However, in paragraph D of that section, it states that ADUs proposed in historic districts or historic or *potentially historic properties* are subject to “*applicable permitting procedures for development of a new housing unit*.” This provision is inconsistent with the mandate of § 65852.2(a)(1) that allows the City to adopt an ADU ordinance and *impose standards* on accessory dwelling units as long as such standards are consistent with those delineated in the statute [See (a)(1)(B)(I)].

Thus, the ordinance must simply comply with the statute, by clearly delineating the “*standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.*” It is improper to relegate the ADU application to a more onerous permitting procedure. Furthermore, the statute does not encompass *potentially* historic properties, which by definition can be any property over fifty years old. Nor can the ordinance treat such properties differently. The fact is that a large segment of the property owners who are most likely to benefit from the ADU statute are those who own properties built before 1970. The City may not change the rules for these older single family homes, that include some 25,426 properties or 47% of all the housing stock in Oxnard. [See June 2017 Housing Element, Page B-20].

C. Section 16-468. Parking.

Oxnard has a parking problem. Everyone knows that. But Oxnard has an even more serious problem – overcrowding of housing units. This is a direct result of the unavailability within the City of sufficient decent, safe and sanitary housing units that are affordable to our residents. The purpose of the ADU legislation is to address the dearth of appropriate housing units throughout our state and county. As explained by HCD in its Accessory Dwelling Unit Memorandum, December 2016, at page 2:

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“ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.” [See also Government Code § 65852.150].

Unfortunately, here in Oxnard, we have been focused on the symptom, rather than the disease, and as a result we have become *a City that cares more about housing vehicles than our residents*. The ADU ordinance has a number of provisions that exhibit this myopic view. For example, in the case where a required garage or covered parking structure for the primary unit is demolished or converted in conjunction with the construction of an ADU, the ordinance provides that “parking for the required primary unit shall be provided in accordance with Oxnard City Code requirements and shall comply with all applicable setbacks and other standards.” Under the Oxnard Code, detached single family units require between two to five on site garage spaces, depending on the number of bedrooms.

We know that in Oxnard and all across California the default housing of necessity for poor people are the garages of single family homes. This fact no doubt is the reason why the Legislature in its wisdom decided that our community is better off if we allow these garages to be converted to livable spaces, with kitchen, living and bathroom facilities with heating and appropriate utilities to address health and safety issues. Does anyone in their right mind believe that it will be practical, cost effective or logical for someone to convert a garage to an ADU that meets all the Codes, only to be expected to build a replacement garage on the property? Of course not. Thus, the statute does not require, nor may the City require the replacement parking to be covered. As stated in the HCD Memo, attached to the Staff Report at pages 12-13:

“Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, ***the replacement parking must be allowed in any ‘configuration’ on the lot***, ‘... including but not limited to, covered spaces, uncovered spaces or tandem spaces, or ...’ Configuration can be applied in a

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flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.”

Section 16-468 incorporates the parking requirements under Oxnard Code Section 16-622(F), and proposes new restrictions, including a ban on parking spaces being located in the front yard. This restriction is not practical, especially for single family lots that do not have alley access. This proposed restriction is also not consistent with the parking configurations that we see on many homes that have a driveway that runs the width of the home, such as along North C Street [see enclosed photos of five such homes, including aerial view]. The bottom line is that for the City to create an effective and meaningful ADU program, while also making strides to alleviate parking problems on public streets, it must allow vehicles to be parked on private property, including in the front yard area.

4. Attachment E - Ordinance No. PZ 17-580-08 - Lot Merger Fees

As stated in the second “Whereas” for this proposed ordinance, the City has over twenty AAHOP sites listed in Supplement 2 of the 2013-20121 Housing Element that include two or more parcels and most parcels are under one-quarter acre in size. While the proposed ordinance seems to suggest that the developers of AAHOP projects on these sites with multiple lots will be able to receive a waiver of lot merger fees, in fact only two of these sites would even be eligible to request such waivers because in order to make the request, *all of the lots on the site must be under one-quarter acre in size*. Furthermore, eligibility for a waiver would further be negated in “unique situations that involve an agency or easement party other than the City or a utility company.”

Thus, the import of this proposed ordinance would be minimal at best, and may actually be meaningless. To the extent that this ordinance is being proposed as an integral part of Housing Element Program 5 - Parcel Assemblage, the City needs to go back to the drawing board and try again.

5. Attachment F - Ordinance No. PZ 17-580-08 - Farm Worker Housing & Parking

This proposed ordinance is before you presumably to implement Program 9 of the Housing Element [See page G-14 - Table G-2, Program 9, i.e., “In order to fully comply with the state Employee Housing Act (Health and Safety Code Sections 17021.5 and

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17021.6), the City will amend its Zoning Code to allow farmworker employee housing in the C-R, M-L, M-1 and M-2 zones because those zones allow agriculture in that manner.].

It is important to understand that §§ 17021.5 and 17021.6 apply to *employee housing* as defined in § 17008, and where the **employee housing has qualified, or is intended to qualify for a permit to operate pursuant to the Employee Housing Act, § 17000**, et seq. This Act delineates the relationship between the local government and the state with respect to the regulation, permitting and the characterization of these facilities. The Employee Housing Act does not apply to deed restricted farm worker family residential housing developments, such as Villa Cesar Chavez, Meta Street and Camino Gonzalez that are owned by limited partnerships and operated by Cabrillo Economic Development Corporation because there is no requirement to obtain a state permit from HCD in order to operate such developments. The state has no jurisdiction under the Employee Housing Act to regulate these developments or treat them any differently than any other residential development within the City of Oxnard. Nor may the City apply different regulations to these developments than is applied to other residential developments within the City. Furthermore, any deed restrictions that are placed on such housing developments are as a result of the specific funding that was received for the particular project, i.e. USDA-RD, state housing tax credits (CTCAC), HOME, HCD (MHP or Joe Serna Farm Worker Program) or local subsidies. Thus, the Zoning Code need not reference “deed restrictions” or even reference this type of housing that may be dedicated to farm worker families because it is a given that they are simply subject to the standards that apply to other residential dwellings of the same type in the same zone.

Note that the employee housing developments referenced in § 17021.5 and 17021.6 specifically refer to those where the owner of such employee housing has qualified or intends to qualify for a permit to operate under the Employee Housing Act. Specifically, under § 17021.5 any employee housing “providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation.” Such housing “shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.” Nor can the housing be subject to any business taxes or fees that are not required of other family dwelling in the same zone.

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Section 17021.6 applies to employee housing in zones where agricultural activities are allowed. Employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is deemed an agricultural use. Such use is considered a permitted use, whether the agricultural employees work on the property where the employee housing is located, and no conditional use permit, zoning variance or other zoning clearance shall be required of employee housing that is not required of any other agricultural activity in the same zone. Nor can the housing be subject to any business taxes or fees that are not required of other agricultural activities in the same zone.

The statute is clear as to its purpose and intent:

“The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need.”
 [Health & Safety Code § 17021.5(e); § 17021.6(c)]

Based on this discussion, the definition of Farmworker Employee Housing in Section 16-10 should just reference the Act:

(51) FARMWORKER EMPLOYEE HOUSING - means “Employee Housing” as that term is defined in Health and Safety Code § 17008, including any employee housing which has qualified, or is intended to qualify, for a permit with the Department of Housing and Community Development in accordance with Health and Safety Code Sections 17021.5 or 17021.6.

The definition of single family dwelling in Section 16-10 should also include appropriate reference to the Employee Housing Act:

(121) SINGLE FAMILY DWELLING - A building containing one dwelling unit whether built as a detached building or an attached townhouse type of unit that does not involve common ownership or adjacent parcels of real property. The definition of single family dwelling includes Farm Worker Employee Housing providing accommodations for six or fewer employees, pursuant to Health and Safety Code § 17021.5.

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Parking Standard

The ordinance proposes to add within Section 16-622(F) of the Code, a parking standard for "Group quarters style facility." I agree that the Code should include a parking standard for such facilities. I also agree that there should be a parking standard for employees of the facility, and that one off-street parking space for every two facility employees up to a maximum of four parking spaces, is reasonable. However, the proposed parking standard of one off-street parking space for every two farm workers is way out of line.

History has taught us that employers discontinued providing labor camp type housing to their farm workers during the 1970s. Only recently have agricultural employers shown any interest in developing and/or utilizing group quarters to house their employees, and this interest has been kindled by the shortage of domestic farm workers who are legally authorized and available to harvest the crops. It is a known fact that any future group quarters style facilities will be developed to provide housing to foreign workers who are employed to work on the farms in connection with the H2-A program (the H2-A Regulations require such housing to be provided). These foreign workers are transported from their home country to Oxnard via bus. These workers do not come with automobiles and they do not acquire vehicles while they are here. The employers are responsible for their transportation to and from the work place and for the incidental needs of these workers. At the conclusion of the contract, these workers are transported back to their home country via bus.

In light of these facts, it is incumbent on the City to provide substantial evidence to justify the proposed parking requirement of one parking space per two workers. Without such evidence, the imposition of such an ordinance is arbitrary and capricious. The City has an obligation to include in its ordinances reasonable requirements that will not overburden the development of housing for farm workers or waste valuable land. It is my understanding that the area needed for a parking space is 300 square feet (180 square feet for the parking space and an additional 120 square feet for the drive back). In contrast, HCD's regulations require that each farm worker must have at least 50 square feet of personal area in the sleeping quarters. In other words, under the City's proposed parking requirement, the facility would have to provide 300 square feet of parking area for every two workers housed. This represents three times as much area allocated to parking than is required for the workers being housed. There is simply no justification for

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this onerous condition, other than to discourage the creation of farm worker employee housing. This of course, runs counter to the Employee Housing Act, a state law that is vitally important in any community committed to the preservation of farm land until 2050.

I realize that parking is the City's sacred cow. However, the City must be able to justify its regulations and standards, based on facts and evidence. Absent such evidence, the City can easily rely on the same parking standard as is required for permitted uses in the zones where group quarters are allowed: i.e. one space for 500 square feet of gross floor area, which is the current parking standard in the M-L, M-1 and M-2 zones. I could not find a parking standard for the C-R zone, and perhaps, there should not be a set parking standard in the C-R zone.

Thank you for your consideration of our concerns and comments and we trust that your actions will be responsive to the severe deficit of affordable housing that plagues our community and consistent with Oxnard's obligations under the various state housing laws.

Sincerely,



Barbara Macri-Ortiz

Enclosures

copies via email to

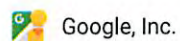
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 Alondra Serna, info@housefarmworkers.org
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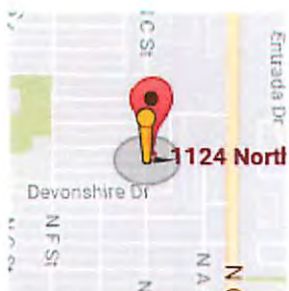


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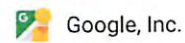
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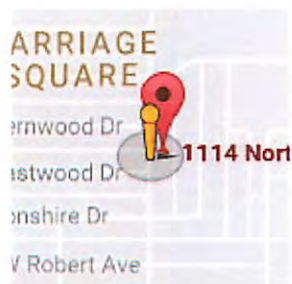
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Street View - May 2015



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Street View - May 2015



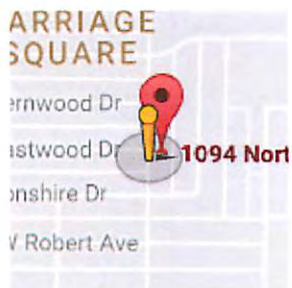
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Street View - May 2015



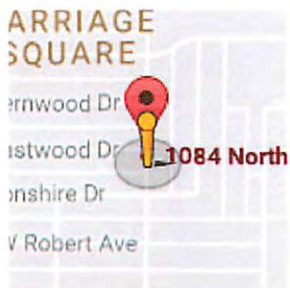
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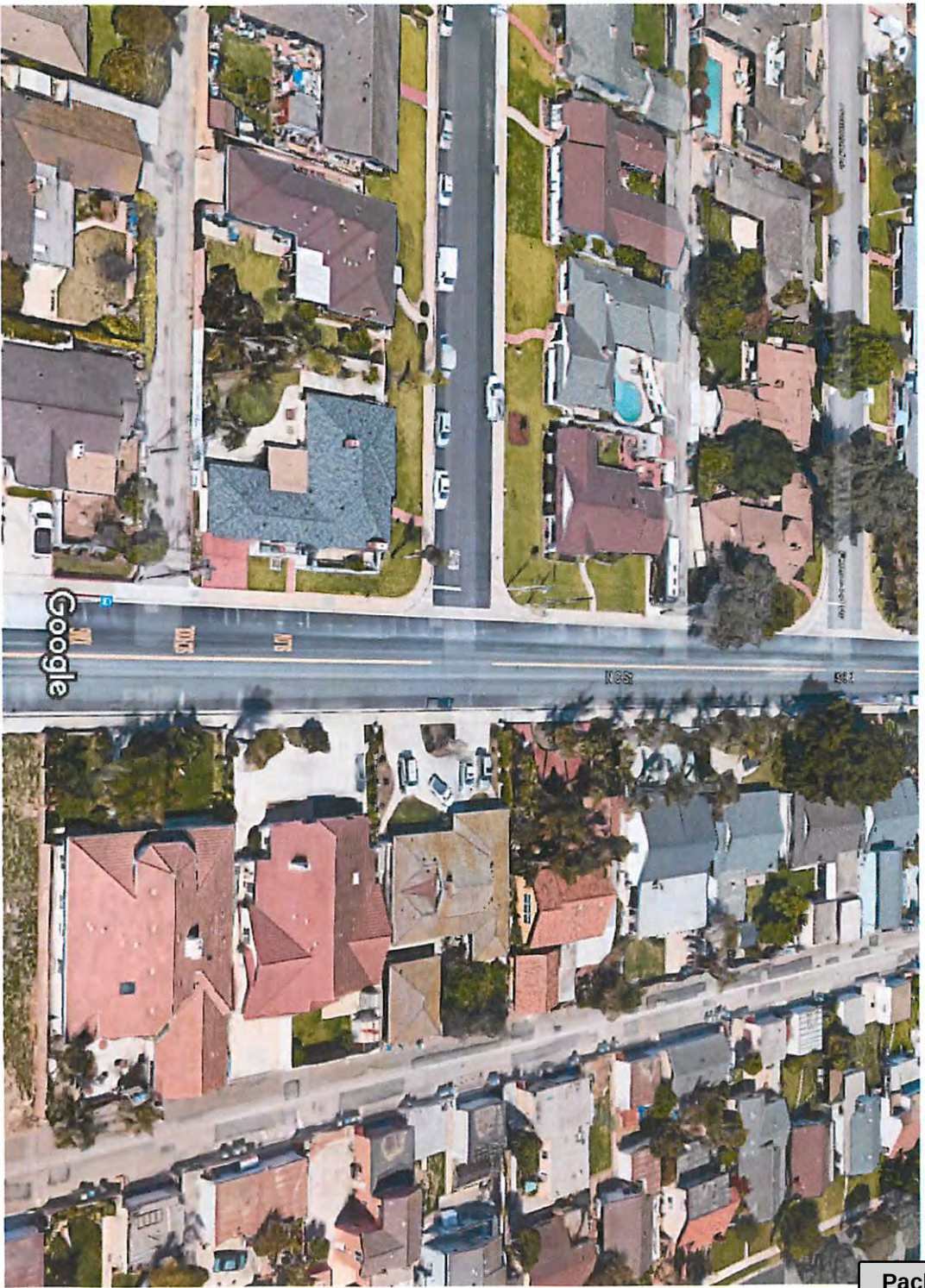


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Street View - May 2015





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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Public Hearing

AGENDA ITEM NO.: 2

DATE: October 10, 2017

TO: City Council

THROUGH: Greg Nyhoff
City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: Adoption of 2013-2021 Mid-Cycle Housing Element Update (10/20/20)

CONTACT: Ashley Golden, Development Services Director
Ashley.Golden@oxnard.org, 385-7882

RECOMMENDATION:

That the City Council:

1. Approve Addendum No. 4 to the 2030 General Plan Program Environmental Impacts Report that documents that the proposed General Plan Amendment complies with the California Environmental Quality Act (CEQA).
2. Approve a resolution adopting and amending the 2030 General Plan Goals and Policies, Chapter 8, 2013-2021 Mid-Cycle Housing Element Update, with the change identified (PZ 16-620-02), and subsequently forward the document to the California Department of Housing and Community Development (HCD) for certification.

BACKGROUND

The State Legislature requires cities and counties to prepare a Housing Element as part of a General Plan in a prescribed format, for a specified planning period, and based on the Regional Housing Needs Assessment (RHNA) completed by the Southern California Association of Governments (SCAG). An adopted housing element is subject to review and certification by the California Department of Housing and Community Development (HCD).

Adoption of 2013-2021 Mid-Cycle Housing Element Update (10/20/20)

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The proposed 2013-2021 Mid-Cycle Housing Element Update (“Update”) (Attachment A) documents and analyzes the current and future housing needs within the City of Oxnard (City) and identifies goals, policies, and programs to provide housing-related services and ensure adequate opportunities for housing of all income levels for the 2013 to 2021 planning period in compliance with State law and HCD review.

Because the City did not initially adopt the 2013-2021 Housing Element by the HCD due date of October 15, 2013, the City is required to provide a four-year “mid-cycle review” by October 15, 2017. As the City’s 2013-2021 Housing Element was recently adopted this past December, the Update is limited to changes requested by the HCD March 27, 2017 conditional certification letter (Attachment B), additional requests within the HCD August 18, 2017 review letter (Attachment C), and several staff-initiated changes detailed below. Adopting the Update does not obligate the City, itself, to develop the RHNA-assigned housing units.

Proposed changes to the current 2013-2021 Housing Element (adopted in December, 2016) were presented to the Planning Commission at their June 15, 2017 study session. Following this meeting, the draft Housing Element was distributed to HCD for review and comment. Since this time, comment letters and conference calls with HCD resulted in the Updated Mid-Cycle Housing Element.

The Planning Commission recommended approval of the Update at its meeting of September 7, 2017 by a 6-0 vote with a recommendation to add a vacant 4.2 acre parcel located at 1400 Graves Avenue into the All-Affordable Housing Opportunity Program (AAHOP) inventory for possible development of up to 101 affordable multifamily units (see Attachment D, staff report without attachments: Attachment E, Resolution 2017-18). Staff has previously evaluated the merits associated with the inclusion of this parcel in the AAHOP program. The subject parcel is supported with all utilities, is industrially zoned, surrounded by industrial land to the north/Santiago Rd., east, and south, and a major roadway (Graves Ave.) to the east. Further, with industrial vacancy rates between 2-4% in the City, a thorough evaluation of this and other AAHOP sites is more appropriate as part of a global affordable housing inventory. Program 3 specifies that the City will return to the City Council in 2018 for a comprehensive review of potential AAHOP sites. Supplement 2 of the Updated Housing Element identifies AAHOP sites which could accommodate approximately 2,000 affordable dwelling units.

Pursuant to Government Code Section 65358(b), the City may amend a mandatory element of the General Plan up to four times per year and each amendment may include more than one change. This General Plan Amendment (GPA No. PZ 16-620-02) represents the City’s first 2017 GPA.

REVISIONS TO THE ADOPTED HOUSING ELEMENT:

Substantive updates to the December 2016 Council approved Housing Element and the Updated Mid-Cycle Housing Element (October 2017) are summarized below:

December 13, 2016 Approved Housing Element Stated:	Updated/October 2017 Mid-Cycle Housing Element Proposed:
<u>Program 3 All-Affordable Housing Opportunity Program (AAHOP)</u> Referenced need to amend the AAHOP ordinance for a range of topics. AAHOP Sites - No specific target year for identification and rezoning of additional AAHOP sites with development potential for the remaining affordable housing need during the remaining Housing Element planning period.	<u>Program 3 All-Affordable Housing Opportunity Program (AAHOP)</u> Changed text to reflect adoption of amendments to the AAHOP Ordinance, which was also codified into the Municipal Code. AAHOP Sites - Added text that AAHOP sites adopted in December 2016 and additional AAHOP sites with development potential for the remaining affordable housing need during the remaining Housing Element planning period would be rezoned as part of the General Plan Consistency Rezoning program by 12/31/2018. The following changes were a result of the Aug. 18, 2017 HCD letter and follow up discussions: 1) removed AAHOP sites C-04 and D-04 and reduced sites A-08 to 17 units; and 2) corresponding changes made within Chapters F and G referencing these changes. The result is a remaining RHNA need for 264 lower income, 166 moderate, and 53 above moderate income units for a total of 483 units (Table F-1, page F-8).
<u>Program 5: Parcel Assemblage</u> Text was not specific as to which fees would be reduced.	<u>Program 5: Parcel Assemblage</u> Added text that the City could consider waiving lot merger fees for contiguous lots within AAHOP projects, added a program review by 2019, and added that the City would pursue grant funding to establish a revolving lot acquisition and merger fund program. (An implementing Zoning Text Amendment is a companion agenda item on the Oct. 10th Council agenda.)
<u>Program 6: Zoning Code Amendments</u> Text was not specific as to when the Zoning Code amendments and Local Coastal Program Update and Coastal Zoning would be completed.	<u>Program 6: Zoning Code Amendments</u> Added target years for zoning code amendments and for completion of the Local Coastal Program (LCP) Update, consistent with the LCP Update schedule. As a result of discussion with HCD in mid

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December 13, 2016 Approved Housing Element Stated:	Updated/October 2017 Mid-Cycle Housing Element Proposed:
	Sept. 2017 following Planning Commission input on Sept. 7 th - The following sentence was added with HCD direction: "Staff will continue to evaluate Zoning Text Amendments to evaluate potential barriers to zoning regulations which impact the construction of affordable housing."
<u>Program: 9: Farmworker Housing</u> Did not include zoning code amendments required to be consistent with State law.	<u>Program: 9: Farmworker Housing</u> Added that zone text amendments would be completed by 2018 to conform to State law relating to Farmworker Employee Housing by right in zones that allow agriculture use. (An implementing Zoning Text Amendment is a companion agenda item on the Oct. 10 th Council agenda.)
<u>Program 14: Shelter Development Program</u>	<u>Program 14: Shelter Development Program</u> Added a reference to the City's Strategic Priorities.
<u>Program 22: Reasonable Accommodation</u>	<u>Program 22: Reasonable Accommodation</u> Added consideration of reducing the Reasonable Accommodation permit fee. (An implementing Zoning Text Amendment is a companion agenda item on the Oct. 10 th Council agenda.)
<u>Program 25: Annexation</u>	<u>Program 25: Annexation</u> Updated information regarding the proposed Teal Club Specific Plan and text added that if the City does not approve the Teal Club Specific Plan annexation and project by the end of 2018, then the City will need to identify in 2019 other means to replace the 148 lower income units counted towards achieving the 2013-2021 RHNA.
<u>Program 29: Farmworker Housing</u>	<u>Program 29: Farmworker Housing</u> Added text that the City would consider farmworker housing parking requirements as part of zoning code amendments. (An implementing Zoning Text Amendment is a

December 13, 2016 Approved Housing Element Stated:	Updated/October 2017 Mid-Cycle Housing Element Proposed:
	companion agenda item on the Oct. 10 th Council agenda.)
No comparable program.	<u>New Program 31: Promote AAHOP Development and City-Owned Parcels</u> Program added per HCD direction after their August 18, 2017 review letter to increase the City's promotion of AAHOP sites and facilitate purchase of City-owned parcels in several sites.

2030 GENERAL PLAN CONSISTENCY:

The adoption of proposed General Plan Amendment No. PZ 16-620-02 requires that the action is consistent with the 2030 General Plan. The process of determining consistency follows the procedure outlined in Chapter 9 of the 2030 General Plan reviewing the 2030 General Plan Goals and Policies and classifying them as: I) Direct Applicability to a Proposed Policy, Project or Program; II) Related or Indirect Applicability to the Proposed Policy, Project or Program; or III) No or Distant Applicability to the Proposed Policy, Project or Program. Attachment G is a consistency evaluation that documents that the proposed 2013-2021 Mid-Cycle Housing Element Update with proposed changes is consistent with the 2030 General Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

CEQA Guidelines Section 15378(a)(1) provides that a general plan amendment is considered a project, and CEQA Guidelines sections 15162 and 15164 provide that an agency may prepare an addendum to a previously certified Environmental Impact Report (EIR) where the project will not result in new significant environmental impacts or a substantial increase in the severity of a previously disclosed impact.

The certified 2030 General Plan Program EIR was found to comply with CEQA for the adoption of the 2006-2014 Housing Element as the adoption did not, in and of itself: 1) increase 2030 population or housing projections or the various utilities and services related to projected growth, 2) change policies within the remainder of the 2030 General Plan or the 2030 General Plan Program EIR that evaluate and mitigate environmental impacts, 3) remove affordable housing projects from being subject to subsequent project-level CEQA review, or 4) remove the ability to deny an affordable housing project with un-mitigatable adverse environmental impacts per Government Code Section 65589.5.

The 2013-2021 Mid-Cycle Housing Element Update has substantially the same goals, policies, and programs as the 2013-2021 Housing Element it is replacing. The 2013-2021 RHNA target

Adoption of 2013-2021 Mid-Cycle Housing Element Update (10/20/20)

October 10, 2017

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of 7,301 units remains unchanged. The 2013-2021 Mid-Cycle Housing Element Update allows opportunities for an internal redistribution of a portion of the City's projected housing and population growth to the year 2030 to AAHOP and other sites, some of which are located along arterials on parcels with older and underutilized commercial uses where the zoning allows mixed and residential use. As multifamily housing generates about one-third the daily vehicle trips compared to general commercial uses, the potential conversion of commercially-zoned AAHOP sites to multifamily affordable housing at 24 units per acre reduces trip generation rates that were used in the 2030 General Plan Program EIR.

Addendum No. 4 to the 2030 General Plan Program EIR is attached (Attachment G) that documents CEQA compliance for the proposed 2013-2021 Mid-Cycle Housing Element Update. Attachment H is the proposed resolution of adoption for the 2013-2021 Mid-Cycle Housing Element Update (PC 16-620-02).

COMMUNITY INPUT AND LEGAL NOTICE

After the adoption of the 2013-2021 Housing Element on December 13, 2016, staff released a Housing Element policy survey. The survey was posted on the City's website, distributed to housing advocacy groups, and placed on the Planning Department public counter for completion. Additionally, staff provided a presentation and distributed the policy survey to the Chamber of Commerce, Land Use Subcommittee and to the Ventura County Association of Realtors. In late April, staff conducted a community meeting with affordable housing advocacy groups to secure input on the mid-cycle Element update and policy survey. Approximately 14 surveys were completed with no clear consensus on suggested policy prioritization.

The Planning Commission held two study sessions on the proposed update, April 6 and June 15, 2017 as well as its recommendation hearing on September 7, 2017. Ms. Barbara Macri-Ortiz and the Commission on Homelessness submitted several letters regarding the Update which are included in Attachment I.

State and City legal noticing requirements were met with publication of a notice of hearing in the Vida Newspaper on September 28, 2017.

STRATEGIC PRIORITIES

Approval of this agenda item supports the Infrastructure and Natural Resources and Quality of Life strategies. The purpose of the Infrastructure and Natural Resources strategy is to establish, preserve, and improve the City's infrastructure through effective planning. This item supports the following Infrastructure and Natural Resources goal and objective:

Goal 1. Ensure Master plans for all City infrastructure are current, synchronized and consistent with the General Plan. The purpose of the Quality of Life strategy is to create opportunities for safe and vibrant neighborhoods. This item supports the following Quality of Life goal and objective:

Adoption of 2013-2021 Mid-Cycle Housing Element Update (10/20/20)
 October 10, 2017
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Goal 2. Address homelessness through the development and implementation of a multi-tiered strategy.

Objective 2a. Identify the City's homelessness mission and create a 5-year plan to address homelessness.

FINANCIAL IMPACT

Adoption of the 2013-2021 Mid-Cycle Housing Element Update commits the City to implementing the programs listed in Chapter G. Implementation of these programs will either be executed as ongoing programs already included in various departmental work efforts and priorities; or as new programs which will require departmental prioritization, and staff evaluation of resources required over the next several years to be prepare and bring forward to the decision-making body. It is unclear if additional funding will be needed to implement ongoing and/or new programs. If additional funding is necessary staff would return to City Council for approval.

Note: Attachment C (2013-2021 "October 2017" Mid-Cycle Housing Element Update) has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Oxnard Main Library, in the City Clerk's Office, and on the City's website at www.oxnard.org/city-meetings.

ATTACHMENTS:

ATTCH A March 27 2017 HCD cert of 2013-2021 Housing Element

ATTCH B Aug 18 2017 HCD Review Letter

ATTCH C 2013-2021 Mid Cycle HE Update

ATTCH D Sept 7 PC Staff Report without attachments

ATTCH E Reso. 2017-18_Housing Element

ATTCH F CEQA PEIR Addendum No. 4

ATTCH G General Plan Consistency

ATTCH H Public Correspondence RE Mid-Cycle Housing Element and ZTAs 2017

ATTCH I GPA Adoption RESO PZ 16-620-02

**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



March 27, 2017

Mr. Greg Nyhoff, City Manager
City of Oxnard
City Manager's Office
300 West Third Street, 4th Floor
Oxnard, CA 93030

Dear Mr. Nyhoff:

RE: City of Oxnard's 5th Cycle (2013-2021) Adopted Housing Element

Thank you for submitting Oxnard's housing element. The element was adopted on December 13, 2016 and received for review on December 27, 2016. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review. The Department also considered comments from the Law Office of Barbara Macri-Ortiz pursuant to GC Section 65585(c).

The adopted element conditionally meets the statutory requirements of State housing element law (GC, Article 10.6). The Department's review found the adopted housing element to be substantially the same as the revised housing element the Department's September 15, 2015 review determined met statutory requirements. Further, the City completed zoning amendments (e.g., density bonus, accessory dwelling units, AAHOP) as noted in the prior review.

This finding of compliance is conditioned on implementation of programs, particularly related to zoning amendments. Specifically, the City must continue timely and effective implementation of remaining commitments in Program 6 (Zoning Code Amendments), Program 9 (Farmworker Housing), Program 25 (Annexation), Program 26 (AAHOP Monitoring) and Program 29 (Review of Parking Standards). The City should also examine and modify, as appropriate, the recent zoning amendments passed in 2016.

The City must revise its next element by October 15, 2017. GC Section 65588(e)(4) requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date of October 15, 2013 for SCAG localities to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates.

Mr. Greg Nyhoff, City Manager
Adopted Housing Element Review
Page 2

Please note the City of Oxnard now meets specific requirements for several State funding programs designed to reward local governments for compliance with State housing element law. Please see the Department's website for specific information about housing element compliance and funding programs.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information and revisions regularly available in a timely manner, considering and incorporating comments where appropriate.

The Department wishes the City of Oxnard success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide assistance in implementing the housing element, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,



Jennifer Seeger
Assistant Deputy Director

**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



August 18, 2017

Kathleen Mallory, Manager
Planning and Environmental Services
City of Oxnard
305 West Third Street
Oxnard, CA 93030

RE: Review of the City of Oxnard's Draft Housing Element

Dear Ms. Mallory:

Thank you for submitting the City of Oxnard's draft housing element received for review on June 21, 2017, along with revisions received on August 14, 2017. Pursuant to Government Code Section 65585(b), the Department is reporting the results of its review. The Department considered comments from the Law Office of Barbara Macri-Ortiz pursuant to GC Section 65585(c).

The draft housing element addresses most of the statutory requirements. However, the following is still necessary to comply with State housing element law (Article 10.6 of the Government Code):

Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).

Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing (Section 65583(c)(1)).

While the element includes an inventory of sites and analysis, public comment indicates several sites may be potentially unsuitable for development in the planning period (please see the July 31, 2017 letter). For example, a few sites are city-owned which may require a surplus process prior to being available for development and another site may need removal of a flyover bridge. The element should analyze these potential suitability issues and based on the results of additional analysis, add or revise programs to address a shortfall of sites or zoning available to accommodate the regional housing need.

Kathleen Mallory, Manager
Page 2

Once the element has been revised to address the above finding it will meet requirements of State housing element law. This determination is conditioned on continuing implementation of programs, particularly related to zoning amendments as noted in the Department's March 27, 2017 review.

As noted in prior reviews, the City is subject to a four year revision requirement (Government Code Section 65588(e)(4) and must revise the element by October 15, 2017. The Department recognizes the City's timeline for adoption and is committed to expeditiously work with the City to meet statutory requirements.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the dedication you and Mr. Chris Williamson provided in preparation of the housing element. If you have any questions or need additional technical assistance, please contact Paul McDougall at (916) 263-7420.

Sincerely,



Jennifer Seeger
Assistant Deputy Director



CITY OF

OXNARD



CALIFORNIA

CITY OF OXNARD

MID-CYCLE UPDATE

2013-2021

Full Version Available at Oxnard Main Library and City Clerk's Office, and on
City website: www.oxnard.org/city-meetings





PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kathleen Mallory, Planning Manager

DATE: September 7, 2017

SUBJECT: **Planning and Zoning (PZ) Permit No. 16-620-02 (General Plan Amendment): Recommendation to Adopt the 2013-2021 Mid-Cycle Housing Element Update as Chapter 8 of the 2030 General Plan Goals and Policies.**

1) Recommendation: That the Planning Commission:

- a) Receive a presentation on the 2013-2021 Mid-Cycle Housing Element Update; and
- b) Recommend that the City Council adopt the 2013-2021 Mid-Cycle Housing Element Update to replace in its entirety the current 2013-2021 Housing Element as Chapter 8 within the 2030 General Plan.

2) Project Description and Applicant: The proposed 2013-2021 Mid-Cycle Housing Element Update identifies programs to improve opportunities for retention and development of safe and affordable housing at all income levels during the 2013 - 2021 planning period set by State legislation. Filed by Ashley Golden, Development Services Director, Development Services Department, 214 South C Street, Oxnard.

3) Background: The State Legislature requires cities and counties to prepare a Housing Element as part of a General Plan in a prescribed format and for specified planning periods, subject to review and certification by the California Department of Housing and Community Development (HCD). Pursuant to Government Code Section 65583, a Housing Element must contain "...an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled program actions for the preservation, improvement, and development of housing." On December 13, 2016, the City Council adopted the Oxnard 2013-2021 Housing Element. Pursuant to HCD procedures, the element was transmitted to HCD for a 90-day certification review to be completed by March 27, 2017 (Attachment A). Pursuant to Government Code 65588(e)(4), the March 27, 2017 HCD certification letter states, "The City must revise its next element by October 15, 2017." Staff has worked with HCD staff to identify updates and related zoning text code amendments to satisfy HCD conditions. Preparing and adopting the 2013-2021 Mid-Cycle Housing Element Update does not obligate the City to develop and/or fund the target number of housing units. Adopting the Mid-Cycle Housing Element Update will enable the City to resume an eight-year Housing Element review cycle. Cities who do not adopt Housing Elements within the prescribed deadlines follow the Mid-Cycle review process. The Commission's action on the Mid-Cycle Housing Element is a recommendation to the City

Council. The Mid-Cycle Housing Element is tentatively scheduled for consideration by the City Council on October 10, 2017.

- 4) Revisions to the Adopted Housing Element:** Proposed changes to the current 2013-2021 Housing Element (adopted in December, 2016) were presented to the Planning Commission at their June 15, 2017 meeting. The June 15, 2017 study session staff report is included as Attachment B, and those changes continue to be included in the Mid-Cycle Housing Element Update except as amended below. Attachment C is the August 2017 draft 2013-2021 Mid-Cycle Housing Element.

Following the Commission's June 15th public hearing, staff forwarded the Draft Mid-Cycle Housing Element Update to HCD for review. On August 18, 2017, staff received the August 18, 2017 review letter from HCD stating that the proposed 2013-2021 Mid-Cycle Housing Element Update met the statutory requirements except for some remaining questions regarding feasibility of several AAHOP sites (see Attachment D). As a result of subsequent HCD and City staff discussion and public comment, AAHOP Sites C-04 and D-04 were removed and Site A-08 was reduced from 24 to 17 potential units. Program 31, "City Owned Site and AAHOP Developer Assistance," was added to "...promote development of AAHOP projects on City-owned sites and assist potential developers with AAHOP projects."

Changes between the December 2016 adopted/certified 2013-2021 Housing Element and the Draft 2013-2021 August Mid-Cycle Housing Element Update are summarized in the table below. *Text with italics denotes that changes were made after August 18, 2017 (and after posting the August Mid-Cycle Housing Element on the City's website and distributed to the Planning Commission) and are provided as correction pages in Attachment E.*

December 13, 2016 Approved Housing Element Stated:	August 2017 Mid-Cycle Housing Element Update Proposed:
<u>Program 3: All-Affordable Housing Opportunity Program (AAHOP)</u> Referenced need to amend the AAHOP ordinance for a range of topics. AAHOP Sites - No specific target year for identification and rezoning of additional AAHOP sites with development potential for the remaining affordable housing need during the remaining Housing Element planning period.	<u>Program 3: All-Affordable Housing Opportunity Program (AAHOP)</u> Changed text to reflect adoption of amendments to the AAHOP Ordinance, which was also codified into the Municipal Code. AAHOP Sites - Added text that AAHOP sites and additional AAHOP sites with development potential for the duration of the affordable housing need during the remaining Housing Element planning period would be rezoned as part of the General Plan Consistency Rezoning program by 12/31/2018. <i>[Correction Pages, Attachment E]</i> <i>Removed AAHOP sites C-04 and D-04 and reduced site A-08 to 17 units per recent</i>

	<i>discussions with HCD. Corresponding changes made within Chapters F and G referencing these changes. Result is a remaining RHNA need for 264 lower income, 166 moderate, and 53 above moderate income units for a total of 483 units.</i> <i>These changes are due to the Aug. 18, 2017 HCD letter and follow up discussions.</i>
<u>Program 5: Parcel Assemblage</u> Text did not specify which fees would be reduced.	<u>Program 5: Parcel Assemblage</u> Added text that the City could consider waiving lot merger fees for small contiguous lots which have an AAHOP designation, added that the effectiveness of the program would be reviewed by 2019, and added that the City would pursue grant funding, as available, to establish funding for the parcel assemblage program.
<u>Program 6: Zoning Code Amendments</u> Text was not specific as to when the Zoning Code amendments and Local Coastal Program Update and Coastal Zoning would be completed.	<u>Program 6: Zoning Code Amendments</u> Added target years for zoning code amendments and for completion of the Local Coastal Program (LCP) Update, consistent with the LCP Update schedule. (The Zoning Code amendments due for adoption in 2017 are in process as companion actions to adoption of this Mid-Cycle Update.)
<u>Program: 9: Farmworker Housing</u> Did not include zoning code amendments required to be consistent with State law.	<u>Program: 9: Farmworker Housing</u> Added that zone text amendments would be completed by 2018 to conform to State law relating to Farmworker Employee Housing by right in zones that allow agriculture use. (The Zoning Code amendments due for adoption in 2017 are in process as companion actions to adoption of this Mid-Cycle Update.)
<u>Program 14: Shelter Development Program</u> Text contained program components.	<u>Program 14: Shelter Development Program</u> Added a reference to the City's Strategic Priorities.

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<u>Program 22: Reasonable Accommodation</u> Text contained program components.	<u>Program 22: Reasonable Accommodation</u> Added consideration of reducing the Reasonable Accommodation permit fee. (The Zoning Code amendments due for adoption in 2017 are in process as companion actions to adoption of this Mid-Cycle Update.)
<u>Program 25: Annexation</u> Text contained program components.	<u>Program 25: Annexation</u> Updated information regarding the proposed Teal Club Specific Plan. Added text that if the City does not approve the Teal Club Specific Plan annexation and project by the end of 2018, then the City will need to identify in 2019, other means to replace the 148 lower income units counted towards achieving the 2013-2021 Regional Housing Need.
<u>Program 29: Farmworker Housing</u>	<u>Program 29: Farmworker Housing</u> Added text that the City would consider farmworker housing parking requirements as part of zoning code amendments. (The Zoning Code amendments due for adoption in 2017 are in process as companion actions to adoption of this Mid-Cycle Update.)
<u>New Program 31:</u> Was not a program within the Dec. 2016 Housing Element.	<u>New Program 31: Promote AAHOP Development and City-Owned Parcels</u> <i>[Correction Page, Attachment E] Program added per HCD direction to increase the City's promotion of AAHOP sites and facilitate development of City-owned parcels in several AAHOP sites.</i>

- 5) **2030 General Plan Consistency:** A Commission recommendation for approval of the proposed General Plan Amendment (PZ 16-620-02) requires consistency with the 2030 General Plan. The process of determining consistency follows the procedure outlined in Chapter 9 of the 2030 General Plan reviewing the 2030 General Plan Goals and Policies and classifying them as: I) Direct Applicability to a Proposed Policy, Project or Program; II) Related or Indirect Applicability to the Proposed Policy, Project or Program; or III) No or

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Distant Applicability to the Proposed Policy, Project or Program. Attachment F is a consistency evaluation that documents that the proposed 2013-2021 Mid-Cycle Housing Element Update with proposed changes is consistent with the 2030 General Plan.

- 6) California Environmental Quality Act (CEQA) Review:** CEQA Guidelines Section 15378(a)(1) provides that a general plan amendment is considered a project, and CEQA Guidelines sections 15162 and 15164 provide that an agency may prepare an addendum to a previously certified Environmental Impact Report (EIR) where the project will not result in new significant environmental impacts or a substantial increase in the severity of a previously disclosed impact.

The certified 2030 General Plan Program EIR was found to comply with CEQA for the adoption of the 2006-2014 Housing Element as the adoption did not, in and of itself: 1) increase 2030 population or housing projections or the various utilities and services related to projected growth; 2) change policies within the remainder of the 2030 General Plan or the 2030 General Plan Program EIR that evaluate and mitigate environmental impacts; 3) remove affordable housing projects from being subject to subsequent project-level CEQA review; or 4) remove the ability to deny an affordable housing project with unmitigatable adverse environmental impacts per Government Code Section 65589.5.

The 2013-2021 Mid-Cycle Housing Element Update has substantially the same goals, policies, and programs as the 2013-2021 Housing Element it is replacing. The 2013-2021 Regional Housing Needs Assessment (RHNA) target of 7,301 units remains unchanged. The 2013-2021 Mid-Cycle Housing Element Update and companion implementing Zoning Code Amendments essentially allow opportunities for an internal redistribution of a portion of the City's projected housing and population growth to the year 2030 to AAHOP and other sites, some of which are located along arterials on parcels with older and underutilized commercial uses where the zoning allows mixed and residential use. Addendum No. 4 to the 2030 General Plan Program Final EIR is attached (Attachment G) that documents CEQA compliance.

7) Community Input and Legal Notice

After the adoption of the 2013-2021 Housing Element on December 13, 2016, staff presented a housing element study session to the Planning Commission on April 6, 2017. In late April, staff conducted a community meeting with affordable housing advocacy groups to secure input on the mid-cycle Element update and policy survey. The survey was posted on the City's website, distributed to housing advocacy groups, and placed on the Planning Department public counter for completion. Additionally, staff provided a presentation and distributed the policy survey to the Chamber of Commerce, Land Use Subcommittee and to the Ventura County Association of Realtors. In late April, staff conducted a community meeting with affordable housing advocacy groups to secure input on the mid-cycle Element update and policy survey. Approximately 14 surveys were completed with no clear consensus on suggested policy prioritization. The Planning Commission held a second study session on the proposed mid-cycle update on June 15, 2017.

State and City legal noticing requirements were met with publication of a notice of hearing in the Vida Newspaper on August 24, 2017. Correspondence received regarding the Draft

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2013-2021 Mid-Cycle Housing Element Update as of August 29, 2017 is provided in Attachment H.

8) Appeal Procedure

The Planning Commission's action is a recommendation to the City Council. The matter is tentatively scheduled for the City Council meeting of October 10, 2017.

Attachments:

- A. HCD March 27, 2017 Conditional Certification Letter
- B. June 15, 2017 Planning Commission Mid-Cycle Update Study Session Staff Report
(available at http://oxnard.granicus.com/MediaPlayer.php?view_id=91&clip_id=3709&meta_id=171801)
- C. Draft 2013-2021 August 2017 Mid-Cycle Housing Element Update
(available at: <https://www.oxnard.org/Planning> "News")
- D. HCD August 18, 2017 Review Letter
- E. Post-August 18, 2017 Housing Element Change Pages
- F. 2030 General Plan Consistency Evaluation
- G. Addendum No. 4 to the 2030 General Plan Program EIR
- H. Correspondences Received as of August 29, 2017
- I. Resolution 2017-[No. PZ 16-620-02]

Prepared by: _____
 CW

Approved by: _____
 KM

RESOLUTION NO. 2017 - 18

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT AND AMEND THE 2030 GENERAL PLAN BY ADOPTING THE 2013-2021 MID-CYCLE HOUSING ELEMENT UPDATE. FILED BY CITY OF OXNARD, PLANNING DIVISION, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, the California State Legislature identified the State's major housing goal as the attainment of a decent home and suitable living environment for every Californian and due to the critical role that local planning programs play in achieving this goal, the California State Legislature requires that all jurisdictions prepare and periodically review and update a housing element as the directed by the California State Legislature; and

WHEREAS, Government Code Section 65583 lists requirements of the housing element wherein each housing element must contain "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled program actions for the preservation, improvement, and development of housing"; and

WHEREAS, the housing element requires review and certification by the State of California, Department of Housing and Community Development (HCD); and

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and the operative documents of the Oxnard 2030 General Plan consist of the (1) Background Report (2006), and the (2) Goals and Policies which includes the HCD-certified 2006-2014 Housing Element as Chapter 8; and

WHEREAS, the City of Oxnard (City) falls within the metropolitan planning region covered by the Southern California Association of Governments (SCAG) and for each housing element planning cycle, SCAG is required to determine the share of the regional housing needs to be allocated to each city and unincorporated county area within the SCAG region, and this process is called the Regional Housing Need Assessment (RHNA); and

WHEREAS, the total SCAG RHNA allocation for the 2013-2021 Housing Element planning period was 7,301 housing units for Oxnard intended to accommodate current and projected growth housing need based on population and economic analyses and projections; and

WHEREAS, the City filed an appeal with appropriate documentation stating that the 2013-2021 RHNA allocation should be reduced by 2,500 units, and the appeal was denied by SCAG in 2012; and

WHEREAS, the Draft 2013-2021 Housing Element was submitted to HCD on July 17, 2015 and received a HCD letter dated September 15, 2015 that states the Draft 2013-2021 Housing Element "...meets statutory requirements of State housing element law." This finding is based on, among other things, the City completing various zoning amendments, such as amending the density bonus ordinance in compliance with Government Code Section 65915, concurrently with the adoption of the housing element"; and

WHEREAS, the City Council adopted the 2013-2021 Housing Element on December 13, 2016 reflecting more recent information regarding proposed or completed housing projects that reduced the RHNA need, together with the changes to the list of All Affordable Housing Opportunity Program (AAHOP) parcels contained within Supplement 2, from 1,030 units in the July 2015 Draft to 509 units in the Final 2013-2021 Housing Element; and

WHEREAS, the adopted 2013-2021 Housing Element was submitted to HCD for certification on December 23, 2016 and the City received a HCD letter dated March 27, 2017 that stated the 2013-2021 Housing Element meets statutory requirements of State housing element law provided several conditions were satisfied with the adoption of a Mid-Cycle Update by October 15, 2017; and

WHEREAS, City staff presented a housing element study session to the Planning Commission on April 6, 2017 and prepared and circulated a survey to the public requesting input on City housing policies and programs and held a workshop on April 27, 2017 on similar topics; and

WHEREAS, City staff prepared a draft 2013-2021 Mid-Cycle Housing Element Update document and presented same to the Planning Commission at a second study session on June 15, 2017 at which comments were received, and

WHEREAS, the draft 2013-2021 Mid-Cycle Housing Element Update was submitted to HCD for review on June 19, 2017 and during the following 70 days staff held discussions with HCD staff that led to several additional changes included herein by reference as "correction pages" that are henceforth considered part of the 2013-2021 Mid-Cycle Housing Element Update; and

WHEREAS, City staff prepared a final draft 2013-2021 Mid-Cycle Housing Element Update, incorporated by reference as Exhibit A, that reflects HCD comments and public comments through August 29, 2017; and

WHEREAS, City staff prepared a 2030 General Plan consistency evaluation that finds that the Draft 2013-2021 Mid-Cycle Housing Element Update is consistent with the 2030 General Plan; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2017 to consider approving a resolution recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2013-2021 Mid-Cycle Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 16-620-02); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, the Planning Commission finds that the 2013-2021 Mid-Cycle Housing Element Update identifies and analyzes the current and future housing needs of residents within the City of Oxnard (City) and establishes housing goals, policies, and programs to meet the needs; and

WHEREAS, the 2030 General Plan Final Program Environmental Impact Report (PEIR) was presented to the City Council at a public hearing on February 2, 2010, following which the City Council adopted certifying Resolution No.13,770 in accordance with Section 15090 of the State CEQA Guidelines that the Final PEIR was completed in accordance with CEQA, and reflects the independent judgment and analysis of the City; and

WHEREAS, the 2030 General Plan Final PEIR included the housing, population, traffic, and related projected growth that is reflected in the 2013-2021 Mid-Cycle Housing Element Update; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, Final PEIR, and Statement of Overriding Considerations and Findings of Fact are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, Addendum No. 4 to the 2030 General Plan Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document that adoption of the Draft 2013-2021 Mid-Cycle Housing Element Update did not require the preparation of a subsequent environmental impact report.

NOW, THEREFORE, the Planning Commission of the City of Oxnard recommends that the City Council amend the 2030 General Plan to incorporate the 2013-2021 Mid-Cycle Housing Element Update in its entirety as Chapter 8. Based on the entire record presented, the following findings are made:

- A. The proposed 2013-2021 Mid-Cycle Housing Element Update is consistent with the City of Oxnard 2030 General Plan and the certified Coastal Land Use Program.
- B. The proposed 2013-2021 Mid-Cycle Housing Element Update meets the requirements of state law (Government Code Section 65880 *et seq.*) and associated regulations relating to Housing Elements.
- C. Consistent with the requirements of state law, the proposed 2013-2021 Mid-Cycle Housing Element Update identifies and analyzes the current and future housing needs within the City of Oxnard and identifies goals, policies and programs to provide certain services and ensure adequate opportunities for housing of all income levels for the planning period set by the State of California.
- D. The City submitted the proposed 2013-2021 Mid-Cycle Housing Element Update to the Department of Housing and Community Development (HCD) for review.

E. Pursuant to a letter to the City dated August 18, 2017 and subsequent discussions with City staff and additional changes, HCD staff determined that the proposed 2013-2021 Mid-Cycle Housing Element Update meets statutory requirements of state housing element law except where noted, and will comply with state housing law when the noted deficiencies are addressed, adopted by the City of Oxnard, and submitted to HCD for certification.

F. Changes have been made to the draft 2013-2021 Mid-Cycle Housing Element Update document reviewed by HCD that address the issues raised by HCD as referenced in its letter of August 18, 2017, which should allow HCD to determine that the Draft 2013-2021 Mid-Cycle Housing Element Update meets the statutory requirements of state housing law.

G. The City has met all legal requirements for public outreach and obtaining public input relating to the proposed 2013-2021 Mid-Cycle Housing Element Update.

H. Before making its recommendation regarding the proposed 2013-2021 Mid-Cycle Housing Element Update, the Planning Commission held a duly noticed public hearing on September 7, 2017 in which all those who wished to speak were given the opportunity to do so.

I. In addition, before making its recommendation regarding the 2013-2021 Mid-Cycle Housing Element Update, the Planning Commission considered all evidence in the record, including written comments and public comments.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of September, 2017, by the following vote:

AYES: Commissioners: Chua, Sanchez, Dozier, Fuhring, Huber, Frank

NOES: Commissioners:

ABSENT: Commissioners: Stewart

Deirdre Frank, Chair

ATTEST: _____
Kathleen Mallory, Secretary

Resolution No. 2017 – 18
Page 5

Exhibit A

2013-2021 Mid-Cycle Housing Element Update
And Correction Pages

[under separate cover]

GENERAL PLAN AMENDMENT

PZ No. 16-620-02
2013-2021 MID-CYCLE HOUSING ELEMENT UPDATE

Addendum No. 4
to the
2030 General Plan
Program Environmental Impact Report

Prepared by:

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1026 Chorro Street, Suite 225
San Luis Obispo, CA 93401

ADDENDUM NO. 4 TO THE CITY OF OXNARD 2030 GENERAL PLAN PEIR

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ADDENDUM NO. 4 TO THE CITY OF OXNARD 2030 GENERAL PLAN PEIR

1.0 INTRODUCTION

This Addendum No. 4 to the City of Oxnard 2030 General Plan Program Environmental Impact Report (PEIR) (State Clearinghouse No. 2007041024) was prepared in accordance with California Environmental Quality Act (CEQA) Sections 15162 and 15164 for the proposed 2013–2021 Housing Element Mid-Cycle Update (proposed project). The City of Oxnard is the lead agency for the environmental review of the proposed project.

The City Council certified the PEIR on February 2, 2010 (Resolution No. 13,770). The City adopted Addendum No. 1 to the PEIR on October 11, 2011 (Resolution No. 14,118), which addressed land use designation changes and policy revisions that occurred when the General Plan was adopted. The land use changes reduced the net amount of development in the City's planning area relative to that originally analyzed in the PEIR. Addendum No. 2 was adopted in 2016 (Resolution No. 14,925). The project evaluated in Addendum No. 2 was a General Plan Amendment to implement policies and actions related to the City's Local Coastal Program concerning sea level rise and electricity-generating facilities in the coastal zone. Addendum No. 3 was adopted in December 2016 (Resolution No. 14,982). The project evaluated in Addendum No. 3 was the adoption of the 2013–2021 Housing Element.

City staff have determined that the adoption and implementation of the 2013–2021 Housing Element Mid-Cycle Update constitutes a project, as defined under CEQA Guidelines Section 15378, and therefore is subject to environmental review.

This document demonstrates that the analysis contained in the PEIR adequately addresses the potential physical impacts associated with adoption and subsequent implementation of the proposed project and that none of the conditions described in CEQA Guidelines Sections 15162 and 15164 calling for the preparation of a subsequent PEIR have occurred. The specific requirements for this review are provided in Section 2.0, below.

An addendum does not have to be circulated to the public for comment prior to the City Council's decision on the project.

1.1 BACKGROUND AND PURPOSE OF PEIR ADDENDUM NO. 4

State law (California Government Code Section 65583) requires every jurisdiction in California to adopt a comprehensive, long-term general plan to guide its physical development; the housing element is one of the seven mandated elements of the general plan. State law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community.

The City of Oxnard adopted the 2013–2021 Housing Element in December 2016. The 2013–2021 Housing Element identifies and analyzes the current and future housing needs in Oxnard through the Regional Housing Needs Assessment (RHNA) process and establishes housing goals, policies, and programs to meet those needs. The statutory planning period is October 15, 2013, to October 15, 2021. Housing elements require review and certification by the California Department of Housing and Community Development (HCD).

ADDENDUM NO. 4 TO THE CITY OF OXNARD 2030 GENERAL PLAN PEIR

As required by state law, the 2013–2021 Housing Element consists of seven chapters, which are:

- Chapter A: Review and Revise Previous Policies and Goals
- Chapter B: Existing Housing Needs
- Chapter C: Special Needs
- Chapter D: Projected Housing Needs
- Chapter E: Constraints
- Chapter F: Achieving the RHNA Allocation
- Chapter G: Goals and Policies

Chapter G of the 2013-2021 Housing Element contains the goals and policies, and Table G-2 of Chapter G identifies 30 implementation programs, which, if and when implemented, could result in physical changes to the environment. Addendum No. 3 provided the evaluation of potential environmental impacts of implementing the 2013-2021 Housing Element relative to the evaluation in the PEIR.

The RHNA for Oxnard for the 2013–2021 planning period is 7,301 housing units intended to accommodate current and projected growth need based on population and economic analyses and projections.

Because the City did not adopt the 2013–2021 Housing Element by the statutory deadline of October 15, 2013, the March 27, 2017, conditional certification letter from HCD requires that the City adopt a Mid-Cycle Housing Element Update by October 15, 2017 and then submit the adopted element to HCD for certification. The term “mid-cycle” is used by HCD and refers to being approximately halfway through the eight-year statutory planning period for the 2013–2021 Housing Element.

The purpose of Addendum No.4 is to determine whether the mid-cycle update to the 2013–2021 Housing Element would result in any conditions that would require a subsequent PEIR.

1.2 SCOPE OF 2030 GENERAL PLAN PEIR ANALYSIS

The “project” evaluated in the previously certified PEIR was the 2030 General Plan and the 2006–2014 Housing Element (Oxnard 2009a).

2030 General Plan and PEIR

The 2030 General Plan’s Land Use and Circulation Diagram designated the proposed general location, distribution, and extent of land uses through buildout of the General Plan. Adequate land is provided by the 2030 General Plan to accommodate anticipated housing and employment needs through 2030. Buildout will occur within the city limits and/or City Urban Restriction Boundaries (CURB), with the primary change focused on infill development in the city (Oxnard 2009a). Residential land uses would account for over 7,400 acres, representing an increase of approximately 800 acres in land designated for residential uses at buildout over the planning horizon of the 2030 General Plan compared to 2005 conditions (Oxnard 2009b, Table ES-3). The growth projections for the 2030 General Plan estimated that an additional 12,250 to 23,881 housing units could be added to the city by 2030 (Matrix Design Group 2006, Table 2-7). In 2010, there were 45,183 housing units in Oxnard, and by 2016 the number of housing units was 52,772, an increase of 7,589 units (Oxnard 2016, Table B-26).

The PEIR evaluated the potential environmental effects of implementing the 2030 General Plan for the following impact areas: land use; circulation, traffic, and transportation; utilities; public

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facilities and services; parks and recreation; biological resources; aesthetic resources; cultural resources; agriculture and soil resources; mineral resources; air quality and climate change; energy and resource conservation; geologic, seismic, and soil hazards; natural hazards; noise; and hazardous materials and uses (Oxnard 2009a, 2009b). The analysis in the PEIR considered the City's 1995 CEQA Guidelines, along with other relevant thresholds to determine whether the environmental impacts of implementing the 2030 General Plan would be significant. The policies in the 2030 General Plan were determined to mitigate the potential environmental effects of development under the General Plan to less than significant levels, with the exception of the following: conversion of important farmland to agricultural uses; cumulative increase of criteria air pollutants in a nonattainment air basin; conflict with state goals for reducing greenhouse gas emissions; exposure of a variety of land uses to traffic noise and railroad noise and excessive vibration exceeding City thresholds; and degradation of operations at six intersections to below level of service C. These impacts were determined to be significant and unavoidable, and the City adopted a Statement of Overriding Considerations to address these impacts.

There have been no changes in the circumstances in the city with regard to the amount of available land designated for residential use in Oxnard subsequent to adoption of PEIR Addendum No. 1, Addendum No. 2, and Addendum No. 3 that would warrant changes to the certified PEIR.

Current (2013–2021) Housing Element

In December 2016, when the Oxnard City Council adopted the 2013–2021 Housing Element (Resolution 14,982), the City determined that the PEIR adequately evaluated the components of the 2013–2021 Housing Element. Addendum No. 3 to the PEIR concluded that adoption of the 2013–2021 Housing Element did not require the preparation of a subsequent PEIR.

New City of Oxnard CEQA Guidelines (2017)

In May 2017, the City adopted new CEQA Guidelines (Oxnard 2017). The new guidelines include revisions to some of the CEQA standards of significance in the City's 1995 CEQA Guidelines. Some new thresholds were added to reflect changes in CEQA, and existing ones were modified to provide greater specificity for certain topics. The City's 2017 CEQA Guidelines is new information. However, as it relates to the proposed project (mid-cycle update), re-analysis of the PEIR impacts against the standards of significance in the 2017 guidelines is not required to support the conclusions of this Addendum because, as described below, the mid-cycle update would not result in physical changes in the environment that would need to be considered in the context of the new guidelines and would not warrant changes to the certified PEIR because of the adoption of updated guidelines.

2.0 CEQA STANDARDS FOR ENVIRONMENTAL REVIEW

In determining whether an Addendum to the PEIR is the appropriate document, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

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- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*

Public Resources Code Section 21166 and CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) set forth the criteria for determining whether a subsequent or supplemental PEIR or negative declaration should be prepared in support of further agency action on the project. Under these guidelines, a subsequent or supplemental PEIR or negative declaration shall be prepared if any of the following criteria are met:

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more*

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significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.

3.0 PROJECT DESCRIPTION

The proposed project consists of revisions to six of the seven chapters of the adopted 2013–2021 Housing Element (Chapters A, C, D, E, F, and G). Most of the revisions are to update information or data or report on progress. Because the mid-cycle update relates to activities that have occurred between December 2016 and May 2017, there are few substantive changes. Details of each of the chapter revisions are described below.

None of the revisions result in additional actions that must be taken by the City at this time, other than to adopt the mid-cycle update to the Housing Element. For example, no additional changes in land use designations or zoning or revisions to the Zoning Code are necessary to implement the revisions that are substantially different from the element adopted in December 2016.

3.1 CHAPTER A: REVIEW AND REVISE PREVIOUS POLICIES AND GOALS

Table A-1 in Chapter A is a review of the 30 programs that were adopted in the 2013–2021 Housing Element. The proposed revisions to the 2013–2021 Housing Element for the mid-cycle update consist of additions, deletions, and revisions to the text presented in five columns that describe the approved program, objective, result, evaluation, and a determination whether to continue, modify, or delete the particular program. The “December 2016 Approved Program” column includes language copied verbatim from the programs section (Section G) of the adopted 2013-2021 Housing Element.

As part of the mid-cycle update, progress was made on the following programs, and Table A-1 was revised accordingly:

Program 3: All-Affordable Housing Opportunity Program (AAHOP) and “-AH” additive zone designation. Changes were made to report on the recently approved AAHOP Gateway Station project with 240 units of low-income affordable housing at the Five Points drive-in movie theater site. This section was also revised to add information regarding a second AAHOP project, which is for a 42-unit farmworker housing project on Etting Road. A third AAHOP application is currently being processed at 5690 Cypress Road. Revisions were made to note that “-AH” additive rezonings will be completed as a component of the citywide General Plan consistency rezoning program.

Program 4: Urban Village Program. The evaluation was changed to reflect the General Plan Amendment (PZ 16-620-03) adopted in December 2016, which requires a specific plan for an Urban Village and removes the need to develop citywide Urban Village Guidelines. The reference in the Objective column to completion of 290 units during the RHNA planning period was also removed.

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Program 6: Zoning Code Amendments. The text in the Result and Evaluation columns was updated to reflect the Zoning Code amendments that were adopted in December 2016 and affirms that additional Zoning Code amendments are in progress.

Program 8: SOAR Affordable Housing Study. Changes were made to remove the development of guidelines during this RHNA planning period for affordable housing that could potentially be developed under the Save Open Space and Agriculture Resources (SOAR) exemption for all-affordable housing projects of 20 acres or less per year.

Program 9: Farmworker Housing Program. Changes were made to show the recent application for continued use of the 5690 Cypress Road (Garden Acres) labor camp project.

Program 20: Energy Conservation. The Continue/Modify/Delete column was updated to include reference to working with the Ventura County Regional Energy Alliance.

3.2 CHAPTER C: SPECIAL NEEDS

Only a few changes were made in this chapter. One is on page C-2, where a statement was added that the term “special needs” has a definition in the California Health and Safety Code that does not include farmworkers. A deletion would be made on page C-14 to update information on City records regarding farmworker housing. Table C-12 and associated text on page C-16 were updated to provide more current point-in-time homeless count numbers.

3.3 CHAPTER D: PROJECTED HOUSING NEEDS

Tables D-2 and D-3 were updated with current housing project information, which leads to changes in Table D-4. The remaining projected RHNA housing need is now 2,550 units, down from 2,651 units in December 2016, when the 2013–2021 Housing Element was adopted.

3.4 CHAPTER E: CONSTRAINTS

Updates were made to reflect the City’s update of the Accessory Dwelling Unit (ADU) ordinance in December 2016, voter passage of an extension of SOAR to the year 2050, and references to the City’s continuing Local Coastal Program update.

3.5 CHAPTER F: ACHIEVING THE RHNA ALLOCATION

Table F-1 was updated to show that the remaining RHNA need after subtracting the 2,132-unit All-Affordable Housing Opportunity Program (AAHOP) inventory (which is not changed from the December 2016 Housing Element) is 418 units. This need is further reduced to 51 units after accounting for required affordable housing anticipated in the Teal Club Specific Plan. Updates were also made in the public outreach section to summarize outreach conducted for the mid-cycle update. The remaining housing need will be met by future additions to the AAHOP inventory and/or development of affordable housing beyond what is projected at this time through the year 2021. Future updates would be subject to CEQA review.

3.6 CHAPTER G: GOALS AND POLICIES

Several policies in Chapter G were revised to reflect progress since December 2016 and to reflect the City’s current approach to a few issues. Table G-1, Maximum Housing Units by Income

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Category (Quantified Objectives): 2013–2021, was updated based on changes to progress numbers in Chapter F (Achieving the RHNA Allocation). Revisions were proposed to nearly half of the programs in Table G-2, Housing Element Implementation Programs. These changes reflect portions of the programs that have been completed, updated information about timing or details of program implementation, and updated information to reflect changes that have occurred since adoption of the housing element in December 2016. For example, changes to Program 4 reflect a new City ordinance that requires a specific plan be prepared for an Urban Village.

4.0 ENVIRONMENTAL ANALYSIS

The following text qualitatively evaluates the potential environmental impacts of the proposed mid-cycle revisions to the 2013–2021 Housing Element within the context of the analysis in the 2030 General Plan PEIR. The assessment is presented in the order in which the topics are presented in the PEIR. For each topic, the analysis summarizes the impacts identified in the PEIR, followed by a determination as to whether impacts of adopting the mid-cycle update to the 2013–2021 Housing Element would result in conditions triggering the need for a subsequent PEIR. The following table summarizes whether the proposed changes would have the potential for an environmental effect.

Land Use

The PEIR (Section 3.2) evaluated impacts related to consistency with adopted land use plans and physical division of an established community and concluded that impacts would be less than significant with implementation of 2030 General Plan policies. The PEIR determined that uses in development areas are expected to be compatible with one another because General Plan policies establish requirements for compatible development, including buffering, screening, controls, and performance standards. The Community Development Element also includes a number of policies designed to preserve and enhance established neighborhoods and community character.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in land use impacts because the proposed revisions to the text of the Housing Element or programs therein would not directly result in changes in General Plan land use or zoning designations, approve land use entitlements, or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to land use when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Circulation, Traffic, and Transportation

The PEIR (Section 4.2) evaluated impacts related to the City's transportation facilities and concluded that implementation of the 2030 General Plan would result in less than significant impacts on public transit usage, bicycle/pedestrian activity, accessibility to cargo operations points, parking capacity, and alternative transportation programs with implementation of 2030 General Plan policies. However, development under the 2030 General Plan would result in significant and unavoidable level of service (LOS) impacts at six intersections, for which the City adopted a CEQA Statement of Overriding Considerations. Policies and implementation measures in the 2030 General Plan are designed to mitigate transportation impacts through the establishment of design and LOS standards for a variety of circulation, traffic, transit, and

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nonmotorized transportation modes. The PEIR also noted that substantial amounts of new development in the 2030 General Plan planning area would require parking based on the specific parking requirements generated by a particular land use. The City's Zoning Code contains a variety of parking standards to ensure adequate levels of parking are provided with all future development in the city, except possibly where state law mandates reduced parking for certain types of development. Policies included in the Infrastructure and Community Services Element ensure adequate levels of both on- and off-street parking are provided as part of all future development proposals and that excessive amounts of parking are also avoided.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in traffic, transportation, transit, or bicycle/pedestrian facilities impacts because the proposed revisions to the text of the Housing Element or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element or add to cargo-related operations. Under Program 29, the review of parking standards for farmworker housing would not result in any physical changes until or unless parking standards are changed. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to circulation, traffic, and transportation when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Utilities

The PEIR (Section 4.3) evaluated impacts on water supply, wastewater, stormwater drainage systems, and solid waste facilities. The City has a comprehensive multifaceted Urban Water Management Plan that outlines how the City plans to provide an adequate water supply to meet forecast water demands to meet projected growth under the 2030 General Plan. The 2030 General Plan includes policies and implementation measures addressing a range of water supply and groundwater resource issues. With implementation of the applicable policies and implementation programs, the PEIR concluded that impacts on water resources and wastewater services would be less than significant. Land uses and development proposed under the 2030 General Plan would increase peak drainage flow rates, erosion, and downstream sedimentation in and around new development. Although such increases would reduce the capacity of drainages and could result in flood flows, the PEIR concluded that the City had adequate system capacity to handle future development and that the implementation of policies and implementation measures contained in the 2030 General Plan would result in a less than significant impact on these systems. The 2030 General Plan includes several citywide policies designed to continue to reduce Oxnard's per person waste flow. With implementation of the 2030 General Plan and continued efforts to provide regional solid waste disposal solutions, impacts were determined to be less than significant.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any utilities impacts because the proposed revisions to the text of the Housing Element or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. A such, it would not result in increased demand on water resources, sewer or storm drain capacity, or solid waste facilities as a result of population growth. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant

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adverse effect related to utilities when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Public Facilities and Services

The PEIR (Section 4.4) evaluated impacts on public facilities and services and concluded that impacts would be less than significant with implementation of 2030 General Plan policies and payment of applicable fees. Although implementation of the 2030 General Plan would increase the overall demand on law enforcement and fire protection services as a result of population increases, impacts would be less than significant because the additional personnel and materials costs would be offset through the increased revenue, and fees, generated by future development. In addition, future projects will be reviewed by the City on an individual basis and will be required to comply with the requirements (i.e., impact fees, etc.) in effect at the time building permits are issued. Increased population would also generate additional students, and new school facilities and personnel will be required to provide adequate service for future growth. Although the school districts have plans for the construction of new facilities, the continued provision of adequate funding sources (i.e., developer fees, etc.) and the dedication or purchase of future school sites will be necessary to ensure continued development of future school facilities. The California legislature has provided that developer payment of school impact fees constitutes full mitigation of new development on school facilities per Government Code Section 65996(b).

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any public facilities and services impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not result in increased demand on public facilities and services or require new or expanded facilities or personnel as a result of population growth not already anticipated in the PEIR. The mid-cycle update to the 2013–2021 Housing Element would not result in new significant adverse effects related to parks and recreation when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Parks and Recreation

The PEIR (Section 4.5) evaluated impacts related to increased demand for parks and recreation facilities associated with development under the 2030 General Plan and concluded that impacts would be less than significant with implementation of various 2030 General Plan policies. These policies include ICS-1.1, Maintain Existing Service Levels, and ICS-1.3, Funding for Public Facilities, which require the City to plan and ensure that a variety of funding methods (including developer fees, grants, and public facility fees) are used to expand a variety of public services (including park and recreation facilities) consistent with community needs.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any parks and recreation impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not result in increased demand on parks and

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recreation facilities or require new or expanded facilities as a result of population growth not already anticipated in the PEIR. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to parks and recreation when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Biological Resources

The PEIR (Section 5.2) evaluated biological resources impacts and concluded that all impacts would be less than significant with implementation of 2030 General Plan policies and compliance with existing federal and state regulations pertaining to habitat and species protection. The primary impact on biological resources would be the result of direct conversion of sensitive habitats for building pad development and the construction of buildings, infrastructure, and roadways. Additional impacts would occur with increased erosion from new roadways, roadway expansions, and improvements. The introduction of developed land uses would also result in the elimination of habitat and food sources for wildlife through the removal of vegetation communities and increasing the interface between urban areas and habitat areas. The introduction of new sources of light and glare could also affect nesting habitat and migratory corridors. As noted in the PEIR, at the time individual development applications are submitted, the City would assess development proposals for potential site-specific impacts on significant biological resources and associated state and federal regulations.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in biological resources impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not result in ground disturbance or construction activities that would adversely affect special-status species or habitat, affect wetlands through placement of fill or other modification, remove vegetation communities or food sources, or adversely affect the wildlife-urban interface not already anticipated in the PEIR. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to biological resources when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Aesthetic Resources

The PEIR (Section 5.3) evaluated impacts on visual character related to potential changes as a result of conversion of the City's planning area from a more agricultural/rural setting to one characterized by suburban or urban uses, particularly in the northeastern portions of the planning area. Impacts were determined to be less than significant with implementation of 2030 General Plan policies and the City's design review process.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in impacts to aesthetic resources because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not result in physical changes in the visual environment that would affect scenic resources or vistas, change the visual character of site, or increase light or

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glare not already anticipated in the PEIR. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to aesthetic resources when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Cultural Resources

The PEIR (Section 5.4) evaluated impacts on historic, archaeological, and paleontological resources. The planning area contains 31 recorded resources, including historic districts, historic structures, and sites that are eligible for National Register of Historic Places listing. The PEIR determined that historic sites, particularly those in the city's downtown area, may be vulnerable to development activities accompanying infill activities associated with future development under the 2030 General Plan. The planning area also contains known archaeological resources. Potential impacts would be the result of ground disturbance. With implementation of General Plan policies and CEQA requirements pertaining to resource protection, impacts would be mitigated to less than significant.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any cultural resources impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not result in development in locations where historic, prehistoric, archaeological, or paleontological resources, or cemeteries or Native American burial grounds, if any, may be present not already anticipated in the PEIR. Similarly, no tribal cultural resources, as defined in California Public Resources Code Section 21074 and/or Section 5024.1, would be affected. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in the severity of a significant adverse effect related to cultural resources or tribal cultural resources when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Agricultural and Soil Resources

The PEIR (Section 5.5) evaluated impacts related to the conversion of important farmland to nonagricultural uses, conflicts with Williamson Act contracts and agricultural zoning, potential conflicts between agricultural and adjacent urban uses, loss of topsoil, and erosion, particularly along coastal areas. With the exception of the conversion of important farmland to urban uses, agricultural resources impacts were determined to be less than significant with implementation of 2030 General Plan policies. Even with implementation of 2030 General Plan policies, loss of important farmland was deemed a significant and unavoidable impact, for which the City adopted a CEQA Statement of Overriding Considerations. Established regulatory programs are in place to address erosion.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any agricultural and soil resources impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not result in development in locations where important farmlands may be present, conflict with Williamson Act contracts or zoning, convert agricultural land to urban uses, or result in loss of topsoil or coastal effects not already anticipated in the PEIR. The revision to Chapter E (Constraints) to reflect voter passage of an

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extension of SOAR to the year 2050 would not directly result in any impact on agricultural resources but would be considered an agricultural benefit. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to agricultural and soil resources when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Mineral Resources

The PEIR (Section 5.6) evaluated impacts on the potential loss of mineral resources. As noted in the PEIR, although large portions of the planning area are designated as containing significant mineral resources such as gravel and oil, development has already occurred in areas that contain these resources. While new development is not proposed in the 2030 General Plan in areas known or likely to contain significant resources, future development would increase the likelihood of land use conflicts between mining operations or oil well facilities and future residential land uses that surround these areas. The PEIR concluded that potential land use conflict impacts would be reduced to less than significant with implementation of 2030 General Plan policies.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any mineral resources impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not result in development in locations where mineral resources, if any, may be present or result in land use conflicts with mining operations not already anticipated in the PEIR. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to mineral resources when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Air Quality and Climate Change

The PEIR (Section 5.7) evaluated impacts related to construction air emissions, long-term operational emissions, odors, toxic air contaminant (TAC) emissions, and greenhouse gas (GHG) emissions. Construction emissions associated with future development under the 2030 General Plan, particularly large-scale projects with extensive ground disturbance, could result in emissions exceeding Ventura County Air Pollution Control District (VCAPCD) thresholds. With implementation of 2030 General Plan policies and compliance with VCAPCD regulations, impacts would be reduced to less than significant. Operational impacts would primarily result from local and regional vehicle emissions generated by future population growth and area source emissions associated with buildout of the 2030 General Plan. Although 2030 General Plan policies, implementation measures and compliance with VCAPCD regulations would help reduce emissions, the PEIR concluded that operational criteria air pollutant, TAC emissions, and GHG emissions impacts would remain significant and unavoidable. The City adopted a CEQA Statement of Overriding Considerations for these operational impacts.

With regard to the significant and unavoidable GHG emissions, the PEIR included a determination of consistency with Assembly Bill (AB) 32 and its associated 2008 Scoping Plan. Since certification of the PEIR in 2011, the Scoping Plan has been updated and additional legislation has been passed concerning GHG emissions. Most notably, in April 2015, the Governor issued Executive Order B-30-15 that established statewide mid-term GHG reduction targets for year 2030 (40 percent below 1990 levels). Senate Bill (SB) 32 codifies the 2030 target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). Addendum No. 3 acknowledged this as

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new information, but further noted that no specific policies or emissions reduction mechanisms had been established in conjunction with Executive Order B-30-15 that would alter the conclusions of the PEIR with regard to the significant and unavoidable GHG impacts. At the time of writing of this Addendum No.4, there have been no changes relevant to the mid-cycle update that need to be further considered.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any air quality or climate changes impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements activities or otherwise provide for additional housing units or increased density. As such, there would be no construction activities or operational vehicle or stationary sources that would be a source of criteria air pollutant, TACs, odors, or GHG emissions not already anticipated in the PEIR. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to air quality and GHG-related climate change impacts when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Energy and Resource Conservation

The PEIR (Section 5.8) evaluated impacts concerning energy demand and concluded that impacts would be less than significant with implementation of 2030 General Plan policies addressing energy conservation. New development (i.e., residential units, commercial centers, etc.) anticipated with buildout of the 2030 General Plan would be the primary contributors to increased energy use in the planning area, which could place increased demand on regional energy generation, transmission, and distribution facilities. The PEIR concluded that local energy providers have sufficient infrastructure and supplies in place to meet the modest increase in demand resulting from implementation of the 2030 General Plan, but individual development/infrastructure projects may require evaluation of potential impacts in accordance with CEQA at the time such projects, if any, are proposed. In addition, in 2013 the City adopted an Energy Action Plan, which establishes energy consumption reduction targets and programs to achieve the target over time.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in energy and resource conservation impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not significantly increase energy demand. Under Program 20: Energy Conservation, the Continue/Modify/Delete column was updated to include reference to working with the Ventura County Regional Energy Alliance. This revision would not result in a physical impact on the environment. The mid-cycle update to the 2013–2021 Housing Element would not result in a new significant adverse effect related to energy and conservation when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Geologic, Seismic, and Soil Hazards

The PEIR (Section 6.2) evaluated impacts related to seismic and soils hazards such as ground shaking, liquefaction, subsidence, and expansive soils and concluded that future development

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under the 2030 General Plan could be exposed to these hazards, but impacts would be less than significant with implementation of 2030 General Plan policies and compliance with state and local building codes. Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any geologic, seismic, or soil hazards impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, it would not expose people or structures to seismic hazards, subsidence, or soil hazards not already anticipated in the PEIR. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in a significant adverse effect related to geologic, seismic, and soil hazards when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Natural Hazards

The PEIR (Section 6.3) evaluated potential impacts related to 100-year flood hazards, levee and dam failure inundation, seiche and tsunami, and climate change–induced sea level rise. Development within or adjacent to flood-prone areas could expose housing and other development to flooding hazards. Structures placed within floodplains also have the potential to alter the historic course of floodwaters that could exacerbate flooding hazards downstream. With implementation of 2030 General Plan policies and the City's flood protection regulations, impacts would be less than significant.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any natural hazards impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. Although implementation of the 2013–2021 Housing Element could result in the placement of housing or structures in flood-prone areas, and potential hazards would be mitigated through General Plan policies and the City's flood protection regulations, as stated in Addendum No. 3, there are no aspects of the mid-cycle update that would directly or indirectly result in the placement of housing or structures in flood-prone areas. The mid-cycle update to the 2013–2021 Housing Element would not result in a new significant adverse effect related to natural flood-related hazards when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Noise

The PEIR (Section 6.5) evaluated construction and operational noise impacts associated with development under the 2030 General Plan. The PEIR concluded that short-term noise impacts associated with demolition, site preparation, grading, and other construction-related activities, stationary sources of noise, and airport operational noise would be less than significant with implementation of 2030 General Plan policies. However, increased traffic-generated noise from future development would be significant and unavoidable, even with implementation of 2030 General Plan policies. Significant and unavoidable impacts were also identified for exposure of noise-sensitive uses to railroad noise and sources of railroad-generated groundborne vibration. The City adopted a Statement of Overriding Considerations to address these unavoidable impacts.

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Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in any noise impacts because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements activities or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. As such, there would be no substantial construction activities or operational vehicles or stationary sources of noise not already anticipated in the PEIR. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in the severity of a significant adverse effect related to noise when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Hazardous Materials and Uses

The PEIR (Section 6.5) evaluated impacts associated with the use, storage, transportation, and disposal of hazardous materials. Future development under the 2030 General Plan could increase the amount of hazardous materials handled in the city as a result of construction projects and occupancy of new uses. Compliance with an established regulatory system and 2030 General Plan policies were determined to reduce impacts to less than significant. Future development could occur on sites where hazardous materials contamination may be present. Implementation of 2030 General Plan policies that require testing and cleanup of such sites would reduce impacts to less than significant. Emergency response impacts resulting from development-related traffic impacts were found to be less than significant with implementation of 2030 General Plan policies.

Analysis

The mid-cycle update to 2013–2021 Housing Element Chapters A, C, D, E, F, and G would not result in activities that would result in the use, storage, transportation, or generation of hazardous materials or pose hazardous materials contamination risk because the proposed revisions to the text of the Housing Element and/or programs therein would not directly result in land use entitlements or otherwise provide for additional housing units or increased density beyond that approved in the 2013–2021 Housing Element. The mid-cycle update to the 2013–2021 Housing Element would not result in a new or substantial increase in the severity of a significant adverse effect related to hazardous materials and use impacts when compared to the effects identified in the PEIR, and no new impacts would result. Therefore, no further CEQA review is required.

Conclusion

As identified above, adoption of the mid-cycle update to the 2013–2021 Housing Element does not constitute significant new information for the purposes of CEQA and therefore does not require substantive revisions to the PEIR. There are no components of the 2013–2021 Housing Element mid-cycle update that would result in a new significant impact or in a substantial increase in the severity of any impact previously disclosed in the PEIR within the meaning of CEQA Guidelines Section 15164.

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REFERENCES

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ATTACHMENT F

2030 General Plan Consistency Evaluation Table

August 28, 2017

Adoption of the 2013-2021 Mid-Cycle Housing Element Update to the City of Oxnard 2030 General Plan

Approval of the proposed General Plan Amendment PZ No. 16-620-02 is determined to be consistent with the 2030 General Plan based on the following consistency evaluation procedure required by 2030 General Plan Goals and Policies, Chapter 9, Section 9.2, “Consistency Procedure” (pg. 9-2).

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The project is defined as the adoption of the 2013-2021 Housing Element as Chapter 8 of the 2030 General Plan and concurrent adoption of proposed Zoning Code Amendments that implement portions of several 2013-2021 Housing Element programs. Zoning Code Amendments are incorporated by definition with their respective 2013-2021 Housing Element programs for purposes of this consistency evaluation.

Since the 2013-2021 Mid-Cycle Housing Element Update replaces in its entirety the 2013-2021 Housing Element that is Chapter 8 of the 2030 General Plan, Chapter 8 is not included in the table.

The three consistency classification levels are:

- I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

2030 General Plan Chapter abbreviations used in policy numbers:

Chapter 2	Sustainable Community	“SC”
Chapter 3	Community Development	“CD”
Chapter 4	Infrastructure and Community Services	“ICS”
Chapter 5	Environmental Resources	“ER”
Chapter 6	Safety and Hazards	“SH”
Chapter 7	Military Compatibility	“MC”

LEVEL		2030 GENERAL PLAN POLICY AND TITLE	2013-2021 MID-CYCLE HOUSING ELEMENT UPDATE
LEVEL I Policies have a direct relationship to the proposed 2013-2021 Housing Element and related Zoning Code Amendments			
I	Policy SC-3.1	New Residential Development Encourage incorporation of passive and active energy and resources conservation design and devices in new residential development and substantial remodels and/or expansions.	Program 20, Energy Conservation, encourages use of energy efficiency in affordable housing projects.
I	Policy CD-1.2	Infill Development, Priority to Mixed Use Promote the efficient use of larger vacant parcels and vacant areas of the City by encouraging infill development, with a priority to mixed uses that reduce vehicle trips and GHG emissions and promote sustainable development goals and objectives.	Program 3, AAHOP, identifies 41 sites that are generally located along major arterials and allow and encourage mixed use.
I	Policy CD-1.5	Housing Variety Promote the development of a variety of housing types throughout the City including apartments, condominiums, lofts, townhouses, and attached and detached single family units.	The Mid-Cycle Housing Element Update, chapters B and C, identify a wide range of housing needs by type and affordability and population group.
I	Policy CD-1.9	Commute Reduction Minimize the commuting distances between residential concentrations and employment centers by encouraging the development of mixed land uses in appropriate areas.	Program 3, AAHOP, identifies 41 sites that are generally located along major arterials, some of which have bus service and/or are adjacent to or near employment centers.
I	Policy CD-1.10	Jobs-Housing Balance Consider the effects of land use proposals and decisions on efforts to maintain an appropriate jobs-housing balance ratio.	The Mid-Cycle Housing Element Update does not change population, housing, or employment projections within the 2030 General Plan that achieve a jobs-housing balance.
I	Policy CD-3.2	Encourage Planned Development Code Provisions for Revitalization Encourage the use, review, and amendment of Planned Development (PD) provisions within the Zone Code to provide flexibility for home remodeling, second units, and other improvements that revitalize existing residential neighborhoods, meet resident needs, protect and enhance housing values, and address environmental and site design constraints.	Program 6, Zoning Code Amendments, include zoning code amendments that encourage accessory dwelling units.
I	Policy CD-3.5	Code Compliance Promote the maintenance of yards, structures, painted surfaces, landscaping and trees, etc. through the continued use of proactive community and neighborhood code compliance programs.	Program 1, Code Compliance, continues the City's code compliance program.
I	Policy CD-3.6	Barrier-Free Housing and Reasonable Accommodations Support development of barrier-free housing and reasonable accommodation Zone Code provisions so that existing neighborhoods are user-friendly for people of all ages and supportive for those with disabilities and children.	Program 22, Reasonable Accommodation, implements this policy.
I	Policy CD-11.2	Historical District Expansion Seek to preserve historical structures and neighborhoods by evaluating the potential to expand and create new historic neighborhoods.	Program 9, Farmworker Housing, includes a provision to consider the Camp Vanessa on Fifth Street for historic nomination eligibility.
I	Policy CD-16.6	Provide for a Diversity of Housing Choices Provide for a range of housing choices for current and future residents in compliance with State housing element planning through a variety of land use designations and zoning classifications.	Adoption of the Mid-Cycle Housing Element Update and subsequent certification by HCD meets statutory requirements.

I	Policy CD-16.7	<i>Flexibility in Regulation Implementation</i> Continue to research and update the zoning code and related regulations in order to allow development to adequately respond to market conditions.	Program 6, Zoning Code Amendments, and Program 7, Housing Permitting Process Review implement this policy.
I	Policy ICS-9.4	<i>Monitoring of Parking Conditions and Revise Regulations</i> Periodically evaluate the adequacy of parking standards in light of actual parking patterns and vehicle sizes; evaluate existing parking conditions, re-evaluate parking and loading demands, and develop and revise regulations as appropriate.	Program 29, Review of Parking Standards, implements this policy related to housing.
I	Policy ER-11.4	<i>Historic Preservation</i> Support public and private efforts to preserve, rehabilitate, and continue the use of historic structures, sites, and districts. Where applicable, preservation efforts shall confer with the Ventura County Cultural Heritage Board and conform to the current Secretary of the Interior's Standards for Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building and the California Office of Historic Preservation.	Program 9, Farmworker Housing, includes a provision to consider the Camp Vanessa on Fifth Street for historic nomination eligibility.
I	Policy MC-1.1	<i>Review for Development Constraints</i> Periodically review the zoning ordinance, subdivision ordinance, and other infrastructure plans and programs to ensure they do not conflict with the continued viability of NBVC.	Program 6, Zoning Code Amendments, and Program 7, Housing Permitting Process Review implement this policy.
I	Policy MC-4.4	<i>Affordable Housing</i> Promote the availability and development of off-base affordable housing to meet the needs of the military personnel and their dependents.	The Mid-Cycle Housing Element Update, chapters B and C, identify a wide range of housing needs by type and affordability and population subgroups.
Level II Policies have an indirect relationship, generally during review of individual housing projects			
II	Policy CD-5.2	<i>Compatible Land Use</i> Ensure adequate separation between sensitive land uses (residential, educational, open space, healthcare) to minimize land use incompatibility associated with noise, odors, and air pollutant emissions.	Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards. The Mid-Cycle Housing Element Update Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.
II	Policy CD-5.3	<i>Available Services</i> Encourage industrial activities to locate where municipal services are available including adequate storm drainage and water facilities, as well as easy access to multiple modes of transportation.	
II	Policy CD-8.1	<i>Limiting Development</i> Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.	
II	Policy CD-8.2	<i>Services</i> Continue to ensure that public services and facilities are in place at the time of need or prior to the time new development occurs in order to avoid overloading existing urban service systems.	
II	Policy CD-8.3	<i>City Revenues</i> Continue to maintain fiscal integrity and ensure that revenues generated by the new development are sufficient to offset ongoing service costs incurred by the City.	
II	Policy CD-8.5	<i>Impact Mitigation</i> Ensure that new development avoids or mitigates impacts on air	

		quality, traffic congestion, noise, and environmental resources to the maximum extent feasible.	
II	Policy CD14.1	Design Review Process In the evaluation of development proposals, continue to ensure that public and private development projects comply with City design policies, plans, and guidelines.	
II	Policy CD-14.2	Development Advisory Committee (DAC) Function Continue to require that a staff Development Advisory Committee review new development projects for consistency with the City's development policies and appropriateness for the proposed sites.	
II	Policy CD-14.3	Quality of Design Encourage City decision makers and appropriate staff to research, site-visit, document, and pro-actively promote to the development community examples of high quality and innovative development in the Region and the State in order to raise the level of design quality throughout the City.	
II	Policy ICS-1.2	Development Impacts to Existing Infrastructure Review development proposals for their impacts on infrastructure (i.e., sewer, water, fire stations, libraries, streets) and require appropriate mitigation measures to ensure that proposed developments do not create substantial adverse impacts on existing infrastructure and that the necessary infrastructure will be in place to support the development.	
II	Policy ICS-1.4	Infrastructure Conditions of Approval New development should not be approved unless: • The applicant demonstrates adequate public services and facilities are available; • Infrastructure improvements incorporate a range of feasible measures that can be implemented to reduce all public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required improvement; • Infrastructure improvements are consistent with City infrastructure master plans; and • Require infrastructure expansion needed for future development to be self-funding so current residents do not subsidize infrastructure needed for future growth.	
II	Policy ICS-3.3	New Development Level of Service C Determine as part of the development review and approval process that intersections associated with new development operates at a level of service of "C" or better. The City Council may allow an exception to level of service "D" in order to avoid impacting private homes and/or businesses, avoid adverse environmental impacts, or preserve or enhance aesthetic integrity.	
II	Policy ICS-6.1	Transit Facilities for New Developments Include transit facilities such as bus benches, shelters, pads or turnouts, where appropriate, in new development improvement plans.	
II	Policy ICS-8.4	New Development Requires Bicycle Improvements Where designated, require proposed developments to include	

Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards. The Mid-Cycle Housing Element Update, Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.

		bicycle paths and / or lanes in their plan and to clearly indicate possible bicycling hazards such as speed bumps and storm drain inlet grates in parking lots.	
II	Policy ICS-8.5	Public Sidewalks and Pedestrian Orientation Consider and require where appropriate and feasible the enhancement of the pedestrian environment as part of private development and public works projects, especially for public sidewalks.	Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards. The Mid-Cycle Housing Element Update Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.
II	Policy ICS-8.13	Importance of Pedestrian and Bicycle Access in Site Planning Require that new development treat pedestrian and bicycle circulation as the equal to or preferred to vehicular access in site design including, but not limited to, access to neighborhood and commercial shopping centers, school, and parks.	
II	Policy ICS-9.2	Development Has Adequate Parking Review development proposals to encourage shared parking use and ensure adverse parking impacts are minimized or avoided.	
II	Policy ICS-11.7	Water Wise Landscapes Promote water conservation in landscaping for public facilities and streetscapes, residential, commercial and industrial facilities and require new developments to incorporate water conserving fixtures (low water usage) and water-efficient plants into new and replacement landscaping.	
II	Policy ICS-11.10	Water Supply Finding for Smaller Projects Prior to approval of a discretionary proposed project not subject to a Water Supply Assessment pursuant to GC Section 66473.7, a finding shall be made ensure an adequate water supply for the proposed development.	
II	Policy ICS-13.4	Low Impact Development Incorporate low impact development (LID) alternatives for stormwater quality control into development requirements. LID alternatives include: (1) conserving natural areas and reducing imperviousness, (2) runoff storage, (3) hydro-modification (to mimic pre-development runoff volume and flow rate), and (4) public education.	
II	Policy ICS-14.3	New Development Requirements Continue to require developers and operators to employ practices that reduce the quantities of waste generated and promote resource recovery during construction, demolition, and operation.	
II	Policy ICS-17.5	Undergrounding of Utility Lines Require undergrounding of utility lines in new development, except where it is not feasible due to electrical transmission load or other operational issues.	
II	Policy ICS-19.7	New Development Require new developments to fund a fair share extension of police services to maintain service standards, including personnel and capital improvement costs.	
II	Policy ICS-20.5	Fire Services to New Development Require new developments to fund a fair share extension of fire services to maintain service standards, including personnel and capital improvements costs.	
II	Policy	Development Review	

	ICS-20.8	Review new development applications to assess potential impacts to existing fire protection services and the need for additional and expanded services.			
II	Policy ICS-21.2	Development Fees Continue to require school impact development mitigation fees from new commercial, industrial, and residential development.			
II	Policy ICS-23.1	City Park and Recreation Standards Provide park and recreation facilities at a level that meets the standards for neighborhood and community parks as follows:			
		Type of Park	Net Acres/1,000 Residents	Min. Net Acres/Park	Service Radius
		Mini/Pocket	No standard	No standard	1/3 mile
		Neighborhood	1.5	5	½ - 1 mile
		Community	1.5	20	1-1/2 mile
		TOTAL	3.0	N/A	N/A
II	Policy ER-3.2	Review of Development Proposals Review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands and be open to requiring greater protection.			
II	Policy ER-5.7	Minimizing Paved Surfaces Require minimization and/or permeability of paved surfaces in new developments and replacement paving, where feasible.			
II	Policy ER-6.6	New Development Private Open Space Ensure that new development incorporates open space areas that provide community and neighborhood identity, private quality exterior private open space for each housing unit, and minimize conflicting land uses and noise generators.			
II	Policy ER-10.1	Promote use of Native and Water Wise Plants Promote the development of a native, drought-tolerant landscape character throughout the City that re-enforces a unified and cohesive landscape character and discourage plants that are invasive or problematic in other ways as determined by the City’s landscape architect.			
II	Policy ER-11.2	Mitigating the Impact of New Development on Cultural Resources Ensure that alternatives are considered, including planning construction to avoid archeological sites, deeding archaeological sites into permanent conservation easements, and planning parks, greenspace or other open space to incorporate archaeological sites in the event that development threatens significant archaeological resources.			
II	Policy ER-14.1	Incorporate Ventura County AQMP Mitigations Incorporate construction and operation mitigation measures recommended or required by the current Ventura County Air Quality Management Plan (AQMP) when preparing CEQA reviews, as appropriate.			

Policies listed as Level II are related to the City’s entitlement, development, and environmental review procedures and uniformly applied standards. The Mid-Cycle Housing Element Update Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.

II	Policy SH-1.3	<i>Building Code Standards</i> Require that all new buildings and alterations to existing buildings be built according to the seismic requirements adopted within the most current City of Oxnard Building Code, or its adopted equivalent.
II	Policy SH-3.1	<i>SH-3.1 Location of New Development</i> Encourage new development to avoid areas with high geologic, tsunami, flood, beach erosion, and fire or airport hazard potential.
II	Policy SH-3.2	<i>New Development Flood Mitigation</i> As a condition of approval, continue to require new development to mitigate flooding problems identified by the National Flood Insurance Program and/or other expert information.
II	Policy SH-6.4	<i>New Development Noise Compatibility</i> Require that proposed development projects not generate more noise than that classified as “satisfactory” based on CEQA Thresholds of significance on nearby property.
II	Policy SH-6.13	<i>Noise Acceptable for Open Windows and Patios</i> Continue to require noise analysis of proposed development projects as part of the environmental review process and require mitigation measures to reduce noise impacts to acceptable levels within outside activity areas and within residential structures without relying on mechanical ventilation, if feasible.
II	Policy SH-7.9	<i>Sensitive Land Use Planning</i> Do not allow residential construction or other sensitive land uses adjacent to any inactive landfill unless a thorough study of emissions from the facility is conducted and it is determined that no adverse health effects or significant odor impacts would occur. Alternatively, a safe buffer zone distance, based on analyses of worst case conditions, shall be established around any such site within which no sensitive land uses would be permitted.
II	Policy MC-2.2	<i>Real Estate Disclosure</i> Implement the provisions of AB 2776 if the City is involved, directly or indirectly, as a source of funding and/or land use entitlement in areas potentially impacted by missions and operations at NBVC.
Level III Policies		
III	All Others	Per the 2030 General Plan consistency procedure in Chapter 9, Section 9.2, all other policies are considered consistent with the proposed project and do not have to be individually listed.

Policies listed as Level II are related to the City’s entitlement, development, and environmental review procedures and uniformly applied standards. The Mid-Cycle Housing Element Update Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.

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April 4, 2017

Mr. Stephen Huber, Chairperson
Oxnard Planning Commission
City of Oxnard
214 South "C" Street
Oxnard, CA 93030

***RE: Study Session on the 2013-2021 HOUSING ELEMENT Mid-Cycle
Review Requirement and Prioritizing Housing Element Programs
Agenda Item G.1., April 6, 2017 Meeting***

Dear Chairperson Huber and Members of the Planning Commission:

I write this letter on behalf of the Oxnard Committee of *House Farm Workers!* and my low income clients who live and/or work in the City of Oxnard.

I note that the City's recently adopted Housing Element received only a "***conditional***" finding of compliance from HCD. So once again, the City has its work cut out for it, especially since the deadline for adoption of the next Housing Element, October 15, 2017, is only six months away. In its review letter, dated March 27, 2017, HCD stated:

"This finding of compliance is conditioned on implementation of programs, particularly related to zoning amendments. Specifically, the City must continue timely and effective implementation of remaining commitments in Program 6 (Zoning Code Amendments), Program 9 (Farmworker Housing), Program 25 (Annexation), Program 26 (AAHOP Monitoring) and Program 29 (Review of Parking Standards). The City should also examine and modify, as appropriate, the recent zoning amendments passed in 2016."

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According to the recommendation contained in the Staff Report, the purpose of this Study Session is for the Planning Commission to provide input on programs as implemented to date, receive public input and *provide input on selecting and prioritizing programs in the near future.*” The conditional nature of HCD’s approval, coupled with its list of pending items to be completed would dictate the City’s priorities, especially since the City has already established these priorities.

First on the agenda for the City this year must be **completion** of the Chapter 16, Zoning Code Amendments as described in Program 6. ¹ These include the following:

- * Modification of the accessory dwelling unit ordinance to allow larger second units ***proportional to the available space on a parcel*** and to legalize safe existing unpermitted second units where possible. ²
- * Amendment of the Density Bonus ordinance and associated entitlement procedures to allow a density bonus of 35 to 50 percent in order to encourage the production of affordable housing under certain circumstances and findings. ³

¹. Program 6 now calls for these zoning code amendments to be adopted in 2017 “at the time of Housing Element adoption.” [Refer to Page G-12]. Almost two years has passed since the City advised HCD that it was going to make these changes. It is time to turn these promises into reality!

². At the public hearing before the Planning Commission on November 17, 2016, I proposed that the maximum floor area of a detached accessory unit be 1,200 square feet [consistent with state law, Govt. Code § 65852.2(a)(1)(D)(v)], provided that the accessory dwelling unit otherwise complies with all setbacks, life safety and building code provisions. For a more comprehensive explanation of the need for this change to the City Code, Sec. 16-467. R.1. Maximum Floor Area for a Detached Unit, please refer to the discussion on page 8 of my letter dated November 14, 2016, addressed to Chair Stephen Huber (Planning Commission Public Hearing re: 2013-2021 Housing Element, November 17, 2016, Agenda Item F., 2).

³. Additionally, it should be noted that in September 2015, the City represented to HCD that it would amend Oxnard’s Density Bonus Ordinance to allow for approval of density bonus applications by the same body that is responsible to make the ultimate determination on the underlying projects, i.e. for DDR permits, the Development Services Director; for SUP or PDP permits, the Planning Commission; and for general plan amendments or zone changes, the City

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- * Amendment of the Zoning Code to remove the requirement limiting multi-family development to six units per building in the R-2, R-2-C, and R-BF zoning districts.
- * Amendment of the Zoning Code to decrease the minimum dwelling size for attached dwelling units with certain findings.
- * Amendment of the Zoning Code to reduce the required building separation between attached dwelling units to a distance required for adequate fire safety as determined by the Oxnard Fire Department.

During the public hearings before the Planning Commission and the City Council in November and December 2016, some of the Planning Commissioners and City Council members expressed support for a number of these changes, but were frustrated when they were told that changes could not be entertained at that time because the City was up against a self imposed end of the year deadline to adopt the Housing Element in order to be eligible for grant funding. The Planning Commission should direct Staff to commence this work immediately as its *highest priority* so as to avoid another unnecessary blunder.

The next highest priority should be Program 9 - Farm Worker Housing, specifically related to the continuing need to house unaccompanied farm workers. It is time for the City to recognize the unique need for all types of farm worker housing and encourage innovative and creative design to integrate single worker housing within affordable housing developments and within the various zones, all of which permit farm worker

Council. In fact, earlier versions of the City's Density Bonus Ordinance provided that "approval of a Density Bonus permit be at the same level as the planning entitlement action for the project." However, without explanation, just hours before the Planning Commission's November 17, 2016 Public Hearing, new language was inserted to require approval by the Planning Commission. With all due respect to the Commissioners, this change does not make any sense because the City recognizes that approval of a density bonus permit is *nondiscretionary*: the statutory density bonus cannot be denied for any reason for a project meeting the requirements of a "Qualified Housing Development" and requests for incentives, concessions, waivers and reductions of development standards can only be denied for very specific, statutorily prescribed reasons. Common sense would dictate that Commissioners' precious time need not be spent reviewing Density Bonus applications for DDR projects that are routinely reviewed and approved by the Director.

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housing.

Program 9 envisions that the City will 1) work with farmworker housing proponents to develop housing and permit processes that meet the requirements of the H2A Guest Farmworker program; and 2) investigate what would be required for the City to allow the Vanessa Farm Labor Camp to become a legal use. The Garden City Labor Camp on Cypress Road should also be included in this review, as these two facilities provide the best opportunity for the City to address the housing needs of a segment of the farm worker labor force that is desperately needed for agriculture in western Ventura County to thrive. As you know, SOAR regulations are now in place until 2050. It behooves the City to seriously address the housing needs of the very workforce that is critical to ensure that agriculture remains a viable segment of our economy for at least the next 33 years.

Thank you for your consideration of our concerns and comments about these very important issues.

Sincerely,



Barbara Macri-Ortiz

copies via email to

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 Paul McDougall, paul.mcdougall@hcd.ca.gov

June 12, 2017

**Honorable Mayor and Members of City Council
Honorable Members of the Oxnard Planning Commission**

Re: Inclusion of "Safe Sleep" Ordinance in Housing Element

Dear Mayor, Council Members, and Planning Commissioners,

As the Chair of the Commission on Homelessness, I am writing to inform you that our Commission is formally requesting that the City's Housing Element include as a priority goal the institution of a "Safe Sleep" program, to enable homeless persons who park and sleep in their vehicles in designated safe areas.

The Commission on Homelessness has been made aware over the years of the fact that there are some homeless persons who possess vehicles, but who do not have the resources or means to obtain housing. Some of these homeless persons sleep in their vehicles, and they are forced to seek places where they can do so safely and without being cited. The City Attorney has advised us, however, that sleeping in vehicles is not permitted.

Recent incidents have been brought to the attention of our Commission which shed light on the fact that there are some private property owners who are willing to allow homeless persons to park on their property and sleep in their vehicles, but who would be violating City Codes if such were to occur.

Several cities around the nation, including our neighboring cities of Ventura and Santa Barbara, have developed Safe Sleep programs under which specific property owners, including churches, can apply to be designated as authorized places for individuals to sleep in their vehicles. Those programs have strict requirements, and usually limit the number of vehicles to no more than one or two per site. The property owner and the homeless persons must register through a local non-profit, and agree to abide by specified rules of conduct, in order to be able to participate in the program.

On June 5, 2017 the Commission on Homelessness voted unanimously to recommend that the Housing Element update prioritize the institution of such a program in Oxnard, and directed me as Chair to communicate our recommendation. We ask that an ordinance be drafted and presented to the Planning Commission and Council, to adopt a Safe Sleep program in Oxnard.

We thank you very much for your consideration of our recommendation.

Sincerely,

Francine Castanon, Chair, Commission on Homelessness

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July 31, 2017

Mr. Paul McDougall, Manager
Manager, Division of Housing Policy Development
Dept. of Housing & Community Development
2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833

RE: Review of Oxnard's Draft 2013-2021 Mid-Cycle Housing Element Update

Dear Mr. McDougall:

On September 15, 2015, HCD reviewed the City of Oxnard's 5th Cycle (2013-2021) draft Housing Element and opined that it would be in compliance if certain actions were taken. Over a year later, on December 13, 2016, the City finally adopted its Housing Element, and once again, on March 27, 2017, HCD issued a conditional certification letter because the City had failed to complete actions that it represented to HCD in September 2015, that it was prepared to do in order to enact a viable Housing Element.

After waiting over a year to bring forth the Housing Element and the promised zoning amendments, City Staff rushed the Element and only two of the promised zoning amendments (Density Bonus Ordinance and Accessory Dwelling Units) through the approval process with hearings before the Planning Commission on November 16, 2016, and City Council on December 13, 2016. However, neither of the adopted ordinances contained the specific amendments that were anticipated. The abbreviated review also denied the stakeholders and the decision makers the opportunity to thoughtfully consider the important issues before them. Staff insisted that the expedited schedule was necessary in order to get the job done by the end of 2016, so that the City would be eligible to apply to HCD for parks funding. Congratulations to the City for snagging a grant for nearly \$1.4 million to upgrade seven City parks. However, that grant came at the cost of the integrity of the process and left the residents with a hollowed out shell of a

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housing element.

Now, once again the City has adopted a schedule that minimizes the ability of stakeholders to critique this Mid-Cycle draft element or have their voices heard.

The City Has Not Engaged the Public in Community Outreach

Lacking in this Mid-Cycle review is an honest effort to substantively engage the public and the stakeholders in a manner that would produce a housing element that will truly facilitate the production of the lower income housing that is desperately needed in our City. The draft was released for public comment on June 12, just three days before the scheduled hearing before the Planning Commission, and the draft was received by HCD on June 21, 2017 (before many of us even had a chance to read the draft). The proposed amendments to the Zoning Code have yet to be presented to the public, even though according to the Planning Manager's June 15, 2017 Planning Commission Staff Report, the future schedule calls for the whole package (i.e. the Final Housing Element Update and the zoning amendments) to be presented to the Planning Commission at its August 17th meeting.¹ Presentation of the housing element and the proposed ordinances are slated to be presented to the City Council in late September in order to meet HCD's October 15, 2017, due date. So here we go again.

Significantly, the City has reneged on two key previous representations that were made to

¹. The Planning Commission Staff report stated: "With transmittal of the HE Update to HCD by June 20th, HCD is expected to provide preliminary comments in late July which will enable staff to prepare a Final HE Update and present it to the Planning Commission at its August 17th meeting." I would seriously question HCD as to whether the Agency is unwittingly playing a role in allowing the City to once again cram this process down the throats of the public without any legitimate opportunity for meaningful input. Staff will claim they offered stakeholders an opportunity to meet on June 14, 2017. However, that was only two days after the HE was released and June 14th fell right in the middle of graduation week in Oxnard. I did not attend that meeting because I was celebrating the graduation of a member of my family that afternoon/evening. While the City stated that it would "continue to take comments on the HE Update until June 30th," it is evident that the City has no interest in actually considering the public's critique of the Housing Element (or the ordinances) and does not intend to do anything that is not absolutely mandated by state law [See footnote 2]. Staff is just looking for HCD to anoint the process and hope that HCD Staff are too busy to actually read/review the document, especially in the absence of public input.

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HCD and the stakeholders: 1) that density bonus applications would be reviewed by the decision maker for the underlying project, choosing instead to adopt a density bonus ordinance that requires review of all applications by the Planning Commission, even for All-Affordable Housing Opportunity Program (AAHOP) projects that only require "a Development Design Review Permit which does not include discretionary review of the residential use." [See June 2017 Draft Housing Element, Table G-2. Program 3, Page G-9]; and 2) that the City would "[a]mend the Density Bonus Ordinance and associated entitlement procedures to allow a density bonus of up to 50% in order to encourage the production of affordable housing under certain circumstances and findings."²

Now that the *City has set its ceiling at the same level as its floor*, i.e. that it will only comply with the strict requirements of state law, so too should HCD require strict compliance by the City with Housing Element Law. In other words, HCD should require Oxnard to comply with the 30 dwelling units per acre default density standard set forth in Government Code § 65583.2.].

Oxnard' Default Density Must Be 30 Units Per Acre

Pursuant to § 65583.2(c)(3)(B)(iv), the City has the obligation to identify sites that allow for at least 30 units per acre. In order to establish its default density at 24 units to the acre, the statute at subparagraph (A) requires the City to do the following:

"(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households."

². This representation was contained in the memo to Paul McDougall from Amy Sinsheimer dated September 4, 2015, page 23, Table G-2, Program 6, Zoning Code Amendments, which were scheduled for implementation in 2016. However, instead, the Density Bonus Ordinance that was codified in the Municipal Code in December 2016, states in Sec. 16-410A Purpose:

"The purpose of this Division 7A is to meet the requirements set forth in Government Code Section 65915, *et seq.* (known as State Density Bonus Law). If any provision of this Division conflicts with state law, *or provides more rights than are legally required by state law, the minimum requirements of state law shall control.*"

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Supplement 1 of the Housing Element purports to establish that 24 units per acre is an appropriate default density for all-affordable housing projects. However, review of Supplement 1 demonstrates that such is not the case. In fact, the City's assertion that 24 units to the acre is an appropriate default density for all-affordable housing projects is contradicted by its own documentation regarding past projects contained in Supplement 1. This data demonstrates that the average density is actually **26.9 units per acre** for all projects dating back to 2000. Furthermore, a review of the financing for the 20 affordable housing projects relied on by the City, demonstrates that most of the projects were at least partially funded by financing sources that no longer exist or are in very short supply. Also, seven of the twenty projects (35%) were constructed on land that was either donated or significantly discounted, primarily as a result of successful litigation waged against the City and/or private land owners.

Nor does Supplement 1 contain the appropriate analysis regarding "market demand, financial feasibility or information" based on development project experience because it ignores the reality in which affordable housing developers now operate in Oxnard and Ventura County.³ The statements in Paragraph 2 of the Supplement are unsupported, rendering them empty, meaningless conclusions wholly lacking in analysis of any data, much less any relevant data. The interviews in Paragraph 3 are at least five years old and thus, clearly dated [i.e. statements can be traced at least as far back as the City's February 2012 Draft Housing Element (Draft No. 4)]. This is evident because the same statements attributed to McCarthy Companies and Todd Temanson also appear in Supplement 1 of that draft. Additionally, in the first bullet, attributed to Cabrillo Economic Development Corporation, a CEDC representative refers to "the City's proposed All Affordable Overlay Zone Program." Note that the AAHOP was adopted by the City Council on July 16, 2013, four years ago.

Much has changed since then, most notably, the City's about face change of position that

³. I recently learned that low income housing built within one-half mile of the City's major transit center located downtown would not qualify for parking standards under Govt. Code § 65915(p)(2) because there is insufficient traffic at the center during peak hours to qualify as a "major transit stop" as defined in Public Resource Code § 21155(b). This puts the development of properties in the downtown CBD zone [where density is 39 units per acre] at a severe competitive disadvantage when competing for 9% tax credits or Cap & Trade funds. Thus, affordable housing development is becoming increasingly more difficult in Oxnard, a City that has shown itself to care more about housing cars than housing its residents.

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AAHOP sites would provide *by right* development opportunities. The City has certainly run from that position. Under Section 16-420F.H. of the AAHOP ordinance passed on December 13, 2016, "The AAHOP DDR Permit is *not defined as ministerial* within the meaning of CEQA and Public Resources Code 21080(b)(1)." ⁴

Additional provisions inserted in the December 2016 AAHOP ordinance further distance the program from its original purpose as set forth in the original ordinance adopted in July 2013. The City essentially has a bad case of amnesia or cold feet, as is clearly described on page E-25, in its analysis of Development Design Review as a constraint:

- "Recently proposed affordable and density bonus housing projects at **24 units per acre** have raised considerable concern over fire safety and quality of life for children, as the applicants wanted to crowd buildings on parcels and minimize open space. The City cannot compromise public safety and quality of life for everyone in the development as a trade offs for adding a marginal number of additional units. It should be noted that the goal for sites with the AAHOP designation is that they are at least 1 acre in size partially to address the types of concerns discussed above." ⁵

⁴. Govt. Code § 65582.2(I) provides:

"For purposes of this section and Section 65583, the phrase "**use by right**" shall mean that the local government's review of the owner-occupied or multifamily residential use *may not require* a conditional use permit, planned unit development permit, or other *discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.* A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code."

⁵. This statement is not only devoid of fact, it is offensive and exposes the City's bias against affordable housing. For the record, all affordable housing plans are vetted by the Development Advisory Committee (DAC), Fire Department officials participate in that review, and every project is issued Fire Department Conditions of approval [See Page E-22, Development Review Process]. "[A]dding a marginal number of additional units" may very well be the difference between children living in a garage or in their own home, especially here in Oxnard where 14% of households are overcrowded and "multiple families are living in one single family unit or in the garage." [Housing Element, Page E-11].

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The challenges facing affordable housing developers today in Oxnard are far greater than they were prior to the housing crash of 2010 and the subsequent elimination of Redevelopment Agencies. With less availability of funding, limited vacant land, higher land and construction costs and more competition for nine percent tax credits, affordable housing developers now operate in a totally different world. Thus, it is no surprise that the average density is **35.3 units per acre** for the two most recent rental projects that completed construction (The Village and River Park/Sonata).⁶

All things considered, the City's chosen *default density* of 24 units per acre misses the mark. There is no good reason to relieve the City from the statutorily prescribed default density of 30 units per acre, and even if HCD wanted to give the City a break, at the very least, the density on the AAHOP sites should be at least 27 units per acre.

Oxnard's Housing Element Does Not Identify Sufficient Adequate Sites

Government Code § 65583 mandates that the housing element identify adequate sites for housing, including rental housing. Even assuming for the sake of argument that all of the AAHOP sites listed in the Housing Element were in fact *adequate* sites, the Housing Element's Comparison of Site Capacity and the Regional Housing Need Allocation [Table F-1, page F-8], still suffers from a deficit of sites to accommodate 418 total units, including 365 very low, low and moderate income units. *The City would have to identify over 15 acres of vacant land in order to accommodate these 365 units at a density of 24 DUA.*

This significant shortfall renders the Housing Element out of compliance, even if all of the AAHOP sites listed on Supplement 2 were adequate. However, such is definitely not the case. As will be shown below, only 12 of the City's 40 AAHOP sites are adequate sites, and these sites are projected to produce only 735 units, which results in a deficit of sites to accommodate 1,762 units of the remaining RHNA for very low, low and moderate income households.

⁶. Although Terraza de las Cortes was finally completed in 2016, it is a public housing replacement project on City land that was in the planning stage since at least 2003 and was heavily subsidized by both the Housing Authority and the City, in addition to receiving tax credits and bond financing. Thus, its density, at 19 units to the acre, is not reflective of today's reality for the vast majority of affordable housing projects.

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Oxnard's Land Inventory is Grossly Inadequate

The City's land inventory consists of 40 AAHOP sites, categorized as either vacant, largely vacant, largely vacant structure or constrained. These sites are supposed to accommodate 2,132 of the remaining 2,497 units needed for very low, low and moderate income households. The inventory also includes an additional 62 vacant parcels which are identified to accommodate the remaining 56 units needed for above moderate income households. Of the 40 AAHOP sites, only seven, with a capacity of 409 units, are identified as *vacant sites*, while twelve sites, with a capacity of 607 units, are identified as *constrained sites*. There are eighteen *largely vacant sites*, with a capacity of 853 units, and three sites, with a capacity of 263 units, are identified as a *largely vacant structure*.

Twenty-two of the 40 AAHOP sites, which account for 1,266 units or 59.4% of the total unit inventory are made up of multiple parcels. These 22 AAHOP sites are spread among 135 different parcels on 59.86 acres, and only two of these sites are vacant [See Attachment A]. Obviously, parcel assemblage is critical to success, especially since most of the individual parcels are significantly less than one acre and the site capacity for many of the parcels is in the single digits. [See Table S-2.1]. The challenge of having to negotiate multiple sales transactions with diverse owners, including in some cases having to provide for the relocation of existing businesses and residents, is daunting. Obviously, these AAHOP sites are marginal and would require extraordinary work to convert into affordable housing, even assuming a vibrant Parcel Assembly Program was in place.

The City's Housing Element does include as Program 5, a Parcel Assembly Program that provides:

“As developers/owners approach the City interested in lot consolidation for the development of affordable housing, the City will reduce setbacks and/or parking requirements, could defer certain fees, consider waiving lot merger fees for certain small continuous lots, and concurrent fast/tracking of program application reviews to developers who provide affordable housing.” [Table G-2, Page G-11].

This statement is just window dressing, in light of the City's attitude toward higher density, its distaste for neighborhood complaints and its proclaimed unwillingness to go beyond the limits of state density bonus law. Whatever breaks the developer may get regarding setbacks and parking requirements will be dictated by state density bonus law, not the City's benevolence. Oxnard already must defer impact fees consistent

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Government Code § 66007, and one cannot take to the bank any City willingness to ***consider*** waiving or deferring other fees, so the developer is basically on its own.

In any event, for all practical purposes, Program 5, the Parcel Assembly program in the Housing Element, is dead, as is reported on Page A-8 of the Housing Element in its Review of Previous Housing Element Implementation:

“Neither the State nor the City has a development program that replaces the ability of what was the redevelopment agency (CDC) to acquire and assemble sites. The City's AAHOP allows additional density for assembled sites designated as AAHOP. Short of the City purchasing property from willing sellers in a land bank program for target future development, ***there is little likelihood of a parcel assemblage program.***”

In this current environment where there is little or no ability to assemble parcels, it is apparent that these twenty-two AAHOP sites that require parcel assembly are not ***adequate sites*** within the meaning of Government Code §§ 65583 and 65583.2. The reality is that these AAHOP sites are in no way appropriate or adequate sites that would provide feasible opportunities for the production of the 1,266 very low income units called for on these twenty-two AAHOP sites, irrespective of any claims by the City to the contrary.

However lacking these twenty-two sites are, unfortunately these sites are not the only deficient sites listed on the City's land inventory. The following is a summary of six other AAHOP sites on the City's inventory, representing a total of 131 units, that also are not adequate sites within the meaning of Government Code §§ 65583 and 65583.2:

1) Site A-08 – 5301 Whitecap Street, a 1.5 acre site owned by the City and described as a well drilling set aside area. The site is projected for 24 units and the narrative on Page S2-17 acknowledges that the site's development potential is limited by a two-story height limit, “in keeping with surrounding neighborhood character.” The City has not offered the property to affordable housing developers and has not clarified whether the site is contaminated and/or would require clean up of the soil. This site is also in the Coastal Zone, which could very well preclude the ability to receive a density bonus under the City's ordinance which provides at Sec. 16-410C.F:

“.... consistent with the Second Appellate District case of Kalnel Gardens,

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LLC v. City of Los Angeles (2016) 3 Cal.App.5th 927, within the Coastal Zone, Density Bonuses shall not be available to Affordable Housing Developers if the City finds that the proposed project cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.”

In any event, there is no way that a 24 unit low income housing project on a 1.5 acre parcel would pencil anywhere in the City, and certainly not within an area of the Coastal Zone that is surrounded by an existing neighborhood.

2) Site B-15 – 2415 South M Street, a 0.8 acre parcel, projected to yield 19 units. This site is not feasible for inclusion in the AAHOP program both because it is too small and also because it would require demolition of a single family home which is legally being used for church services.

3) Site B-16 – 1350 E. Channel Islands Blvd., a 1.9 acre parcel that includes a building that houses the Channel Islands Community Church. The one acre of buildable land, projected to yield 24 units, is located in between the church and the parking lot being used by the church. Based on the configuration of the parcel and the current use, this site is not feasible for inclusion in the AAHOP program.

4) Site C-4 – APN 224-0-011-01, 1.3 acre vacant site, located south of Channel Islands, bordered by Dupont Street on the east, an overpass, and South Oxnard Blvd on west. This site's location is as difficult to describe as it would be to develop. No development would be viable until the City abandons and removes the flyover bridge and declares the ROW a surplus property which would be offered to adjacent property owners. That is not expected to happen any time soon and it would be fiction to expect an affordable housing developer to purchase the property and wait for this eventuality to happen. Furthermore, as noted, the developer would likely be required to complete the infrastructure improvements to Channel Islands Blvd. (which needs to double in size), and at the end of the day the site is only projected to yield 36 units. This site should not be included as an AAHOP site both because it is unlikely that this site could be developed within the planning period and in any event, the construction of lower income housing on this site appears infeasible.

5) Site D-3 – APN 203-0-070-28, a 0.29 acre vacant lot, mixed use transition to single family homes, located on 1132 and 1158 South C Street, estimated to produce 6 affordable units. Even with a 35% density bonus, a maximum of only ten units could be

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RE: Review of Oxnard's Draft 2013-2021 Mid-Cycle Housing Element Update

July 31, 2017

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produced, and this simply is not enough units to produce affordable housing.

6) Site D-4 – APN 217-0-030-02. There is an existing women's shelter on the site that will stay. The City originally believed that it owned all of the 1.7 acre property, and but this appears not to be the case. In any event, in July 2017, the City issued an RFQ for Architectural and Engineering services for the development of a second year-round shelter facility on the property to house up to 48 temporary and permanent homeless individuals. We applaud the City for this action which will address a longstanding need in the community. However, in light of this development, this site, as well as the 22 projected units must be removed from the City's land inventory.

In light of the deficits of the above six sites, they should be removed from the City's Land Inventory and the capacity of the City's Land Inventory should be reduced accordingly by the 131 units of low income housing that the City projected could be produced on these sites. These 131 units are in addition to the 1,266 sites projected for sites containing multiple parcels (See Attachment).

In summary, the total remaining RHNA for very low, low and moderate income households is 2,497 units. The AAHOP land inventory contains only 12 adequate sites which account for only 735 units. Thus, the inventory lacks sufficient adequate sites to accommodate the need for 1,762 units for very low, low and moderate income households [See Attachment B].

CONCLUSION

The genesis of the AAHOP was the absence of adequate sites within the City to accommodate the RHNA numbers specifically for very low and low income housing. The City and the stakeholders came up with this solution as part of the fourth draft of the 2006-2014 Housing Element (February 2012) in a good faith effort to comply with the vacant land inventory requirements under Housing Element Law and provide opportunities for affordable housing developers to have a modicum of success in producing very low and low income housing. At that time development was at a standstill in the aftermath of the housing crisis, and a number of large sites that had been abandoned during the recession offered the potential for significant numbers of affordable housing units to be developed.

An integral part of the pact between the City and the stakeholders was that the City would

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implement some key changes to its zoning ordinance and housing policy including: 1) amend its density bonus ordinance so that density bonus applications for AAHOP properties would be approved by the Development Services Director as part of the DDR approval process; 2) that the density bonus ordinance would allow for additional density for special needs housing projects; 3) that the City would facilitate the development of affordable housing on AAHOP sites; 4) that AAHOP sites would be available only for projects that proposed that 100% of the housing would be affordable for low and very low income households; 5) that the City would creatively work with the developers to facilitate the development of difficult sites; and 6) that the City would update the zoning code as needed and continue to develop and strengthen housing element programs, such as the Parcel Assembly Program, to facilitate the development of affordable housing.

Fast forward five years to 2017: only one AAHOP project has been approved since the inception of the AAHOP, while two projects languish in the process while the applicants try to address the City's insistence on overreaching public improvements, maneuver through unwritten requirements in order to deem a project complete, and contend with unreasonable parking requirements imposed on an existing legal non conforming use that will remain on part of an AAHOP site where the remainder of the site is proposed to be developed with special needs housing. The City not only refuses to honor its commitments, but now it suggests that "recently proposed affordable and density bonus projects at 24 units per acre" create "fire safety" problems and "compromise public safety and quality of life for everyone in the development."

In the meantime, five of the most desirous AAHOP sites were gobbled up for other endeavors. These sites together had provided an inventory for 557 lower income units but are now being converted to other uses.⁷

Additionally, it should be noted that the proposed Teal Club Specific Plan (Table S-2.3) is not within the City limits and thus will require annexation. At this point its status is

⁷. One of these sites (C-01) is still listed as an AAHOP site, even though the property was acquired last year in an auction by a moving company with plans to develop a storage facility on the site. Two affordable housing developers unsuccessfully bid on the property. I have not included this site on the list of inadequate sites included on Attachment B, out of respect for Dr. Williamson, who explained that the site would not be removed until the City received an application to develop the property. However, it is unlikely that the community will ever see any of the 128 very low, low or moderate income units projected for that property.

Letter to Mr. Paul McDougall, Manager

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unclear, in light of the constraints it faces due to the proximity of the property to the Oxnard airport and its current agricultural use. It is questionable whether the City Council will approve the proposed specific plan, and whether LAFCO will ultimately approve the property's annexation to the City. Even if this were to pass, it is doubtful whether the project would receive all necessary approvals within the remaining four years of this planning period, much less whether any housing would actually be built within this planning period.

The inability of the City to replace the five lost AAHOP sites referenced above with sufficient alternate sites that are both available and adequate for the development of lower income housing, coupled with the City's refusal to allow any housing element program that may stretch beyond the minimum requirements of state law, betrays the trust of the stakeholders who together with staff created this unique program to address a very real need.

Stripped of any faith in the integrity of the City or its process, the stakeholders must look to HCD to ensure that the City complies with housing element law. It is a fact that the City's AAHOP land inventory contains 28 inadequate sites, and thus, the inventory demonstrates a deficiency of sites to accommodate 1,762 units for very low, low and moderate income households in Oxnard. [See Attachment B.]

The City's adopted Housing Element is not in substantial compliance with the statutory requirements of State housing element law and HCD must make that finding. Additionally, HCD should direct the City of Oxnard to implement the 30 dwelling units per acre default density standard, pursuant to State Law.

Please feel free to give me a call if you have any questions or would like to discuss this matter.

Sincerely,



Barbara Macri-Ortiz

cc Via Email:

Tom Brinkhuis, HCD Division of Housing Policy Development
Gail Weller-Brown, Chair, Oxnard Committee of House Farm Workers!
Kathleen Mallory, Oxnard Planning Manager

AAHOP SITES WITH MULTIPLE PARCELS

K.2.h

	A	B	C	D	E	F	G	H
1								
2								
3	SITE		ACREAGE		# PARCELS		Estimated Units	
4								
5	Vacant							
6	A-03		1.39		7		42	
7	A-11		0.96		3		24	
8								
9	Largely Vacant							
10	B-02		1.75		2		25	
11	B-03		0.96		6		30	
12	B-04		1.28		8		32	
13	B-05		0.98		2		22	
14	B-06		1.36		3		19	
15	B-09		2.39		5		52	
16	B-10		5.22		2		113	
17	B-12		4.30		5		60	
18	B-13		0.92		5		12	
19	B-14		1.28		7		17	
20	B-17		1.00		2		24	
21	B-18		4.22		27		211	
22	B-19		1.95		12		47	
23								
24	Largely Vacant Structure							
25	C-03		6.97		10		99	
26								
27	Constrained							
28	D-02		1.36		2		29	
29	D-06		8.42		3		121	
30	D-08		1.28		5		39	
31	D-11		2.65		4		38	
32	D-12		1.02		4		14	
33	D-14		8.20		11		196	
34								
35	TOTALS:		59.86		135		1266	
36								
37								
38								
39					# SITES		TOTAL CAPACITY	
40	VACANT SITES				7		409	
41	LARGELY VACANT				18		853	
42	LARGELY VACANT STRUCTURE				3		263	
43	CONSTRAINED				12		607	
44								
45			TOTALS:		40		2132	

	A	B	C	D	E	F	G	H
1								
2		INADEQUATE AAHOP SITES ON SINGLE PARCELS						
3								
4	SITE		ACREAGE		# PARCELS		Estimated Units	
5								
6	A-08		1.5		1		24	
7	B-15		0.8		1		19	
8	B-16		1.9		1		24	
9	C-4		1.3		1		36	
10	D-3		0.29		1		6	
11	D-4		1.7		1		22	
12								
13	Totals:							
14	6 SITES		7.49		6		131	
15								
16		SUMMARY OF INADEQUATE AAHOP SITES ON MULTIPLE PARCELS						
17				(From Attachment A)				
18								
19	22 SITES		59.86		135		1266	
20								
21		TOTAL OF ALL INADEQUATE AAHOP SITES						
22				(Single + Multiple Parcels)				
23								
24	28 SITES		67.35		141		1397	
25								
26								
27		SUMMARY OF OXNARD'S AAHOP LAND INVENTORY vs. REMAINING RHNA						
28								
29	TOTAL REMAINING RHNA FOR LOW & MODERATE INCOME						2,497	Units
30								
31	PROJECTED UNITS ALLOWED ON 40 AAHOP SITES						2,132	Units
32	LOST UNITS FROM 28 INADEQUATE AAHOP SITES						1,397	Units
33	PROJECTED UNITS ALLOWED ON 12 REMAINING AAHOP SITES						735	Units
34								
35	LAND INVENTORY DEFICIT						1,762	
36	[i.e. Total remaining RHNA - Units projected on							
37	12 Remaining (Viable) AAHOP Sites]							

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September 1, 2017

Ms. Deirdre Frank, Chairperson
 Oxnard Planning Commission
 City of Oxnard
 214 South "C" Street
 Oxnard, CA 93030

RE: 2013-2021 HOUSING ELEMENT Mid-Cycle Update; PZ No. 16-620-02
Agenda Item F.3, September 7, 2017 Meeting

Dear Chairperson Frank and Members of the Planning Commission:

I write this letter on behalf of the Oxnard Committee of *House Farm Workers!* and my low income clients who live and/or work in the City of Oxnard.

I note that HCD recently reviewed the City's draft Housing Element and by letter dated August 18, 2017 [Exhibit D attached to the Staff Report], opined that the City's land inventory and programs as presented to HCD on June 21, 2017, including revisions received on August 14, 2017, are insufficient to comply with state housing element law. HCD instructed the City to provide further analysis of the 28 problematic AAHOP sites, and based on the results of additional analysis, add or revise programs to address the shortfall of sites or zoning available to accommodate the regional housing need.

The document you have before you does not address HCD's concerns. The fact is that the City's land inventory, on its face, shows a deficit of sites for lower income housing. The fact that the City has now removed two sites from the inventory and has reduced the number of units that can be produced on a third site only increases the deficit of adequate sites.

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission
 RE: 2013-2021 Housing Element, Mid-Cycle Update; PZ No. 16-620-02
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The City has failed to provide further analysis of the 26 remaining problematic AAHOP sites, and has not revised programs to address the shortfall of sites or zoning available to accommodate the regional housing need. The language added to the programs does not commit the City to do anything but “consider” taking an action.

The General Plan is supposed to be the City’s constitution. In turn, the Housing Element is the City’s constitution concerning housing policy and programs. I wonder where the United States would be if our constitution stated that the President could *consider* whether to treat the Courts and the Legislature as co-equal branches of government.

There is a reason why the statute requires HCD to review draft housing elements. It is not meant to be a perfunctory review just so the City can check a box. At some point the City should engage in thoughtful consideration of HCD’s concerns in order to produce a housing element that has the best chance of addressing the real housing problems that the City faces. As stated by HCD, “the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.” The stakeholders have been waiting patiently to be heard. The Planning Commission should refer the Housing Element back to the staff to conduct the appropriate analysis and revise the programs to address the shortfall of sites or zoning available to accommodate the regional housing need, taking into consideration and incorporating the suggestions of the community as appropriate.

To give the Staff a head start in this review, I propose the following site be added to the list of vacant AAHOP sites. I am informed and believe that the property owner of the property located at Graves and Santiago is willing to offer this site to the inventory of AAHOP sites. The relevant information to add to Supplement 2 is as follows:

Parcel Number(s);	214-0-031-025
Site Size (acre):	4.15
Buildable Area:	4.15
2030 General Plan:	Ind. Limited Man.
Current Zoning:	ML
Density (units per acre):	24
Estimated Net Affordable Units:	100
Redevelopment Area:	No

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission
 RE: 2013-2021 Housing Element, Mid-Cycle Update; PZ No. 16-620-02
Agenda Item F.3, September 7, 2017 Meeting
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Description:

This parcel is a vacant property located directly across the street (Graves) from other high density (R3) zoned properties with over 777 residential apartments in two (2) developments. Services such as transportation, medical, retail (grocery store, pharmacy) schools are all within walking distance from one block to about ½ mile with high school just over 1 mile away. Property is located on a corner property and adjacent to parking lots at rear and side of parcel.

Thank you for your consideration of our concerns and comments and we trust that your actions will be responsive to the severe deficit of affordable housing that plagues our community.

Sincerely,



Barbara Macri-Ortiz

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September 4, 2017

Ms. Deirdre Frank, Chairperson
 Oxnard Planning Commission
 City of Oxnard
 214 South "C" Street
 Oxnard, CA 93030

RE: Zone Text Amendments - PZ No. 17-580-02/-05/-06/-07/-08/-09
Implementation of the 2013-2021 Housing Element Mid-Cycle Update;
Agenda Item F.4, September 7, 2017 Meeting

Dear Chairperson Frank and Members of the Planning Commission:

I write this letter on behalf of the Oxnard Committee of *House Farm Workers!* and my low income clients who live and/or work in the City of Oxnard.

As a preliminary matter, it should be pointed out that there was no public outreach over the summer regarding the proposed zoning ordinances. Contrary to the implication in the staff report, no draft ordinances were available for review or discussion at the June 15, 2017 Planning Commission Housing Element study session, which was limited to a presentation of proposed changes to the Housing Element. Unfortunately, public input was sparse at that study session because it occurred during graduation week in Oxnard.

The Staff Report informs the reader that "[o]ver the past summer Staff worked closely with HCD" to draft the zoning code amendments. Unfortunately Staff made no effort over the summer to solicit public input regarding the substance of the zone text amendments being considered; nor was the public given an opportunity to weigh in on the zoning code amendments prior to them being officially released a couple of weeks ago.

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission
 RE: Zone Text Amendments - PZ No. 17-580-02/-05/-06/-07/-08/-09
Agenda Item F.4, September 7, 2017 Meeting
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That said, I offer the following comments with respect to five of the proposed zoning code amendments:

1. Attachment A - Ordinance No. PZ 17-580-02 - Unit Sizes & Building Separation

A. Section 1. Section 16-362(A). We concur with the proposed reduction of the minimum dwelling sizes for one and two bedroom units. However, the affordable housing development community has specifically been stymied by the absence in the City Code of a minimum dwelling size for a *studio*. Staff have required studios to be the same size as one bedroom units because “there is no separate standard for a studio.” This is a primary constraint that the City was supposed to address. Thus, we propose that the minimum size for a studio should be the same as for an efficiency unit under the Building Code, i.e. 220 square feet.¹

B. Section 2. Section 16-362(B). The language as drafted, is vague and ambiguous, and allows the exception to eviscerate the rule. Thus, we propose to eliminate the extra language and just have the Code read:

“Minimum separation between any two buildings shall be a distance equal to half of the height of the taller structure unless otherwise determined by public safety requirements.”

2. Attachment B - Ordinance No. PZ 17-580-05 - Dwelling Units Per Building

This change is acceptable and will facilitate the production of affordable housing.

It should be noted that the last “WHEREAS” should be deleted because it is inaccurate. The Planning Commission did not hold a study session on this proposed ordinance, much less two study sessions.

¹. Note that the 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to have a minimum floor area of 150 square feet. This is considerably smaller than the 220 square feet minimum standard for an Efficiency Dwelling Unit (EDU). [See <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf>; & <http://www.hcd.ca.gov/docs/IB2016-06.pdf>]

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission
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3. Attachment C - Ordinance No. PZ 17-580-06 - Accessory Dwelling Units

A. Once again we raise the objection that under Government Code Section 65852.2, the City may not limit the size of **detached** ADUs to 50% of the square footage of the primary residence. [Section 16-467. R. *Maximum Floor Area*]. Nor is it prudent or sensible to do so.

As I explained to the Planning Commission in my letter dated November 14, 2016, the statute, at Gov. Code §65852.2(a)(1)(E)(iii), provides that in the case of an **attached** accessory dwelling unit, the increased floor area *shall not exceed 50 percent* of the existing living area. However, in the case of a **detached** accessory unit, the statute simply limits the total area of floor space to a maximum of 1,200 square feet. There is no proportionality requirement related to the existing dwelling unit. I think the Legislature's distinction between the two product types is well founded. There are at least two good two reasons for this distinction:

First, many older homes in our community are small, typically less than 1,200 square feet, even though they sit on large lots. As a practical matter, under Oxnard's proposed ordinance, the allowed minimum and maximum floor area would be the same, effectively just 600 square feet, regardless of the size of the lot. For example, I have a client who lives in a 1,200 square foot home that sits on a 9,500 square foot lot. In such circumstances, there is simply *no rational basis* to limit that family to a 600 square foot accessory unit when the combined square footage of the two units together would only cover 19% of the total lot area.

Second, under the statute, the owner may be required to live in either the existing unit or the accessory unit so it would make sense to allow the owner the option to construct the new unit to the owner's specifications for his or her own use, including upgrades that are important to home owners who choose to age in place. In the example above, the owner might want to build the accessory unit with certain upgrades to improve his or her quality of life, i.e. forced air heating, wheel chair accessible toilets, sinks, kitchen cabinets, etc. However, under the proposed ordinance, the owner would have to sacrifice 600 square feet or more of his or her current living area in order to relocate to the second unit. This restriction would severely limit the owner's ability to use the new statute to improve his or her own quality of life, and would not facilitate the construction of second units, contrary to the clear intent of the statute.

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For these reasons, I proposed that the maximum floor area of a detached accessory dwelling unit be 1,200 square feet, provided that the ADU as proposed would otherwise comply with all setbacks, life safety and building code provisions. At least one Commissioner and one City Council member voiced support for such a proposal. However, the proposed ordinance once again failed to address this legitimate concern.

B. Section 16-466 correctly provides that the various types of Accessory Dwelling Units are subject to *ministerial consideration*. However, in paragraph D of that section, it states that ADUs proposed in historic districts or historic or *potentially historic properties* are subject to “*applicable permitting procedures for development of a new housing unit*.” This provision is inconsistent with the mandate of § 65852.2(a)(1) that allows the City to adopt an ADU ordinance and *impose standards* on accessory dwelling units as long as such standards are consistent with those delineated in the statute [See (a)(1)(B)(I)].

Thus, the ordinance must simply comply with the statute, by clearly delineating the “*standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.*” It is improper to relegate the ADU application to a more onerous permitting procedure. Furthermore, the statute does not encompass *potentially* historic properties, which by definition can be any property over fifty years old. Nor can the ordinance treat such properties differently. The fact is that a large segment of the property owners who are most likely to benefit from the ADU statute are those who own properties built before 1970. The City may not change the rules for these older single family homes, that include some 25,426 properties or 47% of all the housing stock in Oxnard. [See June 2017 Housing Element, Page B-20].

C. Section 16-468. Parking.

Oxnard has a parking problem. Everyone knows that. But Oxnard has an even more serious problem – overcrowding of housing units. This is a direct result of the unavailability within the City of sufficient decent, safe and sanitary housing units that are affordable to our residents. The purpose of the ADU legislation is to address the dearth of appropriate housing units throughout our state and county. As explained by HCD in its Accessory Dwelling Unit Memorandum, December 2016, at page 2:

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“ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.” [See also Government Code § 65852.150].

Unfortunately, here in Oxnard, we have been focused on the symptom, rather than the disease, and as a result we have become *a City that cares more about housing vehicles than our residents*. The ADU ordinance has a number of provisions that exhibit this myopic view. For example, in the case where a required garage or covered parking structure for the primary unit is demolished or converted in conjunction with the construction of an ADU, the ordinance provides that “parking for the required primary unit shall be provided in accordance with Oxnard City Code requirements and shall comply with all applicable setbacks and other standards.” Under the Oxnard Code, detached single family units require between two to five on site garage spaces, depending on the number of bedrooms.

We know that in Oxnard and all across California the default housing of necessity for poor people are the garages of single family homes. This fact no doubt is the reason why the Legislature in its wisdom decided that our community is better off if we allow these garages to be converted to livable spaces, with kitchen, living and bathroom facilities with heating and appropriate utilities to address health and safety issues. Does anyone in their right mind believe that it will be practical, cost effective or logical for someone to convert a garage to an ADU that meets all the Codes, only to be expected to build a replacement garage on the property? Of course not. Thus, the statute does not require, nor may the City require the replacement parking to be covered. As stated in the HCD Memo, attached to the Staff Report at pages 12-13:

“Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, ***the replacement parking must be allowed in any ‘configuration’ on the lot***, ‘... including but not limited to, covered spaces, uncovered spaces or tandem spaces, or ...’ Configuration can be applied in a

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission

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Agenda Item F.4, September 7, 2017 Meeting

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flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.”

Section 16-468 incorporates the parking requirements under Oxnard Code Section 16-622(F), and proposes new restrictions, including a ban on parking spaces being located in the front yard. This restriction is not practical, especially for single family lots that do not have alley access. This proposed restriction is also not consistent with the parking configurations that we see on many homes that have a driveway that runs the width of the home, such as along North C Street [see enclosed photos of five such homes, including aerial view]. The bottom line is that for the City to create an effective and meaningful ADU program, while also making strides to alleviate parking problems on public streets, it must allow vehicles to be parked on private property, including in the front yard area.

4. Attachment E - Ordinance No. PZ 17-580-08 - Lot Merger Fees

As stated in the second “Whereas” for this proposed ordinance, the City has over twenty AAHOP sites listed in Supplement 2 of the 2013-20121 Housing Element that include two or more parcels and most parcels are under one-quarter acre in size. While the proposed ordinance seems to suggest that the developers of AAHOP projects on these sites with multiple lots will be able to receive a waiver of lot merger fees, in fact only two of these sites would even be eligible to request such waivers because in order to make the request, *all of the lots on the site must be under one-quarter acre in size*. Furthermore, eligibility for a waiver would further be negated in “unique situations that involve an agency or easement party other than the City or a utility company.”

Thus, the import of this proposed ordinance would be minimal at best, and may actually be meaningless. To the extent that this ordinance is being proposed as an integral part of Housing Element Program 5 - Parcel Assemblage, the City needs to go back to the drawing board and try again.

5. Attachment F - Ordinance No. PZ 17-580-08 - Farm Worker Housing & Parking

This proposed ordinance is before you presumably to implement Program 9 of the Housing Element [See page G-14 - Table G-2, Program 9, i.e., “In order to fully comply with the state Employee Housing Act (Health and Safety Code Sections 17021.5 and

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission
 RE: Zone Text Amendments - PZ No. 17-580-02/-05/-06/-07/-08/-09
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17021.6), the City will amend its Zoning Code to allow farmworker employee housing in the C-R, M-L, M-1 and M-2 zones because those zones allow agriculture in that manner.].

It is important to understand that §§ 17021.5 and 17021.6 apply to *employee housing* as defined in § 17008, and where the **employee housing has qualified, or is intended to qualify for a permit to operate pursuant to the Employee Housing Act, § 17000**, et seq. This Act delineates the relationship between the local government and the state with respect to the regulation, permitting and the characterization of these facilities. The Employee Housing Act does not apply to deed restricted farm worker family residential housing developments, such as Villa Cesar Chavez, Meta Street and Camino Gonzalez that are owned by limited partnerships and operated by Cabrillo Economic Development Corporation because there is no requirement to obtain a state permit from HCD in order to operate such developments. The state has no jurisdiction under the Employee Housing Act to regulate these developments or treat them any differently than any other residential development within the City of Oxnard. Nor may the City apply different regulations to these developments than is applied to other residential developments within the City. Furthermore, any deed restrictions that are placed on such housing developments are as a result of the specific funding that was received for the particular project, i.e. USDA-RD, state housing tax credits (CTCAC), HOME, HCD (MHP or Joe Serna Farm Worker Program) or local subsidies. Thus, the Zoning Code need not reference “deed restrictions” or even reference this type of housing that may be dedicated to farm worker families because it is a given that they are simply subject to the standards that apply to other residential dwellings of the same type in the same zone.

Note that the employee housing developments referenced in § 17021.5 and 17021.6 specifically refer to those where the owner of such employee housing has qualified or intends to qualify for a permit to operate under the Employee Housing Act. Specifically, under § 17021.5 any employee housing “providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation.” Such housing “shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.” Nor can the housing be subject to any business taxes or fees that are not required of other family dwelling in the same zone.

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission
 RE: Zone Text Amendments - PZ No. 17-580-02/-05/-06/-07/-08/-09
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Section 17021.6 applies to employee housing in zones where agricultural activities are allowed. Employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is deemed an agricultural use. Such use is considered a permitted use, whether the agricultural employees work on the property where the employee housing is located, and no conditional use permit, zoning variance or other zoning clearance shall be required of employee housing that is not required of any other agricultural activity in the same zone. Nor can the housing be subject to any business taxes or fees that are not required of other agricultural activities in the same zone.

The statute is clear as to its purpose and intent:

“The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need.”
 [Health & Safety Code § 17021.5(e); § 17021.6(c)]

Based on this discussion, the definition of Farmworker Employee Housing in Section 16-10 should just reference the Act:

(51) FARMWORKER EMPLOYEE HOUSING - means “Employee Housing” as that term is defined in Health and Safety Code § 17008, including any employee housing which has qualified, or is intended to qualify, for a permit with the Department of Housing and Community Development in accordance with Health and Safety Code Sections 17021.5 or 17021.6.

The definition of single family dwelling in Section 16-10 should also include appropriate reference to the Employee Housing Act:

(121) SINGLE FAMILY DWELLING - A building containing one dwelling unit whether built as a detached building or an attached townhouse type of unit that does not involve common ownership or adjacent parcels of real property. The definition of single family dwelling includes Farm Worker Employee Housing providing accommodations for six or fewer employees, pursuant to Health and Safety Code § 17021.5.

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission

RE: Zone Text Amendments - PZ No. 17-580-02/-05/-06/-07/-08/-09

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Parking Standard

The ordinance proposes to add within Section 16-622(F) of the Code, a parking standard for "Group quarters style facility." I agree that the Code should include a parking standard for such facilities. I also agree that there should be a parking standard for employees of the facility, and that one off-street parking space for every two facility employees up to a maximum of four parking spaces, is reasonable. However, the proposed parking standard of one off-street parking space for every two farm workers is way out of line.

History has taught us that employers discontinued providing labor camp type housing to their farm workers during the 1970s. Only recently have agricultural employers shown any interest in developing and/or utilizing group quarters to house their employees, and this interest has been kindled by the shortage of domestic farm workers who are legally authorized and available to harvest the crops. It is a known fact that any future group quarters style facilities will be developed to provide housing to foreign workers who are employed to work on the farms in connection with the H2-A program (the H2-A Regulations require such housing to be provided). These foreign workers are transported from their home country to Oxnard via bus. These workers do not come with automobiles and they do not acquire vehicles while they are here. The employers are responsible for their transportation to and from the work place and for the incidental needs of these workers. At the conclusion of the contract, these workers are transported back to their home country via bus.

In light of these facts, it is incumbent on the City to provide substantial evidence to justify the proposed parking requirement of one parking space per two workers. Without such evidence, the imposition of such an ordinance is arbitrary and capricious. The City has an obligation to include in its ordinances reasonable requirements that will not overburden the development of housing for farm workers or waste valuable land. It is my understanding that the area needed for a parking space is 300 square feet (180 square feet for the parking space and an additional 120 square feet for the drive back). In contrast, HCD's regulations require that each farm worker must have at least 50 square feet of personal area in the sleeping quarters. In other words, under the City's proposed parking requirement, the facility would have to provide 300 square feet of parking area for every two workers housed. This represents three times as much area allocated to parking than is required for the workers being housed. There is simply no justification for

Letter to Ms. Deirdre Frank, Chairperson, Oxnard Planning Commission

RE: Zone Text Amendments - PZ No. 17-580-02/-05/-06/-07/-08/-09

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this onerous condition, other than to discourage the creation of farm worker employee housing. This of course, runs counter to the Employee Housing Act, a state law that is vitally important in any community committed to the preservation of farm land until 2050.

I realize that parking is the City's sacred cow. However, the City must be able to justify its regulations and standards, based on facts and evidence. Absent such evidence, the City can easily rely on the same parking standard as is required for permitted uses in the zones where group quarters are allowed: i.e. one space for 500 square feet of gross floor area, which is the current parking standard in the M-L, M-1 and M-2 zones. I could not find a parking standard for the C-R zone, and perhaps, there should not be a set parking standard in the C-R zone.

Thank you for your consideration of our concerns and comments and we trust that your actions will be responsive to the severe deficit of affordable housing that plagues our community and consistent with Oxnard's obligations under the various state housing laws.

Sincerely,



Barbara Macri-Ortiz

Enclosures

copies via email to

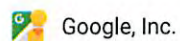
xc: Ashley Golden, Development Services Director, ashley.golden@oxnard.org
 Kathleen Mallory, Planning Manager, kathleen.mallory@oxnard.org
 Chris Williamson, Planning Consultant, chris.williamson@oxnard.org
 Ruth Osuna, Assistant City Manager, ruth.osuna@oxnard.org
 Kenneth Rozell, kenneth.rozell@oxnard.org
 Mayor Timothy Flynn, timbflynn@gmail.com
 Mayor Pro tem Carmen Ramirez, carmen4oxnard@gmail.com
 City Council Member Bryan MacDonald, bryan.macdonald@oxnard.org
 City Council Member Bert Perello, bert.perello@oxnard.org
 City Council Member Oscar Madrigal, oscar.madrigal@oxnard.org
 Gail Weller Brown, gwellerb@gmail.com
 Alondra Serna, info@housefarmworkers.org
 Paul McDougall, paul.mcdougall@hcd.ca.gov

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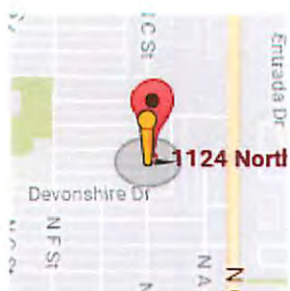


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Oxnard, California



Street View - May 2015

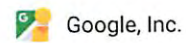


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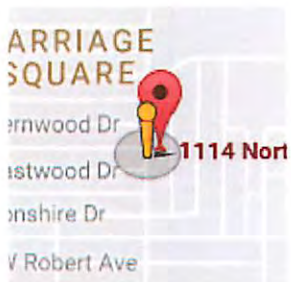


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Oxnard, California



Street View - May 2015



Google Maps 1109 N C St



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Oxnard, California

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Street View - May 2015



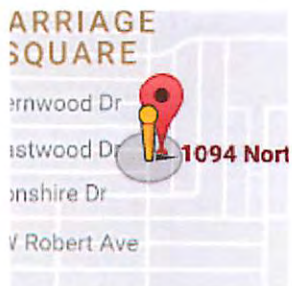
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Oxnard, California



Street View - May 2015



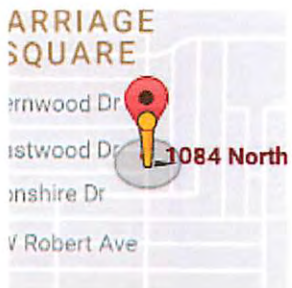
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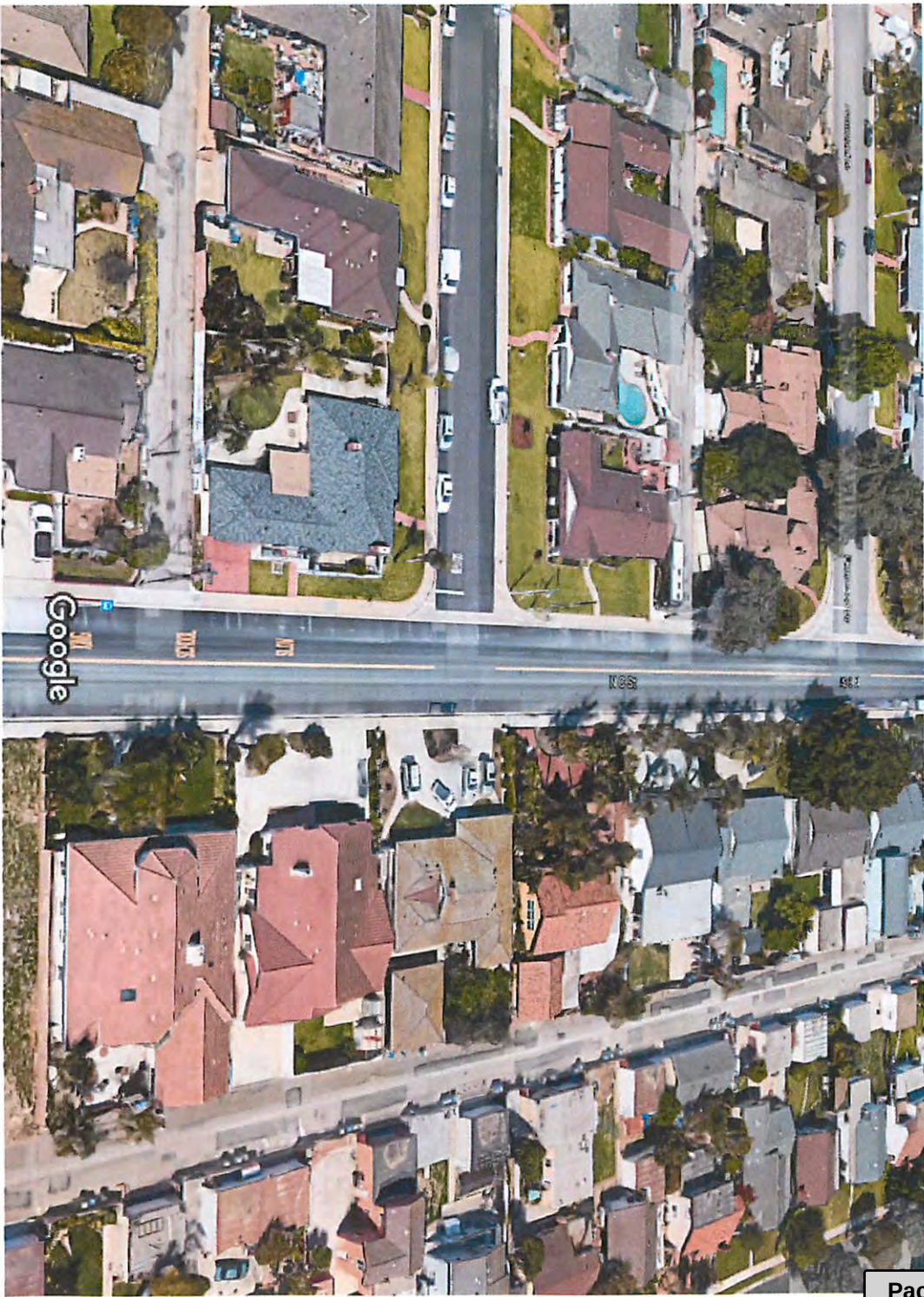


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Street View - May 2015





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RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING THE 2030 GENERAL PLAN BY ADOPTING THE 2013-
2021 MID-CYCLE HOUSING ELEMENT UPDATE AND
INCORPORATING IT AS CHAPTER 8 OF THE 2030 GENERAL
PLAN. FILED BY CITY OF OXNARD, PLANNING DIVISION, 214
SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, the California State Legislature identified the State's major housing goal as the attainment of a decent home and suitable living environment for every Californian and due to the critical role that local planning programs play in achieving this goal, the California State Legislature requires that all jurisdictions prepare and periodically review and update a housing element as the directed by the California State Legislature; and

WHEREAS, Government Code Section 65583 lists requirements of the housing element wherein each housing element must contain "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled program actions for the preservation, improvement, and development of housing;" and

WHEREAS, the housing element requires review and certification by the State of California, Department of Housing and Community Development (HCD); and

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and the operative documents of the Oxnard 2030 General Plan consist of (1) the Background Report (2006), and (2) the Goals and Policies which includes the HCD-certified 2006-2014 Housing Element as Chapter 8; and

WHEREAS, the City of Oxnard (City) falls within the metropolitan planning region covered by the Southern California Association of Governments (SCAG) and for each housing element planning cycle, SCAG is required to determine the share of the regional housing needs to be allocated to each city and unincorporated county area within the SCAG region, and this process is called the Regional Housing Need Assessment (RHNA); and

WHEREAS, the total SCAG RHNA allocation for the 2013-2021 Housing Element planning period was 7,301 housing units for Oxnard intended to accommodate current and projected growth housing need based on population and economic analyses and projections; and

WHEREAS, the City filed an appeal with appropriate documentation stating that the 2013-2021 RHNA allocation should be reduced by 2,500 units, and the appeal was denied by SCAG in 2012; and

WHEREAS, the City prepared a Draft 2013-2021 Housing Element that was made available to the public for initial review and comment between March 26 and April 26, 2015; and

WHEREAS, a Draft 2013-2021 Housing Element study session was presented to the Planning Commission on April 16, 2015 and progress updates provided to the Commission on Homelessness and interested parties on several occasions; and

WHEREAS, the Draft 2013-2021 Housing Element was submitted to HCD on July 17, 2015 and received a HCD letter dated September 15, 2015 that states the Draft 2013-2021 Housing Element "...meets statutory requirements of State housing element law." This finding is based on, among other things, the City completing various zoning amendments, such as amending the density bonus ordinance in compliance with Government Code Section 65915, concurrently with the adoption of the housing element;" and

WHEREAS, City staff subsequently updated selected population data within the draft 2013-2021 Housing Element reflecting more recent information regarding proposed or completed housing projects; this reduced RHNA need, together with the changes to the list of All Affordable Housing Opportunity Program (AAHOP) parcels contained within Supplement 2, lessened the unmet RHNA need from 1,030 units in the July 2015 Draft to 509 units in the Final 2013-2021 Housing Element; and

WHEREAS, the final 2013-2021 Housing Element was released for public review and made available to the public at City libraries and on-line in October, 2016, and adopted by the City Council on December 13, 2016 and received a condition HCD certification letter dated March 27, 2017; and

WHEREAS, because the City did not initially adopt the 2013-2021 Housing Element by the HCD due date of October 15, 2013, the City is required to provide a four-year "mid-cycle review" by October 15, 2017; and

WHEREAS, staff prepared the 2013-2021 Mid-Cycle Housing Element Update in early 2016 and transmitted it to HCD for review between June and August, 2017 and received a HCD review letter dated August 18, 2017; and

WHEREAS, staff solicited public comment on the 2013-2021 Mid-Cycle Housing Element Update with a policy survey and two Planning Commission study sessions; and

WHEREAS, City staff prepared a 2030 General Plan consistency evaluation that finds that the 2013-2021 Mid-Cycle Housing Element Update consistent with the 2030 General Plan Goals and Policies; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2017 and voted 6-0 to recommend that the City Council of the City of Oxnard adopt and amend the 2030 General Plan by adopting the 2013-2021 Mid-Cycle Housing Element Update with one recommended change and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 16-620-02); and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City Council finds that the 2013-2021 Mid-Cycle Housing Element Update identifies and analyzes the current and future housing needs of residents within the City of Oxnard (City) and establishes housing goals, policies, and programs to meet the needs; and

WHEREAS, the 2030 General Plan Final Program Environmental Impact Report (PEIR) was presented to the City Council at a public hearing on February 2, 2010, following which the City Council adopted Resolution No.13,770 certifying in accordance with Section 15090 of the State CEQA Guidelines that the final PEIR was completed in accordance with CEQA, and reflects the independent judgment and analysis of the City; and

WHEREAS, the 2030 General Plan PEIR included the housing, population, traffic, and related projected growth that is reflected in the Final 2013-2021 Mid-Cycle Housing Element Update; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 2013-2021 Mid-Cycle Housing Element Update, PEIR, and Statement of Overriding Considerations and Findings of Fact are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, Addendum No. 4 to the 2030 General Plan Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document that adoption of the final 2013-2021 Mid-Cycle Housing Element Update did not require the preparation of a subsequent environmental impact report; and

NOW, THEREFORE, for the above stated reasons, the City Council of the City of Oxnard resolves as follows:

1. Addendum No. 4 to the 2030 General Plan Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document that adoption of the final 2013-2021 Housing Element did not require the preparation of a subsequent environmental impact report.
2. General Plan Amendment 16-620-02 is consistent with the 2030 General Plan.
3. The 2030 General Plan is amended in the manner described as Exhibit A incorporated herein by reference.

PASSED AND ADOPTED this 10th day of October, 2017 by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney