

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
December 13, 2016
Regular Meeting - 6:00 PM
Closed Session - 4:30 PM

A. ROLL CALL/POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: OXNARD CITY COUNCIL

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

C. CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation

CC (Government Code section 54956.9 (d)(1))

Name of case: City of Oxnard; et al. v. Aaron Starr

Ventura County Superior Court, Case No. 56-2016-00479696-CU-MC-VTA

The City Attorney requested that this item be discussed in closed session under the Brown Act authorization for the City Council to confer with its legal counsel regarding pending litigation.

D. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States

E. CEREMONIAL CALENDAR

1. SUBJECT: A Visitor from the North Pole.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction

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.

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.

G. 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.

H. 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.

I. 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.

J. 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.

K. INFORMATION CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of Marijuana Code Amendment

RECOMMENDATION: That City Council adopt ordinance 2911 amending Section 7-282 of the City Code to provide that indoor marijuana cultivation in compliance with state law is not prohibited.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: 385-7483

City Manager Department

2. SUBJECT: Agreements for City Council Review

RECOMMENDATION: That City Council, pursuant to Ordinance 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, which are described below:

Affiliated Communications, LLC. (dba Alert Communications) for backup support for Environmental Resources Call Center (\$70,000).

Quinn Company for the purchase of four diesel generators for Fire Stations 1, 2, 3 and 5 (\$161,027).

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

Legislative Body: CC

Contact: Greg Nyhoff

Phone: 385-7430

Development Services Department

3. SUBJECT: First Amendment to Jan-Pro Trade Services Agreement, and Special Budget Appropriation for Oxnard Transit Center

RECOMMENDATION: That City Council:

1. Approve and authorize the Mayor to execute the First Amendment to the Agreement with Jan-Pro Cleaning Systems—Central Coast, to extend the expiration date to December 15, 2017, and increase the amount of the contract to \$12,810 per month for janitorial services for the Oxnard Transit Center (OTC) at 201 East Fourth Street (Agreement No. A-7846).
2. Approve a special budget appropriation to increase the budget for the Oxnard Transit Center operations by \$45,700 from the Transportation Development Act (Fund 213) Article 8c fund balance.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Planning and Zoning Permit No. 16-620-03 (General Plan Amendment, Citywide): Clarifying Procedures of Implementation of Urban Villages Within the City of Oxnard. (5/10/10)

RECOMMENDATION: That the City Council adopt a resolution approving General Plan Amendment Permit No. 16-620-03 to require a specific plan to be prepared in advance of implementing an Urban Village in a specific authorized location.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

2. SUBJECT: General Plan Amendment PZ No. 15-620-04 to Adopt 2013-2021 Housing Element and Four Implementing Zone Text Amendments PZ Nos. 16-580-02/-03/-04/-05 (25/35/60)

RECOMMENDATION: That the City Council:

Approve Addendum No. 4 to the 2030 General Plan Program Environmental Impact Report that documents that the proposed General Plan Amendment and three Zoning Code Amendments comply with the California Environmental Quality Act.

Approve a resolution adopting and amending the 2030 General Plan Goals and Policies, Chapter 8, 2013-2021 Housing Element, with the changes identified, and subsequently forward the document to the California Department of Housing and Community Development (HCD) for certification (PZ 15-620-04).

Adopt three ordinances to revise and reorganize Municipal Code, Division 7, regarding

Density Bonus (PZ No. 16-580-02), and All-Affordable Housing Opportunity Program (PZ No. 16-580-03) and amend Municipal Code Section 16-465, Accessory Dwelling Units (PZ No. 16-580-05).

Direct staff to finalize with noted corrections, incorporate the 2013-2021 Housing Element into the 2030 General Plan as Chapter 8 of the Goals and Policies document, incorporate zone code text amendments into the Municipal Code after the second reading, and forward the 2013-2021 Housing Element to the Department of Housing and Community Development (HCD) for certification.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

3. SUBJECT: General Plan Amendment 16-620-02 for SB244 Infrastructure Study of Nyeland Acres (5/5/10)

RECOMMENDATION: That the City Council adopt a resolution approving an amendment to the Chapter 3 (Community Development) and Chapter 9 (Implementation) of the 2030 Goals and Policies document of the 2030 General Plan.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

4. SUBJECT: Ordinance Regarding Building Regulations (1/3/0)

RECOMMENDATION: That City Council approve the first reading by title only and subsequent adoption of an ordinance repealing and reenacting Articles II through XI, XV, and XVI of Chapter 14 of the Oxnard City Code, pertaining to the California Building Code, California Residential Code, California Green Building Standards Code, International Property Maintenance Code, Uniform Code for the Abatement of Dangerous Buildings, California Historical Building Code, California Electrical Code, California Existing Buildings Code, California Mechanical Code, California Referenced Standards Code, California Plumbing Code, Fire Codes, and Fire Sprinklers.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

M. APPOINTMENT ITEMS

N. REPORTS

O. PUBLIC COMMENTS ON REPORTS

At this time, a person may address the legislative body only on matters appearing on the reports. The presiding officer shall permit a person to address the legislative body after the staff presentation on the report and before the consideration of the report by the legislative body. The presiding officer shall limit public comments to three minutes.

P. PUBLIC COMMENTS ON STUDY SESSION

At this time, a person may address the legislative body only on matters appearing on the study session agenda. The presiding officer shall permit a person to address the legislative body after the staff presentation on the item and before the consideration of the item by the legislative body. The presiding officer shall limit public comments to three minutes.

Q. STUDY SESSION

R. ADJOURNMENT



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 1

DATE: December 13, 2016

TO: City Council

FROM: Stephen Fischer
City Attorney **Jefferson Billingsley**

SUBJECT: Adoption of Marijuana Code Amendment

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, 385-7483

RECOMMENDATION:

That City Council adopt ordinance 2911 amending Section 7-282 of the City Code to provide that indoor marijuana cultivation in compliance with state law is not prohibited.

BACKGROUND

On November 8, 2016, the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) was passed by the California voters as Proposition 64. The AUMA provides that local governments can reasonably regulate, but not ban, personal indoor cultivation of up to six living marijuana plants within a private residence. The proposed amendment (Attachment A) provides guidance that indoor cultivation in compliance with state law is not prohibited within the City and was first read by the City Council on December 6, 2016.

STRATEGIC PRIORITIES

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

Adoption of Marijuana Code Amendment
December 13, 2016
Page 2

FINANCIAL IMPACT

No financial impact at this time.

ATTACHMENTS:

Att A Marijuana Cultivation Amendment - final

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2911

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
SECTION 7-282 OF ARTICLE XVI OF CHAPTER 7 OF THE OXNARD CITY CODE
RELATING TO MARIJUANA CULTIVATION

.....

WHEREAS, In January of this year the City Council adopted Ordinance 2898 prohibiting medical marijuana dispensaries, and marijuana cultivation and deliveries; and

WHEREAS, the City Council found that commercial medical marijuana activities, as well as cultivation can adversely affect the health, safety, and well-being of City residents; and

WHEREAS, on November 8, 2016, the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) was passed by the California voters as Proposition 64; and

WHEREAS, the AUMA provides that local governments can regulate, but not ban, personal indoor cultivation of up to six living marijuana plants within a private residence; and

WHEREAS, consistent with the AUMA, the City wishes to amend Section 7-282 of Article XVI to Chapter 7 of the Oxnard City Code to clarify that indoor marijuana cultivation in compliance with the AUMA is not prohibited.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Section 7-282 of Article XVI of Chapter 7 of the Oxnard City Code is hereby amended to read as follows:

“7-282. CULTIVATION OF MARIJUANA PROHIBITED.

Marijuana cultivation by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited within the city, with the exception of indoor personal, non-commercial marijuana cultivation not to exceed six plants in compliance with Cal. Health and Safety Code section 11362.2.”

Part 2. The foregoing recitals are true and correct.

Part 3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that

any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 4. The City Clerk shall certify as to the adoption of this ordinance and shall cause this ordinance to be published with fifteen (15) calendar 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(a). Ordinance No. 2911 was first read on December 6, 2016, and finally adopted on December 13, 2016, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 2

DATE: December 13, 2016

TO: City Council

FROM: Greg Nyhoff
City Manager

A handwritten signature in blue ink that reads "Greg Nyhoff".

SUBJECT: Agreements for City Council Review

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

RECOMMENDATION:

That City Council, pursuant to Ordinance 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, which are described below:

- A. Affiliated Communications, LLC. (dba Alert Communications) for backup support for Environmental Resources Call Center (\$70,000).
- B. Quinn Company for the purchase of four diesel generators for Fire Stations 1, 2, 3 and 5 (\$161,027).

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

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 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

Agreements for City Council Review
December 13, 2016
Page 2

Funding information is included on the attached list.

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 A: City Manager Contract List for December 13, 2016

City Manager Contract List for 12/13/2016

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

A Answering Service for the Environmental Resources Division

Vendor: Affiliated Communications, LLC (dba Alert Communications)
Type: Amendment
Agreement No.: 6969-14-CM
Amendment No.: 1
Purchase Order No.:
Begin Date: 01/01/2014
End Date: 12/31/2017
Term: 3 years

Amount to be Approved: \$70,000
Current FY Amount: \$40,000
Total Contract Amount: \$157,000
Funding Source: Environmental Resources
Vendor Selection Process: Request for Proposals (RFP)
of Bids/Proposals/Quotes: N/A
Project Manager: Daniel Rydberg, Public Works Director
Department: Public Works - Environmental Resources
Telephone: 385-7957
Email: toddvhousley@oxnard.org

Purpose:

Answering service to answer the Environmental Resources Call Center line during regular business hours as backup support in the event of high volume of calls during peak business hours, staff shortages, and downtime related to phone power outages, maintenance and repairs.

An RFP was issued for answering service on April 1, 2013. On March 3, 2015 City Council approved a three-year term contract with Alert Communications for amount not to exceed \$87,000. The First Amendment increases the Agreement value from \$87,000 to \$157,000 for a net increase of \$70,000. Alert Communications was utilized extensively while recruitment was in process to hire "in-house" personnel to answer incoming calls from residents and businesses ordering refuse and recycling services.

B Purchase of Four (4) Generators

Vendor: Quinn Company
Type: Purchase Order
Agreement No.:
Amendment No.: N/A
Purchase Order No.: 2934
Begin Date:
End Date:
Term:

Amount to be Approved: \$161,027
Current FY Amount: \$161,027
Total Contract Amount: \$161,027
Funding Source: CDBG Grant
Vendor Selection Process: Joint Purchase
of Bids/Proposals/Quotes: N/A
Project Manager: Darwin Base, Fire Chief
Department: Fire Department
Telephone: 805-385-7701
Email: alexander.hamilton@oxnard.org

Purpose:

Staff is requesting authorization to purchase four (4) diesel generators. Fire Stations 1, 2, 3, and 5 will each receive one generator.

Quinn Company was able to provide the best price using National Joint Powers Alliance (NJPA) cooperative contract pricing available to government, education and non-profit agencies. The generators will replace antiquated equipment that cannot properly power Fire Stations 1, 2, 3, and 5. The project is funded with Community Development Block Grant Funds as awarded in May 2016.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 3

DATE: December 13, 2016

TO: City Council

THROUGH: Greg Nyhoff
City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: First Amendment to Jan-Pro Trade Services Agreement, and Special Budget
Appropriation for Oxnard Transit Center

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

RECOMMENDATION:

That City Council:

1. Approve and authorize the Mayor to execute the First Amendment to the Agreement with Jan-Pro Cleaning Systems—Central Coast, to extend the expiration date to December 15, 2017, and increase the amount of the contract to \$12,810 per month for janitorial services for the Oxnard Transit Center (OTC) at 201 East Fourth Street (Agreement No. A-7846).
2. Approve a special budget appropriation to increase the budget for the Oxnard Transit Center operations by \$45,700 from the Transportation Development Act (Fund 213) Article 8c fund balance.

BACKGROUND

City Council awarded a one year trade services agreement to Jan-Pro Cleaning Systems-Central Coast on December 8, 2015, for \$12,622.26 per month for janitorial services. The agreement has the option of two one-year extensions. The first amendment is the first extension for one year. The price increase is \$177.74 per month, which reflects the living wage increase and related costs for the vendor. The proposed increase is 1.41 percent.

First Amendment to Jan-Pro Trade Services Agreement

December 13, 2016

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Jan-Pro Cleaning Systems-Central Coast was selected as the responsive bidder from the bid list for the request for bids (RFB) No. RFB-CM-R15-18 (R) after the previous vendor decided not to continue with their contract. Bids were opened on May 14, 2015. The Purchasing Division's buyer solicited bids from 25 vendors. The city received 14 bids, of which 7 bids were responsive. All Control Cleaning (ACC), the selected vendor, was awarded the contract on June 11, 2015. ACC notified the city it would no longer provide services as of November 15, 2015. ACC notified the city on November 12 that it would be willing to provide services for an additional two months while the city obtained another provider.

The next responsive bidder on the bid list was United Maintenance Services (UMS) from Los Angeles. UMS declined to provide the services. Jan-Pro was the next lowest, responsive bidder. Jan-Pro's original bid was adjusted for the living wage policy that changed the hourly rate on July 1, 2015. Their original bid of \$12,527 per month (a total of \$150,324) was adjusted to \$12,622.26 per month (a total of \$151,467.12) through June 30, 2016 to comply with the living wage policy. The living wage was adjusted again on July 1, 2016 as required by the city's living wage policy.

The OTC operates 365 days per year, from 6:00 a.m. to 10:00 p.m. as the city's central bus and train terminal. The OTC requires uninterrupted custodial services. The city has received unsolicited comments from the public that the OTC facility is very clean and reflects positively on the city's image since the OTC is a point of entry into the city.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

The cost for the first amendment of the contract is \$153,720. The not-to-exceed amount of the contract is \$305,187.12. Additional budget of \$47,500 is required from the fund balance of the Transportation Development Act Local Transportation Fund Article 8c in FY16-17 to cover the cost of the first amendment for FY 16-17. The cost of the agreement will be appropriated to Oxnard Transportation Center Professional Contract (Account 213-3110-803.82-09). The anticipated cost of the remainder of the first amendment will be requested in the budget process of FY17-18. The vendor's hourly wage rate would be adjusted on July 1 for increases in the living wage.

The OTC operations and maintenance do not receive General Fund revenue. Funding for the OTC is provided in part by the Gold Coast Transit District through an annual claim. The city has a significant fund balance from prior years of TDA allocations from the Ventura County Transportation Commission (VCTC). The FY 2016-17 claim for Article 4 Local Transportation Funds was \$511,059. The claim amount is established by a formula with annual adjustments.

First Amendment to Jan-Pro Trade Services Agreement

December 13, 2016

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Other revenue sources for the OTC operations are rents (lease revenues), interest earnings on unspent TDA funds, and utility pro-rata share payments from tenants.

ATTACHMENTS:

Attachment A: First Amendment Jan-Pro A-7846 (draft)

Attachment B: Special Budget Appropriation

Agreement No. A-7846

**FIRST AMENDMENT TO AGREEMENT FOR TRADE SERVICES
(INCLUDES LIVING WAGE REQUIREMENTS EFFECTIVE FROM 7/1/16)**

This First Amendment (“First Amendment”) to the Agreement for Trade Services (“Agreement”) is made and entered into in the County of Ventura, State of California, this day of _____, 2016, by and between the City of Oxnard, a municipal corporation (“City”), and Jan-Pro Cleaning Systems--Central Coast (“Vendor”). This First Amendment amends the Agreement entered into on December 8, 2015, by City and Vendor.

City and Vendor agree as follows:

1. In Section 3 of the Agreement, the date “December 15, 2016” is deleted and replaced with the date “December 15, 2017.”
2. Section 4 of the Agreement is revised to add the following, “The City shall pay Vendor an amount not to exceed \$12,810.00 per month for the Services performed during the term of this Agreement between July 1, 2016, and June 30, 2017. The amount will be adjusted for the Living Wage Policy on July 1, 2017, by an amendment to the Agreement.”
3. Section 5a of the Agreement is revised to add the following, “Vendor shall compensate any employee of Vendor who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as **Exhibit A-1**. While this Agreement is in effect, Vendor shall pay such employee no less than **\$15.14** per hour for each hour that such employee provides services under this Agreement between July 1, 2016, and June 30, 2017. This hourly rate shall be adjusted on July 1, 2017, and each July 1 thereafter, according to the percentage change in the Consumer Price Index, all items, prepared by the Bureau of Labor Statistics for the Los Angeles, Riverside, Orange County area relating to all urban consumers (CPI-U), index base 1967 + 100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.
4. Exhibit A is supplemented by Exhibit A-1 Living Wage Policy, attached hereto and incorporated herein.
5. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

VENDOR

Tim Flynn, Mayor

Greg Ibsen, President

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO INSURANCE:

Stephen M. Fischer, City Attorney

Risk Manager

APPROVED AS TO CONTENT:

APPROVED AS TO AMOUNT:

Ashley Golden, Director
Development Services Department

Greg Nyhoff, City Manager

EXHIBIT A-1**CITY OF OXNARD LIVING WAGE REQUIREMENTS
EFFECTIVE JULY 1, 2016**

1. a. Vendor shall compensate any employee of Vendor who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as Exhibit 1. While this Agreement is in effect, Vendor shall pay such employee no less than **\$15.14 per hour** for each hour that such employee provides services under this Agreement. **This hourly rate shall be adjusted on July 1, 2017, and each July 1 thereafter, according to the percentage change in the Consumer Price Index**, all items, prepared by the Bureau of Labor Statistics for the Los Angeles, Riverside, Orange County area relating to all urban consumers (CPI-U), index base 1967 + 100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.

b. Vendor agrees to post, at a location readily accessible to those employees providing services to the City, a copy of the Living Wage Policy adopted by the Oxnard City Council on July 9, 2002 and effective October 1, 2002.

c. If Vendor fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to Vendor, effective immediately.

d. In addition, if Vendor fails to comply with the Living Wage Policy in any manner, Vendor shall pay to City a fine of \$500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. Vendor shall pay such fine and penalty within 15 days after the City Manager or designee provides written notice to Vendor of the amount owed.

REQUEST FOR BUDGET APPROPRIATION

Department: Development Services
Project/Program
Manager: Cynthia Daniels

Date: December 13, 2016
Phone: 385-7871

Reason for Appropriation:

To provide funding from TDA Article 8c fund balance for Trade Services Agreement #A-7846 with Jan-Pro Cleaning Systems for custodial services, unanticipated repairs, landscaping and irrigation repairs and replacements, and additional expenses for security services at the Oxnard Transportation Center (OTC) at 214 East Fourth Street.

Accounts and Descriptions

AMOUNT

Fund: 213 - TDA/LTF4-TRANS.FND-99400c

Expenditures/Transfers Out

213-3110-803-8209	Other Services- Svcs Other Prof/Contract	47,500
	Sub-total Expenditures	47,500
	Net Change to Fund Balance	(47,500)
	Net Appropriation Change	47,500

Approvals

Department Director

Ashley Golden

Chief Financial Officer

James Throop

City Manager

Greg Nyhoff



**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public Hearing
AGENDA ITEM NO.: 1**

DATE: December 13, 2016

TO: City Council

THROUGH: Greg Nyhoff
City Manager

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

FROM: Ashley Golden
Development Services Director

A handwritten signature in blue ink, appearing to read "Ashley Golden".

SUBJECT: Planning and Zoning Permit No. 16-620-03 (General Plan Amendment, Citywide): Clarifying Procedures of Implementation of Urban Villages Within the City of Oxnard. (5/10/10)

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

RECOMMENDATION:

That the City Council adopt a resolution approving General Plan Amendment Permit No. 16-620-03 to require a specific plan to be prepared in advance of implementing an Urban Village in a specific authorized location.

BACKGROUND

The City's 2030 General Plan was adopted on October 11, 2011 and is comprised of the Background Report (October 2011) and the 2030 Goals and Policies (October 2011). The adoption of the 2030 General Plan came after extensive public outreach. As a result of the extensive public outreach, a number of newly created land uses and implementing policies were included in the 2030 General Plan to address the projected needs of the City. The Urban Village land use designation was created in six areas throughout the City with the intent to encourage people to live near their place of employment and/or near support services. The new regulations clearly stated that a strategic or specific plan needed to be prepared in advance of an entitlement process, seeking to entitle a project where an Urban Village had been identified.

Since the adoption of the 2030 General Plan by the City Council, no Urban Villages have yet been developed within the City. With five years since the adoption of the General Plan and responding to development inquiries, staff recommends that implementation of the Urban Village guidelines be clarified and verified through approval of the subject General Plan Amendment. The amendment is also recommended to address changes in development activity since October 2011. Therefore, amendments are proposed to Chapter 3 (Community Development) of the 2030 Goals and Policies document.

On November 17, 2016 the Planning Commission conducted a public hearing and considered the General Plan Amendment (see Attachment A). The Planning Commission unanimously approved Planning Commission Resolution 2016-19 (Attachment B), recommending that the City Council approve PZ No. 16-320-03, amending the City of Oxnard General Plan to require that a specific plan be prepared in advance of implementing an Urban Village in a specific authorized location. The amendment is exempt for the California Environmental Quality Act. The amendments to Chapter 3 are attached to the City Council's resolution (Attachment C), and are reflected in legislative format; additions are shown in underline and deletions are shown in strikethrough.

The adopted 2030 General Plan requires that Urban Villages are implemented with a specific plan or strategic plan but it fails to clearly define the components of a strategic plan. In order to avoid any confusion regarding regulations that implement Urban Villages, it is recommended that a specific plan consistent with Section 65451 (a) of Planning and Zoning Law be prepared in advance of implementing an Urban Village in a specific authorized location.

The objective in clarifying the Urban Village implementation process is to ensure that the General Plan Urban Village goals and policies are uniformly implemented to properly reflect the input of residents, decision-makers and other stakeholders in the community. It is important to reiterate that no new policies are being introduced in the proposed General Plan Amendment.

For Urban Villages proposed within the Coastal Zone, the Urban Village designation shall not be effective until a specific plan is adopted, and a Local Coast Plan amendment certified by the California Coastal Commission to allow the Urban Village land use designation in the coastal zone.

Staff also proposes minor text edits to reflect the status of four of the six designated Urban Villages and changes in development activity since October 2011. In summary the four areas with change:

1. The overview of the Channel Island Harbor Marina Village has been updated to clarify the Urban Village shall not become effective until a Local Coastal Plan amendment has been adopted authorizing the use within the coastal zone.
2. The overview for the Downtown East Transit Oriented District (DETOD) has been updated to reflect the August 2, 2012 Final Development and Funding Options Report. That report found that the DETOD project was infeasible as of 2012, but improved

economic conditions, infrastructure funding, and changing land use patterns that could allow the future implementation of an Urban Village.

3. The East Village Phase III overview has been updated to reflect that the 107 acres encompassing the Urban Village area has been incorporated into the City.
4. The overview for the North Oxnard Transit Enhancement District (NOTED) has been updated to reflect the adoption of Riverpark and The Village specific plans prior to the adoption of the 2030 General Plan. Text is further clarified to state that future development within the Levitz and Esplanade NOTED areas shall be developed with consideration of the Urban Village characteristics.

STRATEGIC PRIORITIES

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

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

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

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

FINANCIAL IMPACT

There is no budget impact to this action.

ATTACHMENTS:

Attachment A. November 17, 2016 Planning Commission Staff Report

Attachment B. Planning Commission Resolution 2016-19

Attachment C. City Council Resolution



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Planning and Environmental Services Manager
Isidro Figueroa, Principal Planner

DATE: November 17, 2016

SUBJECT: Planning and Zoning Permit No. 16-620-03 (General Plan Amendment, Citywide): Clarifying procedures of implementation of Urban Villages within the City of Oxnard.

- 1) Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve General Plan Amendment Permit No. 16-620-03 to require a specific plan to be prepared in advance of implementing an Urban Village in a specific authorized location.
- 2) Project Description and Applicant:** Clarify procedures of implementation of Urban Villages within the City of Oxnard. 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 represents the City's first amendment to the Community Development Element in portion of the 2030 General Plan in 2016. Filed by the City of Oxnard's Development Services Department, 214 South C Street, Oxnard.
- 3) Background Information:** The 2030 General Plan was adopted by the City Council on October 11, 2011. The adoption of the 2030 General Plan came after extensive public outreach. As a result of the extensive public outreach, a number of newly created land uses and implementing policies were included in the 2030 General Plan to address the projected needs of the City. The Urban Village land use designation was created in six areas throughout the City with the intent to encourage people to live near their place of employment and/or near support services. The new regulations clearly stated that a strategic or specific plan needed to be prepared in advance of an entitlement process, seeking to entitle a project where an Urban Village had been identified.
- 4) Environmental Determination:** This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. A Notice of Exemption has been prepared and is attached as Attachment A.

5) Analysis:

- a) General Discussion:** On October 11, 2011, the 2030 General Plan was adopted by the City Council. It was the first time the City put into place the Urban Village land use designation. No Urban Villages have yet been developed within the City since the adoption of the 2030 General Plan. Staff and the City Attorney's office have determined that the text regulating the implementation of Urban Villages should be modified to incorporate minor changes.

The adopted 2030 General Plan requires that Urban Villages are implemented with a specific plan or strategic plan but it fails to clearly define the components of a strategic plan. In order to avoid any confusion regarding regulations that implement Urban Villages, it is recommended that a specific plan consistent with Section 65451 (a) of the Planning and Zoning Law shall be prepared in advance of implementing an Urban Village in a specific authorized location. A redline draft of the technical amendments has been compiled in order to properly identify all of the proposed changes. Please see Attachment B.

The objective in clarifying the Urban Village implementation process is to ensure that the General Plan Urban Village goals and policies are uniformly implemented to properly reflect the input of residents, decision-makers and other stakeholders in the community. It is important to reiterate that no new policies are being introduced in the proposed General Plan Amendment.

- 6) General Plan Consistency:** Approval of the proposed General Plan Amendment is determined to be consistent with the 2030 General Plan Goals and Policies document based on the following consistency analysis procedure required by Section 9.2, "Consistency Procedure" (2030 General Plan, page 9-2).

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Policy, Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Policy, 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 Policy, Project or Program (all policies not listed as Level I and II are assumed to be consistent).

PZ 16-620-03(General Plan Amendment)
 Planning Commission Date: November 17, 2016
 Page 3

POLICY	LEVEL	POLICY OR TITLE (EXISTING)	EXPLANATION
CD-7.1	I	Establishment of Urban Villages Six areas of the City are initially designated as Urban Villages. It is the intent of the Urban Village designation that specific or strategic plans for each area will be prepared in advance of implementing an urban village in a specific authorized location the planning entitlement process. Additional Urban Villages and guidelines may be subsequently adopted by the City Council. Urban Villages are envisioned as characterized by: • Infill and/or development of formerly agricultural land • Reinvestment in the existing community • Mixture of land uses • Mix of residential densities and housing types • Providing a minimum of 15 percent affordable housing • Location along or near corridors, downtown, and transit nodes • Transit, pedestrian, and bicycle circulation given high priority	The proposed General Plan Amendment (GPA) will clarify the existing implementation procedure for the establishment of an Urban Village by requiring that only a specific plan shall be prepared in advance of implementing an Urban Village in a specific authorized location by the criteria established in Policy CD-7.1.
CD- 7.2	I	Urban Village Compatibility Guidelines Develop Urban Village Guidelines that ensure that each urban village area provides appropriate transitional features with the surrounding area, and that each urban village incorporates uses compatible with existing uses.	The proposed GPA will allow a specific plan to identify the land use and design regulations which guide the development of an Urban Village.
CD-7.3	I	Financing Tools for Urban Village Development Work closely with other public agencies to develop and utilize financing tools and incentives to develop urban village areas.	The proposed GPA will allow a specific plan to implement policies for financing infrastructure improvements and extensions, or cost recovery programs within Urban Villages.
CD-7.4	I	Urban Village Design Guidelines Develop Urban Village Design Guidelines that incorporate the following features, where appropriate: • Provide a variety of transportation choices and an interconnected multi-modal mobility network. • Offer a variety housing choices and opportunities, including at least 15 percent affordable housing. • Encourage compact development in order	The proposed GPA will allow a specific plan to incorporate land use and zoning regulations, infrastructure plans, and development approval processes for the development of an Urban Village.

		to free up more private and civic open space. • Preserve open space, historic, cultural, and natural assets. • Use green and sustainable building and planning technologies. • Incorporate methods of measuring vehicle trips as part of the metrics required for a Sustainable Community Strategy (SB 375).	
CD-7.5	I	Pedestrian and Transit Scale Design urban village areas to be pedestrian-oriented and transit accessible, incorporating block patterns, walking routes and edges, social orientation of buildings, and streetscapes to provide ease of walking and safety.	The proposed GPA will allow a specific plan to incorporate land use and zoning regulations, infrastructure plans, and development approval processes for the development of an Urban Village; thus, creating a sense of place.
CD-7.6	I	Connectivity Provide connectivity to other activity nodes in the form of roadways, transit connections, and bicycle and pedestrian linkages that encourages non-vehicular travel modes. Urban villages should be considered major transit transfer points and have amenities oriented towards transit users.	
CD-7.7	I	Urban Village Streetscapes and Identification Include streetscape and signage programs in roadway improvements that provide each area a unique identification and enhance the functionality and beauty of entry corridors. Ensure that planned roadway improvements do not conflict with other policies that encourage pedestrian activities and circulation.	
CD-7.8	I	Road Design Reflect the residential and commercial activities of the urban village area by using appropriate roadway widths for road and streetscape design.	
CD-7.9	I	Infrastructure Compatibility Ensure new development within each urban village complies with the City's adopted infrastructure master plans and provides fair share contributions towards existing and future improvements necessary to serve the development.	
CD-7.10	I	Urban Village Infrastructure Master Plans Require an Urban Village Infrastructure Master Plan as part of any urban village specific plan. This plan shall provide the detailed plan for infrastructure improvements, phasing and financing.	
CD-7.11	I	Urban Village Open Space Areas/Parks Park sizes and locations shall follow City standards	

PZ 16-620-03(General Plan Amendment)
 Planning Commission Date: November 17, 2016
 Page 5

		and be within walking distance of a majority of the population.	
CD-7.12	I	Urban Village Collocation with Schools Promote the collocation of parks with school facilities for the purpose of enhancing available open space and recreation.	
CD-7.13	I	Urban Village Trail and Open Space Connections Include trails (pedestrian and bicycle) and open space areas, where feasible within urban village areas. These facilities shall create a network that links urban villages and other neighborhoods to each other.	
CD-8.1	II	Jobs/Housing Balance & Sustainable Communities Strategy (SB 375) Incorporate inter- and intra-city jobs/housing balance in the development of the regional and subregional Sustainable Communities Strategy (SB 375), Urban Village strategy and strategic plans, with the main intent to reduce single-occupancy work-related vehicular trips.	The proposed GPA allows for a specific plan to provide for vibrant mixed-use urban villages characterized by a mix of land uses, transit accessibility, pedestrian orientation, and neighborhood identity.
All others	III	All other policies are considered consistent with the proposed project.	

7) LCP Consistency: Before an Urban Village may be implemented in any of the six designated areas identified in the 2030 General Plan, a specific plan imposing specific requirement consistent with the 2030 General Plan is required to be adopted. For Urban Villages proposed within the Coastal Zone, the Urban Village designation shall not be effective until a specific plan is adopted, and a Local Coast Plan amendment certified by the California Coastal Commission to allow the Urban Village land use designation in the coastal zone.

8) Appeal Procedure: The Planning Commission's action is a recommendation and the matter will be considered by the City Council, tentatively scheduled for December 13, 2016, but subject to change.

Attachments:

- A. Notice of Exemption
- B. Redline Amendments to 2030 General Plan (changes only)
- C. PZ No. 16-620-03 Resolution

Prepared by: _____
 IF

Approved by: _____
 KM

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning (PZ) Permit No. 16-620-03 (General Plan Amendment) clarifying procedures of implementation of Urban Villages within the City of Oxnard by requiring that a specific plan shall be prepared in advance of implementing an Urban Village in a specific authorized zone.

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:

The City finds that the proposed text amendment will not result in any new significant environmental impacts that were not addressed in the 2030 General Plan Program EIR nor will it increase the severity of any previously identified impacts. The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Furthermore, the proposed text amendment would not create any public health or safety hazards and would not have a significant impact on the resources or services within this area, such as water, sanitary services, surrounding roadways and intersections, schools, and existing agricultural uses. The City further finds that because it can be seen with certainty that the proposed amendment will not have a significant effect on the environment, it is exempt under CEQA Guidelines section 15061 (b)(3).

(Date)

Kathleen Mallory, AICP
Planning and Environmental Services
Manager

The amendments to Chapter 3 are attached to the City Council's resolution (Attachment C).

RESOLUTION NO. 2016-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT AN AMENDMENT TO THE 2030 GENERAL PLAN TO REQUIRE A SPECIFIC PLAN TO BE PREPARED IN ADVANCE OF IMPLEMENTING AN URBAN VILLAGE IN A SPECIFIC AUTHORIZED LOCATION. FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 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

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and

WHEREAS, the operative documents of the Oxnard 2030 General Plan consist of (1) the Background Report (2006), and (2) the Goals and Policies; 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, Addendum No. 1 to the Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document environmental impacts of changes to the 2030 General Plan that occurred after February 2, 2010; and

WHEREAS, at the October 11, 2011 hearing, City Council voted 4-1 to adopt the 2030 General Plan and no challenges to the PEIR occurred; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 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, on November 17, 2016, the Planning Commission of the City of Oxnard (**“Planning Commission”**) conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit No. 16-500-02 (Special Use Permit) (the **“Project”**) in accordance with Section 16-530 through 16-553 of Oxnard City Code, and

WHEREAS, the proposed General Plan Amendment PZ 16-620-03 would amend the 2030 General Plan to clarify procedures of implementation of Urban Villages within the City of Oxnard by requiring to a specific plan to be prepared in advance of implementing an Urban Village in a specific authorized location in order to achieve an internal consistency among all elements of the City’s General Plan, which enforces the directives and policies of the General Plan. The proposed text amendment will not create any inconsistency

among any of the General Plan directives and policies; in fact, the modification will bring additional clarity among these same policies and directives. Therefore, the General Plan Amendment meets this finding; and

WHEREAS, the proposed General Plan Amendment will not be detrimental to public interest, health, safety, convenience, or welfare of the City because the General Plan Amendment does not introduce any changes to the General Plan, and will not reduce or compromise existing standards that protect the health, safety or general welfare of the City. Accordingly, the General Plan Amendment meets this finding; and

WHEREAS, the proposed General Plan Amendment in large part does not pertain to a singular site, rather the text amendments are meant to bring additional clarity within the implementation procedures of an Urban Village within the City of Oxnard. The text amendments will not alter the physical environment of any site; thus, not compromising access, compatibility with adjoining land uses and will not create any physical constraints to any site in the City. Therefore, the General Plan Amendment meets this finding; and

WHEREAS, each portion of the proposed General Plan Amendment PZ 16-620-03 is fully set forth in the staff report to this matter, and each portion is incorporated by this reference as if fully set forth in full herein; and

WHEREAS, the adoption of General Plan Amendment PZ 16-620-03 is a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by clarifying the implementation procedures of Urban Villages throughout the City of Oxnard; and

WHEREAS, the proposed amendment is consistent with the direction in the 2030 General Plan to allow for the creation of the Urban Village land use designation in six areas throughout the City with the intent to encourage people to live near their place of employment and/or support services and the amendment to clarify the implementation procedures of Urban Villages does not represent a significant change in the 2030 General Plan nor does it result in significant new environmental impacts that have not been previously evaluated; and

WHEREAS, under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the action is not subject to CEQA; and

NOW, THEREFORE, the Planning Commission of the City of Oxnard:

1. For the above stated reasons, and the reasons set forth in the staff report, finds that the proposed text amendment will not result in any new significant environmental impacts that were not addressed in the 2030 General Plan EIR, will not increase the severity of any previously identified impacts, and is exempt from CEQA under Guidelines section 15061(b)(3).
2. Recommends that the City Council adopt General Plan Amendment PZ 16-620-03.

Resolution No. 2016-XX
Page 3

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard
on this 17th day of November 17, 2016.

Stephen Huber, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 17th day of November, 2016, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Kathleen Mallory, AICP, Secretary

RESOLUTION NO. 2016-19

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT AN AMENDMENT TO THE 2030 GENERAL PLAN TO REQUIRE A SPECIFIC PLAN TO BE PREPARED IN ADVANCE OF IMPLEMENTING AN URBAN VILLAGE IN A SPECIFIC AUTHORIZED LOCATION. FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 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

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and

WHEREAS, the operative documents of the Oxnard 2030 General Plan consist of (1) the Background Report (2006), and (2) the Goals and Policies; 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, Addendum No. 1 to the Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document environmental impacts of changes to the 2030 General Plan that occurred after February 2, 2010; and

WHEREAS, at the October 11, 2011 hearing, City Council voted 4-1 to adopt the 2030 General Plan and no challenges to the PEIR occurred; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 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, on November 17, 2016, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit No. 16-500-02 (Special Use Permit) (the **"Project"**) in accordance with Section 16-530 through 16-553 of Oxnard City Code, and

WHEREAS, the proposed General Plan Amendment PZ 16-620-03 would amend the 2030 General Plan to clarify procedures of implementation of Urban Villages within the City of Oxnard by requiring to a specific plan to be prepared in advance of implementing an Urban Village in a specific authorized location in order to achieve an internal consistency among all elements of the City's General Plan, which enforces the directives and policies of the General Plan. The proposed text amendment will not create any inconsistency

among any of the General Plan directives and policies; in fact, the modification will bring additional clarity among these same policies and directives. Therefore, the General Plan Amendment meets this finding; and

WHEREAS, the proposed General Plan Amendment will not be detrimental to public interest, health, safety, convenience, or welfare of the City because the General Plan Amendment does not introduce any changes to the General Plan, and will not reduce or compromise existing standards that protect the health, safety or general welfare of the City. Accordingly, the General Plan Amendment meets this finding; and

WHEREAS, the proposed General Plan Amendment in large part does not pertain to a singular site, rather the text amendments are meant to bring additional clarity within the implementation procedures of an Urban Village within the City of Oxnard. The text amendments will not alter the physical environment of any site; thus, not compromising access, compatibility with adjoining land uses and will not create any physical constraints to any site in the City. Therefore, the General Plan Amendment meets this finding; and

WHEREAS, each portion of the proposed General Plan Amendment PZ 16-620-03 is fully set forth in the staff report to this matter, and each portion is incorporated by this reference as if fully set forth in full herein; and

WHEREAS, the adoption of General Plan Amendment PZ 16-620-03 is a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by clarifying the implementation procedures of Urban Villages throughout the City of Oxnard; and

WHEREAS, the proposed amendment is consistent with the direction in the 2030 General Plan to allow for the creation of the Urban Village land use designation in six areas throughout the City with the intent to encourage people to live near their place of employment and/or support services and the amendment to clarify the implementation procedures of Urban Villages does not represent a significant change in the 2030 General Plan nor does it result in significant new environmental impacts that have not been previously evaluated; and

WHEREAS, under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the action is not subject to CEQA; and

NOW, THEREFORE, the Planning Commission of the City of Oxnard:

1. For the above stated reasons, and the reasons set forth in the staff report, finds that the proposed text amendment will not result in any new significant environmental impacts that were not addressed in the 2030 General Plan EIR, will not increase the severity of any previously identified impacts, and is exempt from CEQA under Guidelines section 15061(b)(3).
2. Recommends that the City Council adopt General Plan Amendment PZ 16-620-03.

Resolution No. 2016-19
Page 3

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard
on this 17th day of November 17, 2016.

Stephen Huber, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 17th day of November, 2016, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Kathleen Mallory, AICP, Secretary

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING AN AMENDMENT TO THE 2030 GENERAL PLAN TO
REQUIRE A SPECIFIC PLAN TO BE PREPARED IN ADVANCE OF
IMPLEMENTING AN URBAN VILLAGE IN A SPECIFIC AUTHORIZED
LOCATION.

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

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and

WHEREAS, the operative documents of the Oxnard 2030 General Plan consist of (1) the Background Report, and (2) the Goals and Policies; 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, Addendum No. 1 to the Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document environmental impacts of changes to the 2030 General Plan that occurred after February 2, 2010; and

WHEREAS, at the October 11, 2011 hearing, City Council voted 4-1 to adopt the 2030 General Plan and no challenges to the PEIR occurred; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, PEIR, 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, the proposed General Plan Amendment PZ 16-620-03 would amend the 2030 General Plan to clarify procedures of implementation of Urban Villages within the City of Oxnard by requiring to a specific plan to be prepared in advance of implementing an Urban Village in a specific authorized location in order to achieve an internal consistency among all elements of the City's General Plan, which enforces the directives and policies of the General Plan. The proposed text amendment will not create any inconsistency among any of the General Plan directives and policies; in fact, the modification will bring additional clarity among these same policies and directives. Therefore, the General Plan Amendment meets this finding; and

WHEREAS, the proposed General Plan Amendment will not be detrimental to public interest, health, safety, convenience, or welfare of the City because the General Plan Amendment does not introduce any changes to the General Plan, and will not reduce or compromise existing standards that protect the health, safety or general welfare of the City. Accordingly, the General Plan Amendment meets this finding; and

WHEREAS, the proposed General Plan Amendment in large part does not pertain to a singular site, rather the text amendments are meant to bring additional clarity within the implementation procedures of an Urban Village within the City of Oxnard. The text amendments will not alter the physical environment of any site; thus, not compromising access, compatibility with adjoining land uses and will not create any physical constraints to any site in the City. Therefore, the General Plan Amendment meets this finding; and

WHEREAS, the adoption of General Plan Amendment PZ 16-620-03 is a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by clarifying the implementation procedures of Urban Villages throughout the City of Oxnard; and

WHEREAS, the proposed amendment is consistent with the direction in the 2030 General Plan to allow for the creation of the Urban Village land use designation in six areas throughout the City with the intent to encourage people to live near their place of employment and/or support services and the amendment to clarify the implementation procedures of Urban Villages does not represent a significant change in the 2030 General Plan nor does it result in significant new environmental impacts that have not been previously evaluated; and

WHEREAS, under California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the action is not subject to CEQA; and

NOW, THEREFORE, the City Council of the City of Oxnard:
For the above stated reasons, and the reasons set forth in the staff report, finds that the proposed text amendment will not result in any new significant environmental impacts that were not addressed in the 2030 General Plan EIR, will not increase the severity of any previously identified impacts, and is exempt from CEQA under Guidelines section 15061(b)(3).

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

SECTION 1. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that adopting General Plan Amendment PZ 16-620-03 to amend the 2030 General Plan to clarify procedures of implementation of Urban Villages within the City of Oxnard by requiring to a specific plan to be prepared in advance of implementing an Urban Village in a specific authorized location is exempt from the CEQA under Guidelines section 15061(b)(3) and is therefore exempt from the requirements of CEQA.

SECTION 2. Based on the City's adopted Two Year Strategic Business Plan, adopting General Plan Amendment PZ 16-620-03 to amend the 2030 General Plan to clarify procedures of implementation of Urban Villages within the City of Oxnard by requiring to a specific plan to be prepared in advance of implementing an Urban Village in a specific authorized location would streamline internal processes to ensure government efficiencies.

PASSED AND ADOPTED this 13th day of December, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn
Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

EXHIBITS:

EXHIBIT A: REDLINE AMENDMENTS TO COMMUNITY DEVELOPMENT CHAPTER 3
(CHANGES TO URBAN VILLAGE ONLY)

3

COMMUNITY DEVELOPMENT

3.1 Vision

The Oxnard 2030 General Plan sets out a vision to guide future development in the City. The 2002 visioning program includes community development concerns and direction that are incorporated in this chapter, taking into account the 2006 Background Report which presents a detailed description of community development topics (land use, design, growth management, and economic development). Implementation and determination of internal consistency with the remainder of the general plan is presented in Chapter 9.

Oxnard's existing land use patterns reflect the City's unique coastal location and agricultural history. With the exception of several high rise buildings in north Oxnard, the City is characterized by one or two story buildings, low and medium density residential, and several industrial areas surrounded by agricultural land, the Pacific Ocean, and the Santa Clara River. Most of the City's higher intensity development lies along Highway 101 and primary arterials.

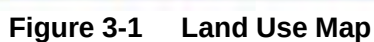
Beginning in 1995, residents within Ventura County began enacting initiatives that generally require voter approval for expansive outward growth with the goal of preserving agricultural and open space resources. Oxnard adopted the Save Open Space and Agricultural Resources (SOAR) Ordinance on November 3, 1998 that created a City Urban Restriction Boundary (CURB) around the City until December 31, 2020.

Several large undeveloped areas were left within the Oxnard CURB that either have developed or are likely to fully develop by 2030. Once these within-CURB areas are developed, additional development would have to be largely redevelopment within the CURB or by amending and expanding the CURB with voter approval.

Proposed land use changes and related regulations that directly or indirectly affect properties and/or activities in the Oxnard Coastal Zone may be subject to the Local Coastal Program (LCP) and may not be effective until certified by the California Coastal Commission.

The 2030 General Plan has four major themes: 1) development within the CURB anticipated by the 2020 General Plan, 2) development or reinvestment within CURB with an “urban village” concept, 3) transition of the area south of the Oxnard Transit Center from industrial to mixed use (Downtown East Transit Oriented District), if feasibility studies support the concept, and 4) participation in the restoration of the Ormond Beach wetlands. The urban villages would incorporate private and public redevelopment, mixed land uses, affordable and workforce housing, and transit connectivity and are intended to be a key strategy for meeting GHG emission reduction targets and implementing the Southern California Association of Governments regional Sustainable Community Strategy (SB 375). The Urban Village theme replaces the 2020 General Plan Infill Area and Major Study Areas approach.

This chapter replaces and augments the Growth Management, Land Use, Economic Development, and Community Design elements of the 2020 General Plan.



3.2 Key Terms

The following are key terms used in this chapter:

Downtown East Transit Oriented District (DETOD). An approximately 100-acre area generally bordered by Oxnard Boulevard, the Oxnard Transit Center and Fifth Street, Richmond Avenue, and Wooley Road.

Floor Area Ratio (FAR). A floor area ratio is often used to describe the intensity of commercial, office, and industrial land usage. The FAR is a ratio created by dividing the total gross square footage of the building by the net square footage of the lot. FAR is a macro-level tool used to estimate traffic generation and municipal service demand and is not intended to be used as a strict development standard.

Gross Acreage. The total area of a development site expressed in acres, usually including the area to be devoted to streets.

Net Acreage. The gross area less the area required for roadway or other dedication to public use.

Height Overlay District. A designation in addition to other land use classifications with supplemental regulations that may modify the underlying designation and/ or introduce additional height regulations.

Live/Work. A residential unit, part of which may be used as an accessory commercial use by the occupant.

Local Coastal Program (LCP). Two documents, Coastal Land Use Plan and Coastal Zoning (Chapter 17 of the City Code), apply in selected regulatory areas in the Coastal Zone and are subject to the Coastal Act and certification and review by the Coastal Commission.

Mixed Use. Mixed-use development incorporates a range and variety of uses within a single development site, for example, retail, residential and business.

SOAR. Save Open Space and Agricultural Resources (SOAR). An uncodified ordinance adopted November 3, 1998 that created a City Urban Restriction Boundary (CURB) around the City until December 31, 2020.

Urban Village. A mix of transit and pedestrian oriented residential, commercial, and/or other uses, with a sense of place and identity.

Work/Live. A commercial or industrial use that includes a small apartment for optional residential use by the business owner or employee.

Zoning. Zoning is the division of a jurisdiction into districts (zones) within which permissible uses are prescribed and development standards are defined. Zoning is the principal tool for implementing the goals and policies of the general plan by translating land use categories and standards into regulations.

3.3 Land Use Map

The 2030 Land Use Map (Figure 3-1) classifies and displays envisioned community land uses and intensity. The 2030 Land Use Map depicts the CURB line established by the 1998 SOAR ordinance. Proposed land use changes within the Coastal Zone are not effective until an updated LCP is certified by the California Coastal Commission.

3.4 City Urban Restriction Boundary

In 1998, the voters of the City of Oxnard adopted the SOAR (Save Open Space and Agricultural Resources) initiative establishing the City Urban Restriction Boundary (CURB) and re-designating as "Agriculture (AG)" all land previously designated "Agricultural Planning Reserve (AG/PR)." The CURB defines the urban development boundary for the City of Oxnard until December 31, 2020. The SOAR initiative also established a City Buffer Boundary (CBB) which lies outside of the CURB line and is coterminous with the Oxnard Area of Interest. Change to the CURB line or an agricultural land use designation within the CBB generally requires majority approval of Oxnard voters, with certain exceptions, including but not limited to an exception to allow up to 20 acres per year to be brought into the CURB for affordable housing needed to meet the City's Regional Housing Needs Assessment (RHNA) target production.

This Oxnard 2030 General Plan expressly preserves these SOAR requirements and incorporates the 1998 SOAR ordinance as shown in Table 3-1 below.

Table 3-1: SOAR 2020 to 2030 General Plan Correspondence

1998 SOAR Ordinance	2020 General Plan	2030 General Plan
1 Title	Uncodified (Not included)	Remains Uncodified
2 Purpose and Findings	Uncodified (Not included)	Remains Uncodified
3 General Plan Amendment	Chapter IV, Growth Management Element	Included
4 Conforming Amendments	Various sections, to conform the Oxnard 2020 General Plan to SOAR	Incorporated into the 2030 General Plan
5 City Buffer Boundary	Uncodified (Not included)	Included
6 Exemptions	Uncodified (Not included)	Included
7 Insertion Date	Uncodified (Not included)	Not applicable
8 Severability	Uncodified (Not included)	Remains Uncodified
9 Amendment or Repeal	Uncodified (see No. 3)	Uncodified (see No. 3)
10 Competing Measures	Uncodified (Not included)	Remains Uncodified

OXNARD CITY URBAN RESTRICTION BOUNDARY

Introduction

The voters of the City of Oxnard have, through the initiative process, established and adopted an urban growth boundary line denominated the Oxnard City Urban Restriction Boundary (CURB) as an amendment to the Oxnard 2020 General Plan. Its purpose, principals, implementation procedures, and methodologies for amendment are set forth in this Section 3.4 of this Oxnard 2030 General Plan.

1. PURPOSE

The City of Oxnard and surrounding area, with its unique combination of soils, micro-climate and hydrology, has become one of the finest growing regions in the world. Agricultural production from the County of Ventura and in particular production from the soils and silt from the Santa Clara River, Calleguas Creek, Conejo Creek and Revolon/Beardsley Wash, and alluvial plains adjacent to the City provides beneficial food and fiber to local inhabitants and to the world at large and has achieved international acclaim, enhancing the City's economy and reputation.

The purpose of this CURB ~~is~~ *was and remains* to ensure that the development policies, and underlying goals, objectives, principles and policies set forth in the Oxnard 2020 General Plan relating to Growth Management (Chapter IV), Land Use (Chapter V) and Open Space and Conservation (Chapter VII) are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people.

2. PRINCIPLES

Continued urban encroachment into agricultural and watershed areas will impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources. Such urban encroachment would eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and open space/agricultural uses.

The unique character of the City of Oxnard and quality of life of City residents depend on the protection of a substantial amount of open space, natural resource and agricultural lands. The protection of such lands not only ensures the continued viability of agriculture, but also contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a CURB will promote the formation and continuation of a cohesive

community by defining the boundaries and by helping to prevent urban sprawl. Such a CURB will promote efficient municipal services and facilities by confining urban development to defined development areas.

3. IMPLEMENTATION

- a.) The City of Oxnard hereby establishes and adopts a CURB. The CURB is established generally coterminous with and in the same location as the Sphere of Influence line established by the Local Agency Formation Commission as it existed as of January 1, 1998 except (1) that certain property of approximately 247 acres at the northwest corner of the City bounded on the South by Gonzales on the west by Victoria, adjacent to the Northwest Community, and (2) that certain property of approximately 79 acres of the west edge of the City bounded by the South by 5th Street on the west by Harbor Avenue, and generally southwesterly of the Edison Canal, generally referred to as "North Shore" and (3) that certain property of approximately 41 acres located within the City limits west of Victoria Avenue at the northwest corner of 5th Street directly west of the Oxnard Airport *are additionally encompassed with the CURB*. The Sphere of Influence line and the CURB line are illustrated in Figure 3-2.
- b.) Until December 31, 2020, the City of Oxnard shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the CURB, except as provided herein. Other than for the exceptions provided herein, upon the effective date of this *Oxnard 2030* General Plan, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, special use permit, building permit or any other ministerial or discretionary entitlement which is inconsistent with the purposes of this *Oxnard 2030* General Plan, unless in accordance with the amendment procedures of the SOAR Ordinance.
- c.) "Urbanized uses of land" shall mean any development which would require the establishment of new city sewer systems or the significant expansion of existing city sewer infrastructure; or would create residential lots less than 10 acres in area per primary residence; or would result in the establishment of commercial or industrial uses which are neither exclusively related to agriculture nor exclusively related to the production of mineral resources.
- d.) Until December 31, 2020, all land designated as "Agriculture (AG)", as shown on Figure 3-2 *must not be re-designated unless in accordance with the amendment procedures of this Section 3.4 herein*.

4. CONFORMING AMENDMENTS

SOAR Ordinance conforming amendments to the 2020 General Plan have been incorporated into relevant provisions of this 2030 General Plan.

5. CITY BUFFER BOUNDARY (CBB)

The CBB is established outside the CURB and within the Oxnard Planning Area, as shown on *Figure 3-3*. The CURB may be amended to include land within the CBB as provided in this ordinance. Until December 31, 2020, the City of Oxnard shall not change the designation of land within the CBB that is designated "Agriculture" in the 2020~~30~~ General Plan, unless the change is approved by the voters of the City of Oxnard pursuant to Article 1, Chapter 2 of Division 9 of the Elections Code, or as set forth below:

1. The City Council may change the designation of land that is placed within the CURB.
2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may redesignate land within the CBB if the City Council makes each of the following findings:
 - a. Failure to change the designation of a specific parcel of land would constitute an unconstitutional taking of a landowner's property for which compensation would be required, and
 - b. The redesignation will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.

6. EXEMPTIONS

The provisions of this ordinance otherwise requiring a vote of the people do not apply to nor affect the authority and discretion of the City Council with respect to any roadways designated in *Chapter 4, Infrastructure and Services*, of the 2030 Oxnard General Plan as of adoption and subsequent amendments, construction of public potable water facilities, public schools, public parks or other government facilities, or any development project that has obtained as of the effective date of this initiative a vested right pursuant to state or local law.

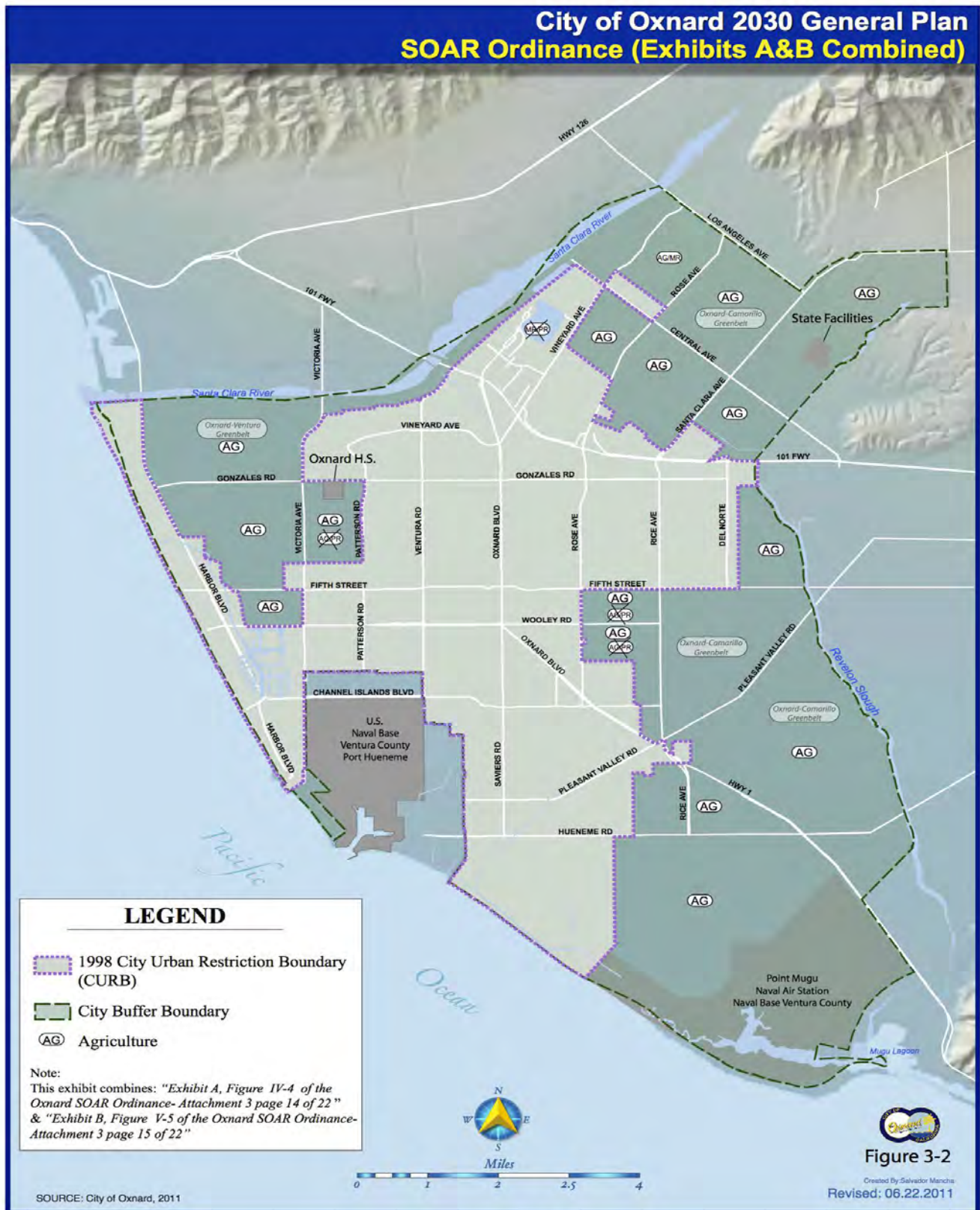
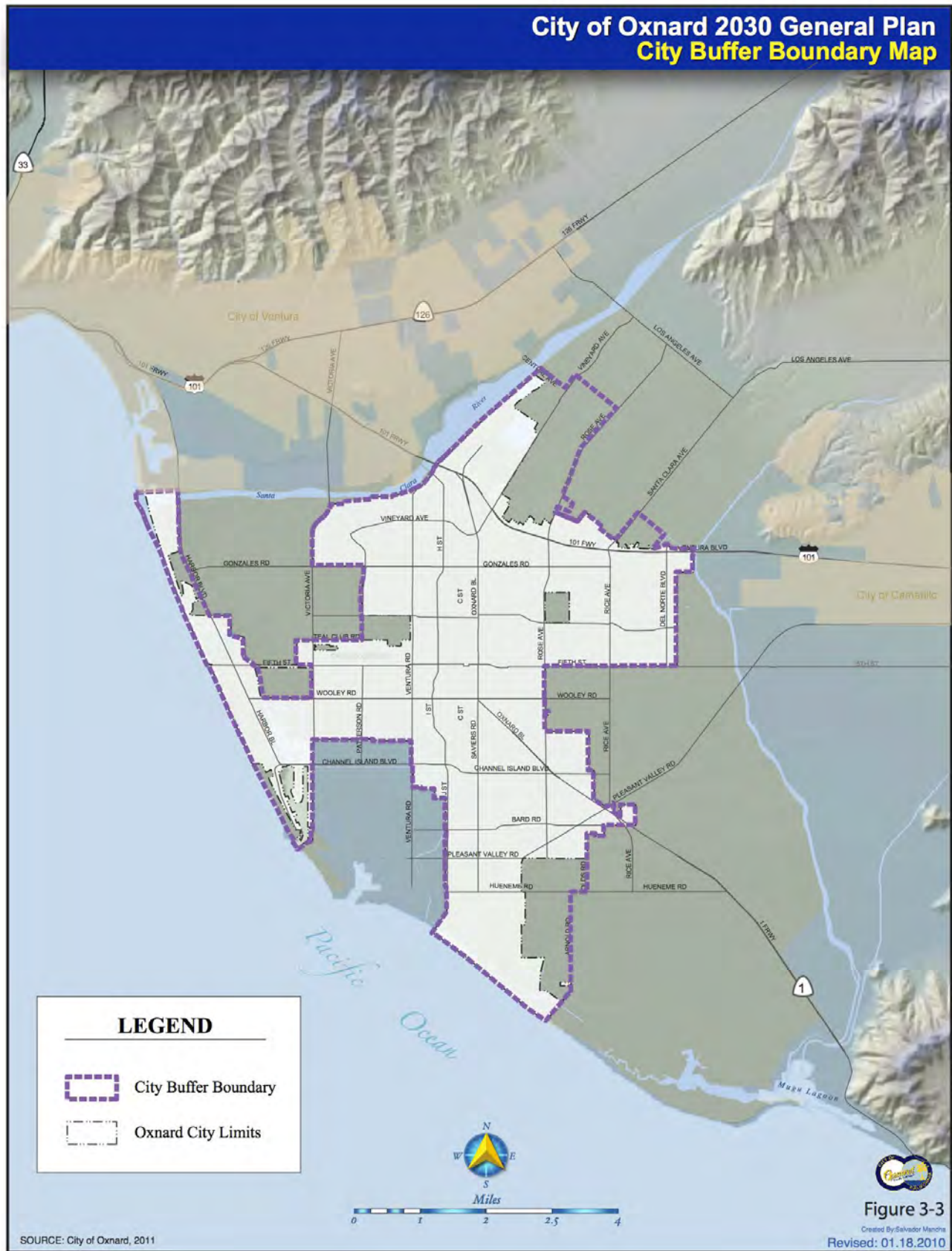


Figure 3-2 SOAR Ordinance (Exhibits A and B Combined)

**Figure 3-3 City Buffer Boundary Map**

7. AMENDMENT PROCEDURES

Until December 31, 2020, the foregoing Purposes, Principles and Implementation provisions may be amended only by a vote of the people commenced pursuant to Article I of Chapter 3 of Division 9 of the Elections Code, or pursuant to the procedures set forth below:

1. The City Council may amend the CURB described herein if it deems it to be in the public interest, provided that the amended boundary is within the limits of the CURB.
2. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB to comply with state law regarding the provision of housing for all economic segments of the community. For that purpose the City Council may amend the CURB as described herein *on Figure 3-2* in order to include lands to be designated for residential uses, provided that no more than 20 acres of land may be brought within the CURB for this purpose in any calendar year. Such amendment may be adopted only if the City Council makes each of the following findings:
 - a) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the CURB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the school districts with jurisdiction over such land have or will provide adequate capacity to accommodate the proposed development and provide it with adequate public services; and
 - b) That the proposed development will address the highest priority need identified in the analysis by which the City has determined it is not in compliance with state law, i.e., low and very low income housing; and
 - c) That there is no existing residentially designated land available within the CURB to accommodate the proposed development; and
 - d) That it is not reasonably feasible to accommodate the proposed development by redesignating land within the CURB.
3. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB, if the City Council makes each of the following findings:
 - a) The land proposed for inclusion within the CURB is immediately adjacent to areas developed in a manner comparable to the proposed use;
 - b) Adequate public services and facilities are available and have the capacity and capability to accommodate the proposed use;
 - c) The proposed use will not have direct, indirect, or cumulative adverse significant impacts on the area's agricultural viability, habitat, scenic resources or watershed;

- d) The proposed use will not adversely affect the stability of land use patterns in the area (i.e., the land affected will not introduce or facilitate a use that is incompatible with adjoining or nearby uses);
 - e) The land proposed for inclusion within the CURB has not been used for agricultural purposes in the immediately preceding two years and is unusable for agriculture due to its topography, drainage, flooding, adverse soil conditions, inaccessibility to appropriate water or other physical reason;
 - f) The land proposed for inclusion within the CURB does not exceed 40 acres for any one landowner in any calendar year, and one landowner's property may not similarly be removed from the restrictions contemplated by this *Section 3.4 of the Oxnard 2030 General Plan* more often than every other year. Landowners with any unity of interest are considered one landowner for purposes of this limitation; and
 - g) Including the land within the CURB will not result in more than 160 acres being added to the CURB in any calendar year.
4. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend the CURB if the City Council makes each of the following findings:
 - a) Application of the provisions of subsections 1, 2, or 3 of these amendment procedures are unworkable as applied to a specific parcel and failure to amend the CURB would constitute an unconstitutional taking of a landowner's property for which compensation would be required; and
 - b) The amendment and associated land use designations will allow new land uses only to the minimum extent necessary to avoid an unconstitutional taking of the landowner's property.
 5. The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the CURB or the provisions of this Section 3.4 on the ballot in the manner provided by state law.
 6. The City Council may amend the CURB to include land contemplated for construction of public potable water facilities, public schools, public parks or other government facilities, or to include any development project that has obtained as of the effective date of the initiative a vested right pursuant to state or local law, all uses exempted from the provisions of this *Section 3.4 of the Oxnard 2030 General Plan Amendment*, but only to the minimum amount of land reasonably necessary to accommodate said uses.
 7. The City Council may reorganize, reorder, and renumber General Plan provisions, including the *General Plan* provisions of the *SOAR Ordinance*.

3.5 Land Use Designations and Standards

Land Use Designations

State planning law requires general plans to establish land use designations (Government Code 65302[a]). The 2030 General Plan establishes new land use designations as follows:

Medium-High Density Residential
 Height Overlay District
 Urban Village
 Mobile Home Park
 Heavy Industrial

The following 2020 General Plan land use designations are discontinued:

Rural Residential
 Very Low Density Residential
 Mobile Home 1
 Mobile Home 2
 Factory Built
 Specialized Commercial
 Open Space Buffer
 Mineral Resources
 Mixed Use Overlay

As a result of the above additions and deletions, the following 30 uses are established by the 2030 General Plan:

Residential

1. Low
2. Low-Medium
3. Medium
4. Medium-High
5. High
6. Mobile Home Park

Commercial

1. Convenience
2. Neighborhood
3. Community
4. General
5. Regional
6. Office
7. Central Business District

Industrial

1. Limited
2. Light
3. Heavy
4. Central Industrial Area
5. Business Research Park
6. Public Utility/Energy Facility

Open Space/Other

1. Park
2. Resource Protection (non-coastal)
3. Open Space
4. Planning Reserve
5. Easement
6. Airport Compatible
7. Agriculture
8. School
9. Public/Semi-Public
10. Urban Village
11. Height Overlay

Table 1-3 in Chapter 1, Specific Plans as of September 2011, lists adopted and proposed specific plans that augment the 2030 General Plan within their respective specified geographic areas. Specific plans may allow variation in uses and development standards compared to the General Plan and/or Zoning Code. Adopted specific plans are incorporated by reference.

The Oxnard LCP land use designations are included for reference purposes and land use changes in the Coastal Zone indicate legislative intent but are not effective until and unless certified by the California Coastal Commission.

1. Residential Existing
2. Residential High Density
3. Planned Unit Development Residential
4. Mixed Use
5. Mobile Home Park Coastal
6. Harbor Channel Islands
7. Visitor Serving Commercial
8. Recreation Area
9. Resource Protection (Coastal)
10. Public Facility
11. Industrial Priority to Coastal Dependent
12. Energy Facility

The 2030 General Plan Land Use Map includes the following descriptive land use designations within the unincorporated Planning Area:

1. Ventura County
2. Pt. Mugu Naval Air Station
3. Residential
4. Industrial
5. School
6. Agriculture
7. City of Port Hueneme

Land Use Designation Standards**RESIDENTIAL**

Low [up to 7 units per acre]. Generally single-family detached housing with front, side and rear yard setback requirements, but may also include patio and zero lot line homes and planned unit developments. Live/work prohibited.

3. Community Development

Low-Medium [7 to 12 units per acre]. Low-rise apartments and detached and attached single-family residences. Live/work prohibited.

Medium [12 to 18 dwelling units per acre]. Apartments, townhomes, and other forms of attached housing. Live/work may be permitted.

Medium-High [18 to 30 dwelling units per acre]. Mid-rise residential buildings, usually with surface or sub-surface parking. Live/work may be permitted.

High [30 or more units per acre]. Mid to high-rise residential buildings, preferably as part of a mixed-use or urban village area or where high-rise residential development is appropriate. Live/work, work/live, and mixed use development is strongly encouraged.

Mobile Home Park [up to 12 units per acre]. Mobile home parks as defined by City Code.

COMMERCIAL

An average Floor Area Ratio (FAR) is listed for each commercial and industrial land use for purposes of traffic and related modeling. The FAR within a project area may vary so long as the average FAR is not exceeded.

Convenience. [FAR is 0.35:1] Limited retail and other commercial services primarily oriented towards and compatible with nearby residential areas, typically one-story, up to 26,000 square feet in size. Residential use up to 12 units per acre. Live/work may be permitted.

Neighborhood. [FAR is 0.35:1] Wider range of services oriented toward two or more residential neighborhoods, typically with a major anchor located on an arterial. Residential up to 18 dwelling units per acre, live/work, work/live, and mixed uses are allowed.

Community. [FAR is 0.35:1] Two or more anchor retailers located at intersections of arterials. Residential up to 18 dwelling units per acre, live/work, work/live, and mixed uses are allowed.

General. [FAR is 0.35:1] Retail centers and free-standing commercial uses along arterials, may also include office, residential uses up to 18 dwelling units per acre, live/work, work/live, and mixed uses.

Regional. [FAR is 0.60:1] Major multi-tenant shopping centers that may include offices, hotels, and other services. Residential, live/work, work/live, and mixed uses are strongly encouraged.

Office. [FAR is 0.60:1.] Located along arterials and between arterials or retail commercial uses and residential areas. Limited related retail and service uses and work/live may be allowed.

Central Business District (CBD). [FAR is 1.5:1 with the exception of office uses which may not exceed 3:1.] Retail and office uses in the downtown area. Special architectural and site design guidelines apply.

Residential up to 39 dwelling units per acre, live/work, work/live, and mixed uses are strongly encouraged.

INDUSTRIAL

Limited. [FAR is 0.45:1] Light manufacturing, assembly, work/live, and warehousing uses developed to high performance and development standards. All activity occurs within buildings with the exception of incidental outdoor uses.

Light. [FAR is 0.45:1 for manufacturing, 0.60:1 for warehousing] Manufacturing uses where the principal activity occurs within a building, but also permits outdoor assembly, fabrication, work/live, public services, and storage. Uses must follow high development and performance standards. Wholesale and retail sales and services related to the principal uses permitted.

Heavy. [FAR is 0.45:1] Industrial uses that are primarily outdoor and/or within specialized structures that may involve transportation, storage, or use of hazardous materials. Public services permitted.

Central Industrial Area. [Maximum FAR is 0.45:1] Also referred to as Heavy Industrial. The Central Industrial Area is characterized by uses which often involve outdoor use and storage. Agricultural processing and vehicle and equipment storage and repair predominate in this area. In order to be compatible with the adjacent CBD and redevelopment plans, higher development standards may be applied to new uses and the rehabilitation of existing uses. Public services permitted.

Business and Research Park. [FAR is 0.60:1] Professional, administrative, research, and limited manufacturing uses along with limited commercial activities intended to support such uses, integrated into campus-like environments that are oriented towards arterials, freeways, airports, and harbors, and developed to high property and development standards.

Public Utility/Energy Facility. Applies to large electrical generating and transmission facilities. Due to the uniqueness of these types of facilities, the development intensity is established on an individual basis. Renewable energy production facilities do not require this land use designation if they are considered accessory to an underlying use.

OPEN SPACE

Park. City, County, State, and National-owned parks, beaches, regional parks, community parks, neighborhood parks, special purpose facilities, golf courses, athletic fields, and open space areas.

Resource Protection (non-coastal). Sensitive habitats such as wetlands, areas with endangered species activity, and riparian areas found primarily in the Coastal Zone and along the Santa Clara River. May allow agricultural and related uses that do not negatively impact sensitive habitats in areas not in the Coastal Zone.

3. Community Development

Open Space. Lands in passive and active recreation uses, resource management, flood control management, wetlands, intended for wetlands restoration, and stormwater management facilities and buffer zones separating urban development and other sensitive resources.

Planning Reserve. Areas considered likely to urbanize during the planning period, subject to additional environmental evaluation and the provision of adequate public infrastructure and services. This land use designation would be changed during a subsequent planning process.

Easement. Generally linear land uses for waterways, canals, railroads, storm drains, and similar uses.

Airport Compatible. [Maximum FAR of 0.40:1] Low intensity commercial and industrial uses which are compatible with airport operations and activities in that they do not pose unreasonable hazards to aircraft operations nor do they subject large numbers of persons to hazards from aircraft. Airport compatible uses need not be directly related to or be dependent upon the adjacent airport.

Agriculture. Row and tree crops, grain products, ornamental horticulture (green houses, nurseries, etc.) hydroponic agriculture and the growing of sod.

School. This designation is for campuses of the elementary and secondary public school districts that serve Oxnard. Post-secondary institutional public uses are included under the Public/Semi-Public designation. Private schools may occur in other zone designations.

Public/Semi-Public. Private, quasi-public, and public buildings and facilities owned by the City, County, State, Federal agencies, or other organizations that serve the general public such as a civic center, flood control channels, rail lines, community college, museum, performing arts center, community center, city yard, library, fire station, public school and /or district support facility, private and parochial school, cemetery, or hospital.

Urban Village. Urban Villages are mixed use areas designed to encourage persons to live near their place of employment and/or support services. ~~Urban Villages should occur in the designated areas but may be proposed in other areas as a General, Specific, Coastal, or County Public Works Plan Amendment.~~ The integration of complementary land uses is intended to promote a pedestrian orientation to reduce trips and vehicle miles traveled and reduce greenhouse gas emissions. ~~Urban Villages are implemented with a specific plan, a strategic plan similar to the Central Business District Strategic Plan, or by the Ventura County Harbor Public Works Plan.~~

Height Overlay. All new structures and/or remodels are limited to six stories except in areas designated as Low Density Residential, Low-Medium Density Residential, Mobile Home Park, Airport Compatible, and areas subject to the Ventura County Harbor Public Works Plan which are limited by their respective development standards. All entitlements that

exceed six stories as of the adoption of the 2030 General Plan are exempt from the Height Overlay District unless they propose project modifications that create new development more than six stories, as defined by Chapter 16 of the City Code. Development located within the Height Overlay District may be permitted to exceed six stories by application and/or as part of an Urban Village specific plan ~~or strategic plan~~. Exceeding six stories includes an impact fee and/or equivalent mitigation as required by the City Council. The granting of additional stories may require environmental review that includes shade and shadow and local wind impact analyses.

GENERAL PLAN / ZONING CONSISTENCY

Zone designations are created within Chapter 16 of the Oxnard City Code and are intended to implement the 2030 General Plan through the zoning ordinance. Table 3-1 shows which zone designations implement the 2030 General Plan land use categories and whether work/live, live/work, and/or Height Overlay are applicable.

Table 3.2: General Plan/Zoning Consistency

General Plan Land Use Designation (non -Coastal Zone)	Zone Designation	Live / Work	Work / Live	Mixed Use	Height Overlay
Residential					
Low	R-1	No	No	No	No
Low-Medium	R-2	No	No	No	No
Medium	R-3	Yes	No	No	Yes
Medium-High	R-4	Yes	No	No	Yes
High	R-5	Yes	No	No	Yes
Mobile Home Park	MH	No	No	No	No
Commercial					
General	C-2, C-M	Yes	Yes	Yes	Yes
Convenience	C-1	Yes	No	No	Yes
Neighborhood	C-2	Yes	Yes	Yes	Yes
Community	C-2	Yes	Yes	Yes	Yes
Regional	C-2	Yes	Yes	Yes	Yes
Central Business District	CBD	Yes	Yes	Yes	Yes
Office	CO	Yes	Yes	Yes	Yes
Industrial					
Business/Research Park	BRP	No	No	No	Yes
Limited	ML, BRP	Yes	Yes	No	Yes

3. Community Development

General Plan Land Use Designation (non -Coastal Zone)	Zone Designation	Live / Work	Work / Live	Mixed Use	Height Overlay
Light	M-1, C-M	No	Yes	No	Yes
Heavy	M-2	No	No	No	No
Central Industrial Area	M-2	No	No	No	Yes
Public Utility/Energy Facility	M-2	No	No	No	Yes
Open Space/Other					
Agriculture	C-R, M-1, M-2	No	Yes	No	No
Open Space	C-R	No	No	No	No
Resource Protection (non-coastal)	C-R	No	No	No	No
Park	C-R	No	No	No	Yes
Planning Reserve	R-P	No	No	No	No
Public/Semi Public	Varies	No	No	No	Yes
Airport Compatible	Varies	No	No	No	No
Urban Village	Specific, Strategic, or Harbor Public Works Plan	Yes	Yes	Yes	Yes
School	C-R	No	Yes	Yes	Yes
Easement	ES	No	No	No	No
Height Overlay District	All zones except R-1, R-2, MH, or as listed herein				

COMMUNITIES AND NEIGHBORHOODS

Oxnard's residential communities and neighborhoods, presented in Figure 3-4, are defined by their common geography and characteristics and are germane to the Neighborhood Services program. Adjacent unincorporated residential communities are included. Four new neighborhoods are created reflecting their actual or anticipated development: Riverpark, Victoria Estates, Wagonwheel, and Southshore. Oxnard Dunes is expanded to include the Northshore development. Future neighborhood designations and/or boundary changes may be made by City Council.

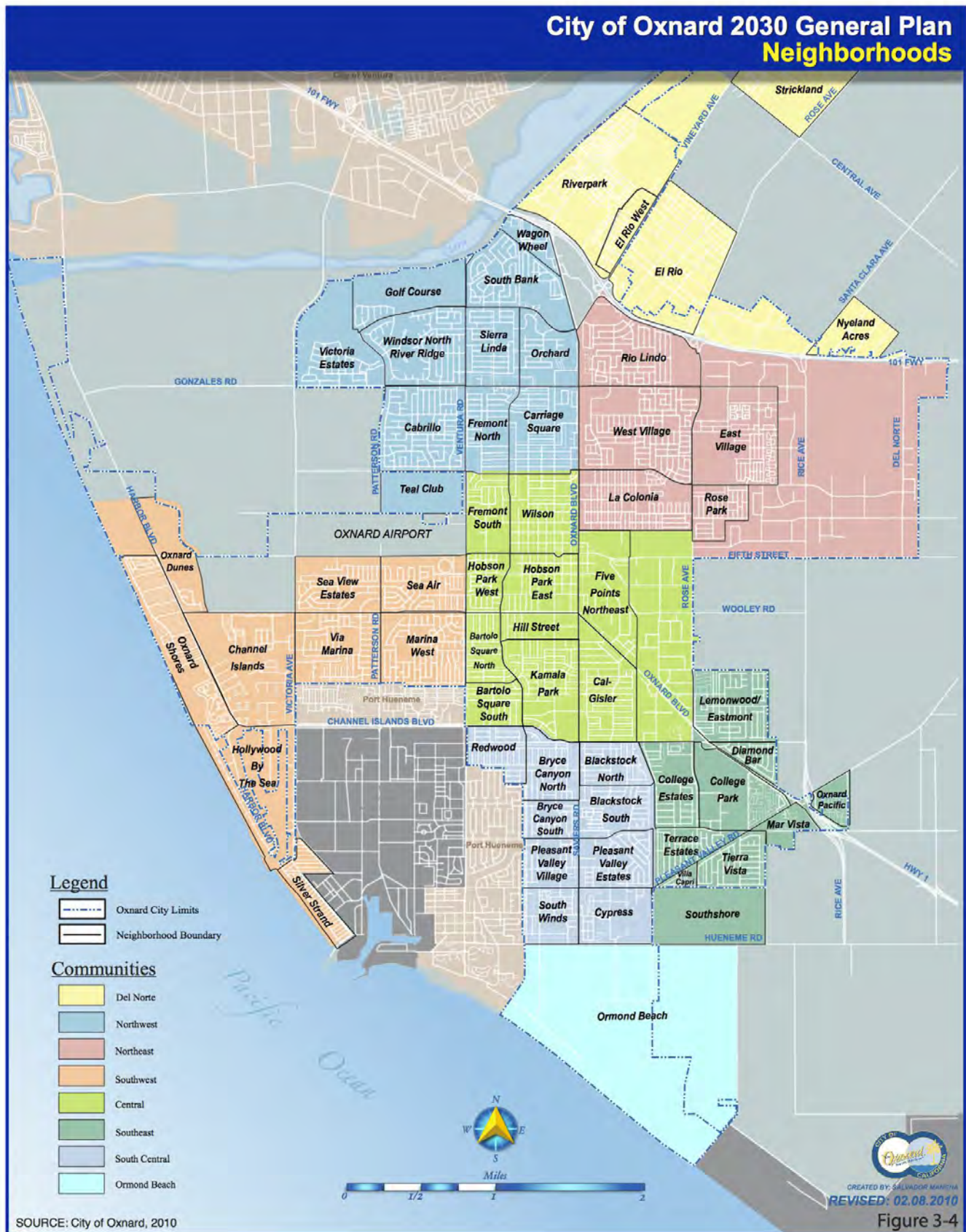


Figure 3-4 Neighborhoods

3.6 Goals and Policies

Balanced Community

Goal CD-1

A balanced community consisting of residential, commercial, and employment uses consistent with the character, capacity, and vision of the City.

CD-1.1

Land Use Map

Utilize and maintain the Land Use Map (Figure 3-1) to designate the location and extent of each land use designation within the Planning Area.

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.

CD-1.3

Redevelopment to Mixed Use

Promote the renovation and adaptive reuse of existing buildings, especially to mixed use if appropriate, in order to provide commercial convenience shopping in established neighborhoods.

CD-1.4

Transportation Choices

Promote the application of land use and community designs that provide residents with the opportunity for a variety of transportation choices (pedestrian, bicycle, transit, automobile).

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.

CD-1.6

Public Facilities

Enhance resident quality of life by providing adequate space for schools, libraries, parks and recreation areas, as well as space for the expansion of public facilities to support the community's vision.

CD-1.7

Compact Development



Promote the use of development patterns that are more compactly built and use space in an efficient aesthetic manner as part of the community vision.

CD-1.8

Natural Resource Conservation



Promote a high quality of life within the community, incorporating the retention of natural open space areas, greenbelts, and the provision of adequate recreational facilities.

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.

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.

CD-1.11***Recreation Opportunities***

Promote improved coastal access and enhanced recreation opportunities with access from all areas of the City.

CD-1.12***Avoiding Encroaching the Oxnard Airport***

Retain land within the airport hazard area as permanent open space as shown on the Land Use Map or otherwise recommended by the County Department of Airports.

General Plan/Zoning Consistency

Goal CD-2	Legal requirements for general plan and zoning consistency are fulfilled.
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CD-2.1***Zoning and General Plan Consistency***

Amend the zoning code, zoning map, Coastal Land Use Program, and other land use regulations to make them consistent with the adopted and/or subsequently amended 2030 General Plan.

Neighborhood Stabilization and Revitalization

Goal CD-3	A city of stable, safe, attractive, and revitalized neighborhoods with adequate parks, schools, infrastructure, and community identity and pride
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CD-3.1***Neighborhood Preservation***

Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses as determined through environmental review and/or determination by the Planning Commission.

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.

CD-3.3 *Innovative Redevelopment*

Promote innovative design flexibility and possibly different residential densities in public and public/private redevelopment within existing neighborhoods through the use of alternative performance-oriented development standards, alternative development designs, development agreements, specific plans, mixed uses, and other development and planning techniques.

CD-3.4 *Neighborhood Quality of Life Program*

Develop an ongoing program to assess parking, lighting, traffic safety, use and quality of alleys, public utilities, public and private lighting, housing quality, aesthetics, and related quality of life topics to identify and prioritize opportunities for neighborhood quality of life enhancement activities and sources of funding.

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.

CD-3.6 *Barrier-Free Housing and Reasonable Accommodation*

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.

CD-3.7 *Senior In-Place Housing Opportunities*

Promote the development of opportunities for seniors to remain in their homes through the exploration of housing trusts and other funding mechanisms designed to fund affordable senior housing projects, services, and transportation.

Compatible Commercial Development

Goal CD-4

Commercial uses compatible with surrounding land uses to meet the present and future needs of Oxnard residents, employees, and visitors.

CD-4.1 *Mitigate Land Use Conflicts*

Mitigate conflicts between commercial and other land uses, especially residential and recreational uses.

CD-4.2 *Commercial Revitalization and Redevelopment*

Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.

CD-4.3 *Urban Village Program and Height Overlay*

Develop and implement the Urban Village program and Height Overlay District as the principal growth management tools as the 2020 General Plan-designated infill and opportunity sites are gradually developed.

CD-4.4 *Commercial Area Aesthetics*

Require that older commercial development upgrade / improve landscaping and architecture, if warranted, during discretionary review opportunities.

CD-4.5 *Commercial Signage*

Require that signage in commercial development improve, rather than detract, from the quality of the surrounding neighborhood.

Appropriate Industrial Development

Goal CD-5

Development of industrial uses in appropriate areas, assistance in the location of new industry, retention and expansion of existing industry, and maintenance of the City's economic vitality.

CD-5.1 *Industrial Clustering*

Encourage the clustering of industrial uses into areas that have common needs and are compatible in order to maximize their efficiency.

CD-5.2 *Compatible Land Use*

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.

3. Community Development

- CD-5.3 Available Services**
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.
- CD-5.4 Environmentally Friendly and “Green” Industry**
 Seek to attract industrial development that avoids or minimizes substantial pollution, noise, glare, odor, use of hazardous materials, or other offensive activity and/or is a component of the emerging Green industry.
- CD-5.5 “Green” Major Transportation Routes**
Guide industrial development to locate near transportation facilities capable of handling goods movements in an efficient manner without decreasing the level of service on the transportation network or dividing existing neighborhoods.

Compatible Agriculture

**Goal
CD-6**

Continued agriculture use within the Planning Area, compatible with the community’s vision.

- CD-6.1 Agricultural Buffers**
Require that agricultural land uses designated for long-term protection and production be buffered from urban land uses through the use of techniques including, but not limited to, greenbelts, open space setbacks, fencing, berming, and windrows.
- CD-6.2 Agricultural Preservation**
Preserve agricultural land and uses within the Oxnard Planning Area unless other uses are allowed through a future CURB amendment and/or applicable exemptions.

Urban Villages

**Goal
CD-7**

Development of vibrant mixed-use urban villages characterized by a mix of land uses, transit accessibility, pedestrian orientation, and neighborhood identity.

- CD-7.1 Establishment of Urban Villages**
 Six areas of the City are initially designated as Urban Villages. ~~It is the intent of the Urban Village designation that~~ A specific ~~or strategic~~ plans for each area ~~shall~~ will be prepared in advance of implementing an Urban Village in a specific authorized location ~~the planning entitlement process~~. Additional Urban Villages and guidelines may be subsequently adopted by the City Council. Urban Villages shall be ~~are envisioned as~~ characterized by:

- Infill and/or development of formerly agricultural land
- Reinvestment in the existing community
- Mixture of land uses
- Mix of residential densities and housing types
- Providing a minimum of 15 percent affordable housing
- Location along or near corridors, downtown, and transit nodes
- Transit, pedestrian, and bicycle circulation given high priority

1. CHANNEL ISLANDS HARBOR MARINA VILLAGE

- **Location.** South of Channel Islands Boulevard along Victoria Avenue.
- **Land Use.** Visitor serving commercial and medium/high density mixed use residential.
- **Overview.** Building on the area's existing assets, this urban village is intended as a "seaside" village capitalizing on the harbor assets, including the visitor serving uses such as restaurants, retail and other activities centered on the harbor. [The Urban Village designation shall not become effective in the Channel Island Harbor Marina Village until a Local Coastal Plan amendment has been adopted authorizing the use within the coastal zone. This area would be planned in conjunction with the County Harbor Department and would be implemented through the Harbor Public Works Plan.](#)

2. DOWNTOWN EAST TRANSIT ORIENTED DISTRICT (DETOD)

- **Location.** Area bounded by the Oxnard Transit Center, Oxnard Boulevard, Fifth Street, Wooley Road and Richmond Avenue.
- **Land Use.** Transit-oriented medium to high density residential; Central Business District uses; offices; open space; possible school.
- **Overview.** Planned in cooperation with property owners and businesses and if found feasible by expert review, the DETOD could evolve into an expansion of the CBD to take advantage of the transportation opportunities provided by its proximity to the Oxnard Transit Center, meeting SCAG objectives for the development of transit-oriented development, and phase out older industrial uses that would then reduce truck traffic in and near the CBD. [On August 2, 2012, a Final Development Feasibility and Funding Options Report found the DETOD project infeasible due to design constraints and economic conditions. However, changing land use patterns, improved economic conditions and infrastructure funding could allow implementation of the DETOD.](#) Residential development will be encouraged at sufficient densities to provide feasibility for transit services and private redevelopment. Both horizontal and vertical mixed use development is encouraged. Existing affordable housing and

3. Community Development

designated historic structures would remain with possible adaptive reuse. The existing mobile home park could possibly be relocated and/or closed with appropriate compensation and relocation for all residents. Until and unless the DETOD is found to be financially feasible and the City Council adopts a DETOD ~~strategic—or~~ specific plan, existing uses are considered conforming uses, current zoning would remain, and uses may expand and reinvest. A Meta District Plan may be adopted within the DETOD that would be incorporated into a subsequent DETOD specific ~~or-strategic~~ plan.

3. SOUTHEAST ENTRY VILLAGE

- **Location.** Area bounded by Rice Avenue/Pleasant Valley Road, Etting Road, Dodge Road.
- **Land Use.** Low and medium density residential; industrial; general commercial.
- **Overview.** This area is intended to be a mixed use urban village offering predominantly medium density residential opportunities with neighborhood commercial and other supporting uses. As a gateway entrance to the City, this urban village has a unique opportunity to define not only its own identity, but the City as a whole. As a gateway, consideration should be given to ensuring distinctive design features, especially along Highway 1, are incorporated into the overall design theme.

4. TEAL CLUB SPECIFIC PLAN

- **Location.** Teal Club Road, Patterson Road, Doris Avenue, and Ventura Road.
- **Land Use.** Transit oriented residential with supporting mixed use, schools, parks, and neighborhood commercial services.
- **Overview.** The intent of this urban village is to encourage neo-traditional town planning compatible with surrounding uses and the Oxnard Airport with a focus on sustainability by using green building and planning principles, provision of adequate public and semi-public uses, transit-oriented development, and an identity-creating entry component facing Ventura Road. A central focus of this development will be in the provision of balanced community with jobs, school, recreation, shopping, and affordable and market-rate housing.

5. EAST VILLAGE PHASE III

- **Location.** Northeast Corner of Camino Del Sol and Rose Avenue.
- **Land Use.** Primarily residential with neighborhood services, including public uses still needed for the Northeast Community (parks, schools, etc.).
- **Overview.** The 107-acres ~~unincorporated “island”~~ is the last large undeveloped area within the City limits and represents an opportunity to provide remaining public uses needed for the Northeast Community along with an urban village. This area is

within the Northeast Community Specific Plan (NECSP) which could be amended instead of creating a new specific plan. For purposes of annexation, the NECSP land use designations for this area as of July 2011 are deemed consistent with this 2030 General Plan.

6. NORTH OXNARD TRANSIT ENHANCEMENT DISTRICT (NOTED)

- **Location.** North of the Oxnard Blvd./Vineyard Avenue intersection generally between Ventura Road and Vineyard Avenue including the Esplanade shopping center, The Village Specific Plan, and the Riverpark Specific Plan.
- **Land Use.** Mixed uses.
- **Overview.** The NOTED area is designated a “Catalyst” project by the California Department of Housing and Community Development as an example of desirable mixing of land uses and activities combined with transit that in total reduce the volume of local vehicular travel and, as a result, GHG emissions. The former Levitz site and selected commercial sites along Esplanade Drive are also an opportunity for a mixed use project that connects over the UPRR and better integrates the Riverpark, Wagon Wheel (The Village), and Esplanade developments. [Riverpark and The Village specific plans were adopted prior to the adoption of the 2030 General Plan and include the required characteristics for Urban Village identified in Policy CD-7.1. Future development within the Levitz and Esplanade NOTED areas, shall be developed with consideration of the relevant Urban Village characteristics as identified in Policy CD-7.1.](#)

CD-7.2

Urban Village Compatibility Guidelines

Develop Urban Village Guidelines that ensure that each urban village area provides appropriate transitional features with the surrounding area, and that each urban village incorporates uses compatible with existing uses.

CD-7.3

Financing Tools for Urban Village Development

Work closely with other public agencies to develop and utilize financing tools and incentives to develop urban village areas.

CD-7.4

Urban Village Design Guidelines

Develop Urban Village Design Guidelines that incorporate the following features, where appropriate:

- Provide a variety of transportation choices and an interconnected multi-modal mobility network.
- Offer a variety housing choices and opportunities, including at least 15 percent affordable housing.
- Encourage compact development in order to free up more private and civic open space.
- Preserve open space, historic, cultural, and natural assets.
- Use green and sustainable building and planning technologies.

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- Incorporate methods of measuring vehicle trips as part of the metrics required for a Sustainable Community Strategy (SB 375).

CIRCULATION

CD-7.5 Pedestrian and Transit Scale

Design urban village areas to be pedestrian-oriented and transit accessible, incorporating block patterns, walking routes and edges, social orientation of buildings, and streetscapes to provide ease of walking and safety.

CD-7.6 Connectivity

Provide connectivity to other activity nodes in the form of roadways, transit connections, and bicycle and pedestrian linkages that encourages non-vehicular travel modes. Urban villages should be considered major transit transfer points and have amenities oriented towards transit users.

CD-7.7 Urban Village Streetscapes and Identification

Include streetscape and signage programs in roadway improvements that provide each area a unique identification and enhance the functionality and beauty of entry corridors. Ensure that planned roadway improvements do not conflict with other policies that encourage pedestrian activities and circulation.

CD-7.8 Road Design

Reflect the residential and commercial activities of the urban village area by using appropriate roadway widths for road and streetscape design.

INFRASTRUCTURE

CD-7.9 Infrastructure Compatibility

Ensure new development within each urban village complies with the City's adopted infrastructure master plans and provides fair share contributions towards existing and future improvements necessary to serve the development.

CD-7.10 Urban Village Infrastructure Master Plans

Require an Urban Village Infrastructure Master Plan as part of any urban village specific plan. This plan shall provide the detailed plan for infrastructure improvements, phasing and financing.

PUBLIC FACILITIES

CD-7.11 Urban Village Open Space Areas/Parks

Park sizes and locations shall follow City standards and be within walking distance of a majority of the population.

CD-7.12 Urban Village Collocation with Schools

Promote the collocation of parks with school facilities for the purpose of enhancing available open space and recreation.

CD-7.13 Urban Village Trail and Open Space Connections



Include trails (pedestrian and bicycle) and open space areas, where feasible within urban village areas. These facilities shall create a network that links urban villages and other neighborhoods to each other.

Growth Management

Goal CD-8

Sensible urban development and redevelopment based on the City's ability to provide necessary governmental services and municipal utilities.

CD-8.1



Limiting Development

Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.

CD-8.2

Services

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.

CD-8.3

City Revenues

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.

CD-8.4

Cost Sharing

Continue to ensure that any areas annexed to the City share equitably in the costs of all necessary municipal improvements.

CD-8.5



Impact Mitigation

Ensure that new development avoids or mitigates impacts on air quality, traffic congestion, noise, and environmental resources to the maximum extent feasible.

CD-8.6

Monitor Growth

Monitor the pace, amount, and types of growth throughout the Sphere of Influence by regularly updating applicable GIS and other databases needed to evaluate achievement of the goals and policies of the General Plan.

CD-8.7

Community Balance

Create an appropriate balance between urban development and preservation of agricultural uses by promoting development within the CURB while designating land outside the CURB as Resource Protection, Open Space or Agricultural land use, unless otherwise allowed through a CURB amendment and/or exemptions from the SOAR ordinance.

CD-8.8

Public Facility Service Areas

Provide appropriate service areas for existing and planned public facilities such as a museum, secondary and elementary schools, fire stations, branch libraries, community centers, parks, and infrastructure utility for support facilities.

3. Community Development

CD-8.9 Jobs/Housing Balance & Sustainable Communities Strategy (SB 375)

Incorporate inter- and intra-city jobs/housing balance in the development of the regional and subregional Sustainable Communities Strategy (SB 375), Urban Village ~~specific strategy and strategic~~ plans, with the main intent to reduce single-occupancy work-related vehicular trips.

CD-8.10 Timing of Large-Scale Development

Consider at an early stage the infrastructure investment needs of large-scale developments in order to evaluate these needs as part of long-range water supply, conveyance, wastewater, and other relevant planning.

Urban Design**Goal
CD-9**

A high quality visual image and perception of the City.

CD-9.1 Neighborhood Identity

Recognize, preserve, and improve the visual identity and character of existing neighborhoods. Infill development shall respect historic structures and be of compatible scale and character with historic areas.

CD-9.2 Revitalization and Redevelopment

As part of the City's redevelopment programs and planning, promote the revitalization of residential, commercial, and industrial properties that are deteriorated or detract from the visual quality of the City.

CD-9.3 Gateway Enhancement

Designate major entryways as gateways into the City. The City shall use landscaping, decorative lighting, signage and/or other streetscape design techniques to enhance the City's identity, sense of place, and provide visual emphasis to the streetscapes into the City.

CD-9.4 View Corridor Preservation

Ensure all public and private investments positively contribute to the overall character of the City by minimizing impacts on important view corridors by creating edge treatments along greenbelt areas and a landscaped buffer corridor of at least 30 feet along designated scenic corridors and other major transportation corridors.

CD-9.5 Unique Character Preservation

Ensure that new public and private investment maintains the unique coastal and agricultural character of the City.

CD-9.6 High Rise Development

Ensure that high-rise buildings are sited and developed so as to mitigate and minimize impacts on adjacent neighborhoods.

Sense of Place

Goal CD-10

Neighborhoods and urban villages with a distinct sense of place.

CD-10.1 *Human-Scale Development*

In the evaluation of development proposals, require urban development on a human scale, by emphasizing the pedestrian experience over the movement and storage of vehicles.

CD-10.2 *Neighborhood Themes*

In the evaluation of development proposals, require neighborhood themes and principles of design, such as neotraditional town planning, which include central parks, schools, and community and commercial facilities, strong pedestrian orientation and de-emphasis of automobile related elements in new development projects.

Historic Preservation

Goal CD-11

Protected historic and authentic qualities of Oxnard's traditional neighborhoods and historic districts.

CD-11.1 *Promote Existing Historic Areas*

Promote an increased awareness of the Cultural Heritage Area, Heritage Square, Central Business District (CBD), and Henry T. Oxnard Historic District, and their historic landmarks through signage and appropriate pedestrian-oriented street furniture.

CD-11.2 *Historical District Expansion*

Seek to preserve historical structures and neighborhoods by evaluating the potential to expand and create new historic neighborhoods.

CD-11.3 *Protect and Enhance Cultural Resources*

Ensure that new public and private investment protects and enhances Oxnard's existing cultural resources, traditional neighborhoods, and historic districts, to the extent feasible.

CD-11.4 *Incorporate Historic Features*

Require new developments within historic areas to incorporate historic and natural features and adaptive reuse into site development planning.

City Image

Goal CD-12

Enhance the City's image using public investment and infrastructure.

CD-12.1 *Municipal Design Guidelines*

Design municipal structures in accordance with design guidelines, ensure compatibility with adjacent development, and set a standard for design excellence and sustainability.

CD-12.2 *Public Works Support Urban Design Objectives*

Ensure that all public works projects (medians, paving, landscaping, streetscape, gateways, buildings, etc.) support Citywide and district design objectives.

Public Art**Goal
CD-13**

Inclusion of arts in public places.

CD-13.1 *Art and Culture Promotion*

Continue to promote the arts in Oxnard through the application of the public arts program, requiring civic facilities to incorporate art elements, and encourage the private sector to invest in public art.

CD-13.2 *Maintenance of Public Art*

Provide funding mechanisms for the administration, development, and long-term maintenance of public art amenities.

Higher Quality Design**Goal
CD-14**

Expectations of higher quality design.

CD-14.1 *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.

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.

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 innovate development in the

Region and the State in order to raise the level of design quality throughout the City.

Economic Development

Goal CD-15

A strong economic and fiscal base critical to sustaining long-term prosperity for Oxnard residents and businesses.

CD-15.1

Quality of Life

Strive to maintain and enhance the City's quality of life through better business opportunities; increased leisure, cultural, and recreational opportunities; upgraded public facilities and amenities; and a range of residential opportunities.

CD-15.2

City Image and Vision

Enhance Oxnard's image as a city that is responsive to the vision desired and expressed by its residents.

CD-15.3

Availability of Care Services

Encourage the availability of a variety of high quality social care programs (e.g., extended adult and child day care, infant and toddler care, sick care, etc.) by encouraging through development agreements, conditions of approval, and/or other techniques that local employers and developers consider and /or develop social care facilities and programs.

CD-15.4

Child Care Incentives

Provide incentives to encourage developers to support quality child and senior care in industrial and commercial development.

CD-15.5

Subsidized Child Care

Encourage local employers to subsidize child care for low and moderate income employees.

CD-15.6

Share of Regional Taxable Sales

Increase Oxnard's share of tax base and enhance the fiscal health of the City.

CD-15.7

Relationships with Higher Education Institutions

Develop a closer working relationship with CSU Channel Islands, Oxnard College, the University of California Santa Barbara and California Lutheran satellite campuses to provide educational opportunities in concert with the economic development needs of the community and

3. Community Development

encourage younger residents to remain within the community after graduation.

CD-15.8 Grant Funding

Actively investigate and pursue grants and programs that are available from public and private sources that will increase the tourism, community growth, and the quality of life for its residents.

CD-15.9 Regional Cooperation

Work cooperatively with local and regional economic development organizations to expand and improve regional business opportunities.

Coordinated Development

**Goal
CD-16**

Coordinated land use and infrastructure decisions with economic development.

CD-16.1 Infrastructure Investment

Strategically invest in infrastructure to support economic growth goals.

CD-16.2 Mobility Improvements

Encourage the improvement and enhancement of intermodal freight connections, railways, roadways, and airports to support existing and future economic development opportunities.

CD-16.3 Balanced Economic Base

Encourage the development of a balanced mix of residential, retail, commercial, and industrial sectors of the economy.

CD-16.4 Evaluate Fiscal Impacts

Evaluate the fiscal impacts of new development and encourage a pattern of development that allows the City to provide and maintain a high level of urban services (fire and police services, water, sewer, solid waste, transportation, parks, etc.) and community facilities as well as attract targeted businesses and a stable labor force.

CD-16.5 Industrial and Commercial Development Standards

Require high quality development standards that increase the efficient use of existing industrial and commercial development areas so as to preserve agricultural land and minimize adverse environmental impacts.

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.

CD-16.7 Flexibility in Regulation Implementation

Continue to research and update the zoning code and related regulations in order to allow development to adequately respond to market conditions.

CD-16.8***Public / Private Partnerships***

Pursue partnerships to encourage the implementation of public facilities and infrastructure improvements that benefit the community.

Employment Opportunities

**Goal
CD-17**

Expanded employment and self-employment opportunities in the community, providing a full range of quality career choices for all age groups.

CD-17.1***Retain Local Talent***

Provide opportunities for a variety of local jobs and actively support efforts to retain residents who have completed higher education.

CD-17.2***Business Assistance***

Assist businesses and industries in hiring and training underemployed and unemployed Oxnard residents.

CD-17.3***Vocational Training***

Support trade, technical, and vocational training to strengthen and diversify all areas of the workforce.

CD-17.4***Promote the Value of Higher Education***

Work with local educational providers to promote the value of education, especially among children with a weak family history of higher education.

CD-17.5***Youth Training***

Collaborate in programs that promote the education and training of local youth to best match local labor force opportunities.

CD-17.6***Business Expansion***

Focus business attraction, retention, and expansion efforts on companies and institutions that bring quality jobs that provide benefits and livable wages for Oxnard residents.

CD-17.7***Incentives for Senior Employees***

Develop policies and incentives to retain and recruit older workers (e.g. flexible or reduced hours, transfer to less demanding roles, training to improve skills, phased retirement, and flexible benefits package).

Economic Development

Goal CD-18

Economic development to provide jobs for current and future residents.

CD-18.1 Attract New Business

Identify and attract a range of commercial, retail and industrial businesses that are compatible with the community's business climate and not detrimental to the existing local economy and environment.

CD-18.2 Small Business

Recognize the job creation potential of small business and promote entrepreneurial development and small business expansion.

CD-18.3 Business / Government Communications

Improve communication between local businesses and governmental agencies to improve the business climate and to encourage retention and expansion of local businesses.

CD-18.4 Identify Target Business and Industries

Identify businesses and industries in high value job markets (i.e., biotechnology, computer software, communications, entertainment, multimedia, education, business, and financial services) that lead to a diversified economic base and provide for a higher quality of life for Oxnard residents while minimizing environmental impacts.

CD-18.5 Land Availability Information

Provide land availability information to prospective businesses through the development and maintenance of an Internet based database system available to the public.

CD-18.6 Business Organizations

Support the establishment of public and private organizations designed to increase the attractiveness of Oxnard to the region, nation, and world.

CD-18.7 Research Relocation of Agricultural Support Uses

Initiate research into the opportunities and constraints of gradually relocating agricultural support uses outside the DETOD and Central Industrial Area to existing and new industrial parks better suited for long term sustainable activity and better situated to the production fields and 101 Freeway for truck and related agricultural vehicle movement .

CD-18.8 Destination Expansion

Expand efforts to develop Oxnard as a travel and convention destination.

CD-18.9 Agricultural Heritage

Support continued documentation and acknowledgement of the contributions of agriculture to the economy and lifestyle of the Oxnard community.

CD-18.10 Existing Businesses

Support, stimulate, and foster increased activity of existing businesses within the community.

Revitalized Downtown**Goal
CD-19**

Continued revitalization of the Central Business District (Downtown).

CD-19.1 Unique Downtown Identity

Ensure that downtown Oxnard occupies a niche in the marketplace as a civic center supported by businesses, retail, residential components, arts, and entertainment.

CD-19.2 Complementary Development

Seek a complementary rather than competitive role with other areas of the City for the continued economic development of the City's downtown.

CD-19.3 Downtown Events

Promote quality events that bring residents and visitors to the downtown.

CD-19.4 Downtown Beautification

Continue to promote downtown cleanliness and enhancement through code enforcement, appropriate law enforcement presence, events and promotions, and property improvements.

CD-19.5 Attract Downtown Investment

Encourage investors to purchase downtown property and help property owners lease space.

Robust Port and Harbor Activity**Goal
CD-20**

An economically robust port and harbor-related economic sector.

CD-20.1 Port Trade Enhancement

Work with the Oxnard Harbor District (Port of Hueneme) to enhance port-related economic activity and ensure reasonable fiscal support from the project sponsor to the City, equivalent to average light industrial uses, through the establishment of an Industrial Equivalent Policy; and ensure that harbor-related activities are compatible with adjacent land uses and activities, especially the restoration of the Ormond Beach wetlands. Goal ICS-4, "Goods Movement" and its policies are related to this policy. The Industrial Equivalent Zone is intended to achieve City revenue and jobs equivalent to a comparable light industrial development when a light industrial use is proposed on property located within the Oxnard City Limits that does not meet the City revenue and jobs equivalent to a

3. Community Development

comparable light industrial development. The City of Oxnard will seek reasonable fiscal support from the project that is equivalent to average light industrial uses that have been established in the City of Oxnard.

CD-20.2 Channel Islands Harbor Enhancement

Work with the County of Ventura to enhance the Channel Islands Harbor, ensure an appropriate and compatible, environmentally sensitive, and fiscally sound level of tourist and resident-oriented uses, businesses, attractions, and special events.

Update the Oxnard Local Coastal Program

Goal CD-21

An updated Local Coastal Program that includes the restoration of the Ormond Beach wetlands and consideration of climate change issues.

CD-21.1 Removal of Liquid Natural Gas (LNG) Reference

When the LCP is being updated, remove all references to “Western LNG” and add policies that explicitly oppose LNG facilities in or near the City.

CD-21.2 Modify non-Coastal Dependent Energy Uses

When the LCP is being updated, clarify that non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act.

CD-21.3 Future Use of Coastal Power Plants

Initiate an update to the Oxnard LCP that has the intent and effect of eventual decommissioning of the SCE Peaker Plant, Mandalay and Ormond Beach power generation facilities by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods. After adoption and Coastal Commission certification of an updated Local Coastal Plan, initiate and implement policy and regulatory actions, and support actions of other relevant agencies that implement the LCP with regard to the future use of the SCE Peaker Plant, Mandalay and Ormond Beach power plants.

CD-21.4 Coastal Zone Land Use Designation Changes

When the LCP is being updated, change land use designations within the Coastal Zone to those included in the 2030 General Plan Land Use Map (Figure 3-1), if and as amended.

Restoration of the Ormond Beach Wetlands

Goal CD-22

Environmentally sound Ormond Beach wetlands with appropriate public access.

CD-22.1 Participation in the Ormond Beach Wetlands Restoration Plan

Consider the California Coastal Conservancy's Ormond Beach Wetland Restoration Feasibility Study preferred Alternative 2U, "Restore Seasonally Open Wetland Habitats and Ponds (Unconstrained)" when reviewing planning and related entitlement applications, including but not limited, to the South Ormond Beach Specific Plan and in the update to the Oxnard Local Coastal Program (LCP). Include in the LCP update the complete remediation of the Halaco Superfund Site.

CD-22.2 Develop an Ormond Beach Visitor Access

Develop and implement, as resources allow, an Ormond Beach visitor access plan that includes a gateway park and visitor center near the southern terminus of Saviers Road, several levels of visitor interaction that include interpretive information displays, observation walks and platforms, trails and walkways, and other appropriate facilities and programs.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Public Hearing
AGENDA ITEM NO.: 2

DATE: December 13, 2016

TO: City Council

THROUGH: Greg Nyhoff
City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: General Plan Amendment PZ No. 15-620-04 to Adopt 2013-2021 Housing Element and Four Implementing Zone Text Amendments PZ Nos. 16-580-02/-03/-04/-05 (25/35/60)

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 Impact Report that documents that the proposed General Plan Amendment and three Zoning Code Amendments comply with the California Environmental Quality Act.
2. Approve a resolution adopting and amending the 2030 General Plan Goals and Policies, Chapter 8, 2013-2021 Housing Element, with the changes identified, and subsequently forward the document to the California Department of Housing and Community Development (HCD) for certification (PZ 15-620-04).
3. Adopt three ordinances to revise and reorganize Municipal Code, Division 7, regarding Density Bonus (PZ No. 16-580-02), and All-Affordable Housing Opportunity Program (PZ No. 16-580-03) and amend Municipal Code Section 16-465, Accessory Dwelling Units (PZ No. 16-580-05).
4. Direct staff to finalize with noted corrections, incorporate the 2013-2021 Housing Element into the 2030 General Plan as Chapter 8 of the Goals and Policies document, incorporate zone code text amendments into the Municipal Code after the second reading,

and forward the 2013-2021 Housing Element to the Department of Housing and Community Development (HCD) for certification.

BACKGROUND

The proposed Final 2013-2021 Housing Element (Attachment A, with Errata Number 1) identifies and analyzes the current and future housing needs within the City of Oxnard (City) and identifies goals, policies, and programs to provide certain services. It also ensures adequate opportunities for housing for all income levels within the 2013 to 2021 planning period. The State of California mandates that the City have a Housing Element; it is one of the required elements of a General Plan. Adopting and amending the 2013-2021 Housing Element does not obligate the City to develop and/or fund the target number of housing units.

On September 15, 2015, the Department of Housing and Community Development (HCD) issued a conditional "...meets statutory requirements..." correspondence. (Attachment B). This acknowledgement was conditional upon the City executing the City's All Affordable Opportunity Program (AAHOP), and corresponding Zoning Code (Municipal Code, Chapter 16) amendments related to recent Density Bonus and Accessory Dwelling Unit (ADU, i.e. second units) legislation. For ease of implementation, and to ensure affordable housing ordinances were codified, staff determined it was best to also codify the City's Inclusionary Housing Program (Ordinances No. 2615 and 2721) and the All-Affordable Housing Opportunity Program (AAHOP) (Ordinance No. 2870). A new Division 7 of the Municipal Code, Chapter 16, entitled, "Incentives to Create Affordable Housing," will contain the updated AAHOP and Density Bonus. The updated ADU ordinance will replace the City's existing Second Unit Ordinance. As discussed later in this staff report, the City's Inclusionary Housing Program is not proposed to be updated at this time. The future updated Inclusionary Housing Ordinance will be integrated into Division 7 to ensure that all housing programs are codified and easily identified within the City's Municipal Code.

Although the City has received the above mentioned September 15th letter from HCD, in subsequent conversations with HCD they indicated that the City is required to also update the Housing Element in 2017 (mid-cycle review). The requirement to update the Housing Element in 2017 is because the updated Housing Element was actually due in 2013. The required 2017 update will be an opportunity to further amend Housing Element policies and implementing sections of the Zoning Ordinance, should the City Council desire. This mid-year review will be required by October 2017. The City Council's mid-cycle review will also enable the City Council to prioritize updates to, and development of, new regulations to address other Housing Element policies.

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 represents the City's first amendment to the Housing Element in 2016.

Meeting the Regional Housing Needs Assessment (RHNA) Target

The 2013-2021 Housing Element is largely a continuation of the 2006-2014 Housing Element (adopted June 12, 2012), with a few key changes identified later in this staff report. The City's 2013-2021 RHNA allocation is 7,301 units, of which 4,199 (57%) are designated for moderate and lower (i.e. low, very low, and extremely low income) income households. At the beginning of the 2013-2021 Housing Element cycle, which was directed by the Southern California Association of Governments (SCAG), the City appealed the RHNA allocation with documentation that the previously proposed 2,500-unit Jones Ranch Specific Plan was removed from the adopted 2030 General Plan and the City's RHNA should therefore be reduced by 2,500 units. In 2012, SCAG denied that appeal and the City's 2013-2021 RHNA remains at 7,301 units, which is 38 percent of the Ventura County total RHNA allocation of 19,158 units.

Since 2014, and as of July 2016, staff estimates that 4,650 housing units of the RHNA target of 7,301 units have been either occupied, approved/under plan review, are under construction, or are proposed. As shown in Housing Element Table F-1 (page F-9), there is a remaining RHNA need of 2,651 units (2,520 lower income + 131 moderate income). To meet the remaining lower income need of 2,520 units, as required by HCD, the 2013-2021 Housing Element continues the AAHOP, the City's program for 100 percent affordable housing projects that provides development opportunities at 41 locations listed in the 2013-2021 Housing Element (see Supplement 2 of the Housing Element - Attachment A). The collective AAHOP development potential is 2,262 lower income units (2,142 units listed in Table F-1 plus 120 additional units from Errata No. 1 corrections), or 90 percent of the remaining RHNA lower income affordable unit target of 2,520 units. The updated remaining 258 lower income affordable units would be provided by affordability requirements within the Teal Club Specific Plan and Phase III of the Northeast Community Specific Plan, identification of additional AAHOP sites, inclusionary units, and possibly ADUs over the remaining 2013-2021 planning period.

The City will have another opportunity to review and identify how to meet the remaining lower income RHNA needs in the HCD-required Oct. 2017 mid-cycle review.

Key 2013-2021 Housing Element Changes (PZ 15-620-04):

Most of the changes between the 2006-2014 and the 2013-2021 Housing Element reflect changes to the City's population along with regional population changes, as well as updates to housing, and economic data. As required by state law, there is also a review of 2006-2014 Housing Element policies and programs. This review led, in part, to the proposed changes in the 2013-2021 Housing Element. Some notable changes reflected in the 2013-2021 Housing Element are as follows:

- Chapter G, "Goals and Policies", Policy 3.7, "Examine and change zoning and related development standards to implement the Oxnard Homeless Assistance Program". This provision was removed from the 2006-2014 Housing Element as the program is now covered in the 2013-2021 Housing Element by Policy 5.4 which states: "Support continued efforts to

implement the Ventura County Continuum of Care program for the homeless and the Oxnard Ten-Year Homeless Program.”

- Chapter G, Table G-2, “Housing Element Implementation Programs”. Two of the 30 Housing Element programs identified are new within the 2013-2021 Housing Element (see Table G-2 of the Final Draft Housing Element). These are programs: No. 16, “At-Risk Household Assistance” and No. 23, “Special Needs Groups.”
- Chapter F, Section F.2, “The AAHOP and Additive Zone (-AH)”. Since the 2012 adoption of the 2006-2014 Housing Element, the implementing AAHOP Ordinance No. 2870 was approved by City Council in 2013. Section F.2 was updated to include seven AAHOP guidance statements intended to improve and clarify the AAHOP process. AAHOP statement #3 clarifies that AAHOP designations are effective with adoption of the Housing Element and statement #5 reinforces the intent of City Council that AAHOP projects are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments.
- Supplement 2, Table S-2.1, “All Affordable Housing Opportunity Program (AAHOP) Sites and Vacant Sites”. Compared to the 2006-2014 Housing Element AAHOP inventory the proposed AAHOP inventory was updated by removing six sites that are no longer available due to commercial or housing developments. The removal of the six sites resulted in a loss of 690 potential affordable units. Staff proposed eleven (11) new AAHOP sites, which results in 768 potential units, for a net *decrease* of 78 units in the 2013-2021 Housing Element AAHOP inventory. Combined with affordable units either planned, approved, under construction, or completed since January 1, 2016, the City needs to demonstrate opportunity for 258 affordable units after including the changes to the AAHOP inventory (Housing Element, table F-1, page F-9, and Errata Number 1).

Attachment C is the City Council’s resolution of approval to adopt and amend the 2013-2021 Housing Element inclusive of Errata Number 1. Errata Number 1 clarifies minor text changes to the 2013-2021 Housing Element and AAHOP sites inventory. The inventory as amended via the errata removes sites determined to be too small and reinstating site C-02, 2240 Oxnard Boulevard (former Levitz store), as the site remains vacant with no pending application for a commercial use.

Key Zoning Code Ordinance Amendments

The three proposed Zoning Code Amendments will modify existing ordinances in order to comply with recent State legislation, and consolidate housing incentive programs into the Zoning Code.

State Density Bonus Ordinance (PZ 16-580-02): The 2006-2014 Housing Element included policies and programs to streamline permit procedures that would facilitate non-AAHOP affordable housing developments that utilize the State density bonus program. The draft 2013-2021 Housing Element, which HCD supported via their September 2015 letter, included a proposal to streamline the review associated with State density bonus permit requests to coincide

with that of an underlying planning permit. For example, where a State density bonus is requested with approval of an AAHOP permit, the approval body would be the Development Services Director. Since the draft Housing Element that HCD reviewed in 2015, staff now proposes that State density bonus requests be streamlined from consideration by the City Council to the Planning Commission; but for the Development Services Director not to approve State density bonus permits when associated with an AAHOP project. This change is in conflict with HCD's initial consideration and support, but was supported by the Planning Commission as discussed under the Planning Commission portion of this staff report. In Staff's opinion, the amended streamlining process continues to meet the HCD supported intent of streamlining State density bonus requests as non-discretionary entitlement actions. Reasons for the change are also based, in part, on a September, 2016 Court of Appeal, Second Appellate District decision, Kalnel Gardens, LLC v. City of Los Angeles in which the Court concluded that the State Density Bonus Act does not supersede the Coastal Act, both of which are State laws. Given that the Planning Commission considers land use issues, the Commission concluded that it is the appropriate body to determining if and when a State density bonus permit may conflict with the City's Local Coastal Plan (LCP) and the Coastal Act. In addition, as the Planning Commission meetings are televised, the Planning Commission is a more available and transparent public forum where the complexity of State density bonus law and the City's regulatory authority and non-discretionary review process may be explained to the public. Attachment D is the ordinance for this recommended action.

Inclusionary Housing Program (PZ 16-580-03): The Inclusionary Housing Program is not a part of the ordinances recommended to the City Council at this time. Staff originally proposed to update the City's Inclusionary Housing Ordinance. However, due to concern expressed by the Planning Commission, and public concern regarding updates to this ordinance, staff is not proposing to update this ordinance at this time. Additionally, on December 7, 2016 staff was informed by HCD staff that this ordinance is not critical to certification of the Housing Element. An updated inclusionary housing ordinance will be presented to the City Council in the future. Due to timing associated with this change, there is no Attachment E within this staff report; staff has *not* renumbered the attachment reference and ordering to reflect that this ordinance was removed from the recommendation.

All Affordable Opportunity Program (AAHOP) (PZ 16-580-04): Approval of this amendment would modify AAHOP by allowing for-sale as well as rental units, and also allow up to 25 percent of an AAHOP project to be moderate income, capped by the remaining RHNA need for moderate units which is 131 units. Attachment F is the ordinance for this recommended action.

Accessory Dwelling Units (ADU) (PZ 16-580-05): Approval of this amendment updates the existing Accessory Dwelling Unit (Second Units) section of the zoning code (Section 16-465) to conform to recently adopted State legislation (AB 2299 and SB 1069). The mandate requires cities to allow one ADU per single family property without discretionary review provided it meets minimum standards. The unit can either be fully constructed within the existing primary home, as an addition to the primary home, or as a second unit so long as the property and its ADU comply with applicable development standards and building codes, as amended by state

law. Additional *garage* parking is not required for the ADU, which is a change from the current City Code Section 16-622(F) that requires that a second unit have an enclosed garage parking space. The proposed ADU ordinance also allows tandem driveway parking or parking in a setback area (excluding the front setback). Attachment G is the ordinance for this recommended action.

Planning Commission Recommendations and Discussion

On November 17, 2016, the Planning Commission considered and unanimously recommended City Council approval the 2013-2021 Housing Element and four associated Zoning Code Ordinance amendments of the Housing Element (See Attachments H and I which are the staff reports for the October 20, 2016 and November 17, 2016 Planning Commission meetings, and Attachments J and K which are the Planning Commission recommending resolutions for the General Plan Amendment and Zoning Code Amendments, respectively).

During Commission discussion, the Commission had the following comments:

- ☐ Change the term “second class development” in the AAHOP Ordinance and 2013- 2021 Housing Element to “similar to comparable and contemporaneous market-rate developments.” Staff Comment: This revised language has been incorporated into the amended Planning Commission resolution recommending adoption of the AAHOP Ordinance and the 2013-2021 Housing Element. This has also been corrected in Chapter F, Section F.2 of the 2013-2021 Housing Element, via the Errata No. 1.
- ☐ Within the ADU Ordinance, consider allowing smaller and larger ADUs than currently proposed (currently in compliance with State law the draft ADU ordinance: min. 600 sq. ft. and max 1,200 sq. ft.). Consider allowing modified development standards for units closer to transit. Staff Comment: Since this is a new State law, staff recommends that City Council simply adopt the ordinance to be consistent with State law, but consider Planning Commission’s recommendation during the 2017 Housing Element review. The additional time will allow staff to work with, and gather input from, other agencies implementing the state law and it may also allow Oxnard to have practical experience implementing the new law and development standards in Oxnard.
- ☐ Within the Inclusionary Housing Ordinance an “in-lieu” fee is discussed. The Commission expressed concern with recommending adoption of the Inclusionary Housing Ordinance without knowing the amount of the future in-lieu fee. Staff Comment: Due to concern expressed by the Planning Commission, and public concern regarding updates to this ordinance, staff is not proposing to update this ordinance at this time. Additionally, on December 7, 2016 staff was informed by HCD staff that this ordinance is not critical to certification of the Housing Element. An updated inclusionary housing ordinance will be presented to the City Council in the future. Adoption of an updated ordinance and fees will be a separate standalone City Council action.

- With regard to changing the level at which the State Density Bonus Permit is approved from the City Council to the Planning Commission, the Commission discussed at length whether the Planning Commission should be the decision-making body on all density bonus requests, including AAHOP permits that are otherwise approved by the Development Services Director. If State Density Bonus permit approvals are by the Planning Commission, that decision is a change from the HCD-conditionally approved 2013-2021 Housing Element which proposed that State Density Bonus permits would be approved at the same level as the underlying permit which could be the Development Services Director. Members of the public expressed concern with this change and commented that this change could jeopardize the City's Housing Element certification. Staff Comment: Staff supports the Planning Commission recommendation to have Density Bonus permits reviewed by the Planning Commission. Staff discussed this change with HCD staff and as a result made slight changes to the ordinances since Planning Commission review and recommendation for approval. The revisions to both the AAHOP and Density Bonus ordinances make it clear that there is no discretion associated with AAHOP and Density Bonus requests. With these changes the ordinances meet the spirit and intent of HCD's conditional certification. Future revisions to the Density Bonus entitlement process is also an action that can be considered as part of the City Council's mid-cycle 2017 update.

2030 General Plan Consistency and California Environmental Quality Act (CEQA) Review

Approval of a resolution adopting the 2013-2021 Housing Element and three zoning code amendment ordinances requires that the amendments and ordinances are consistent with the 2030 General Plan. Attachment L within the November 17, 2016 Planning Commission staff report is a consistency evaluation that documents that the proposed 2013-2021 Housing Element and three zone text amendments are consistent with the 2030 General Plan.

CEQA Guidelines Section 15378(a)(1) provides that a general plan amendment, with concurrent implementing zone text amendments, are 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. Adoption of the 2013-2021 Housing Element does 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. Addendum No. 4 to the 2030 General Plan Program EIR is attached within the November 17, 2016 Planning Commission staff report (Attachment L) that documents CEQA compliance for the proposed General Plan Amendment and four Zoning Code Amendments.

COMMUNITY OUTREACH

Beginning in 2013, Staff has met and corresponded with affordable housing advocacy groups, developers, architects, and interested persons regarding affordable housing needs and ordinance revisions to support housing policies. Additionally, staff has met on multiple occasions with the Commission on Homelessness. Two public study sessions were conducted with the Planning Commission, April 16, 2015 and October 20, 2016.

On October 25, 2016, public review drafts of the four proposed ordinances were released for public comment; the Inclusionary Housing Ordinance was originally released for public input but will not be considered by the City Council at this time. As a result of various meetings with interested parties, the ordinances have been revised. Attachment M includes correspondences from Barbara Macri-Ortiz which were not included in the Planning Commission's November 17th staff report/attachments.

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:

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 Housing Element commits the City to implementing the programs listed in Chapter G of the Final Draft Housing Element. 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. Additional funding may be necessary to complete the mid-year October 2017 Housing Element update and review.

Note: Attachment A (2013-2021 Housing Element) has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Wednesday prior to the Council meeting and in the City Clerk's Office after 10:00a.m. on Thursday prior to the Council meeting.

ATTACHMENTS:

Attachment A. Housing Element 2013-2021

Attachment B. HCD Conditional Approval Letter Sept 2015

Attachment C. GPA Resolution Corrected November 30

Attachment D. State Density Bonus Ordinance

Attachment E. Inclusionary Ordinance

Attachment F. AAHOP - November 30

Attachment G. Accessory Dwelling Unit Ordinance Revised 11-17-2016

Attachment H. Planning Commission Staff Report with Correction Memo

Attachment I. Planning Commission Staff Report November 17, 2016

Attachment J. General Plan Amendment Planning Commission Resolution No. 2016-17

Attachment K. ZTA Planning Commission Resolution 2016-20

Attachment L. Addendum

Attachment M. Correspondence Received on November 16 for Planning Commission

Attachment N. Correspondence from Macri-Ortiz 12072016

Attachment A, 2013-2021 Housing Element, has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Wednesday prior to the Council meeting and in the City Clerk's Office after 10:00a.m. on Thursday prior to the Council meeting.

**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



September 15, 2015

Greg Nyhoff, City Manager
City of Oxnard
300 West Third Street, 4th Floor
Oxnard, CA 93030

Dear Mr. Nyhoff:

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

Thank you for submitting the City of Oxnard's draft housing element update which was received for review on July 17, 2015. The Department also received revisions on September 4, 11 and 15, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by various communications with Chris Williamson, Principal Planner, and your consultants Amy Sinsheimer and Jennifer Gastelum of Michael Baker International. The Department also considered comments from the Law Office of Barbara Macri-Ortiz pursuant to GC Section 65585(c).

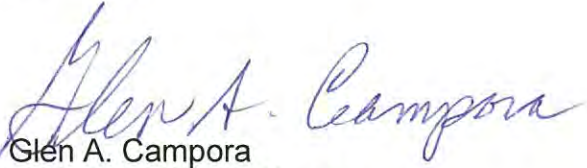
The draft element meets the statutory requirements of State housing element law. This finding is based on, among other things, the City completing various zoning amendments, such as amending the density bonus ordinance in compliance with GC Section 65915, concurrently with the adoption of the housing element. The element will comply with State housing element law (GC, Article 10.6) when it is adopted and submitted to the Department, in accordance with GC Section 65585(g).

As Oxnard has not yet adopted the housing element that was due October 15, 2013, the City is no longer on an eight-year housing element planning period. Pursuant to GC Section 65588(e)(4), the City must update its housing element every four years until adopting at least two consecutive revisions by applicable statutory due dates. For more information on housing element adoption requirements, see our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

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 hard work and dedication of Mr. Williamson and your consultants in preparation of the housing element and looks forward to receiving Oxnard's adopted element. If you have any questions or need additional technical assistance, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,



Glen A. Campora
Assistant Deputy Director

cc: Chris Williamson, Principal Planner, City of Oxnard

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING THE 2030 GENERAL PLAN BY ADOPTING THE 2013-
2021 HOUSING ELEMENT 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 the Final 2013-2021 Housing Element is herein incorporated by reference as Exhibit A; and

WHEREAS, the final 2013-2021 Housing Element was presented to the Planning Commission at a second study session on October 20, 2016 and comments were received, and City staff prepared superseding changes to the Final 2013-2021 Housing Element which are incorporated within and appended to the 2013-2021 Housing Element herein as Errata No. 1; and

WHEREAS, City staff prepared a 2030 General Plan consistency evaluation that finds that the 2013-2021 Housing Element with changes prepared after the October 20, 2016 Planning Commission study session is found consistent with the 2030 General Plan Goals and Policies; and

WHEREAS, the Planning Commission held a public hearing on November 17, 2016 and voted 7-0 to recommend that the City Council of the City of Oxnard adopt and amend the 2030 General Plan by adopting the 2013-2021 Housing Element, with noted changes, and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 15-620-04); and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City Council finds that the 2013-2021 Housing Element with Errata No. 1 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 City Council may make additional changes to AAHOP list that would result in changes within the 2013-2014 Housing Element, and that staff is authorized to make

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Page 3

these changes by the Planning Commission before submitting the 2013-2021 Housing Element to the City Council for adoption; 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 Housing Element; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 2013-2021 Housing Element, 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. 3 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; and

NOW, THEREFORE, for the above stated reasons, the City Council of the City of Oxnard resolves as follows:

1. Addendum No. 3 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 15-620-04 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 13th day of December, 2016 by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

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Page 4

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. [PZ 16-580-02]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE CITY'S DENSITY BONUS REGULATIONS AND RELATED INCENTIVES AND CONCESSIONS BY REPEALING DIVISION 7 OF CHAPTER V OF CHAPTER 16 OF THE MUNICIPAL CODE (SECTIONS 16-410 THROUGH 16-410M) AND REPLACING THEM WITH NEW DIVISION 7A OF CHAPTER V OF CHAPTER 16 OF THE MUNICIPAL CODE AND NEW SECTIONS 16-410A THROUGH 16-410V

WHEREAS, it is in the best interest of the public to establish reasonable standards relating to provision of affordable housing; and

WHEREAS, California Government Code (Gov. Code) section 65915 requires municipalities to allow specified combinations of density bonuses, incentives and concessions to development projects that provide either housing for seniors and/or for individuals of extremely low income, low income, very low income, or of moderate income; and

WHEREAS, since the time the City last updated Division 7 of Chapter 16, sections 16-410 to 16-422, Incentives to Create Affordable Housing, there have been various changes in applicable laws including the passage of AB 2222 (GC 65915 and 65915.5) which became effective January 1, 2015, and AB 744 (GC 65915) effective January 1, 2016; and

WHEREAS, updating the City's density bonus zoning regulations will assist in the implementation of the City's 2013-2021 Housing Element and required by the Department of Housing and Community Development (HCD) for HCD-certification as required by applicable State law; and

WHEREAS, the City's density bonus regulations and related concession/incentive program meet the minimum requirements of state law.

WHEREAS, the Planning Commission held two study sessions, received and considered public comments, and vote unanimously to recommend approval of this zone text amendment at its meeting of November 17, 2016.

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

Part 1. Existing Division 7 of Article V of Chapter 16 of the Municipal Code, entitled "Incentives to Create Affordable Housing", which includes sections 16-410A through 16-410M, is hereby repealed.

Part 2. A new Division 7A is hereby added to Article V of Chapter 16 of the Municipal Code which shall be entitled, "Density Bonus and Related Incentives and Concessions Program" and shall provide as follows:

DIVISION 7A. DENSITY BONUS AND RELATED INCENTIVES AND CONCESSIONS PROGRAM

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 the 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.

Sec. 16-410B. Definitions

In addition to the definitions in Section 16.10, the following definitions apply to this division and shall control over any conflicting definitions in Section 16.10. State law definitions, as they may be amended from time to time, control over the definitions in this section. Where the definitions are provided by state law, the citation to the statute follows.

- A. Affordable Housing Benefits – means one or more of the following:
 - 1. a Density Bonus pursuant to Section 16-410H;
 - 2. an Incentive pursuant to Section 16-410L;
 - 3. a Development Standard Waiver or Modification pursuant to Section 16-410O; and
 - 4. a Parking Standard Modification pursuant to Section 16-410P.
- B. Affordable Housing Cost – means the definition set forth in Health and Safety Code Section 50052.5. (Gov. Code § 65915(c)(2)).
- C. Affordable Housing Developer – means the applicant or permittee of a Qualified Housing Development and its assignees or successors in interest.
- D. Affordable Rent – means the definition set forth in Health and Safety Code Section 50053. (Gov. Code § 65915(c)(1)).
- E. Affordable Unit – means a residential dwelling unit that is guaranteed by the Affordable Housing Developer to be rented or sold in accordance with the requirements of this division to one of the following:
 - a. a Very Low Income Household;
 - b. a Low Income Household; or
 - c. a Moderate Income Household within a Common Interest Development. (Gov. Code §§ 65915(c)(1)-(c)(2)).
- F. Child Care Facility – means a child day care facility other than a family day care home, including but not limited to infant centers, preschools, extended day care facilities, and school age child care centers. (Gov. Code § 65915(h)(4)).
- G. City – means the City of Oxnard or its designee.

- H. Common Interest Development – means any of the following: a community apartment project, a condominium project, a planned development, or a stock cooperative pursuant to Civil Code Section 4100. All Common Interest Development units must be offered to the public for purchase. (Gov. Code § 65915(b)(1)(D)).
- I. Condominium Conversion Project – means a residential project in which the applicant proposes to convert apartment units to condominiums pursuant to Government Code Section 65915.5(a).
- J. Density Bonus – except as used in Section 16-410T, Condominium Conversion Projects, means a density increase over the otherwise Maximum Allowable Residential Density as of the date of application to the City for a Qualified Housing Development. (Gov. Code § 65915(f)) As used in Section 16-410T, “Density Bonus” shall be defined as set forth in Section 16-410T.B. (Gov. Code § 65915.5(b)).
- K. Density Bonus Units – means dwelling units granted pursuant to Section 16-412 which exceed the otherwise Maximum Allowable Residential Density.
- L. Development Standard – means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio, that applies to a residential development pursuant to the Zoning Ordinance, the General Plan, specific plan or other City condition, law, policy, resolution, or regulation. (Gov. Code § 65915(o)(1)).
- M. Housing Development – means a development project of five or more residential units, including mixed-use developments. This also includes a subdivision or Common Interest Development that is approved by the City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units. (Gov. Code § 65915(i)).
- N. Household Income Category Definitions
 - (a) Very Low Income Household – means a household whose income does not exceed fifty percent (50%) of the County’s median household income as defined in Health and Safety Code Section 50105. (Gov. Code § 65915(b)(1)(B)).
 - (b) Low Income Household – means a household whose income does not exceed eighty percent (80%) of the County’s median household income as defined in Health and Safety Code Section 50079.5. (Gov. Code § 65915(b)(1)(A)).
 - (c) Moderate Income Household – means persons or families whose income does not exceed one hundred and twenty percent (120%) of the County’s median household income as defined in Health and Safety Code Section 50093. (Gov. Code § 65915(b)(1)(D)).

- O. Incentive – means “incentives and concessions” as that phrase is used in Government Code Section 65915(k).
- P. Market-rate Unit – means a dwelling unit that is not an Affordable Unit.
- Q. Maximum Allowable Residential Density – means the density allowed under the applicable Zoning Ordinance and the land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. (Gov. Code § 65915(o)(2)).
- R. Minimum Affordable Housing Component – means a Housing Development project which includes a minimum of any of the following:
- (a) Very Low Income Minimum Affordable Housing Component – Provides at least five percent (5%) of the Total Units for Very Low Income Household residents (Gov. Code § 65915(b)(1)(B)); or
 - (b) Low Income Minimum Affordable Housing Component – Provides at least ten percent (10%) of the Total Units for Low Income Households (Gov. Code § 65915(b)(1)(A)); or
 - (c) Moderate Income Minimum Affordable Housing Component – Provides at least ten percent (10%) of the Total Dwelling Units in a Common Interest Development for moderate income households (Gov. Code § 65915(b)(1)(D)).
 - (d) A Senior Citizen Housing Development, as that term is defined in Section 16-410(B) (Gov. Code § 65915(b)(1)(C)).
 - (e) Ten percent of the total units of a housing development for transitional foster youth, as defined in Education Code Section 66025.9, or disabled veterans, as defined in Gov. Code Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units. (Gov. Code § 65915(b)(1)(E)).
- S. Other Incentives of Equivalent Financial Value – means the reduction or waiver of requirements which the City might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the City to provide cash transfer payments or other monetary compensation. (Gov. Code § 65915.5(c)).
- T. Qualified Housing Development – means a Housing Development that meets the requirements of Section 16-410C for Density Bonus.
- U. Qualified Land – means land offered for donation in accordance with Section 16-410K that meets the criteria set forth in Section 16-410K.

- V. Senior Citizen Housing Development – means a residential development as defined in Civil Code Sections 51.3 and 51.12 or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5. (Gov. Code § 65915(b)(1)(C)).
- W. Senior Citizen Housing Development Unit – means a residential dwelling unit within a Senior Citizen Housing Development that is available to, and occupied by, a senior citizen as defined in Civil Code Section 51.3. (Gov. Code § 65915(b)(1)(C)).
- X. Specific, Adverse Impact – means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the Housing Development was deemed complete. Inconsistency with the Zoning Ordinance or General Plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Gov. Code § 65589.5(d)(2)).
- Y. Total Units and Total Dwelling Units – means dwelling units other than Density Bonus Units. (Gov. Code § 65915(b)(3)).
- Z. Zoning Ordinance – means Chapter 16 and 17 of the City of Oxnard Municipal Code.

Sec. 16-410C. Eligibility for Density Bonuses and Incentives

Density Bonuses are available to Affordable Housing Developers in accordance with this Division for the following:

- A. Housing Developments which include a Minimum Affordable Housing Component (Section 16-410H and Section 16-410T.A);
- B. Housing Developments which include a Minimum Affordable Housing Component and a Child Care Facility (Section 16-410I);
- C. Senior Citizen Housing Developments (Section 16-410J); and
- D. Land Donations for Very Low Income Housing (Section 16-410K).
- E. Ten percent of the total units of a housing development are for transitional foster youth (as defined in Education Code Section 66025.9), disabled veterans (as defined in Gov. Code Section 18541), or homeless persons (as defined in the federal McKinney-Vento Homeless Assistance Act; 42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units. (Gov. Code § 65915(b)(1)(E)).
- F. For the purpose of calculating a Density Bonus, the residential units must be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

Notwithstanding any language in this Division 7A to the contrary and consistent with the Second Appellate District case of *Kalnel Gardens 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. **Sec. 16-410D. Fees.** An application for a Density Bonus Permit shall be accompanied by the fee set by resolution of the City Council.

Sec. 16-410E. Application Required

When an applicant seeks a density bonus for a Housing Development that meets the criteria set out in Section 16-410H (Gov. Code, § 65915) the Affordable Housing Developer must comply with all of the following requirements:

- A. The applicant shall file an application for a Density Bonus Permit in accordance with Sections 16-410E and 16-410F that includes a Minimum Affordable Housing Component, whether or not the project also requires or has been granted a special use permit or other permits or approvals. (Gov. Code § 65915(b)(1)).
- B. State in the application the specific Minimum Affordable Housing Component proposed for the Housing Development. (Gov. Code § 65915(b)(2))
- C. Enter into an agreement with the City or its designee pursuant to Section 16-410S to maintain and enforce the Affordable Housing Component of the Housing Development. (Gov. Code § 65915(c)).

Sec. 16-410F. Content of Application

- A. The application for a Density Bonus Permit shall include the following information:
 1. A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, and the location of the affordable units;
 2. A description of the density bonus and the incentives or concessions requested, if any, in accordance with Section 16-410H thru Section 16-410M (Gov. Code Section 65915(b)(2));
 3. For Parking Standard Modification requests, that the requirements of Section 16-426 are met (Gov. Code, Section 65915(p));
 4. The location, design, and phasing criteria required by Section 16-410Q, including any proposed Development Standard(s) modifications or waivers pursuant to Section 16-410O;
 5. Any proposal for the waiver or reduction of development standards which waiver or reduction is required to allow the City to avoid physically precluding the construction of a development meeting the criteria of Gov. Code Section 65915(b) at the densities or with the concessions or incentives permitted by the statute;
 6. The proposed method of ensuring the continued affordability of all low, very low rental units, or senior units, or child care facilities, that qualified the applicant for the award of the density bonus for at least 55 years, as required by Gov. Code, Section 65915(c)(1); and
 7. Other information reasonably requested by City staff needed to establish eligibility for a requested density bonus, incentives or concessions, or to demonstrate that the

- Incentive meets the definition of identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.
- B. For the application for a Density Bonus Permit for the donation of Qualified Land pursuant to Section 16-410K, the application must show the location of the Qualified Land in addition to including sufficient information to establish that each requirement of that section has been met. (Gov. Code § 65915(g)(2));
 - C. The application for a Density Bonus Permit for a Housing Development that conforms to the requirements of section 16-410I and/or section 16-410L. (Gov. Code, Section 65915(b)) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, shall show the location and square footage of the Child Care Facility in addition to including sufficient information as how the applicant proposes to regulate attendance at the child care facility to conform to the requirements of Gov. Code Section 65915(h)(2)(B).
 - D. An application for a Density Bonus permit will not be processed until all of the provisions of this division are complied with and shall be processed concurrently with other required entitlements for which the Affordable Housing Benefit is sought.
 - E. Approval of a Density Bonus permit shall occur at the Planning Commission, unless the City Council makes the final determination for the project.

Sec. 16-410G. Effect of Proposal for Waiver or Reduction of Development Standards.

A proposal for a waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Gov. Code, Section 65915(e)(2).

Sec. 16-410H. Density Bonus Allowance for Housing Development with Affordable Housing Component

If the requirements of Section 16-410C are met, then the Affordable Housing Developer is entitled to a Density Bonus pursuant to Government Code Section 65915(f). The amount of Density Bonus to which the applicant is entitled shall vary according to the amount by which the percentage of Affordable Units offered by the applicant exceeds the percentage of the Minimum Affordable Housing Component; the applicant may also elect to accept a lesser percentage of Density Bonus or no increase in density. (Gov. Code § 65915(f)). All density calculations resulting in fractional units shall be rounded up to the next whole number. (Gov. Code § 65915(f)(5)).

Sec. 16-410I. Density Bonus for Housing Development with Affordable Housing Component and Child Care Facility

- A. Criteria. For a Density Bonus to be granted pursuant to Section 16-410I.B for a Minimum Affordable Housing Component with a Child Care Facility in a Housing Development, all of the following must be satisfied:

1. Compliance with each requirement in Section 16-410C. (Gov. Code § 65915(h)(1)).
 2. The Housing Development must include a Child Care Facility that will be located on the premises of, as part of, or adjacent to, the Housing Development. (Gov. Code § 65915(h)(1)).
 3. Approval of the Housing Development must be conditioned to ensure that both of the following occur:
 - a. The Child Care Facility must remain in operation for a period of time that is as long as or longer than the period of time during which the Affordable Units are required to remain affordable pursuant to Section 16-410S (Gov. Code § 65915(h)(2)(A)).
 - b. Of the children who attend the Child Care Facility, the children of Very Low Income Households, Low Income Households, or Moderate Income Households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective Minimum Affordable Housing Component Income Category for which the Density Bonus is sought (Gov. Code § 65915(h)(2)(B)).
 4. The City has not made a finding based upon substantial evidence that the community has adequate Child Care Facilities. (Gov. Code § 65915(h)(3)).
- B. Density Bonus Allowance. If the requirements of Section 16-410I.A are met, then an applicant for a Housing Development with an Affordable Housing Component and Child Care Facility is entitled to:
1. A Density Bonus pursuant to Section 16-410H; and
 2. An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility. (Gov. Code § 65915(h)(1)(A)).

Sec. 16-410J. Density Bonus for Senior Citizen Housing Development

An applicant for a Senior Citizen Housing Development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5 is entitled to a Density Bonus of twenty percent (20%) of the number of Senior Citizen Housing Development Units. (Gov. Code § 65915(b)(1)(C), (f)(3)).

Sec. 16-410K. Density Bonus for Land Donations

For a Density Bonus for a Qualified Land donation to be granted, all of the requirements of state law, as it may be amended from time to time, shall be met. See Gov. Code 65915(g). For qualifying donations, the City shall award a 15% density bonus, but in no event shall the total density bonus from all sources exceed 35%. (Gov. Code § 65915(g)(2)).

Sec. 16-410L. Affordable Housing Incentives

Government Code subsections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives. Subject to Section 16-410N, all of the following applicable requirements must be satisfied to be granted an Incentive(s) pursuant to Sections 16-410L.B and 16-410M:

- A. The applicant for an Incentive may also be an applicant for a Density Bonus and must qualify for a Density Bonus pursuant to Section 16-410C (Gov. Code § 65915(d)(1)).
- B. A specific written proposal for an Incentive(s) must be submitted with the application for Density Bonus in accordance with Section 16-410F (Gov. Code § 65915(b)(1) and (d)(1)). The applicant's proposal may subsequently be amended or supplemented based on project design or other changes requested by the City; provided, however, that the City shall have additional time to review the requested changes.
- C. If an Incentive(s) pursuant to Sections 16-410L and 16-410M is sought, the applicant must establish that each requested Incentive would result in identifiable and actual cost reductions for the Qualified Housing Development (Gov. Code § 65915(k)(1) & (3)).
- D. If an Incentive(s) for mixed-use zoning in conjunction with a housing project is sought, the applicant must establish that requirements of state law are met. (Gov. Code § 65915(k)(2)).
- E. If an additional Incentive for a Child Care Facility is sought pursuant to Section 16-410M.D, the applicant must establish that requirements of that section are met.
- F. The granting of an Incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, study or other discretionary approval. (Gov. Code § 65915(j).) An Incentive is applicable only to the project for which it is granted. For purposes of this subdivision, "study" does not include reasonable documentation to establish eligibility for the Incentive or to demonstrate that the Incentive meets the definition of identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.

Sec. 16-410M. Number of Incentives Granted

Subject to Section 16-410N, the applicant who meets the requirements of Section 16-410L.A shall receive the following number of Incentives described below and as shown in Table 16-410M.

- A. One Incentive for Qualified Housing Development projects that include at least ten percent (10%) of the Total Units for Low Income Households, at least five percent (5%) for Very Low Income Households, or at least ten percent (10%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(A)).
- B. Two Incentives for Qualified Housing Development projects that include at least twenty percent (20%) of the Total Units for Low Income Households, at least ten percent (10%) for Very Low Income Households, or at least twenty percent (20%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(B)).
- C. Three Incentives for Qualified Housing Development projects that include at least thirty percent (30%) of the Total Units for Low Income Households, at least fifteen percent (15%) for Very Low Income Households, or at least thirty percent (30%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(C)).

- D. Subject to Section 16-410N.D, a Qualified Housing Development proposal that includes a Child Care Facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility. (Gov. Code § 65915(h)(1)(B)).

Table 16-410M – Incentive Allowances for Qualified Housing Developments

Income Category	Minimum % of Affordable Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Common Interest Development (Moderate Income)	10%	20%	30%
Incentives Allowed	1	2	3

Sec. 16-410N. Criteria for Denial of Application for Incentives

Outside of the coastal zone and except as otherwise provided in this division or by state law, if the requirements of Section 16-410L.A are met, the City shall grant the Incentive(s) that are authorized by Sections 16-410L.B and 16-410M unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the City may refuse to grant the Incentive(s):

- A. The Incentive does not result in identifiable and actual cost reductions, consistent with Gov. Code Section 65915(k), to provide for Affordable Housing Costs or for rents for the targeted units to be set as specified in Gov. Code Section 65915(k). (Gov. Code § 65915(d)(1)(A)).
- B. The Incentive would have a Specific, Adverse Impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific, Adverse Impact without rendering the development unaffordable to low- and moderate-income households. (Gov. Code § 65915(d)(1)(B); Gov. Code § 65915 (d)(3).)
- C. The Incentive would be contrary to state or federal law. (Gov. Code § 65915(d)(1)(C).)
- D. The City finds, based upon substantial evidence, that the community has adequate Child Care Facilities, in which case the additional Incentive for a Child Care Facility pursuant to Section 16-410M.D may be denied. (Gov. Code § 65915(h)(3)).

Within the coastal zone, the City shall deny applications for Incentives and/or Density Bonuses if the City finds that the proposed project – with the requested Incentive(s), Density Bonus(es) and/or waiver of development standard(s) – cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

Sec. 16-410O. Waiver or Modification of Development Standards**Requirements for Waiver or Modification of Development Standards**

- A. Application. To qualify for a waiver or reduction of one or more Development Standards, the applicant must submit a written application (together with an application for a Qualified Housing Development) that states the specific Development Standard(s) sought to be modified or waived and the basis of the request. (Gov. Code § 65915(e)(1).) An applicant for a waiver or modification of Development Standard(s) pursuant to this section may request a meeting with the director to review the proposal. If requested, the director shall meet with the applicant. (Gov. Code § 65915(e)(1)). An application for the waiver or reduction of Development Standard(s) pursuant to this section shall neither reduce nor increase the number of Incentives to which the applicant is entitled pursuant to Section 16-410L (Gov. Code § 65915(e)(2).)
- B. To deny the requested waiver or reduction of Development Standard(s) outside of the coastal zone, the City shall make a written finding, based upon substantial evidence, of any of the following:
 - (i) The requested waiver or reduction of Development Standard(s) does not result in identifiable and actual cost reductions, consistent Gov. Code Section 65915(k), to provide for Affordable Housing Costs or for rents for the targeted units to be set as specified in Gov. Code Section 65915(c).
 - (ii) The waiver or reduction of Development Standard(s) would have a specific adverse impact (as defined in Government Code Section 65589.5(d)(2)) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- low-income and moderate-income households.
 - (iii) The requested waiver or reduction of Development Standard(s) would be contrary to state or federal law.
- C. Within the coastal zone, the City shall deny the requested waiver or reduction of Development Standard(s) if it finds that the requested waiver or reduction of Development Standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.
- D. Granting Application for Waiver or Modification of Development Standards. If the requirements of Sections 16-410O.A. and B. are satisfied, the application for waiver or modification of Development Standard(s) shall be granted, unless, within the coastal zone, the waiver or modification of Development Standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act,
- E. If the requirements of Sections 16-410O.A. and B. are satisfied, the City shall not apply a Development Standard that will have the effect of physically precluding the construction of a Qualified Housing Development at the densities or with the Incentives permitted by this Division (Gov. Code § 65915(e)(1)) unless, within the coastal zone, the waiver or

modification of Development Standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act,.

Sec. 16-410P. Parking Standard Modifications for Qualified Housing Developments

- A. Requirements for Parking Standard Modifications. Modification of parking standard set forth in Section 16-622 are available only for Qualified Housing Developments. An application for Parking Standard Modifications stating the specific modification requested must be submitted with the Qualified Housing Development application. (Gov. Code § 65915(p)(3).)
- B. Parking Standard Modifications. If the requirements of Section 16-410C are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following ratios (Gov. Code § 65915(p)(1)):
 - 1. Zero to one bedroom: one on-site parking space.
 - 2. Two to three bedrooms: two on-site parking spaces.
 - 3. Four and more bedrooms: two and one-half on-site parking spaces.
- C. If the total number of parking spaces required for the Qualified Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, “on-site parking” may be provided through tandem parking or uncovered parking, but not through on-street parking. (Gov. Code § 65915(p)(4)).
- D. Except as otherwise provided in this section, all other provisions of Chapter 16, Article X (Off-Street Parking Requirements) applicable to residential development apply.
- E. An applicant may request additional parking Incentives beyond those provided in this section if applied for pursuant to Section 16-410L. (Gov. Code § 65915(p)(5)).
- F. Exceptions. Upon request of the applicant, the following maximum parking standards shall apply, inclusive of handicap and guest parking, to the entire housing development subject to this Division, as required by Government Code Section 65915(p):
 - 1. A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply (Gov. Code 65915(p)(2)):
 - a. The development includes the maximum percentage of low- or very low-income units provided for Section 16-410H (Density Bonus Allowance for Housing Development with Affordable Housing Component).
 - b. The development is located within .5 mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
 - c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.
 - 2. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915 (p)(3)(A)):
 - a. The development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.
 - b. The development is located within 0.5 mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

- c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.
- 3. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915 (p)(3)(B):
 - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.
 - b. The development is for individuals who are 62 years of age or older and which complies with Sections 51.2 and 51.3 of the Civil Code.
 - c. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least 8 times per day.
- 4. A maximum of 0.3 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915 (p)(3)(C)):
 - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.
 - b. The development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code.
 - c. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least 8 times per day.
- G. Notwithstanding allowances in Subsection 16-410P.F above, if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in Subsection 16-410P.B above, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio. (Gov. Code § 65915(p)(7).

Sec. 16-410Q. Density Bonus and Affordable Housing Incentive Program

- A. Project Design and Phasing. Projects seeking an Affordable Housing Benefit pursuant to this Division must comply with the following requirements, unless otherwise specified in writing by the Director:
 - 1. Location/Dispersal of Units. Affordable Units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the Market-rate Units.
 - 2. Phasing. If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of Affordable Units and Market-rate Units.

3. Exterior Appearance. The exterior appearance and quality of the Affordable Units must be similar to the Market-rate Units. The exterior materials and improvements of the Affordable Units must be similar to, and architecturally compatible with, the Market-rate Units.
- B. Application Requirements. An application for one or more Affordable Housing Benefits must be submitted as follows:
 1. Each Affordable Housing Benefit requested must be specifically stated in writing on the application form provided by the City.
 2. The application must include the information and documents necessary to establish that the requirements of this Division are satisfied for each Affordable Housing Benefit requested, including:
 - a. For Density Bonus requests, that the requirements of Section 16-410C are met;
 - b. For Incentive requests, that the requirements of Section 16-410L are met;
 - c. For Development Standard Waiver or Modification requests, that the requirements of Section 16-410O are met; and/or
 - d. For Parking Standard Modification requests, that the requirements of Section 16-410C are met.
 3. The application must be submitted concurrently with a complete application for a Qualified Housing Development.
 4. The application must include a site plan that complies with and includes the following:
 - a. For Senior Citizen Housing Development projects – the number and location of proposed Total Units and Density Bonus Units.
 - b. For all Qualified Housing Development projects other than Senior Citizen Housing Development projects – the number and location of proposed Total Units, Affordable Units, and Density Bonus Units. The Density Bonus Units shall be permitted in geographic areas of the Qualified Housing Development other than the areas where the Affordable Units are located. (Gov. Code § 65915(i)).
 - c. The location, design, and phasing criteria required by Section 16-410Q.A, including any proposed Development Standard(s) modifications or waivers pursuant to Section 16-410O.
 5. The application for a Qualified Housing Development must state the level of affordability of the Affordable Units and include a proposal for compliance with Section 16-410S for ensuring affordability.
 6. If a Density Bonus is requested for a Qualified Land donation pursuant to Section 16-410K, the application must show the location of the Qualified Land in addition to including sufficient information to establish that each requirement in Section 16-410K has been met.
 7. If an additional Density Bonus or Incentive is requested for a Child Care Facility pursuant to Section 16-410I and/or Section 16-410M.D, the application shall show the location and square footage of the Child Care Facility in addition to including sufficient information to establish that each requirement in Section 16-410I and/or Section 16-410M.D has been met.

- C. An application for an Affordable Housing Benefit under this Division will not be processed until all of the provisions of this section are complied with as determined by the Director and shall be processed concurrently with the application for the Qualified Housing Development project for which the Affordable Housing Benefit is sought.

Prior to the submittal of an application for a Qualified Housing Development, an applicant may submit to the Director a preliminary proposal for Affordable Housing Benefits.

Sec. 16-410R. Determination on Density Bonus and Affordable Housing Incentive Program Requests

The decisionmaker on the underlying Qualified Housing Development application is authorized to approve or deny an application for an Affordable Housing Benefit in accordance with this division.

- A. Affordable Housing Benefit Determinations. An application for an Affordable Housing Benefit shall be granted if the requirements of this Division are satisfied unless:
1. The application is for an Incentive for which a finding is made in accordance with Section 16-410N; or
 2. The underlying application for the Qualified Housing Development is not approved independent of and without consideration of the application for the Affordable Housing Benefit; or
 3. The housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies: (i) the proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth under state law; or (ii) each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
 4. For proposed projects within the coastal zone, the proposed project cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.
- B. Affordable Housing Benefit Compliance Provisions. To ensure compliance with this division and state law, approval of an application for an Affordable Housing Benefit may be subject to, without limitation:
1. The imposition of conditions of approval to the Qualified Housing Development, including imposition of fees necessary to monitor and enforce the provisions of this Division;
 2. An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 16-410S; and

3. Recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.

C. Appeals

1

1. If the decision to approve or deny an application for an Affordable Housing Benefit is made by the Planning Commission, then an appeal may be filed consistent with the procedures of Section 16-545.
2. If the determination of the underlying application for the Qualified Housing Development is also appealed along with the decision of the Affordable Housing Benefit, then the entire project shall be controlled by the appeal procedures applicable to the underlying application.

Sec. 16-410S. Affordable Housing Agreement and Equity Sharing Agreement

- A. General Requirements. No Density Bonus pursuant to Section 16-410C shall be effective unless and until the Affordable Housing Developer, or its designee approved in writing by the Director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the City or its designee pursuant to and in compliance with this section. (Gov. Code § 65915(c)). The agreements shall be in the form provided by the City which shall contain terms and conditions mandated by, or necessary to implement, state law and this Article. The Director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the City. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the Qualified Housing Development does not include a map, prior to issuance of a building permit for any structure on the site. The Director is hereby authorized to enter into the agreements authorized by this section on behalf of the City upon approval of the agreements by City Attorney for legal form and sufficiency.
- B. Low or Very Low Income Minimum Affordable Housing Component or Senior Citizen Housing Development.
 1. The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Low Income and/or Very Low Income Affordable Units for rent must enter into an agreement with the City to maintain the continued affordability of the Affordable Units for 55 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Gov. Code § 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall among other things, specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria based upon the specific project; standards for maximum rents; the person responsible for certifying tenant incomes; procedures by which vacancies will be filled; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions.

2. Rental units. Rents for the Low Income and Very Low Income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 16-410C shall be set and maintained at an Affordable Rent. (Gov. Code § 65915(c)(1)).
 3. For-Sale Units. Owner-occupied Low Income and Very Low Income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 16-410C shall be available at an Affordable Housing Cost. (Gov. Code § 65915(c)(1).) For-sale very low, low and moderate units shall not have a term of affordability but shall be subject to an equity sharing agreement that meets the requirements of Gov. Code § 65915(c)(2) unless the equity sharing agreement is in conflict with the requirements of another public funding source or law) (Gov. Code § 65915(c)(2)).
 4. To qualify as a senior unit, at least thirty-five (35) Senior Citizen Housing Development Units are maintained and available for rent or sale to senior citizens as defined in Civil Code Section 51.3.
- C. Moderate Income Minimum Affordable Housing Component.
1. The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Moderate Income Affordable Units in a Common Interest Development must enter into an agreement with the City ensuring that:
 - a. The initial occupants of the Moderate Income Affordable Units that are directly related to the receipt of the Density Bonus are persons and families of a Moderate Income Household.
 - b. The units are offered at an Affordable Housing Cost. (Gov. Code § 65915(c)(2)).
 2. The Affordable Housing Developer of Qualified Housing Development based upon a Moderate Income Minimum Affordable Component shall enter into an equity sharing agreement for a Common Interest Development with the City. (Gov. Code § 65915(c)(2)). The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. (Gov. Code § 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
 - a. Upon resale, the seller of the unit shall retain the value of improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph b., and its proportionate share of appreciation, as defined in subparagraph c., which amount shall be used within five (5) years for any of the purposes described in Health and Safety Code Section 33334.2 (e) that promote home ownership. (Gov. Code § 65915(c)(2)(A)).
 - b. The City's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the Moderate Income Household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (Gov. Code § 65915(c)(2)(B)).
 - c. The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale. (Gov. Code § 65915(c)(2)(C)).

- D. Minimum Affordable Housing Component and Child Care Facility. If an additional Density Bonus or Incentive is granted because a Child Care Facility is included in the Qualified Housing Development, the affordable housing agreement shall also include the Affordable Housing Developer's obligations pursuant to Section 16-410I.A.3 for maintaining a Child Care Facility, if not otherwise addressed through conditions of approval.

Sec. 16-410T. Density Bonus or Incentive for Condominium Conversion Projects

- A. The City will grant either a density bonus or provide other incentives of equivalent financial value to a Condominium Conversion Project that agrees to pay the reasonably necessary administrative costs incurred by the City pursuant to this section if either:
1. thirty-three percent (33%) of the Total Units of the proposed condominium project is affordable to persons and families of Moderate Income Households; or
 2. fifteen percent (15% of the Total units of the proposed condominium project will be affordable to persons and families of Lower Income Households; and, in addition. (Gov. Code § 65915.5(a)).
- B. Definition of Density Bonus for Condominium Conversion Projects. If the requirements of Section 16-410T.A are met, then the Condominium Conversion Project will be entitled to an increase in units of twenty-five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums. (Gov. Code § 65915.5(b)).
- C. Pre-Submittal Preliminary Proposals for Density Bonus or Incentive for Condominium Conversion Projects. Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert apartments to a condominium project may submit to the director a preliminary proposal for Density Bonus or Other Incentives of Equivalent Financial Value. The director shall, within 90 days of receipt of a written proposal, notify the applicant of the director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the director's preliminary response. (Gov. Code § 65915.5(d)).
- D. Application for Density Bonus or Incentives for Condominium Conversion Projects. An applicant must submit a completed application provided by the City for a Density Bonus or for Other Incentives of Equivalent Financial Value. The application must be submitted concurrently with the application for the Condominium Conversion Project. The application must include the following:
1. All information and documentation necessary to establish that the requirements of Section 16-410T.A are met;
 2. The proposal for a Density Bonus or the proposal for Other Incentives of Equivalent Financial Value;
 3. Site plans demonstrating the location of the units to be converted, the Affordable Units, the Market-rate Units, and the Density Bonus units in the Condominium Conversion Project; and
 4. Any other information and documentation requested by the City to determine if the requirements of Section 16-410T.A are met.

- E. Both the application for a Density Bonus or Other Incentives of Equivalent Financial Value and the application for the condominium conversion must be complete before the application for a Density Bonus or Other Incentives of Equivalent Financial Value will be considered.
- F. Granting Density Bonus or Incentive for Condominium Conversion Projects
 - 1. Approval
 - a. If the requirements of Section 16-410T.A are met, the decision-making body for the Condominium Conversion Project application is authorized to grant an application for a Density Bonus or Other Incentives of Equivalent Financial Value, subject to Section 16-410T.F.2.
 - b. Reasonable conditions may be placed on the granting of a Density Bonus or Other Incentives of Equivalent Financial Value that are found appropriate, including, but not limited to, entering into an affordable housing agreement pursuant to Section 16-410S which ensures continued affordability of units to subsequent purchasers who are persons and families of Moderate Income Households or Low Income Households. (Gov. Code § 65915.5(a)).
 - 2. Ineligibility. An applicant shall be ineligible for a Density Bonus or Other Incentives of Equivalent Financial Value if the apartments proposed for conversion constitute a Qualified Housing Development for which a Density Bonus as defined in Section 16-410B or other Incentives were provided. (Gov. Code § 65915.5(f)).
 - 3. Decision on Condominium Conversion Project. Nothing in this section shall be construed to require the City to approve a proposal to convert apartments to condominiums. (Gov. Code § 65915.5(e))

Sec. 16-410U. Enforcement Provisions

- A. Occupancy. Prior to occupancy of an Affordable Unit, the household's eligibility for occupancy of the Affordable Unit must be demonstrated to the City. This provision applies throughout the restricted time periods pursuant to Section 16-410S and applies to any change in ownership or tenancy, including subletting, of the Affordable Unit.
- B. Ongoing Compliance. Upon request, the Affordable Housing Developer must show that the Affordable Units are continually in compliance with this division and the terms of the Affordable Housing Agreement. Upon 30-day notice, the City may perform an audit to determine compliance with this Division and the terms of any agreement or restriction.
- C. Enforcement. The City has the authority to enforce the provisions of this division, the terms of Affordable Housing Agreements and Equity Sharing Agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions, and any other requirements placed on the Affordable Units or the approval of the Qualified Housing Development. In addition to the enforcement powers granted in this division, the City may, at its discretion, take any other enforcement action permitted by law, including those authorized by City ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution, and injunctive relief. The remedies provided for herein shall be cumulative

and not exclusive and shall not preclude the City from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.

Sec. 16-410V. Burden is On Applicant

When an applicant seeks a density bonus for a development or for donation of land, the applicant bears the burden of establishing that the Housing Development meets the threshold requirements.

Part 3. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on December 13, 2016, and finally adopted on _____, to become effective thirty (30) days thereafter.

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

Part 6. The City Council directs as follows:

- a. 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.
- b. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

Ordinance No. [PZ 16-580-02]

Revisions to Density Bonus and Related Incentives and Concessions

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ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

ORDINANCE NO. [PZ 16-580-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD (CITY) REPEALING THE CITY'S AFFORDABLE HOUSING INCLUSIONARY PROGRAM ORDINANCES 2615 AND 2721 AND REPLACING THEM WITH NEW DIVISION 7B, SECTIONS 16-415A THROUGH 16-415O, ENTITLED INCLUSIONARY HOUSING WITHIN CHAPTER V OF CHAPTER 16 OF THE MUNICIPAL CODE

WHEREAS, it is in the best interest of the public to establish reasonable standards relating to provision of affordable housing; and

WHEREAS, Article XI, section 7 of the California constitution authorizes cities, pursuant to the police power, to enact ordinances requiring the provision of affordable housing as a condition of development; and

WHEREAS, in 2015, in *California Building Industry Association v. City of San Jose*, the California Supreme Court indicated that cities have "broad discretion to regulate the use of real property to serve the legitimate interests of the general public and the community at large" and upheld an ordinance requiring all new residential development projects of 20 or more units sell at least 15 percent of the for sale units at a price affordable to low or moderate income households; and

WHEREAS, as described in Program 10 of the City's 2006-2014 Housing Element, in 1999, the City established the Inclusionary Housing Program to generate affordable housing in proportion with the overall increase in market-rate residential units. City Council Ordinances 2721 and 2615 require developers with 10 or more units to provide 10% affordable units. Developers of rental projects with 10 or more units were required to provide 5% for very low-income and 5% for low-income households; and

WHEREAS, the City's 2006-2014 Housing Element includes an Inclusionary Housing Program at Chapter G, Goals and Policies under Goal G-3, Policy 3.4, and Program 10; and

WHEREAS, the City desires to update its inclusionary housing ordinance in a manner consistent with state law and consistent with case law which became effective since the inclusionary rules were last updated; and

WHEREAS, the Planning Commission held two study sessions, received and considered public comments, and vote unanimously to recommend approval of this zone text amendment at its meeting of November 17, 2016.

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

Part 1. New Division 7B. Division 7B is hereby added to Division 7 of Article V of Chapter 16 of the Municipal Code. The new Division 7B shall be entitled, “Inclusionary Housing” and provide as follows:

Section 16-415A. Recitals.

In enacting the ordinance codified in this Division 7B, the city finds as follows:

- (a) Need for Affordable Housing. The Legislature of the State of California has found that the availability of housing is of vital statewide importance, and that providing decent housing for all Californians requires the cooperative participation of government and the private sector. The Legislature has further found that local governments have a responsibility to use the powers vested in them to make adequate provisions for the housing needs of all economic segments of the community. This division is intended to utilize the city’s police powers to enhance the public welfare by making adequate provision for the housing needs of all economic segments of the community through the cooperative participation of government and the private sector. This division will also ensure that market-rate housing mitigates its impacts on the need for affordable housing, assist in meeting the city’s share of the region’s housing need and help implement the goals, policies, and actions specified in the housing element of the general plan.
- (b) Insufficient Incentives. Federal and state government programs do not provide enough affordable housing or subsidies to satisfy the housing needs of moderate, low, very low, and extremely low income households. Furthermore, the private-sector housing market, in general, has historically not provided an adequate supply of housing affordable to households of all incomes in the relatively high-cost coastal areas of California.
- (c) Nexus. Land prices are a key factor preventing development of new affordable housing. New housing construction in the city which does not include affordable units aggravates the existing shortage of affordable housing by absorbing the supply of available residential land. This reduces the supply of land for affordable housing and increases the price of remaining residential land. Providing the affordable units and affordable housing fees required by this division will help to ensure that part of the city’s remaining developable land is used to provide affordable housing. At the same time, new market-rate housing contributes to the demand for goods and services in the city, increasing local service employment at wage levels which often do not permit employees to afford housing in the city. The affordable housing fees authorized by this division are reasonably related to the need for affordable housing.
- (d) Equity. An economically balanced community is only possible if part of the new housing built in the city is affordable to households with limited incomes. Requiring builders of new for-sale housing to include some affordable housing is fair, not only because new development without affordable units contributes to the shortage of affordable housing but also because zoning and other ordinances concerning new housing production in the city should be consistent with the community’s goal of fostering an adequate supply of

housing for households at all affordability levels and should address the need for affordable housing related to market-rate housing production.

- (e) On-Site vs. Off-Site. In general, affordable units within each housing development would serve the goal of maintaining an economically balanced community. However, collection of affordable housing fees from for-sale projects, instead of on-site construction of affordable housing, may provide a greater number of housing units than are affordable to households with extremely low, very low, and low incomes. Construction of required affordable units off site and other alternatives to on-site construction may also provide affordable housing units. Consequently, the city desires to balance on-site production of moderate income units with opportunities for utilizing fees or off-site construction alternatives.
- (f) Rental In-Lieu Fees. In 2009, the California Court of Appeal decided *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles*, 15 Cal.App.4th 1396 (2d Dist. 2009) and held that a city may not require rents to be limited in rental projects unless the city provides assistance to the rental project. To conform to this decision, this Division 7B does not require any rental project, except those rental projects that receive city assistance, to limit rents or to pay an in-lieu fee. Instead, market-rate rental projects are required to pay an affordable housing fee to mitigate the impacts of those rental projects on the need for affordable housing.
- (g) Use of Fees. The city is now experiencing the loss of affordable housing due to the expiration of covenants restricting rents in some affordable housing developments. Affordable housing fees may provide a source of financing to enable the city to preserve existing affordable housing that would otherwise be lost.
- (h) Condominium Conversions. The limited production of rental housing and the displacement of rental housing units through conversions to residential condominiums reduce the city's rental housing supply, which causes increased rental housing costs and decreased housing affordability. The provision of affordable units within residential condominium conversion projects provides affordable housing ownership opportunities that help offset the loss of affordable rental units.

Section 16-415B. Intent and Definitions

Unless context clearly dictates otherwise, all terms used in this ordinance shall have the same meaning as stated in state law, as it may be amended from time to time. For example, as of the date enactment of this ordinance, the following terms were defined in state regulations.

- a. Housing Cost. *See* 25 C.C.R. § 6920.
- b. Low Income. *See* 25 C.C.R. § 6932.
- c. Rent. *See* 25 C.C.R. § 6918.

- d. Very low-income. *See* 25 C.C.R. § 6932.

Section 16-415C. General Rule

- (a) General Rule. In general, for all new residential projects containing ten (10) or more dwelling units to be offered for sale or for rent, the developer shall choose to either make an in-lieu Affordable Housing Payment ("In-Lieu Payment") to the City's Affordable Housing Trust Fund, as described in Section 16-415E, or provide on-site affordable housing in the manner specified in Parts 16-415F.
- (b) Exceptions for AAHOP and State Density Bonus. This Division does not apply to projects that meet any of the following requirements:
1. Projects which build units pursuant to a Density Bonus Permit issued consistent with Division 7A of Article V of Chapter 16 (commencing with section 16-410A).
 2. All Affordable Housing Overlay Program (AAHOP) projects built in compliance with Division 7C of Division 7 of Article V of Chapter 16 (commencing with Section 16-420A).
- (c) Exception for Land Dedication. If a developer provides land consistent with Section 16-415E(f) of this Division, then the required In-Lieu Payment may be offset as described in that section.
- (d) Exception for Specific Plan Areas. This Division 7B does not apply to projects in areas that are subject to a specific plan adopted by the City that requires such projects to provide as many or more affordable units for lower- and very low-income persons and families as does this ordinance. Nothing in this ordinance is intended to override requirements of an applicable specific plan, and to the extent that there is such a conflict, then the requirements of the specific plan shall prevail.

Section 16-415D. Housing Fund

The fees collected under this division shall be placed into the City's Affordable Housing Trust Fund. All earnings from investment of the fees shall be expended exclusively to provide or assure continued provision of affordable housing in the city through acquisition, construction, development assistance, rehabilitation, financing, or other methods, and for costs of administering these programs. A maximum of five percent of the fund may be used for administrative costs directly related to the provision of affordable housing financed by the fund. The housing shall be of a type, or made affordable at a cost or rent, for which there is a need in the city and which is not adequately supplied in the city by private housing development in the absence of public assistance and to the extent feasible shall be utilized to provide for low, very low, and extremely low income housing.

Section 16-415E. Affordable Housing In-Lieu Payment

- (a) Fee Amount. The amount of the required In-Lieu fee shall be set by resolution of the city council. Fees may be based on a fee per market-rate unit, fee per square foot, or any other reasonable basis. The city council may review the fees from time to time at its sole discretion and, based on that review, may adjust the fee amount within the range justified by the most recently adopted nexus study and shall not exceed the cost of mitigating the impact of market-rate housing on the need for affordable housing in the city. Unless stated otherwise within the fee resolution or ordinance, annually, starting on the date three months after the effective date of the most recent update to the fee resolution or ordinance which set the In-Lieu Fee, the amount of the In-Lieu Fee shall be adjusted based upon the changes to the CPI-U index (for the Los Angeles-Riverside-Orange County Consumer Price Index for All Urban Consumers, Base Year = 1984) comparing the month the fee resolution or ordinance became effective with the month one year prior. For example, if the fee resolution adjusting the fee became effective in May 15, then each August 15, the amount of the In-Lieu Fee shall be adjusted consistent with the changes in the CPI-U comparing May of the prior year with May of the current year.
- (b) For-Sale Fee Estimation/True-Up. With regard to for sale units (which includes model units), the developer shall make the In-Lieu Payment based on the developer's good faith estimate of the sales price of the unit. The In-Lieu Payment shall be made at the time the developer applies for building permits. If the actual sales price is less than the estimated sales price, the developer may, within 30 days of closing the sale of the last unit in the tract in which the unit is located, provide information sufficient to verify the actual sales price to the Development Services Director. If the actual sales price is less than the estimated sales price by an amount which places the unit in a lower \$50,000 increment, the City shall, within 30 days of receipt of verification of such actual sales price, refund to the developer the difference between an In-Lieu Payment made on the estimated sales price and the In-Lieu Payment due on the actual sales price. If the actual sales price exceeds the estimated sales price so as to place the unit in a higher \$50,000 increment, the developer shall, within 30 days of the close of escrow on the last unit in the tract in which the unit is located, provide to the Development Services Director evidence reasonably sufficient to verify the actual sales price of the unit, and the developer shall pay the difference between the In-Lieu Payment made on the estimated sales price and the In-Lieu Payment due on the actual sales price. The sales price shall be the base price of the units with standard amenities offered by the developer, and shall not include upgrades which may be ordered at an additional cost to the purchaser
- (c) For Sale Fines & Penalties. The developer's failure to timely pay the difference between the In-Lieu Payment made on the estimated sales price and the actual sales price shall subject the developer to the fines and penalties set out in City Code section 1-10.
- (d) Timing of In-Lieu Payment. The developer shall make the In-Lieu Payment for each unit before the date of issuance of the first building permit for the project.
- (e) Dedication of Land. The developer may request in writing that the City allow the developer to satisfy all or part of the In-Lieu Payment by dedicating specified off-site land to the City or building affordable units as part of the project. With a request to

dedicate land, the developer shall submit a written appraisal of the land that is reasonably acceptable to the city. The City may require that the developer pay for an additional appraisal obtained by the City. The City Council shall determine the market value of the land, based on the appraisals provided or paid for by the developer and any other reliable data. The City Council shall also determine whether the land is suitable for affordable housing and meets the City's needs for sites for affordable housing. If the City Council so determines and the Mayor executes a certificate of acceptance for the land, the City shall apply the market value of the land to the In-Lieu Payment owed. If the market value of the land is less than the In-Lieu Payment, the developer shall pay the difference. If the market value of the land is more than the In-Lieu Payment, dedication of the land shall be deemed the equivalent of making the In-Lieu Payment, and the developer shall not be entitled to any In-Lieu Payment for the excess market value. The developer shall deed to the City land so accepted before the developer applies for the first building permit for the project.

Section 16-415F. Option to Provide Units instead of In-Lieu Payment

A developer may make a written request that instead of making an In-Lieu Payment, the developer build affordable units on-site as set forth in Sections 16-415G through 16-415M below. The City Council may grant the request by motion, resolution or ordinance if it finds that granting the request to allow on-site provision of affordable housing units is likely to lead to the construction of more affordable housing than if the request were denied.

Section 16-415G. Percentage of Affordable Units

If a new residential project contains ten (10) or more dwelling units to be offered for sale and the developer chooses to build affordable units on-site, rather than paying the In-Lieu Fee, the developer shall include units that are affordable to persons and families of either lower income, or very low income, as defined in California Health and Safety Code Section 50079.5. If the developer provides units affordable to persons of low income, at least 10 percent of the units shall be for such persons. If the developer instead provides units affordable to persons of very low income, at least 5 percent of the units shall be for such persons.

Section 16-415H. Project Design

The developer shall design the project so that the affordable units are dispersed throughout the project, have a number of bedrooms proportionate to the number of bedrooms in other units in the project, and do not differ in appearance, size or amenities from other units in the project.

Section 16-415I. On-Site Affordable Rental Units (Conditional Requirement)

(a) Operability. The requirement of subsection (b) of this section shall be operative only at such time as current appellate case law in *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles*, 15 Cal.App.4th 1396 (2d Dist. 2009) is overturned, disapproved, or depublished by a court of competent jurisdiction or modified by the state legislature to authorize control of rents of inclusionary units.

(b) Applicability to Rental Projects. Except as stated by subsection (a) above, all new residential projects containing ten (10) or more dwelling units to be offered for rent, where the developer chooses to build affordable units on-site, shall either pay the In-Lieu fee or include a number of dwelling units equal to not less than five percent (5%) of the total number of dwelling units in the project offered for an affordable rent to persons and families of very low income, as defined in California Health and Safety Code section 50105, or shall include an additional number of dwelling units equal to not less than ten percent (10%) of the total number of dwelling units in the project offered for an affordable rent to persons and families of lower income, as defined in California Health and Safety Code section 50079.5. If the number of bedrooms per unit varies within a project, the number of low- and very low-income units of each bedroom numbers must meet the requirements of Section 16-415H.

Section 16-415J. Calculation of Housing Cost / Appeal

Before offering for the sale or rental of the first unit which the developer intends to qualify as an affordable unit under this Division 7B, the developer shall submit to the City's Housing Director the proposed sales price or rental amount for all the affordable units and the dates upon which the affordable units will be offered for sale or rental, and thereafter, any other information requested by the City's Housing Director. The Housing Director shall review the information submitted, and within 30 days of receipt of all requested information, shall determine whether the sales price or rental amount is affordable under this Division 7B. Thereafter, if the developer desires to increase the sales price or initial rental amount for any of the for sale affordable units, the developer must obtain the approval of the Housing Director. Within 30 days of a final written determination of the Housing Director, the developer may appeal said decision to the Planning Commission, which shall review the matter de novo, and said decision shall be final. The appeal shall be heard only if the developer pays the appeal fee and said notice states the grounds for said appeal. If a timely request for hearing is received, the city shall provide at least three days' prior notice to the appellant of the time and place of the hearing.

Section 16-415K. Recording Affordability Covenants

Not later than the date of application for the first building permit for a project that is subject to this Division 7B, the developer shall cause to be recorded in the office of the Ventura County Recorder, covenants approved in form and substance by the Housing Director. Such covenants shall identify the affordable dwelling units; restrict the qualifying income of purchasers and tenants of such units; specify the maximum housing cost for such units; and require that such units remain affordable for at least 55 years. The covenants shall provide that the developer shall require any purchaser of an affordable unit or project to execute a resale restriction agreement in form and substance satisfactory to the City's Housing Director, which resale restriction agreement shall provide for continuing affordability in the sale or rental of units for at least 55 years. The covenants shall run with the land. If the original developer or a subsequent owner complies with the covenants and/or resale restriction agreement by conveying the project or unit only to an eligible low- or very low-income transferee at an affordable cost as provided in this ordinance, the developer or such owner shall not be responsible for any violation of such covenants or resale restriction agreement by future transferees.

Section 16-415L. Design of Affordable Units.

Such affordable units shall be designed and constructed so as to be architecturally consistent with and qualitatively similar to other (unrestricted) units in the project. Affordable units shall be dispersed throughout the project, except with the approval of the Development Services Director. As part of the developer's application for any land use approvals required for the project and prior to the date upon which the application is deemed complete, the developer shall submit to the City planning staff such documents and plans as planning staff determines are necessary and appropriate for the City to determine that the requirements of this ordinance have been met and that the design and placement of the affordable units will not affect the quality of the project or the affordable units, and will not result in discrimination on any legally prohibited basis. The City Council, Planning Commission, or other decision-making person or body with final approval over the project shall make such determination. The determination of such decision-making body shall be made exercising its sole, good faith, discretion.

Section 16-415M. Off Site Land as Alternative to In-Lieu Fee.

As part of the developer's application for land use approvals required for the project, and before the date upon which the application is deemed complete, the developer of a project that is subject to this division may request in writing that instead of providing such affordable housing within the proposed project, the developer shall provide such affordable housing on specified off-site land. The request shall be presented to the City Council, which shall determine in its sole discretion whether the land is suitable for affordable housing. If the City Council determines that the land is suitable, the developer shall enter into an agreement with the City to provide affordable housing on such land. The agreement shall provide for affordable units in a number not less than the number of on-site units required by this ordinance for the project. The agreement shall contain conditions and provisions requiring the construction of such affordable units prior to or concurrent with construction of the project, unless the City Council determines in its sole discretion that such a condition is not necessary to ensure that the affordable units are constructed. The agreement may contain such other terms and conditions as the City Council determines are necessary or appropriate.

Section 16-415N. List of Qualified Residents.

The developer shall establish and at all times maintain a written list of Oxnard residents qualified to purchase or rent each of the affordable units. The developer shall offer the affordable units to qualified Oxnard resident buyers or renters on the waiting list first and give preference to them until there are no qualified Oxnard residents on the waiting list. At such time, the developer may make units available to all other prospective buyers or renters meeting the income limitations for such units.

Section 16-415O. Appeal of Legality to City Council.

As provided by Ordinance No. 2594, a developer may appeal to the City Council a decision of the Planning Commission requiring compliance with this ordinance, on the grounds that such application of this ordinance to the developer's project results in an unconstitutional taking of

property or that there is no reasonable relationship between the impact of the project and such requirements.

Part 2. Applicability. This ordinance shall apply to applications for land use approvals that are filed on or after the effective date of this ordinance and to applications for land use approvals that have been filed but have not been accepted as complete as of the effective date of this ordinance.

Part 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.

Part 4. CEQA. The City Council finds, based on its own independent judgement, that this action is within the scope of the environmental impacts previously analyzed for the General Plan Update for which Environmental Impact Report (ER) SCH#_____ was previously certified, and that none of the conditions requiring a new subsequent or a supplemental environmental impact report stated in Section 21166 of the Public Resources Code or in Sections 15162 and 15163 of the CEQA Guidelines are present. The Community Development Director is directed to file a Notice of Determination with the County Clerk's office within five working days of the date of adoption of this ordinance.

Part 5. Publication and Posting. The City Council directs as follows:

- a. 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
- b. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

The foregoing ordinance was introduced before the City Council of the City of Oxnard at the regular meeting of the City Council, held on the ____ day of ____, 2016 and finally adopted on ____, 2016, to become effective thirty (30) days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen Fischer, City Attorney

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. [PZ 16-580-04]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD REPEALING THE CITY'S ALL AFFORDABLE HOUSING OPPORTUNITY PROGRAM ORDINANCE 2870 AND REPLACING IT WITH NEW DIVISION 7C TO ARTICLE V OF CHAPTER 16 TO THE OXNARD MUNICIPAL CODE TO AMEND AND CODIFY THE CITY'S ALL AFFORDABLE HOUSING OPPORTUNITY PROGRAM (AAHOP)

WHEREAS, in 2013, the City Council adopted uncodified ordinance 2870 ("AAHOP Ordinance") and, by ordinance 2689, designated 36 AAHOP sites to which the "-AH" additive was applied to their respective zoning designations, to thereby provide such sites with the increased ability to develop affordable housing on those sites; and

WHEREAS, since 2013, when the City of Oxnard (City) first adopted the AAHOP ordinance, the City has determined that improvements to the AAHOP ordinance are warranted; and

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

WHEREAS, updating and codifying the "AAHOP Ordinance" within the Municipal Code will assist in the implementation and administration of the City's 2013-2021 Housing Element; and

WHEREAS, the Planning Commission held two study sessions, received and considered public comments, and vote unanimously to recommend approval of this zone text amendment at its meeting of November 17, 2016.

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

Part 1. A new Division 7C is hereby added to Article V of Chapter 16 of the Municipal Code which shall be entitled, "All Affordable Housing Opportunity Program (AAHOP) and -AH Additive Zone" and shall provide as follows:

Sec. 16-420A. Intent.

The All-Affordable Housing Opportunity Program (AAHOP) and its main implementation tool, the Affordable Housing (-AH) additive zone designation, is a City-initiated program to provide realistic and more-certain opportunities for developers and the non-profit sector to develop all-affordable residential developments to help reach the City's Regional Housing Needs Allocation (RHNA). AAHOP is a City incentive that is separate, and in addition to, the "State" Density Bonus authorized by Division 7A (commencing with section 16-410A). AAHOP projects may apply for, and obtain a density bonus and concession(s). AAHOP projects are intended to create a quality of life and appear substantially similar to market rate developments of a similar size and architectural style.

Sec. 16-420B. Creation and Selection of Additive Zones (AH)

- A. *Additive Zone.* Additive zone designations act as a suffix to the underlying zone designation. The AAHOP additive designation is “-AH.” The -AH designation does not change allowable uses and/or density from the underlying zone but adds the right to develop properties in a manner consistent with this Division 7A.
- B. *Selection of AAHOP Sites.* The parcels and aggregations of parcels with the -AH additive zone designation are shown in the Housing Element (2030 General Plan, Chapter 8) Supplement 2. AAHOP-designated sites do not necessarily have to be available for sale or require owner permission to be “-AH” designated, although both conditions are preferred. Supplement 2 may be amended to add, remove, or modify the AAHOP sites by the City Council as a component of an AAHOP zone change ordinance.
- C. *Rolling Inventory.* If an AAHOP-designated site is approved for a non-AAHOP use with a General Plan or zoning amendment, use permit, or other action the City shall designate a replacement AAHOP site (or combination of sites) if required to maintain a “rolling” AAHOP potential unit inventory that meets or exceeds the then-remaining RHNA allocation for extremely low, very low, and low income housing for the current RHNA planning period, as calculated by the director. The City shall be responsible for the designation of replacement AAHOP site(s) within one year from the date of the approved entitlements unless the rolling inventory for extremely low, very low, and low income housing subsequently exceeds the remaining RHNA need. Private parties may propose AAHOP sites through the rezoning process in combination with an AAHOP application process.
- D. *Evaluation of Sites for AAHOP Inventory.* In determining additional parcels or groups of parcels that may be suitable for the -AH additive zoning, potential sites shall be evaluated for their potential compatibility with adjacent land uses and availability of public services and found to either be suitable or have the potential to be suitable with appropriate design that transitions to adjoining neighborhoods.

Sec. 16-420C. Permitted Uses

- A. *Multifamily.* Multifamily affordable residential uses are allowed by right in AAHOP zones if they meet all other applicable requirements of this division.
- B. *Mixed Use Permissible.* AAHOP projects are also permissible if they are constructed in addition to other permitted or conditional uses that are permitted in accordance with the underlying zoning designation.
- C. *Underlying Zoning Permissible.* As the AH additive designation does not replace the 2030 General Plan land use or underlying zone designations, any proposed use or development

other than an all-affordable AAHOP project shall be governed by the 2030 General Plan and zone designations and applicable standards and guidelines.

- D. *Specific Plans.* To the same extent as required for all other projects, AAHOP projects shall be consistent with any applicable adopted specific plan, Urban Village strategy or concept plan, and Downtown Strategic Plan.

Sec. 16-420D. Affordability Requirements

- A. *100% Affordable.* All housing units built pursuant to this division shall be affordable to extremely-low income, very low income, low-income, or moderate-income households as defined and periodically updated by the U.S. Department of Housing and Urban Development for Ventura County.
- B. *Moderate Units and RHNA.* If a project proposes to provide for-sale or rental moderate-income units, said units may only be used to qualify the project for AAHOP if, at the time of the approval of the project, the number of proposed moderate units will not exceed the number of moderate units the City needs to meet its RHNA allocation in the current planning period (as calculated by the director), and shall not exceed 25 per cent of any project.
- C. *Manager's Unit.* For a project with between 10 and 40 units, one manager's unit is exempt from the affordability requirement. For a project between 41 and 80 units, up to two manager's units are exempt from the affordability requirement. For projects of 81 or more units, up to three manager's units are exempt from the affordability requirement. Projects that provide 9 or less affordable units do not obtain an exemption for a manager unit.
- D. *Deed Restrictions.* Each affordable unit must be deed restricted in an appropriate manner and by appropriate instruments as determined by the City Attorney.

Sec. 16-420E. Density of Units

- A. *Minimum Number of Units.* To obtain a concession under section 16-420F, below, at least 16 affordable units shall be provided.
- B. *Maximum Density.* The allowable density of units per acre for the AH additive zone is the amount shown on the zoning map. All sites allow between 20 and 39 units per acre. AAHOP project density is based on the site size less land dedications for roadway widening required by the 2030 General Plan Circulation Diagram (Figure 4-1).
- C. *Density Bonus Applications.* Because AAHOP projects are 100 percent affordable, they may automatically qualify for the State Density Bonus if the developer files a Density Bonus permit request under Division 7A of Article V of Chapter 16 (commencing with section 16-410A).

- D. *Subdivisions.* AAHOP projects may be subdivided in a manner that portions of the project may exceed the designated housing density or have a different compatible use, so long as the overall applicable density is achieved.

Sec. 16-420F. Plan Review and Processing

- A. *Application.* An AAHOP project shall be identified by the applicant at the time of the DDR application. The DDR application fee and applicable supplemental development and environmental analysis and impact fees are required.
- B. *Standards.* The Attached Dwelling Unit Development Standards apply (City Code §16-360 to 16-363). Maximum building heights have been set at six-stories by the 2030 General Plan and an increase in allowed stories up to six will not be counted as a concession.
- C. *Design.* AAHOP projects shall incorporate good design principles and include on-site amenities appropriate for the resident population to be served.
- D. *Concessions.* An AAHOP project applicant that provides at least 15 affordable units may identify and request one development standard concession as part of the DDR project application; said concession is in addition to any concessions that may be obtained through the application for and issuance of, a density bonus permit pursuant to Division 7A of this Chapter (commencing with section 16-410A).
- E. *Adjustment to Standards.* The City commits to utilizing established attached dwelling unit development standards and modifying numerical standards by plus or minus 10 percent, as necessary, to ensure requested densities (up to the maximum allowed for the subject AAHOP site) and to ensure quality development is achieved for AAHOP projects.
- F. *DDR.* A Development Design Review (DDR) process (City Code §16-525) is required for all AH-designated projects. During the DDR process, projects shall be reviewed for compliance with development and building code standard and comply with the City's standard conditions of approval. The City may require reasonable conditions of approval that implement the General Plan that will not materially affect the financial feasibility of the project.
- G. *Ministerial.* Other than a Density Bonus permit and/or subdivision map, no other discretionary review, such as a special use permit or planned unit development permit, shall be required for affordable residential projects.
- H. *CEQA.* The AAHOP DDR permit is not defined as ministerial within the meaning of CEQA and Public Resource Code 21080(b)(1): the all-affordable residential use and density of each AAHOP site is allowed by right. AAHOP projects not otherwise exempt from CEQA shall

comply with an appropriate CEQA review process. The DDR review process applies a series of fixed standards and objective measurements and does not intend to involve the use of personal or subjective judgments in deciding whether or how the project should be carried out. However, in a manner similar to allowed uses in the City's industrial zones, there are implied and explicit quality of life, public safety, and environmental performance standards that may require interpretive judgement by professionals intended to ensure that an AAHOP project is similar to comparable and contemporaneous market-rate developments.

- I. *Impact Fees.* AAHOP projects shall pay all applicable impact fees, provide appropriate design and engineering studies, and otherwise follow the applicable entitlement process for a discretionary project of comparable size and use. AAHOP applicants may request alternative impact fee payments and/or credits as allowed by applicable codes and regulations.
- J. *Community Involvement.* AAHOP project applicants shall provide information and make a project presentation at three community meetings: 1) a conceptual proposal at an Inter-Neighborhood Community Organization (INCO)-recognized neighborhood council meeting in which the proposed project is located or by an advertised local neighborhood meeting if the INCO neighborhood council is inactive or does not provide a meeting opportunity within 60 days of a written request, 2) an AAHOP DDR application presentation at the INCO or an advertised community meeting if the INCO neighborhood council is inactive or does not provide a meeting opportunity within 60 days of a written request, and 3) a DDR approval-ready project at a regularly scheduled Planning Division Community Workshop. All three presentations shall include discussion of project site design, circulation, and architectural elevations and solicit and consider public suggestions regarding design compatibility with surrounding uses and possible environmental impacts. The director shall have the discretion to determine the appropriate amount of notice for each meeting based on the size and location of the AAHOP project. Nothing in this section precludes a developer from additionally engaging the INCO and/or a neighborhood or any other community organization in addition to the three required meetings.

Sec. 16-420G. Assistance for AAHOP Projects

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.

Sec. 16-420H. Interpretation of this Division

- A. *No effect on other sites.* Nothing in this division prevents all or partially affordable housing projects being developed on non-AH-designated sites pursuant to the applicable 2030 General Plan and zoning designations, density bonus permit process, development standards, CEQA review, and applicable permitting procedures.

- B. *Development Standards.* Nothing in this division shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined by paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- C. *Design.* Nothing in this division shall be interpreted as authorizing or encouraging the development of projects with lower quality design compared with non-AAHOP projects. AAHOP projects are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments.

Part 2. The City shall maintain a list of designated AAHOP sites with pertinent parcel, 2030 General Plan, and zoning information within the 2013-2021 Housing Element, Supplement 2.

Part 3. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on December 13, 2016, and finally adopted on _____, to become effective thirty (30) days thereafter.

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

Part 6. The City Council directs as follows:

- a. 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.
- b. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

Ordinance No. [PZ 16-580-04]
 Codification of All Affordable Housing Opportunity Program
 Page 7 of 7

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the _____ day of _____, _____, 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. [PZ 16-580-05]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING DIVISION 13 OF ARTICLE V OF CHAPTER 16 OF THE MUNICIPAL CODE FROM “SECOND UNITS” TO “ACCESSORY DWELLING UNITS”, REVISING THE TITLE OF SECTION 16-465 OF THE MUNICIPAL CODE TO “ACCESSORY UNITS, STANDARDS FOR REVIEW”, REVISING SECTION 16-465 OF THE MUNICIPAL CODE, AMENDING A RELATED CROSS REFERENCE IN SECTION 16-21, AMENDING A RELATED DEFINITION IN SECTION 16-10, AND AMENDING PORTIONS OF SECTION 16-622 RELATING TO PARKING FOR ACCESSORY DWELLING UNITS

WHEREAS, pursuant to Municipal Code section 16-21(B)(12), permitted uses in the R-1 Single-Family zone currently include, “Second units, provided that the standards in section 16-465 are met and an application for such a unit is approved by the +director”; and

WHEREAS, the R-2 “Multiple Family”, and R-3 “Garden Apartment” zones incorporate the requirements of 16-21(B)(12) and therefore also permit second units with an administrative permit; and

WHEREAS, the C-2 “General Commercial” and the CBD “Central Business District” zones allow second units with a special use permit;

WHEREAS, effective January 1, 2017, pursuant to AB 2299, Government Code § 65852.2 will be amended, and as a result, various provisions of the existing municipal code would become inconsistent with state law, unless the Oxnard Municipal Code is updated; and

WHEREAS, effective January 1, 2017, Government Code § 65852.2 will be amended to refer to “accessory dwelling units” rather than “second units”; and

WHEREAS, the revisions to this ordinance are not contingent upon the approval of the city’s proposed housing element by the Department of Housing and Community Development because no accessory dwelling units are proposed to meet the RHNA requirement; and

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

WHEREAS on September 15, 2015, the California Department of Housing and Community Development tentatively approved the City’s draft 2013-2021 Housing Element, which included a Program 6 to update the City’s regulations of accessory dwelling units; and

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

WHEREAS, the Planning Commission held two study sessions, received and considered public comments, and vote unanimously to recommend approval of this zone text amendment at its meeting of November 17, 2016.

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

Part 1. Amend Section 16-10 “Definitions”. Existing subsection (A)(2) of Municipal Code Section 16-10, “Accessory Sign”, and all subsequent subsections through and including (A)(116), are renumbered, as appropriate, to make space for a new subsection (2). For example, existing subsection (A)(2) will be renumbered to be subsection (A)(3), and existing (A)(115) will become (A)(116).

Existing subsection (A)(116) of Municipal Code Section 16-10 “Second Dwelling Unit” is hereby renumbered as subsection (A)(2) of Section 16-10, and shall provide as follows:

“(2) ACCESSORY DWELLING UNIT - An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons, 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.”

Existing subsection (117) and the subsequent subsections are not renumbered.

Part 2. Revise Section 16-21(B)(12). Subsection (12) of subsection (B) of Section 16-21 is hereby revised to provide as follows:

“(12) Accessory dwelling units, provided that the standards in Division 13 of Article V of Chapter 16 of the Municipal Code (Starting at Section 16-465) are met and an application for such a unit is approved by the director.”

Part 3. Amend Title of Division 13. The title of Division 13 of Article V of Chapter 16 of the Municipal Code is hereby revised to be “Accessory Dwelling Units”. Existing section 16-465 is revised to be entitled, “Purpose and Findings”. Section 16-465 is revised, and new sections 16-466 through 16-469 are added to Division 13 to provide as follows:

Section 16-465. Purpose and Findings.

- A. Accessory dwelling units (also known as “second units” or “granny flats”) are typically located behind or within large and 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 16-466. Ministerial Consideration.

- A. *New 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 Municipal 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. *No Expansion.* If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory unit entirely within the existing space of a single-family residence or accessory structure, then the requirements of 16-469 (“Exception for Accessory Unit Within Existing Single Family Residence or Accessory Structure”) shall apply.

Section 16-467. Standards for Review. Except as provided in Section 16-469, (“Exception for Accessory 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.
- B. *Residentially Zoned.* The lot must be zoned R-1 “Single Family”, R-2 “Multiple Family”, or R-3 “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.* 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 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. 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. 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.
- 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 square feet, or more than 1,200 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 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 maximum floor area the applicant may add is 50% of the square footage of the primary residence, except that the maximum shall not be less than 600 square feet, or more than 1,200 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 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 parking spaces.* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the off-street 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), 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 16-469. Exception for Accessory Unit Within Existing Single Family Residence or Accessory Structure. Notwithstanding any other provision of this code to the contrary, the director shall, without a hearing, 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 residence or 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.
- C. There will be only one accessory dwelling unit on the lot.
- D. The unit has independent exterior access from the existing residence.
- E. The 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 16-469.5. Accessory Uses in C-2 and CBD Zones. 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 Municipal Code.

The director is directed to approve the application within 120 days of receipt of a complete application.

Part 4. Revised Code Section 16-622. Municipal 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:

Uses	Minimum Off-Street Parking Requirements	Notes
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. 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. The accessory dwelling unit parking space(s) may not be located in the front yard. The parking shall be located on the same lot as the primary residential dwelling unit
<i>Note:</i> To the extent required by Government Code 65852.2, as it may be amended from time to time, none of the following accessory dwelling units require parking: (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 part of the existing 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.		

Part 5. Development Related Fees. City staff is directed 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 § 65852.2 (d) (f). The City Council may update such fees by resolution.

Part 6. 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.

Part 7. Effective date. This ordinance shall become effective thirty (30) days after it is finally adopted.

Part 8. Publication. The City Council directs as follows:

- a. 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
- b. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the _____ day of _____, _____, 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



PLANNING COMMISSION STUDY SESSION

TO: Planning Commission

FROM: Kathleen Mallory, Planning Manager
Christopher Williamson, Consulting Planner

DATE: October 20, 2016

SUBJECT: Study Session on the City of Oxnard (City) Final Draft (November 2016)
2013-2021 Housing Element

1) Recommendation: That the Planning Commission receive a presentation on the Final Draft (November 2016) 2013-2021 Housing Element and provide staff with comments.

2) Background: The State Legislature requires city and counties to prepare a Housing Element 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." The Housing Element does not obligate the City to develop and/or fund the target number of housing units, but does require the City to encourage, facilitate, identify opportunity development sites with a high level of approval certainty, and otherwise take steps towards meeting the goals by working with private and non-profit housing developers and service providers for special populations.

The previous Housing Element planning period was 2006-2014 for which the City has a certified housing element. In 2012, HCD assigned the 2013-2021 planning period for all jurisdictions within the Southern California Association of Governments (SCAG). In 2015, staff prepared a Draft 2013-2021 Housing Element for which HCD issued a conditional "...meets statutory requirements..." letter on September 15, 2015 (Attachment A). With minor revisions made to the HCD-reviewed 2015 draft, the Final 2013-2021 (November 2016) Housing Element (Attachment B) is presented for initial Planning Commission review. The Commission's study session will be followed by a public hearing which is tentatively scheduled for November 17, 2016. City Council adoption is tentatively scheduled for December 13, 2016 with submission to HCD for certification shortly thereafter.

3) All Affordable Housing Opportunity Program: In 2014, the City Council adopted Ordinance No. 2870 creating the 2006-2014 Housing Element's principal implementation tool, the All-Affordable Housing Opportunity Program (AAHOP). Concurrently, the City rezoned 116 parcels at 35 sites by adding the "-AH" additive to existing zoning designations

(i.e. C-2 changed to C-2-AH). On May 26, 2016, staff approved the first AAHOP project, a 240 affordable unit tax-credit rental project at the former Five Points drive-in theater. After receiving HCD's September 15, 2015 conditional compliance letter based upon the AAHOP site identified in the Draft 2013-2021 Housing Element, staff amended the AAHOP list to better reflect recent development activity at several AAHOP sites. Staff and consultants also researched and reviewed the City's density bonus, second unit, and inclusionary ordinances to prepare zoning code amendments required for HCD certification. To better inform the development community about affordable housing requirements and incentives, staff decided to codify the previously uncoded inclusionary housing and AAHOP ordinances into the City's Municipal Zoning Code (Chapter 16).

- 4) Format and Content of the 2013-2021 Housing Element:** Pursuant to HCD guidance, staff and consultants closely followed the format and content of the 2006-2014 Housing Element in preparing the Final Draft 2013-2021 Housing Element (Attachment B).

The seven Housing Element chapters and two supplemental sections to the Housing Element are summarized below:

A: Review and Revise Previous Policies and Goals

Chapter A reviews, evaluates, and makes recommendations regarding the results and effectiveness of 31 programs that implemented 2006-2014 Housing Element policies. The review reflects public comments from a public workshop and an April 16, 2015 Planning Commission study session.

B: Existing Housing Needs

Chapter B presents historic and selected recent housing, economic, and demographic data that characterize housing needs within the City. Low income resident needs are given special attention.

C: Special Housing Needs

Chapter C presents additional housing, economic, demographic, and related information for HCD-defined special populations: persons with disabilities, elderly, large families and single parent families, farmworkers, and homeless and/or other families or individuals in need of emergency housing.

D: Projected Housing Needs

Chapter D summarizes projected housing need through 2021. In 2012, SCAG prepared the RHNA assignment for the City of 7,301 housing units, or roughly 900 housing units per year, a rate of growth that has never occurred even during the 1980's. The City opposed and appealed the RHNA allocation because the allocation included the 2,500 unit Jones Ranch Specific Plan project that had been withdrawn. The appeal was denied. This chapter documents over 4,650 completed and proposed residential projects (as of July 2016) that collectively reduce the remaining RHNA need from 7,301 units to 2,651 units if all listed projects were developed.

E: Constraints

Chapter E is required by HCD as a tool to examine the City's policies and regulations and identify and modify those that may inhibit the development of housing, especially for low

income and special needs households. The chapter also documents the economic context of a coastal housing market that contributes to relatively high housing costs.

F: Achieving the RHNA Allocation

Chapter F demonstrates how the City will continue to rely on AAHOP to provide opportunities for enough affordable housing to theoretically meet the remaining RHNA need in combination with implementing programs listed in Chapter G. Housing Element law creates a “default density” where all potential housing units may be counted towards meeting the RHNA at or above a specified zoning density. By State law, the default density for affordable housing units in Oxnard is 30 units per acre. However, State law allows a city to demonstrate that an alternative lower default density is feasible if they provide a list of completed affordable projects which were constructed at an average lower density. Chapter F also refers to Supplement 2 which is an updated list of AAHOP sites. The remaining RHNA need of 509 units is met by implementing several programs in Chapter G, described below and in Attachment C.

G: Goals, Policies, and Programs

Chapter G lists five goals, 33 implementing policies, and 30 programs that would implement the adopted Final 2013-2021 Housing Element. Attachment C is a comparison between the 2006-2014 Housing Element and Final 2013-2021 Housing Element goals, policies, and programs noting substantive changes and/or the current status of program implementation. Staff has prepared a concurrent package of zoning code amendments described below that implement Program 6, Zone Code Amendments. These Code amendments will be released for public input prior to the November 17th Commission meeting.

Supplement 1: Completed Affordable Housing Projects

An updated Supplement 1 lists 20 completed affordable housing projects with an overall average density of 26.2 units per acre. Because of this track record, HCD continues to approve Oxnard’s default density of 24 units per acre which is the basis of the AAHOP program.

Supplement 2: Oxnard All Affordable Housing Opportunity Program Sites

Supplement 2, Table S-2.1, provides detailed parcel-level information and maps for 41 AAHOP sites that collectively provide opportunity for 2,142 affordable units, which represents 81 percent of the remaining RHNA need of 2,651 units. In general, AAHOP sites are one acre or more in size and selected because they are vacant (‘A’ sites), relatively underdeveloped (‘B’ sites), involved significant demolition of an existing structure(s) (‘C’ sites), or have large parking lots or other challenging situations (‘D’ sites). Seven AAHOP sites were removed from the original 2006-2014 Housing Element AAHOP list due to their development as AAHOP projects or because another use was allowed by underlying zone designations (A-02, A-04, A-07, B-08, C-01, C-02, and D-01). Twelve new AAHOP sites were added (A-08 to A-011, B-15 to B-19, C-04, and D-13 and D-14).

Supplement 2, Table S-2.2, Vacant Parcels for Above Moderate RHNA, lists smaller vacant parcels and Table S-2.3 lists the proposed uses within the Teal Club Specific Plan,

including the requirement for 148 affordable units as required by the Urban Village land use designation.

- 5) November 2016 Updates:** The (November 2016) Final Draft 2013-2021 Housing Element is substantially the same as the HCD “meets statutory requirements” (July 2015) Draft 2013-2021 Housing Element. Staff updated selected population data in tables B-1, B-5, B-19, and C-12 and updated housing unit and project data in tables B-30, D-2, D-3, and D-4. Updates to Table D-4 reduced the remaining RHNA by 761 units, reflecting recently proposed or completed housing projects. This reduced RHNA need, together with the changes in the Supplement 2 AAHOP list, lessened the net unmet RHNA need (Table F-1) from 1,030 units in the July 2015 Draft to 509 units in the November 2016 Final 2013-2021 Housing Element.
- 6) Zone Code Amendments:** City of Oxnard staff is proposing amendments to the Zoning Code (Chapter 16 of the Municipal Code) concurrently with the 2013-2014 Housing Element in compliance with the September 15, 2015 HCD “meets statutory requirements” letter. Three amendments are within a new Article V Division entitled “Incentives to Create Affordable Housing” to be as follows:

7A Density Bonus

Existing Division 7 of Article V of Chapter 16 (Sections 16-410 to 16-423 would be renumbered as Division 7A and retitled, “Density Bonus and Related Incentives and Concessions Program.” Division 7A would conform to the State density bonus program (GC §65915) wherein residential projects of five or more units that provide qualifying affordable housing units receive a sliding density bonus between 20 to 35 percent. Staff’s proposed amendment includes that and the density bonus permit would be approved at the level of the underlying use permit by the Development Services Director, the Planning Commission, or City Council, depending upon the underlying permit. All approvals require public noticing and a public hearing.

7B Inclusionary Housing

City Council Ordinances 2615 and 2721 established the inclusionary housing program wherein residential projects of 10 or more units, not otherwise subject to a redevelopment area plan, development agreement, or specific plan affordability requirement, have a 10 percent affordability requirement. Staff proposes to codify the ordinances and amend this ordinance to allow the applicant to request either payment of the inclusionary program in-lieu fee or provide on-site affordable units with 55-year affordability deed restrictions, or a combination thereof. The in-lieu fee will be updated through a fee study and will administered by the Housing Department.

7C All Affordable Housing Opportunity Program (AAHOP)

The proposed zone amendment would update the City’s 2013 uncodified AAHOP Ordinance No. 2870, and codify it into a new Division 7C. The AAHOP update includes revisions to clarify that AAHOP projects are subject to California Environmental Quality Act (CEQA) review and mitigation requirements even though AAHOP projects are considered ministerial (i.e. the housing use is allowed as a matter of right subject only to CEQA mitigations). The amendment also clarifies that AAHOP projects must pay standard impact fees, and follow uniformly-applied development review and design review procedures and conditions of approval. A companion or subsequent proposed zone map amendment would add 12

additional AAHOP sites and remove the “-AH” AAHOP designation from 7 AAHOP sites that have or are developing as non-AAHOP projects.

The proposed zone code amendment would modify the existing Section 16-465, “Second Units” section by retitling the section to “Accessory Dwelling Units,” and revise to conform to State law that will become effective January 1, 2017 (AB 2299 and SB 1069). The maximum allowed size for an accessory unit is increased from 15 percent to 50 percent of the size of the existing structure, whichever is smaller, not to exceed 1,200 square feet. An amendment proposed by staff will allow the owner to live in either the primary or the accessory dwelling unit and modify parking requirements consistent with State law.

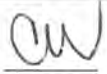
- 7) **Programs:** As stated earlier, Attachment C lists substantive changes between the 2006-2014 and 2013-2021 Housing Elements by goal, policies, and programs and provides a implementation status for selected programs. Programs are described in Chapter G, Table G-2 “Housing Element Implementation Programs.”
- 8) **Environmental Review:** The 2013-2021 Housing Element, like its 2006-2014 predecessor, is incorporated within the 2030 General Plan as Chapter 8 and is a collection of programs that are each subject to CEQA. The 2030 General Plan Final Program Environmental Impact Report (FPEIR) continues to provide the appropriate CEQA documentation for the adoption of the 2013-2021 Housing Element and its implementing programs, including subsequent zoning code amendments and AAHOP rezoning. A 2030 General Plan FPEIR Addendum is being prepared for distribution prior with the Final (November 2016) Housing Element.
- 9) **Public Participation:** Beginning in 2014, a Housing Element stakeholders working group was invited to assist the City in preparing the 2013-2021 Housing Element. The mailing list of 25 organizations and individuals included a wide range of local affordable housing and homeless service providers, for-profit and non-profit developers, and advocacy groups. Stakeholders were also contacted though an e-mail list on a recurring basis and exchanged information with staff. A press release announced the availability of the Draft 2013-2021 Housing Element for 30-day public review and the public review period ran from March 26 to April 26, 2015. Staff worked with the Commission on Homelessness regarding shelter-related programs. On April 16, 2015 a study session was held with the Planning Commission on the 2013–2021 Housing Element. Changes were made to the draft Housing Element prior to submittal to HCD for its 60-day review during which additional changes were made leading to the September 15, 2016 HCD “meets statutory requirements” letter.

More public participation details are provided in Section F.11, “Public Outreach Program” within the 2013-2021 Housing Element. The City greatly appreciates the time these people took to carefully review documents and attend meetings.

A public review copy of the Final Draft (Nov. 2016) 2013-2021 Housing Element is available at the Planning Counter, 214 South C Street during business hours; at the Main (251 South A Street) and South (4300 South Saviers Road) Oxnard Libraries; and/or on-line by entering “Housing Element” in the search box on the City’s home page at www.oxnard.org, and select “Final Draft (Nov 2016) 2013-2021 Housing Element.” To view the April 16, 2016 2013-2021 Draft Housing Element presentation, search on “Planning Commission meeting archives” on the City’s internet homepage, www.oxnard.org.

Attachments:

- A. September 15, 2015 HCD Letter
- B. Final Draft (November 2016) 2013-2021 Housing Element
- C. Summary of Proposed Changes 2006-2014 and 2013-2021 Housing Elements

Prepared by:	 CW
Approved by:	 KM

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

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September 15, 2015

Greg Nyhoff, City Manager
City of Oxnard
300 West Third Street, 4th Floor
Oxnard, CA 93030

Dear Mr. Nyhoff:

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

Thank you for submitting the City of Oxnard's draft housing element update which was received for review on July 17, 2015. The Department also received revisions on September 4, 11 and 15, 2015. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by various communications with Chris Williamson, Principal Planner, and your consultants Amy Sinsheimer and Jennifer Gastelum of Michael Baker International. The Department also considered comments from the Law Office of Barbara Macri-Ortiz pursuant to GC Section 65585(c).

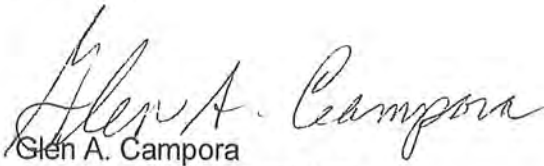
The draft element meets the statutory requirements of State housing element law. This finding is based on, among other things, the City completing various zoning amendments, such as amending the density bonus ordinance in compliance with GC Section 65915, concurrently with the adoption of the housing element. The element will comply with State housing element law (GC, Article 10.6) when it is adopted and submitted to the Department, in accordance with GC Section 65585(g).

As Oxnard has not yet adopted the housing element that was due October 15, 2013, the City is no longer on an eight-year housing element planning period. Pursuant to GC Section 65588(e)(4), the City must update its housing element every four years until adopting at least two consecutive revisions by applicable statutory due dates. For more information on housing element adoption requirements, see our website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

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 hard work and dedication of Mr. Williamson and your consultants in preparation of the housing element and looks forward to receiving Oxnard's adopted element. If you have any questions or need additional technical assistance, please contact Paul McDougall, of our staff, at (916) 263-7420.

Sincerely,



Glen A. Campora
Assistant Deputy Director

cc: Chris Williamson, Principal Planner, City of Oxnard

Attachment C

Summary of Proposed Changes

2006-2014 to 2013-2021 HOUSING ELEMENTS

This document compares and lists substantive changes between the Oxnard 2006-2014 Housing Element and the 2013-2021 Housing Element (HE) by: 1) chapters, 2) goals, 3) programs, and 4) implementation status.

1. CHAPTERS 'A' to 'F'

Both Housing Elements have the same seven chapter format. Major tasks are listed for the update.

- A: Review and Revise Previous Policies and Goals – reviewed the 2006-2013 HE record.
- B: Existing Housing Needs – updated with Census 2010 and American Community Survey data.
- C: Special Housing Needs – updated with 2016 homeless count and other data.
- D: Projected Housing Needs – updated per Regional Housing Needs Assessment and City project lists.
- E: Constraints - updated to include SB 2 'shelter by right' zoning and end of redevelopment.
- F: Achieving the RHNA Allocation – updated RHNA counts, removed reference to Riverpark Specific Plan.

2. CHAPTER 'G' GOALS AND THEIR POLICIES

No changes were made to the text of the five goals. Each goal has implementing policies.

- H-1 Monitored, maintained, and improved quality of existing housing and neighborhoods.
No changes made to the seven policies.
- H-2 Opportunities for the development of quality new housing.
No changes made to the nine policies.
- H-3 Opportunities for the development of quality new housing.
Removed Policy 3.7 (Shelter Development and Operating Assistance) because it is covered by Policy H-5.4 (continuum of Care and Homeless Plan). The goal's six policies are unchanged.
- H-4 Appropriate governmental regulations that do not unnecessarily or unintentionally impede production of affordable housing.
No changes made to the three policies.
- H-5 Ensure fair and equal housing opportunity.
No changes made to the eight policies.

3. CHAPTER 'G' PROGRAMS

The following programs that did not substantively change between the two elements:

1, 2, 5, 8, 11, 12, 13, 15, 16, 17/18, 18/19, 19/20, 20/21, 21-22/22, 24/23, 25, 27, 28, 29, 30.¹

The following nine programs have substantive changes:

Program 3 (AAHOP): allow for-sale and moderate units, extension to 55 years affordability (SB 2222).

Program 4 (Urban Villages): possible rename to model after Cap&Trade AHSC program.

Program 6 (Zoning Code Amendments): conform with State laws, allow larger second units, allow density bonus approval at level of underlying permit, decrease minimum unit size with findings, remove six-unit per structure limit in R-2, R-2-C and R-BF zones, reduce building separation to match fire safety requirements.

¹ Two numbers separated by a "/" are same program with different 2006-2014/2014-2021 program numbers.

Program 7 (Permitting Process): set up "One-Stop" program.

Program 9 (Farmworker Housing): conform with State law, work with Camp Vanessa on historic merit and possible rezoning, allow farmworker housing in C-R zone district as permitted use.

Program 10 (Inclusionary Housing): Monitor the program with attention to parking.

Program 14 (Shelter): Conform to State law, work with providers to develop a year-round shelter.

Program 17 (Self-Sufficiency): New program to aid moving people to self-sufficiency, have annual meeting.

Program 24 (Special Needs Groups): New program focused on Continuum of Care approach.

Program 26 (AAHOP): Include moderate income units, update sites list, extend to 55 years, allow for-sale units.

4. IMPLEMENTATION STATUS: HOUSING ELEMENT PROGRAMS

The table below provides more information and the status of selected programs.

<i>Program</i>	<i>2006-2014 HE</i>	<i>2013-2021 HE</i>	<i>Status</i>
(3) All-Affordable Housing Opportunity Program (AAHOP)	Created variable City density bonus for 100% Extremely Low, Very Low, and Low income rental projects.	Amend to include for-sale units, add moderate income rental units, extend affordability requirement to 55 years, clarify CEQA requirements, clarify mix of income level requirement.	Proposed amendment in progress to codify within Municipal Code, Chapter 16, Zoning Code creating Divisions 7A to 7C. Drafts available for public review prior to November 17, 2016 Planning Commission hearing.
(4) Urban Villages	Requires 15% affordability	No change, 15% requirement remains.	Ongoing. No action at this time.
(6) Various Zoning Code Updates	<i>Not Applicable. Refers to Chapters 16 and 17 of Municipal Code which are not a part of the Housing Element document.</i>	Conform to State law, increase maximum 2 nd unit size to 50% of main unit up to 1,200 sf, change 2 nd unit owner-occupancy requirement to reside in either main or 2nd unit. Amend density bonus to change level of approval. Reduce minimum size of units; remove six-unit per structure limit in R-2, R-2-C and R-BF zones; and reduce building separation to fire safety requirements.	Proposed amendment in progress to codify within Municipal Code, Chapter 16, Zoning Code creating Divisions 7A to 7C. Drafts available for public review prior to November 17, 2016 Planning Commission hearing. Staff propose to process development standards amendments in 2017.
(7) Permitting Process	Streamline permitting for AAHOP projects, second units, and mobile homes; identify and change unnecessary and duplicative procedures and regulations.	Adds direction to set up 'one-stop' or 'concierge' program	Ongoing. Concierge program created at the Service Center for Planning and Building Divisions. Certain permit applications are on-line and there is greater use of digital documents.
(9) Farmworker Housing	Review and pursue farmworker housing opportunities, goal of three projects in process by 2014.	Direction to create an information brochure, conform with State law, and work with Camp Vanessa (1700 E. 5 th Street) for possible historic nomination and General Plan and zoning change to allow reinvestment and/or expansion.	Ongoing. Additional zoning code amendments needed. Continue to work with HouseFarmers and other organizations.
(10) Inclusionary Zoning	10 or more unit projects either provide 10% on-site affordable units or pay in-lieu fee with advance approval by the City Council (Ord. 2615 and CDC Resolution No. 111)	Amend to allow either in-lieu fee or on-site affordable housing.	Proposed amendment in progress to codify within Municipal Code, Chapter 16, Zoning Code creating Divisions 7A to 7C. Drafts available for public review prior to November 17, 2016 Planning Commission
(14) Shelter	Allows year-round shelter 'by-right' in ML, ML-PD zoning, conditional in other zones, per Ordinance 2864.	No changes within zoning. Work with homeless service providers to develop a year-round facility.	Ongoing. Continue to work with providers to develop a year-round shelter.

<i>Program</i>	<i>2006-2014 HE</i>	<i>2013-2021 HE</i>	<i>Status</i>
(17) Self-Sufficiency	Not included.	NEW PROGRAM. Work with non-profits to develop programs, meet at least annually.	Ongoing. The Commission on Homelessness meets monthly. Additional zoning code amendments may be needed.
(21) Implementation Status Data (22) Reporting Implementation	Prepare for next housing element and complete annual reports	Program 21 MERGED with Program 22, Report Housing Element Implementation.	Staff prepares annual HCD reports and tracks affordable housing developments quarterly. HCD may require a 2018 update or progress report.
(23) Census 2010 and American Community Survey (ACS) Data	Use Census 2010 and ACS data to update Housing Element	DISCONTINUED.	Completed. 2013-2021 Housing Element uses Census 2010 and ACS data per HCD guidelines.
(24) Special Needs Groups	Not included.	NEW PROGRAM. Work with service providers and development community, explore feasibility of using CDBG funds.	Ongoing. The Commission on Homelessness meets monthly. Some CDBG funds have been used for special needs groups.
(26) All-Affordable Housing Opportunity Program (AAHOP)	Created AAHOP and designated 36 AAHOP sites	Include moderate income rental units, update AAHOP sites list, extend to 55 years, allow for-sale units. Update the AAHOP inventory on an ongoing basis.	Proposed amendment in progress to codify within Municipal Code, Chapter 16, Zoning Code creating Divisions 7A to 7C. Drafts available for public review prior to November 17, 2016 Planning Commission.

Development Services
Planning Division

214 South C Street
 Oxnard, CA 93030
 (805) 385-7858



November 30, 2016

MEMORANDUM

TO: PLANNING COMMISSION

FROM: Kathleen Mallory, Planning Manager

RE: Corrections to the October 20, 2016 Staff Report and Attachments for Item G.1, 2013-2021 Housing Element Study Session

Staff Report

The following are corrections within the staff report:

Page 4, Section '6', second sentence: "...2013-2014" corrected to "...2013-2021"

Page 4, Section '7C', 4th sentence from bottom: "...subject" changed to "...subject"

Page 5, first full paragraph: add subheading "Accessory Second Units"

Page 5, first full paragraph: insert "In conformance with State law,..." before second sentence

Page 5, Section '9' second sentence from bottom: "...April 15, 2016" corrected to "...April 15, 2015"

Attachment B "Final (November 2016) 2013-2021 Housing Element" document:

Staff intend to reinstate AAHOP site C-01, 2420 N. Oxnard Blvd. (former Levitz site) given that as of the date of this meeting, there is no application filed for a commercial use on the property. The C-01 profile is attached and would add 128 potential affordable units to the AAHOP inventory. Several tables will be updated in Chapters D and F and Supplement 2 within the 2013-2021 Housing Element to reflect this change.

Attachment C "Summary of Proposed Changes"

Section 2, Goal H-3 title: corrected to "Expanded and protected housing opportunities for lower-income households and special needs groups."

C-01 2420 North Oxnard Boulevard
(former Levitz store)



Parcel Number(s)	142001034, 142002101
Site Size (acre)	8.9
Buildable Area	8.9
2030 General Plan	Commercial General (CG)
Current Zoning	C2-PD
Density (units per acre)	24
Estimated Net Affordable Units	128
Redevelopment Area	Yes (HERO)
Surrounding uses to the North, East and South are commercial, with residential uses to the west. A developer proposed 1,200 units on this site in three mixed-use towers, but the proposal was withdrawn. Mixed-use development at 24 units would produce 128 units of affordable housing. Demolition of the former Levitz building increases costs, suggesting the possibility of ground level commercial use. Hi-rises are due east and approved nearby in The Village project.	



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Christopher Williamson, Consulting Planner

DATE: November 17, 2016

SUBJECT: **Planning and Zoning (PZ) Permit No. 15-620-04 (General Plan Amendment): Adopt and Amend the 2013-2021 Housing Element as Chapter 8 of the 2030 General Plan Goals and Policies; adopt implementing Zoning Code Amendments that Revise and Reorganize Municipal Code, Division 7, Regarding Density Bonus, All-Affordable Housing Opportunity Program (AAHOP), and Affordable Housing Inclusionary Requirements (PZ Nos. 16-580-02, 16-580-03, and 16-580-04, respectively); and amend Municipal Code Section 16-465 Accessory Dwelling Units (PZ No. 16-580-05)**

1) Recommendation: That the Planning Commission recommend that the City Council:

- a) Approve a resolution recommending that the City Council of the City of Oxnard adopt and amend Chapter 8, 2013-2021 Housing Element (November 2016 version with noted changes) of the 2030 General Plan, Goals and Policies, and subsequently forward to the California Department of Housing and Community Development (HCD) for certification; and
- b) Approve a resolution recommending that the City Council of the City of Oxnard adopt Zoning Code Amendments PZ Nos. 16-580-02, 16-580-03, and 16-580-4 that revise and reorganize Municipal Code, Division 7, regarding Density Bonus, All-Affordable Housing Opportunity Program (AAHOP), and Affordable Housing Inclusionary Requirements, and amend Municipal Code Section 16-465 Accessory Dwelling Units (PZ No. 16-580-05).

2) Project Description and Applicant: The proposed Final 2013-2021 Housing Element (November 2016 dated version) identifies and analyzes the current and future housing needs within the City of Oxnard (City) and identifies goals, policies, and programs to provide certain services and ensure adequate opportunities for housing of all income levels for the specified 2013 to 2021 planning period set by State legislation. Adopting and amending the 2013-2021 Housing Element does not obligate the City to develop and/or fund the target number of housing units or complete listed programs.

In 2015, staff prepared a Draft 2013-2021 Housing Element for which HCD issued a conditional "...meets statutory requirements..." letter on September 15, 2015 (Attachment A). Additional staff recommended changes (Attachment B), the 2013-2021 Housing Element (Attachment C), and four related implementing Zoning Code Amendments

PZ 15-620-04 (General Plan Amendment)
 2013-2021 Housing Element and Related Zone Code Text Amendments
 Planning Commission Date: November 17, 2016
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(Attachment D) are presented for a Planning Commission recommendation to the City Council for adoption of General Plan Amendment PZ No. 15-620-02 and Zoning Code Amendments PZ Nos. 16-580-02, 18-580-03, 16-580-04, and 16-580-05 that implement several Housing Element programs that are required for HCD certification. Filed by the City of Oxnard, Development Services Department, 214 South C Street, Oxnard.

3) Housing Element Study Session: At the Planning Commission meeting of October 20, 2016, staff presented a detailed description of the 2013-2021 Housing Element's seven chapters and two supplemental sections within the Housing Element. The study session staff report and staff presentation are included as Attachment E.

4) Revisions to the Draft (November 2016) Housing Element Since October 20, 2016: Several study session comments and other staff proposed changes led to proposed changes to the November 2016 Draft 2013-2021 Housing Element as follows:

- Addition of acronyms;
- Removal of AAHOP sites (A-09) due to size and feasibility to develop as an AAHOP site;
- Reinstatement of one AAHOP site (Site C-01, 2420 No. Oxnard Blvd.); and
- Corrections and clarifications to Chapter F the AAHOP provisions in the Housing Element because the City will be codifying the AAHOP program; codification is referenced in the AAHOP in Section F2.

5) Municipal Code (Zoning) Amendments: Staff prepared a concurrent package of zoning code amendments that implement portions of Program 3 "AAHOP", Program 6, "Zoning Code Amendments", Program 10 "Inclusionary Housing Program", and Program 29 "Review of Parking Standards" of the 2013-2021 Housing Element. The first three amendments create a new Division 7 within the Zoning Code entitled "Incentives to Create Affordable Housing."

New Division 7A, Sections 16-410A to 16-410V:

Density Bonus and Related Incentives and Concessions Program

This amendment is a comprehensive update of the State Density Bonus program to reflect State law. The update also changes the requirement that all Density Bonus permits be approved by the City Council. Instead, the approval body for the Density Bonus permit would be delegated to the same approval body as the principal planning permit (e.g.: Planned Development Permit, SUP, etc. = Planning Commission).

New Division 7B, Sections 16-415A to 16-415O:

Inclusionary Housing Program

This amendment codifies the City's Inclusionary Housing Ordinance and also updates the City's existing Inclusionary Housing Ordinance (currently Ordinances 2615 and 2721) to comply with state law. The amended Inclusionary Housing Ordinance changes the current requirement that residential projects which are subject to the inclusionary program provide on-site affordable units unless City Council approves payment of the in-lieu fee. Instead, the

applicants would choose to either pay the in-lieu fee to the City's Affordable Housing Trust Fund or provide on-site affordable housing in the manner specified through permit approval. The in-lieu fee is being re-established by the Housing Department through a fee study.

New Division 7C, Sections 16-420A to 16-420H:

All Affordable Housing Opportunity Program

The third amendment codifies the City's AAHOP program (currently Ordinance 2870) and proposes updates to the AAHOP program. The update clarifies that AAHOP projects are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments. The update also allows moderate income housing units to take advantage of the AAHOP project.

Revisions to Sections 16-10, 16-21, 16-465, and 16-622

Accessory Dwelling Units (formerly "Second Unit Ordinance")

The fourth amendment is required to reflect new State law that takes effect in January, 2017 that allows accessory dwelling units on single family properties, either as standalone units, within, or as an addition to an existing residence.

The four zoning code amendments are contained in Attachment D. As a result of Community input, revisions made to the Draft Ordinances since release to the public on October 25th are shown in legislative format – additions are underlined and deletions are shown in strike through.

- 6) **2030 General Plan Consistency:** An approval of resolutions recommending that the City Council adopt the proposed General Plan Amendment No. PZ 15-620-04 and Zoning Code Amendments Nos. PZ 16-580-02, 16-580-03, 16-580-4, and 16-580-5 requires that the amendments are 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 F is a consistency evaluation that documents that the proposed 2013-2021 Housing Element with proposed changes is consistent with the 2030 General Plan.
- 7) **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.

As documented at the October 20, 2016 study session and in Attachment B, the 2013-2021 Housing Element has substantially the same goals, policies, and programs as the 2006-2014 Housing Element it is replacing. The 2013-2014 Regional Housing Needs Assessment (RHNA) target of 7,301 units is only three percent higher than the 2006-2014 RHNA target of 7,093 units. The 2013-2021 Housing Element and the proposed 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 sites that are generally located along arterials on parcels with commercial zoning that allows residential use as a conditional 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 F) that documents CEQA compliance for the proposed General Plan Amendment and four Zoning Code Amendments.

8) Community and Legal Notice

State and City legal noticing requirements were met with publication of a notice of hearing in the Vida Newspaper on November 3, 2016. Since distribution of the draft Housing Ordinances and following the October 20, 2016 Planning Commission study session, staff held several meetings with affordable housing developers and advocates. As a result of these discussions, staff agreed to some modifications to the Accessory Dwelling Unit, AAHOP and Density Bonus Ordinances. Staff did not agree to all of the requested changes to the aforementioned ordinances. Correspondence received regarding the Draft Housing Element Ordinances are contained in Attachment J. As a result of timing and receipt of comments on the draft Density Bonus Ordinance (received on November 8th), staff was unable to comprehensively review the suggested changes to the Draft Density Bonus Ordinance. Staff is reviewing the suggested Density Bonus Ordinance changes and is planning to distribute an updated Draft Density Bonus Ordinance on Monday, November 14th.

9) Findings and Recommendation

Based on the entire record presented, the following findings are made:

A. The proposed Housing Element is consistent with the City of Oxnard 2030 General Plan and the certified Coastal Land Use Plan.

PZ 15-620-04 (General Plan Amendment)
2013-2021 Housing Element and Related Zone Code Text Amendments
Planning Commission Date: November 17, 2016
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- B. The proposed Housing Element 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 Housing Element 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 Housing Element to the Department of Housing and Community Development (HCD) for its review.
- E. Pursuant to a letter to the City dated September 15, 2015, HCD determined that the proposed Housing Element meets the statutory requirements of state housing element law, and that the Housing Element will comply with state housing law when it is adopted by the City of Oxnard and submitted to HCD.
- F. No substantive changes have been made to the draft Housing Element since the September 15, 2015 that would change the determination of HCD relating to the draft Housing Element meeting the statutory requirements of state housing element law.
- G. The City has met all legal requirements for public outreach and obtaining public input relating to the proposed Housing Element.
- H. Before making its recommendation regarding the proposed Housing Element, the Planning Commission held a duly noticed public hearing on November 17, 2016 in which all those who wished to speak were given the opportunity to do so.
- I. In addition, before making its recommendation regarding the Housing Element, the Planning Commission considered all evidence in the record, including written comments and public comments.

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 2013-2021 Housing Element and Related Zone Code Text Amendments
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10)Appeal Procedure

The Planning Commission's action is a recommendation and the matter will be considered by the City Council, tentatively scheduled for December 13, 2016, but subject to change.

Attachments:

- A. Department of Housing and Community Development September 15, 2015 Letter
- B. Proposed Additional Changes to the 2013-2021 Housing Element
- C. 2013-2021 Housing Element, November 2016 version (can also be secured from: <https://www.oxnard.org/city-department/development-services/oxnard-housing-element-2013-2021/>)
- D. Zoning Code Amendments (4 draft ordinances)
- E. October 20, 2016 Planning Commission Study Session Staff Report (without attachments A and B) and PowerPoint slides (can also be secured from: <https://www.oxnard.org/planning-commission-agendas-and-minutes-2015/> for Oct. 20, 2016 staff report)
- F. 2030 General Plan Consistency Evaluation Table
- G. Addendum No. 3 to the 2030 General Plan Program EIR
- H. Resolution for General Plan Amendment No. PZ 15-620-02
- I. Resolution for Zoning Code Amendments Nos. PZ 16-580-02, PZ 16-580-03, PZ 16-580-04, and PZ 16-580-05 (see Attachment D for actual draft ordinances)
- J. Correspondences Received on Draft Housing Ordinances (3 documents)

Prepared by: _____
 CW

Approved by: _____
 KM

(REMOVED TO AVOID DUPLICATION)

ATTACHMENT A

Department of Housing and Community Development
September 15, 2015 Letter

ATTACHMENT B

Proposed Additional Changes to the
2013-2021 Housing Element

EXHIBIT B

Development Services
Planning Division

214 South C Street
 Oxnard, CA 93030
 (805) 385-7858



November 10, 2016

MEMORANDUM

TO: PLANNING COMMISSION

FROM: Kathleen Mallory, Planning Manager

RE: Proposed Changes to Final (November 2016) 2013-2021 Housing Element

Based on correspondence and comments at and after the October 20, 2016 Planning Commission study session, staff propose the following changes to the Final (November 2016) 2013-2021 Housing Element:

Change 1) Page v and vi “Acronyms”, the following are added in the appropriate alphabetical location:

- H2A Temporary Agricultural Work Visa
- VASH Veterans Administration Supportive Housing

Change 2) The following AAHOP site is removed:

A-09 5305- 5309 & 5313 South Saviers Road.

Per Barbara Macro-Ortiz letter of October 18, 2016, staff agree the site is too small to feasibly develop only 8 affordable housing units. Several tables will be updated in Chapters D and F and Supplement 2 within the 2013-2021 Housing Element to reflect this change.

Change 3) The following AAHOP site is reinstated:

C-01 2420 N. Oxnard Blvd. (former Levitz site)

As of this date, no application is filed for a commercial use on the property. The C-01 profile is attached and would add 128 potential affordable units to the AAHOP inventory. Several tables will be updated in Chapters D and F and Supplement 2 within the 2013-2021 Housing Element to reflect this change.

The following AAHOP listing page is inserted in Supplement 2, after Site B-14.

C-01 2420 North Oxnard Boulevard (former Levitz store)



Parcel Number(s)	142001034, 142002101
Site Size (acre)	8.9
Buildable Area	8.9
2030 General Plan	Commercial General (CG)
Current Zoning	C2-PD
Density (units per acre)	24
Estimated Net Affordable Units	128
Redevelopment Area	Yes (HERO)
Surrounding uses to the North, East and South are commercial, with residential uses to the west. A developer proposed 1,200 units on this site in three mixed-use towers, but the proposal was withdrawn. Mixed-use development at 24 units would produce 128 units of affordable housing. Demolition of the former Levitz building increases costs, suggesting the possibility of ground level commercial use. Hi-rises are due east and approved nearby in The Village project.	

Change 4) Chapter F, Section F.1 and Section F.2

The Introduction (F.1) and All-Affordable Housing Opportunity Program (AAHOP) and Additive Zone (AH) sections are replaced in their entirety, subsequent pages renumbered to the end of Chapter F, and corresponding page reference changes made within the Table of Contents.

[continued on next pages]



Achieving the RHNA Allocation

F.1 Introduction

This chapter received HCD conditional approval on September 20, 2015. Selected data are updated through 2016 and shown within brackets “[]” and/or with a grey background.

The purpose of this section is to comply with the requirements of California Government Code Section 65583(b) by establishing the maximum number of housing units that can be constructed, rehabilitated, and conserved within the 2014–2021 RHNA cycle.

To ensure that Oxnard has enough opportunity sites suitable for residential development and to meet the remaining RHNA affordable allocation of 2,511 units and 131 units of above moderate income units (as of July 2016), the City is relying on the following:

- Continued use of 24/units per acre default density established by the record of developed affordable housing projects listed in Supplement 1.
- The All Affordable Housing Opportunity Program (AAHOP) and Affordable Housing (AH) additive zone (see Supplement 2)
- 66 Vacant and Underutilized Sites (see Supplement 2)
- The Teal Club Specific Plan

Supplement 1 and Supplement 2 are incorporated by reference and provide required parcel-specific information.

Goals and programs that achieve the 2013-2021 RHNA allocation are presented in Chapter G.

This section also provides information that:

- Estimates the number of low- and moderate-income units converted, demolished, and/or replaced in the Oxnard Coastal Zone and/or within 3 miles of the Coastal Zone, and
- Documents the public outreach that occurred during the preparation of this Housing Element.

As stated in Chapter D, the total 2014–2021 RHNA allocation of 7,301 housing units for Oxnard was intended to accommodate current and projected growth housing need based on population and economic analyses and projections.

Before presenting the approach to achieving the remaining RHNA allocation, the City summarizes its Inclusionary Housing Program that continues to provide significant numbers of affordable housing units. However, per the April 24, 2009, comment letter from the California Department of Housing and Community Development (HCD), inclusionary units may not be counted toward achieving the RHNA allocation unless they are secured by a development agreement or condition of approval.

OXNARD INCLUSIONARY HOUSING PROGRAM

The City of Oxnard has adopted several ordinances that establish inclusionary affordable housing requirements for new developments. Relevant ordinances are City Council Ordinances 2721 and 2615 and Community Development Commission Ordinance 111. In this Housing Element, these are referred to collectively as the Inclusionary Housing Program and summarized below.

- All residential projects not within a redevelopment project area with 10 or more units are subject to a 10 percent inclusionary requirement. In a redevelopment project area, the inclusionary requirement is 15 percent where not less than 40 percent of these units will be sold or rented at costs affordable to persons or families with income in the very low-income category and the remainder (60 percent) may be in low- or moderate-income categories.

Alternatives

- The Inclusionary Housing Program provides for in-lieu fee payments that can replace the on-site units within a development subject to approval by either the City Council or current In-lieu fees.

For Sale Units: If the in-lieu request is granted, the developer is required to make a minimum payment of \$5,000 for each unit with an additional \$500 based on increments of \$50,000.

Rental Units: A payment of \$4,590 is required for each rental unit. This amount is adjusted annually.

In-lieu payment is made when the developer applies for a building permit for that unit. The City Council generally prefers on-site affordable housing as opposed to payment of in-lieu fees. A project that is approved for in-lieu payments has usually agreed to another public benefit through a Development Agreement that justifies

the in-lieu payment. The in-lieu fees are almost always leveraged with other funding sources for affordable housing projects. Over \$12,000,000 has been accrued in the in-lieu fee fund since 2000.

Incentives

Possible incentives may include, but are not limited to, the following:

- Assistance with accessing and applying for funding (based on availability of federal, state, local foundations, and private funds)
- Mortgage-subsidy or down payment assistance programs to assist first-time homebuyers and other qualifying households, when such funds are available
- Expedited/streamlined application processing and development review
- Modification of development requirements, such as reduced setbacks and parking standards on a case-by-case basis
- Density bonus

The City anticipates significant numbers of inclusionary affordable housing to be developed within several proposed specific plans (Northeast Community Specific Plan “Maulhardt Parcel” and Teal Club Specific Plan) and other new projects.

The Inclusionary Housing Program is included in Chapter G, Goals and Policies, under Goal G-3 (Expanded and protected housing opportunities for lower-income households and special needs groups), Policy 3.4 (Continue the Inclusionary Housing Program that requires new housing developments to reserve a portion of units for lower-income households or payment of in-lieu fees, and continue to prefer development of on-site affordable units over the in-lieu housing fee), and Program 10 (Inclusionary Housing Program).

Based on a thorough review, the City does not believe that the current inclusionary housing program is a constraint to the development of housing in addition to the incentives and concessions currently being offered and conversations with local developers who have been able to work within the requirement of the inclusionary housing program and produce housing. To further ensure the program does not pose a constraint, the City has included Program 10 to monitor this program.

F.2 The All-Affordable Housing Opportunity Program (AAHOP) and Additive Zone (AH)

To provide realistic and more certain opportunity for developers and the nonprofit sector to develop the remaining RHNA allocation, the City will continue the All-Affordable Housing Opportunity Program (AAHOP) and as its main implementation tool, the Affordable Housing (“-AH”) additive zone designation.

The 2006-2014 Housing Element, adopted in 2012, created the AAHOP program with 15 provisions that acted as a temporary implementation code. In 2013, the City adopted uncoded Ordinance 2870, the “AAHOP Ordinance”, amended the

15 provisions to 18 provisions, and adopted Ordinance 2689 that designated 36 AAHOP sites to which the “-AH” additive was applied to their respective zoning designations. In 2016, the AAHOP ordinance was codified into the Municipal Code, Chapter 16 “Zoning” and the 18 implementing provisions were removed from the Housing Element.

The following are statements intended to augment the application of Municipal Code, Chapter 16, Division 7C, Section 16-420 et al.

Relationship to State Density Bonus

AAHOP is a City incentive that is separate, and in addition to, the State Density Bonus authorized by Division 7A (commencing with section 16-410A). AAHOP projects are intended to create a quality of life and appear substantially similar to market rate developments of a similar size and architectural style.

Inventory Maintained for Extremely Low, Very Low, and Low Income

The City will maintain a “rolling inventory” of AAHOP-designated parcels through the zoning additive designation “-AH.” The focus of the rolling inventory is for extremely low, very low, and low income housing need established by the RHNA process for the RHNA planning period. If the total AAHOP potential for extremely low, very low, and low income housing units falls below the remaining extremely low, very low, and low income need, the City will identify additional AAHOP sites within the following year unless, during the subsequent year, the inventory of extremely low, very low, and low income housing units exceeds the remaining RHNA need. The Planning Manager shall maintain the AAHOP inventory.

AAHOP Designation Deemed Consistent with the General Plan

The AAHOP-established density and residential use is considered a non-discretionary allowed use. In situations where the AAHOP site-specific residential and density designation is not consistent with the underlying zoning and/or General Plan land use designation, the AAHOP designation supersedes the underlying zoning and/or General Plan land use designation and is deemed consistent with the General Plan only for AAHOP permitting purposes. The City shall subsequently change the underlying zoning and/or General Plan land use designation at its own expense.

Moderate Income Units

While the greatest overall housing need is for extremely low, very low, and low income housing, the optional inclusion of up to 25 percent moderate income housing is intended to improve the financial feasibility of projects, encourage a greater mix of household types, and discourage an overconcentration of any one type of housing.

Codes and Standards

AAHOP projects are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments.

California Environmental Quality Act (CEQA)

The AAHOP DDR permit is not defined as ministerial within the meaning of CEQA and Public Resource Code 21080(b)(1): the all-affordable residential use and density of each AAHOP site is allowed by right. AAHOP projects not

otherwise exempt from CEQA shall comply with an appropriate CEQA review process. The DDR review process applies a series of fixed standards and objective measurements and does not intend to involve the use of personal or subjective judgments in deciding whether or how the project should be carried out. However, in a manner similar to allowed uses in the City's industrial zones, there are implied and explicit quality of life, public safety, and environmental performance standards that may require interpretive judgement by professionals intended to ensure that an AAHOP project is not "second class" development.

Community Meetings

An AAHOP project without a concurrent discretionary permit would not require a Planning Commission hearing. Three community meetings are required so that the AAHOP applicant may first present a concept design. Based on comments on the concept, the AAHOP applicant prepares and files a formal DDR application and has a second community meeting on the DDR project. After completing the City's DDR review process, the AAHOP applicant would present what should be a final project at a third community meeting. The AAHOP applicant, working with City staff, should make a good faith effort to contact the community through existing neighborhood councils, the Inter-Neighborhood Community Organization, and the City's Community Workshop process.

Although the City does not see AAHOP acting as a constraint to meeting the City's RHNA, the City has included Program 26 to monitor the effectiveness of the AH additive zone and revise requirements as necessary.

(REMOVED TO AVOID DUPLICATION)

ATTACHMENT C

2013-2021 Housing Element

November 2016 version

Previously Distributed

(REMOVED TO AVOID DUPLICATION)**ATTACHMENT D****Zoning Code Amendments**

These attachments show changes made to the October 25, 2016 public review drafts. Final versions are attached as Exhibits A to D, respectively, within the Zone Text Amendment Resolution, Attachment I

PZ 16-580-02

Repeal Division 7, Sections 16-410 to 16-410M, and replace with new Division 7A, retitle as “Density Bonus and Related Incentives and Concessions Program”, conform to State law, and change the level of approval for a density bonus permit to that of the underlying entitlement application.

PZ 16-580-03

Codify Ordinances 2615 and 2721, “Affordable Housing Inclusionary Program”, as Division 7B and allow the applicant to choose between in-lieu fee payment, on-site units, and/or land dedication.

PZ 15-580-04

Codify Ordinance 2870, “All-Affordable Housing Opportunity Program” as Division 7C, add for-sale and moderate income housing, subject to certain limits.

PZ 16-580-05

Amend Article V, Division 13, section 16-465 “Second Units” to conform to State law and retitle to “Accessory Dwelling Units” (ADU) and amend Article X, section 16-622 relating to ADU parking.

(REMOVED TO AVOID DUPLICATION)

ATTACHMENT E

October 20, 2106 Planning Commission Study Session
Staff Report (without attachments A and B)
PowerPoint slides

ATTACHMENT F

2030 General Plan Consistency Evaluation Table

ATTACHMENT F

2030 General Plan Consistency Evaluation Table

November 17, 2016

Adoption of the 2013-2021 Housing Element and Four Implementing Zoning Code Amendments to the City of Oxnard 2030 General Plan

Approval of the proposed General Plan Amendment PZ No. 15-620-04 and related Zoning Code Amendments (PZ Nos. 16-580-02 to 16-580-05) 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 Housing Element replaces in its entirety the 2006-2014 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 HOUSING ELEMENT AND ZONING CODE AMENDMENTS
LEVEL I Policies have a direct relationship to the proposed 2013-2021 Housing Element and related Zoning Code Amendments		
I	Policy SC-3.1 <i>New Residential Development</i> 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 <i>Infill Development, Priority to Mixed Use</i> 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 <i>Housing Variety</i> 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 2013-2021 Housing Element, chapters B and C, identify a wide range of housing needs by type and affordability and population group.
I	Policy CD-1.9 <i>Commute Reduction</i> 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 <i>Jobs-Housing Balance</i> Consider the effects of land use proposals and decisions on efforts to maintain an appropriate jobs-housing balance ratio.	The 2013-2021 Housing Element does not change population, housing, or employment projections within the 2030 General Plan that achieve a jobs-housing balance.
I	Policy CD-3.2 <i>Encourage Planned Development Code Provisions for Revitalization</i> 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 <i>Code Compliance</i> 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 <i>Barrier-Free Housing and Reasonable Accommodations</i> 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 <i>Historical District Expansion</i> 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 <i>Provide for a Diversity of Housing Choices</i> 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 2013-2021 Housing Element 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 2013-2021 Housing Element, 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 2013-2021 Housing Element, 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	

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		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 2013-2021 Housing Element, 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 2013-2021 Housing Element, 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 2013-2021 Housing Element, 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.

(REMOVED TO AVOID DUPLICATION)

ATTACHMENT G

Addendum No. 3 to the 2030 General Plan
Program EIR

(REMOVED TO AVOID DUPLICATION)

ATTACHMENT H

Resolution for General Plan Amendment
No. PZ 15-620-02

(REMOVED TO AVOID DUPLICATION)

ATTACHMENT I

Resolution for Zoning Code Amendments Nos.

PZ 16-580-02,
PZ 16-580-03,
PZ 16-580-04,
and PZ 16-580-05

ATTACHMENT J

Comments on Draft Ordinances from Barbara Macri-Ortiz

PROBLEMS WITH PROPOSED DENSITY BONUS ORDINANCE

3RD WHEREAS - add: and AB2242, 2501 & 2256 (which will become effective January 1, 2017)

Sec. 16-410A Purpose - delete the phrase "or provides more rights than are legally required by state law,"

Should simply state: "If any provision of this Division conflicts with state law, the requirements of state law shall control."

Note: our discussion re: greater density bonus for special needs or targeted housing. The notion that the City would refuse to do anything to address its particular housing crisis that is above the bare minimum requirement of state law is disgusting, disrespectful to our community and contrary to the true principle of LOCAL CONTROL.

Sec. 16-410B. Definitions

B. Affordable Housing Cost Citation to statute is incorrect. Should be (Gov. Code § 65915(c)(2)) [not (c)(1)]

H. Common Interest Development - Delete reference to Civil Code § 1351(c) because that statute was repealed.. Also eliminate first citation to statute is incorrect. Should be (Gov. Code § 65915(b)(1)(D)) [not (c)(2)].

L. Development Standard - add the phrase "specific plan", i.e. "... the General Plan, [specific plan] or other City condition...."

M. Housing Development - add "including a mixed use development", i.e. "... development project of five or more residential units, including a mixed use development, and includes..."

R. Minimum Affordable Housing Component - add (d) and (e)

(d) A senior citizen housing development as defined in Sec. 16-410B.W (Gov. Code § 65915(b)(1)(C)).

(e) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Gov. Code § 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless

Assistance Act (42 U.S.C. § 11301 et. seq.) (Gov. Code § 65915(b)(1)(E))

S. Other Incentives of Equivalent Financial Value - Add the following:

“and other regulatory incentives proposed by the developer or the City that result in identifiable and actual cost reductions to provide for affordable housing costs or affordable rents for the targeted units.) (Gov. Code § 65915(k)(3).

U. Qualified Land - refers to “criteria set forth in 16-410K.A.” However, there is no such section in the ordinance.

V. Senior Citizen Housing Development - definition needs to conform to the law, i.e.

“ means a residential development, as defined in Civil Code § 51.3 or § 51.12, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code §§ 798.46 or 799.5.

** Note that the requirements are very technical and complicated so it is best to cite the statutes rather than try to describe. This is especially true since the requirements are not necessarily the same under the mobile home law.

Z. Zoning Ordinance - just refers to the City’s Non-Coastal Zoning Ordinance. Should also apply to the City’s Coastal Zoning Ordinance.

Sec. 16-410C. Eligibility for Density Bonuses and Incentives

Add a paragraph E:

“E. Housing Developments that include at least ten percent of the total units for transitional foster youth, disabled veterans or homeless persons.”

Sec. 16-410D. Fees

B. Delete entire Paragraph.

The City may not require the applicant to prepare a “study”, as such “studies” are specifically prohibited under § 65915(j)(1), so the City cannot require a “specialized type of study or evaluation by City staff, a consultant or legal counsel”, nor may the City charge the applicant for such a study or evaluation. The law is quite clear that the City cannot require a “study” so there is nothing complicated that the City need evaluate. [See § 65915(a)(2)]. It is recognized that the applicant may be required to provide “reasonable documentation to establish eligibility for a concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k).” But that does not take a specialized study or evaluation. In my experience we are talking about an evaluation that entails basic math, not rocket science.

Sec. 16-410F.

A.

2. Provide a complete reference, i.e. § 65915(b)(2) and (d)(1);
6. Delete reference to moderate. No density bonus for moderate rental units and no continued affordability provisions for moderate income for sale units.

7. DELETE 7 - The application contents should be fixed. There should be no need for the staff to request "other relevant information" for the application.

7. Add New 7: The proposed method of ensuring that the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low or moderate income, as required, and that the units are offered at an affordable housing cost. (§ 65915(c)(2);

- D. Change the 90 days for preliminary response to no more than 30 days, including the meeting to schedule the proposal. Should really be that within 15 days of receipt of the written proposal, notify the applicant of the director's preliminary response and schedule a meeting within 15 days thereafter with the applicant to discuss the proposal and the director's preliminary response. [Refer to § 65915(a)(3)]

Sec. 16-410G. Effect of Proposal for Waiver or Reduction of Development Standards

Change reference from § 65915(d) to § 65915(e)(2)

Sec. 16-410H. Density Bonus Allowance for Housing Developments with Affordable Housing Component

Table 16-410H.

Add boxes for Senior Housing and for Transitional Foster Youth, Disabled Veterans or Homeless Persons

Add language to paragraph: "... the applicant may also elect to accept a lesser percentage of Density Bonus, including but not limited to no increase in density." (§ 65915(f))

Sec. 16-410I. Density Bonus for Housing Development with Affordable Housing Component and Child Care Facility

A. Delete the word "for", i.e. should read : "... pursuant to Section 16-410I.B, for including a ...,"

Sec. 16-410L. Affordable Housing Incentives

A. Change “must” to “may” & add “must” later in the text:

“The applicant for an Incentive ~~must~~ may also be an applicant for a Density Bonus and must qualify for a Density Bonus pursuant to...”

B. Add at end of sentence:

“The applicant’s proposal may subsequently be amended or supplemented based on project design or other changes requested by the City.”

C. Delete reference to “financially sufficient” as for many years that has not been the standard for granting an incentive. Should read:

“... applicant must establish that each requested Incentive would result in identifiable, and actual cost reductions for the”

Note that in the case of an extra incentive for a child care facility, the statute does allow for an extra incentive that specifically contributes to the economic feasibility for the construction of the child care facility. to - See § 65915(h)(1)(B) - “An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.”

D. Note the reference to 16-410L.B.2. No such section in the ordinance.

F. ADD the word “study” and correct citation to statute: i.e. “... shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, study, or other discretionary approval. (Gov. Code § 65915(j)(1))

Sec. 16-410N. Criteria for Denial of Application for Incentives

A. Standard is incorrect statement of the law under § 65915(d)(1)(A); Should read as follows:

“A. The incentive does not result in identifiable and actual cost reductions, consistent with § 65915(k), to provide for affordable housing costs or for rents for the targeted units to be set as specified in subdivision (c).

Sec. 16-410O. Waiver or Modification of Development Standards

B. Reversed the burden of proof. Should be the same as in Sec.16-410N,

i.e. “B. The City may not apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of Gov. Code § 65915(b) at the densities or with the incentives permitted under § 65915. The City shall grant the waiver or modification of the Development

Standard unless a written finding, based upon substantial evidence is made with respect to any of the following:

1. Application of the Development Standard for which a waiver or reduction is requested would not have the effect of physically precluding the construction of the proposed Qualified Housing Development at the densities or with the Incentives permitted under this Division (Gov. Code § 65915(e)(1)).
2. The requested waiver or reduction of the Development Standard would have a Specific, Adverse Impact, as defined in Gov. Code § 65589.5(d)(2), upon the health, safety, or physical environment and, if such a Specific, Adverse Impact exists, there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact. (Gov. Code § 65915(e)(1)).
3. The requested waiver or reduction of a Development Standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources (Gov. Code § 65915(e)(1)).
4. The requested waiver or reduction of a Development Standard would be contrary to state or federal law. (Gov. Code § 65915(e)(1)).

Sec. 16-410P. Parking Standard Modifications for Qualified Housing Developments

- A. Citations to City's code and ordinance are incorrect. Propose following:
- A. Requirements For Parking Standard Modifications. Modification of parking standards set forth in Sec. 16-622 are available only for Qualified Housing Developments. An application for Parking Standard Modifications stating the specific modification requested pursuant to Sec. 16-410P.B must be submitted with the Qualified Housing Development application. (Gov. Code § 65915(p)(1)).
- B. Parking Standard Modification. If the requirement of Sec. 16-410C are met, the vehicular parking ratio.....
- G. Notwithstanding allowances in Subsection 16-410P.F above, if the City or an independent consultant has conducted, then the City may impose a higher vehicular parking ratio, not to exceed the ratio described in Subsection 16-410P.B above, ...

Sec. 16-410Q. Density Bonus and Affordable Housing Incentive Program

- B.
- 2.
- d. For Parking Standard Modification requests, that the requirements of Section 16-

410C are met.

C. Same problem as above with amount of time to process a preliminary proposal.
Make same change:

- C. Change the 90 days for preliminary response to no more than 30 days, including the meeting to schedule the proposal. Should really be that within 15 days of receipt of the written proposal, notify the applicant of the director's preliminary response and schedule a meeting within 15 days thereafter with the applicant to discuss the proposal and the director's preliminary response. [Refer to § 65915(a)(3)]

Sec. 16-410R. Determination on Density Bonus and Affordable Housing Incentive Program Requests.

- C. Appeals. Need to narrow the scope of the appeal propose following language:
- I. If the decision to approve or deny an application for an Affordable Housing Benefit is made by the director, any person may appeal the decision. The appeal shall be in writing, and the grounds for the appeal shall be specifically stated in writing and shall be limited as follows: in the event that the application is denied, the appellant must challenge the legal sufficiency of the findings made by the director under Sec. 16-410I.A.4, Sec.-410N, Sec.-410O or Sec.410P.G; or in the event that the application is approved, the appellant must demonstrate that there is substantial evidence in the record to support the necessary findings required under Sec-410I.A.4, Sec.-410N, Sec.-410O or Sec.410P.G in order to deny the Affordable Housing Benefit. The appeal shall be filed with the City Clerk within 15 calendar days of the date of the mailing of the director's decision together with the appeal fee adopted by resolution of the City Council. The appeal shall be heard by the Planning Commission, and the Commission's decision shall be final.

* NOTE: I do not believe that a hearing officer should be the decision maker in the event that the decision of the Director is appealed, as this is an issue that requires some knowledge of state law, the zoning code and land use matters. A Hearing officer has no special credentials to hear such an appeal.

Sec. 16-410S. Affordable Housing Agreement and Equity Sharing Agreement

A. change the word "granted" to "effective" because the Affordable Housing Agreement is not entered into at the hearing on the application, and is usually not entered or recorded until

later in the development process.

“A. General Requirements. No density Bonus pursuant to Section 16-410C shall be effective unless or until the Affordable Housing Developer”

B.

1. Change the word “Affordable” to “Rental” units

“B.1. the inclusion of Low Income and/or Vey Low Income Rental Units must enter....”

Delete the phrase “such as age” because any requirements based on age for lower income units would be a violation of housing law.

Also, eliminate references to: “Sales prices” in line 11 of B.1., “or owner” in line 12, “and units sold” in line 12; and “on sale or transfer” in line 14 of B.1 – because this section deals just with rental units that are maintained as affordable for 55 years. Provisions related to for sale/ownership units are addressed in B.3

Note that the Equity sharing agreement applies to very low, and low income units as well as moderate income units. So Section 16-410S 2.C.2.a - 2.c should be a subsection of B.3.

Sec. 16-410T. Density Bonus or Incentive for Condominium Conversion Projects

A.

2. Change the reference from “Low” Income Households to “Lower” Income Households, i.e. 15% of the total units affordable to persons and families of Lower Income...

Sec. 16-410V. Burden on Applicant.

Misstates the law. The Applicant is only responsible to show that the Housing Development meets the threshold requirements.

The burden then shifts to the City for any denial, pursuant to § 65915(d)(4).

**** NOTE: I could not find any section that includes the requirements of § 65915(c)(3)(A)-(E), regarding the ineligibility for a density bonus for projects proposed on property where lower income units have been vacated or demolished. This is a very detailed section of the law that should be addressed, especially since Oxnard is ripe for redevelopment & replacement housing.

PROBLEMS PROPOSED WITH ACCESSORY DWELLING UNIT ORDINANCE

Sec. 16-467. Standards for Review

O. Add the following at the end of the section:

..., prior to filing an application for an Accessory Dwelling Unit permit on a parcel that is visible from the parcel listed in the Register.

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 permissible floor area shall not exceed 1,200 square feet, nor be less than 600 square feet, except that the otherwise applicable maximum permissible floor area shall be increased to the extent necessary for ADA compliance.

** I eliminated the "50% of the square footage of the primary residence" because you have a minimum and a maximum, so the % requirement doesn't really mean anything. Furthermore, there is no % requirement allowed for detached units, consistent with § 65852.2(a)(1)(D)(v). NOTE: the 50% square footage requirement is only for attached units.

Part 5. Development Related Fees.

Add the specific subdivision of the statute and delete the phrase "and other applicable law" because the statute is all inclusive as to the fees that can be charged. [See (f)(1) and (f)(2)]

"... to the maximum extent allowed by Gov. Code § 65852.2(f) ~~and other applicable law.~~"

PROBLEMS WITH AAHOP ORDINANCE

Sec. 16-420B - Creation and selection of Additive Zones (AH).

A. Additive zone. If the City determines that the General Plan Land Use Designation and/or zoning to the site should be changed due to the development of an AAHOP site, such changes will be made at the initiation of the City during the normal course of general plan and/or zoning updates amendments. Any AAHOP project proposed for a site containing the AH additive zone may be developed as an AAHOP project irrespective of the underlying zoning or general plan land use designation.

Sec.16-420D - Affordability Requirements

A. Moderate income under 16-410A - just addresses moderate income units in Common interest development - See Sec. 410B.E.c. "a Moderate Income Household within a Common Interest Development (Gov. Code §§ 65915(c)(1)-(c)(2)).

* Can't allow because not practical on AAHOP sites as CID also includes above moderate income units.

C. Manager's Unit - should read " For projects of 81 or more up to three managers units are exempt.

D. Deed restrictions. All for sale units not time restricted under DB law - equity share. Doesn't address problem. No rental moderate income units allowed under DB law.

Sec. 16-420E. Density of Units

B. Need copy of Figure 4-1 attached for reference as exhibit

C. Density Bonus Applications. Again, density bonus not available for moderate income rental units.

Sec. 16-420F. Plan Review and Processing

E. Adjustment to Standards. Should increase to 25% adjustment allowed to numerical standards, consistent with PD permit standards [Sec. 16-271(B)].

F. DDR. The language of requirements (1) and (2) is totally unacceptable. Totally eviscerates purpose of AAHOP, is unacceptable and contrary to the intent as stated in Sec. 16-420A. Makes mockery of the word "ministerial". Also, is contrary to HAA.

G. *Ministerial* - Illustrates the inconsistency with F.(2) i.e., "City shall have same discretion over design as it would if the project were a discretionary project."

H. CEQA. [language should be in line with Regulation 12]

Change to: Although AAHOP projects are ministerial, AAHOP projects require an appropriate level of CEQA documentation. An AAHOP project may be exempt from CEQA under certain conditions.

** Must make clear that projects are subject to CEQA exemptions for in-fill and affordable housing.

Delete Example re: daily trips as it is misplaced and misleading. Comparing apples to oranges, & 500 daily vehicle trips does not require a traffic signal.

I. Impact fees. AAHOP projects are required to pay applicable impact fees. Where the project is burdened with major infrastructure requirements, the City will allow the project to use the impact fees to pay for such infrastructure requirements. The City will continue to consider alternative sources for and/or deferment of development impact and project review fees to enhance the financial feasibility of affordable projects, including the use of Affordable Housing Agreements.

Delete, "and otherwise follow the applicable entitlement process for a *discretionary project* of comparable size and use." The whole point of a ministerial project is to eliminate that requirement.

J. Community Involvement. — REALLY NEED TO THINK THIS THROUGH. Makes no sense as written.

** Should allow these meetings to occur as soon as the application is deemed complete, and before review by DAC.

What does it mean for a project to be determined "ready".

Provision should address the requirements only. Last sentence should be stricken. The requirement should be to engaged the neighborhoods early on to get input when input can best be addressed. Ordinance should state what the requirement is, nothing more, nothing less!

Sec. 16-420G. Assistance for AAHOP Projects. Delete first part of first sentence as it is misleading. Fact is that every affordable housing project that has predominately very low and extremely low income units has various layers of funding that make those units affordable. So sentence should read:

"The City recognizes that it is very difficult to develop AAHOP projects that include a significant percentage of very low and/or extremely low income units. These type of projects traditionally have been financed with various layers of funding, including state, federal and local

subsidies. The City also recognizes that in today's environment, obtaining such funding necessary for very low income projects is more challenging. Thus, the City Council will consider and to the extent possible, provide the following forms of assistance, among other forms of assistance... [rest of sentence the same].

What does the last sentence regarding parking mean? Prefer to just leave it to Density bonus law, which allows the standards under 65915(p), and also allows the developer to request additional parking reductions as a concession. As a practical matter, Council will never reduce the parking standard below state law as that would be seen as politically unacceptable. So why even go there?

Sec. 16-420H. Interpretation of this Division

- A. Add the words "being developed", i.e. ... affordable housing projects *being developed* on non-AH-designated sites....
- C. *Design*. Poorly written, contrary to law & very subjective. What does "lower quality design" mean? Projects are subject to building code requirements and development standards to extent not reduced or waived in accordance with state law.

Use Regulation # 16 - shall incorporate good design principles and include on-site amenities appropriate for the resident population to be served

Add Regulation # 13 - incorporate commercial, office, civic, educational, and/or other compatible uses that contribute to neighborhood and community compatibility, establishment of a sense of place, and/or further the goals and objectives of a draft or adopted Sustainable Community Strategy (SB-375) and related traffic reduction policies and programs.

Also, should add Regulation #8 re: consistent with specific plan, Urban Village strategy or concept plan, and the Downtown Strategic Pan whenever possible except for the density and/or waiver of development standards necessary for the AH project's feasibility granted through the density bonus permit process or as provided in these regulations.

Should state as a positive: "City will encourage and support quality design and financially feasible developments by providing assistance in accordance with Sec. 16-420G."

Need to include the following from the current regulations:

RESOLUTION NO. 2016 - 17

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 HOUSING ELEMENT 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 the Final 2013-2021 Housing Element is herein incorporated by reference as Exhibit A; and

WHEREAS, the final 2013-2021 Housing Element was presented to the Planning Commission at a second study session on October 20, 2016 and comments were received, and City staff prepared superseding changes to the Final 2013-2021 Housing Element which are incorporated herein as Exhibit B; and

WHEREAS, City staff prepared a 2030 General Plan consistency evaluation that finds that the 2013-2021 Housing Element with changes prepared after the October 20, 2016 Planning Commission study session is found consistent with the 2030 General Plan Goals and Policies; and

WHEREAS, the Planning Commission held a public hearing on November 17, 2016 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 Housing Element and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 15-620-04); and

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

WHEREAS, the Planning Commission finds that the 2013-2021 Housing Element 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 Planning Commission finds that the proposed 2013-2021 Housing Element with staff proposed changes listed in Exhibit B in consistent with the 2030 General Plan; and

WHEREAS, the Planning Commission may make additional changes to AAHOP list that would result in changes within the 2013-2014 Housing Element, and that staff is authorized to make these changes by the Planning Commission before submitting the 2013-2021 Housing Element to the City Council for adoption; 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 Housing Element; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 2013-2021 Housing Element, 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. 3 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; and

NOW, THEREFORE, the Planning Commission of the City of Oxnard recommends that the City Council adopt and amend the 2030 General Plan to incorporate the final 2013-2021 Housing Element in its entirety as Chapter 8 with specified staff and/or Planning Commission changes of record incorporated therein.

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PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of November, 2016, by the following vote:

AYES: Commissioners: Okada, Nash, Dozier, Frank, Mullin, Stewart, Huber

NOES: Commissioners:

ABSENT: Commissioners:

Stephen Huber, Chairman

ATTEST: _____
Kathleen Mallory, Secretary

RESOLUTION NO. 2016 - 20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF OXNARD ADOPT FOUR ORDINANCES APPROVING PLANNING AND ZONING PERMIT NOS. 16-580-02, 16-580-03, 16-580-04, AND 16-580-05 (ZONE TEXT AMENDMENTS) MAKING FOUR MUNICIPAL CODE AMENDMENTS TO CHAPTER 16, ZONING CODE, RELATED TO THE AMENDMENT AND ADOPTION OF THE 2013-2021 HOUSING ELEMENT. 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 prepared a draft 2013-2021 Housing Element that was made available to the public for initial review and comment between March 26, 2015 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 GC Section 65915, concurrently with the adoption of the 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

WHEREAS, the Planning Commission held a public hearing on November 17, 2016 to consider approving a resolution recommending that the City Council of the City of Oxnard adopt and

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amend the 2030 General Plan by adopting the 2013-2021 Housing Element and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 15-620-04); and

WHEREAS, the 2013-2021 Housing Element contains policies, and programs that serve to implement and achieve 2013-2021 Housing Element intent and goals, and that four zone code amendments are required by HCD to be adopted in conjunction with the 2013-2021 Housing Element as a requirement for subsequent certification; and

WHEREAS, the four zone code amendments are incorporated by reference and attached as Exhibit "A" (PZ No. 16-580-02), Exhibit "B" (PZ No. 16-580-03), Exhibit "C" (PZ No. 16-580-04), and Exhibit "D" (PZ No. 16-580-05); and

WHEREAS, the intent of each of the zone code amendments was presented to the Planning Commission at its October 20, 2016 study session and the text of each zone code amendment was made available for public review beginning on October 25, 2016; 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 documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 2013-2021 Housing Element, 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. 3 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 and the adoption of the four zone code amendments 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 adopt and amend the 2030 General Plan to incorporate the final 2013-2021 Housing Element in its entirety as Chapter 8 with specified staff and/or Planning Commission changes of record incorporated therein.

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PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on
this 17th day of November, 2016.

Stephen Huber, Chairman

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 17th day of November 2016, and carried by the following vote:

AYES: Commissioners: Okada, Nash, Dozier, Frank, Mullin, Stewart, Huber

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Kathleen Mallory, AICP, Secretary

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EXHIBIT A

ORDINANCE NO. [PZ 16-580-02]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE CITY'S DENSITY BONUS REGULATIONS AND RELATED INCENTIVES AND CONCESSIONS BY REPEALING DIVISION 7 OF CHAPTER V OF CHAPTER 16 OF THE MUNICIPAL CODE (SECTIONS 16-410 THROUGH 16-410M) AND REPLACING THEM WITH NEW DIVISION 7A OF CHAPTER V OF CHAPTER 16 OF THE MUNICIPAL CODE AND NEW SECTIONS 16-410A THROUGH 16-410V

WHEREAS, it is in the best interest of the public to establish reasonable standards relating to provision of affordable housing; and

WHEREAS, California Government Code (Gov. Code) section 65915 requires municipalities to allow specified combinations of density bonuses, incentives and concessions to development projects that provide either housing for seniors and/or for individuals of extremely low income, low income, very low income, or of moderate income; and

WHEREAS, since the time the City last updated Division 7 of Chapter 16, sections 16-410 to 16-422, Incentives to Create Affordable Housing, there have been various changes in applicable laws including the passage of AB 2222 (GC 65915 and 65915.5) which became effective January 1, 2015, and AB 744 (GC 65915) effective January 1, 2016; and

WHEREAS, updating the City's density bonus zoning regulations will assist in the implementation of the City's 2013-2021 Housing Element and required by the Department of Housing and Community Development (HCD) for HCD-certification as required by applicable State law; and

WHEREAS, the City's density bonus regulations and related concession/incentive program meet the minimum requirements of state law.

WHEREAS, the Planning Commission held two study sessions, received and considered public comments, and vote unanimously to recommend approval of this zone text amendment at its meeting of November 17, 2016.

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

Part 1. Existing Division 7 of Article V of Chapter 16 of the Municipal Code, entitled “Incentives to Create Affordable Housing”, which includes sections 16-410A through 16-410M, is hereby repealed.

Part 2. A new Division 7A is hereby added to Article V of Chapter 16 of the Municipal Code which shall be entitled, “Density Bonus and Related Incentives and Concessions Program” and shall provide as follows:

DIVISION 7A. DENSITY BONUS AND RELATED INCENTIVES AND CONCESSIONS PROGRAM

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 the 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.

Sec. 16-410B. Definitions

In addition to the definitions in Section 16.10, the following definitions apply to this division and shall control over any conflicting definitions in Section 16.10. State law definitions, as they may be amended from time to time, control over the definitions in this section. Where the definitions are provided by state law, the citation to the statute follows.

- A. Affordable Housing Benefits – means one or more of the following:
 - 1. a Density Bonus pursuant to Section 16-410H;
 - 2. an Incentive pursuant to Section 16-410L;
 - 3. a Development Standard Waiver or Modification pursuant to Section 16-410O; and
 - 4. a Parking Standard Modification pursuant to Section 16-410P.
- B. Affordable Housing Cost – means the definition set forth in Health and Safety Code Section 50052.5. (Gov. Code § 65915(c)(2)).
- C. Affordable Housing Developer – means the applicant or permittee of a Qualified Housing Development and its assignees or successors in interest.
- D. Affordable Rent – means the definition set forth in Health and Safety Code Section 50053. (Gov. Code § 65915(c)(1)).
- E. Affordable Unit – means a residential dwelling unit that is guaranteed by the Affordable Housing Developer to be rented or sold in accordance with the requirements of this division to one of the following:

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- a. a Very Low Income Household;
 - b. a Low Income Household; or
 - c. a Moderate Income Household within a Common Interest Development. (Gov. Code §§ 65915(c)(1)-(c)(2)).

- F. Child Care Facility – means a child day care facility other than a family day care home, including but not limited to infant centers, preschools, extended day care facilities, and school age child care centers. (Gov. Code § 65915(h)(4)).

- G. City – means the City of Oxnard or its designee.

- H. Common Interest Development – means any of the following: a community apartment project, a condominium project, a planned development, or a stock cooperative pursuant to Civil Code Section 4100. All Common Interest Development units must be offered to the public for purchase. (Gov. Code § 65915(b)(1)(D)).

- I. Condominium Conversion Project – means a residential project in which the applicant proposes to convert apartment units to condominiums pursuant to Government Code Section 65915.5(a).

- J. Density Bonus – except as used in Section 16-410T, Condominium Conversion Projects, means a density increase over the otherwise Maximum Allowable Residential Density as of the date of application to the City for a Qualified Housing Development. (Gov. Code § 65915(f)) As used in Section 16-410T, “Density Bonus” shall be defined as set forth in Section 16-410T.B. (Gov. Code § 65915.5(b)).

- K. Density Bonus Units – means dwelling units granted pursuant to Section 16-412 which exceed the otherwise Maximum Allowable Residential Density.

- L. Development Standard – means a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio, that applies to a residential development pursuant to the Zoning Ordinance, the General Plan, specific plan or other City condition, law, policy, resolution, or regulation. (Gov. Code § 65915(o)(1)).

- M. Housing Development – means a development project of five or more residential units, including mixed-use developments. This also includes a subdivision or Common Interest Development that is approved by the City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing

multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units. (Gov. Code § 65915(i)).

N. Household Income Category Definitions

- (a) Very Low Income Household – means a household whose income does not exceed fifty percent (50%) of the County’s median household income as defined in Health and Safety Code Section 50105. (Gov. Code § 65915(b)(1)(B)).
- (b) Low Income Household – means a household whose income does not exceed eighty percent (80%) of the County’s median household income as defined in Health and Safety Code Section 50079.5. (Gov. Code § 65915(b)(1)(A)).
- (c) Moderate Income Household – means persons or families whose income does not exceed one hundred and twenty percent (120%) of the County’s median household income as defined in Health and Safety Code Section 50093. (Gov. Code § 65915(b)(1)(D)).

O. Incentive – means “incentives and concessions” as that phrase is used in Government Code Section 65915(k).

P. Market-rate Unit – means a dwelling unit that is not an Affordable Unit.

Q. Maximum Allowable Residential Density – means the density allowed under the applicable Zoning Ordinance and the land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. (Gov. Code § 65915(o)(2)).

R. Minimum Affordable Housing Component – means a Housing Development project which includes a minimum of any of the following:

- (a) Very Low Income Minimum Affordable Housing Component – Provides at least five percent (5%) of the Total Units for Very Low Income Household residents (Gov. Code § 65915(b)(1)(B)); or
- (b) Low Income Minimum Affordable Housing Component – Provides at least ten percent (10%) of the Total Units for Low Income Households (Gov. Code § 65915(b)(1)(A)); or
- (c) Moderate Income Minimum Affordable Housing Component – Provides at least ten percent (10%) of the Total Dwelling Units in a Common Interest Development for moderate income households (Gov. Code § 65915(b)(1)(D)).
- (d) A Senior Citizen Housing Development, as that term is defined in Section 16-410(B) (Gov. Code § 65915(b)(1)(C)).

- (e) Ten percent of the total units of a housing development for transitional foster youth, as defined in Education Code Section 66025.9, or disabled veterans, as defined in Gov. Code Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units. (Gov. Code § 65915(b)(1)(E)).
- S. Other Incentives of Equivalent Financial Value – means the reduction or waiver of requirements which the City might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the City to provide cash transfer payments or other monetary compensation. (Gov. Code § 65915.5(c)).
- T. Qualified Housing Development – means a Housing Development that meets the requirements of Section 16-410C for Density Bonus.
- U. Qualified Land – means land offered for donation in accordance with Section 16-410K that meets the criteria set forth in Section 16-410K.
- V. Senior Citizen Housing Development – means a residential development as defined in Civil Code Sections 51.3 and 51.12 or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5. (Gov. Code § 65915(b)(1)(C)).
- W. Senior Citizen Housing Development Unit – means a residential dwelling unit within a Senior Citizen Housing Development that is available to, and occupied by, a senior citizen as defined in Civil Code Section 51.3. (Gov. Code § 65915(b)(1)(C)).
- X. Specific, Adverse Impact – means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the Housing Development was deemed complete. Inconsistency with the Zoning Ordinance or General Plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Gov. Code § 65589.5(d)(2)).
- Y. Total Units and Total Dwelling Units – means dwelling units other than Density Bonus Units. (Gov. Code § 65915(b)(3)).
- Z. Zoning Ordinance – means Chapter 16 and 17 of the City of Oxnard Municipal Code.

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Sec. 16-410C. Eligibility for Density Bonuses and Incentives

Density Bonuses are available to Affordable Housing Developers in accordance with this Division for the following:

- A. Housing Developments which include a Minimum Affordable Housing Component (Section 16-410H and Section 16-410T.A);
- B. Housing Developments which include a Minimum Affordable Housing Component and a Child Care Facility (Section 16-410I);
- C. Senior Citizen Housing Developments (Section 16-410J); and
- D. Land Donations for Very Low Income Housing (Section 16-410K).
- E. Ten percent of the total units of a housing development are for transitional foster youth (as defined in Education Code Section 66025.9), disabled veterans (as defined in Gov. Code Section 18541), or homeless persons (as defined in the federal McKinney-Vento Homeless Assistance Act; 42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units. (Gov. Code § 65915(b)(1)(E)).
- F. For the purpose of calculating a Density Bonus, the residential units must be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

Notwithstanding any language in this Division 7A to the contrary and consistent with the Second Appellate District case of *Kalnel Gardens 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. **Sec. 16-410D. Fees.** An application for a Density Bonus Permit shall be accompanied by the fee set by resolution of the City Council.

Sec. 16-410E. Application Required

When an applicant seeks a density bonus for a Housing Development that meets the criteria set out in Section 16-410H (Gov. Code, § 65915) the Affordable Housing Developer must comply with all of the following requirements:

- A. The applicant shall file an application for a Density Bonus Permit in accordance with Sections 16-410E and 16-410F that includes a Minimum Affordable Housing Component, whether or not the project also requires or has been granted a special use permit or other permits or approvals. (Gov. Code § 65915(b)(1)).
- B. State in the application the specific Minimum Affordable Housing Component proposed for the Housing Development. (Gov. Code § 65915(b)(2))
- C. Enter into an agreement with the City or its designee pursuant to Section 16-410S to maintain and enforce the Affordable Housing Component of the Housing Development. (Gov. Code §

65915(c)).

Sec. 16-410F. Content of Application

- A. The application for a Density Bonus Permit shall include the following information:
 1. A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, and the location of the affordable units;
 2. A description of the density bonus and the incentives or concessions requested, if any, in accordance with Section 16-410H thru Section 16-410M (Gov. Code Section 65915(b)(2));
 3. For Parking Standard Modification requests, that the requirements of Section 16-426 are met (Gov. Code, Section 65915(p));
 4. The location, design, and phasing criteria required by Section 16-410Q, including any proposed Development Standard(s) modifications or waivers pursuant to Section 16-410O;
 5. Any proposal for the waiver or reduction of development standards which waiver or reduction is required to allow the City to avoid physically precluding the construction of a development meeting the criteria of Gov. Code Section 65915(b) at the densities or with the concessions or incentives permitted by the statute;
 6. The proposed method of ensuring the continued affordability of all low, very low rental units, or senior units, or child care facilities, that qualified the applicant for the award of the density bonus for at least 55 years, as required by Gov. Code, Section 65915(c)(1); and
 7. Other information reasonably requested by City staff needed to establish eligibility for a requested density bonus, incentives or concessions, or to demonstrate that the Incentive meets the definition of identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.
- B. For the application for a Density Bonus Permit for the donation of Qualified Land pursuant to Section 16-410K, the application must show the location of the Qualified Land in addition to including sufficient information to establish that each requirement of that section has been met. (Gov. Code § 65915(g)(2));
- C. The application for a Density Bonus Permit for a Housing Development that conforms to the requirements of section 16-410I and/or section 16-410L. (Gov. Code, Section 65915(b)) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, shall show the location and square footage of the Child Care Facility in addition to including sufficient information as how the applicant proposes to regulate attendance at the child care facility to conform to the requirements of Gov. Code Section 65915(h)(2)(B).
- D. An application for a Density Bonus permit will not be processed until all of the provisions of this division are complied with and shall be processed concurrently with other required entitlements for which the Affordable Housing Benefit is sought.

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- E. Approval of a Density Bonus permit shall occur at the Planning Commission, unless the City Council makes the final determination for the project.

Sec. 16-410G. Effect of Proposal for Waiver or Reduction of Development Standards.

A proposal for a waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Gov. Code, Section 65915(e)(2).

Sec. 16-410H. Density Bonus Allowance for Housing Development with Affordable Housing Component

If the requirements of Section 16-410C are met, then the Affordable Housing Developer is entitled to a Density Bonus pursuant to Government Code Section 65915(f). The amount of Density Bonus to which the applicant is entitled shall vary according to the amount by which the percentage of Affordable Units offered by the applicant exceeds the percentage of the Minimum Affordable Housing Component; the applicant may also elect to accept a lesser percentage of Density Bonus or no increase in density. (Gov. Code § 65915(f)). All density calculations resulting in fractional units shall be rounded up to the next whole number. (Gov. Code § 65915(f)(5)).

Sec. 16-410I. Density Bonus for Housing Development with Affordable Housing Component and Child Care Facility

- A. Criteria. For a Density Bonus to be granted pursuant to Section 16-410I.B for a Minimum Affordable Housing Component with a Child Care Facility in a Housing Development, all of the following must be satisfied:
1. Compliance with each requirement in Section 16-410C. (Gov. Code § 65915(h)(1)).
 2. The Housing Development must include a Child Care Facility that will be located on the premises of, as part of, or adjacent to, the Housing Development. (Gov. Code § 65915(h)(1)).
 3. Approval of the Housing Development must be conditioned to ensure that both of the following occur:
 - a. The Child Care Facility must remain in operation for a period of time that is as long as or longer than the period of time during which the Affordable Units are required to remain affordable pursuant to Section 16-410S (Gov. Code § 65915(h)(2)(A)).
 - b. Of the children who attend the Child Care Facility, the children of Very Low Income Households, Low Income Households, or Moderate Income Households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective Minimum Affordable Housing Component Income Category for which the Density Bonus is sought (Gov. Code § 65915(h)(2)(B)).
 4. The City has not made a finding based upon substantial evidence that the community has adequate Child Care Facilities. (Gov. Code § 65915(h)(3)).

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- B. **Density Bonus Allowance.** If the requirements of Section 16-410I.A are met, then an applicant for a Housing Development with an Affordable Housing Component and Child Care Facility is entitled to:
1. A Density Bonus pursuant to Section 16-410H; and
 2. An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility. (Gov. Code § 65915(h)(1)(A)).

Sec. 16-410J. Density Bonus for Senior Citizen Housing Development

An applicant for a Senior Citizen Housing Development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5 is entitled to a Density Bonus of twenty percent (20%) of the number of Senior Citizen Housing Development Units. (Gov. Code § 65915(b)(1)(C), (f)(3)).

Sec. 16-410K. Density Bonus for Land Donations

For a Density Bonus for a Qualified Land donation to be granted, all of the requirements of state law, as it may be amended from time to time, shall be met. See Gov. Code 65915(g). For qualifying donations, the City shall award a 15% density bonus, but in no event shall the total density bonus from all sources exceed 35%. (Gov. Code § 65915(g)(2)).

Sec. 16-410L. Affordable Housing Incentives

Government Code subsections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives. Subject to Section 16-410N, all of the following applicable requirements must be satisfied to be granted an Incentive(s) pursuant to Sections 16-410L.B and 16-410M:

- A. The applicant for an Incentive may also be an applicant for a Density Bonus and must qualify for a Density Bonus pursuant to Section 16-410C (Gov. Code § 65915(d)(1)).
- B. A specific written proposal for an Incentive(s) must be submitted with the application for Density Bonus in accordance with Section 16-410F (Gov. Code § 65915(b)(1) and (d)(1)). The applicant's proposal may subsequently be amended or supplemented based on project design or other changes requested by the City; provided, however, that the City shall have additional time to review the requested changes.
- C. If an Incentive(s) pursuant to Sections 16-410L and 16-410M is sought, the applicant must establish that each requested Incentive would result in identifiable and actual cost reductions for the Qualified Housing Development (Gov. Code § 65915(k)(1) & (3)).
- D. If an Incentive(s) for mixed-use zoning in conjunction with a housing project is sought, the applicant must establish that requirements of state law are met. (Gov. Code § 65915(k)(2)).
- E. If an additional Incentive for a Child Care Facility is sought pursuant to Section 16-410M.D, the applicant must establish that requirements of that section are met.

- F. The granting of an Incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, study or other discretionary approval. (Gov. Code § 65915(j).) An Incentive is applicable only to the project for which it is granted. For purposes of this subdivision, “study” does not include reasonable documentation to establish eligibility for the Incentive or to demonstrate that the Incentive meets the definition of identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.

Sec. 16-410M. Number of Incentives Granted

Subject to Section 16-410N, the applicant who meets the requirements of Section 16-410L.A shall receive the following number of Incentives described below and as shown in Table 16-410M.

- A. One Incentive for Qualified Housing Development projects that include at least ten percent (10%) of the Total Units for Low Income Households, at least five percent (5%) for Very Low Income Households, or at least ten percent (10%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(A)).
- B. Two Incentives for Qualified Housing Development projects that include at least twenty percent (20%) of the Total Units for Low Income Households, at least ten percent (10%) for Very Low Income Households, or at least twenty percent (20%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(B)).
- C. Three Incentives for Qualified Housing Development projects that include at least thirty percent (30%) of the Total Units for Low Income Households, at least fifteen percent (15%) for Very Low Income Households, or at least thirty percent (30%) for persons and families of Moderate Income Households in a Common Interest Development. (Gov. Code § 65915(d)(2)(C)).
- D. Subject to Section 16-410N.D, a Qualified Housing Development proposal that includes a Child Care Facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the Child Care Facility. (Gov. Code § 65915(h)(1)(B)).

Table 16-410M – Incentive Allowances for Qualified Housing Developments

Income Category	Minimum % of Affordable Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Common Interest Development (Moderate Income)	10%	20%	30%

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Incentives Allowed	1	2	3
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Sec. 16-410N. Criteria for Denial of Application for Incentives

Outside of the coastal zone and except as otherwise provided in this division or by state law, if the requirements of Section 16-410L.A are met, the City shall grant the Incentive(s) that are authorized by Sections 16-410L.B and 16-410M unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the City may refuse to grant the Incentive(s):

- A. The Incentive does not result in identifiable and actual cost reductions, consistent with Gov. Code Section 65915(k), to provide for Affordable Housing Costs or for rents for the targeted units to be set as specified in Gov. Code Section 65915(k). (Gov. Code § 65915(d)(1)(A)).
- B. The Incentive would have a Specific, Adverse Impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific, Adverse Impact without rendering the development unaffordable to low- and moderate-income households. (Gov. Code § 65915(d)(1)(B); Gov. Code § 65915 (d)(3).)
- C. The Incentive would be contrary to state or federal law. (Gov. Code § 65915(d)(1)(C).)
- D. The City finds, based upon substantial evidence, that the community has adequate Child Care Facilities, in which case the additional Incentive for a Child Care Facility pursuant to Section 16-410M.D may be denied. (Gov. Code § 65915(h)(3)).

Within the coastal zone, the City shall deny applications for Incentives and/or Density Bonuses if the City finds that the proposed project – with the requested Incentive(s), Density Bonus(es) and/or waiver of development standard(s) – cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

Sec. 16-410O. Waiver or Modification of Development Standards

Requirements for Waiver or Modification of Development Standards

- A. Application. To qualify for a waiver or reduction of one or more Development Standards, the applicant must submit a written application (together with an application for a Qualified Housing Development) that states the specific Development Standard(s) sought to be modified or waived and the basis of the request. (Gov. Code § 65915(e)(1).) An applicant for a waiver or modification of Development Standard(s) pursuant to this section may request a meeting with the director to review the proposal. If requested, the director shall meet with the applicant. (Gov. Code § 65915(e)(1)). An application for the waiver or reduction of Development Standard(s) pursuant to this section shall neither reduce nor increase the number of Incentives to which the applicant is entitled pursuant to Section 16-410L (Gov. Code § 65915(e)(2).)

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- B. To deny the requested waiver or reduction of Development Standard(s) outside of the coastal zone, the City shall make a written finding, based upon substantial evidence, of any of the following:
- (i) The requested waiver or reduction of Development Standard(s) does not result in identifiable and actual cost reductions, consistent Gov. Code Section 65915(k), to provide for Affordable Housing Costs or for rents for the targeted units to be set as specified in Gov. Code Section 65915(c).
 - (ii) The waiver or reduction of Development Standard(s) would have a specific adverse impact (as defined in Government Code Section 65589.5(d)(2)) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- low-income and moderate-income households.
 - (iii) The requested waiver or reduction of Development Standard(s) would be contrary to state or federal law.
- C. Within the coastal zone, the City shall deny the requested waiver or reduction of Development Standard(s) if it finds that the requested waiver or reduction of Development Standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.
- D. Granting Application for Waiver or Modification of Development Standards. If the requirements of Sections 16-410O.A. and B. are satisfied, the application for waiver or modification of Development Standard(s) shall be granted, unless, within the coastal zone, the waiver or modification of Development Standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act,
- E. If the requirements of Sections 16-410O.A. and B. are satisfied, the City shall not apply a Development Standard that will have the effect of physically precluding the construction of a Qualified Housing Development at the densities or with the Incentives permitted by this Division (Gov. Code § 65915(e)(1)) unless, within the coastal zone, the waiver or modification of Development Standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act,.

Sec. 16-410P. Parking Standard Modifications for Qualified Housing Developments

- A. Requirements for Parking Standard Modifications. Modification of parking standard set forth in Section 16-622 are available only for Qualified Housing Developments. An application for Parking Standard Modifications stating the specific modification requested must be submitted with the Qualified Housing Development application. (Gov. Code § 65915(p)(3).)
 - B. Parking Standard Modifications. If the requirements of Section 16-410C are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following ratios (Gov. Code § 65915(p)(1)):
1. Zero to one bedroom: one on-site parking space.

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2. Two to three bedrooms: two on-site parking spaces.
3. Four and more bedrooms: two and one-half on-site parking spaces.
- C. If the total number of parking spaces required for the Qualified Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, "on-site parking" may be provided through tandem parking or uncovered parking, but not through on-street parking. (Gov. Code § 65915(p)(4)).
- D. Except as otherwise provided in this section, all other provisions of Chapter 16, Article X (Off-Street Parking Requirements) applicable to residential development apply.
- E. An applicant may request additional parking Incentives beyond those provided in this section if applied for pursuant to Section 16-410L. (Gov. Code § 65915(p)(5)).
- F. Exceptions. Upon request of the applicant, the following maximum parking standards shall apply, inclusive of handicap and guest parking, to the entire housing development subject to this Division, as required by Government Code Section 65915(p):
 1. A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply (Gov. Code 65915(p)(2)):
 - a. The development includes the maximum percentage of low- or very low-income units provided for Section 16-410H (Density Bonus Allowance for Housing Development with Affordable Housing Component).
 - b. The development is located within .5 mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
 - c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.
 2. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915 (p)(3)(A)):
 - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.
 - b. The development is located within 0.5 mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
 - c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.
 3. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915 (p)(3)(B)):
 - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.

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- b. The development is for individuals who are 62 years of age or older and which complies with Sections 51.2 and 51.3 of the Civil Code.
 - c. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least 8 times per day.
- 4. A maximum of 0.3 parking spaces per unit shall apply when all the following conditions apply (Gov. Code § 65915 (p)(3)(C)):
 - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.
 - b. The development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code.
 - c. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least 8 times per day.
- G. Notwithstanding allowances in Subsection 16-410P.F above, if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in Subsection 16-410P.B above, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio. (Gov. Code § 65915(p)(7).

Sec. 16-410Q. Density Bonus and Affordable Housing Incentive Program

- A. Project Design and Phasing. Projects seeking an Affordable Housing Benefit pursuant to this Division must comply with the following requirements, unless otherwise specified in writing by the Director:
 - 1. Location/Dispersal of Units. Affordable Units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the Market-rate Units.
 - 2. Phasing. If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of Affordable Units and Market-rate Units.
 - 3. Exterior Appearance. The exterior appearance and quality of the Affordable Units must be similar to the Market-rate Units. The exterior materials and improvements of the Affordable Units must be similar to, and architecturally compatible with, the Market-rate Units.
- B. Application Requirements. An application for one or more Affordable Housing Benefits must be submitted as follows:

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1. Each Affordable Housing Benefit requested must be specifically stated in writing on the application form provided by the City.
 2. The application must include the information and documents necessary to establish that the requirements of this Division are satisfied for each Affordable Housing Benefit requested, including:
 - a. For Density Bonus requests, that the requirements of Section 16-410C are met;
 - b. For Incentive requests, that the requirements of Section 16-410L are met;
 - c. For Development Standard Waiver or Modification requests, that the requirements of Section 16-410O are met; and/or
 - d. For Parking Standard Modification requests, that the requirements of Section 16-410C are met.
 3. The application must be submitted concurrently with a complete application for a Qualified Housing Development.
 4. The application must include a site plan that complies with and includes the following:
 - a. For Senior Citizen Housing Development projects – the number and location of proposed Total Units and Density Bonus Units.
 - b. For all Qualified Housing Development projects other than Senior Citizen Housing Development projects – the number and location of proposed Total Units, Affordable Units, and Density Bonus Units. The Density Bonus Units shall be permitted in geographic areas of the Qualified Housing Development other than the areas where the Affordable Units are located. (Gov. Code § 65915(i)).
 - c. The location, design, and phasing criteria required by Section 16-410Q.A, including any proposed Development Standard(s) modifications or waivers pursuant to Section 16-410O.
 5. The application for a Qualified Housing Development must state the level of affordability of the Affordable Units and include a proposal for compliance with Section 16-410S for ensuring affordability.
 6. If a Density Bonus is requested for a Qualified Land donation pursuant to Section 16-410K, the application must show the location of the Qualified Land in addition to including sufficient information to establish that each requirement in Section 16-410K has been met.
 7. If an additional Density Bonus or Incentive is requested for a Child Care Facility pursuant to Section 16-410I and/or Section 16-410M.D, the application shall show the location and square footage of the Child Care Facility in addition to including sufficient information to establish that each requirement in Section 16-410I and/or Section 16-410M.D has been met.
- C. An application for an Affordable Housing Benefit under this Division will not be processed until all of the provisions of this section are complied with as determined by the Director and shall be processed concurrently with the application for the Qualified Housing Development project for which the Affordable Housing Benefit is sought.

Prior to the submittal of an application for a Qualified Housing Development, an applicant may submit to the Director a preliminary proposal for Affordable Housing Benefits.

Sec. 16-410R. Determination on Density Bonus and Affordable Housing Incentive Program Requests

The decision-maker on the underlying Qualified Housing Development application is authorized to approve or deny an application for an Affordable Housing Benefit in accordance with this division.

- A. Affordable Housing Benefit Determinations. An application for an Affordable Housing Benefit shall be granted if the requirements of this Division are satisfied unless:
1. The application is for an Incentive for which a finding is made in accordance with Section 16-410N; or
 2. The underlying application for the Qualified Housing Development is not approved independent of and without consideration of the application for the Affordable Housing Benefit; or
 3. The housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies: (i) the proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth under state law; or (ii) each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
 4. For proposed projects within the coastal zone, the proposed project cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.
- B. Affordable Housing Benefit Compliance Provisions. To ensure compliance with this division and state law, approval of an application for an Affordable Housing Benefit may be subject to, without limitation:
1. The imposition of conditions of approval to the Qualified Housing Development, including imposition of fees necessary to monitor and enforce the provisions of this Division;
 2. An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 16-410S; and
 3. Recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.

C. Appeals

1. If the decision to approve or deny an application for an Affordable Housing Benefit is made by the Planning Commission, then an appeal may be filed consistent with the procedures of Section 16-545.
2. If the determination of the underlying application for the Qualified Housing Development is also appealed along with the decision of the Affordable Housing Benefit, then the entire project shall be controlled by the appeal procedures applicable to the underlying application.

Sec. 16-410S. Affordable Housing Agreement and Equity Sharing Agreement

- A. General Requirements. No Density Bonus pursuant to Section 16-410C shall be effective unless and until the Affordable Housing Developer, or its designee approved in writing by the Director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the City or its designee pursuant to and in compliance with this section. (Gov. Code § 65915(c)). The agreements shall be in the form provided by the City which shall contain terms and conditions mandated by, or necessary to implement, state law and this Article. The Director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the City. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the Qualified Housing Development does not include a map, prior to issuance of a building permit for any structure on the site. The Director is hereby authorized to enter into the agreements authorized by this section on behalf of the City upon approval of the agreements by City Attorney for legal form and sufficiency.
- B. Low or Very Low Income Minimum Affordable Housing Component or Senior Citizen Housing Development.
 1. The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Low Income and/or Very Low Income Affordable Units for rent must enter into an agreement with the City to maintain the continued affordability of the Affordable Units for 55 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Gov. Code § 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall among other things, specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria based upon the specific project; standards for maximum rents; the person responsible for certifying tenant incomes; procedures by which vacancies will be filled; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions.

2. Rental units. Rents for the Low Income and Very Low Income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 16-410C shall be set and maintained at an Affordable Rent. (Gov. Code § 65915(c)(1)).
 3. For-Sale Units. Owner-occupied Low Income and Very Low Income Affordable Units that qualified the Housing Development for the Density Bonus pursuant to Section 16-410C shall be available at an Affordable Housing Cost. (Gov. Code § 65915(c)(1).) For-sale very low, low and moderate units shall not have a term of affordability but shall be subject to an equity sharing agreement that meets the requirements of Gov. Code § 65915(c)(2) unless the equity sharing agreement is in conflict with the requirements of another public funding source or law) (Gov. Code § 65915(c)(2)).
 4. To qualify as a senior unit, at least thirty-five (35) Senior Citizen Housing Development Units are maintained and available for rent or sale to senior citizens as defined in Civil Code Section 51.3.
- C. Moderate Income Minimum Affordable Housing Component.
1. The Affordable Housing Developer of a Qualified Housing Development based upon the inclusion of Moderate Income Affordable Units in a Common Interest Development must enter into an agreement with the City ensuring that:
 - a. The initial occupants of the Moderate Income Affordable Units that are directly related to the receipt of the Density Bonus are persons and families of a Moderate Income Household.
 - b. The units are offered at an Affordable Housing Cost. (Gov. Code § 65915(c)(2)).
 2. The Affordable Housing Developer of Qualified Housing Development based upon a Moderate Income Minimum Affordable Component shall enter into an equity sharing agreement for a Common Interest Development with the City. (Gov. Code § 65915(c)(2)). The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. (Gov. Code § 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
 - a. Upon resale, the seller of the unit shall retain the value of improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph b., and its proportionate share of appreciation, as defined in subparagraph c., which amount shall be used within five (5) years for any of the purposes described in Health and Safety Code Section 33334.2 (e) that promote home ownership. (Gov. Code § 65915(c)(2)(A)).
 - b. The City's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the Moderate Income Household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (Gov. Code § 65915(c)(2)(B)).

- c. The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale. (Gov. Code § 65915(c)(2)(C)).
- D. Minimum Affordable Housing Component and Child Care Facility. If an additional Density Bonus or Incentive is granted because a Child Care Facility is included in the Qualified Housing Development, the affordable housing agreement shall also include the Affordable Housing Developer's obligations pursuant to Section 16-410I.A.3 for maintaining a Child Care Facility, if not otherwise addressed through conditions of approval.

Sec. 16-410T. Density Bonus or Incentive for Condominium Conversion Projects

- A. The City will grant either a density bonus or provide other incentives of equivalent financial value to a Condominium Conversion Project that agrees to pay the reasonably necessary administrative costs incurred by the City pursuant to this section if either:
 - 1. thirty-three percent (33%) of the Total Units of the proposed condominium project is affordable to persons and families of Moderate Income Households; or
 - 2. fifteen percent (15%) of the Total units of the proposed condominium project will be affordable to persons and families of Lower Income Households; and, in addition. (Gov. Code § 65915.5(a)).
- B. Definition of Density Bonus for Condominium Conversion Projects. If the requirements of Section 16-410T.A are met, then the Condominium Conversion Project will be entitled to an increase in units of twenty-five percent (25%) over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums. (Gov. Code § 65915.5(b)).
- C. Pre-Submittal Preliminary Proposals for Density Bonus or Incentive for Condominium Conversion Projects. Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert apartments to a condominium project may submit to the director a preliminary proposal for Density Bonus or Other Incentives of Equivalent Financial Value. The director shall, within 90 days of receipt of a written proposal, notify the applicant of the director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the director's preliminary response. (Gov. Code § 65915.5(d)).
- D. Application for Density Bonus or Incentives for Condominium Conversion Projects. An applicant must submit a completed application provided by the City for a Density Bonus or for Other Incentives of Equivalent Financial Value. The application must be submitted concurrently with the application for the Condominium Conversion Project. The application must include the following:
 - 1. All information and documentation necessary to establish that the requirements of Section 16-410T.A are met;
 - 2. The proposal for a Density Bonus or the proposal for Other Incentives of Equivalent Financial Value;

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3. Site plans demonstrating the location of the units to be converted, the Affordable Units, the Market-rate Units, and the Density Bonus units in the Condominium Conversion Project; and
4. Any other information and documentation requested by the City to determine if the requirements of Section 16-410T.A are met.
- E. Both the application for a Density Bonus or Other Incentives of Equivalent Financial Value and the application for the condominium conversion must be complete before the application for a Density Bonus or Other Incentives of Equivalent Financial Value will be considered.
- F. Granting Density Bonus or Incentive for Condominium Conversion Projects
 1. Approval
 - a. If the requirements of Section 16-410T.A are met, the decision-making body for the Condominium Conversion Project application is authorized to grant an application for a Density Bonus or Other Incentives of Equivalent Financial Value, subject to Section 16-410T.F.2.
 - b. Reasonable conditions may be placed on the granting of a Density Bonus or Other Incentives of Equivalent Financial Value that are found appropriate, including, but not limited to, entering into an affordable housing agreement pursuant to Section 16-410S which ensures continued affordability of units to subsequent purchasers who are persons and families of Moderate Income Households or Low Income Households. (Gov. Code § 65915.5(a)).
 2. Ineligibility. An applicant shall be ineligible for a Density Bonus or Other Incentives of Equivalent Financial Value if the apartments proposed for conversion constitute a Qualified Housing Development for which a Density Bonus as defined in Section 16-410B or other Incentives were provided. (Gov. Code § 65915.5(f)).
 3. Decision on Condominium Conversion Project. Nothing in this section shall be construed to require the City to approve a proposal to convert apartments to condominiums. (Gov. Code § 65915.5(e))

Sec. 16-410U. Enforcement Provisions

- A. Occupancy. Prior to occupancy of an Affordable Unit, the household's eligibility for occupancy of the Affordable Unit must be demonstrated to the City. This provision applies throughout the restricted time periods pursuant to Section 16-410S and applies to any change in ownership or tenancy, including subletting, of the Affordable Unit.
- B. Ongoing Compliance. Upon request, the Affordable Housing Developer must show that the Affordable Units are continually in compliance with this division and the terms of the Affordable Housing Agreement. Upon 30-day notice, the City may perform an audit to determine compliance with this Division and the terms of any agreement or restriction.
- C. Enforcement. The City has the authority to enforce the provisions of this division, the terms of Affordable Housing Agreements and Equity Sharing Agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions, and any other requirements placed on the Affordable Units or the approval of the

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Qualified Housing Development. In addition to the enforcement powers granted in this division, the City may, at its discretion, take any other enforcement action permitted by law, including those authorized by City ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution, and injunctive relief. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.

Sec. 16-410V. Burden is On Applicant

When an applicant seeks a density bonus for a development or for donation of land, the applicant bears the burden of establishing that the Housing Development meets the threshold requirements.

Part 3. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on December 13, 2016, and finally adopted on _____, to become effective thirty (30) days thereafter.

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

Part 6. The City Council directs as follows:

- a. 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.
- b. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

_____, City Clerk

Stephen M. Fischer, City Attorney

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EXHIBIT B

ORDINANCE NO. [PZ 16-580-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD (CITY) REPEALING THE CITY'S AFFORDABLE HOUSING INCLUSIONARY PROGRAM ORDINANCES 2615 AND 2721 AND REPLACING THEM WITH NEW DIVISION 7B, SECTIONS 16-415A THROUGH 16-415O, ENTITLED INCLUSIONARY HOUSING WITHIN CHAPTER V OF CHAPTER 16 OF THE MUNICIPAL CODE

WHEREAS, it is in the best interest of the public to establish reasonable standards relating to provision of affordable housing; and

WHEREAS, Article XI, section 7 of the California constitution authorizes cities, pursuant to the police power, to enact ordinances requiring the provision of affordable housing as a condition of development; and

WHEREAS, in 2015, in *California Building Industry Association v. City of San Jose*, the California Supreme Court indicated that cities have "broad discretion to regulate the use of real property to serve the legitimate interests of the general public and the community at large" and upheld an ordinance requiring all new residential development projects of 20 or more units sell at least 15 percent of the for sale units at a price affordable to low or moderate income households; and

WHEREAS, as described in Program 10 of the City's 2006-2014 Housing Element, in 1999, the City established the Inclusionary Housing Program to generate affordable housing in proportion with the overall increase in market-rate residential units. City Council Ordinances 2721 and 2615 require developers with 10 or more units to provide 10% affordable units. Developers of rental projects with 10 or more units were required to provide 5% for very low-income and 5% for low-income households; and

WHEREAS, the City's 2006-2014 Housing Element includes an Inclusionary Housing Program at Chapter G, Goals and Policies under Goal G-3, Policy 3.4, and Program 10; and

WHEREAS, the City desires to update its inclusionary housing ordinance in a manner consistent with state law and consistent with case law which became effective since the inclusionary rules were last updated; and

WHEREAS, the Planning Commission held two study sessions, received and considered public comments, and vote unanimously to recommend approval of this zone text amendment at its meeting of November 17, 2016.

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

Part 1. New Division 7B. Division 7B is hereby added to Division 7 of Article V of Chapter 16 of the Municipal Code. The new Division 7B shall be entitled, "Inclusionary Housing" and provide as follows:

Section 16-415A. Recitals.

In enacting the ordinance codified in this Division 7B, the city finds as follows:

- (a) Need for Affordable Housing. The Legislature of the State of California has found that the availability of housing is of vital statewide importance, and that providing decent housing for all Californians requires the cooperative participation of government and the private sector. The Legislature has further found that local governments have a responsibility to use the powers vested in them to make adequate provisions for the housing needs of all economic segments of the community. This division is intended to utilize the city's police powers to enhance the public welfare by making adequate provision for the housing needs of all economic segments of the community through the cooperative participation of government and the private sector. This division will also ensure that market-rate housing mitigates its impacts on the need for affordable housing, assist in meeting the city's share of the region's housing need and help implement the goals, policies, and actions specified in the housing element of the general plan.
- (b) Insufficient Incentives. Federal and state government programs do not provide enough affordable housing or subsidies to satisfy the housing needs of moderate, low, very low, and extremely low income households. Furthermore, the private-sector housing market, in general, has historically not provided an adequate supply of housing affordable to households of all incomes in the relatively high-cost coastal areas of California.
- (c) Nexus. Land prices are a key factor preventing development of new affordable housing. New housing construction in the city which does not include affordable units aggravates the existing shortage of affordable housing by absorbing the supply of available residential land. This reduces the supply of land for affordable housing and increases the price of remaining residential land. Providing the affordable units and affordable housing fees required by this division will help to ensure that part of the city's remaining developable land is used to provide affordable housing. At the same time, new market-rate housing contributes to the demand for goods and services in the city, increasing local service employment at wage levels which often do not permit employees to afford housing in the city. The affordable housing fees authorized by this division are reasonably related to the need for affordable housing.

- (d) Equity. An economically balanced community is only possible if part of the new housing built in the city is affordable to households with limited incomes. Requiring builders of new for-sale housing to include some affordable housing is fair, not only because new development without affordable units contributes to the shortage of affordable housing but also because zoning and other ordinances concerning new housing production in the city should be consistent with the community's goal of fostering an adequate supply of housing for households at all affordability levels and should address the need for affordable housing related to market-rate housing production.
- (e) On-Site vs. Off-Site. In general, affordable units within each housing development would serve the goal of maintaining an economically balanced community. However, collection of affordable housing fees from for-sale projects, instead of on-site construction of affordable housing, may provide a greater number of housing units than are affordable to households with extremely low, very low, and low incomes. Construction of required affordable units off site and other alternatives to on-site construction may also provide affordable housing units. Consequently, the city desires to balance on-site production of moderate income units with opportunities for utilizing fees or off-site construction alternatives.
- (f) Rental In-Lieu Fees. In 2009, the California Court of Appeal decided *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles*, 15 Cal.App.4th 1396 (2d Dist. 2009) and held that a city may not require rents to be limited in rental projects unless the city provides assistance to the rental project. To conform to this decision, this Division 7B does not require any rental project, except those rental projects that receive city assistance, to limit rents or to pay an in-lieu fee. Instead, market-rate rental projects are required to pay an affordable housing fee to mitigate the impacts of those rental projects on the need for affordable housing.
- (g) Use of Fees. The city is now experiencing the loss of affordable housing due to the expiration of covenants restricting rents in some affordable housing developments. Affordable housing fees may provide a source of financing to enable the city to preserve existing affordable housing that would otherwise be lost.
- (h) Condominium Conversions. The limited production of rental housing and the displacement of rental housing units through conversions to residential condominiums reduce the city's rental housing supply, which causes increased rental housing costs and decreased housing affordability. The provision of affordable units within residential condominium conversion projects provides affordable housing ownership opportunities that help offset the loss of affordable rental units.

Section 16-415B. Intent and Definitions

Unless context clearly dictates otherwise, all terms used in this ordinance shall have the same meaning as stated in state law, as it may be amended from time to time. For example, as of the

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date enactment of this ordinance, the following terms were defined in state regulations.

- a. Housing Cost. *See* 25 C.C.R. § 6920.
- b. Low Income. *See* 25 C.C.R. § 6932.
- c. Rent. *See* 25 C.C.R. § 6918.
- d. Very low-income. *See* 25 C.C.R. § 6932.

Section 16-415C. General Rule

- (a) General Rule. In general, for all new residential projects containing ten (10) or more dwelling units to be offered for sale or for rent, the developer shall choose to either make an in-lieu Affordable Housing Payment ("In-Lieu Payment") to the City's Affordable Housing Trust Fund, as described in Section 16-415E, or provide on-site affordable housing in the manner specified in Parts 16-415F.
- (b) Exceptions for AAHOP and State Density Bonus. This Division does not apply to projects that meet any of the following requirements:
 - 1. Projects which build units pursuant to a Density Bonus Permit issued consistent with Division 7A of Article V of Chapter 16 (commencing with section 16-410A).
 - 2. All Affordable Housing Overlay Program (AAHOP) projects built in compliance with Division 7C of Division 7 of Article V of Chapter 16 (commencing with Section 16-420A).
- (c) Exception for Land Dedication. If a developer provides land consistent with Section 16-415E(f) of this Division, then the required In-Lieu Payment may be offset as described in that section.
- (d) Exception for Specific Plan Areas. This Division 7B does not apply to projects in areas that are subject to a specific plan adopted by the City that requires such projects to provide as many or more affordable units for lower- and very low-income persons and families as does this ordinance. Nothing in this ordinance is intended to override requirements of an applicable specific plan, and to the extent that there is such a conflict, then the requirements of the specific plan shall prevail.

Section 16-415D. Housing Fund

The fees collected under this division shall be placed into the City's Affordable Housing Trust Fund. All earnings from investment of the fees shall be expended exclusively to provide or assure continued provision of affordable housing in the city through acquisition, construction, development assistance, rehabilitation, financing, or other methods, and for costs of administering these programs. A maximum of five percent of the fund may be used for administrative costs directly related to the provision of affordable housing financed by the fund. The housing shall be of a type, or made affordable at a cost or rent, for which there is a need in the city and which is not adequately supplied in the city by private housing development in the absence of public assistance and to the extent feasible shall be utilized to provide for low, very low, and extremely low income housing.

Section 16-415E. Affordable Housing In-Lieu Payment

- (a) Fee Amount. The amount of the required In-Lieu fee shall be set by resolution of the city council. Fees may be based on a fee per market-rate unit, fee per square foot, or any other reasonable basis. The city council may review the fees from time to time at its sole discretion and, based on that review, may adjust the fee amount within the range justified by the most recently adopted nexus study and shall not exceed the cost of mitigating the impact of market-rate housing on the need for affordable housing in the city. Unless stated otherwise within the fee resolution or ordinance, annually, starting on the date three months after the effective date of the most recent update to the fee resolution or ordinance which set the In-Lieu Fee, the amount of the In-Lieu Fee shall be adjusted based upon the changes to the CPI-U index (for the Los Angeles-Riverside-Orange County Consumer Price Index for All Urban Consumers, Base Year = 1984) comparing the month the fee resolution or ordinance became effective with the month one year prior. For example, if the fee resolution adjusting the fee became effective in May 15, then each August 15, the amount of the In-Lieu Fee shall be adjusted consistent with the changes in the CPI-U comparing May of the prior year with May of the current year.
- (b) For-Sale Fee Estimation/True-Up. With regard to for sale units (which includes model units), the developer shall make the In-Lieu Payment based on the developer's good faith estimate of the sales price of the unit. The In-Lieu Payment shall be made at the time the developer applies for building permits. If the actual sales price is less than the estimated sales price, the developer may, within 30 days of closing the sale of the last unit in the tract in which the unit is located, provide information sufficient to verify the actual sales price to the Development Services Director. If the actual sales price is less than the estimated sales price by an amount which places the unit in a lower \$50,000 increment, the City shall, within 30 days of receipt of verification of such actual sales price, refund to the developer the difference between an In-Lieu Payment made on the estimated sales price and the In-Lieu Payment due on the actual sales price. If the actual sales price exceeds the estimated sales price so as to place the unit in a higher \$50,000 increment, the developer shall, within 30

days of the close of escrow on the last unit in the tract in which the unit is located, provide to the Development Services Director evidence reasonably sufficient to verify the actual sales price of the unit, and the developer shall pay the difference between the In-Lieu Payment made on the estimated sales price and the In-Lieu Payment due on the actual sales price. The sales price shall be the base price of the units with standard amenities offered by the developer, and shall not include upgrades which may be ordered at an additional cost to the purchaser

- (c) For Sale Fines & Penalties. The developer's failure to timely pay the difference between the In-Lieu Payment made on the estimated sales price and the actual sales price shall subject the developer to the fines and penalties set out in City Code section 1-10.
- (d) Timing of In-Lieu Payment. The developer shall make the In-Lieu Payment for each unit before the date of issuance of the first building permit for the project.
- (e) Dedication of Land. The developer may request in writing that the City allow the developer to satisfy all or part of the In-Lieu Payment by dedicating specified off-site land to the City or building affordable units as part of the project. With a request to dedicate land, the developer shall submit a written appraisal of the land that is reasonably acceptable to the city. The City may require that the developer pay for an additional appraisal obtained by the City. The City Council shall determine the market value of the land, based on the appraisals provided or paid for by the developer and any other reliable data. The City Council shall also determine whether the land is suitable for affordable housing and meets the City's needs for sites for affordable housing. If the City Council so determines and the Mayor executes a certificate of acceptance for the land, the City shall apply the market value of the land to the In-Lieu Payment owed. If the market value of the land is less than the In-Lieu Payment, the developer shall pay the difference. If the market value of the land is more than the In-Lieu Payment, dedication of the land shall be deemed the equivalent of making the In-Lieu Payment, and the developer shall not be entitled to any In-Lieu Payment for the excess market value. The developer shall deed to the City land so accepted before the developer applies for the first building permit for the project.

Section 16-415F. Option to Provide Units instead of In-Lieu Payment

A developer may make a written request that instead of making an In-Lieu Payment, the developer build affordable units on-site as set forth in Sections 16-415G through 16-415M below. The City Council may grant the request by motion, resolution or ordinance if it finds that granting the request to allow on-site provision of affordable housing units is likely to lead to the construction of more affordable housing than if the request were denied.

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Section 16-415G. Percentage of Affordable Units

If a new residential project contains ten (10) or more dwelling units to be offered for sale and the developer chooses to build affordable units on-site, rather than paying the In-Lieu Fee, the developer shall include units that are affordable to persons and families of either lower income, or very low income, as defined in California Health and Safety Code Section 50079.5. If the developer provides units affordable to persons of low income, at least 10 percent of the units shall be for such persons. If the developer instead provides units affordable to persons of very low income, at least 5 percent of the units shall be for such persons.

Section 16-415H. Project Design

The developer shall design the project so that the affordable units are dispersed throughout the project, have a number of bedrooms proportionate to the number of bedrooms in other units in the project, and do not differ in appearance, size or amenities from other units in the project.

Section 16-415I. On-Site Affordable Rental Units (Conditional Requirement)

(a) Operability. The requirement of subsection (b) of this section shall be operative only at such time as current appellate case law in *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles*, 15 Cal.App.4th 1396 (2d Dist. 2009) is overturned, disapproved, or depublished by a court of competent jurisdiction or modified by the state legislature to authorize control of rents of inclusionary units.

(b) Applicability to Rental Projects. Except as stated by subsection (a) above, all new residential projects containing ten (10) or more dwelling units to be offered for rent, where the developer chooses to build affordable units on-site, shall either pay the In-Lieu fee or include a number of dwelling units equal to not less than five percent (5%) of the total number of dwelling units in the project offered for an affordable rent to persons and families of very low income, as defined in California Health and Safety Code section 50105, or shall include an additional number of dwelling units equal to not less than ten percent (10%) of the total number of dwelling units in the project offered for an affordable rent to persons and families of lower income, as defined in California Health and Safety Code section 50079.5. If the number of bedrooms per unit varies within a project, the number of low- and very low-income units of each bedroom numbers must meet the requirements of Section 16-415H.

Section 16-415J. Calculation of Housing Cost / Appeal

Before offering for the sale or rental of the first unit which the developer intends to qualify as an affordable unit under this Division 7B, the developer shall submit to the City's Housing Director the proposed sales price or rental amount for all the affordable units and the dates upon which the

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affordable units will be offered for sale or rental, and thereafter, any other information requested by the City's Housing Director. The Housing Director shall review the information submitted, and within 30 days of receipt of all requested information, shall determine whether the sales price or rental amount is affordable under this Division 7B. Thereafter, if the developer desires to increase the sales price or initial rental amount for any of the for sale affordable units, the developer must obtain the approval of the Housing Director. Within 30 days of a final written determination of the Housing Director, the developer may appeal said decision to the Planning Commission, which shall review the matter de novo, and said decision shall be final. The appeal shall be heard only if the developer pays the appeal fee and said notice states the grounds for said appeal. If a timely request for hearing is received, the city shall provide at least three days' prior notice to the appellant of the time and place of the hearing.

Section 16-415K. Recording Affordability Covenants

Not later than the date of application for the first building permit for a project that is subject to this Division 7B, the developer shall cause to be recorded in the office of the Ventura County Recorder, covenants approved in form and substance by the Housing Director. Such covenants shall identify the affordable dwelling units; restrict the qualifying income of purchasers and tenants of such units; specify the maximum housing cost for such units; and require that such units remain affordable for at least 55 years. The covenants shall provide that the developer shall require any purchaser of an affordable unit or project to execute a resale restriction agreement in form and substance satisfactory to the City's Housing Director, which resale restriction agreement shall provide for continuing affordability in the sale or rental of units for at least 55 years. The covenants shall run with the land. If the original developer or a subsequent owner complies with the covenants and/or resale restriction agreement by conveying the project or unit only to an eligible low- or very low-income transferee at an affordable cost as provided in this ordinance, the developer or such owner shall not be responsible for any violation of such covenants or resale restriction agreement by future transferees.

Section 16-415L. Design of Affordable Units.

Such affordable units shall be designed and constructed so as to be architecturally consistent with and qualitatively similar to other (unrestricted) units in the project. Affordable units shall be dispersed throughout the project, except with the approval of the Development Services Director. As part of the developer's application for any land use approvals required for the project and prior to the date upon which the application is deemed complete, the developer shall submit to the City planning staff such documents and plans as planning staff determines are necessary and appropriate for the City to determine that the requirements of this ordinance have been met and that the design and placement of the affordable units will not affect the quality of the project or the affordable units, and will not result in discrimination on any legally prohibited basis. The City Council, Planning Commission, or other decision-making person or body with final approval over the project shall make such determination. The determination of such decision-making body shall be made exercising

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its sole, good faith, discretion.

Section 16-415M. Off Site Land as Alternative to In-Lieu Fee.

As part of the developer's application for land use approvals required for the project, and before the date upon which the application is deemed complete, the developer of a project that is subject to this division may request in writing that instead of providing such affordable housing within the proposed project, the developer shall provide such affordable housing on specified off-site land. The request shall be presented to the City Council, which shall determine in its sole discretion whether the land is suitable for affordable housing. If the City Council determines that the land is suitable, the developer shall enter into an agreement with the City to provide affordable housing on such land. The agreement shall provide for affordable units in a number not less than the number of on-site units required by this ordinance for the project. The agreement shall contain conditions and provisions requiring the construction of such affordable units prior to or concurrent with construction of the project, unless the City Council determines in its sole discretion that such a condition is not necessary to ensure that the affordable units are constructed. The agreement may contain such other terms and conditions as the City Council determines are necessary or appropriate.

Section 16-415N. List of Qualified Residents.

The developer shall establish and at all times maintain a written list of Oxnard residents qualified to purchase or rent each of the affordable units. The developer shall offer the affordable units to qualified Oxnard resident buyers or renters on the waiting list first and give preference to them until there are no qualified Oxnard residents on the waiting list. At such time, the developer may make units available to all other prospective buyers or renters meeting the income limitations for such units.

Section 16-415O. Appeal of Legality to City Council.

As provided by Ordinance No. 2594, a developer may appeal to the City Council a decision of the Planning Commission requiring compliance with this ordinance, on the grounds that such application of this ordinance to the developer's project results in an unconstitutional taking of property or that there is no reasonable relationship between the impact of the project and such requirements.

Part 2. Applicability. This ordinance shall apply to applications for land use approvals that are filed on or after the effective date of this ordinance and to applications for land use approvals that have been filed but have not been accepted as complete as of the effective date of this ordinance.

Part 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

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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.

Part 4. CEQA. The City Council finds, based on its own independent judgement, that this action is within the scope of the environmental impacts previously analyzed for the General Plan Update for which Environmental Impact Report (ER) SCH# _____ was previously certified, and that none of the conditions requiring a new subsequent or a supplemental environmental impact report stated in Section 21166 of the Public Resources Code or in Sections 15162 and 15163 of the CEQA Guidelines are present. The Community Development Director is directed to file a Notice of Determination with the County Clerk's office within five working days of the date of adoption of this ordinance.

Part 5. Publication and Posting. The City Council directs as follows:

- a. 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
- b. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

The foregoing ordinance was introduced before the City Council of the City of Oxnard at the regular meeting of the City Council, held on the ____ day of ____, 2016 and finally adopted on ____, 2016, to become effective thirty (30) days thereafter.

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

 Daniel Martinez, City Clerk

 Stephen Fischer, City Attorney

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EXHIBIT C

ORDINANCE NO. [PZ 16-580-04]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD REPEALING THE CITY'S ALL AFFORDABLE HOUSING OPPORTUNITY PROGRAM ORDINANCE 2870 AND REPLACING IT WITH NEW DIVISION 7C TO ARTICLE V OF CHAPTER 16 TO THE OXNARD MUNICIPAL CODE TO AMEND AND CODIFY THE CITY'S ALL AFFORDABLE HOUSING OPPORTUNITY PROGRAM (AAHOP)

WHEREAS, in 2013, the City Council adopted uncodified ordinance 2870 ("AAHOP Ordinance") and, by ordinance 2689, designated 36 AAHOP sites to which the "-AH" additive was applied to their respective zoning designations, to thereby provide such sites with the increased ability to develop affordable housing on those sites; and

WHEREAS, since 2013, when the City of Oxnard (City) first adopted the AAHOP ordinance, the City has determined that improvements to the AAHOP ordinance are warranted; and

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

WHEREAS, updating and codifying the "AAHOP Ordinance" within the Municipal Code will assist in the implementation and administration of the City's 2013-2021 Housing Element; and

WHEREAS, the Planning Commission held two study sessions, received and considered public comments, and vote unanimously to recommend approval of this zone text amendment at its meeting of November 17, 2016.

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

Part 1. A new Division 7C is hereby added to Article V of Chapter 16 of the Municipal Code which shall be entitled, "All Affordable Housing Opportunity Program (AAHOP) and -AH Additive Zone" and shall provide as follows:

Sec. 16-420A. Intent.

The All-Affordable Housing Opportunity Program (AAHOP) and its main implementation tool, the Affordable Housing (-AH) additive zone designation, is a City-initiated program to provide realistic and more-certain opportunities for developers and the non-profit sector to develop all-affordable residential developments to help reach the City's Regional Housing Needs Allocation (RHNA). AAHOP is a City incentive that is separate, and in addition to, the "State" Density Bonus authorized

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by Division 7A (commencing with section 16-410A). AAHOP projects may apply for, and obtain a density bonus and concession(s). AAHOP projects are intended to create a quality of life and appear substantially similar to market rate developments of a similar size and architectural style.

Sec. 16-420B. Creation and Selection of Additive Zones (AH)

- A. *Additive Zone.* Additive zone designations act as a suffix to the underlying zone designation. The AAHOP additive designation is “-AH.” The -AH designation does not change allowable uses and/or density from the underlying zone but adds the right to develop properties in a manner consistent with this Division 7A.

Selection of AAHOP Sites. The parcels and aggregations of parcels with the -AH additive zone designation are shown in the Housing Element (2030 General Plan, Chapter 8) Supplement 2. AAHOP-designated sites do not necessarily have to be available for sale or require owner permission to be “-AH” designated, although both conditions are preferred. Supplement 2 may be amended to add, remove, or modify the AAHOP sites by the City Council as a component of an AAHOP zone change ordinance.

- B. *Rolling Inventory.* If an AAHOP-designated site is approved for a non-AAHOP use with a General Plan or zoning amendment, use permit, or other action the City shall designate a replacement AAHOP site (or combination of sites) if required to maintain a “rolling” AAHOP potential unit inventory that meets or exceeds the then-remaining RHNA allocation for extremely low, very low, and low income housing for the current RHNA planning period, as calculated by the director. The City shall be responsible for the designation of replacement AAHOP site(s) within one year from the date of the approved entitlements unless the rolling inventory for extremely low, very low, and low income housing subsequently exceeds the remaining RHNA need. Private parties may propose AAHOP sites through the rezoning process in combination with an AAHOP application process.

- C. *Evaluation of Sites for AAHOP Inventory.* In determining additional parcels or groups of parcels that may be suitable for the -AH additive zoning, potential sites shall be evaluated for their potential compatibility with adjacent land uses and availability of public services and found to either be suitable or have the potential to be suitable with appropriate design that transitions to adjoining neighborhoods.

Sec. 16-420C. Permitted Uses

- A. *Multifamily.* Multifamily affordable residential uses are allowed by right in AAHOP zones if they meet all other applicable requirements of this division.

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- B. *Mixed Use Permissible.* AAHOP projects are also permissible if they are constructed in addition to other permitted or conditional uses that are permitted in accordance with the underlying zoning designation.
- C. *Underlying Zoning Permissible.* As the AH additive designation does not replace the 2030 General Plan land use or underlying zone designations, any proposed use or development other than an all-affordable AAHOP project shall be governed by the 2030 General Plan and zone designations and applicable standards and guidelines.
- D. *Specific Plans.* To the same extent as required for all other projects, AAHOP projects shall be consistent with any applicable adopted specific plan, Urban Village strategy or concept plan, and Downtown Strategic Plan.

Sec. 16-420D. Affordability Requirements

- A. *100% Affordable.* All housing units built pursuant to this division shall be affordable to extremely-low income, very low income, low-income, or moderate-income households as defined and periodically updated by the U.S. Department of Housing and Urban Development for Ventura County.
- B. *Moderate Units and RHNA.* If a project proposes to provide for-sale or rental moderate-income units, said units may only be used to qualify the project for AAHOP if, at the time of the approval of the project, the number of proposed moderate units will not exceed the number of moderate units the City needs to meet its RHNA allocation in the current planning period (as calculated by the director), and shall not exceed 25 per cent of any project.
- C. *Manager's Unit.* For a project with between 10 and 40 units, one manager's unit is exempt from the affordability requirement. For a project between 41 and 80 units, up to two manager's units are exempt from the affordability requirement. For projects of 81 or more units, up to three manager's units are exempt from the affordability requirement. Projects that provide 9 or less affordable units do not obtain an exemption for a manager unit.
- D. *Deed Restrictions.* Each affordable unit must be deed restricted in an appropriate manner and by appropriate instruments as determined by the City Attorney.

Sec. 16-420E. Density of Units

- A. *Minimum Number of Units.* To obtain a concession under section 16-420F, below, at least 16 affordable units shall be provided.

- B. *Maximum Density.* The allowable density of units per acre for the AH additive zone is the amount shown on the zoning map. All sites allow between 20 and 39 units per acre. AAHOP project density is based on the site size less land dedications for roadway widening required by the 2030 General Plan Circulation Diagram (Figure 4-1).
- C. *Density Bonus Applications.* Because AAHOP projects are 100 percent affordable, they may automatically qualify for the State Density Bonus if the developer files a Density Bonus permit request under Division 7A of Article V of Chapter 16 (commencing with section 16-410A).
- D. *Subdivisions.* AAHOP projects may be subdivided in a manner that portions of the project may exceed the designated housing density or have a different compatible use, so long as the overall applicable density is achieved.

Sec. 16-420F. Plan Review and Processing

- A. *Application.* An AAHOP project shall be identified by the applicant at the time of the DDR application. The DDR application fee and applicable supplemental development and environmental analysis and impact fees are required.
- B. *Standards.* The Attached Dwelling Unit Development Standards apply (City Code §16-360 to 16-363). Maximum building heights have been set at six-stories by the 2030 General Plan and an increase in allowed stories up to six will not be counted as a concession.
- C. *Design.* AAHOP projects shall incorporate good design principles and include on-site amenities appropriate for the resident population to be served.
- D. *Concessions.* An AAHOP project applicant that provides at least 15 affordable units may identify and request one development standard concession as part of the DDR project application; said concession is in addition to any concessions that may be obtained through the application for and issuance of, a density bonus permit pursuant to Division 7A of this Chapter (commencing with section 16-410A).
- E. *Adjustment to Standards.* The City commits to utilizing established attached dwelling unit development standards and modifying numerical standards by plus or minus 10 percent, as necessary, to ensure requested densities (up to the maximum allowed for the subject AAHOP site) and to ensure quality development is achieved for AAHOP projects.

- F. *DDR*. A Development Design Review (DDR) process (City Code §16-525) is required for all AH-designated projects. During the DDR process, projects shall be reviewed for compliance with development and building code standard and comply with the City's standard conditions of approval. The City may require reasonable conditions of approval that implement the General Plan that will not materially affect the financial feasibility of the project.
- G. *Ministerial*. Other than a Density Bonus permit and/or subdivision map, no other discretionary review, such as a special use permit or planned unit development permit, shall be required for affordable residential projects.
- H. *CEQA*. The AAHOP DDR permit is not defined as ministerial within the meaning of CEQA and Public Resource Code 21080(b)(1): the all-affordable residential use and density of each AAHOP site is allowed by right. AAHOP projects not otherwise exempt from CEQA shall comply with an appropriate CEQA review process. The DDR review process applies a series of fixed standards and objective measurements and does not intend to involve the use of personal or subjective judgments in deciding whether or how the project should be carried out. However, in a manner similar to allowed uses in the City's industrial zones, there are implied and explicit quality of life, public safety, and environmental performance standards that may require interpretive judgement by professionals intended to ensure that an AAHOP project is similar to comparable and contemporaneous market-rate developments.
- I. *Impact Fees*. AAHOP projects shall pay all applicable impact fees, provide appropriate design and engineering studies, and otherwise follow the applicable entitlement process for a discretionary project of comparable size and use. AAHOP applicants may request alternative impact fee payments and/or credits as allowed by applicable codes and regulations.
- J. *Community Involvement*. AAHOP project applicants shall provide information and make a project presentation at three community meetings: 1) a conceptual proposal at an Inter-Neighborhood Community Organization (INCO)-recognized neighborhood council meeting in which the proposed project is located or by an advertised local neighborhood meeting if the INCO neighborhood council is inactive or does not provide a meeting opportunity within 60 days of a written request, 2) an AAHOP DDR application presentation at the INCO or an advertised community meeting if the INCO neighborhood council is inactive or does not provide a meeting opportunity within 60 days of a written request, and 3) a DDR approval-ready project at a regularly schedule Planning Division Community Workshop. All three presentations shall include discussion of project site design, circulation, and architectural elevations and solicit and consider public suggestions regarding design compatibility with surrounding uses and possible environmental impacts. The director shall have the discretion

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to determine the appropriate amount of notice for each meeting based on the size and location of the AAHOP project. Nothing in this section precludes a developer from additionally engaging the INCO and/or a neighborhood or any other community organization in addition to the three required meetings.

Sec. 16-420G. Assistance for AAHOP Projects

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.

Sec. 16-420H. Interpretation of this Division

- A. *No effect on other sites.* Nothing in this division prevents all or partially affordable housing projects being developed on non-AH-designated sites pursuant to the applicable 2030 General Plan and zoning designations, density bonus permit process, development standards, CEQA review, and applicable permitting procedures.
- B. *Development Standards.* Nothing in this division shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined by paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- C. *Design.* Nothing in this division shall be interpreted as authorizing or encouraging the development of projects with lower quality design compared with non-AAHOP projects. AAHOP projects are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments.

Part 2. The City shall maintain a list of designated AAHOP sites with pertinent parcel, 2030 General Plan, and zoning information within the 2013-2021 Housing Element, Supplement 2.

Part 3. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance

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No. _____ was first read on December 13, 2016, and finally adopted on _____, to become effective thirty (30) days thereafter.

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

Part 6. The City Council directs as follows:

- c. 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.
- d. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

 Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

 _____, City Clerk

 Stephen M. Fischer, City Attorney

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EXHIBIT D

ORDINANCE NO. [PZ 16-580-05]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING DIVISION 13 OF ARTICLE V OF CHAPTER 16 OF THE MUNICIPAL CODE FROM “SECOND UNITS” TO “ACCESSORY DWELLING UNITS”, REVISING THE TITLE OF SECTION 16-465 OF THE MUNICIPAL CODE TO “ACCESSORY UNITS, STANDARDS FOR REVIEW”, REVISING SECTION 16-465 OF THE MUNICIPAL CODE, AMENDING A RELATED CROSS REFERENCE IN SECTION 16-21, AMENDING A RELATED DEFINITION IN SECTION 16-10, AND AMENDING PORTIONS OF SECTION 16-622 RELATING TO PARKING FOR ACCESSORY DWELLING UNITS

WHEREAS, pursuant to Municipal Code section 16-21(B)(12), permitted uses in the R-1 Single-Family zone currently include, “Second units, provided that the standards in section 16-465 are met and an application for such a unit is approved by the +director”; and

WHEREAS, the R-2 “Multiple Family”, and R-3 “Garden Apartment” zones incorporate the requirements of 16-21(B)(12) and therefore also permit second units with an administrative permit; and

WHEREAS, the C-2 “General Commercial” and the CBD “Central Business District” zones allow second units with a special use permit;

WHEREAS, effective January 1, 2017, pursuant to AB 2299, Government Code § 65852.2 will be amended, and as a result, various provisions of the existing municipal code would become inconsistent with state law, unless the Oxnard Municipal Code is updated; and

WHEREAS, effective January 1, 2017, Government Code § 65852.2 will be amended to refer to “accessory dwelling units” rather than “second units”; and

WHEREAS, the revisions to this ordinance are not contingent upon the approval of the city’s proposed housing element by the Department of Housing and Community Development because no accessory dwelling units are proposed to meet the RHNA requirement; and

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

WHEREAS on September 15, 2015, the California Department of Housing and Community Development tentatively approved the City’s draft 2013-2021 Housing Element, which included a Program 6 to update the City’s regulations of accessory dwelling units; and

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

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WHEREAS, the Planning Commission held two study sessions, received and considered public comments, and vote unanimously to recommend approval of this zone text amendment at its meeting of November 17, 2016.

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

Part 1. Amend Section 16-10 “Definitions”. Existing subsection (A)(2) of Municipal Code Section 16-10, “Accessory Sign”, and all subsequent subsections through and including (A)(116), are renumbered, as appropriate, to make space for a new subsection (2). For example, existing subsection (A)(2) will be renumbered to be subsection (A)(3), and existing (A)(115) will become (A)(116).

Existing subsection (A)(116) of Municipal Code Section 16-10 “Second Dwelling Unit” is hereby renumbered as subsection (A)(2) of Section 16-10, and shall provide as follows:

“(2) ACCESSORY DWELLING UNIT - An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons, 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.”

Existing subsection (117) and the subsequent subsections are not renumbered.

Part 2. Revise Section 16-21(B)(12). Subsection (12) of subsection (B) of Section 16-21 is hereby revised to provide as follows:

“(12) Accessory dwelling units, provided that the standards in Division 13 of Article V of Chapter 16 of the Municipal Code (Starting at Section 16-465) are met and an application for such a unit is approved by the director.”

Part 3. Amend Title of Division 13. The title of Division 13 of Article V of Chapter 16 of the Municipal Code is hereby revised to be “Accessory Dwelling Units”. Existing section 16-465 is revised to be entitled, “Purpose and Findings”. Section 16-465 is revised, and new sections 16-466 through 16-469 are added to Division 13 to provide as follows:

Section 16-465. Purpose and Findings.

- A. Accessory dwelling units (also known as “second units” or “granny flats”) are typically located behind or within large and primary single family units, and can provide an important source of affordable housing.

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- 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 16-466. Ministerial Consideration.

- A. *New 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 Municipal 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. *No Expansion.* If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory unit entirely within the existing space of a single-family residence or accessory structure, then the requirements of 16-469 (“Exception for Accessory Unit Within Existing Single Family Residence or Accessory Structure”) shall apply.

Section 16-467. Standards for Review. Except as provided in Section 16-469, (“Exception for Accessory 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.
- B. *Residentially Zoned.* The lot must be zoned R-1 “Single Family”, R-2 “Multiple Family”, or R-3 “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.* 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 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. 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. 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.
- 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.

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- 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 square feet, or more than 1,200 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 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 maximum floor area the applicant may add is 50% of the square footage of the primary residence, except that the maximum shall not be less than 600 square feet, or more than 1,200 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 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 parking spaces.* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the off-street 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), 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 16-469. Exception for Accessory Unit Within Existing Single Family Residence or Accessory Structure. Notwithstanding any other provision of this code to the contrary, the director shall, without a hearing, ministerially approve a complete application for a building permit to create an accessory dwelling unit if all of the following apply:

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- A. The unit is contained entirely within the existing space of a single-family residence or 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.
- C. There will be only one accessory dwelling unit on the lot.
- D. The unit has independent exterior access from the existing residence.
- E. The 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 16-469.5. Accessory Uses in C-2 and CBD Zones. 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 Municipal Code.

The director is directed to approve the application within 120 days of receipt of a complete application.

Part 4. Revised Code Section 16-622. Municipal 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:

Uses	Minimum Off-Street Parking Requirements	Notes
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	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.	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. 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

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to accommodate an attached 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.	regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. The accessory dwelling unit parking space(s) may not be located in the front yard. The parking shall be located on the same lot as the primary residential dwelling unit
<i>Note:</i> To the extent required by Government Code 65852.2, as it may be amended from time to time, none of the following accessory dwelling units require parking: (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 part of the existing 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.		

Part 5. Development Related Fees. City staff is directed 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 § 65852.2 (d) ~~(f)~~. The City Council may update such fees by resolution.

Part 6. 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.

Part 7. Effective date. This ordinance shall become effective thirty (30) days after it is finally adopted.

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Part 8. Publication. The City Council directs as follows:

- e. 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
- f. City staff is directed and authorized to take all prudent actions to effect the purposes of this ordinance.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

 Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

 _____, City Clerk

 Stephen M. Fischer, City Attorney



General Plan Amendment

PZ No. 15-620-04
2013-2021 Housing Element

Zone Text Amendments

PZ Nos. 16-580-02, 16-580-03, 16-580-04, 16-580-05
Implementing Zoning Code Amendments
for the 2013-2021 Housing Element

Addendum No. 3 to the 2030 General Plan Program Environmental Impact Report

Prepared by:

**City of Oxnard
Development Services Department
Planning Division
214 South C Street
Oxnard, California 93030**

SCH No. 2007041024

Certified on February 2, 2010 (Resolution No. 13,770)

Addendum No. 1 certified on October 11, 2011 (Resolution No. 14,118)

Addendum No. 2 certified on June 7, 2016 (Resolution No. 14,925)

Adoption of the 2013-2021 Housing Element And Four Implementing Zone Text Amendments

1.0 INTRODUCTION

This Addendum No. 3 to the City of Oxnard 2030 General Plan Program Environmental Impact Report (PEIR) (State Clearinghouse No. 2007041024) was prepared in accordance with the California Environmental Quality Act (CEQA) Sections 15162 and 15164 for the proposed 2013–2021 Housing Element and Zoning Ordinance update (proposed project). The City of Oxnard is the lead agency for the environmental review of the proposed project.

The City Council certified the 2030 General Plan PEIR on February 2, 2010 (Resolution No. 13,770). In 2011, the City adopted Addendum No. 1 to the PEIR, which addressed land use designation changes and policy revisions that occurred after the 2030 General Plan was adopted (Resolution No. 14,118). The land use changes reduced the net amount of development within the City's planning area relative to that originally analyzed in the PEIR (Oxnard 2011). 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 within the coastal zone.

City staff has determined that the adoption and implementation of the 2013–2021 Housing Element and associated implementing Zone Text Amendments constitute 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 implementation of the proposed project and that none of the conditions described in CEQA Guidelines Section 15162 and 15164 calling for the preparation of a subsequent EIR have occurred. The specific requirements for this review are provided in Section 2.0, below.

An addendum is not required to be circulated to the public for comment prior to the City Council's determination.

1.1 BACKGROUND AND PURPOSE OF PEIR ADDENDUM NO. 3

State law 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.

State law recognizes that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, state housing policy rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

California's law related to the housing element requires that each city and county develop local housing programs to meet its "fair share" of existing and future housing needs for all income groups. The Southern California Association of Governments (SCAG) is responsible for developing

and assigning these regional needs, or Regional Housing Need Allocations (RHNA), to jurisdictions in Southern California.

The City of Oxnard adopted the 2030 General Plan on October 11, 2011, with Chapter 8 reserved for the 2006–2014 Housing Element. The 2030 General Plan land use diagram designates land for residential uses, including a range of housing densities, and nonresidential uses with building intensity for each land use type. The General Plan and implementing zoning regulations combined establish the amount and distribution of land to be allocated for different housing densities. Housing supply and costs are partially affected by the amount of land designated for housing and available within the Oxnard city limits and within the Oxnard City Urban Restriction Boundary (CURB) requiring annexation. Each residential zone, and certain commercial zones allowing residential development, has a residential density and development standards that regulate lot size, building height, setbacks, parking, etc. The adopted 2030 General Plan proposes development in three general ways: (1) completion of development patterns envisioned by the 2020 General Plan and within the CURB, (2) redevelopment within the CURB with an "urban village" concept, and (3) incorporation of the Ormond Beach Wetlands Restoration Plan. The urban villages would incorporate private redevelopment, mixed land uses, affordable and workforce housing, and transit connectivity and are intended to be a key strategy for meeting greenhouse gas emissions reduction targets.

The RHNA for the 2006–2014 Housing Element was 7,093 units comprising very low, low, moderate, and above moderate categories. Following adoption of the 2006–2014 Housing Element, in 2012, the City Council created and adopted a new All-Affordable Housing Opportunity Program (AAHOP) program in 2013 (2016–2014 Housing Element, Program 3) with adoption of uncodified ordinance No. 2870 (the "AAHOP Ordinance"). The AAHOP, and its main implementation tool, the -AH additive zone designation, is a City-initiated program to provide realistic and certain opportunities for for-profit and nonprofit developers to develop all-affordable residential developments to help reach the City's RHNA. This action designated 36 AAHOP sites on which the -AH additive zone was applied to their respective zoning land use designations, to thereby provide such sites with a density bonus and increased certainty to develop affordable housing on those sites. Each site was projected to accommodate a specific number of units, and the total number of units associated with the 36 AAHOP sites was 2,230 (Oxnard 2012a, Table S-2).

1.3 SCOPE OF 2030 GENERAL PLAN PEIR ANALYSIS

The "project" evaluated in the PEIR was defined as 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 CURB boundary, with the primary change focused on infill development within 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 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 2016b, 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 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 policies in the 2030 General Plan were determined to mitigate the potential environmental effects of development under the 2030 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; expose a variety of land uses to traffic noise and railroad noise and excessive vibration exceeding City thresholds; and degrade 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 and Addendum No. 2 that would warrant changes to the certified PEIR.

Current (2006–2014) Housing Element

In 2012, when the Oxnard City Council adopted the 2006–2014 Housing Element (Resolution 14,236), the City determined that the PEIR adequately evaluated the components of the 2006–2014 Housing Element, which included the specific AAHOP sites with a total capacity of 2,230 housing units (Oxnard 2012b).

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.*
- (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 EIR or negative declaration should be prepared in support of further agency action on the project. Under these guidelines, a subsequent or supplemental EIR 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 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 two components: the 2013–2021 Housing Element, which will amend the 2030 General Plan as it would replace Chapter 8 (the 2006–2014 Housing Element) with the new 2013–2021 Housing Element; and four revisions to Chapter 16 of the Municipal Code (i.e. Zoning Ordinance) that are needed to implement the 2013–2021 Housing Element. Details of each of these components are described below.

3.1 2013–2021 HOUSING ELEMENT

The 2013–2021 Oxnard Housing Element identifies and analyzes the current and future housing needs of residents in Oxnard and establishes housing goals, policies, and programs to meet the needs. The statutory planning period is October 15, 2013, to October 15, 2021. The time frame during which housing accomplishments toward the Regional Housing Needs Allocation (RHNA) can be counted (RHNA cycle) is January 1, 2014, through October 31, 2021. The housing requirements of lower-income households and special needs groups are given particular attention. The City seeks to conserve and rehabilitate existing housing as well as provide opportunities for new development. Table 1 provides the RHNA target for the City of Oxnard for the planning period 2013–2021 for each of the household income groups in the city. Table 1 also presents a summary of units constructed or pending in the city during the planning period, along with the remaining RHNA need, an inventory of sites that could be used to meet the RHNA, and the number of units that still need to be accommodated. SCAG's RHNA process was consistent with the requirements of Senate Bill 375, new since the previous Housing Element cycle. In 2009, SCAG requested each jurisdiction to provide a projection of net added housing units likely to develop by 2021. The City of Oxnard provided a projection that was based on the then-draft 2030 General Plan which, in 2009, included a proposed specific plan outside the city limits of 2,500 units (Jones Ranch). These 2,500 units were assumed in the development assumption and analysis of environmental impacts in the PEIR, but subsequently removed with the adoption of PEIR Addendum No. 1 (Oxnard 2011). The SCAG RHNA continues to assume the additional 2,500 units, and the current RHNA includes these units.¹

TABLE 1
REGIONAL HOUSING NEEDS ALLOCATION FOR 2013–2021

Income Category	RHNA	Built Since 2014 and Under Construction or Approved	Remaining RHNA (July 2016)	AAHOP Site Inventory Capacity	Remaining RHNA After Inventory
Extremely Low and Very Low	1,688	160	1,528	2,142	203
Low	1,160	343	817		
Moderate	1,351	1,176	175	0	175
Above Moderate	3,102	2,971	131	0	131
Total	7,301	4,650	2,651	2,142	509

Source: Oxnard 2016, Table F-1

¹ The City appealed the RHNA (7,301 units) in 2012. The appeal was denied by SCAG on the grounds that the 2009 RHNA "process" had to be upheld despite the City's subsequent adoption of the 2030 General Plan. The City maintains that the 2014–2021 RHNA is too high by 2,500 units (2013–2021 Housing Element, p. D-1).

As shown in Table 1, after subtracting the units built since 2014 and under construction or approved, the City has an additional 2,651 units to accommodate, of which 2,511 are in the affordable categories. When the City's existing and planned AAHOP inventory of 2,262 units is applied to the RHNA, 509 units remain to be accommodated.

As part of the adoption of the 2013-2021 Housing Element, City staff proposes two changes to the AAHOP inventory that reduce the remaining RHNA need by 120 units, to 389 units. Program 25 of the 2013-2021 Housing Element proposes the Teal Club Specific Plan annexation that includes 230 units in planning areas zoned for 30 units per acre and a 15% affordability requirement on the proposed 990 unit project, or 148 affordable units. Using the lower requirement of 148 units, the annexation further reduces the remaining RHNA need to 241 units. The remaining RHNA need of 241 units (3.3% of the total RHNA) would met through future updates to the AAHOP inventory.

3.2 PROPOSED ZONING CODE UPDATES

In conjunction with the 2013-2021 Housing Element, the City's Zoning Code would be revised to reflect changes to existing provisions and regulations. Three amendments would result in a new Article V division entitled "Incentives to Create Affordable Housing," and a fourth amendment would revise the existing Zoning Code "Second Unit" section. The intent of the amendments is to consolidate the City's four existing programs that encourage the production of affordable housing (Density Bonus, Inclusionary, AAHOP, and Second Units) into the Municipal Code and bring each program into full conformance with State law.

1. State Density Bonus

State Density Bonus law and associated entitlement procedures allow a density bonus of up to 35 percent in order to encourage the production of affordable housing. Concessions and incentives may include but are not limited to increased building height limits; smaller lots in R-1 zones; modified construction material; reduced minimum lot width, frontage, and setbacks; the provision of financial incentives; adjustment to impact and review fees; and reductions in requirements for certain amenities.

Proposed Zone Text Amendment PZ 16-580-02 would repeal Division 7 of Chapter V of Municipal Code Sections 16.410 through 16.410M and replace these sections with a new Division 7A of Chapter V of Chapter 16. The proposed amendments are intended to comply with Government Code Section 65915 (including entitlements for incentives and density bonuses without discretionary review) and remove the requirement that the Density Bonus permit be approved only by the City Council. The amendment would allow the City to approve a state density bonus permit in a manner consistent with the required underlying permit(s) for the project. The revisions would not result in changes in zoning, density, or land use designation, and do not propose specific projects that would have the potential to result in environmental effects.

2. 10% Inclusionary Housing

The City would codify and amend its existing Inclusionary Housing Ordinance to acknowledge a 2013 California Appellate Court decision (*Latinos Unidos v. Napa County First Appellant District*) and subsequent opinion letter from the California Department of Housing and Community Development (HCD) that requires counting of affordable units under a local inclusionary ordinance to also count toward qualifying for the state density bonus (Senate Bill [SB] 1818). A

new Division 7B would be added to Division 7 of Article V of Chapter 16 of the Municipal Code that codifies the existing inclusionary ordinance, as amended. These revisions codify an existing ordinance; the revisions would not result in changes in zoning, density, or land use designations, and do not propose specific projects that would have the potential to result in environmental impacts.

3. All Affordable Housing Opportunity Program (AAHOP)

Although the AAHOP program and ordinance was adopted in 2013 and -AH additive zone sites were designated, the AAHOP program ordinance was not codified. A new Division 7C would be added to Article V of Chapter 16 of the Municipal Code called the "All-Affordable Housing Opportunity Program (AAHOP) and -AH Additive Zone." The -AH additive designation is added to the underlying zoning designations and does not change uses or development potential governed by the 2030 General Plan, zone designations, and applicable standards and guidelines.

Among the many provisions of the program is that AAHOP sites may change as necessary to continue to meet the remaining RHNA need. The City has identified 12 new sites to be added to the AAHOP inventory, and the designation would be removed from 7 AAHOP sites that have or are developing as non-AAHOP projects. All new -AH additive sites would be considered infill or redevelopment within the geographic area of the land use plan evaluated in the PEIR. The locations of AAHOP sites (existing and proposed) under the 2013–2021 Housing Element are shown in Supplement 2 in the 2013–2021 Housing Element, along with descriptions of all AAHOP sites. Two additional changes are proposed that remove Site A-09 (8 units) and add Site C-01 (128 units).

The AAHOP program update includes revisions to clarify that AAHOP project applications shall comply with applicable CEQA requirements. The proposed AAHOP update clarifies that multi-family 100% affordable residential uses would be allowed by right on AAHOP designated sites, but that other proposed uses are subject to the underlying zoning and applicable requirements. While the AAHOP-defined affordable housing use is allowed as a matter of right, requests for technical studies and additional information to complete a CEQA review may be made, as necessary, to process the development application in a similar manner as a market-rate project of comparable size and design. The update clarifies that AAHOP projects shall pay standard impact fees and follow uniformly applied development review and design review procedures, standard conditions of approval shall apply, and the City may require reasonable conditions of approval of de minimus expense that result in a project that is comparable to recently developed market-rate projects of similar size.

4. Accessory Dwelling Units (Second Units)

The Oxnard Zoning Code currently allows second dwelling units to be developed in zones R-1 through R-4 by an administrative permit and with a Special Use Permit in C-2 and CBD zones. Second units, which are also commonly called accessory dwelling units or "granny flats," allow increased density and housing options in residential neighborhoods. These often detached, self-sufficient units are constructed on the property of a primary unit such as a detached house but are typically smaller in size.

Section 16-465 of the Zoning Code (Second Units) would be revised by retitling the section to "Accessory Dwelling Units" and modifying the section to reflect several recent state laws including two (Assembly Bill [AB] 2299/ Senate Bill [SB] 1069) that will become effective January 1,

2017. With the revision, in conformance with state law, the maximum allowed size for an accessory unit would increase from 15 to 50 percent of the size of the existing structure, whichever is smaller, to not to exceed 1,200 square feet. The property owner would be allowed to live in either the primary or the accessory dwelling unit. Parking requirements would be modified to be consistent with state law. The revisions would not result in changes in zoning, density, or land use designation, and do not propose specific projects that would have the potential to result in environmental effects.

4.0 ENVIRONMENTAL ANALYSIS

4.1 2013–2021 HOUSING ELEMENT

Development Assumptions

The 2013–2021 Housing Element does not propose new housing units or development projects; the purpose of the Housing Element is to demonstrate how the City will meet its RHNA requirement, among other items required by the State, and to describe policies, programs, or other regulatory mechanisms that may be used to meet the remaining inventory demand of 2,651 units. These remaining units would be accommodated through a combination of existing and proposed AAHOP-designated sites (2,262 units), which would include moderate-income units and multi-family housing as provided under the codified AAHOP ordinance, and units that would be available in the proposed Teal Club Specific Plan. Implementing the codified AAHOP ordinance to help achieve a portion of the RHNA units under the 2013–2021 Housing Element would not result in the designation of additional residential land for development of AAHOP units or changes in land use designation or zoning.

Taking into account AAHOP sites from the 2006–2014 Housing Element, those removed, and the addition of 12 sites, the total number of housing units in the AAHOP inventory would be 2,262 units. Although the proposed AAHOP inventory would be 32 units more than that identified in the 2006–2014 Housing Element,² the overall number of units to be accommodated would be within the scope of the development projections and assumptions in the PEIR.

Under Program 26 of the 2013–2021 Housing Element, units that remain to be accommodated would be met through the Teal Club Specific Plan, which proposes development of 990 residential units in a range of densities and housing types and requires annexation into the city. Based on a 15 percent affordable requirement in the Teal Club Specific Plan, at least 148 of the 990 units would be affordable to lower-income households. This is a separate project for which the City publicly circulated a Draft EIR in August 2015 (State Clearinghouse No. 2012051080). The City has not yet certified the Final EIR or approved the specific plan, and Ventura Local Agency Formation Commission (LAFCo) approval of the annexation has not occurred. However, the Teal Club Specific Plan is one of several planning areas anticipated for development in the 2030 General Plan and therefore was included in the development assumptions in the PEIR. No changes to the development assumptions for the Teal Club Specific Plan, housing types, or densities are proposed under the 2013–2021 Housing Element or proposed Zoning Code updates that would differ from the assumptions in the PEIR.

² Calculated as follows: 2,262 units (2013–2021 Housing Element) – 2,230 units (2006–2014 Housing Element) = 32 more units

As noted above, the RHNA under the current Housing Element is 7,093 units. These units were assumed in the population and housing projections used for the 2030 General Plan and were, therefore, the 'Project' for the PEIR analysis, as noted above. The new RHNA is 7,301 units, an increase of 208 units. While there is a net increase of 208 RHNA units between the 2006–2014 Housing Element and the 2013–2021 Housing Element, the additional units would remain within the scope of development assumed and evaluated in the PEIR because the number would be well under the number of additional units assumed to be added citywide through 2030 and they would be within the geographic boundary of the land use plan evaluated in the PEIR.

Environmental Impacts

The following provides a qualitative evaluation of the potential environmental impacts of implementing the 2013–2021 Housing Element within the context of the analysis in the 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 implementing the 2013–2021 Housing Element would result in conditions triggering the need for a subsequent EIR.

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 within 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 with the intention of preserving established neighborhoods and community character.

Under the 2013–2021 Housing Element, if the vacant AAHOP sites are developed with housing, there is a potential for land use conflicts, depending on location. However, the potential for land use compatibility impacts would be mitigated through implementation of adopted 2030 General Plan policies and the City's design development review (DDR) process and other provisions of proposed Division 7C. The ordinance also requires AAHOP projects to provide appropriate design studies and otherwise follow the applicable entitlement process for a non-AAHOP project of comparable size and use. The 2013–2021 Housing Element and proposed ordinances would not result in a new impact or substantial increase in the severity of 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 intersection operations 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 nonmotorized transportation modes. Other policies including land use and circulation concepts are designed early during the design phases of citywide development to minimize land use conflicts. The PEIR also noted that substantial amounts of new development in the 2030 General Plan planning area would require parking areas based upon the specific parking requirements generated by a particular land use. The City's Zoning Code contains a range of parking standards to ensure adequate levels of parking area are provided under all future development in the city. 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.

If all of the affordable housing units to meet the RHNA were developed on AAHOP sites, most of which are have commercial zoning, the total trips from would be less than the trips associated with buildout of commercial uses as multifamily development generates fewer trips than commercial uses. For example, if a vacant site were developed with housing, it would add trips to the local roadway network. If a nonresidential site (e.g., commercial) were redeveloped with housing units, there may be fewer or more trips generated by the site, depending on the current land use designation and/or use versus the planned use for housing units. However, as noted above, because the total number of housing units is within the development assumptions in the PEIR, the 2013–2021 Housing Element and proposed ordinances would not result in a new impact or substantial increase in the severity of a previously identified significant adverse effect related to circulation, traffic, and transportation when compared to the effects identified in the PEIR based on the buildout based on the underlying zoning, 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 Water Management Program that outlines how the City plans to provide an adequate water supply to meet forecast water demands well into the future. The 2030 General Plan includes policies and implementation measures that address 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. Such increases would reduce the capacity of drainages and could result in flood flows that exceed existing downstream channel and stormwater system capacities. 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.

If all of the housing units to meet the RHNA were developed, including the AAHOP sites, this would increase the demand for water supply, wastewater conveyance and treatment, stormwater disposal, and landfill capacity. Because the total number of housing units is within the development assumptions in the PEIR and the 2015 Urban Water Management Plan, the 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a significant 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 requirements (i.e., impact fees, etc.) in effect at the time building permits are issued. Increased population would also generate additional students, and new 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).

Housing units developed to meet the RHNA could introduce additional population to Oxnard, which would increase the demand for public facilities. The total number of units is within the development assumptions in the PEIR, and new development would be required to implement applicable 2030 General Plan policies and pay impact fees as required by the City. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a significant adverse effect related to public facilities 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.

Housing units developed to meet the RHNA would introduce additional population to Oxnard, which would increase the demand for parks and recreation facilities. The total number of units is within the development assumptions and population projections used in the 2030 General Plan and in the PEIR. New development would be required to implement applicable 2030 General Plan policies and pay impact fees as required by the City. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a significant adverse effect related to park and recreation facilities 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 vegetative 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.

Implementation of the 2013–2021 Housing Element would not directly result in on-the-ground impacts, but development to meet the RHNA would result in land use changes at some locations. The conversion of vacant AAHOP sites, for example, to developed uses would result in the potential for greater impact on habitat or species compared to redevelopment of an underutilized or developed site, but these changes are within the scope of development contemplated in the PEIR. The potential for impacts would be mitigated through implementation of adopted 2030 General Plan policies and provisions of the proposed Division 7C, which requires appropriate technical studies and otherwise following the applicable entitlement process for a discretionary project of comparable size and use, which would include determining whether site-specific mitigation is required for biological resources impacts. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of 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.

Housing units developed to meet the RHNA, particularly where constructed on vacant sites proposed for the AAHOP –AH additive zoning, would result in a visual change at those locations. Redevelopment of an underutilized or developed site could introduce new visual features as well. All new housing units would be within the city limits and would generally be infill projects and thus within the scope of development assumed in the PEIR. Implementation of 2030 General Plan policies, the City's design review process, and provisions of the proposed AAHOP ordinance would reduce impacts. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a significant adverse effect related to aesthetics 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 Resources 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.

Housing units that could be developed to meet the 2013–2021 Housing Element could be located in areas of the city where there may be historic resources that could be directly or indirectly affected by a specific development project. Ground disturbance could affect subsurface known or potential archaeological resources. All of the housing units, including those that could be accommodated on AAHOP sites, would be within the geographic area evaluated for cultural resources evaluated in the PEIR. Cultural resources evaluations would be required, and impacts would be mitigated in accordance with 2030 General Plan policies and applicable laws and regulations. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a significant adverse effect related to 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 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 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.

If housing units were developed on vacant parcels with agricultural zoning or Williamson Act contracts or adjacent to such parcels, potential impacts would be reduced through implementation of 2030 General Plan policies. No mitigation would be available for conversion of important farmland to urban uses. All of the housing units, including the AAHOP sites, would be within the geographic area evaluated for agricultural resources impacts in the PEIR and are within the scope of development assumed in the PEIR. Further, most of the sites are infill or redevelopment sites. None of the AAHOP sites is within a coastal area susceptible to substantial erosion impacts. Development projects involving disturbance of more than 1 acre would be required to implement erosion-control measures. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a previously identified 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 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 resource areas. 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.

The potential housing sites identified in the 2013–2021 Housing Element are within the geographic scope of development assumed in the PEIR. Most of the potential sites are infill or redevelopment sites, where there would be minimal, if any, conflict with resource extraction. If a housing project were developed on vacant land near extractive mining operations, potential land use compatibility impacts would be mitigated through 2030 General Plan policies. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of 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 (including a requirement for the City to develop and maintain a Climate Change Adaptation Action Plan), and compliance with VCAPCD regulations would help reduce emissions, the PEIR concluded that operational criteria air pollutant, TAC emissions, and climate change 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 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, Executive Order B-30-15 endorses the effort to set interim GHG reduction targets for year 2030 (40 percent below 1990 levels). SB 32 codifies the 2030 target in the recent Executive Order B-30-15 (40 percent below 1990 levels by 2030). Although this is new information, at the time of writing this Addendum, however, no specific policies or emissions reduction mechanisms have been established that would alter the conclusions of the PEIR with regard to the significant and unavoidable GHG impacts.

If all of the housing units to meet the RHNA were developed, including the AAHOP sites, the additional development would generate criteria air pollutant, TAC, and GHG emissions during construction and occupancy. Site-specific studies would be used to determine specific mitigation required for a particular project. Some impacts may remain significant. However, as noted above, because the total number of housing units is within the development assumptions in the PEIR, the 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a previously identified 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 within 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.

Housing units developed to meet the RHNA would introduce additional population and residential land uses to Oxnard, which would increase energy demand. The total number of units is within the development assumptions used in the 2030 General Plan and in the PEIR, and new development would be required to implement applicable 2030 General Plan policies and mandated energy conservation measures. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a 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 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.

Housing units that could be developed to meet the 2013–2021 Housing Element could be vulnerable to seismic and soils hazards. All of the housing units, including those that could be accommodated on the 12 new AAHOP sites, would be within the geographic area evaluated for geologic hazards discussed in the PEIR. Site-specific geotechnical evaluations would be required, and impacts would be mitigated in accordance with 2030 General Plan policies and applicable laws and regulations. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of 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.

Housing units that could be developed to meet the RHNA could be at risk of flood hazards, depending on location. Two of the new proposed AAHOP sites could be subject to climate change-induced sea level rise effects. All of the housing units, including those that could be accommodated on the 12 new AAHOP sites, would be within the geographic area evaluated for flood hazards discussed in the PEIR. If there are potential flood hazards at a particular site, they would be mitigated in accordance with 2030 General Plan policies, as amended by PEIR Addendum No. 2 concerning sea level rise, and applicable laws and regulations. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a 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 groundborne vibration. The City adopted a Statement of Overriding Considerations to address these unavoidable impacts.

If all of the housing units to meet the RHNA were developed, the additional development would result in traffic-generated noise, and some sites could be near existing noise sources. Construction activities would also generate noise. Site-specific studies would be used to determine specific mitigation required for a particular project, such as noise barriers or acoustical treatment. Some impacts may remain significant. However, as noted above, because the total number of housing units is within the development assumptions in the PEIR and the sites are within the geographic scope of the PEIR analysis for noise, the 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a previously identified significant adverse effect related to noise impacts 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.

If all of the housing units to meet the RHNA were developed, this could increase hazardous materials use during construction and occupancy of those projects, and increases in traffic could affect emergency response routes. However, because the number of units is within the scope of development assumed in the PEIR and with implementation of 2030 General Plan policies, impacts would remain less than significant. Redevelopment of infill sites has the potential to encounter soil or groundwater contamination. The sites are within the geographic scope of the PEIR analysis, and site-specific studies would be used to identify what mitigation, if any, is required to address contamination, consistent with 2030 General Plan policies. The 2013–2021 Housing Element and proposed ordinances would not result in a new or substantial increase in the severity of a significant adverse effect related to hazardous materials and uses 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, 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 before the City considers adoption of the 2013–2021 Housing Element and four implementing zone text amendments. There are no components of the 2013–2021 Housing Element and four implementing zone text amendments 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.

4.2 ZONING ORDINANCE UPDATES

AAHOP Ordinance

Codification of the AAHOP ordinance is an administrative action that would not result in physical impacts. Implementing the codified AAHOP ordinance to help achieve a portion of the RHNA units under the 2013–2021 Housing Element would not result in the designation of additional residential land for development of AAHOP units or changes in land use designation or zoning. However, 12 additional sites are proposed to be added to the AAHOP inventory to help meet the RHNA requirements, which would have the -AH additive zoning applied to them. The -AH additive designation would not replace the 2030 General Plan land use or underlying zone designations, and any proposed use or development other than an all-affordable AAHOP project would be governed by the 2030 General Plan and zone designations and applicable standards and guidelines. The 12 proposed AAHOP sites are all located within the city limits and consist of vacant parcels and underutilized or developed parcels with some level of development on them. Under existing General Plan designations and/or zoning, some parcels are already zoned for residential use, while some have nonresidential designations.

No specific development projects are proposed. However, if the residential units were developed on the new proposed AAHOP sites, this could increase the intensity of development on specific sites relative to existing conditions. In some cases, currently vacant land could be converted to urban uses. In other cases, existing structures on developed or underutilized parcels could be demolished or renovated to accommodate housing units. Some sites are within existing residential areas, but some are in areas in which predominant land uses are nonresidential (e.g., commercial and industrial). This has the potential to result in land use compatibility impacts.

The analyses presented in Section 4.1, above, identify the range of potential environmental impacts associated with AAHOP sites. Because the development of residential uses was fully

analyzed in the PEIR, and the provision of adequate infrastructure and services to serve that growth was anticipated in the General Plan and was also fully analyzed in the PEIR, the development potential of 12 new AAHOP sites proposed in the 2013–2021 Housing Element are within the development potential envisioned in the 2030 General Plan and analyzed in the PEIR. No additional CEQA analysis is required.

Density Bonus, Inclusionary Housing, and Accessory Dwelling Units Ordinances

The proposed Zoning Ordinance amendments that address density bonus, inclusionary housing, and second units/accessory dwelling units are administrative actions to clarify the City's existing affordable housing regulations and to ensure conformance with state law. These actions would not result in any physical changes that would have the potential to result in environmental effects. No specific projects have been proposed. Development of future primary housing units under these programs have been accounted for in the City's growth projections through 2030. As such, they would not result in a new or substantial increase in the severity of a significant adverse when compared to the effects identified in the PEIR, and no new impacts would result. No further CEQA review of these amendments is required.

REFERENCES

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- . 2012b. Staff Report: Adoption of 2006–2014 Housing Element. http://oxnard.granicus.com/MapView.php?view_id=46&clip_id=1989&meta_id=113042.
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November 16, 2016

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

***RE: 2013-2021 HOUSING ELEMENT & FOUR MUNICIPAL CODE
 AMENDMENTS - PZ 15-620-04 and PZ 16-580-02 - PZ 16-580-05
Agenda Item F.2., November 17, 2016 Meeting***

Dear Chairperson Huber and Members of the Planning Commission:

The letter supplements my letter to you dated November 14, 2016, specifically for the purpose of addressing the City's proposed Ordinance PZ 16-580-02, the Density Bonus Ordinance.

First, I would like to thank Ms. Mallory, Dr. Williamson and Mr. Rozell for taking the time to meet with us to discuss our concerns with the Density Bonus Ordinance. I am pleased that many of our concerns were addressed. However, the City still has a ways to go before this ordinance is ready for adoption. I am enclosing a listing, similar to the one I previously provided, that includes technical changes and corrections that should be made, in addition to substantive changes for the Planning Commissioners consideration.

I respectfully request that the Planning Commission especially consider the following issues we have raised:

1. Sec. 16-410B. Z. Definition of the Zoning Ordinance.

The definition of "zoning ordinance" in the ordinance has been limited to the non-coastal zone. State density bonus law applies to the state as a whole so the City may not limit its application to just the Non-Coastal zone. Furthermore, the City's existing inclusionary ordinance

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applies to the entire city, and it should stay that way. Additionally, AAHOP sites located in the Coastal Zone would have to be deleted from the inventory, unless it is clear that the City intends to accept and process applications for Qualified Housing Developments for projects located in the Coastal zone.

2. Sec. 16-410F. D. - Preliminary Proposals for Affordable Housing Benefits.

It is a good idea to allow the applicants to vet their ideas for design of density bonus projects with staff prior to submitting a formal density bonus application. That is exactly what the law say should be done. However, if it takes sixty days to get a preliminary response from the Director and then additional time to meet with the applicant, this lengthy process impedes this process as it would discourage applicants to use it, thus, defeating its laudatory purpose.

3. Sec. 16-410H. Density Bonus Allowance for Housing Developments with Affordable Housing Component

We have proposed that the City allow for a discretionary density bonus increase for housing developments that directly address the City's unmet special housing needs, such as permanent housing for the disabled, seniors, the homeless, veterans and traditional foster youth. These housing units typically are smaller in size, with one bedroom units or within single room occupancy facilities. A greater number of units for these populations would not necessarily result in greater *density* (as that term is loosely used) since there normally are less persons per unit in these types of facilities. Instead, what we would accomplish would be a more efficient and effective use of land.

4. Sec. 16-410R.C.1. Determination on Density Bonus and Affordable Housing Incentive Program Requests - Appeals.

The proposed ordinance provides for an appeal to be heard by a hearing officer. There are no grounds stated for the appeal. I have proposed language that would limit the grounds for appeal to the specific basis upon which a density bonus application may be denied, consistent with State Law. Additionally, in my professional opinion, a hearing officer should not be the decision maker in the event that the decision of the Director is appealed, as this is an issue that requires some knowledge of state law, the zoning code and land use matters. A Hearing officer has no special credentials or training to hear such an appeal. Furthermore, if his/her decision is final, the City will be subjected to unnecessary litigation. Instead, I am proposing that appeals be heard by the Planning Commission.

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5. Ineligibility for Density Bonus for Projects Proposed on Property where Lower Income Units have been Vacated or Demolished.

Conspicuously absent from the City's ordinance are the provisions of Gov. Code § 65915 (c)(3)(A) - (C), which relate to the redevelopment of properties that have served the needs of lower income households. The statute addresses development on rental properties or vacant or demolished housing on properties with recorded covenants limiting occupancy to lower income households. Projects are ineligible for density bonuses unless certain requirements are met. These provisions should be included in the City's ordinance in order that it be found to be consistent with State Density Bonus Law.

Thank you for your consideration of these comments.

Sincerely,



Barbara Macri-Ortiz

Enclosure

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
 Greg Nyhoff, City Manager, greg.nyhoff@oxnard.org
 Kenneth Rozell, kenneth.rozell@oxnard.org

REMAINING PROBLEMS WITH PROPOSED DENSITY BONUS ORDINANCE

AS OF NOVEMBER 16, 2016

1. 3RD WHEREAS - add: and AB2242, 2501 & 2256 (which will become effective January 1, 2017)
2. Sec. 16-410A Purpose - delete the phrase "or provides more rights than are legally required by state law,"

Should simply state: "If any provision of this Division conflicts with state law, the requirements of state law shall control."

Note: our discussion re: greater density bonus for special needs or targeted housing. The notion that the City would refuse to do anything to address its particular housing crisis that is above the bare minimum requirement of state law is disgusting, disrespectful to our community and contrary to the true principle of LOCAL CONTROL.

3. Sec. 16-410B. Definitions

"M. Housing Development - means a development project of five or more residential units, including a mixed use development, and includes a subdivision or Common Interest Development that is approved by the City, and consists of residential units . . ."

R. Minimum Affordable Housing Component -

(d) A senior citizen housing development as defined in Sec. 16-410B.W (Gov. Code § 65915(b)(1)(~~D~~) (C)).

S. Other Incentives of Equivalent Financial Value - Add the following phrase:

"and other regulatory incentives proposed by the developer or the City that result in identifiable and actual cost reductions to provide for affordable housing costs or affordable rents for the targeted units.) (Gov. Code § 65915(k)(3).

** Please note the statutory language in Gov. Code § 65915(k)(3)*

"U. Qualified Land - means land offered for donation in accordance with Section 16-410K that meets the criteria set forth in 16-410K."

“V. Senior Citizen Housing Development - “ means a residential development, as defined in Civil Code § ~~51.2~~ 51.3 or § 51.12 or a mobile home park ...”

“Z. Zoning Ordinance - means the City’s Coastal and Non-Coastal Zoning Ordinances.

** Note: the existing inclusionary ordinance applies City wide. The codified version should not eliminate the ability to use the density bonus in the coastal zone. Furthermore, if the coastal zone is not included, the City will have to remove any AAHOP sites that are currently identified within the Coastal Zone.*

4. Sec. 16-410F. Content of Application

A.

2. Provide a complete statutory reference, i.e. § 65915(b)(2) and (d)(1);

6. The proposed method of ensuring the continued affordability of all low, very low ~~or moderate rental units~~ or senior units, or child care facilities that qualified the applicant for the award of the density bonus for at least 55 years, as required by Government Code Section 65915(c)(1); ~~and~~

** Note: The law does not provide a density bonus for moderate rental units nor does the law require ownership units to be deed restricted as to time or subsequent purchaser. See proposed language for new paragraph 7.*

7. The proposed method of ensuring that the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low or moderate income, as required, and that the units are offered at an affordable housing cost. (§ 65915(c)(2); and

~~7. 8. Other relevant information~~ Reasonable documentation requested by City Staff to establish eligibility for a requested density bonus, incentives or concessions. (Gov. Code § 65915(a)(2); (j)(1).

“C. The application that conforms to the requirements of section 16-410F ~~and/or section 16-410E~~ ...

“D. Prior to the submittal of an application for a Qualified Housing Development, an applicant may submit to the director a preliminary proposal for Affordable Housing Benefits. The Director shall, within ~~60~~ 30 days of a receipt of a written proposal, notify the applicant of the director’s preliminary response and ~~schedule a meeting meet~~ with the applicant to discuss the proposal”

** Note: Density bonus applications are supposed to be processed expeditiously.*

The idea of having a preliminary meeting is very good, but if it will take more than two months to meet with the director to discuss the proposal, it defeats the purpose and will discourage such planning initiatives. [Refer to § 65915(a)(3) - applications must be processed or deemed complete within 30 calendar days]

5. Sec. 16-410H. Density Bonus Allowance for Housing Developments with Affordable Housing Component

Table 16-410H.

Table was eliminated. Please reinstate and add a section in the table for Senior Housing and for Transitional Foster Youth/ Disabled Veterans/Homeless Persons

Add following provision:

B. Nothing in this Chapter shall prevent an applicant from requesting an additional density bonus in excess of the amount specified in Table 16-410H. Such requests shall be processed and determined at the discretion of the Planning Director, based on the following guidelines:

1. The affordable housing development for which the additional density bonus is requested must specifically propose to construct housing that will directly address one or more of the City's unmet Special Housing Needs, as such needs are identified in the goals, policies and programs contained in the Housing Element.
2. The Planning Director has discretion to approve density bonuses up to a 45% increase in the otherwise allowable density bonus (i.e. density bonus can be up to 85% of the maximum allowable density in the zone). Any requests for an additional density bonus in excess of 50% shall be referred to the Planning Commission for approval.

Note: The City should allow for such increases in density, in particular for single room occupancy and other housing units that are traditionally small in size and/or bedroom count to serve special populations.

6. Sec. 16-410L. Affordable Housing Incentives

"C. If an incentive(s) establish that each requested Incentive would result in identifiable, financially sufficient and actual cost reductions....."

** Note: The financially sufficient standard for awarding incentives was eliminated by the Legislature before 2003. See specific language in the statute at §65915(k)(1).*

"D. ... the applicant must establish that requirements of state law are met..."

"F. shall not be interpreted, in and of itself, to require a General Plan amendment, Local Coastal Plan amendment, zoning change, study, or other discretionary approval. (Gov. Code § 65915(j)(1))

7. Sec. 16-410O. Waiver or Modification of Development Standards

B. To deny the requested ~~Incentive~~ Waiver or Modification of a Development Standard, the City shall make a written finding, based upon substantial evidence of any of the following:

Delete (i) in its entirety and replace with the following:

(i) Application of the Development Standard for which a waiver or reduction is requested would not have the effect of physically precluding the construction of the proposed Qualified Housing Development at the densities or with the Incentives permitted under this Division (Gov. Code § 65915(e)(1)).

(ii) The ~~Incentive~~ requested waiver or reduction of the development standard would have a specific, adverse...

(iii) The ~~concession or incentive~~ requested waiver or reduction of the development standard would be contrary to state law,

8. Sec. 16-410P. Parking Standard Modifications for Qualified Housing Developments

"B. Parking Standard Modifications. If the requirements of Sec. 16-410C are met, the vehicular parking ratio....."

"G. Notwithstanding allowances in Subsection 16-410P.B F above, if the City or an independent consultant has conducted, then the City may impose a higher vehicular parking ratio, not to exceed the ratio described in Subsection 16-410P.B above, ..."

9. Sec. 16-410Q. Density Bonus and Affordable Housing Incentive Program

B.

2.

d. For Parking Standard Modification requests, that the requirements of Section 16-410C are met.

"C. Prior to the submittal of an application for a Qualified Housing Development, an applicant may submit to the director a preliminary proposal for Affordable Housing Benefits. The Director shall, within 60 30 days of a receipt of a written proposal, notify the applicant of the director's preliminary response and ~~schedule a meeting~~ meet with the applicant to discuss the proposal"

* *Note: Density bonus applications are supposed to be processed expeditiously. The idea of having a preliminary meeting is very good, but if it will take more than two months to meet with the director to discuss the proposal, it defeats the purpose and will discourage such planning initiatives. [Refer to § 65915(a)(3) - applications must be processed or deemed complete within 30 calendar days]*

10. Sec. 16-410R. Determination on Density Bonus and Affordable Housing Incentive Program Requests.

C. Appeals. Need to narrow the scope of the appeal propose following language:

- "1. If the decision to approve or deny an application for an Affordable Housing Benefit is made by the director, any person may appeal the decision. The appeal shall be in writing, and state the grounds for the appeal. The grounds for the appeal shall be specifically stated in writing and shall be limited as follows: in the event that the application is denied, the appellant must challenge the legal sufficiency of the findings made by the director under Sec. 16-410I.A.4, Sec.-410N, Sec.-410O or Sec.410P.G; or in the event that the application is approved, the appellant must demonstrate that there is substantial evidence in the record to support the necessary findings required under Sec-410I.A.4, Sec.-410N, Sec.-410O or Sec.410P.G in order to deny the Affordable Housing Benefit. The appeal shall be filed with the City Clerk within 15 calendar days of the date of the mailing of the director's decision together with the appeal fee adopted by resolution of the City Council. ~~The decision of the hearing officer shall be final.~~ The appeal shall be heard by the Planning Commission, and the Commission's decision shall be final.

* *NOTE: In my professional opinion, a hearing officer should not be the decision maker in the event that the decision of the Director is appealed, as this is an issue that requires some knowledge of state law, the zoning code and land use matters. A Hearing officer has no special credentials or training to hear such an appeal. Furthermore, if his/her decision is final, the City will be subjected to unnecessary litigation.*

11. Sec. 16-410S. Affordable Housing Agreement and Equity Sharing Agreement

“B.1. the inclusion of Low Income and/or Very Low Income Affordable Rental Units ~~for rent~~ must enter... or rental subsidy program, ~~as follows~~ Gov. Code § 65915(c)(1).....”

Also, eliminate references to: “Sales prices” in line 11 of B.1., “or owner” in line 12, “and units sold” in line 12; and “on sale or transfer” in line 14 of B.1 – because this section deals just with rental units that are maintained as affordable for 55 years. Provisions related to for sale/ownership units are addressed in B.3

“C. 2. The Affordable Housing Developer of a Qualified Housing Development based upon an owner occupied low or very low income affordable units pursuant to 16-410S.B.3 or a Moderate Income Minimum Affordable Component.....”

12. Sec. 16-410T. Density Bonus or Incentive for Condominium Conversion Projects

A.

“2. to persons and families of Lower Income Households; ~~and in addition.~~
(Gov. Code § 65915.5(a))

13. ADDITIONAL PROVISION TO ADD TO BE IN COMPLIANCE WITH STATE LAW:

**** MANDATORY REQUIREMENTS OF § 65915(c)(3)(3)(A)-(E), regarding the ineligibility for a density bonus for projects proposed on property where lower income units have been vacated or demolished. This is a very detailed section of the law that should be addressed, especially since Oxnard is ripe for redevelopment & replacement housing.*

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Via Personal Delivery to City Hall & email to Council Members

December 7, 2016

Hon. Timothy Flynn, Mayor &
Honorable Members of the Oxnard City Council
300 West Third Street, Fourth Floor
Oxnard, CA 93030

***RE: AFFORDABLE HOUSING INCLUSIONARY PROGRAM
PROPOSED ORDINANCE – PZ 16-580-03
Public Hearing – December 13, 2016***

Dear Mayor Flynn and Members of the City Council:

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. The purpose of this letter is to respectfully urge the Council to table consideration of the Affordable Housing Inclusionary Program at your December 13, 2016 meeting and send the proposed ordinance back to Staff with a directive that the Ordinance be redrafted, consistent with the findings delineated in the California Supreme Court's unanimous decision in California Building Industry Association v. City of San Jose (Filed 6/15/2015).

While it is important to move expeditiously to improve the existing inclusionary ordinance, there is no compelling need or excuse to sacrifice the quality of the ordinance in order to immediately adopt it, especially since we have an existing, albeit un-codified, ordinance in place. More important, HCD has not tied its certification of the Housing Element to adoption of this particular ordinance. I believe it is very important for the City to take the time to do this right so that at the end of the day the City will have the best possible ordinance in place to meet the City's needs.

As I have already advised City staff, I am more than willing to assist the City to come up

Letter to Mayor Flynn and Members of the City Council

RE: ***Proposed Affordable Housing Inclusionary Program Ordinance;
PZ 16-580-03 Scheduled for December 13, 2016 Public Hearing***

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with an ordinance that is both legally and substantively compelling, based on the City's actual demographics and existing housing needs.

It is critical that the City take advantage of the Court's ringing affirmation of the propriety of a local jurisdiction's ability to use their police powers to address the housing crisis in a manner that is in the best interests of the City and its residents. It is incumbent on the City Council to ensure that the best, most effective inclusionary ordinance is adopted to ensure that the ordinance can withstand any challenge of the City's ability to collect adequate and appropriate in-lieu fees as well as require developers to construct affordable units as appropriate.

As you well know inclusionary housing ordinances are more important now than ever before, in light of the diminishing financial resources available to fund lower income housing coupled with the diminishing supply of available land and the inability or unwillingness of the private market to address the housing needs of all segments of the population.

Significantly, the California Supreme Court understands the challenges we face in our efforts to ensure that all of our residents have affordable housing opportunities available. Last year the Supreme Court, in deciding the *City of San Jose* case cemented the proposition that inclusionary zoning laws fall squarely within the jurisdiction's ***police powers***. The decision is instructive as to both the history and necessity of the State's intricate body of affordable housing and housing element law, as well as the tremendous asset that well thought out inclusionary housing programs can be to local communities.

I believe it is critical for the City to adopt an ordinance that will do justice for the people of the City of Oxnard. As was noted during last month's Planning Commission hearing, the Planning Commissioners were reluctant to recommend approval of the draft inclusionary ordinance without knowing the amount of the fee. Commissioner Nash commented that "[t]he in-lieu fee needs to be sufficiently high to be able to actually build the affordable units."

Mr. Nash is absolutely correct. However, the draft ordinance does not even tie the amount of the in-lieu fee to the cost to construct the affordable units. Instead, the amount of the fee is apparently tied to the sales price of the market rate unit. Please note that according to Section 16-415E.(b), "the developer shall make the In-Lieu Payment based

Letter to Mayor Flynn and Members of the City Council

RE: ***Proposed Affordable Housing Inclusionary Program Ordinance;
PZ 16-580-03 Scheduled for December 13, 2016 Public Hearing***

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on the developer's *good faith estimate of the sales price of the unit.*"

Furthermore, Section 16-415E.(a) states that "[f]ees may be based on a fee per market-rate unit, fee per square foot, or any other reasonable basis." The methodology of tying the in-lieu fee to the sales price of the market rate units is foreign in my experience dealing with in-lieu housing ordinances. Additionally, that section goes on to declare that the in-lieu fee may be adjusted "within the range justified in the most recently adopted *nexus study* and shall not exceed the cost of mitigating the impact of market-rate housing on the need for affordable housing in the city." That statement is totally contrary to the holding in the *San Jose* case, which makes clear that the City does not need to base the Inclusionary requirements in the ordinance, including the amount of any in-lieu fee, on the impact of new development on the need for affordable housing.

The *nexus study* alluded to in this section does not outline any parameters and makes no sense under the current state of the law because inclusionary housing ordinances do not constitute an *exaction* that would trigger constitutional scrutiny. As declared by the Supreme Court, an ordinance that imposes upon a developer the principal requirement to sell 15 percent of its on-site for sale units at an affordable price does not rise to this level of scrutiny because "like many other land use regulations this condition simply places a restriction on the way the developer may use its property by limiting the price for which the developer may offer some of its units for sale." [*CBIA vs. San Jose*, Slip Opinion, p. 31].

Another glaring deficiency of the ordinance is its total failure to describe the need for affordable housing as *specifically related to the actual existing housing needs of the residents of Oxnard*. . . . There is no mention of the unique demographics of our residents, no discussion of overcrowding, no mention of the size of the waiting lists for public housing, section 8 and low income housing projects in Oxnard, and no observation of the City's lower median income as compared to the County, etc., etc. There is simply no justification for the Ordinance based on the situation that exists here in Oxnard. This is unconscionable.

Besides these obvious fatal defects of the proposed ordinance, I have identified serious problems with Sections 16-415C, D, F, G, I, J, and O, but these concerns are too many to address in this letter. What is needed prior to adoption of a new inclusionary ordinance is an opportunity for public input at Planning Commission and City Council Study Sessions,

Letter to Mayor Flynn and Members of the City Council

RE: ***Proposed Affordable Housing Inclusionary Program Ordinance;
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as well as a serious review and discussion of the existing state of the law as it pertains to inclusionary housing programs.

For all of the above reasons the City Council should send this ordinance back to the drawing board. I urge the Council to refrain from adopting this ordinance until such time as the Planning Commission, the Council and the public have had an opportunity to thoroughly vet the provisions in the ordinance and recommend appropriate changes. The City Council has a paramount duty to make sure that 1) the ordinance describes the correct legal standards and will withstand legal challenge; 2) the methodology adopted for calculating and implementing the in lieu fees is the most favorable to meet the City's goals and objectives; and 3) that the substantive provisions of the ordinance best serve the residents of the City of Oxnard.

I urge the City Council to send the draft Ordinance back to Staff for further study, review and revision and I repeat my willingness to work directly with City staff to accomplish this objective as quickly as possible.

Thank you for your consideration of this critical matter.

Sincerely,



Barbara Macri-Ortiz

copies via email to:

Stephen Fischer, City Attorney, stephen.fischer@oxnard.org

Ruth Osuna, Assistant City Manager, ruth.osuna@oxnard.org

Michelle Ascencion, City Clerk, michelle.ascencion@oxnard.org

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

Greg Nyhoff, City Manager, greg.nyhoff@oxnard.org

Kenneth Rozell, kenneth.rozell@oxnard.org



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Public Hearing
AGENDA ITEM NO.: 3

DATE: December 13, 2016

TO: City Council

THROUGH: Greg Nyhoff
City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: General Plan Amendment 16-620-02 for SB244 Infrastructure Study of Nyeland Acres (5/5/10)

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

RECOMMENDATION:

That the City Council adopt a resolution approving an amendment to the Chapter 3 (Community Development) and Chapter 9 (Implementation) of the 2030 Goals and Policies document of the 2030 General Plan.

BACKGROUND

In 2011, the state legislative adopted Senate Bill (SB) 244 (GC 56033.5) to require an evaluation of disadvantaged unincorporated communities (DUC) when a jurisdiction updates their General Plan. Including the DUC communities in the general plan of a city or county is required by SB 244 whenever a jurisdiction adopts or amends a General Plan element. As the City is adopting the 2013-2021 Housing Element, which is an element of the City's General Plan, this concurrent amendment is required by SB 244. There is no request or intent to make improvement in or annex Nyeland Acres to the City.

According to SB244, hundreds of unincorporated communities in California lack adequate sidewalks, safe drinking water, and wastewater treatment. These communities include neighborhoods that are surrounded by or adjacent to cities, within the neighboring cities' Spheres of Influence (SOI) that allows annexation, but are not part of the adjoining cities. The purpose of

General Plan Amendment 16-620-02 for SB 244 Study of Nyleand Acres

December 13, 2016

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SB 244 is to begin to address the complex legal, financial, and political barriers that contribute to regional inequity, environmental injustice, and infrastructure deficits within disadvantaged unincorporated communities (DUC).

In its March 2012 Municipal Service Review and in accordance with SB 244, the Ventura County Local Agency Formation Commission (LAFCo) determined that the approximately 150-acre unincorporated Nyeland Acres Census Designated Place (CDP) with a population of roughly 3,000, a 2010 Census median household income of less than 80 percent of the California median household income, adjacent to Oxnard city limit, and within the Oxnard LAFCo Sphere of Influence (SOI) qualified as a “Fringe” DUC. El Rio and Channel Islands (Hollywood Beach) are also CDP’s and within the Oxnard SOI, but their respective median household incomes were above the SB 244 qualifying level.

On November 17, 2016 the Planning Commission conducted a public hearing and considered the General Plan Amendment (see Attachment A). The Planning Commission unanimously approved Planning Commission Resolution 2016-18 (Attachment B), recommending that the City Council approve PZ No. 16-620-02. The amendment is exempt from the California Environmental Quality Act. The amendments to Chapter 3 and 9 of the City’s 2030 General Plan are attached to the City Council’s resolution (Attachment C). Within Attachment C, the proposed General Plan Amendment is a brief study and \$9.3 Million estimate of water, wastewater, flood control, and fire protection infrastructure needs for the Nyeland Acres community. With approval of this amendment, there are no further SB 244 actions required of the City, County of Ventura, or Ventura LAFCo.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

There are no financial impacts of approving this amendment to the 2030 General Plan.

ATTACHMENTS:

Attachment A. PZ 16-620-02 Planning Commission Staff Report

Attachment B. Resolution - GPA 16-620-02 Nyeland Acres SB244



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Christopher Williamson, Consulting Planner

DATE: November 17, 2016

SUBJECT: Planning and Zoning Permit No. 16-620-02 (General Plan Amendment): Amending the 2030 General Plan to Incorporate a Study of Infrastructure Needs within the Fringe Disadvantaged Unincorporated Community (DUC) of Nyeland Acres in Compliance with Senate Bill 244 (SB 244)

- 1) Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve amendments to the 2030 General Plan, Community Development and Implementation Chapters of the 2030 General Plan Goals and Policies document as identified in Attachment A.
- 2) Project Description and Applicant:** The project is an amendment to the City of Oxnard (City) 2030 General Plan - Goals and Policies, Chapter 3 "Community Development" and Chapter 9 "Implementation," elements of the General Plan as required by Senate Bill 244. The City is required to initiate this amendment because the City is simultaneously adopting the 2013-2021 Housing Element.

Part 1 of the amendment inserts text within Chapter 3, Community Development (CD) to create a new CD GOAL 23, titled: "Disadvantaged Unincorporated Community Infrastructure Study" and three implementing policies (CD-23.1 to CD-23.3) that comply with requirements of SB 244.

Part 2 of the amendment inserts text within Chapter 9, Implementation, Table 9-2 that identifies responsibility for implementing the newly created (CD-23) goal and policies.

Attachment A within this staff report depicts the proposed amendments which are necessary in compliance with SB244 and are needed to address the Nyeland Acres Community. The subject area is bounded on the west by Santa Clara Avenue, on the north by Friedrich Road, on the east by Farm Service Road, and on the south by E. Ventura Blvd. and Oxnard city limits

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 represents the City's first amendment to the Housing Element in 2016. Filed by City of Oxnard, Development Services Department, 214 South C Street, Oxnard.

- 3) Background:** According to legislative findings in SB 244 (GC56033.5), hundreds of unincorporated communities in California lack adequate sidewalks, safe drinking water, and waste processing. These communities include neighborhoods that are surrounded by or adjacent to cities, within the neighboring cities' Spheres of Influence (SOI) that allows annexation, but are not part of the adjoining cities. The purpose of SB 244 is to begin to address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities. Including these communities in the long range planning of a city or county, as required by SB 244, will result in a more efficient delivery system of services and infrastructure including but not limited to sewer, water, and structural fire protection. In turn, investment in these services and infrastructure will result in the enhancement and protection of public health and safety for these communities.¹

In its March 2012 Municipal Service Review and in accordance with SB 244, the Ventura County Local Agency Formation Commission (LAFCo) determined that the approximately 150-acre unincorporated Nyeland Acres Census Designated Place (CDP) with a population of roughly 3,000, a 2010 Census median household income of less than 80 percent of the California median household income, adjacent to Oxnard city limit, and within the Oxnard LAFCo Sphere of Influence (SOI) qualified as a "Fringe" DUC. El Rio and Channel Islands (Hollywood Beach) are also CDP's and within the Oxnard SOI, but their respective median household incomes were above the SB 244 qualifying level.

- 4) Nyeland Acres Infrastructure Study:** The general plan amendment is a brief study and estimate of water, wastewater, flood control, and fire protection infrastructure needs for the Nyeland Acres community. There is no request or intent to annex Nyeland Acres to the City. There are no further SB 244 actions required of the City, County of Ventura, or Ventura LAFCo.

WATER: Potable water is provided to Nyeland Acres's approximately 3,000 residents and 300 connections by the Garden Acres Mutual Water Company (GAMWC) and the Nyeland Acres Mutual Water Company (NAMWC) which rely on local wells. While potable water quality generally meets State standards, neither provider provides adequate fire flow standards. In 2011, NAMWC completed installation of individual flow meters, promoted conservation, and adopted tiered rates. Additional facility improvements are being planned by the NAMWC to increase storage and fireflow pressure.

WASTEWATER: Public sewer service is provided by Nyeland Acres County Service Area (CSA) No. 30. Trunk lines and laterals are generally in acceptable condition and capacity is adequate for current and anticipated development. CSA No. 30 connects to the City of Oxnard wastewater treatment plant. There are no known septic systems.

FLOOD CONTROL: There are no storm drains within Nyeland Acres with the exception of East Ventura Boulevard which is a City of Oxnard city street where storm drains were

¹ Technical Advisory, Senate Bill 244: Land Use, General Plans, and Disadvantaged Communities, Office of Planning and Research, Feb. 2. 2013.

PZ 16-620-02 (General Plan Amendment)
 Planning Commission Date: November 17, 2016
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installed in 2013. Minor street flooding occurs during periods of heavy rain. Stormwater is generally retained within the relatively large private lots and/or drains to nearby County of Ventura Watershed Management Agency drainage facilities; these facilities are located in adjacent ag fields and properties.

FIRE PROTECTION: The current water systems serving the subject property do not meet the current storage and fire flow requirements of the Ventura County Fire Department (VCFD). The NAMWC is planning storage and pressure improvements to meet VCFD requirements. The City of Oxnard has a water line in Ventura Boulevard immediately between Rice Avenue and Almond Drive with hydrants that are available for emergencies.

The following are 2016 Public Works Department construction estimates of the costs to bring existing Nyeland Acres streets, sidewalks, and water and wastewater systems into conformance with City of Oxnard standards. These estimates are based on the following assumptions:

- There are 3.5 miles of streets within and adjacent to Nyeland Acres.
- Streets require new curbs, gutters, and sidewalks.
- Streets need resurfacing, but are not required to be rebuilt.
- Main and street water and wastewater systems need to be replaced.
- Water and wastewater laterals would be provided to the edge of the public right-of-way; lateral connections on private property are the responsibility of each property owner.
- The GAMWC and NAMWC would connect to the City water system to provide emergency pressure and additional water supply.

The cost estimates are:

\$ 925,260 curbs and gutters (\$50.24 per linear foot)
 \$ 925,260 sidewalks (\$50.24 per linear foot, 5 feet wide)
 \$ 2,652,048 street paving (\$144.00 per linear foot, 35 ft wide)
 \$ 2,210,040 replacement potable water lines (\$120.00 per linear foot)
\$ 2,578,380 replacement wastewater lines (\$140.00 per linear foot)
 \$ 9,290,988 TOTAL

The total estimated cost of approximately \$9.3 million could be funded by a combination of grants and the forming of a Nyeland Acres Community Facility District (CFD) that would amortize the costs not covered by grants over a long-term bond paid by an assessment on property owners.

- 5) 2030 General Plan Consistency:** Approval of the proposed General Plan Amendment PZ 16-620-02 is determined to be consistent with the 2030 General Plan based on the following consistency analysis procedure required by Section 9.2, "Consistency Procedure" (Goals and Policies, page 9-2).

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Policy, Project, or Program (full text of the policy and an explanation).

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II. Related or Indirect Applicability to the Proposed Policy, 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 Policy, Project or Program (all policies not listed as Level I and II are assumed to be consistent).

LEVEL	POLICY	TITLE AND POLICY	EXPLANATION
I	Sustainable Communities (SC) SC-1.4	<i>Awareness of Environmental Justice</i> Advise other agencies regarding and incorporate environmental justice within City planning, policies, programs, projects, and operations.	The amendment complies with SB244 which, in its intent, addresses the environmental justice issue of 'bypassed' unincorporated disadvantaged communities within or adjacent to cities.
II	Community Development (CD) 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.	These city policies collectively provide policy direction regarding significant infrastructure and funding for new or upgraded infrastructure. The proposed amendment is a study of infrastructure needs within the Nyeland Acre community. The study assumes infrastructure needs would meet these City policies, including continuing wastewater treatment. There is no intent, request, or action for annexation. This study is required by SB 244.
	Infrastructure and Community Services (ISC) ICS-1.2	<i>Development Impacts to Existing Infrastructure</i> Review development proposals for their impacts on infrastructure (e.g., 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.	
	ICS-1.3	<i>Funding for Public Facilities</i> Continue to utilize developer fees, public facilities fees, and other methods (e.g. grant funding or assessment districts) to finance public facility design, construction, operation, and maintenance.	
	ICS-11.13	<i>Water Neutral Policy and Urban Water Management Plans</i> Incorporate the City's Water Neutral Policy regarding new development into the 2010 Urban Water Management Plan and develop appropriate ordinances, policies, and/or programs to fully implement the policy.	
	ICS-12.2	<i>Monitoring Plant Performance</i> Continue to monitor the performance of the City wastewater treatment plant to determine when additional capacity will be required and plan for needed treatment capacity.	
	ICS-20.7	<i>Adherence to City Standards</i> Ensure that water main size, water flow, fire hydrant spacing, and other fire facilities meet City standards.	
Level III Policies			

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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.
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- 7) California Environmental Quality Act (CEQA) Review:** A general plan amendment is defined as a project under CEQA. CEQA Guidelines Section 15306 exempts basic data collection and research that has no action that could lead to changes to the environment. A Notice of Exemption (Attachment D) is prepared for the proposed amendment.
- 8) Community and Legal Notice:** State and City legal noticing requirements were met with publication of a notice of hearing in the Vida Newspaper on November 3, 2016. In addition, the City mailed the notice and full copy of the proposed amendment to the Ventura County LAFCo Executive Director, the El Rio/Del Norte Municipal Advisory Council that includes the Nyeland Acres area, and the office of County Supervisor John Zaragoza who represents the Nyeland Acres area.
- 9) Recommendation:** Staff recommends that the Planning Commission adopt a resolution (Attachment B) recommending that the City Council adopt General Plan Amendment No. PZ 16-620-02 in conjunction with adoption of the 2013-2021 Housing Element and related actions.

Attachments:

- A. Proposed Amendment to 2030 General Plan
- B. Resolution PZ No. 16-620-02
- C. Map of Nyeland Acres
- D. Notice of Exemption

Prepared by: _____
 CW

Approved by: _____
 KM

ATTACHMENT A

General Plan Amendment 16-620-02

PZ 16-620-02 General Plan Amendment

Part 1: Insert new Goal CD-23 with three implementing Policies CD-23.1 to CD-23.3 on page 3-41 after Policy No. CD-22.2 as shown below.

Disadvantaged Unincorporated Community Infrastructure Study

Goal CD-23

Provide a study of infrastructure needs for a qualifying Disadvantaged Unincorporated Community (DUC) in compliance with Senate Bill 244.

CD-23.1

Nyeland Acres Qualifies as Fringe DUC per Senate Bill 244

Receive and file and concur with the Ventura LAFCo that the approximately 150-acre Nyeland Acres unincorporated area bounded by Santa Clara Avenue, Friedrich Road, Farm Service Road, and E. Ventura Blvd. had a median household income less than 80 percent of the California median income, based on 2013 U.S. Census Bureau data, and qualifies as a Fringe DUC pursuant to Government Code Section 65302.10(a) (SB244). In the event additional DUCs are identified by the Ventura LAFCo or by the City, the Development Services and Public Works Departments will prepare appropriate infrastructure studies.

CD-23.2

Infrastructure Needs

Receive and File the following study regarding water, wastewater, flood control, and fire protections needs for Nyeland Acres as of 2016 using readily available data:

WATER: Potable water is provided to Nyeland Acre's approximately 1,100 residents and 300 connections by the Nyeland Acres Mutual Water Company (NAMWC) which draws about 60 acre feet per year from two wells. Water quality generally meets State standards. In 2011, NAMWC completed installation individual flow meters, promoted conservation, and adopted tiered rates. Additional facility improvements are being planned to increase storage and fireflow pressure.

WASTEWATER: Public sewer service is provided by Nyeland Acres County Service Area #30. Trunk lines and laterals are generally in acceptable condition and capacity is adequate for current and anticipated development given the County low-density residential zoning and existing development. There are no septic systems.

FLOOD CONTROL: There are no storm drains. Minor street flooding occurs during periods of heavy rain. Rain is generally retained within the relatively large lots with more open ground than typical urban areas.

FIRE PROTECTION: The current water system serving the subject property does not meet the current storage and fire flow requirements of the Ventura County Fire Department (VCFD). The NAMWC is planning storage and pressure improvements to meet VCFD requirements. The City of Oxnard has a water line in Ventura Boulevard immediately between Rice Avenue and Almond Drive with hydrants that is available for emergencies.

CD-23.3

Estimates to Bring to City Infrastructure Standards

Receive and file the estimates below that would bring existing streets, sidewalks, water, and wastewater lines into compliance with City Public Works standards. These estimates are based on the following assumptions that:

- There are 3.5 miles of streets within and adjoining Nyeland Acres.
- All streets require new curbs, gutters, and sidewalks.
- All streets need to be repaved, but not rebuilt.
- All street and trunk water and wastewater lines need to be replaced.
- Individual parcel water and wastewater laterals are not included.
- The NAMWC will connect to the Oxnard water system to provide emergency pressure and water supply.
- The City could provide wastewater treatment, if needed.

The following are estimates using 2016 estimates per linear foot:

\$	925,260	curbs and gutters (\$50.24 per linear foot)
\$	925,260	sidewalks (\$50.24 per linear foot, 5 feet wide)
\$	2,652,048	street paving (\$144.00 per linear foot, 35 ft wide)
\$	2,210,040	replacement potable water lines (\$120.00 per linear foot)
\$	<u>2,578,380</u>	replacement wastewater lines (\$140.00 per linear foot)
\$	9,290,988	TOTAL

The total estimated cost of \$9.3 million would be funded by a combination of grants and by forming a Nyeland Acres Community Facility District (CFD) that would amortize the costs not covered by grants over a long-term bond paid by an assessment on landowners.

Part 2: Insert the following into Table 9-2, “Policy Implementation” after table entry “CD-22.2” on page 9-12:

GOAL CD-23	Disadvantaged Unincorporated Community Infrastructure Study				
CD-23.1	Nyeland Acres Qualifies as Fringe DUC per Senate Bill 244				DS, PW
CD-23.2	Infrastructure Needs				DS, PW
CD-23.3	Estimates to Bring to City Infrastructure Standards				DS, PW

City of Oxnard

Chapter 3	Community Development	2011 – 2013	2013 – 2015	2015 – 2030	Ongoing
CD-18.10	Existing Businesses				CD
GOAL CD-19: Continued revitalization of the Central Business District (Downtown).					
CD-19.1	Unique Downtown Identity				CD
CD-19.2	Complementary Development				CD
CD-19.3	Downtown Events				CD
CD-19.4	Downtown Beautification				CD
CD-19.5	Attract Downtown Investment				CD
GOAL CD-20: An economically robust port and harbor-related economic sector.					
CD-20.1	Port Trade Enhancement				DS
CD-20.2	Channel Islands Harbor Enhancement	DS			
GOAL CD-21: An updated Local Coastal program that includes the restoration of the Ormond Beach wetlands and consideration of climate change issues.					
CD-21.1	Removal of LNG Reference	DS			
CD-21.2	Modify non-Coastal Dependent Energy Uses	DS			
CD-21.3	Future Use of Coastal Power Plants	DS			
CD-21.4	Coastal Zone Land Use Designation Changes	DS			
GOAL CD-22: Environmentally sound Ormond Beach wetlands with appropriate public access.					
CD-22.1	Participation in the Ormond Beach Wetlands Restoration Plan	DS			
CD-22.2	Develop an Ormond Beach Visitor Access Plan	DS			

Chapter 4	Infrastructure and Community Services	2011 – 2013	2013 – 2015	2010 – 2030	Ongoing
GOAL ICS-1: Provision of adequate facilities and services that maintain service levels with adequate funding.					
ICS-1.1	Maintain Existing Service Levels				All
ICS-1.2	Development Impacts to Existing Infrastructure				DS, PW
ICS-1.3	Funding for Public Facilities				PW

Page 9-12

ATTACHMENT B

General Plan Amendment Resolution

ATTACHMENT B

RESOLUTION NO. [PZ 16-620-02]

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT AN AMENDMENT TO THE 2030 GENERAL PLAN TO COMPLY WITH SENATE BILL (SB) 244 REGARDING INFRASTRUCTURE NEEDS FOR THE DISADVANTAGED UNINCORPORATED COMMUNITY (DUC) OF NYELAND ACRES. FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, Government Code (GC) 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

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and

WHEREAS, the operative documents of the Oxnard 2030 General Plan consist of (1) the Background Report, and (2) the Goals and Policies; 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, Addendum No. 1 to the Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document environmental impacts of changes to the 2030 General Plan that occurred after February 2, 2010; and

WHEREAS, at the October 11, 2011 hearing, City Council voted 4-1 to adopt the 2030 General Plan and no challenges to the PEIR occurred; and

WHEREAS, Government Code Section 56033.5 requires upon the next revision of a city or county housing element, and each revision thereafter, a city or county to review and update one or more elements of its general plan, as necessary to address the presence of island, fringe, or legacy unincorporated communities, as defined, inside or near its boundaries, and would require the updated general plan to include specified information; and

WHEREAS, the Ventura County Local Agency Formation Commission determined in its March, 2012 Municipal Service Review that the approximately 150-acre Nyeland Acres unincorporated area with a population of approximately 3,000 bounded on the west by Santa Clara Avenue, on the north by Friedrich Road, on the east by Farm Service Road, and on the south by E. Ventura Blvd. and City of Oxnard city limits had a 2010 Census median household income less than 80 percent of the California median income, and qualifies as a Fringe DUC pursuant to SB 244; and

WHEREAS, the City has prepared an amendment to Chapter 3 of the 2030 General Plan in compliance with Government Code Section 56033.5 by creating Goal Community Development (CD)-23 with three implementing Policies, CD-23.1 to CD-23.3, on page 3-41 after Policy No. CD-22.2 as shown in Attachment A, and by inserting text within Chapter 9 Implementation, Table 9-2, "Policy Implementation" after table entry "CD-22.2" on page 9-12, collectively shown in Exhibit "A"; and

WHEREAS, under California Environmental Quality Act (CEQA) Guidelines Section 15306 the collection of data and research is exempt from CEQA; and

WHEREAS, there is no City intent, no request or application, and no known interest from the Nyland Acres community for annexation to the City of Oxnard; and

WHEREAS, the adoption of this amendment does not express an intent nor commit the City of Oxnard or the Nyland Acres community to any future annexation.

NOW, THEREFORE, the Planning Commission of the City of Oxnard:

1. For the above stated reasons, and the reasons set forth in the staff report the proposed amendments are exempt from CEQA under Guidelines section 15306.
2. Recommends that the City Council adopt General Plan Amendment PZ 16-620-02.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of November, 2016, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

Stephen Huber, Chair

ATTEST: _____
Kathleen Mallory, Secretary

EXHIBIT A

PZ 16-620-02 General Plan Amendment

Part 1: Insert new Goal CD-23 with three implementing Policies CD-23.1 to CD-23.3 on page 3-41 after Policy No. CD-22.2 as shown below.

Disadvantaged Unincorporated Community Infrastructure Study

Goal CD-23	Provide a study of infrastructure needs for a qualifying Disadvantaged Unincorporated Community (DUC) in compliance with Senate Bill 244.
-----------------------	---

CD-23.1 ***Nyeland Acres Qualifies as Fringe DUC per Senate Bill 244***

Receive and file and concur with the Ventura LAFCo that the approximately 150-acre Nyeland Acres unincorporated area bounded by Santa Clara Avenue, Friedrich Road, Farm Service Road, and E. Ventura Blvd. had a median household income less than 80 percent of the California median income, based on 2013 U.S. Census Bureau data, and qualifies as a Fringe DUC pursuant to Government Code Section 65302.10(a) (SB244). In the event additional DUCs are identified by the Ventura LAFCo or by the City, the Development Services and Public Works Departments will prepare appropriate infrastructure studies.

CD-23.2 ***Infrastructure Needs***

Receive and File the following study regarding water, wastewater, flood control, and fire protections needs for Nyeland Acres as of 2016 using readily available data:

WATER: Potable water is provided to Nyeland Acre's approximately 1,100 residents and 300 connections by the Nyeland Acres Mutual Water Company (NAMWC) which draws about 60 acre feet per year from two wells. Water quality generally meets State standards. In 2011, NAMWC completed installation individual flow meters, promoted conservation, and adopted tiered rates. Additional facility improvements are being planned to increase storage and fireflow pressure.

WASTEWATER: Public sewer service is provided by Nyeland Acres County Service Area #30. Trunk lines and laterals are generally in acceptable condition and capacity is adequate for current and anticipated development given the County low-density residential zoning and existing development. There are no septic systems.

FLOOD CONTROL: There are no storm drains. Minor street flooding occurs during periods of heavy rain. Rain is generally retained within the relatively large lots with more open ground than typical urban areas.

FIRE PROTECTION: The current water system serving the subject property does not meet the current storage and fire flow requirements of the Ventura County Fire Department (VCFD). The NAMWC is planning storage and pressure improvements to meet VCFD requirements. The City of Oxnard has a water line in Ventura Boulevard immediately between Rice Avenue and Almond Drive with hydrants that is available for emergencies.

CD-23.3

Estimates to Bring to City Infrastructure Standards

Receive and file the estimates below that would bring existing streets, sidewalks, water, and wastewater lines into compliance with City Public Works standards. These estimates are based on the following assumptions that:

- There are 3.5 miles of streets within and adjoining Nyeland Acres.
- All streets require new curbs, gutters, and sidewalks.
- All streets need to be repaved, but not rebuilt.
- All street and trunk water and wastewater lines need to be replaced.
- Individual parcel water and wastewater laterals are not included.
- The NAMWC will connect to the Oxnard water system to provide emergency pressure and water supply.
- The City could provide wastewater treatment, if needed.

The following are estimates using 2016 estimates per linear foot:

\$	925,260	curbs and gutters (\$50.24 per linear foot)
\$	925,260	sidewalks (\$50.24 per linear foot, 5 feet wide)
\$	2,652,048	street paving (\$144.00 per linear foot, 35 ft wide)
\$	2,210,040	replacement potable water lines (\$120.00 per linear foot)
\$	<u>2,578,380</u>	replacement wastewater lines (\$140.00 per linear foot)
\$	9,290,988	TOTAL

The total estimated cost of \$9.3 million would be funded by a combination of grants and by forming a Nyeland Acres Community Facility District (CFD) that would amortize the costs not covered by grants over a long-term bond paid by an assessment on landowners.

Part 2: Insert the following into Table 9-2, “Policy Implementation” after table entry “CD-22.2” on page 9-12:

GOAL CD-23	Disadvantaged Unincorporated Community Infrastructure Study				
CD-23.1	Nyeland Acres Qualifies as Fringe DUC per Senate Bill 244				DS, PW
CD-23.2	Infrastructure Needs				DS, PW
CD-23.3	Estimates to Bring to City Infrastructure Standards				DS, PW

City of Oxnard

Chapter 3	Community Development	2011 – 2013	2013 – 2015	2015 – 2030	Ongoing
CD-18.10	Existing Businesses				CD
GOAL CD-19	<i>Continued revitalization of the Central Business District (Downtown).</i>				
CD-19.1	Unique Downtown Identity				CD
CD-19.2	Complementary Development				CD
CD-19.3	Downtown Events				CD
CD-19.4	Downtown Beautification				CD
CD-19.5	Attract Downtown Investment				CD
GOAL CD-20	<i>An economically robust port and harbor-related economic sector.</i>				
CD-20.1	Port Trade Enhancement				DS
CD-20.2	Channel Islands Harbor Enhancement	DS			
GOAL CD-21	<i>An updated Local Coastal program that includes the restoration of the Ormond Beach wetlands and consideration of climate change issues.</i>				
CD-21.1	Removal of LNG Reference	DS			
CD-21.2	Modify non-Coastal Dependent Energy Uses	DS			
CD-21.3	Future Use of Coastal Power Plants	DS			
CD-21.4	Coastal Zone Land Use Designation Changes	DS			
GOAL CD-22	<i>Environmentally sound Ormond Beach wetlands with appropriate public access.</i>				
CD-22.1	Participation in the Ormond Beach Wetlands Restoration Plan	DS			
CD-22.2	Develop an Ormond Beach Visitor Access Plan	DS			

Chapter 4	Infrastructure and Community Services	2011 – 2013	2013 – 2015	2010 – 2030	Ongoing
GOAL ICS-1	<i>Provision of adequate facilities and services that maintain service levels with adequate funding.</i>				
ICS-1.1	Maintain Existing Service Levels				All
ICS-1.2	Development Impacts to Existing Infrastructure				DS, PW
ICS-1.3	Funding for Public Facilities				PW

Page 9-12

ATTACHMENT C

Nyeland Acres Map

ATTACHMENT C
City of Oxnard
PZ 16-620-02 General Plan Amendment

Unincorporated Nyeland Acres
Census Designated Place



ATTACHMENT D

CEQA Notice of Exemption

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning (PZ) Permit No. 16-620-02 (General Plan Amendment) within the Goals and Policies document:

Amendment to the City of Oxnard (City) 2030 General Plan, Goals and Policies, Chapter 3 “Community Development” and Chapter 9 “Implementation,” elements required by Senate Bill 244. The City is required to initiate this amendment because the City is simultaneously adopting the 2013-2021 Housing Element.

Part 1 of the amendment inserts text within Chapter 3, Community Development (CD) to create a new CD GOAL 23, titled: “Disadvantaged Unincorporated Community Infrastructure Study” and three implementing policies (CD-23.1 to CD-23.3) that comply with requirements of SB 244.

Part 2 of the amendment inserts text within Chapter 9, Implementation, Table 9-2 that identifies responsibility for implementing the newly created (CD-23) goal and policies.

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:

The City finds that the proposed amendment is research and evaluation that does not lead to any action that may have an impact on the environment, per CEQA Guidelines Section 15306. A map of the study area is on the reverse side.

(Date)

Kathleen Mallory
Planning Manager

[Map on reverse]

**Unincorporated Nyeland Acres
Census Designated Place**



RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING AN AMENDMENT TO THE 2030 GENERAL PLAN
COMPLYING WITH SENATE BILL 244 REGARDING
INFRASTRUCTURE NEEDS OF THE NYELAND ACRES FRINGE
DISADVANTAGED UNINCORPORATED COMMUNITY. FILED BY
CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT,
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

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; 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 California Environmental Quality Act (CEQA) Guidelines that the Final PEIR was completed in accordance with CEQA, and reflects the independent judgment and analysis of the City; and

WHEREAS, Addendum No. 1 to the Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document environmental impacts of changes to the 2030 General Plan that occurred after February 2, 2010; and

WHEREAS, the operative documents of the Oxnard 2030 General Plan consist of (1) the Background Report (2006), and (2) the Goals and Policies; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 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, Government Code Section 56033.5 requires upon the next revision of a city or county housing element, and each revision thereafter, a city or county to review and update one or more elements of its general plan, as necessary to address the presence of island, fringe, or legacy unincorporated communities, as defined, inside or near its boundaries, and would require the updated general plan to include specified information; and

WHEREAS, the Ventura County Local Agency Formation Commission determined in its March, 2012 Municipal Service Review that the approximately 150-acre Nyeland Acres unincorporated area with a population of approximately 3,000 bounded on the west by Santa Clara Avenue, on the north by Friedrich Road, on the east by Farm Service Road, and on the south by E. Ventura Blvd. and City of Oxnard city limits had a 2010 Census median household income less than 80 percent of the California median income, and qualifies as a Fringe DUC pursuant to SB 244; and

WHEREAS, each portion of the proposed General Plan Amendment PZ 16-620-02 is fully set forth in the staff report to this matter, and each portion is incorporated by this reference as if fully set forth in full herein; and

Resolution No.
Page 2

WHEREAS, the City has prepared a separate General Plan Amendment to adopt and amend the 2013-2021 Housing Element that is concurrently before the City Council and the proposed DUC amendment is required by Government Code Section 56033.5; and

WHEREAS, the City has prepared an amendment to Chapter 3 of the 2030 General Plan in compliance with Government Code Section 56033.5 by creating Goal Community Development (CD)-23 with three implementing Policies, CD-23.1 to CD-23.3, on page 3-41 after Policy No. CD-22.2 and by inserting text within Chapter 9 Implementation, Table 9-2, "Policy Implementation" after table entry "CD-22.2" on page 9-12, collectively shown in Exhibit "A"; and

WHEREAS, under California Environmental Quality Act (CEQA) Guidelines Section 15306 the collection of data and research is exempt from CEQA; and

WHEREAS, there is no City intent, no request or application, and no known interest from the Nyland Acres community for annexation to the City of Oxnard; and

WHEREAS, the adoption of this amendment does not express an intent nor commit the City of Oxnard or the Nyland Acres community to any future annexation.

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to proposed General Plan Amendment No. 16-620-02; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of General Plan Amendment No. 16-620-02.

NOW, THEREFORE, for the above stated reasons, the City Council of the City of Oxnard resolves as follows:

1. The General Plan Amendment 16-620-02 is not a project under CEQA and is exempt from CEQA.
2. The 2030 General Plan is amended in the manner described as Exhibit A, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 13th day of December, 2016 by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

Resolution No.
Page 3

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

EXHIBIT A

PZ 16-620-02 General Plan Amendment

Part 1: Insert new Goal CD-23 with three implementing Policies CD-23.1 to CD-23.3 on page 3-41 after Policy No. CD-22.2 as shown below.

Disadvantaged Unincorporated Community Infrastructure Study

Goal CD-23

Provide a study of infrastructure needs for a qualifying Disadvantaged Unincorporated Community (DUC) in compliance with Senate Bill 244.

CD-23.1

Nyeland Acres Qualifies as Fringe DUC per Senate Bill 244

Receive and file and concur with the Ventura LAFCo that the approximately 150-acre Nyeland Acres unincorporated area bounded by Santa Clara Avenue, Friedrich Road, Farm Service Road, and E. Ventura Blvd. had a median household income less than 80 percent of the California median income, based on 2013 U.S. Census Bureau data, and qualifies as a Fringe DUC pursuant to Government Code Section 65302.10(a) (SB244). In the event additional DUCs are identified by the Ventura LAFCo or by the City, the Development Services and Public Works Departments will prepare appropriate infrastructure studies.

CD-23.2

Infrastructure Needs

Receive and File the following study regarding water, wastewater, flood control, and fire protections needs for Nyeland Acres as of 2016 using readily available data:

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WASTEWATER: Public sewer service is provided by Nyeland Acres County Service Area #30. Trunk lines and laterals are generally in acceptable condition and capacity is adequate for current and anticipated development given the County low-density residential zoning and existing development. There are no septic systems.

EXHIBIT A

FLOOD CONTROL: There are no storm drains. Minor street flooding occurs during periods of heavy rain. Rain is generally retained within the relatively large lots with more open ground than typical urban areas.

FIRE PROTECTION: The current water system serving the subject property does not meet the current storage and fire flow requirements of the Ventura County Fire Department (VCFD). The NAMWC is planning storage and pressure improvements to meet VCFD requirements. The City of Oxnard has a water line in Ventura Boulevard immediately between Rice Avenue and Almond Drive with hydrants that is available for emergencies.

CD-23.3

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The following are estimates using 2016 estimates per linear foot:

\$	925,260	curbs and gutters (\$50.24 per linear foot)
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The total estimated cost of \$9.3 million would be funded by a combination of grants and by forming a Nyeland Acres Community Facility District (CFD) that would amortize the costs not covered by grants over a long-term bond paid by an assessment on landowners.

EXHIBIT A

Part 2: Insert the following into Table 9-2, “Policy Implementation” after table entry

GOAL CD-23	Disadvantaged Unincorporated Community Infrastructure Study				
CD-23.1	Nyeland Acres Qualifies as Fringe DUC per Senate Bill 244				DS, PW
CD-23.2	Infrastructure Needs				DS, PW
CD-23.3	Estimates to Bring to City Infrastructure Standards				DS, PW

“CD-22.2” on page 9-12:

City of Oxnard

Chapter 3	Community Development	2011 – 2013	2013 – 2015	2015 – 2030	Ongoing
CD-18.10	Existing Businesses				CD
GOAL CD-19	<i>Continued revitalization of the Central Business District (Downtown).</i>				
CD-19.1	Unique Downtown Identity				CD
CD-19.2	Complementary Development				CD
CD-19.3	Downtown Events				CD
CD-19.4	Downtown Beautification				CD
CD-19.5	Attract Downtown Investment				CD
GOAL CD-20	<i>An economically robust port and harbor-related economic sector</i>				
CD-20.1	Port Trade Enhancement				DS
CD-20.2	Channel Islands Harbor Enhancement	DS			
GOAL CD-21	<i>An updated Local Coastal program that includes the restoration of the Ormond Beach wetlands and consideration of climate change issues.</i>				
CD-21.1	Removal of LNG Reference	DS			
CD-21.2	Modify non-Coastal Dependent Energy Uses	DS			
CD-21.3	Future Use of Coastal Power Plants	DS			
CD-21.4	Coastal Zone Land Use Designation Changes	DS			
GOAL CD-22	<i>Environmentally sound Ormond Beach wetlands with appropriate public access.</i>				
CD-22.1	Participation in the Ormond Beach Wetlands Restoration Plan	DS			
CD-22.2	Develop an Ormond Beach Visitor Access Plan	DS			

Chapter 4	Infrastructure and Community Services	2011 – 2013	2013 – 2015	2015 – 2030	Ongoing
GOAL ICS-1	<i>Provision of adequate facilities and services that maintain service levels with adequate funding.</i>				
ICS-1.1	Maintain Existing Service Levels				All
ICS-1.2	Development Impacts to Existing Infrastructure				DS, PW
ICS-1.3	Funding for Public Facilities				PW

Page 9-12



**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public Hearing
AGENDA ITEM NO.: 4**

DATE: December 13, 2016

TO: City Council

THROUGH: Greg Nyhoff
City Manager

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

FROM: Ashley Golden
Development Services Director

A handwritten signature in blue ink, appearing to read "Ashley Golden".

SUBJECT: Ordinance Regarding Building Regulations (1/3/0)

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

RECOMMENDATION:

That City Council approve the first reading by title only and subsequent adoption of an ordinance repealing and reenacting Articles II through XI, XV, and XVI of Chapter 14 of the Oxnard City Code, pertaining to the California Building Code, California Residential Code, California Green Building Standards Code, International Property Maintenance Code, Uniform Code for the Abatement of Dangerous Buildings, California Historical Building Code, California Electrical Code, California Existing Buildings Code, California Mechanical Code, California Referenced Standards Code, California Plumbing Code, Fire Codes, and Fire Sprinklers.

BACKGROUND

The State of California periodically updates the fire and life safety standards contained in the California Code of Regulations, Title 24. This is also referred to as the California Building Standards Code. The California Building Standards Code is based on model codes, published by model code writing organizations that are made up of building officials, design professionals, academic bodies, contractors, and other affiliated individuals and organizations. The publishers of these codes are mainly the International Code Council, the National Fire Protection Agency, and the International Association of Plumbing and Mechanical Officials. State Agencies then modify these model codes to comply with State laws and the state then publishes the resulting

code as the California Building Standards Code. These codes are typically replaced by the State of California every three years, with the 2016 version taking effect January 1, 2017.

The subject ordinance adopts the 2016 version of the California Building Standards Code, with modifications based on local conditions such as climatic, geological, and topographical features unique to Oxnard. The adoption of such codes is categorically exempt under the California Environmental Quality Act.

A city may make modifications to the codes adopted by the state when local conditions require special attention. When modifications to the California Building Standards Code are proposed, the City Council is required to make express findings of the necessity for the changes due to local climatic, geographical, or topographical conditions we face in Oxnard. The City of Oxnard, as we have in the past, proposes modifications due to these local conditions. The findings of necessity are included within the body of the ordinance and are further set forth in Exhibit A to the ordinance, "Index and Summary to the California Codes and Amendments." To briefly summarize these findings:

1. The city experiences unique climatic conditions such as hot and dry weather patterns combined with Santa Ana winds that increase the demands on the Oxnard Fire Department thereby requiring select modifications of the fire protection standards in the California Building Standards Code.
2. The city faces additional geologic hazards due to our location in a high seismic region that has also been mapped by the State of California Seismic Hazards Mapping program to have an elevated risk of liquefaction failure of the underlying soils. These Geologic concerns require various seismic safety elements in the California Building Standards Code to be modified by this ordinance. These modifications to the seismic safety elements of the California Building Standards Code have been coordinated with local code officials in the Southern California region for consistency.
3. The flat topography of the city creates unique drainage hazards within the city during periods of heavy rain, and when combined with the Tsunami risk of our coastal areas, specific code modifications regarding to the drainage related provisions of the California Building Standards Code are required to be modified by this ordinance.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

The cost of administering the codes that govern construction is recovered by fees. Cost associated with enforcement of these codes by administrative hearing and recourse to the courts is funded within Code Compliance and the City Attorney's Office.

Ordinance Regarding Building Regulations
December 13, 2016
Page 3

ATTACHMENTS:

Attachment A. Ordinance

**CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD REPEALING AND REENACTING ARTICLES II THROUGH XI, XV, AND XVI OF CHAPTER 14 OF THE OXNARD CITY CODE, PERTAINING TO THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, CALIFORNIA HISTORICAL BUILDING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA EXISTING BUILDINGS CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA REFERENCED STANDARDS CODE, CALIFORNIA PLUMBING CODE, FIRE CODES, FIRE SPRINKLERS.

The City Council of the City of Oxnard does ordain as follows:

PART 1. Articles II through XI, XV, and XVI of Chapter 14 of the Oxnard City Code are hereby repealed and reenacted.

PART 2. The following acronyms are used in this ordinance to clarify the sections of the City Code being added or amended.

ACI-318	American Concrete Institute – Building Code Requirements for Structural Concrete, 2014 Edition.
ANSI	American National Standards Institute
ASCE-7	American Society of Civil Engineers – Minimum Design Loads for Buildings and Other Structures, 2010 Edition.
AWC SDPWS	American Wood Council – Special Design Provisions for Wind and Seismic, 2015 Edition.
CAC	California Administrative Code [Title 24, Part 1 of the California Code of Regulations (C.C.R.)]
CBC	California Building Code [Title 24, Part 2 of the California Code of Regulations (C.C.R.)]
CBSC	California Building Standards Commission
CEBC	California Existing Building Code [Title 24, Part 10 of the California Code of Regulations (C.C.R.)]
CEC	California Electrical Code [Title 24, Part 3 of the California Code of Regulations (C.C.R.)]

CALGreen	California Green Building Standards Code [Title 24, Part 11 of the California Code of Regulations (C.C.R.)]
CFC	California Fire Code [Title 24, Part 9 of the California Code of Regulations (C.C.R.)]
CHBC	California Historical Building Code [Title 24, Part 8 of the California Code of Regulations (C.C.R.)]
CMC	California Mechanical Code [Title 24, Part 4 of the California Code of Regulations (C.C.R.)]
CPC	California Plumbing Code [Title 24, Part 5 of the California Code of Regulations (C.C.R.)]
CRC	California Residential Code [Title 24, Part 2.5 of the California Code of Regulations (C.C.R.)]
IAPMO	International Association of Plumbing and Mechanical Officials
NEC	National Electrical Code
OCC	Oxnard City Code

PART 3. Article II – California Building Code, Article III California Residential Code, Article IV – California Green Building Standards Code, Article V – Property Maintenance and Abatement Codes, Article VI – California Historical Building Code, Article VII - California Electrical Code, Article VIII – California Existing Buildings Code, Article IX - California Mechanical Code, Article X – California Referenced Standards Code, Article XI - California Plumbing Code, Article XV – Fire Codes, Article XVI – Fire Sprinklers, are added to Chapter 14 of the Oxnard City Code to read as follows:

ARTICLE II. CALIFORNIA BUILDING CODE

SEC. 14-2. CALIFORNIA BUILDING CODE ADOPTED.

The second part of twelve parts of the California Code of Regulations, Title 24, known as the California Building Code (“CBC”), 2016 Edition, including Appendices C, H, and J, as published by the Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento CA 95833-2936, is hereby adopted by reference, subject to the amendments, additions, and deletions hereinafter set forth. One true copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

SEC. 14-3. AMENDMENTS TO THE CBC.

(A) Chapter 1 Division II, Section [A]101.4.4: Amend Section [A]101.4.4 to read as follows:

[A]101.4.4. Property Maintenance. The provisions of the Oxnard City Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibility of owners, operators and occupants; and occupancy of existing premises and structures.

(B) Chapter 1 Division II, Section [A]103.1: Amend Section [A]103.1 to read as follows:

[A]103.1. Creation of enforcement agency. The Building and Engineering Division of the Development Services Department is hereby created and the official in charge thereof shall be known as the building official.

(C) Chapter 1 Division II, Section [A]105.2: Amend Section [A]105.2, items 2 and 4, to read as follows:

Building:

2. Fences not over 6 feet high and concrete or masonry walls not over 3’-6” high as measured from the lowest finished grade to the top of the wall.
4. Retaining walls that are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or II-A liquids.

(D) Chapter 1 Division II, Section [A]105.3.2: Amend Section [A]105.3.2, to read as follows:

[A]105.3.2. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued;

except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(E) Section 903.2: Amend Section 903.2 to read as follows:

Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in Sections 903.2.1 through 903.2.12 and as required in accordance with Chapter 14 of the Oxnard City Code, Article XVI.

(F) Section 1403.1: Amend Section 1403.1 to read as follows:

1403.1. General. The provisions of this section shall apply to exterior walls, wall coverings and components thereof. Additionally, balconies, landings, exterior stairways, occupied roofs and similar surfaces exposed to the weather and sealed underneath shall be waterproofed and sloped a minimum 1/4 unit vertical in 12 units horizontal (2% slope) for drainage. The weather-exposed areas with ceilings or horizontal projections not required to be sealed for fire resistive construction shall be provided with ventilation devices so as to provide adequate air movement to dry out any moisture infiltrating within the horizontal areas. Details and notes on ventilation devices shall be provided in the submittal drawings.

(G) Section 1505.1: Amend the first paragraph of Section 1505.1 to read as follows:

1505.1. General. The roof covering on any structure regulated by this code shall be a Class A or B roof covering. The roof covering assembly includes the roof deck, underlayment, interlayment, insulation, and covering which is assigned a roof covering classification. Roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2928.

(H) Section 1511.1: Amend the first paragraph of Section 1511.1 to read as follows:

1511.1 General. All reroofing shall be constructed with Class A or B roofing and shall conform to the applicable provisions of Chapter 15 of this Code, or as approved by the building official.

(I) Section 1613.5.2: Add Section 1615.2 to read as follows:

1615.2 Modification to ASCE 7 Section 12.12.3. ASCE 7 Section 12.12.3, Equation 12.12-1 is modified to read as follows:

$$\delta_M = C_d \delta_{max} \quad (\text{Eq. 12-12.1})$$

(J) Section 1613.5.3: Add Section 1615.3 to read as follows:

1615.3 Modification to ASCE 7 Section 12.11.2.2.3. ASCE 7 Section 12.11.2.2.3 is modified to read as follows:

12.11.2.2.3 Wood Diaphragms. In wood diaphragms, the continuous ties shall be in addition to the diaphragm sheathing. Anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension. The diaphragm sheathing shall not be considered effective as providing ties or struts required by this section.

For wood diaphragms supporting concrete or masonry walls, wood diaphragms shall comply with the following:

1. The spacing of continuous ties shall not exceed 40 feet. Added chords of diaphragms may be used to form sub-diaphragms to transmit the anchorage forces to the main continuous crossties.
2. The maximum diaphragm shear used to determine the depth of the sub-diaphragm shall not exceed 75% of the maximum diaphragm shear.

(K) Section 1704.6: Amend Section 1704.6 to read as follows:

1704.6 General. Where required by the provisions of Section 1704.5.1 or 1704.5.2, the owner shall employ a structural observer to perform structural observations as defined in Section 1702. The structural observer shall be one of the following individuals:

1. The registered design professional responsible for the structural design, or
2. A registered design professional designated by the registered design professional responsible for the structural design.

Prior to the commencement of observations, the structural observer shall submit to the building official a written statement identifying the frequency and extent of structural observations.

At the conclusion of the work included in the permit, the structural observer shall submit a final report which states that all observed deficiencies have been resolved, prior to acceptance of the work by the building official.

(L) Section 1705.3: Amend Section 1705.3 to read as follows:

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

EXCEPTIONS: Special inspection and test shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less in height that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).
2. Continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock where:
 - 2.1. The footings support walls of light-frame construction;
 - 2.2. The footings are designed in accordance with Table 1805.4.2; or
 - 2.3. The structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including concrete patios, driveways and sidewalks

(M) Section 1705.12.2: Amend Section 1705.12.2, Exception, to read as follows:

Exception: Special inspections are not required for wood shear walls, shear panels and diaphragms, including nailing, bolting, anchoring and other fastening to other elements of the seismic-force-resisting system, where either (1) the fastener spacing of the sheathing is more than 4 inches (102mm) on center (o.c.), or (2) the tabular values for allowable shear design values are reduced to seventy-five percent (75%).

(N) Section 1803.2: Amend the first paragraph of Section 1803.2 to read as follows:

1803.2. Investigations required. Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5. Whenever unusual soil conditions are found which justify a special site investigation to determine soil stability or questionable adequacy of the overall building site, the building official may require that the owner obtain a special geological, hydrological, soil gas profile, soil chemical analysis, soils contamination, or other report as may be deemed appropriate. The investigation shall be conducted by trained and experienced professionals licensed by the State of California to prepare such evaluations, recommendations, and reports.

(O) Section 1804.4: Amend Section 1804.4 to read as follows:

1804.4. General Site Grading and Drainage. Provisions shall be made for the control and drainage of surface water around buildings. Concentrated drainage such as rainwater from gutters and downspouts, scuppers, and roof valleys shall be diverted away from

building foundations by means of concrete splash blocks or other approved non-erosive devices. Unless an alternate design is approved by the building official, under floor access crawl holes shall be provided with curbs extending not less than six (6) inches above adjacent grade to prevent surface water from entering the under floor area.

Gutters and Downspouts - when buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices shall be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area.

Lot Drainage - All lots shall be graded so that they drain to the street or public way on which they abut or shall be provided with approved drainage devices. Minimum gradient of all lots shall comply with the following:

	<u>Longitudinal</u>	<u>Cross Slope</u>
1. Pervious surfaces --	1 percent slope	2 percent slope
2. Asphalt surfaces --	1/2 percent slope	1 percent slope
3. Concrete surfaces --	1/4 percent slope	1/2 percent slope
(2 percent = 1/4 inch per foot; 1 percent = 1/8" per foot; 1/2 percent = 1/16" per foot; and 1/4 percent = 1/32 inch per foot.)		

In rural areas where curbs or gutters have not been installed, drainage design plans shall be submitted for approval by the building official.

(P) Section 1808.7.4 : Amend Section 1808.7.4 to read as follows:

1808.7.4. Foundation and Slab Elevation. The top of any exterior foundation or finished floor slab, shall extend 25 inches above the elevation of the lowest adjacent street gutter. Beginning at an elevation eight (8) inches below the top of foundation or floor slab, a minimum 2 percent (2%) slope away from the foundation or floor slab shall be maintained around its perimeter for a minimum distance of four (4) feet for side yards and ten (10) feet for front and rear yards. The building official may approve alternate elevations, provided it can be demonstrated that required drainage to a safe point of discharge and away from the foundation is provided at all locations on the site.

(Q) Section 1905.1: Amend Section 1905.1 to read as follows:

1905.1. General. The text of ACI 318 shall be modified as indicated in Sections 1905.1.1 through 1905.1.11.

(R) Section 1905.1.7: Amend Section 1905.1.7 to read as follows:

1905.1.7. Section 14.1.4 of ACI 318 is not adopted. It is replaced with the following:

14.1.4 – Plain concrete in structures assigned to Seismic Design Category C, D, E, or F.

14.1.4.1 Structures assigned to Seismic Design Category C, D, E, or F shall not have elements of structural plan concrete, except as follows.

- (a) Concrete used for fill with a minimum cement content of two (2) sacks of Portland cement per cubic yard.
- (b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.
- (c) In detached one- and two-family dwellings three stories or less in height and constructed with stud-bearing walls, plain concrete footings having a total area of longitudinal reinforcing steel of not less than 0.002 times the gross cross-sectional area of the footing, with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted. In addition, where the foundation system consists of a plain concrete footing and a plain concrete stemwall, an additional longitudinal reinforcing bar not smaller than No. 4 shall be provided at the top of the stemwall, and vertical bars not less than No.4 shall be placed in the stemwall at 24" on center, with a standard 90 degree hook into the footing.

(S) Section 1905.1.9: Add Section 1905.1.9 to read as follows:

1905.1.9. Modify ACI 318 Section 18.7.5, by adding Section 18.7.5.7 and 18.7.5.8 to read as follows:

18.7.5.7 - Where the calculated point of contraflexure is not within the middle half of the member clear height, provide transverse reinforcement as specified in ACI 318 Sections 18.7.5.1, items (a) through (c), over the full height of the member.

18.7.5.8 – At any section where the design strength, ϕP_n , of the column is less than the sum of the shears V_e computed in accordance with ACI 318 Sections 18.7.6.1 and 18.6.5.1 for all the beams framing into the column above the level under consideration, transverse reinforcement as specified in ACI 318 Sections 18.7.5.1 through 18.7.5.3 shall be provided. For beams framing into opposite sides of the column, the moment components may be assumed to be of opposite sign. For the determination of the design strength, ϕP_n , of the column, these moments are permitted to be assumed to result from the deformation of the frame in any one principal axis.

(T) Section 1905.1.10: Add Section 1905.1.10 to read as follows:

1905.1.10. Modify ACI 318 Section 18.10.4, by adding Section 18.10.4.6 to read as follows:

18.10.4.6 – Walls and portions of walls with $P_u > 0.35P_o$ shall not be considered to contribute to the calculated shear strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318 Section 18.14.

(U) Section 1905.1.11: Add Section 1905.1.11 to read as follows:

1905.1.11. Modify ACI 318, by adding section 18.12.6.2 as follows:

18.12.6.2 - Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76mm) or $6 d_b$ thick, where d_b is the diameter of the largest reinforcement in the topping slab.

(V) Section 2304.10.1: Amend Section 2304.10.1 to read as follows:

2304.10.1 Fastener requirements. Connections for wood members shall be designed in accordance with the appropriate methodology in Section 2301.2. The number and size of fasteners connecting wood members shall not be less than that set forth in Table 2304.9.1. Staple fasteners in Table 2304.10.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E, or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the building official.

(W) Section 2305.4: Add Section 2305.4 to read as follows:

2305.5 Hold-down connectors. In Seismic Design Category D, E, or F, hold-down connectors shall be designed to resist shear wall overturning moments using approved cyclic load values or 75 percent of the allowable seismic load values that do not consider cyclic loading of the product. Connector bolts into wood framing shall require steel plate washers on the post on the opposite side of the anchorage device. Plate size shall be a minimum of 0.229 inch by 3 inches by 3 inches (5.82 mm by 76 mm by 76mm) in size. Hold-down connectors shall be tightened to finger tight plus one half (1/2) wrench turn just prior to covering the wall framing.

(X) Section 2306.2: Amend Section 2306.2 to read as follows:

2306.2 Wood-frame diaphragms. Wood-frame diaphragms shall be designed and constructed in accordance with AWC SDPWS. Where panels are fastened to framing members with staples, requirements and limitations of AWC SDPWS shall be met and the allowable shear values set forth in Table 2306.2(1) or 2306.2(2) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the building official.

The allowable shear values in Tables 2306.2(1) and 2306.2(2) are permitted to be increased 40 percent for wind design.

Exception: *[DSA-SS, DSA-SS/CC and OSHPD 1,2, & 4] Wood structural panel diaphragms using staples as fasteners are not permitted by DSA and OSHPD.*

Wood structural panel diaphragms used to resist seismic forces in structures assigned to Seismic Design Category D, E, or F shall be applied directly to the framing members.

Exception: Wood structural panel diaphragms are permitted to be fastened over solid lumber planking or laminated decking, provided the panel joints and lumber planking or laminated decking joints do not coincide.

(Y) Section 2306.3: Amend Section 2306.3 to read as follows:

2306.3 Wood-frame shear walls. Wood-frame shearwalls shall be designed and constructed in accordance with AWC SDPWS. For structures assigned to Seismic Design Category D, E, or F, application of Tables 4.3A and 4.3B of AWC SDPWS shall include the following:

1. Wood structural panel thickness for shear walls shall not be less than 3/8 inch thick and studs shall not be spaced at more than 16 inches on center.
2. The maximum nominal unit shear capacities for 3/8 inch wood structural panels resisting seismic forces in structures assigned to Seismic Design Category D, E, or F is 400 pounds per linear foot (plf), and shall not exceed 200 pounds per linear foot (plf) for plywood structural panels containing three or fewer laminated layers.

Exception: Other nominal unit shear capacities may be permitted if such values are substantiated by cyclic testing and approved by the building official.

3. Where shear design values using allowable stress design (ASD) exceed 350 plf or load and resistance factor design (LRFD) exceed 500 plf, all framing members receiving edge nailing from abutting panels shall not be less than a single 3-inch nominal member or two 2-inch nominal members fastened together in accordance with Section 2306.1 to transfer the design shear value between framing members. Wood structural panel joint and sill plate nailing shall be staggered at all panel edges. See Section 4.3.6.1 and 4.3.6.4.3 of AWC SDPWS for sill plate size and anchorage requirements.
4. Nails shall be placed not less than 1/2 inch in from the panel edges and not less than 3/8 inch from the edge of the connecting members for shear greater than 350 plf using ASD or 500 plf using LRFD. Nails shall be placed not less than 3/8 inch from panel edges and not less than 1/4 inch from the edge of the

connecting member for shears of 350 plf or less using ASD or 500 plf or less using LRFD.

5. Table 4.3B application is not allowed for structures assigned to Seismic Design Category D, E, or F.

For structures assigned to Seismic Design Category D, application of Table 4.3C of AWC SDPWS shall not be used below the top level in a multi-level building, and the allowable seismic shear values shall not exceed 90 plf for Portland cement plaster and 30 plf for gypsum. Table 4.3C shall not be allowed for structures assigned to Seismic Design Category E, or F.

Where panels are fastened to framing members with staples, requirements and limitations of AWC SDPWS shall be met and the allowable shear values set forth in Table 2306.3(1), 2306.3(2) or 2306.3(3) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the building official.

The allowable shear values in Table 2306.3(1), 2306.3(2) are permitted to be increased 40 percent for wind design. Panels complying with ANSI/APA PRP-210 shall be permitted to use design values for Plywood Siding in the AWC SDPWS.

Exception: *[DSA-SS DSA-SS/CC and OSHPD 1,2,&4] Wood structural panel shear walls using staples as fasteners are not permitted by DSA and OSHPD.*

(Z) Section 2307.2: Add Section 2307.2 to read as follows:

2307.2 Wood-frame shear walls. Wood-frame shear walls shall be designed and constructed in accordance with Section 2306.3 as applicable.

(AA) Table 2308.6.1: Amend Table 2308.6.1 by modifying footnote “b” to read as follows:

- b. See section 2308.6.3 for full description of bracing methods. Bracing methods DWB, SFB, PBS, HPS, and GB are not permitted in Seismic Design Categories D or E.

(BB) Section 2308.6.1: Amend Section 2308.6.1, first Exception, to read as follows:

Exception: For structures in Seismic Design Category A, B, or C, with a maximum plan dimension not more than 50 feet (15 240mm), continuous foundations are required at exterior walls only.

(CC) Section 2308.6.9: Amend Section 2308.6.9 to read as follows:

2308.6.9 Attachment of Sheathing. Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.6.1 or Table 2304.10.1. Wall sheathing shall not be attached to framing members by adhesives. Staple fasteners in table 2304.10.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E, or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the building official.

(DD) Appendix Chapter J, Section J103.2, Exception 1: Amend Appendix Chapter J, Section J103.2, Exception 1, to read as follows:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, the total quantity of graded soil does not exceed 150 cubic yards, and that such grading will not adversely affect adjoining properties.

(EE) Appendix Chapter J, Section J104.1: Amend Appendix Chapter J, Section J104.1 to read as follows:

J104.1. Submittal Requirements. Application for a grading permit shall be accompanied by four sets of plans and specifications, and supporting data consisting of a soils engineering report and an engineering geology report where required by the Building Official. The sets of plans submitted for final approval shall be submitted on mylar. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the building official. The dates of the soils engineering and any engineering geology reports, along with the names, addresses, and phone numbers of the firms or individuals who prepared the reports, shall appear on the grading plans. In addition to the provisions of Section 105.3, Appendix Chapter 1, the applicant shall state the estimated quantities of excavation and fill.

ARTICLE III. CALIFORNIA RESIDENTIAL CODE

SEC. 14-4. CALIFORNIA RESIDENTIAL CODE ADOPTED.

The part 2.5 of twelve parts of the California Code of Regulations, Title 24, known as the California Residential Code ("CRC"), 2016 Edition, including Appendix H, as published by the Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento CA 95833-2936, is hereby adopted by reference, subject to the amendments, additions, and deletions hereinafter set forth. One true copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

SEC. 14-5. AMENDMENTS TO THE CRC.

(A) Chapter 1 Division II, Section R102.7: Amend Section R102.7 to read as follows:

R102.7. Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the provisions of the Oxnard City Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(B) Chapter 1 Division II, Section R103.1: Amend Section R103.1 to read as follows:

R103.1. Creation of enforcement agency. The Building and Engineering Division of the Development Services Department is hereby created and the official in charge thereof shall be known as the building official.

(C) Chapter 1 Division II, Section R105.2: Amend Section R105.2, items 2 and 3, to read as follows:

Building:

2. Fences not over 6 feet high and masonry walls not over 3'-6" high as measured from the lowest finished grade to the top of the wall.
3. Retaining walls that are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or II-A liquids.

(D) Section R313: Amend Section R313 to read as follows:

R313. General. Approved automatic fire extinguishing systems shall be installed and maintained in accordance with Chapter 14 of the Oxnard City Code, Article XVI.

(E) Section R401.1: Amend the Exception to Section R401.1 to read as follows:

Exception: Wood foundations in Seismic Design Categories D₀, D₁, and D₂ shall not be permitted. The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In non-occupied, single-story, detached storage sheds and similar uses other than carport or garage, provided the gross floor area does not exceed 200 square feet, the plate height does not exceed 12 feet in height above the grade plane at any point, and the maximum roof projection does not exceed 24 inches.

(F) Section R403.1.2: Amend Section R403.1.2 to read as follows:

R403.1.2. Continuous footing in Seismic Design Categories D₀, D₁, and D₂. The braced wall panels at exterior walls of buildings located in Seismic Design Categories D₀, D₁, and D₂ shall be supported by continuous footings. All required interior braced wall panels in buildings shall be supported by continuous footings.

(G) Section R403.1.3.6: Section R403.1.3.6 is deleted in its entirety.

(H) Section R404.2: Amend Section R404.2 to read as follows:

R404.2. Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with details shown in Figures R403.1(2) and R403.1(3). Wood foundation walls shall not be used for structures located in Seismic Design Category D₀, D₁, and D₂.

(I) Table R602.3(1): Amend Table R602.3(1) by adding footnote “j” to be applicable to the entire table and to read as follows:

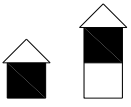
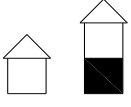
j. Use of staples in braced wall panels shall be prohibited in Seismic Design Category D₀, D₁, and D₂.

(J) Table R602.3(2): Amend Table R602.3(2) by revising footnote “b” to read as follows:

b. Staples shall have a minimum crown width of 7/16-inch diameter except as noted. Use of staples in roof, floor, subfloor, and braced wall panels shall be prohibited in Seismic Design Category D₀, D₁, and D₂.

(K) Table R602.10.3(3): Amend Table R602.10.3(3) to read as follows:

TABLE R602.10.3(3)
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY

SOIL CLASS D ^a WALL HEIGHT = 10 FT 10 PSF FLOOR DEAD LOAD 15 PSF ROOF/CEILING DEAD LOAD BRACED W			MINIMUM TOTAL LENGTH (feet) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE ^b			
Seismic Design Category (SDC)	Story Location	Braced Wall Line Length	Method LIB, DWB, SFB, PBS, and HPS	Methods ^c GB and PCP	Method WSP ^d	Continuous Sheathing ^d
SCD D ₂		10	NP	8.0	2.5	2.1
		20	NP	16.0	5.0	4.3
		30	NP	24.0	7.5	6.4
		40	NP	32.0	10.0	8.5
		50	NP	40.0	12.5	10.6
		10	NP	NP	5.5	4.7
		20	NP	NP	11.0	9.4
		30	NP	NP	16.5	14.0
		40	NP	NP	22.0	18.7
		50	NP	NP	27.5	23.5

a. Wall bracing lengths are based on a soil site class "D." Interpolation of bracing length between the S_d values associated with the seismic design categories shall be permitted when a site-specific S_d value is determined in accordance with Section 16

b. Foundation cripple wall panels shall be braced in accordance with Section R602.10.9

c. Methods GB and PCP braced wall panel h/w ratio shall not exceed 1:1.

d. Wood Structural Panel shall have a minimum thickness in SDC D₂ of 15/32", and shall not be attached using staples.

(L) Table R602.10.4: Amend Table R602.10.4 by adding footnote "f" to be applicable to the entire table and to read as follows:

f. Use of staples in braced wall panels shall be prohibited in Seismic Design Category D₀, D₁, and D₂.

(M) Section R602.10.9.1: Section R602.10.9.1 is deleted in its entirety.**(N) Section R703.1: Amend Section R703.1 to read as follows:**

R703.1. General. Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as describe in Section R703.4. Additionally, balconies, landings, exterior stairways, occupied roofs and similar surfaces exposed to the weather and sealed underneath shall be waterproofed and sloped a minimum 1/4 unit vertical in 12 units horizontal (2% slope) for drainage. The weather-exposed areas with ceilings or horizontal projections not required to be sealed for fire resistive construction shall be provided with ventilation devices so as to provide

adequate air movement to dry out any moisture infiltrating within the horizontal areas. Details and notes on ventilation devices shall be provided in the submittal drawings.

(O) Section R902.1: Amend the first paragraph of Section R902.1 to read as follows:

R902.1. Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A or B roofing shall be installed in areas designated by this section or where the edge of the roof is less than 3 feet from a lot line. Class A or B roofing required by this section shall be tested in accordance with UL 790 or ASTM E108.

(P) Section R902.1.3: Amend Section R902.1.3 to read as follows:

R902.1.3. Roof coverings in all other areas. All reroofing shall be constructed with Class A or B roofing and shall conform to the applicable provisions of this Chapter, or as approved by the building official.

(Q) Section R902.2: Amend the first paragraph of Section R902.2 to read as follows:

R902.2: Fire-retardant treated shingles and shakes. Fire-retardant treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A or B roofs.

(R) Appendix Chapter H, Section AH103.2: Amend Appendix Chapter H, Section AH103.2 to read as follows:

AH 103.2. Light, ventilation and emergency egress. Exterior openings required for light and ventilation shall be permitted to open into a patio structure conforming to Section AH101. Where such exterior openings serve as an exit from the dwelling unit, the patio structure, unless unenclosed, shall be provided with exits conforming to the provisions of Section R311 of this code. Emergency egress or rescue openings from sleeping rooms shall not open into a patio structure.

ARTICLE IV. CALIFORNIA GREEN BUILDING STANDARDS CODE

SEC. 14-6. CALIFORNIA GREEN BUILDING STANDARDS CODE ADOPTED.

The part eleven of twelve parts of the California Code of Regulations, Title 24, known as the California Green Building Standards Code (“CALGreen”), 2016 Edition, as published by the California Building Standards Commission, 2524 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936, is hereby adopted by reference, subject to the amendments, additions, and

deletions hereinafter set forth. One true copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

ARTICLE V. PROPERTY MAINTENANCE AND ABATEMENT CODES

SEC. 14-8. INTERNATIONAL PROPERTY MAINTENANCE CODE AND UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED.

The International Property Maintenance Code, 2006 Edition, and the Uniform Code for Abatement of Dangerous Buildings, 1997 Edition, as published respectively by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001, and the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, are hereby adopted by reference. One true copy of these codes is on file in the office of the City Clerk and is available for public inspection as required by law.

ARTICLE VI. CALIFORNIA HISTORICAL BUILDING CODE

SEC. 14-9. CALIFORNIA HISTORICAL BUILDING CODE ADOPTED.

The eighth part of twelve parts of the California Code of Regulations, Title 24, known as the California Historical Building Code (“CHBC”), 2016 Edition, including Appendix A, as published by the Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento CA 95833-2936, is hereby adopted by reference. One true copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

ARTICLE VII. CALIFORNIA ELECTRICAL CODE

SEC. 14-10. CALIFORNIA ELECTRICAL CODE ADOPTED.

The third part of twelve parts of the California Code of Regulations, Title 24, known as the California Electrical Code (“CEC”), 2016 Edition, which incorporates by reference the National Electrical Code (“NEC”), 2014 Edition, published by the Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento CA 95833-2936, is hereby adopted by reference, subject to the amendments hereinafter set forth. One true copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

SEC. 14-11. AMENDMENTS.

(A) Article 90-10: Add Article 90-10 to read as follows:

Article 90-10. Administration. The legal jurisdiction and administration of this electrical code is regulated by the administrative sections as adopted in Chapter 14, Article II of the Oxnard City Code.

ARTICLE VIII. CALIFORNIA EXISTING BUILDING CODE

SEC. 14-12. CALIFORNIA EXISTING BUILDING CODE ADOPTED.

The tenth part of eleven parts of the California Code of Regulations, Title 24, known as the California Existing Buildings Code (“CEBC”), 2016 Edition, as published by the Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento CA 95833-2936, is hereby adopted by reference. One true copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

ARTICLE IX. CALIFORNIA MECHANICAL CODE

SEC. 14-13. CALIFORNIA MECHANICAL CODE ADOPTED.

The fourth part of eleven parts of the California Code of Regulations, Title 24, known as the California Mechanical Code (“CMC”), 2016 Edition, and Appendices B and C thereof, and Standards contained therein, published by the Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento CA 95833-2936, is hereby adopted by reference, subject to the amendment hereinafter set forth. One true copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

SEC. 14-14. AMENDMENT.

(A) Chapter One – California General Code Provisions. Except for Sections 101.1, 101.2, and 101.3, entitled “Title,” “Purpose,” and “Scope,” Chapter One, entitled “California General Code Provisions” is hereby deleted from the CMC. The Administrative Code as adopted in the Oxnard City Code, Chapter 14, Article II, shall apply to this Article.

ARTICLE X. CALIFORNIA REFERENCED STANDARDS CODE

SEC. 14-15. CALIFORNIA REFERENCED STANDARDS CODE ADOPTED.

The twelfth part of twelve parts of the California Code of Regulations, Title 24, known as the California Referenced Standards Code (“CRSC”), 2016 Edition, as published by the Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento CA 95833-2936, is

hereby adopted by reference. One true copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

ARTICLE XI. CALIFORNIA PLUMBING CODE

SEC. 14-16. CALIFORNIA PLUMBING CODE ADOPTED.

The fifth part of eleven parts of the California Code of Regulations, Title 24, known as the California Plumbing Code (“CPC”), 2016 Edition, including Appendices A, B, D, I, and K thereof, and standards contained therein, published by the Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento CA 95833-2936, is hereby adopted by reference, subject to the amendment hereinafter set forth. One copy of this code is on file in the office of the City Clerk and is available for public inspection as required by law.

SEC. 14-17. AMENDMENT.

(A) Chapter One – California General Code Provisions. Except for Sections 101.1, 101.2, and 101.3, entitled “Title,” “Purpose,” and “Scope,” Chapter One, entitled “California General Code Provisions” is hereby deleted from the CPC. The Administrative Code as adopted in the Oxnard City Code, Chapter 14, Article II, shall apply to this Article.

ARTICLE XII. (RESERVED)

ARTICLE XIII. (RESERVED)

ARTICLE XIV. (RESERVED)

SEC. 14-24. CALIFORNIA FIRE CODE – ADOPTED.

(A) The California Fire Code (“CFC”) 2016 Edition, including Appendix Chapter 4, Appendix B, Appendix C, Appendix D, and Appendix F, published by the International Code Council, 500 New Jersey Avenue, NW, 6th floor, Washington, D.C. 20001, is hereby adopted by reference, subject to the amendments, additions, and deletions hereinafter set forth. One copy of such code is on file in the office of the City Clerk and is available for public inspection as required by law.

SEC. 14-25. AMENDMENTS

(A) Chapter 1, Section 101.1. Amend Section 101.1 to read:

Section 101.1. **Title.** These regulations shall be known as the Fire Code of the City of Oxnard, hereinafter referred to as “this code”.

(B) Chapter 1, Section 104.12. Add Section 104.12 to read:

Section 104.12. General. When the chief finds in any building, on any premises, or on any lot or parcel combustible, hazardous or explosive materials or dangerous accumulations of rubbish; or finds unnecessary accumulations of wastepaper, boxes, shavings, or any highly flammable materials which are so situated as to endanger life or property; or finds obstructions to or on fire escapes, stairs, passageways, doors, or windows that reasonably tend to interfere with the operations of the Fire Department or the egress of the occupants of such building or premises; or finds that this code is being violated, the chief is authorized to issue orders as necessary for the enforcement of the fire prevention laws and ordinances governing the same and for the safeguarding of life and property from fire.

(C) Chapter 1, Section 104.13. Add Section 104.13 to read:

Section 104.13. Stopping uses, evacuation. The chief is authorized to order an operation or use stopped, or the evacuation of any premises building or vehicle or portion thereof which has or is a fire hazard, hazardous condition or situation which presents a hazard to life or property.

(D) Section 109.4. Amend Section 109.4 to read:

Section 109.4. Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law.

(E) Section 503.2.1. Amend Section 503.2.1 to read:

Section 503.2.1. Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (7925 mm) and an unobstructed height of not less than 13 feet 6 inches (4115 mm).

Exceptions:

1. Alleys without fire hydrants must have an unobstructed width of not less than 20 feet (6096 mm).
2. Approved security gates in accordance with Section 503.6.

(F) Section 503.7. Add Section 503.7 to read:

Section 503.7. Electronic and Electric Access Gates. When access to or within a structure or area is impeded by an electronically or electrically secured opening or gate,

such electronically or electrically secured opening or gate shall be constructed and maintained in accordance with plans approved by the Fire Code Official or Oxnard Police Department. The Fire Code Official or Oxnard Police Department shall not approve such plans unless the plans allow emergency vehicles and emergency personnel to open such electronically or electrically secured openings or gates by City approved radio equipment used by such emergency vehicles or personnel.

On or before August 1, 2006, all existing electronically or electrically secured openings or gates that impede access to a structure or area shall either be (a) removed, or (b) constructed and maintained in accordance with plans approved by the Fire Code Official or Oxnard Police Department.

For the purposes of this section 503.7, “opening” shall be limited to an exterior door for a commercial or industrial building or a door on a commercial, industrial, or residential property that limits access to a common area that is an accessway to more than one commercial, industrial, or residential occupancy.

(G) Section 507.5. Amend Section 507.5 to read:

Section 507.5. Fire Hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Oxnard Fire Department published Standards and Appendix C or by an approved method.

(H) Section 507.5.1.1. Amend Section 507.5.1.1 to read:

Section 507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 50 feet (15 m) of the fire department connections.

Exception: The distance shall be permitted to exceed 50 feet (15 m) where approved by the fire code official.

(I) Section 901.6.2.2. Add Section 901.6.2.2 to read:

Section 901.6.2.2 System Records. All contractors who service, test, install and/or maintain fire protection systems within the city are required to enroll and utilize the designated and approved single-point repository service to file records of all system inspections, tests, and maintenance required by the referenced standards. This repository service shall be maintained electronically and provided to the fire code official through a third party inspection reporting system. Fees, as applicable, will be paid directly from the contractor to the approved single-point repository service vendor.

(J) Section 903.4.2.1. Add Section 903.4.2.1, to read:

Section 903.4.2.1 Exterior Strobe. Provide an approved exterior strobe, in an approved location, visible from the street or approach roadway or drive aisle.

(K) Section 904.3.5. Amend Section 904.3.5, to read:

Section 904.3.5 Monitoring. Where a building fire alarm system, or a monitoring and alarm system complying with section 903.4, is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system or the monitoring and alarm system in accordance with NFPA 72.

(L) Section 906.1, #10. Add Section 906.1, #10, to read:

Section 906.1 #10 as required by the Fire Code Official.

(M) Section 907.3.5. Add Section 907.3.5 to read:

Section 907.3.5. Fog or Smoke Emitting Systems. No system shall be installed in any building/structure or portion thereof, which discharges any gas, vapor, liquid or other product when the primary intent of system discharge is to obscure the vision, cause disorientation, or otherwise incapacitate any occupant of said building/structure or portion thereof. Nothing in this section is intended to preclude the installation of an approved fire suppression system.

(N) Section 907.5.2.3.5. Add Section 907.5.2.3.5, to read:

Section 907.5.2.3.5. Exterior Strobe. Provide an approved exterior strobe, in an approved location, visible from the street or approach roadway or drive aisle.

(O) Section B105. Amend Table B105.2 to read:

Table B105.2. Column two - Minimum Fire-flow, Row two of three: 50% of the value in Table B105.1(2)^a

Table B105.2. Column two - Minimum Fire-flow, Row three of three: 50% of the value in Table B105.1(2)^b

(P) Section D102.1. Amend Section D102.1, to read:

Section D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 76,000 pounds (34,550 kg).

(Q) Section D103.5 #1. Amend Section D103.5 #1, to read:

#1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 15 feet (4572 mm).

ARTICLE XV. FIRE SPRINKLERS

SEC. 14-26. AUTOMATIC FIRE SPRINKLER SYSTEM.

The California Fire Code (“CFC”) 2016 Edition, Section 903, Automatic Sprinkler Systems, is hereby amended.

(A) Section 903.2 through section 903.2.4. Amend Section 903.2 through 903.2.4 to read:

903.2 Where required. Approved automatic fire sprinkler systems shall be installed in all structures, occupancies, and locations as set forth in this section. For the purposes of this section, fire walls shall not be considered as creating separate buildings.

903.2.1 Definitions.

The following words and terms shall, for the purposes of section 903, have the following meanings.

Bathroom. A room or compartment containing one or more of the following: a toilet, a tub, or a shower.

903.2.2 New Construction.

Automatic fire sprinkler systems shall be installed, maintained, and accessible for service in all new buildings, regardless of location, floor area, construction type, or occupancy.

Exceptions:

1. Spaces and areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.
2. Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17
3. The Fire Code Official is authorized to make exception for trash enclosures that are of non-combustible construction including the roof or cover, and at least ten (10) feet from any adjacent structure, and at least five (5) feet from the nearest property line.
4. The Fire Code Official is authorized to make exception for carports, storage sheds, and similar structures having less than 500 square feet of

roof area including overhangs, if the structure is least ten (10) feet from any adjacent structure, and at least five (5) feet from the nearest property line.

5. The Fire Code Official is authorized to make exception for structures of non-combustible construction that do not have occupiable space, and that have no storage, insignificant fire load, and no exposures.

903.2.3 Existing Construction.

Automatic fire sprinkler systems shall be installed, maintained, and accessible for service throughout existing structures and additions in the following situations.

1. Whenever there is a change in occupancy in the structure or change in use classification to a higher or more hazardous occupancy or use classification based on the Building Code classifications or as determined by the Fire Code Official.
2. Whenever permits for additions or alterations result in an increase of cumulative area of more than 1,000 square feet of total structure area, including mezzanines and additional stories. Additional area determination shall be cumulative, from the effective date of this ordinance: December 27, 2007. Sprinkler coverage shall include the entire existing structure, garage(s), and adjacent accessory structures.
3. In rooms where nitrate film is stored or handled.
4. In protected combustible fiber storage vaults as defined in this code.

Section 903.2.4 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout the entire structure containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

(B) Section 903.2.7 through section 903.2.10. Amend Section 903.2.7 through 903.2.10 to read:

Section 903.2.7. Reserved.

Section 903.2.8. Reserved.

Section 903.2.9. Reserved.

Section 903.2.10. Reserved.

(C) Section 903.2.18 Amend Section 903.2.18 to read:

Section 903.2.18. Reserved.**(D) Section 903.3.1.2. Add the following sections.**

Section 903.3.1.2.3 Overhangs. Sprinkler protection is required under exterior roofs, canopies, and overhangs over four (4) feet in width.

Exceptions:

1. The Fire Code Official is authorized to make exception where the construction is non-combustible or limited combustible, and, where no combustibles are stored or handled, and, the area is at least 50 percent open.

Section 903.3.1.2.4 Under stairs. Sprinkler protection is required for usable spaces and compartments under stairs, including bathrooms and closets.

Section 903.3.1.2.5 Attics, crawl spaces, concealed spaces. Attics, crawl spaces, and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require sprinkler coverage. In attics, crawl spaces, and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.

Section 903.3.1.2.6 Ceiling obstructions. Pendant sprinklers within 3 feet of the center of a ceiling fan, surface-mounted ceiling luminaire or similar object shall be considered to be obstructed, and additional sprinklers shall be installed. Sidewall sprinklers within 5 feet of the center of a ceiling fan, surface-mounted ceiling luminaire or similar object shall be considered to be obstructed, and additional sprinklers shall be installed.

(E) Section 903.3.1.3. Add the following sections.

Section 903.3.1.3.1 Overhangs. Sprinkler protection is required under exterior roofs, canopies, and overhangs over four (4) feet in width.

Exceptions:

1. The Fire Code Official is authorized to make exception where the construction is non-combustible or limited combustible, and, where no combustibles are stored or handled, and, the area is at least 50 percent open.

Section 903.3.1.3.2. Under stairs. Sprinkler protection is required for usable spaces and compartments under stairs, including bathrooms and closets.

Section 903.3.1.3.3. Attics, crawl spaces, concealed spaces. Attics, crawl spaces, and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require sprinkler coverage. In attics, crawl spaces, and normally unoccupied concealed

spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.

Section 903.3.1.3.4. Ceiling obstructions. Pendant sprinklers within 3 feet of the center of a ceiling fan, surface-mounted ceiling luminaire or similar object shall be considered to be obstructed, and additional sprinklers shall be installed. Sidewall sprinklers within 5 feet of the center of a ceiling fan, surface-mounted ceiling luminaire or similar object shall be considered to be obstructed, and additional sprinklers shall be installed.

PART 4. The City Council, following due consideration, hereby finds and determines that all the amendments, deletions, and additions to the forgoing California Building Standards Code and other codes are due to the following local conditions:

(A) Climatic

1. The City experiences periods of high temperatures accompanied by low humidity and high winds each year. The City also experiences periods of intense rainfall, which creates the need for special drainage precautions. Close proximity to the ocean may accelerate some building components to erode, corrode, decay, and expose beach homes to ocean wave force and damp corrosive microclimates.
2. During the months October through March, the City experiences wind conditions known as the “Santa Ana” winds. These very strong, hot, dry northeasterly winds considerably aid the spread of fire and create a strong possibility of a conflagration in all structures during this period. During these wind conditions, much of the Fire Department’s resources are used to combat life safety problems such as downed power lines. The Fire Department is forced to provide standby protection for extended periods because the electric utility is overloaded with high priority calls. The Fire Department equipment used on these non-firefighting calls is, therefore, not available for response to structure fires. Thus, even a fire in one structure not immediately extinguished such as by a fire sprinkler system could spread and cause significant property damage and/or loss of life.
3. Although there are few brush or forest areas within the City, the Fire Department receives requests for aid from jurisdictions involved in firefighting these types of fires outside the City. This response leaves the City’s firefighting resources at a lower than normal level and impacts the Fire Department’s ability to promptly respond to structure fires when they occur at the same time.
4. During the hot, dry wind period, the number of outside fires, such as trash and grass fires, increases dramatically. These fires do not pose a serious threat to life or property, but do occupy firefighting resources and seriously impact the Fire Department’s ability to respond to structure fires when they occur at the same time.

(B) Geological

1. The City is located in close proximity to 3 major fault systems capable of producing earthquakes ranging from 6.7 to 7.3 in magnitude, and has been

determined by the State of California Seismic Hazards Mapping program to be underlain by soil layers that are prone to liquefaction failure. Special seismic design, construction, and inspection considerations must be in place to provide a reasonable degree of structural integrity for buildings constructed in these areas. Additionally, the potential for multiple fires occurring simultaneously after a large seismic event will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires.

2. The City is located in an area with expansive soils, high groundwater table, and ocean frontage. Special foundation considerations and soils analysis requirements must be in place to provide a reasonable degree of structural integrity for buildings constructed in these areas.

(C) Topographical

1. The City has flat land and waterfront developments that require special drainage and coastal precautions. Structures would be subject to water damage without special requirements addressing site drainage and coastal wave and wind forces.

2. During the rainy season, from December through April, the City is subject to flooding, making various parts of the City inaccessible to firefighting equipment on short notice. This prolongs the Fire Department's response time to structure fires.

3. The City is on a flat, coastal plain, and is in a tsunami inundation zone. Additionally, many of the evacuation routes from this zone pass through the City. The arrival time of a tsunami may be predicted, but not its magnitude. Therefore, evacuation measures may be taken, but the entire area is defenseless when it strikes. During and after a tsunami, these coastal areas will not be easily accessible to firefighting and other emergency equipment.

The City Council further finds that such amendments, deletions, and additions are necessary to best serve the public health and welfare. The City Council further finds and determines that all the amendments, deletions, and additions are also required for the reasons set forth in the Index and Summary to Model Codes and Amendments, which is attached hereto and incorporated herein as Exhibit A.

PART 5. The City Attorney, who was designated to prepare a summary of this ordinance, has determined that it is not feasible to prepare a fair and adequate summary thereof. The City Council thus orders that a display advertisement of at least one quarter page containing the information required by Government Code Section 36933(c)(2) be published in a newspaper of general circulation in the City at least five days prior to adoption of this ordinance, and another such display advertisement be similarly published within 15 days after its adoption, including the names of the Councilmembers voting for and against the ordinance.

PART 6. This ordinance was introduced for first reading on December 13, 2016, and passed on _____, by the following roll call vote and shall take effect thirty days after final passage.

PASSED AND ADOPTED this _____ day of _____, by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen Fischer, City Attorney

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SUMMARY

PART 3

ARTICLE II. CALIFORNIA AND BUILDING CODE

Section 14-2 References the adoption of the California Building Code, 2016 Edition.

Section 14-3 Amendments to the CBC.

A. **Chapter 1 Division II, Section 101.4.4.** Corrects an inaccurate administrative reference.

Finding of Need: Administrative.

B. **Chapter 1 Division II, Section 103.1.** Administrative clarification of terminology.

Finding of Need: Administrative.

C. **Chapter 1 Division II, Section 105.2** Clarifies restrictions on items exempt from permits.

Finding of Need: Local Climactic Condition #1, Local Geological Conditions #1 and #2.

D. **Chapter 1 Division II, Section 105.3.2.** Modifies the time limit of permit extensions granted by the Building Official.

Finding of Need: Administrative.

E. **Section 903.2. Where Fire Sprinklers are Required.** This amendment provides cross-reference to the Oxnard Fire Code relating to more restrictive requirements for automatic fire sprinkler systems.

Finding of Need: Editorial reference.

F. **Section 1403.1. Waterproofing Weather-Exposed Areas.** Due to climatic conditions caused by the close proximity to the ocean, there is a specific need to ventilate certain areas of a building which are more clearly addressed in this amendment.

Finding of Need: Local Climatic Condition #1

EXHIBIT A - INDEX AND SUMMARY TO THE CALIFORNIA CODES AND AMENDMENTS

- G. **Section 1505.1. Roof Covering Requirements.** Amends the CBC to be consistent with Fire Prevention Program regulations for roof covering requirements of Class A or B roofing.

***Finding of Need:** Local Topographic Condition #2 and Local Climatic Conditions #'s 1,2,3, and 4 to assure public health and welfare.*

- H. **Section 1511.1. Re-roofing Requirements.** Amends the CBC to be consistent with Fire Prevention Program regulations for roof covering requirements of Class A or B roofing.

***Finding of Need:** Local Topographic Condition #2 and Local Climatic Conditions #'s 1,2,3, and 4 to assure public health and welfare.*

- I. **Section 1613.5.2. Equation 16-44.** The inclusion of the importance factor in this equation has the unintended consequence of reducing the minimum seismic separation distance for important facilities such as hospitals, schools, assembly occupancies, and other important structures.

***Finding of Need:** Local Geological Condition #1.*

- J. **Section 1613.5.3, ASCE 7 Section 12.11.2.2.3.** The revision to section 12.11.2.2.3 of ASCE 7-05 strengthens and clarifies the requirements for anchorage of concrete and masonry bearing walls to wood roofs, and is intended to increase life safety by preventing failures observed in recent past earthquakes.

***Finding of Need:** Local Geological Condition #1.*

- K. **Section 1704.6. General.** It is important to recognize that the registered design professional responsible for the structural design has thorough knowledge of the building he/she designed. By requiring the registered design professional responsible for the structural design or their designee who were involved with the design to observe the construction, the quality of the observation for major structural elements and connections that affect the vertical and lateral load resisting systems of the structure will greatly be increased. Additional requirements are provided to help clarify the role and duties of the structural observer and the method of reporting and correcting observed deficiencies to the building official.

***Finding of Need:** Local Climactic Condition #1, and Local Geological Condition #1 and #2.*

- L. **Section 1705.3. Special Inspection for Concrete Construction.** This provision limits the types of concrete construction elements that can be installed without deputy inspection and is intended to increase quality control of critical structural elements.

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Finding of Need: *Local Geological Conditions #1 and #2.*

- M. **Section 1705.12.2. Special Inspection of Wood Shearwalls.** Allows for an exemption to special inspection of wood shearwalls if compensating design and construction limitations are observed.

Finding of Need: *Local Geological Conditions #1.*

- N. **Section 1803.2. Investigations required.** Due soil conditions observed, special soils investigations are required.

Finding of Need: *Local Geological Condition #1 and #2.*

- O. **Section 1804.4. Drainage and Moisture Protection.** Due to the relatively flat topography of the City, additional drainage and moisture protection requirements required.

Finding of Need: *Local Climactic Condition #1, Local Topographical Condition #1.*

- P. **Section 1808.7.4. Drainage and Moisture Protection.** Due to the relatively flat topography of the City, additional drainage and moisture protection requirements required.

Finding of Need: *Local Climactic Condition #1, Local Topographical Condition #1.*

- Q. **Section 1905.1. Scoping.** Modifies the references to subsequent code sections so as to be consistent with other local code modifications contained herein.

Finding of Need: *Administrative clarification relating to the scoping of this section.*

- R. **Section 1905.1.7. ACI 318 Section 22.10.** Amends this section to limit the use of un-reinforced or under-reinforced concrete in areas of high seismic activity so as to protect building structures and occupants from unnecessary damage.

Finding of Need: *Local Geological Conditions #1 and #2.*

- S. **Section 1905.1.9. ACI 318 Section 21.6.4.1.** Carries over important provisions relating to the design of concrete columns and beams that resist seismic loads from previous codes.

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Finding of Need: *Local Geological Condition #1.*

- T. **Section 1905.1.10. ACI 318 Section 18.10.4.** Carries over important provisions relating to the design of concrete columns and beams that resist seismic loads from previous codes.

Finding of Need: *Local Geological Condition #1.*

- U. **Section 1905.1.11. ACI 318 Section 18.12.6.2.** Carries over important provisions relating to the design of heavily loaded concrete walls that resist seismic loads from previous codes.

Finding of Need: *Local Geological Condition #1.*

- V. **Section 2304.10.1. Fastener requirements.** Due to the high geologic activities in the Southern California area and the expected higher level of performance on buildings and structures, this proposed local amendment limit the use of staple fasteners in resisting or transferring seismic forces. Limited cyclic testing data was provided to the ICC Los Angeles Chapter Structural Code Committee showing that stapled wood structural shear panels do not exhibit the same behavior as the nailed wood structural shear panels. The test results of the stapled wood structural shear panels appeared much lower in strength and drift than the nailed wood structural shear panel test results. Therefore, the use of staples as fasteners to resist or transfer seismic forces shall not be permitted without being substantiated by cyclic testing. This proposed amendment is a continuation of a similar amendment adopted during previous code adoption cycles

Finding of Need: *Local Geological Condition #1.*

- W. **Section 2305.4. Hold-down connectors.** ICC-ES AC 155 Acceptance Criteria for Hold-downs (Tie-Downs) Attached to Wood Members is widely used to establish allowable values for hold-down connectors in evaluation reports. AC 155 uses monotonic loading to establish allowable values. Yet, cyclic and dynamic forces imparted on buildings and structures by seismic activity cause more damage than equivalent forces that are applied in a monotonic manner. However, the engineering, regulatory and manufacturing industries have not reached consensus on the appropriate cyclic or dynamic testing protocols. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) that investigated the poor performance observed in 1994 Northridge Earthquake. This proposed amendment is a continuation of an amendment adopted during previous code adoption cycles with additional editorial revisions for clarification.

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Finding of Need: *Local Geological Condition #1.*

- X. **Section 2306.2 Wood Structural Panel Diaphragms.** Provides additional restrictions for wood structural diaphragms in areas of high seismic activity.

Finding of Need: *Local Geological Condition #1.*

- Y. **Section 2306.3. Wood-Frame Panel Shear Walls.** Provides additional restrictions for wood structural shear walls in areas of high seismic activity. The Structural Engineers Association of Southern California (SEAOSC) recommended reducing allowable shear values in wood structural panel shear walls or diaphragms that were not substantiated by cyclic testing, due to finding from the 1994 Northridge earthquake.

Finding of Need: *Local Geological Condition #1.*

- Z. **Section 2307.2 Wood-frame Shear Walls.** Correct reference created by amendment.

Finding of Need: *Local Geological Condition #1.*

- AA. **Table 2308.6.1 Braced Wall Line Support.** With the higher seismic demand placed on buildings and structures in this region, interior walls can easily be called upon to resist over half of the seismic loading imposed on simple buildings or structures. Without a continuous foundation to support the braced wall line, seismic loads would be transferred through other elements such as non-structural concrete slab floors, wood floors, etc. Requiring interior braced walls be supported by continuous foundations is intended to reduce or eliminate the poor performance of buildings or structures.

Finding of Need: *Local Geological Condition #1.*

- BB. **Section 2308.6.1 Braced Wall Line Support.** With the higher seismic demand placed on buildings and structures in this region, interior walls can easily be called upon to resist over half of the seismic loading imposed on simple buildings or structures. Without a continuous foundation to support the braced wall line, seismic loads would be transferred through other elements such as non-structural concrete slab floors, wood floors, etc. Requiring interior braced walls be supported by continuous foundations is intended to reduce or eliminate the poor performance of buildings or structures.

Finding of Need: *Local Geological Condition #1.*

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- CC. **Section 2308.6.9 Attachment of Sheathing.** This proposed amendment is intended to improve the performance level of buildings and structures that are subject to the higher seismic demands placed on buildings or structure in this region.

Finding of Need: Local Geological Condition #1.

- DD. **Appendix Chapter J, Section J103.2, Exception 1.** The City is very flat and there is a concern for safe drainage design; therefore, the exemptions for a grading permit were limited 150 cubic yards of earth.

Finding of Need: Local Topographical Condition #1.

- EE. **Appendix Chapter J, Section J104.1.** Clarifies grading plan submittal requirements including final submittal media, supporting reports, number of sets, and earthwork estimate requirements.

Finding of Need: Administrative.

ARTICLE III. CALIFORNIA RESIDENTIAL CODE

Section 14-4. References adoption of the California Residential Code, 2016 Edition.

Section 14-5. Amendments to the California Residential Code.

- A. **Chapter 1 Division II, Section R102.7.** Corrects an inaccurate administrative reference.

Finding of Need: Administrative.

- B. **Chapter 1 Division II, Section R103.1.** Administrative clarification of terminology.

Finding of Need: Administrative.

- C. **Chapter 1 Division II, Section R105.2** Clarifies restrictions on items exempt from permits.

Finding of Need: Local Climactic Condition #1, Local Geological Conditions #1 and #2.

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- D. **Section R313. Where Fire Sprinklers are Required.** This amendment provides cross-reference to the Oxnard Fire Code relating to more restrictive requirements for automatic fire sprinkler systems.

Finding of Need: Editorial reference.

- E. **Section R401.1. Wood Foundations.** The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. However, an exception is made for non-occupied, single-story storage structures that pose significantly less risk to human safety and may utilize the wood foundation guidelines specified in this Chapter.

Finding of Need: Local Geological Conditions #1 and #2, Local Topographical #1.

- F. **Section R403.1.2. Continuous footing in Seismic Design Category D₂.** Interior walls can easily be called upon to resist over half of the seismic loading imposed on simple buildings or structures. Without a continuous foundation to support the braced wall line, seismic loads would be transferred through other elements such as non-structural concrete slab floors, wood floors, etc. Requiring interior braced walls be supported by continuous foundations is intended to reduce or eliminate the poor performance of buildings or structures.

Finding of Need: Local Geological Conditions #1 and #2.

- G. **Section R403.1.3.6. Seismic reinforcing.** This amendment provides a continuous footing under all braced wall lines. Due to observed performance issue during the Northridge earthquake this sections address the drift and deflection cause by lack of a continuous footing.

Finding of Need: Local Geological Conditions #1 and #2.

- H. **Section R404.2. Wood foundation walls.** The proposed amendment takes the precautionary steps to reduce or eliminate potential problems that may result in using wood foundation walls that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms.

Finding of Need: Local Geological Conditions #1 and #2, Local Topographical #1.

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- I. **Table R602.3(1).** Cyclic tests conducted indicate that wood structural panel fastened with staples appeared to be much lower in strength and stiffness than wood structural panels fastened with common nails. It was recommended that the use of staples as fasteners for wood structural panel shear walls or diaphragms not be permitted to resist seismic forces in structures assigned to Seismic Design Category D0, D1 and D2 unless it can be substantiated by cyclic testing.

Finding of Need: *Local Geological Conditions #1 and #2.*

- J. **Table R602.3(2).** Cyclic tests conducted indicate that wood structural panel fastened with staples appeared to be much lower in strength and stiffness than wood structural panels fastened with common nails. It was recommended that the use of staples as fasteners for wood structural panel shear walls or diaphragms not be permitted to resist seismic forces in structures assigned to Seismic Design Category D0, D1 and D2 unless it can be substantiated by cyclic testing.

Finding of Need: *Local Geological Conditions #1 and #2.*

- K. **Table R602.10.3.(3) Bracing Requirements Based on Seismic Design Category.** Cleans up the table being California does not allow three stories conventional framing and Oxnard is composed of entirely Seismic Design Category D₂ per the Residential Code. Poor performance of the diagonal wood boards, structural fiberboard sheathing, gypsum board, particle board sheathing, portland cement plaster, and hardboard panel siding, during the Northridge earthquake justifies reduction or removal of these values. Limited cyclic testing provided to the ICC Los Angeles Chapter Structural Code Committee shows that stapled wood structural shear panels do not exhibit the same behavior as the nailed wood structural shear panels.

Finding of Need: *Local Geological Conditions #1 and #2.*

- L. **Section R602.10.4.1. Braced Wall Line Support for Seismic Design Category D₂.** Removes an exception that allowed shear walls to be constructed without continuous foundations. This also is constant with modifications in the Building Code.

Finding of Need: *Local Geological Conditions #1 and #2.*

- M. **Section R602.10.9.1.** With the higher seismic demand placed on buildings and structures in this region, interior walls can easily be called upon to resist over half of the seismic loading imposed on simple buildings or structures. Without a continuous foundation

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to support the braced wall line, seismic loads would be transferred through other elements such as non-structural concrete slab floors, wood floors, etc. Requiring interior braced walls be supported by continuous foundations is intended to reduce or eliminate the poor performance of buildings or structures.

Finding of Need: *Local Geological Conditions #1 and #2.*

- N. **Section R703.1. Waterproofing Weather-Exposed Areas.** Due to climatic conditions caused by the close proximity to the ocean, there is a specific need to ventilate certain areas of a building which are more clearly addressed in this amendment.

Finding of Need: *Local Climatic Condition #1*

- O. **Section R902.1. Roofing covering materials.** Amends the CRC to be consistent with Fire Prevention Program regulations for roof covering requirements of Class A or B roofing.

Finding of Need: *Local Topographic Condition #2 and Local Climatic Conditions #'s 1,2,3, and 4 to assure public health and welfare.*

- P. **Section R902.1.3. Roof coverings in all other areas.** Amends the CRC to be consistent with Fire Prevention Program regulations for roof covering requirements of Class A or B roofing.

Finding of Need: *Local Topographic Condition #2 and Local Climatic Conditions #'s 1,2,3, and 4 to assure public health and welfare.*

- Q. **Section R902.2. : Fire-retardant treated shingles and shakes..** Amends the CRC to be consistent with Fire Prevention Program regulations for roof covering requirements of Class A or B roofing.

Finding of Need: *Local Topographic Condition #2 and Local Climatic Conditions #'s 1,2,3, and 4 to assure public health and welfare.*

- R. **AH 103.2. Light, ventilation and emergency egress.** Amends the optional chapter Appendix H which governs Patio Covers to restore the requirements of the regular code to require that emergency egress windows to exit directly to a yard or court.

Finding of Need. *Local Climatic Conditions #'s 2 and 3 and Local Geological Condition #1 to assure public health and welfare.*

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ARTICLE VII. CALIFORNIA ELECTRICAL CODE

Section 14-10. References adoption of the California Electrical Code, 2016 Edition.

Section 14-11 Amendments to the California Electrical Code.

- A. **Article 90-10.** The administrative provisions for the CEC shall be those in Articles I and II of this chapter.

Finding of Need: Administrative.

ARTICLE IX. CALIFORNIA MECHANICAL CODE

Section 14-13. References adoption of the California Mechanical Code, 2016 Edition.

Section 14-14. Amendments to the California Mechanical Code.

- A. **Chapter One – General Code Provisions.** The administrative provisions for the CMC shall be those in Articles I and II of this chapter.

Finding of Need: Administrative.

ARTICLE XI. CALIFORNIA PLUMBING CODE

Section 14-16 References adoption of the California Plumbing Code, 2016 Edition.

Section 14-17 Amendments to the California Plumbing Code.

- A. **Chapter One – General Code Provisions.** The administrative provisions for the CPC shall be those in Articles I and II of this chapter.

Finding of Need: Administrative.

ARTICLE XV. FIRE CODES

SEC. 14-24. References Adoption of the CALIFORNIA FIRE CODE, 2016 Edition

SEC. 14-25. AMENDMENTS to CFC.

- A. **Chapter 1, Section 101.1.** Administrative reference to City of Oxnard Code.

Finding of Need: Administrative

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- B. **Section 104.12.** This amendment allows the fire code official to issue orders with regard to a lot or parcel if there exists a fire hazard thereon.

Finding of Need: Administrative

- C. **Chapter 1, Section 104.13. Stopping uses, evacuation.** This addition allows the fire code official to stop a use or order an evacuation if there is a hazardous condition or situation which presents a hazard to life or property.

Finding of Need: Administrative

- D. **Section 109.4.** This amendment is an administrative reference to City of Oxnard Code regarding violations of the Code.

Finding of Need: Administrative

- E. **Section 503. 2.1. Dimensions.** This amendment allows the fire code official to set requirements consistent with the current operational requirements of the Fire Department's apparatus, and facilitates timely response of available apparatus.

Finding of Need: Administrative, Climatic #2, #3, Topographical #2, #3

- F. **Section 503.7. Electronic and Electric Access Gates.** This section updates existing City Code requirements regarding electronic and electric gate controls so they reference current Fire Code sections. This section facilitates timely response of available apparatus.

Finding of Need: Administrative, Climatic #2, #3, Topographical #2, #3

- G. **Section 507.5 Fire Hydrant systems.** This amendment allows the fire code official to set requirements consistent with the current operational requirements of the Fire Department's apparatus.

Finding of Need: Administrative

- H. **Section 507.5.1.1 Hydrant for standpipe systems.** This amendment allows the fire code official to set requirements consistent with the current operational requirements of the Fire Department's apparatus.

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Finding of Need: Administrative

- I. **Section 901.6.2.2 System Records.** This section sets requirements for maintenance recordkeeping consistent with the requirements of the Fire Department for electronic recordkeeping.

Finding of Need: Administrative

- J. **Section 903.4.2.1 Exterior Strobe.** This requirement facilitates fire-fighting personnel in locating the correct building in alarm more quickly, especially in inclement conditions.

Finding of Need: Administrative, Climatic #2, #3, Topographical #2, #3

- K. **Section 904.3.5 Monitoring.** This requirement facilitates firefighting and locating fire extinguishing system activation more quickly.

Finding of Need: Administrative, Climatic #2, #3, Topographical #2, #3

- L. **Section 906.1, #10** This amendment allows the fire code official discretion in dealing with the placement of fire extinguishers in high theft areas.

Finding of Need: Administrative

- M. **Section 907.3.5 Fog or Smoke Emitting Systems.** This requirement provides for firefighting personnel protection and facilitates more rapid response to building interiors for firefighting.

Finding of Need: Administrative, Climatic #2, #3, Topographical #2, #3

- N. **Section 907.5.2.3.5 Exterior Strobe.** This requirement facilitates fire-fighting personnel in locating the correct building in alarm more quickly, especially in inclement conditions.

Finding of Need: Administrative, Climatic #2, #3, Topographical #2, #3

- O. **Section B105.** This ensures that sufficient water is available for firefighting, in concordance with fire department and water department operational guidelines.

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Finding of Need: *Administrative, Climatic #2, #3, Topographical #2, #3*

- P. **Section D102.1 Access and loading.** This amendment allows the fire code official to set requirements consistent with the current operational requirements of the Fire Department's apparatus, and facilitates timely response of available apparatus.

Finding of Need: *Administrative, Climatic #2, #3, Topographical #2, #3*

- Q. **Section D103.5 #1 Gate width.** This amendment allows the fire code official to set requirements consistent with the current operational requirements of the Fire Department's apparatus, and facilitates timely response of available apparatus.

Finding of Need: *Administrative, Climatic #2, #3, Topographical #2, #3*

ARTICLE XV. FIRE SPRINKLERS

SEC. 14-26. FIRE SPRINKLERS This section adopts modifications to the California Code relating to Fire Sprinkler requirements.

- A. **Section 903.2 through section 903.2.4** This amendment updates existing City Code requirements regarding fire sprinkler systems so they reference the correct current Fire Code sections, clarifies language, and clarifies coverage requirements.

Finding of Need: *Administrative, Climatic #2, #3, #4; Geological #1; Topographical #2, #3*

- B. **Section 903.2.7 through section 903.2.10** This amendment updates existing City Code requirements regarding fire sprinkler systems so they reference the correct current Fire Code sections and clarifies language.

Finding of Need: *Administrative, Climatic #2, #3, #4; Geological #1; Topographical #2, #3*

- C. **Section 903.2.18** This amendment updates existing City Code requirements regarding fire sprinkler systems so they reference the correct current Fire Code sections and clarifies language.

Finding of Need: *Administrative, Climatic #2, #3, #4; Geological #1; Topographical #2, #3*

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- D. **Section 903.3.1.2** This amendment updates existing City Code requirements regarding fire sprinkler systems so they reference the correct current Fire Code sections and clarifies threshold requirements for residential fire sprinkler system coverage.

Finding of Need: *Administrative, Climatic #2, #3, #4; Geological #1; Topographical #2, #3*

- E. **Section 903.3.1.3** This amendment updates existing City Code requirements regarding fire sprinkler systems so they reference the correct current Fire Code sections and clarifies threshold requirements for residential fire sprinkler system coverage.

Finding of Need: *Administrative, Climatic #2, #3, #4; Geological #1; Topographical #2, #3*