

Thursday, June 18, 2020
Planning Commission
Packet

~~PLAN~~

Agenda



This meeting is held pursuant to the State Emergency Services Act, the Governor's Emergency Declaration, and Governor's Executive Order N-29- 20 to allow members of the City Council or staff to participate via teleconference.

Pursuant to the Ventura County Public Health Official's order and Governor's Executive Order N-33-20, all city buildings are temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online immediately following the meeting.

The public may provide comments to the Planning Commission via email at planning@oxnard.org no later than 3:00 p.m. on the day of the meeting. Please identify the meeting date and agenda item in the Subject line.

A telephone option for public comments is also available at this time due to the State of California "Stay At Home" order. Requests to speak must be submitted no later than 3:00 p.m. on the day of the meeting. Use the form on the city's website to submit your request: Oxnard.org/city-meetings, or call the Planning Division Office at (805) 385-7878, or email your request to planning@oxnard.org.

CITY OF OXNARD PLANNING COMMISSION AGENDA

REGULAR MEETING

Council Chambers, 305 West Third Street
Thursday, June 18, 2020, 6:00 p.m.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

C. PUBLIC COMMENTS - On Items Not On The Agenda

At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – May 21, 2020

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. PUBLIC HEARING

1. **Project Name: Updates to Oxnard City Code Chapters 11 and 16:** Planning and Zoning (PZ) Permit Nos. 20-580-01, 20-580-03 and 20-580-04 (Zone Text Amendment) – Amendments to: Chapter 16 to create consistency with Accessory Dwelling Units State law; Chapter 16 (Division 10, Downtown Zones; and Division 11, Industrial Zones) to incorporate certain cannabis activities into the zone use tables and correct typographical

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

errors; and Chapter 11 related to Cannabis uses. Filed by the Community Development Department, 214 South C Street, Oxnard.

Project Planners:

Scott Kolwitz, Planning & Environmental Services Manager;
Kathleen Mallory, Planning & Sustainability Manager;
Isidro Figueroa, Principal Planner;
Chris Williamson, Contract Planner

Recommendation: That the Planning Commission:

- a) Find the Project is exempt from the California Environmental Quality Act pursuant to Section 15601 (b)(3) or exempt under Public Resource Code Section 21080.17
- b) Adopt Resolution 2020-XX recommending City Council approve PZ Nos. 20-580-01 (Industrial Code), 20-580-03 (Accessory Dwelling Units) and 20-580-04 (Cannabis) amending Oxnard City Code (OCC) Chapter 16 to create consistency with Accessory Dwelling Units State law; OCC Chapter 16 (Division 10 Downtown Zones and Division 11 Industrial Zones) to correct typographical errors and to incorporate commercial cannabis activities into the zone use tables; and OCC Chapter 11 related to Cannabis uses.

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Thursday, July 2, 2020, 6:00 p.m., City Council Chambers

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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Thursday, June 18, 2020
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Draft Minutes



MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
May 21, 2020
DRAFT

A. ROLL CALL

1. At 6:03 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Frank announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Frank (via videoconference), Commissioners Chavez (via videoconference), Dozier (via videoconference), Fuhring (via videoconference) and Meyer (via videoconference) were present. Vice Chair Sanchez was absent.
3. Staff members present were: Jeffrey Lambert, Community Development Department Director; Jeff Pengilly, Community Development Department Assistant Director; Scott Kolwitz, Planning & Environmental Services Manager; Sarah Lejeune, Contract Planner; Sally Schiffman, Contract Planner; Brian Brodersen, Contract Landscape Architect, Ken Rozell, Chief Assistant City Attorney; Darwin Base, Fire Department Chief; Rosemarie Gaglione, Public Works Director; Tatiana Arnaout, City Engineer; Earnel Bihis, Assistant Traffic Engineer; Michelle Travis, Recording Secretary.
4. Chair Frank presided and called the meeting to order.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

1. Commissioner Fuhring led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - May 7, 2020

MOTION: Chair Frank moved and Commissioner Dozier seconded a motion to approve the minutes of May 7, 2020, with the following edit to Item D.
2. APPROVAL OF MINUTES - March 19, 2020:

“VOTE: Chair Frank, Vice Chair Sanchez, Commissioners Chavez, Dozier and Meyer, voted in favor. The motion carried 5:0:1:0:0¹”

¹ In Favor: Against: Absent: Abstain: Recused

VOTE: Chair Frank, Commissioners Chavez, Dozier and Meyer, voted in favor. Commissioner Fuhring abstained. The motion carried 4:0:1:1:0².

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. The Planning Commissioners did not have any ex parte communications to report for Item F-1.

F. PUBLIC HEARING

1. **Project Name: Sakioka Farms Business Park Tentative Tract Map & Development Agreement** - Planning and Zoning Permit Nos. PZ 20-67-01 (Development Agreement), 20-300-01 (Tentative Subdivision Map for Tract No. 5996), and 20-650-01 (Road Naming). The Development Agreement provides benefits to the City and the applicant including the generation of significant employment opportunities for the City, development of public infrastructure, funding for fire personnel, and provision of development certainty for orderly development of the property. The Tentative Subdivision Map would subdivide a 430-acre agricultural area into 129 individual lots with public roads, utilities, landscaping and improvements consistent with the approved 2012 Sakioka Farms Business Park Specific Plan. The names of roads to be constructed with the Project are included in the Tentative Subdivision Map. The project site is located in the Sakioka Farms Business Park Specific Plan area south of US 101, east of Rice Avenue, north of Latigo Avenue, and coterminous with the City's eastern boundary (APNs 216-0-030-105, 216-0-030-145, 216-0-030-155, 216-0-030-075) within the Business & Research Park (BRP) and Limited Manufacturing Planned Development (M-1-PD) zones. Filed by Scott Uhles, Delane Engineering, Inc., 400 West Ventura Boulevard, Suite 265, Camarillo, CA 93010.
Project Planners: Scott Kolwitz, Planning and Environmental Services Manager and Sarah Lejeune, Contract Planner.

Recommendation: That the Planning Commission:

- A. Find the Project is not subject to additional environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15168 (Consistency Evaluation);
- B. Adopt Resolution 2020-XX recommending that the City Council approve PZ Permit No. 20-67-01, the Development Agreement between the City of Oxnard, Sakioka Farms and AMS Craig, LLC, subject to certain findings and conditions; and
- C. Adopt Resolution 2020-XX recommending that the City Council approve Planning and Zoning Permit Nos. 20-300-01 (Tentative Subdivision Map for Tract No. 5996) and 20-650-01 (Road Naming), subject to certain findings and conditions.

² In Favor: Against: Absent: Abstain: Recused

The Planning Commissioners did not have any ex parte communications to report for Item F-1.

Contract Planner, Sarah Lejeune, provided a presentation outlining the request.

Scott Uhles (Delane Engineering, Principal Engineering) provided a presentation supporting the request. Craig Kaihara (AMS Craig, LLC., Owner) and Cynthia M. Wolcott (Ross, Wersching & Wolcott, LLC., Attorney) were also available for questions.

Chair Frank opened the public comments portion of the public hearing.

Tom Cady (Oxnard) representing the City of Oxnard Chamber of Commerce spoke (via teleconference) in support of Item F-1. No additional verbal comments were received in support or against Item F-1.

No public written comments were received in support of or against Item F-1.

Chair Frank closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff.

MOTION: Chair Frank moved and Commissioner Chavez seconded a motion to find the Project is not subject to additional environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15168 (Consistency Evaluation), to adopt two Resolutions approving the proposed **Sakioka Farms Business Park Tentative Tract Map & Development Agreement**, PZ Nos. 20-670-01 (Development Agreement), 20-300-01 (Tentative Subdivision Map for Tract No. 5996), and 20-650-01 (Road Naming) with the following edits to Resolution numbers 2020-09 (Development Agreement) and 2020-10 (Tentative Subdivision Map for Tract No. 5996 and Road Naming):

1. Resolution numbers 2020-09 (Development Agreement):

- a. Page 4, Recital 2: “WHEREAS the Consistency Evaluation includes additional information to address GHG Emissions per current regulatory standards, and supplies adaptive replacement mitigations ~~in~~-related to Fire Service and Water Usage that provide equivalent or improved measures to what was approved in 2012, and do not change the findings of either the original CEQA document or the Consistency Evaluation; and”
- b. Page 4, Recital 5: “WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Development Services Director conducted an analysis to ensure consistency with the 2012 Specific Plan EIR and finds that the Project is consistent with the analysis and mitigations; and”

- c. Page 6, Final Paragraph of Section 3: “The Planning Commission finds the ~~address-improved~~ City policies; and adaptive mitigation measures are not considerably different from those in the Specific Plan EIR and would not substantially reduce one or more significant effect on the environment as in accordance with CEQA Guidelines §15162(a)(3)(D).”
 - d. Page 12, Section 5: “Based on the findings set forth herein, the Planning Commission recommends to the City Council the approval of Planning and Zoning Permit No. 20-670-01 (Development Agreement), for a term of 15 years, contained in Exhibit 1 to this Resolution,~~and Planning and Zoning Permit No 20-650-01 (Road Naming), subject to the attached conditions of approval.~~”
2. Resolution numbers 2020-10 (Tentative Subdivision Map for Tract No. 5996 and Road Naming):
- a. Page 3, Recital 6: “WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Planning Commission~~Development Services Director~~ conducted an analysis to ensure consistency with the 2012 Specific Plan EIR and finds that the Project is consistent with the analysis and mitigations; and”

VOTE: Chair Frank, Commissioners Chavez, Dozier, Fuhring and Meyer voted in favor. The motion carried 5:0:1:0:0³.

G. STUDY SESSION/REPORTS

- 1. None

H. PLANNING COMMISSION BUSINESS

- 1. Planning Commissioners made individual comments regarding their desire to receive large Project packets with packet dividers and additional time to review material.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

- 1. Scott Kolwitz, Planning & Environmental Services Manager announced:
 - i. The June 4, 2020 Planning Commission meeting is cancelled.
 - ii. The next Planning Commission meeting will be June 18, 2020 in City Council Chambers.

J. ADJOURNMENT

- 1. At 7:57 p.m., the Planning Commission concurred to adjourn.

³ In Favor: Against: Absent: Abstain: Recused

FUTURE MEETINGS

Thursday, June 18, 2020, 6:00 p.m., City Council Chambers

Deirdre Frank,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

Thursday, June 18, 2020
Planning Commission
Packet

~~PLAN~~

Staff Report



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Scott Kolwitz, Planning & Environmental Services Manager
Kathleen Mallory, AICP, Planning & Sustainability Manager
Isidro Figueroa, Principal Planner
Chris Williamson, AICP, Consultant Planner

DATE: June 18, 2020

SUBJECT: **Project Name: Updates to Oxnard City Code Chapters 11 and 16:** Planning and Zoning (PZ) Permit Nos. 20-580-01, 20-580-03 and 20-580-04 (Zone Text Amendment) – Amendments to: Chapter 16 to create consistency with Accessory Dwelling Units State law; Chapter 16 (Division 10, Downtown Zones; and Division 11, Industrial Zones) to incorporate certain cannabis activities into the zone use tables and correct typographical errors; and Chapter 11 related to Cannabis uses.

1) Recommendation: That the Planning Commission

- a) Find the Project is exempt from the California Environmental Quality Act pursuant to Section 15601 (b)(3) and exempt under Public Resource Code Section 21080.17.
- b) Adopt Resolution 2020-XX recommending City Council approve PZ Nos. 20-580-01 (Industrial Code), 20-580-03 (Accessory Dwelling Units) and 20-580-04 (Cannabis) amending Oxnard City Code (OCC) Chapter 16 to create consistency with Accessory Dwelling Units State law; OCC Chapter 16 (Division 10 Downtown Zones and Division 11 Industrial Zones) to correct typographical errors and to incorporate commercial cannabis activities into the zone use tables; and OCC Chapter 11 related to Cannabis uses.

2) Project Description and Applicant: The proposed Zone Text Amendments (ZTA) to the OCC would:

- a) Amend OCC Chapter 16, Article II, Section 16-10 to update the “Accessory Dwelling Unit” definition and add “Junior Accessory Dwelling Unit” and “Primary Dwelling Unit” definitions, amend OCC Chapter 16, Article III, Division 10, “Downtown Zones,” to insert “Multi-family Accessory Dwelling Units” within the “Downtown-Core” and “Downtown-General” into the Allowed Uses Table 16-148; and delete and replace Article V, Division 13, Sections 16-465 through 16-469.6 with updated Accessory Dwelling Unit sections reflecting recent State legislation (PZ 20-580-03); and

- b) Amend OCC Chapter 16, Article III, Division 10, “Downtown Zones,” to insert “Cannabis Retail” into the Allowed Uses Table 16-148; amend Division 11, “Industrial Zones,” to incorporate commercial cannabis activities into the Industrial Zone use table in Section 16-163, and correct typographical errors (PZ 20-580-01); and amend OCC Chapter 11, Article XVII, Section 11-454(GGG) to correct the “Retailer” definition; Section 11-468(D)(1)(b) to correct a Section reference; and Section 11-473(B) to insert “Downtown-Core” and “Downtown-General” into the list of zones allowing cannabis retail use (PZ 20-580-04).

Filed by the Community Development Department, 214 South C Street, Oxnard.

3) Background and Discussion: Over the past three years, the City Council:

- a) Created Chapter 11, Article XVII for the regulation of cannabis manufacturing, testing, distribution, and retail uses;
- b) Replaced the entire Chapter 16, Division 10, “Central Business District” zone code with the form-based “Downtown Code;”
- c) Comprehensively updated and replaced Chapter 16, Division 11, “Industrial Zones;” and
- d) Replaced the Chapter 16, Division 13, ‘Second Unit’ use with the Accessory Dwelling Unit (ADU) section in response to State Legislation.

These changes to the OCC were developed and/or adopted in both tandem and overlapping time frames which resulted in unintentional and incorrect internal cross-referencing.

The proposed OCC Zone Text Amendments being presented to the Planning Commission are intended to “clean up” the listed portions of the OCC. Staff and consultants have identified technical and consistency changes listed below, have added cannabis retail as a conditional use in the Downtown-Core and Downtown-General zones as directed by the City Council, and deleted and replaced the ADU sections to reflect 2019 State legislation.

Accessory Dwelling Unit (ADU) Update (PZ No. 20-580-03)

In 2019, the Legislature further updated ADU and Junior ADU (Jr ADU) law, effective January 1, 2020, to clarify and promote the development of ADUs and JADU’s as a source of affordable housing in response to the State housing crisis. The legislative package (SB13, AB68, and AB881) included:

1. Allowing ADUs and Jr ADUs to be built concurrently with a single-family dwelling,
2. Allowing ADU’s in all zoning districts that allow single-family housing and within non-habitable areas of multifamily structures,
3. Further reduced parking requirements,
4. Removing the owner-occupancy requirement for the next five years,
5. Reducing the side and rear yard setbacks are reduced from five to four feet unless a larger setback is needed for safety access,
6. Prohibited the application of open space and yard requirements,
7. Modifying fees for municipal utilities and special districts, limited exemptions or

reductions in impact fees.

The Department of Housing and Community Development (HCD) issued an ADU memorandum on January 20, 2020, with direction to local jurisdictions on how to apply the several statutes that overlapped several topics.

Staff's experience with ADU applications and permits in the past three years also generated an approach to process the range of ADU projects homeowners have proposed. As the State's ADU regulations went into effect on January 1, 2020, Community Development has been processing ADU applications consistent with our existing regulations except as modified by the State in 2019. Of note, Planning staff is now processing ADUs through a Zone Clearance process rather than an ADU Planning permit process. A Zone Clearance type of review is intended to result in an "over-the-counter" type of review where an applicant would receive Planning Division approval on the same day at a single appointment at the Planning Division public counter assuming the proposed ADU is compliant with the ADU standards. The review essentially consists of reviewing an application form, an ADU "worksheet" and consistency with the Planning level plans (i.e. site plan, floor plan, elevations but not construction-level details and calculations). The worksheets list applicable ADU standards which are 'checked off' by the applicant and verified by planning staff. Once approved the Zone Clearance document would be incorporated into plans an applicant submits with their Building Permit plan check. Staff has also prepared information handouts to respond to the increase in ADU and Jr ADU projects from a range of homeowners, multifamily owners, realtors, and builders.

Annual ADU Statistics				
Year	Applications Received	Entitlements Granted	Building Permits Issued	Final Inspection/CO
2013	0	0	0	0
2014	1	0	0	0
2015	0	1	0	0
2016	0	0	0	0
2017	17	2	0	0
2018	44	25	4	1
2019	50	55	13	9
2020 ¹	53	41	6	3
Total	165	124	23	13

The proposed replacement of the current ADU regulations (Sections 16-465 to 16-469.6) reflects creating consistency with ADU State legislation, HCD guidance, and staff permitting experience.

¹ As of June 5, 2020.

The proposed approach and begins with identifying the “ADU Type” from the following list:

TYPE	Description
1	New detached ADU-only structure with or without garage
2A	Conversion of detached Accessory Structure to ADU
2B	Conversion of Primary Unit's attached Garage to ADU
2C	Conversion of existing Non-Residential Structure to Primary Dwelling Unit with ADU
3	ADU attached to Primary Unit
4	ADU fully within existing Primary Unit
5	Junior (JR) ADU within Primary Dwelling Unit
6	Conversion of Multi-Family Structure Areas not used as Livable Space (storage, passageways, attics, garages): at least 1 ADU, not more than 2 detached ADU's, total ADUs not to exceed 25% of total multifamily units.
7	Mixed ADU Types 1 to 4

To facilitate a streamlined ADU ministerial approval process within the statutory 60-day permitting window, staff created an ADU Worksheet for each ADU Type listed above that is intended for use both by the applicant and staff to clearly list standards and indicate compliance during the initial building permit review process (Attachment A).

ADU on a Parcel with a Primary Dwelling Unit

ADU Types 1, 2A to 2C, 3 or 4 apply only to a parcel with an existing or concurrent proposal for a primary single-family dwelling unit. With the exception of Type 2C, these ADU permits have a State-required 60-day approval ‘clock’ and do not require a separate planning permit, only a building permit. A Type 2C ADU would only be considered in tandem with conversion of a non-residential structure to a primary dwelling unit that requires a Development Design Review (DDR) permit. If an ADU project is not Type 1, 2A to 2C, 3 or 4, then it would be a Type 7 and the applicable ADU development standards would be determined by a ratio formula with staff assistance.

Junior ADU within a Single Family Dwelling Unit

Type 5 is only for the Jr ADU, defined as “a dwelling unit that is no more than 500 square feet in size and is contained entirely within a single-family dwelling.” A Jr ADU is limited to no more than 500 square feet and must be a converted area within the primary single-family dwelling unit such as a bedroom or garage. No additional parking is required for the Jr ADU. A Jr ADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure. A Jr ADU’s is allowed as a ‘by right use’ by State legislation within a single-family “Primary Unit” defined as the main residential structure containing one dwelling unit located on one legal lot. A Jr ADU may be combined with an ADU on the same property and what was a one-unit single-family parcel could be increased to three units:

the existing Primary dwelling unit, a Jr ADU within the Primary dwelling unit, and an ADU that may be a fully detached structure or attached and/or converted from the Primary dwelling unit. Jr ADUs are not allowed within multifamily structures.

ADU within a Multifamily Structure

State legislation also added the ability to develop one or more ADU's within multifamily structures either by: 1) converting existing non-habitable space, such as a garage or storage area, and/or 2) new construction or conversion of non-habitable space of no more than two detached ADU's on the same parcel. The total number of multifamily ADU's that are either non-habitable space conversions and/or new construction is capped at 25 percent of the existing units.

State law allows multifamily garages to be converted to an ADU, and State law also allows jurisdictions to require on-site replacement parking for a garage or surface parking space used for an ADU. While the City is requiring replacement parking for tenants if a garage is converted to an ADU, on-site guest parking spaces may be reduced to allow for (a) multifamily ADU(s). Guests would be expected to utilize on-street public parking spaces.

Related Changes

The proposed Ordinance Amendment, Sections 1 to 3, modify the ADU definition and add Jr ADU and Primary Dwelling Unit definitions to Section 16-10, "Definitions." The proposed zone text amendment would replace Sections 16-465 to 16-469.6 in its entirety as shown within Section 4 of the draft ordinance.

Policy Consideration:

State law is silent as to which process, if any, an ADU can be processed if it is inconsistent with adopted regulations. Staff has spoken with potential applicants and has found scenarios where it would be reasonable to exceed the standards (i.e. a large lot could contain both a large Primary Dwelling Unit and a large ADU). To address this scenario, staff has included a voluntary process where an applicant would elect to remove their application from a "by right" Zone Clearance process, and instead process an ADU that exceeds the "by right" standards subject to approval of a DDR permit.

Downtown Code and Industrial Code (PZ No. 20-580-01) and Cannabis Code Corrections (PZ No. 20-580-04)

On April 2, 2019, the City Council adopted Ordinance No. 2958 to:

1. Revise the format of the industrial zoning regulations for the City; and
2. Amend regulations to all industrial, office and outdoor uses in industrial zones; and
3. Provide permitting authority for all industrial related permitted and conditionally permitted uses.

The adoption of City Ordinance No. 2958 was necessary to make the Industrial Zoning

Ordinance consistent with the policies and directives of the 2030 General Plan that was adopted in October 2011.

On June 18, 2019, the City Council adopted Ordinance No. 2960 adding Chapter 11, Article XVII to the OCC regulating commercial cannabis activities. Ordinance No. 2960 also amended Chapter 16 allowing commercial cannabis activities in the following industrial zones: Business and Research Park (BRP); Limited Manufacturing (M-L); Light Manufacturing (M-1); and Heavy Manufacturing (M-2) subject to a Special Use Permit (SUP). Ordinance No. 2960 added regulations pertaining to commercial cannabis activities to sections pertaining to the Industrial Zoning Ordinance that was repealed under Ordinance No. 2958 (former Industrial Zoning Ordinance).

On July 16, 2019, the City Council replaced the entirety of the Chapter 16, Article III, Division 10, “Central Business District (CBD) Zone” with the “Downtown Zones,” which implemented the “Downtown Code” subsequently codified as Sections 16-145 to Section 16-158. The Downtown Code Section 16-148 includes a table of uses either permitted, conditionally permitted, or not allowed within the four Downtown Code zoning districts: Downtown Edge, Downtown Edge Open Sub-Zone, Downtown Core, and Downtown General. The Downtown Code largely replicated the CBD uses.

On October 1, 2019, the City Council adopted Ordinance 2965 which amended the permit requirements for Manufacturing, Testing and Distribution of Cannabis from a SUP to a Development Design Review (DDR) permit.

On December 17, 2019, the City Council adopted Ordinance 2972 to create regulations for cannabis retail dispensaries subject to a SUP; including adopting an ancillary recommendation to allow retail cannabis to certain sections of the aforementioned newly created downtown zoning districts.

The intent of this ZTA is to correctly incorporate regulations pertaining to commercial cannabis activities allowed under Ordinance Nos. 2960, 2965 and 2972 under the appropriate sections within the Downtown Code and Industrial Zoning Ordinance and make corresponding corrections in Chapter 11. It is important to note that there are no new regulations and activities being introduced through this ZTA for commercial cannabis activities. The ZTA also corrects a number of typographical technical errors.

On June 2, 2020, the City Council held a public hearing and conducted a first reading of a Zoning Text Amendment (PZ 20-580-02) regarding amendments to Chapters 7 and 11 of the OCC to establish fines for violation of Commercial Cannabis Businesses Regulations. A second reading is set for June 16, 2020. The violation fines amendments would not alter the same Sections requested as part of this Project (PZ 20-580-04).

The proposed changes with Chapter 11 are as follows:

Changes to Section 11-454(GGG) is to change the ‘Retailer’ definition by removing the sentence “Retail sales of cannabis and cannabis products are not allowed within the City of Oxnard” at the end of the definition. Changes to Section 11-473(B) consist of inserting ‘Downtown-Core’ and ‘Downtown-General’ into the list of zones allowing cannabis retail use and a change to Section 11-468(D)(1)(b) to remove an unnecessary reference. Overall, the changes are not substantive and correct procedural actions.

The proposed changes with Chapter 16 are as follows:

Downtown Code Amendment

The amendment adds “Cannabis Retail” to the Section 16-148 Allowed Uses Table 16-148 as a conditionally allowed use in the Downtown Core and Downtown General zone areas, subject to approval of a Special Use Permit and applicable conditions in OCC Chapter 11.

Industrial Code Technical Amendments

Section 16-163 Industrial Land Uses By Zone

There are a few proposed changes to Section 16-163. Under Ordinance No. 2960, “Commercial Cannabis Activities” are allowed within all industrial zoning with the exception of the Commercial Manufacturing (C-M) zone. The “Commercial Cannabis Activities” allowed under Ordinance Nos. 2960, 2965 and 2972 in the industrial zoning are retail, manufacturing, testing, or distribution of cannabis and cannabis products. The allowed cannabis activities will be incorporated into the ‘Industrial Land Use Matrix’ as stipulated within Ordinance Nos. 2960, 2965 and 2972, which collectively allow the manufacturing, testing, or distribution of cannabis and cannabis products in the BRP, M-L, M-1 and M-2 zones with approval of a DDR permit. A Special Use Permit is required for a commercial retail cannabis use in the BRP zone. Additionally, a note will be included in the notes to direct the reader to Chapter 11, Article XVII for further cannabis-related directions.

Section 16-164 Industrial Zones- Development Standards

There are changes to the ‘Development Standards’ table that correct typographical errors identified by zone below:

C-M: The front yard, side yard, and street side yard setback standards will include a note to direct the reader to Section 16-165 ‘Industrial Zones Special Requirements Specific to C-M; BRP; M-L; M-1; and M-2’. Section 16-165 contains additional information pertaining to the setback standards.

M-L: The only two changes proposed to the M-L section are to add a hyphen in the acronym.

M-1: The front yard, side yard, rear yard and street side yard setback standards will include a note to direct the reader to Section 16-165. Section 16-165 contains additional information pertaining to each of the aforementioned setback standards.

M-2: The front yard and street side yard setback standards will include a note to direct the reader to Section 16-165. Section 16-165 contains additional information pertaining to each of the aforementioned setback standards.

Section 16-165 Industrial Zones Special Requirements Specific to C-M; BRP; M-L; M-1; and M-2

There are a few proposed changes to this section that will correct typographical errors. The corrections are identified by zone below:

BRP: The only change proposed to the BRP section is to replace the word “Conditional” to “Special” in the context of a Use Permit in Section 16-165(B)(2)(c).

M-L: There is a citation correction within 16-165(C)(2)(b) which simply references (B)(1). This citation will be updated to 16-165(C)(2)(a). There is a citation correction within 16-165(C)(5)(b)(1) which simply references (C)(5)(c). This citation will be updated to 16-165(C)(5)(c). Add the word “Planning” in front of “Commission” within the Landscaping in Section 16-165(C)(8)(b). There are two citation corrections to the first sentence of 16-165(C)(10)(a) - Certificate of Occupancy. The section references Section 16-221 which will be amended to Section 16-337. Within the same sentence, the reference to Section (D)(2) will be changed to Section 16-165(D)(2). These changes are a result of previous numerical changes.

M-1: The front yard setback narrative identified under 16-165(D)(3)(a)(I) is a duplication of the side yard setback narrative which follows it. The proposed edit is to revert to the prior M-1 front yard setback and to incorporate 2030 General Plan Policy CD-9.4 View Corridor Preservation standards. The corrected M-1 front yard setback narrative will replace the duplication and it reads as follows:

“All buildings or structures on property adjacent to a public road shall be setback not less than 10 feet from the property line, or 30 feet when adjacent to designated thoroughfares, minor thoroughfares, or the proposed property line, if future public road dedication is required, whichever is greater”.

Add the word “Planning” in front of “Commission” within the Landscaping in Section 16-165(D)(6)(a). There are two citation corrections to the first sentence of 16-165(D)(8)- Certificate of Occupancy. The section references Section 16-221 which will be amended to the correct citation which is Section 16-337. Within the same sentence, the reference to Section (D)(2) will be changed to Section 16-165(D)(2).

M-2: The setback discussion is missing a numerical heading and a few guiding words. The setback formatting (not content) is being modified to follow the formatting of the other industrial zones. The setback requirements will read:

- (1) Setback requirements.
 - (a) Front yard setback. [retain existing standards as written]
 - (b) Side yard setback. [retain existing standards as written]
 - (c) Rear yard setback. [retain existing standards as written]

Section 16-165(F) identifies a requirement for outdoor equipment and storage areas in the M-2 zone which will be deleted since the requirement is currently identified under Section 16-172.

Section 16-172 Industrial Accessory Uses: Outdoor Uses and Storage/Equipment

Within the M-1 add the word “Special” in front of “Use Permit” in Sections 16-172(A)(2)(a) and 16-172(A)(3)(b).

There is a sequence error to this section starting at Section 16-172(A)(4) which is a continuation of Section 16-172(A)(3). The section will read as follows:

- (c) Standards applicable to outdoor uses and equipment.
 - (1) [retain existing standards as written]
 - (2) [retain existing standards as written]
 - (3) [retain existing standards as written]

Section 16-173 Permits Required For Specific Commercial Cannabis Activities

The changes to this section consist of amending the title and correct typographical errors. The title suggests that only a Development Design Permit is required for all commercial cannabis activities. Commercial cannabis activities require a Development Design Permit or a Special Use Permit, and a commercial cannabis business permit pursuant to Article XVII, Chapter 11 of the OCC. Accordingly, ‘Development Design’ will be removed from the title and a ‘s’ will be added to the end of ‘Permit’ to clearly indicate that multiple permit types are required for commercial cannabis activities within the Industrial Zones.

The correction of typographical errors to Sections 16-173(A);(B); and (C) consist of:

Subsection (A)

- (1) Capitalize the name of all Industrial Zones identified in this section and include abbreviations of the zones to be internally consistent with the OCC.

- (2) Incorporate the word ‘cannabis’ after the word ‘commercial’ to clearly indicate the requirement of obtaining a commercial cannabis business license as part of the approval process.
- (3) Capitalize the word ‘article’ in reference to Article XVII to be internally consistent with the OCC.
- (4) Incorporate the word ‘Review’ after the words ‘Development Design’ to clearly indicate the requirement of obtaining a Development Design Permit as part of the approval process.

Subsection (B)

- (1) Capitalize ‘Business and Research Park’ and include an abbreviation of the zone.
- (2) Capitalize the word ‘article’ in reference to Article XVII to be internally consistent with the OCC.

Subsection (C)

- (1) Capitalize the word ‘article’ in reference to Article XVII to be internally consistent with the OCC.
- (2) Include an abbreviation of a Special Use Permit (SUP).

- 4) Environmental Review:** In accordance with the California Public Resources Code (PRC) (Sections 21000 et seq.) and the California Environmental Quality Act (CEQA) Guidelines (Sections 15000 et seq.), Planning staff has determined that the proposed zoning text amendments are exempt from the CEQA pursuant to Sections 15601(b)(3) and exempt under PRC Sec. 21080.17. The proposed amendments are regulatory and format related. The amendments would not permit new activities or development intensity over what is allowed by current regulations and/or are proposed to create consistency with State statutes.

Therefore, staff recommends the Planning Commission recommend to the City Council that a Notice of Exemption be filed following the City Council’s action (see Attachment B).

5) General Plan Consistency:

PZ 20-580-03: ADU Update

As the proposed amendments are to create consistency with State statutes in effect, a General Plan Consistency analysis is not required.

PZ 20-580-01: Industrial Code Update

Portions of the proposed zoning text amendments (ZTA) are within the discretion of the City and a General Plan Consistency analysis is required. The City’s 2030 General Plan discusses

industrial uses. Goal CD-5 states “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.”

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 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).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-5.1	I	Industrial Clustering. Encourage the clustering of industrial uses into areas that have common needs and area compatible in order to maximize their efficiency.	The ZTA clarifies language within the Industrial Zoning Ordinance that will ensure these uses are compatible with the permitted industrial use and 2030 General Plan policies and directives.
CD 5.2	I	Compatible Land Use. Ensure adequate separation between sensitive land uses (residential, educational, open space, health care) to minimize land use incompatibility associated with noise, odors, and air pollutant emissions.	The ZTA clarifies language within the Industrial Zoning Ordinance that will identify permitted and conditionally permitted uses and places standards in easy to use tables making them easier to understand.
CD 5.3	I	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.	The ZTA continues to provide standards for industrial development by incorporating language to clarify uses and development standards to accomplish internal consistency within the Industrial Zoning Ordinance.
CD 5.4	I	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.	The ZTA provides internal consistency within the Industrial Zoning Ordinance in order to provide clarity of allowed uses and reconfirms the requirements of all industrial uses to comply with Green standards that the City has in effect.
CD 5.5	I	“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.	The ZTA provides internal consistency within the Industrial Zoning Ordinance that will assist future developers in fully understanding what uses are permitted, and development standards for those uses.

CD 16.5	I	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.	The ZTA will ensure a clear understanding of the current development standards, address accessory uses to ensure these uses are compatible with primary uses and ensure that uses are located in areas that are the most beneficial to the community as a whole.
CD 18.2	I	Attract New Business. Identify and attract a range of commercial and industrial businesses that are compatible with the community's business climate and not detrimental to the existing local economy and environment.	The ZTA provides clarification and clearly lists permitted accessory uses and assists in letting future businesses fully understand the uses that can take place to keep them competitive in their market.
All Others		All policies not listed above	Consistent

PZ 20-580-04: Downtown Code and Cannabis Code Corrections

As the proposed amendments are corrections related to previously adopted ordinances, a General Plan Consistency analysis is not required.

6) Community Workshop and Public Input: Between December 2019 and January 2020, staff distributed draft ADU regulation materials to an ADU working group which primarily consisted of design professionals that submit the majority of ADU applications. Planning and Building & Engineering staff also met with the ADU working group in February 2020 to review and refine the Accessory Dwelling Unit Type Matrices, Building Code considerations, permit procedures, and costs. In March 2020, City staff finalized the Accessory Dwelling Unit Type Matrices based on comments received from the ADU working group. In April 2020, City staff updated the City's Accessory Dwelling Unit website: <https://www.oxnard.org/city-department/community-development/adu-info/> On June 15, 2020, Planning staff is scheduled to inform the Inter-Council Neighborhood Organization Executive Board of the proposed changes.

7) Next Steps: The Planning Commission's action on this matter is advisory to the City Council. The Planning Commission's recommendation on this matter will be forwarded to the City Council for consideration.

Attachments:

- A. Accessory Dwelling Unit Type Matrices
- B. CEQA Notice of Exemption
- C. Planning Commission Resolution No. 2020-XX
 - Exhibit A Chapter 16 ADU Update
 - Exhibit B Chapter 11 Cannabis Code Corrections and Chapter 16 Downtown Code and Industrial Code Updates
 - Attachment "A" - Part 4 Downtown Code Use Table

Attachment A

Accessory Dwelling Unit Type Matrices

Accessory Dwelling Units (ADU)
TYPE 1: NEW DETACHED ADU-ONLY STRUCTURE
Permitting and Development Standards
Effective: January 1, 2020



Planning Division | 214 South C Street | 805 385-7858 | oxnard.org/planning

Purpose and Intent: Development of an ADU in a new structure fully separate from the existing (or proposed) Primary Unit involving no conversion of existing structures or attachment to existing structures. May include a garage.

PROPERTY LOCATION:				
PERMITTING		Applicant Enter as Proposed	Comply? Y or N	For more information, request an appointment with City staff: Building (805) 385-7925 Fire Dept. (805) 385-7795 Planning (805) 385-7858
Administrative Planning Permit	Ministerial			\$210.00 fee plus Building Permit, plan check, and inspection fees. Fees periodically adjusted.
From submitting complete Building and Eng. plans	Not to exceed 60 days			60-day statutory permit tolling applies to Oxnard work days when ADU plans are complete and in City possession. ADU may be denied if plan check corrections remain unaddressed at Day 60.

DEVELOPMENT STANDARDS				
Allowed in Zones (includes –PD & –AH additive zones)	R1, R2, R3, R4, C1, C2, DT-E			Eligibility requires one legal parcel with one existing legal Primary Unit, or proposal to construct a Primary Unit.
Minimum Size	220 sf			Efficiency unit. Same meaning as Health & Safety Code (HSC) 17958.1, which requires a living area of 150 sf + other area of 70 sf for 2 persons.
Maximum Size	1,200 sf			City Code allows large lot exception, if qualified. See OCC 16-16-469.6.
Front yard setback	by Zone			Existing driveway paved area may be used for required ADU parking.
Side yard setback	4 ft			Subject to public safety review that may require larger setback. Government Code 65852.2(1)(a)(D)(vii)
Rear yard setback	4 ft			
Maximum height	by Zone			Height measured from base average finished grade to highest point of building. OCC 16-10(22)
Separate exterior entrance required	Yes			ADU addressing likely to be "Unit No. X" to existing Primary Unit address, subject to USPS final determination.
Comply with other Codes	Yes			ADU must comply with applicable Building, Energy, and other Codes. Tiny Homes may qualify if code(s) compliant.

REQUIREMENTS				
Solar Panels required	Yes			Refer to: https://ww2.energy.ca.gov/title24/2019standards/documents/Title24_2019_Standards_detailed_faq.pdf
Kitchen Type	Full			Includes sink, minimum 5 cubic foot refrigerator, range or cooktop
Bathroom	Full			Includes sink, toilet, and bathing facility.

PARKING				
Primary Unit	City Code required			If parking is legal non-conforming, there is no requirement to add parking to meet current requirement for Primary unit.
ADU	recommended			may be tandem, uncovered, and/or located in a side yard setback.

FIRE SPRINKLERS, UTILITY METERS & IMPACT FEES				
Fire sprinklers	If required for Primary unit			ADU fire sprinklers required if required for the Primary residence: Oxnard Fire Code requires full sprinklers on all structure(s) at 1,000 sf cumulative additions and alterations since Dec. 27, 2007 (OCC §14-26).
Water/sewer meter	Yes			Check all lines for capacity, upgrade may be required.
Impact Fees	Yes, if ADU is 750 sf or more.			No fees if ADU is less than 750 sf. Proportional if 750 sf or more in size: A) calculate full impact fees based on total ADU size, B) divide ADU size greater than 750 sf into total ADU size, C) multiply A X B for fee.

THE FOLLOWING CONDITIONS APPLY TO ADU TYPE 1	
1	ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and west to the Pacific Ocean)
2	ADU projects are exempt from California Environmental Quality Act (CEQA, Class 3, Guidelines §15303)
3	ADU Standard conditions of approval are to be incorporated into the Building Permit plans.
4	ADU within the Henry T Oxnard District or a listed structure requires compatibility review and standards apply: ADU use is allowed.
5	Applicants may include replacement curb cut and driveway if ADU removes on-site parking, subject to Public Works approval.
6	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards are not applied to the ADU. (SB 881)
7	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).
8	ADU may not be rented for less than 30 days (i.e. Short Term Rental) (OCC 16-663.4(H)).
9	There is no owner-occupied requirement for either the Primary or ADU until Jan 1, 2025 (SB 13).
10	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not unreasonably prohibit ADU (AB 670).
11	ADU may not be parceled into separate property, except as specified in AB 587.
12	Project cannot demolish residential dwelling units underless certain conditions apply (SB 330).
13	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307.
14	ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).

Accessory Dwelling Units (ADU)					CITY OF OXNARD CALIFORNIA
TYPE 2A: CONVERSION OF DETACHED ACCESSORY STRUCTURE					
Permitting and Development Standards					
Effective: January 1, 2020					
Planning Division 214 South C Street 805 385-7858 oxnard.org/planning					
Purpose and Intent: Conversion of an existing detached garage or accessory structure to an ADU with no changes to or attachment to the Primary Unit.					
PROPERTY LOCATION:					
PERMITTING		Applicant Enter as Proposed	Comply? Y or N	For more information, request an appointment with City staff: Building (805) 385-7925 Fire Dept. (805) 385-7795 Planning: (805) 385-7858	
Administrative Planning Permit	Ministerial			\$210.00 fee plus Building Permit, plan check, and inspection fees. Fees periodically adjusted.	
From submitting complete Building and Eng. plans	Not to exceed 60 days			60-day statutory permit tolling applies to Oxnard work days when ADU plans are complete and in City possession. ADU may be denied if plan check corrections remain unaddressed at Day 60.	
DEVELOPMENT STANDARDS					
Allowed in Zones (includes –PD & –AH additive zones)	R1, R2, R3, R4, C1, C2, DT-E			Eligibility requires one legal parcel with one existing legal Primary Unit with existing detached garage and/or accessory structure or building such as a storage shed or greenhouse.	
Minimum Size	220 sf			Efficiency unit. Same meaning as Health & Safety Code (HSC) 17958.1, which requires a living area of 150 sf + other area of 70 sf for 2 persons.	
Maximum Size	1,200 sf			Additions can be added to the existing structure. In addition to the 1,200 sf maximum size, up to 150 sf addition allowed for egress/ingress within ADU buildable area.	
Front yard setback	by Zone			Existing driveway paved area may be used for required parking.	
Side yard setback	Existing or NLT 4 feet			Primary Unit setbacks set by Zone or permit, ADU minimum is 4 ft for entrance expansion. Existing accessory structure or building setbacks subject to public safety review. Government Code 65852.2(1)(a)(D)(vii).	
Rear yard setback	Existing or NLT 4 feet				
Maximum height	by Zone			Height measured from base average finished grade to highest point of building. OCC 16-10(22)	
Separate exterior entrance required	Yes			ADU addressing likely to be "Unit No. X" to existing Primary Unit address, subject to USPS final determination.	
Comply with other Codes	Yes			ADU must comply with applicable Building, Energy, and other Codes.	
REQUIREMENTS					
Solar Panels required	No			Refer to: https://ww2.energy.ca.gov/title24/2019standards/documents/Title24_2019_Standards_detailed_faq.pdf	
Kitchen Type	Full			Includes sink, minimum 5 cubic foot refrigerator, range or cooktop	
Bathroom	Full			Includes sink, toilet, and bathing facility.	
PARKING					
Primary Unit	No change unless garage conversion			If detached garage, carport, or covered parking is converted to the ADU, replacement of removed Primary Unit off-street parking spaces is not required. Government Code 65852.2(1)(a)(D)(xi). Replacement parking is encouraged.	
ADU	recommended			ADU parking space may be tandem, uncovered, and/or located in a side yard setback.	
FIRE SPRINKLERS, UTILITY METERS & IMPACT FEES					
Fire sprinklers	If required for Primary Unit			ADU fire sprinklers required if required for the Primary residence: Oxnard Fire Code requires full sprinklers on all structure(s) at 1,000 sf cumulative additions and alterations since Dec. 27, 2007 (OCC §14-26).	
Water/sewer meter	Yes			Unless already connected. Upgrade may be required.	
Impact Fees	Yes, if ADU is 750 sf or more.			No fees if ADU is less than 750 sf. Proportional if over 750 sf is size: A) calculate full impact fees based on total ADU size, B) divide ADU size greater than 750 sf into total ADU size, C) multiply A X B for fee.	
THE FOLLOWING CONDITIONS APPLY TO ADU TYPE 2A					
1	ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and Pacific Ocean)				
2	ADU projects are exempt from California Environmental Quality Act (CEQA, Class 3, Guidelines §15303)				
3	ADU Standard Planning Zoning Clearance documents and conditions are to be incorporated into the Building Permit plans.				
4	ADU within the Henry T Oxnard District or a listed structure requires compatibility review and standards apply: ADU use is allowed.				
5	Applicants may include replacement curb cut and driveway if ADU removes on-site parking, subject to Public Works approval.				
6	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards are not applied to the ADU. (SB 881)				
7	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).				
8	ADU may not be rented for less than 30 days (i.e. Short Term Rental) (OCC 16-663.4(H)).				
9	There is no owner-occupied requirement for either the Primary or ADU until Jan 1, 2025 (SB 13).				
10	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not prohibit ADU (AB 670).				
11	ADU may not be parceled into separate property, except as specified in AB 587.				
12	Project cannot demolish residential dwelling units underless certain conditions apply (SB 330).				
13	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307.				
14	ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).				
Version 4/12/2020 CW					

Accessory Dwelling Units (ADU)
TYPE 2B: CONVERSION OF PRIMARY UNIT’S
ATTACHED GARAGE TO ADU

Permitting and Development Standards
Effective: January 1, 2020



Planning Division | 214 South C Street | 805 385-7858 | oxnard.org/planning

Purpose and Intent: Conversion of only the Primary Unit’s attached garage to an ADU with no conversion of Primary Unit living area or attachment to the Primary Unit.

PROPERTY LOCATION:				
PERMITTING		Applicant Enter as Proposed	Comply? Y or N	For more information, request an appointment with City staff: Building (805) 385-7925 Fire Dept. (805) 385-7795 Planning (805) 385-7858
Administrative Planning Permit	Ministerial			\$210.00 fee plus Building Permit, plan check, and inspection fees. Fees periodically adjusted.
From submitting complete Building and Eng. plans	Not to exceed 60 days			60-day statutory permit tolling applies to Oxnard work days when ADU plans are complete and in City possession. ADU may be denied if plan check corrections remain unaddressed at Day 60.

DEVELOPMENT STANDARDS

Allowed in Zones (includes –PD & –AH additive zones)	R1, R2, R3, R4, C1, C2, DT-E			Eligibility requires one legal parcel with one existing legal Primary Unit
Minimum Size	220 sf			Efficiency unit. Same meaning as Health & Safety Code (HSC) 17958.1, which requires a living area of 150 sf + other area of 70 sf for 2 persons.
Maximum Size	Existing size			Up to 150 sf addition allowed for egress/ingress within ADU buildable area.
Front yard setback	by Zone			Existing driveway paved area may be used for required parking.
Side yard setback	Existing or NLT 4 feet			Primary Unit setbacks set by Zone or permit, ADU minimum is 4 ft for entrance expansion. Existing setbacks subject to public safety review. Government Code 65852.2(1)(a)(D)(vii)
Rear yard setback	Existing or NLT 4 feet			
Maximum height	by Zone			Height measured from base average finished grade to highest point of building. OCC 16-10(22)
Separate exterior entrance required	Yes			ADU addressing likely to be "Unit No. X" to existing Primary Unit address, subject to USPS final determination.
Comply with other Codes	Yes			ADU must comply with applicable Building, Energy, and other Codes.

REQUIREMENTS

Solar Panels required	No			Refer to: https://ww2.energy.ca.gov/title24/2019standards/documents/Title24_2019_Standards_detailed_faq.pdf
Kitchen Type	Full			Includes sink, minimum 5 cubic foot refrigerator, range or cooktop
Bathroom	Full			Includes sink, toilet, and bathing facility.

PARKING

Primary Unit	City Code less no. of converted spaces			Replacement of removed Primary Unit garage parking spaces is not required (Government Code 65852.2(1)(a)(D)(xi)). Replacement parking is encouraged.
ADU	recommended			ADU parking space may be tandem, uncovered, and/or located in a side yard setback.

FIRE SPRINKLERS, UTILITY METERS & IMPACT FEES

Fire sprinklers	If required for Primary Unit			ADU fire sprinklers required if required for the Primary residence: Oxnard Fire Code requires full sprinklers on all structure(s) at 1,000 sf cumulative additions and alterations since Dec. 27, 2007 (OCC §14-26).
Water/sewer meter	No			Check all lines for capacity, upgrade may be required.
Impact Fees	Yes, if ADU is 750 sf or more.			No fees if ADU is less than 750 sf. Proportional if over 750 sf is size: A) calculate full impact fees based on total ADU size, B) divide ADU size greater than 750 sf into total ADU size, C) multiply A X B for fee.

THE FOLLOWING CONDITIONS APPLY TO ADU TYPE 2B

1	ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and Pacific Ocean)
2	ADU projects are exempt from California Environmental Quality Act (CEQA, Class 3, Guidelines §15303)
3	ADU Standard Planning Zoning Clearance documents and conditions are to be incorporated into the Building Permit plans.
4	ADU within the Henry T Oxnard District or a listed structure requires compatibility review and standards apply: ADU use is allowed.
5	Applicants may include replacement curb cut and driveway if ADU removes on-site parking, subject to Public Works approval.
6	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards are not applied to the ADU. (SB 881)
7	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).
8	ADU may not be rented for less than 30 days (i.e. Short Term Rental) (OCC 16-663.4(H)).
9	There is no owner-occupied requirement for either the Primary or ADU until Jan 1, 2025 (SB 13).
10	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not prohibit ADU (AB 670).
11	ADU may not be parceled into separate property, except as specified in AB 587.
12	Project cannot demolish residential dwelling units unless certain conditions apply (SB 330).
13	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307.
14	ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).

Accessory Dwelling Units (ADU)
TYPE 2C: CONVERSION OF EXISTING NON-RESIDENTIAL
STRUCTURE TO PRIMARY DWELLING UNITS WITH ADU
Permitting and Development Standards
Effective: January 1, 2020



Planning Division | 214 South C Street | 805 385-7858 | oxnard.org/planning

Purpose and Intent: Conversion of a non-residential structure to a residential Primary Unit with an internal or detached ADU. Project could include an addition.

PROPERTY LOCATION:				
PERMITTING		Applicant Enter as Proposed	Comply? Y or N	For more information, request an appointment with City staff: Building (805) 385-7925 Fire Dept. (8p05) 385-7795 Planning (805) 385-7858
Administrative Planning Permit	ADU use is allowed.			Discretionary process as required by Zone. ADU use is allowed if conversion to residential use is approved by applicable planning permit.
Plan Check period from submitting complete plans	60-day toll does not apply			60-day statutory permit tolling applies to Oxnard work days when ADU plans are complete and in City possession. ADU may be denied if plan check corrections remain unaddressed at Day 60.

DEVELOPMENT STANDARDS				
Allowed in Zones (includes –PD & –AH additive zones)	R1, R2, R3, R4, C1, C2, DT-E			Eligibility requires one legal parcel with an existing structure eligible to be converted to residential use through applicable Planning permit.
Minimum Size	220 sf			Efficiency unit. Same meaning as Health & Safety Code (HSC) 17958.1, which requires a living area of 150 sf + other area of 70 sf for 2 persons.
Maximum Size	1,200 sf or 50% rule			Detached ADU up to 1,200 sf. If ADU is part of the Primary Unit, ADU shall not exceed 50% of Primary Unit; however, in no instance shall the maximum size be less than 850 sf for one-bedroom or 1,000 sf for two or more bedrooms.
Front yard setback	by Zone			Front yard setback may begin at closest edge of public sidewalk.
Side yard setback	Zone or NLT 4 ft			Primary Unit setbacks set by Zone or permit, ADU minimum is 4 ft for entrance expansion. Subject to public safety review that may require larger setback. Government Code 65852.2(1)(a)(D)(vii)
Rear yard setback	Zone or NLT 4 ft			
Maximum height	by Zone			Or as allowed by approving permit.
Separate exterior entrance required	Yes			ADU addressing likely to be "Unit No. X" to existing Primary Unit address, subject to USPS final determination.
Comply with other Codes	Yes			ADU must comply with applicable Building, Energy, and other Codes.

REQUIREMENTS				
Solar Panels required	No			Refer to: https://ww2.energy.ca.gov/title24/2019standards/documents/Title24_2019_Standards_detailed_faq.pdf
Kitchen Type	Full			Includes sink, minimum 5 cubic foot refrigerator, range or cooktop
Bathroom	Full			Includes sink, toilet, and bathing facility.

PARKING				
Primary Unit	City Code			Primary Unit parking as required by City Code or approving permit.
ADU	1 off-street space			ADU parking not required if: 1) 1/2 mile walking distance of OTC or bus stops, 2) within historic district, 3) parking permits required but not offered to ADU, 4) car-share within 1 block. Applicant to provide evidence to claim ADU parking exemption. ADU parking space may be tandem, uncovered, and/or located in a side yard setback.

FIRE SPRINKLERS, UTILITY METERS & IMPACT FEES				
Fire sprinklers	If required for Primary unit			ADU fire sprinklers required if required for the Primary residence: Oxnard Fire Code requires full sprinklers on all structure(s) at 1,000 sf cumulative additions and alterations since Dec. 27, 2007 (OCC §14-26).
Water/sewer meter	To be determined			Separate ADU meter required if ADU is a detached structure. Check all existing lines for capacity, upgrade may be required.
Impact Fees (ADU only)	Yes, if ADU is 750 sf or more.			No fees if ADU is less than 750 sf. Proportional if over 750 sf is size: A) calculate full impact fees based on total ADU size, B) divide ADU size greater than 750 sf into total ADU size, C) multiply A X B for fee.

THE FOLLOWING CONDITIONS APPLY TO ADU TYPE 2C	
1	ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and Pacific Ocean)
2	ADU projects are exempt from California Environmental Quality Act (CEQA, Class 3, Guidelines §15303)
3	ADU Standard Planning Zoning Clearance documents and conditions are to be incorporated into the Building Permit plans.
4	ADU within the Henry T Oxnard District or a listed structure requires compatibility review and standards apply: ADU use is allowed.
5	Applicants may include replacement curb cut and driveway if ADU removes on-site parking, subject to Public Works approval.
6	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards are not applied to the ADU. (SB 881)
7	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).
8	ADU may not be rented for less than 30 days (i.e. Short Term Rental) (OCC 16-663.4(H)).
9	There is no owner-occupied requirement for either the Primary or ADU until Jan 1, 2025 (SB 13).
10	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not prohibit ADU (AB 670).
12	ADU may not be parceled into separate property, except as specified in AB 587.
12	Project cannot demolish residential dwelling units underless certain conditions apply (SB 330).
13	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307.
14	ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).

Accessory Dwelling Units (ADU)					
TYPE 3: ADU ATTACHED TO PRIMARY UNIT					
Permitting and Development Standards Effective: January 1, 2020					
Planning Division 214 South C Street 805 385-7858 oxnard.org/planning					
Purpose and Intent: New construction of an ADU attached to the existing Primary Unit with no conversion of Primary Unit interior living area.					
PROPERTY LOCATION:					
PERMITTING		Applicant Enter as Proposed	Comply? Y or N	For more information, request an appointment with City staff: Building (805) 385-7925 Fire Dept. (805) 385-7795 Planning (805) 385-7858	
Administrative Planning Permit	Ministerial Permit			\$210.00 fee plus Building Permit, plan check, and inspection fees. Fees periodically adjusted.	
Plan Check period from submitting complete plans	Not to exceed 60 days			60-day statutory permit tolling applies to Oxnard work days when ADU plans are complete and in City possession. ADU may be denied if plan check corrections remain unaddressed at Day 60.	
DEVELOPMENT STANDARDS					
Allowed in Zones (includes –PD & –AH additive zones)	R1, R2, R3, R4, C1, C2, DT-E			Eligibility requires one legal parcel with one existing legal Primary Unit, or proposal to construct a Primary Unit. A proposed Primary Unit would follow applicable Planning permit process, ADU is allowed.	
Minimum Size	220 sf			Efficiency unit. Same meaning as Health & Safety Code (HSC) 17958.1, which requires a living area of 150 sf + other area of 70 sf for 2 persons.	
Maximum Size	50% of Primary Unit			ADU shall not exceed 50% of the Primary Unit; however, in no instance shall the maximum size be less than 850 sf for one-bedroom or 1,000 sf for two or more bedrooms.	
Front yard setback	by Zone			Existing driveway paved area may be used for required ADU parking.	
Side yard setback	4 ft			Subject to public safety review that may require larger setback. Government Code 65852.2(1)(a)(D)(vii)	
Rear yard setback	4 ft				
Maximum height	by Zone			ADU addition to be architecturally compatible with Primary Unit.	
Separate exterior entrance required	Yes			ADU addressing likely to be "Unit No. X" to existing Primary Unit address, subject to USPS final determination.	
Comply with other Codes	Yes			ADU must comply with applicable Building, Energy, and other Codes.	
REQUIREMENTS					
Solar Panels required	No			Refer to: https://ww2.energy.ca.gov/title24/2019standards/documents/Title24_2019_Standards_detailed_faq.pdf	
Kitchen Type	Full			Includes sink, minimum 5 cubic foot refrigerator, range or cooktop	
Bathroom	Full			Includes sink, toilet, and bathing facility.	
PARKING					
Primary Unit	City Code			Primary Unit parking as required by City Code or approving permit.	
ADU	recommended			ADU parking space may be tandem, uncovered, and/or located in a side yard setback	
FIRE SPRINKLERS, UTILITY METERS & IMPACT FEES					
Fire sprinklers	If required for Primary Unit			ADU fire sprinklers required if required for the Primary residence: Oxnard Fire Code requires full sprinklers on all structure(s) at 1,000 sf cumulative additions and alterations since Dec. 27, 2007 (OCC §14-26).	
Water/sewer meter	No			Check all lines for capacity, upgrade may be required.	
Impact Fees (ADU only)	Yes, if ADU is 750 sf or more.			No fees if ADU is less than 750 sf. Proportional if over 750 sf is size: A) calculate full impact fees based on total ADU size, B) divide ADU size greater than 750 sf into total ADU size, C) multiply A X B for fee.	
THE FOLLOWING CONDITIONS APPLY TO ADU TYPE 3					
1	ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and Pacific Ocean)				
2	ADU projects are exempt from California Environmental Quality Act (CEQA, Class 3, Guidelines §15303)				
3	ADU Standard Planning Zoning Clearance documents and conditions are to be incorporated into the Building Permit plans.				
4	ADU within the Henry T Oxnard District or a listed structure requires compatibility review and standards apply: ADU use is allowed.				
5	Applicants may include replacement curb cut and driveway if ADU removes on-site parking, subject to Public Works approval.				
6	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards are not applied to the ADU. (SB 881)				
7	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).				
8	ADU may not be rented for less than 30 days (i.e. Short Term Rental) (OCC 16-663.4(H)).				
9	There is no owner-occupied requirement for either the Primary or ADU until Jan 1, 2025 (SB 13).				
10	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not prohibit ADU (AB 670).				
11	ADU may not be parceled into separate property, except as specified in AB 587.				
12	Project cannot demolish residential dwelling units underless certain conditions apply (SB 330).				
13	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307.				
14	ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).				
Version 4/12/2020 CW					

Accessory Dwelling Units (ADU)
TYPE 4: ADU FULLY WITHIN EXISTING PRIMARY UNIT
Permitting and Development Standards
Effective: January 1, 2020



Planning Division | 214 South C Street | 805 385-7858 | oxnard.org/planning

Purpose and Intent: Conversion of only existing Primary Unit interior living area to create an ADU involving no attachment or conversion of attached or detached garage(s).

PROPERTY LOCATION:				
PERMITTING		Applicant Enter as Proposed	Comply? Y or N	For more information, request an appointment with City staff: Building (805) 385-7925 Fire Dept. (805) 385-7795 Planning (805) 385-7858
Administrative Planning Permit	Ministerial			\$210.00 fee plus Building Permit, plan check, and inspection fees. Fees periodically adjusted.
Plan Check period from submitting complete plans	Not to exceed 60 days			60-day statutory permit tolling applies to Oxnard work days when ADU plans are complete and in City possession. ADU may be denied if plan check corrections remain unaddressed at Day 60.
DEVELOPMENT STANDARDS				
Allowed in Zones (includes –PD & –AH additive zones)	R1, R2, R3, R4, C1, C2, DT-E			Eligibility requires one legal parcel with one existing legal Primary Unit.
Minimum Size	220 sf			Efficiency unit. Same meaning as Health & Safety Code (HSC) 17958.1, which requires a living area of 150 sf + other area of 70 sf for 2 persons.
Maximum Size	None. See note.			Remaining Primary Unit area and ADU must both meet minimum HSC requirements. No limit on ADU conversion area within Primary Unit. Up to 150 sf addition allowed for egress/ingress within ADU buildable area.
Front yard setback	Existing			Existing driveway paved area may be used for required ADU parking.
Side yard setback	Existing or NLT 4 feet			Primary Unit setbacks set by Zone or permit, ADU minimum is 4 ft for entrance expansion. Existing setbacks subject to public safety review that may require larger setback. Government Code 65852.2(1)(a)(D)(vii)
Rear yard setback	Existing or NLT 4 feet			
Maximum height	Existing			Oxnard City Code Section 16-303 allows limited exceptions.
Separate exterior entrance required	Yes			ADU addressing likely to be "Unit No. X" to existing Primary Unit address, subject to USPS final determination.
Comply with other Codes	Yes			ADU must comply with applicable Building, Energy, and other Codes.
REQUIREMENTS				
Solar Panels required	No			Refer to: https://ww2.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf
Kitchen Type	Full			Includes sink, minimum 5 cubic foot refrigerator, range or cooktop
Bathroom	Full			Includes sink, toilet, and bathing facility.
PARKING				
Primary Unit	City Code			Primary Unit parking as required by City Code or approving permit.
ADU	recommended			ADU parking space may be tandem, uncovered, and/or located in a side yard setback.
FIRE SPRINKLERS, UTILITY METERS & IMPACT FEES				
Fire sprinklers	If required for Primary Unit			ADU fire sprinklers required if required for the Primary residence: Oxnard Fire Code requires full sprinklers on all structure(s) at 1,000 sf cumulative additions and alterations since Dec. 27, 2007 (OCC §14-26).
Water/sewer meter	No			Check all lines for capacity, upgrade may be required.
Impact Fees (ADU only)	Yes, if ADU is 750 sf or more.			No fees if ADU is less than 750 sf. Proportional if over 750 sf is size: A) calculate full impact fees based on total ADU size, B) divide ADU size greater than 750 sf into total ADU size, C) multiply A X B for fee.
THE FOLLOWING CONDITIONS APPLY TO ADU TYPE 4				
1	ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and Pacific Ocean)			
2	ADU projects are exempt from California Environmental Quality Act (CEQA, Class 3, Guidelines §15303)			
3	ADU Standard Planning Zoning Clearance documents and conditions are to be incorporated into the Building Permit plans.			
4	ADU within the Henry T Oxnard District or a listed structure requires compatibility review and standards apply: ADU use is allowed.			
5	Applicants may include replacement curb cut and driveway if ADU removes on-site parking, subject to Public Works approval.			
6	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards are not applied to the ADU. (SB 881)			
7	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).			
8	ADU may not be rented for less than 30 days (i.e. Short Term Rental) (OCC 16-663.4(H)).			
9	There is no owner-occupied requirement for either the Primary or ADU until Jan 1, 2025 (SB 13).			
10	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not prohibit ADU (AB 670).			
11	ADU may not be parceled into separate property, except as specified in AB 587.			
12	Project cannot demolish residential dwelling units underless certain conditions apply (SB 330).			
13	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307.			
14	ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).			

Accessory Dwelling Units (ADU)
TYPE 5: JUNIOR (JR) ADU WITHIN PRIMARY UNIT
Permitting and Development Standards
Effective: January 1, 2020



Planning Division | 214 South C Street | 805 385-7858 | oxnard.org/planning

Purpose and Intent: Limited to single family dwellings,conversion of existing Primary Unit livable area (i.e. bedroom) to a small ADU. JR ADU may be in addition to ADU Type 1, 2A, 2B, 2C, 3, and 4 on the same property. JR ADUs are not allowed in multifamily units.

PROPERTY LOCATION:				
PERMITTING		Applicant Enter as Proposed	Comply? Y or N	For more information, request an appointment with City staff: Building (805) 385-7925 Fire Dept. (805) 385-7795 Planning (805) 385-7858
Administrative Planning Permit	Ministerial			\$210.00 fee plus Building Permit, plan check, and inspection fees. Fees periodically adjusted.
Plan Check period from submitting complete plans	Not to exceed 60 days			60-day statutory permit tolling applies to Oxnard work days when ADU plans are complete and in City possession. ADU may be denied if plan check corrections remain unaddressed at Day 60.
JR ADU DEVELOPMENT STANDARDS				
Allowed in Zones (includes –PD & –AH additive zones)	R1, R2, R3, R4, C1, C2, DT-E			Eligibility requires one legal parcel with one existing legal Primary Unit or proposal to construct a Primary Unit, or legal accessory structure.
Minimum Size	70 sf			Includes kitchenette area. Does not include bathroom area.
Maximum Size	500 sf			Up to 150 sf addition allowed for egress/ingress within ADU buildable area.
Front yard setback	Existing			Jr ADU exterior entrance may not be directly from front yard setback.
Side yard setback	Existing or NLT 4 feet			Primary Unit setbacks set by Zone or permit, ADU minimum is 4 ft for entrance expansion.Subject to public safety review that may require larger setback. Government Code 65852.2(1)(a)(D)(vii)
Rear yard setback	Existing or NLT 4 feet			
Maximum height	Existing			Oxnard City Code Section 16-303 allows limited exceptions.
Separate exterior entrance required	Yes			ADU addressing likely to be "Unit No. X" to existing Primary Unit address, subject to USPS final determination.
Comply with other Codes	Yes			ADU must comply with applicable Building, Energy, and other Codes.
JR ADU REQUIREMENTS				
Solar Panels required	No			JR ADU is fully within existing Primary Unit or accessory structure.
Kitchen Type	Partial, Kitchenette			Minimum: hot and cold water sink, 4.5 cubic foot refrigerator, two GFI outlets, 8 sf of counter space, 5 linear feet of cabinet space.
Bathroom	Full or Access			Full bathroom or continuous access to full bathroom via common door to Primary Unit including sink, toilet, and bathing facility. Bathroom access that requires crossing through an outdoor area is not allowed.
JR ADU PARKING				
Primary Unit	City Code			Primary Unit parking as required by City Code or approving permit.
JR ADU	recommended			ADU parking space may be tandem, uncovered, and/or located in a side yard setback.
JR ADU FIRE SPRINKLERS, UTILITY METERS & IMPACT FEES				
Fire sprinklers	If required for Primary unit			ADU fire sprinklers required if required for the Primary residence: Oxnard Fire Code requires full sprinklers on all structure(s) at 1,000 sf cumulative additions and alterations since Dec. 27, 2007 (OCC §14-26).
Water/sewer meter	No			Check all lines for capacity, upgrade may be required.
Impact Fees	None			No fees for JR ADU.
THE FOLLOWING CONDITIONS APPLY TO ADU TYPE 5 (JR ADU)				
1	JR ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and Pacific Ocean)			
2	JR ADU projects are exempt from California Environmental Quality Act (CEQA, Class 1, Guidelines §15301)			
3	Condition printed on approved building plans and/or recorded deed restriction shall include permanent reasonable access to a shared Primary Unit bathroom if a full bathroom is not provided in the JR ADU.			
4	JR ADU Standard Planning Zoning Clearance documents and conditions are to be incorporated into the Building Permit plans.			
5	JR ADU within the Henry T Oxnard District or a listed structure requires compatibility review and standards apply.			
6	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards are not applied to the ADU. (SB 881)			
7	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).			
8	JR ADU may not be rented for less than 30 days (i.e. Short Term Rental) (OCC 16-663.4(H)).			
9	There is no owner-occupied requirement for either the Primary Unit or JR ADU until Jan 1, 2025 (SB 13).			
10	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not prohibit JR ADU (AB 670).			
11	JR ADU may not be parceled into separate property, except as specified in AB 587.			
12	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307.			
13	JR ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).			
Version 4/12/2020 CW				

Accessory Dwelling Units (ADU)
TYPE 6: CONVERSION OF MULTIFAMILY STRUCTURE AREAS
NOT USED AS LIVABLE SPACE

Permitting and Development Standards
Effective: January 1, 2020



Planning Division | 214 South C Street | 805 385-7858 | oxnard.org/planning

Purpose and Intent: Conversion only of existing multifamily structure areas not used as livable space such as storage, passageways, attics, and/or garages to allow at least one ADU, not more than two detached ADUs, and total ADUs not to exceed 25% of the existing number of multifamily units in the structure. JR ADUs are not allowed in multifamily units.

PROPERTY LOCATION:				
PERMITTING		Applicant Enter as Proposed	Comply? Y or N	For more information, request an appointment with City staff: Building (805) 385-7925 Fire Dept. (805) 385-7795 Planning (805) 385-7858
Administrative Planning Permit	Ministerial			\$210.00 fee per ADU plus Building Permit, plan check, and inspection fees. Fees periodically adjusted.
Plan Check period from submitting complete plans	Not to exceed 60 days			60-day statutory permit tolling applies to Oxnard work days when ADU plans are complete and in City possession. ADU may be denied if plan check corrections remain unaddressed at Day 60.

DEVELOPMENT STANDARDS		
Allowed in Zones (includes –PD & –AH additive zones)	R1, R2, R3, R4, C1, C2, DT-C, DT-G, DT-E	Eligibility requires one legal parcel with one or more structures with at least two attached residential units that contains attached or detached accessory structures with non-livable space, or a proposal to construct a multifamily structure requiring a separate permitting process.
Minimum Size	220 sf	Efficiency unit. Same meaning as Health & Safety Code (HSC) 17958.1, which requires a living area of 150 sf + other area of 70 sf for 2 persons.
Maximum Size	1,200 sf	ADU(s) within multifamily structures are not eligible to use the entrance addition of an additional 150 sf.
Front yard setback	Existing	Existing driveway paved area may be used for required ADU parking.
Side yard setback	4 ft.	Subject to public safety review that may require larger setback.
Rear yard setback	4 ft.	
Maximum height	By Zone	Oxnard City Code Section 16-303 allows limited exceptions.
Separate exterior entrance required	Yes	ADU addressing likely to be "Unit No. X" to existing Primary Unit address, subject to USPS final determination.
Comply with other Codes	Yes	ADU's must comply with applicable Building, Energy, and other applicable Codes.

REQUIREMENTS		
Solar Panels required	Yes on detached ADU(s)	Refer to: https://www.energy.ca.gov/title24/2019standards/documents/Title24_2019_Standards_detailed_faq.pdf
Kitchen Type	Full	Includes sink, minimum 5 cubic foot refrigerator, range or cooktop
Bathroom	Full	Includes sink, toilet, and bathing facility.

PARKING				
Existing Multifamily Units	City Code			Multifamily parking as required by City Code or approving permit. Replacement garage, carport, or covered parking not required for garage(s) converted to ADU(s). Replacement parking is encouraged.
ADU	1 off-street space per ADU			ADU parking not required if: 1) 1/2 mile walking distance of OTC or bus stops, 2) within historic district, 3) parking permits required but not offered to ADU, 4) car-share within 1 block. Applicant to provide evidence to claim ADU parking exemption. ADU parking space may be tandem, uncovered, and/or located in a side yard setback.

FIRE SPRINKLERS, UTILITY METERS & IMPACT FEES				
Fire sprinklers	If required for Multifamily unit			ADU fire sprinklers required if required for the multifamily structure: Oxnard Fire Code requires full sprinklers on all structure(s) at 1,000 sf cumulative additions and alterations since Dec. 27, 2007 (OCC §14-26).
Water/sewer meter	To be determined			Yes if converted structure requires new connections. Check all lines for capacity, upgrade may be required.
Impact Fees	Yes, if ADU is 750 sf or more.			No fees if ADU is less than 750 sf. Proportional if over 750 sf is size: A) calculate full impact fees based on total ADU size, B) divide ADU size greater than 750 sf into total ADU size, C) multiply A X B for fee.

THE FOLLOWING CONDITIONS APPLY TO MULTIFAMILY (MF) ADU's	
1	MF ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and Pacific Ocean)
2	MF ADU projects are exempt from California Environmental Quality Act (CEQA, Class 3, Guidelines §15303)
3	MF ADU Standard Planning Zoning Clearance documents and conditions are to be incorporated into the Building Permit plans.
4	MF ADU within Henry T Oxnard District or a listed structure requires compatibility review and standards apply.
5	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards are not applied to the MF ADU. (SB 881)
6	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).
7	MF ADU may not be rented for less than 30 days (i.e. Short Term Rental) (OCC 16-663.4(H)).
8	There is no owner-occupied requirement for either the Primary or MF ADU until Jan 1, 2025 (SB 13).
9	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not prohibit MF ADU (AB 670).
10	MF ADU may not be parceled into separate property, except as specified in AB 587.
11	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307..
12	MF ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).

Accessory Dwelling Units (ADU)
TYPE 7: MULTI-TYPE ADU PROJECT
COMBINING ADU TYPES

Permitting and Development Standards

Effective Date: January 1, 2020



Planning Division | 214 South C Street | 805 385-7858 | oxnard.org/planning

Purpose and Intent: Development of two ADUs to one legal parcel with one existing legal Primary Unit.

STEP 1	Define the two or more ADU Types being utilized as part of the project. Note: a Type 5 JR ADU is a separate project which may be concurrently submitted.
STEP 2	Calculate the floor areas for each ADU Type as a component of the entire ADU project.
STEP 3	Utilize the ADU TYPE Development Standards of the TYPE component that has the largest floor area.
STEP 4	Schedule an appointment with Planning Division staff to review the ADU Type Development Standards charts.

City of Oxnard
Accessory Dwelling Units

FINAL
April 12, 2020

TYPE OF ADU/JR ADU

1	New detached ADU-only structure with or without garage	R1, R2, R3, R4, C1, C2, DT-E	Ministerial	60 days	\$210	220	1200	-	-	-	Set by zoning	NLT 4	NLT 4	Set by zoning	Y	Full	Full	No change	recommended	Y	None under 750 SF, proportional over 750 SF
2A	Conversion of detached Accessory Structure to ADU	R1, R2, R3, R4, C1, C2, DT-E	Ministerial	60 days	\$210	220	1200	-	-	Y	Set by zoning	NLT 4	NLT 4	Existing height	N	Full	Full	No replacement garage	recommended	Yes - if not existing	None under 750 SF, proportional over 750 SF
2B	Conversion of Primary Unit's attached Garage to ADU	R1, R2, R3, R4, C1, C2, DT-E	Ministerial	60 days	\$210	220	Size of garage	-	-	Y	Set by zoning	NLT 4	NLT 4	Existing height	N	Full	Full	No replacement garage	recommended	N	None under 750 SF, proportional over 750 SF
2C	Conversion of existing Non-Residential Structure to Primary Dwelling Unit with ADU	R1, R2, R3, R4, C1, C2, DT-E	ADU use is allowed	60-day toll does not apply	As required by OCC	220	Detached ADU up to 1,200 SF. If ADU is part of the Primary Unit, ADU shall not exceed 50% of Primary Unit; however, in no instance shall the maximum size be less than 850 SF for one-bedroom or 1,000 SF for two or more bedrooms	-	-	-	Set by zoning	Primary Unit setbacks set by Zone or permit, ADU minimum is 4 ft for entrance expansion.		Existing height or as allowed by permit	N	Full	Full	Primary Unit parking as required by City Code or approving permit.	1	Yes - if not existing connection or undersized	Primary Unit all fees. For ADU: none under 750 SF, proportional over 750 SF
3	ADU attached to Primary Unit	R1, R2, R3, R4, C1, C2, DT-E	Ministerial	60 days	\$210	220	Not exceed 50% of the Primary Unit; however, in no instance shall the maximum size be less than 850 SF for one-bedroom or 1,000 SF for two or more bedrooms.	-	-	-	Set by zoning	NLT 4	NLT 4	Set by zoning	N	Full	Full	Primary Unit parking as required by City Code or approving permit.	recommended	N	None under 750, proportional over 750
4	ADU fully within existing Primary Unit	R1, R2, R3, R4, C1, C2, DT-E	Ministerial	60 days	\$210	220	Remaining Primary Unit area and ADU must both meet minimum HSC requirements. No limit on ADU conversion area within Primary Unit. Up to 150 SF addition allowed for egress/ingress within ADU buildable area.	-	-	Y	Set by zoning	NLT 4	NLT 4	Set by zoning	N	Full	Full	No change	recommended	N	None under 750, proportional over 750
5	Junior (JR) ADU within Primary Dwelling Unit	R1, R2, R3, R4, C1, C2, DT-E	Ministerial	60 days	\$210	-	-	70	500	Y	Set by zoning	NLT 4	NLT 4	Set by zoning	N	Kitchenette	Full or Access to Primary Unit	No change	recommended	N	N
6	Conversion of Multi-Family Structure Areas not used as Livable Space (storage, passageways, attics, garages): at least 1 ADU, not more than 2 detached ADU's, total ADUs not to exceed 25% of total multifamily units.	R1, R2, R3, R4, C1, C2, DT-C, DT-G, DT-E	Ministerial	60 days	\$210	220	1200 (per ADU)			N	Set by zoning	NLT 4	NLT 4	Set by zoning	Yes on detached new construction ADU	Full	Full	Multifamily parking as required by City Code or approving permit. Replacement garage, carport, or covered parking not required for garage(s) converted to ADU(s)	1 per ADU	No - if not detached Yes - if detached	None under 750 SF, proportional over 750 SF
7	Mixed ADU Types 1 to 4	STEP 1	Define the two or more ADU Types being utilized as part of the project. Note: a Type 5 JR ADU is a separate project which may be concurrently submitted.																		
		STEP 2	Calculate the floor areas for each ADU Type as a component of the entire ADU project.																		
		STEP 3	Utilize the ADU TYPE Development Standards of the TYPE component that has the largest floor area.																		
		STEP 4	Schedule an appointment with Planning Division staff to review the ADU Type Development Standards charts.																		

APPLIES TO ALL ADU AND/OR JR ADU PROJECTS

1	ADU and/or JR ADU not allowed in the Oxnard Coastal Zone (between Victoria Avenue and Pacific Ocean)
2	ADU and JR ADU projects are exempt from California Environmental Quality Act (CEQA, Class 3, Guidelines §15303)
3	ADU and JR ADU standard conditions of approval are to be incorporated into the Building Permit plans.
4	ADU and/or JR ADU within Henry T Oxnard District or a listed historical structure requires compatibility review, and additional standards apply.
5	Minimum lot size, open space, patio/balcony minimum size and dimensions, density, floor area ratio, and/or interior yard space standards do not applied to the ADU. (SB 881)
6	Architectural compatibility with existing and/or proposed structure required (OCC § 16-23, primarily materials, roof-pitch, color).
7	ADU or JR ADU may not be rented for less than 30 days (i.e. Short Term Rental not allowed) (OCC 16-663.4(H)).
8	There is no owner-occupied requirement for either the Primary residential dwelling, JR ADU, or ADU until Jan 1, 2025 (SB 13).
9	Homeowner Association Conditions, Covenants, and Restrictions (CCR) may not unreasonably prohibit ADU or JR ADU (AB 670).
10	ADU of JR ADU may not be parceled into separate property, except as specified in AB 587.
11	ADU parking space may be tandem, uncovered, and/or located in a side yard setback.
12	ADU or JR ADU may be denied if: 1) non-compliance with applicable codes, 2) creates a life-safety hazard, 3) has negative impact on historic district or listed structure, or 4) is within Non-ADU district (if adopted by the City).
13	ADU porches, patios, exterior stairs, and balconies subject to OCC 16-305 to 16-307.

Attachment B
CEQA Notice of Exemption

NOTICE OF EXEMPTION

Project Description: **Project Name:** Updates to Oxnard City Code Chapters 11 and 16: PLANNING AND ZONING PERMIT NOs. 20-580-01, 20-580-03, and 20-580-04 (Zone Text Amendment) - Amendments to: Chapter 16 to create consistency with Accessory Dwelling Units State law; Chapter 16 (Division 10, Downtown Zones and Division 11, Industrial Zones) to correct typographical errors and to incorporate certain cannabis activities into the zone use tables; and Chapter 11 related to Cannabis uses.

Finding: The Planning Division of the Community Development 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 PRC Sec. 21080.17
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with the California Public Resources Code (PRC) (Sections 21000 et seq.) and the California Environmental Quality Act (CEQA) Guidelines (Sections 15000 et seq.), Planning staff has determined that the proposed zoning text amendments are exempt from the CEQA pursuant to Sections 15601(b)(3) and exempt under PRC Sec. 21080.17. The proposed amendments are regulatory and format related. The amendments would not permit new activities or development intensity over what is allowed by current regulations and/or are proposed to create consistency with State statutes. Therefore, the City Council has determined that there is no substantial evidence that the project will have a significant effect on the environment.

July XX, 2020

Scott Kolwitz
Planning and Environmental Services
Manager

Attachment C

Planning Commission Resolution No. 2020-XX

Exhibit A Chapter 16 ADU Update

Exhibit B Chapter 11 Cannabis Code Corrections and
Chapter 16 Downtown Code and Industrial Code Updates

Attachment "A" - Part 4 Downtown Code Use Table

Attachment C

Planning Commission Resolution No. 2020-XX

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE CITY OF OXNARD OF PLANNING AND ZONING (PZ) PERMIT NOS. 20-580-01, 20-580-03 AND 20-580-04 (ZONE TEXT AMENDMENTS) AMENDING OXNARD CITY CODE (OCC) CHAPTER 16, ARTICLES II AND V, RELATED TO ACCESSORY DWELLING UNITS; AMENDING OCC CHAPTER 11, ARTICLE XVII, RELATED TO CANNABIS USES; AND AMENDING OCC CHAPTER 16, ARTICLE III, TO INCORPORATE CANNABIS USES INTO THE DOWNTOWN-CORE AND DOWNTOWN-GENERAL ZONES AND INDUSTRIAL ZONE USE TABLE, AMEND SECTION 16-173, AND CORRECT TYPOGRAPHICAL ERRORS. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

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

WHEREAS, on April 2, 2019, the City Council adopted Ordinance No. 2958 to repeal and replace the Industrial Zoning Ordinance to be consistent with the policies and directives of the 2030 General Plan that was adopted in October 2011; and

WHEREAS, on June 18, 2019, the City Council adopted Ordinance No. 2960 to regulate commercial cannabis activities in select zones with select permit processes; and

WHEREAS, Ordinance No. 2960 added regulations pertaining to commercial cannabis activities to sections pertaining to the Industrial Zoning Ordinance that was repealed under Ordinance No. 2958 (former Industrial Zoning Ordinance); and

WHEREAS, on July 16, 2019, the City Council replaced the entirety of the Chapter 16, Article III, Division 10, “Central Business District (CBD) Zone” with the “Downtown Zones;” and

WHEREAS, on October 1, 2019, the City Council adopted Ordinance 2965 which amended the permit requirements for Manufacturing, Testing and Distribution of Cannabis from a SUP to a Development Design Review (DDR) permit; and

WHEREAS, on December 17, 2019, the City Council adopted Ordinance 2972 to create regulations for cannabis retail dispensaries subject to a Special Use Permit (SUP); including adopting an ancillary recommendation to allow retail cannabis in the aforementioned newly created downtown zoning districts.

WHEREAS, in 2019, the California State Legislature passed legislation that modified Accessory Dwelling Unit law and required jurisdictions to allow Junior Accessory Dwelling Units, which became effective January 1, 2020; and

WHEREAS, on January 20, 2020, the Department of Housing and Community Development issued an ADU memorandum with direction to local jurisdictions on how to apply the several statutes that overlapped several topics; and

WHEREAS, the Community Development Director seeks to correctly incorporate City Council adopted regulations, update the Oxnard City Code to be consistent with State legislation, and to correct typographical errors; and

WHEREAS, the Community Development Director filed Planning and Zoning (PZ) Permit No. 20-580-03 to amend OCC Chapter 16, Article II, Section 16-10 to update the “Accessory Dwelling Unit” definition and add “Junior Accessory Dwelling Unit” and “Primary Dwelling Unit” definitions, and delete and replace Article V, Division 13, Sections 16-465 through 16-469.6 with an updated Accessory Dwelling Unit sections reflecting recent State legislation; and

WHEREAS, the Community Development Director filed PZ Permit No. 20-580-04 to amend OCC Chapter 11, Article XVI, Section 11-454(GGG) to correct the “Retailer” definition, Section 11-468(D)(1)(b) to remove a Section reference, and Section 11-473(B) to insert “Downtown-Core” and “Downtown-General” into the list of zones allowing cannabis retail use; and

WHEREAS, the Community Development Director filed PZ Permit No. 20-580-01 to amend OCC Chapter 16, Article III, Divisions 10 and 11 to incorporate certain cannabis activities into the Downtown Code and Industrial Zone use tables, to modify Section 16-173, and to correct typographical errors; and

WHEREAS, the Zone Text Amendments herein attached as Exhibits A and B establish specific use provisions consistent with the action items and policy directives in State law, the 2030 General Plan, and the proposed Zone Text Amendment would ensure that OCC Chapters 11 and 16 are internally consistent and consistent with the 2030 General Plan; and

WHEREAS, the proposed Zoning Text Amendments include technical amendments that are in the public interest and reflect the input from residents, decisionmakers, and other stakeholders in the community. There are no changes recommended under the proposed

Zoning Text Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, on June 18, 2020, the Planning Commission of the City of Oxnard (“Planning Commission”) conducted a duly noticed public hearing to consider Applicant’s requests to approve PZ Nos. 20-580-04, 20-580-03, and 20-580-01 (Zone Text Amendment) (the **“Project”**) in accordance with the OCC, and

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

WHEREAS, the proposed Zone Text Amendments do not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety. Moreover, the proposed Zone Text Amendment would be consistent with the land uses and development anticipated by the 2030 General Plan; and

WHEREAS, the adoption of the Zone Text Amendments would be 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 industrial zones throughout the City of Oxnard; and

WHEREAS, the proposed Zone Text Amendments are in compliance with the provisions of the California Environmental Quality Act (CEQA) and are exempt from the CEQA pursuant to CEQA Guidelines, Sections 15601(b)(3) or exempt under California Public Resources Code (PRC) (Sections 21000 et seq.) Sec. 21080.17. The proposed amendments are regulatory and format related. The amendments would not permit new activities or development intensity over what is allowed by current regulations and/or are proposed to create consistency with State statutes; and the Planning Commission recommends to the City Council that a Notice of Exemption be prepared and be filed in accordance to the CEQA guidelines following the City Council’s action; and

WHEREAS, the Planning Commission has reviewed and considered the proposed Project filed by the City of Oxnard Community Development Director, to amend OCC Chapters 11 and 16 concerning Accessory Dwelling Units, Downtown Zones and Industrial Zones, and Cannabis; and

WHEREAS, the Planning Commission has held a public hearing and received and reviewed written and oral comments related to the Project; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of PZ Nos. 20-580-01, 20-580-03 and 20-580-04.

NOW, THEREFORE, the Planning Commission of the City of Oxnard hereby resolves as follows:

SECTION 1. The foregoing recitals are true and correct and are hereby incorporated into the operative provisions of this Resolution.

SECTION 2. The Planning Commission finds, for the above stated reasons, and the reasons set forth in the staff report, that the proposed Zone Text Amendments presented as Exhibits A and B herein will not result in any new significant environmental impacts that were not addressed in the 2030 General Plan Program EIR, will not increase the severity of any previously identified impacts, and is exempt from CEQA under Guidelines section 15061(b)(3).

SECTION 3. The Planning Commission, based on the findings set forth herein, recommends that the City Council of the City of Oxnard adopt Zone Text Amendments PZ Nos. 20-580-01, 20-580-03, and 20-580-04 attached hereto as Exhibits A (Chapter 16 ADU Update) and B (Chapter 11 Cannabis Code Corrections and Chapter 16 Downtown Code and Industrial Code Updates) and incorporated herein by this reference to this Resolution.

SECTION 4. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 18th day of June, 2020.

Deirdre Frank, 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 18th day of June, 2020, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

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RECUSED: Commissioner(s):

Scott Kolwitz, Secretary

Attachment C

Exhibit A Chapter 16 ADU Update

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING OXNARD CITY CODE CHAPTER 16, ARTICLES II AND V, RELATED TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS. FILED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

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

WHEREAS, in 2019, the California State Legislature passed legislation that modified Accessory Dwelling Unit law, which became effective January 1, 2020; and

WHEREAS, on January 20, 2020, the Department of Housing and Community Development issued an ADU memorandum with direction to local jurisdictions on how to apply the several statutes that overlapped several topics; and

WHEREAS, the Community Development Director seeks to correctly incorporate City Council adopted regulations, update the Oxnard City Code to be consistent with State legislation, and to correct typographical errors; and

WHEREAS, the Community Development Director filed Planning and Zoning (PZ) Permit No. 20-580-03 to amend OCC Chapter 16, Article II, Section 16-10 to update the “Accessory Dwelling Unit” definition and add “Junior Accessory Dwelling Unit” and “Primary Dwelling Unit” definitions, and delete and replace Article V, Division 13, Sections 16-465 through 16-469.6 with an updated Accessory Dwelling Unit section reflecting recent State legislation; and

WHEREAS, on June 18, 2020, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit No. 20-580-03 (Zone Text Amendment) (the “**Project**”) in accordance with the Oxnard City Code, and

WHEREAS, after considering all the evidence in the record, including (but not limited to) the staff report (including the attachments), written submittals and verbal testimony from the public, the Planning Commission adopted a Resolution recommending that the City Council of the City of Oxnard (the “City Council”) adopt the PZ No. 20-580-03, Zone Text Amendment; and

WHEREAS, on July X, 2020, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Applicant’s request to approve PZ No. 20-580-03 (Zone Text Amendment) (the “**Project**”) in accordance with the Oxnard City Code, and

WHEREAS, after considering all the evidence in the record, including (but not limited to) the staff report (including the attachments), written submittals and verbal testimony from the public; and

WHEREAS, there are no changes recommended under the proposed Zoning Text Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment would create consistency with State legislation and be consistent with the land uses and development anticipated by the 2030 General Plan; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public; and

WHEREAS, the proposed Accessory Dwelling Unit Zone Text Amendment is exempt from environmental review in accordance with PRC Sec. 21080.17 and the Notice of Exemption is prepared and will be filed in accordance to the CEQA guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 16-10(2) of the Oxnard City Code is amended to read as follows:

“(2) ACCESSORY DWELLING UNIT (ADU) - An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence or multifamily structure. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit as defined by HSC Section 17958.1 or a manufactured home as defined by HSC Section 18007. See Junior ADU definition.”

Section 2. Section 16-10 of the Oxnard City Code is amended to read as follows and subsequent definitions within Section 16-10 to be consecutively renumbered:

“(xx) JUNIOR ACCESSORY DWELLING UNIT - A dwelling unit that is no more than 500 square feet in size and is contained entirely within a single-family dwelling. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. See related definition of Accessory Dwelling Unit.”

Section 3. Section 16-10(110) of the Oxnard City Code is amended to read as follows:

“(110) PRIMARY DWELLING UNIT - The main residential structure containing one dwelling unit located on one legal lot.”

Section 4. Division 13 of Chapter 16 of the Oxnard City Code is amended to read as follows:

“DIVISION 13. ACCESSORY DWELLING UNITS

SEC. 16-465. PURPOSE AND FINDINGS.

(A) Accessory Dwelling Units (also known as “second units,” “granny flats,” “in-law suites,” “tiny homes” and / or “cottages.”) are small residential units on a permanent foundation located within, attached to, or detached and adjacent to the primary single-family unit or multifamily structure, and can provide an important source of affordable housing.

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

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

(D) Accessory Dwelling Units may be referred to as efficiency, studio, or single, and be of any room count and configuration allowed by applicable development standards and building codes. A Junior Accessory Dwelling Unit is established by Government Code Section 65852.22 and is considered a separate use under the provisions of section 16-467.2.

(E) For purposes of these regulations, references to “Director” shall mean the Community Development Director.

SEC. 16-465.1 TYPES OF ACCESSORY DWELLING UNITS.

An Accessory Dwelling Unit is classified as one of the following nine Types:

(A) Type 1: New Detached Accessory Dwelling Unit-Only Structure With or Without Garage.

(1) Purpose and Intent: Development of an Accessory Dwelling Unit in a new structure fully separate from the existing or proposed Primary Dwelling Unit involving no conversion of existing structures or attachments to the existing structures. All construction is to occur on the same legal parcel as the existing or proposed Primary Dwelling Unit.

(B) Type 2A: Conversion of an Existing Detached Legal Accessory Structure to an Accessory Dwelling Unit.

- (1) Purpose and Intent: Conversion of an existing detached garage or accessory structure to an Accessory Dwelling Unit with no changes to or attachment to the Primary Dwelling Unit. All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(C) Type 2B: Conversion of a Primary Dwelling Unit's Attached Garage to an Accessory Dwelling Unit.

- (1) Purpose and Intent: Conversion of only the Primary Dwelling Unit's attached garage to an Accessory Dwelling Unit with no conversion of the Primary Dwelling Unit area or attachment to the Primary Dwelling Unit. All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(D) Type 2C: Conversion of Existing Non-residential Structure to a Primary Dwelling Unit with an Accessory Dwelling Unit.

- (1) Purpose and Intent: Conversion of an existing non-residential structure to a Primary Dwelling Unit with an internal or detached Accessory Dwelling Unit. The project could include an addition. All construction is to occur on the same legal parcel as the existing structure.

(E) Type 3: Accessory Dwelling Unit Attached to an Existing Primary Dwelling Unit.

- (1) Purpose and Intent: New construction of an Accessory Dwelling Unit attached to the existing Primary Dwelling Unit with no conversion of the Primary Dwelling Unit interior living area. All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(F) Type 4: Accessory Dwelling Unit Fully Within an Existing Primary Dwelling Unit.

- (1) Purpose and Intent: Conversion of only the existing Primary Dwelling Unit habitable areas to create an Accessory Dwelling Unit involving no attachment or conversion of attached or detached garage(s). All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit.

(G) Type 5: Junior Accessory Dwelling Unit.

- (1) Purpose and Intent: Conversion of existing Primary Dwelling Unit habitable area (i.e. bedroom) to a small Junior Accessory Dwelling Unit. All construction is to occur on the same legal parcel as the existing Primary Dwelling Unit..

(H) Type 6: Conversion of Multi-Family Non-Habitable Areas.

- (1) Purpose and Intent: Conversion only of existing multi-family structure non-habitable areas (i.e. passageways, attics, and / or garages) to one or more Accessory Dwelling Units, and allows not more than two detached Accessory Dwelling Units, with the total Accessory Dwelling Units not to exceed 25% of the

existing number of multi-family units in the structure within the same project area. Junior Accessory Dwelling Units are not allowed in multi-family structures.

(I) Type 7: Mixed Accessory Dwelling Unit Types 1 to 4.

- (1) Purpose and Intent: Development of an Accessory Dwelling Unit that is a mix of Types 1, 2A, 2B, 2C, 3, and/or 4 with an existing or proposed Primary Dwelling Unit on one legal parcel. A Junior Accessory Dwelling Unit is allowed as a separate Type 5 application.

SEC. 16-466. MINISTERIAL CONSIDERATIONS.

(A) Types 1, 2A, 2B, 3, 4, 5, 6 and 7 - If the Director receives an application to construct an Accessory Dwelling Unit or Junior Accessory Dwelling Unit and the proposal meets all of the requirements of the City Code, then within 60 days of the Director receiving an application for the Accessory Dwelling Unit or Junior Accessory Dwelling Unit, the Director shall ministerially approve the application without a hearing.

(B) Type 2C and 7 - If the Director receives an application to convert an existing non-residential structure to a residential use that includes a Type 2C Accessory Dwelling Unit, the application shall follow applicable permitting for the conversion of an existing non-residential structure to a residential use, and the application can include an Accessory Dwelling Unit as an allowed use, but the 60-day permit approval period does not commence until the date on which the converted structure has received permit approval by the Community Development Department.

(C) The 60-day statutory permit approval period commences when the Accessory Dwelling Unit or Junior Accessory Dwelling Unit application and plans are in the City's possession and deemed complete.

(D) An Accessory Dwelling Unit or Junior Accessory Dwelling Unit permit application may be denied ministerially under any one of the following situations:

(1) Plan check corrections remain unaddressed at day 60 and/or plans and/or responses to corrections remain in non-compliance with applicable codes.

(2) Development of the Accessory Dwelling Unit or Junior Accessory Dwelling Unit would create a life-safety hazard.

(3) The location of the proposed Accessory Dwelling Unit is within a district designated by the City Council as an area where development of Accessory Dwelling Units are not allowed based on adequacy of water and sewer services and the impact of Accessory Dwelling Units on traffic flow and public safety.

(E) Historic District or Historic Landmark Designation - Applications for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit within a designated Historic District or on a parcel with a historic Landmark designation by the City of Oxnard, County of Ventura, State of California, and/or U.S. Department of the Interior, or on a property that is within the 2005 Downtown Oxnard Historic Resources Survey area, the application will default to applicable

cultural heritage permitting procedures for development in that location, except that the Accessory Dwelling Unit or Junior Accessory Dwelling Unit application and use is allowed pursuant to Cal. Gov't Code Section 65852.2. If a Junior Accessory Dwelling Unit application indicates no changes to the exterior of a dwelling unit, the cultural heritage permitting procedures may be waived by the Director.

(F) An Accessory Dwelling Unit may be proposed and constructed concurrently with construction of an addition to the Primary Dwelling Unit that, by and of itself, meets applicable zoning district development standards for the Primary Dwelling Unit. The minimum and maximum allowed Accessory Dwelling Unit floor areas shall be based on the total size of the Primary Dwelling Unit plus any additions integrated within only the Primary Dwelling Unit habitable area.

(G) An application for an Accessory Dwelling Unit that does not comply with applicable standards (sec. 16-467) applicable Type standards (sec. 16-467.1, 16-467.2, or 16-467.3), and the proposed project does not otherwise meet criteria for a standards Variance per Chapter 16, Article Division 5, Sections 16-565 to 16-16-590, inclusive, may request that an Accessory Dwelling Unit application be removed from the statutory-by-right 60-day Building Permit process and submit an application for a Development Design Review Planning permit pursuant to section 16-525 under which the Accessory Dwelling Unit application is not considered ministerial and the 60-day statutory permitting period does not apply.

(H) A nonrefundable fee in the amount set by City Council Resolution shall be paid upon the filing of an application for an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit. Applications may incur additional fees imposed pursuant to this code or other applicable regulations.

SEC. 16-467. GENERAL STANDARDS FOR ALL ACCESSORY DWELLING UNITS

Except as provided in section 16-469, ("Fire Safety Exception to Setback Requirements for Accessory Dwelling Units") or as stipulated in Section 16-467.1, 16-467.2, or 16-467.3, Accessory Dwelling Units shall meet or exceed all of the following standards.

(A) Functional areas - The Accessory Dwelling Unit shall comply with all applicable habitability standards. The Accessory Dwelling Unit shall contain an independent kitchen facility that shall include the following features: (i) sink; (ii) refrigerator of more than five-cubic feet capacity; and (iii) range or cooktop. The Accessory Dwelling Unit shall include a separate bathroom with sink, toilet, and bathing facility; and separate or combined living and sleeping areas.

(B) Foundation - The Accessory Dwelling Unit shall be constructed on a permanent foundation, complying to the California Building Standards Code.

(C) Architecture - An attached or detached Accessory Dwelling Unit shall comply with the architectural standards of Section 16-23 and shall be of materials, colors and in a style which are each compatible with the primary residence, or as reasonable as determined by the Director.

(D) Public utility connection fees, meters, and capacity upgrades - 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.

(1) Accessory Dwelling Units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(2) New utility connection or payment of impact fees shall not be required for an Accessory Dwelling Unit of less than 750 gross square feet.

(3) New utility connection or payment of impact fees shall be required for an Accessory Dwelling Unit of 750 gross square feet or larger based on the following formula:

(a) Calculate full impact and/or connection fees based on the total Accessory Dwelling Unit size,

(b) Divide Accessory Dwelling Unit size remainder greater than 750 square feet in to the total size in (a),

(c) Multiply (a) times (b).

(4) A new utility service meter shall only be required for a Type 1 Accessory Dwelling Unit, Type 2A if the detached garage is not already connected to the primary residence utility service, or Type 2C if a structure is not already connected.

(5) Existing water and wastewater service laterals and/or lines and/or meters may be required to upgrade to a capacity that includes the Accessory Dwelling Unit.

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

(F) Occupancy by owner - For Accessory Dwelling Units permitted between January 1, 2020 and December 31, 2024, the primary residence or the Accessory Dwelling Unit is not required to be occupied by the property owner.

(G) Recorded agreement - Beginning on January 1, 2025, unless otherwise changed by State law, before a Certificate of Occupancy is issued for the Accessory Dwelling Unit, an agreement affecting real property shall be recorded against the property that imposes specific restrictions on the property including occupancy by owner of the property. The language of the agreement affecting real property shall be approved by the City of Oxnard prior to its recordation.

(H) Not for sale - The Accessory Dwelling Unit shall not be sold or offered for sale separately from the Primary Dwelling Unit, unless specifically allowed by State law.

(I) Rentals - The Accessory Dwelling Unit and/or the Primary Dwelling Unit may be rented. Rental terms shall be 30 days or longer.

(J) Only one Accessory Dwelling Unit - Not more than one Accessory Dwelling Unit may be constructed on any legally existing lot or combinations of lots that are developed as one residential use. A Junior Accessory Dwelling Unit may also be allowed pursuant to Section 16-467.2

(K) Sprinklers - Fire sprinklers are required for any Accessory Dwelling Unit if they are required for the Primary Dwelling Unit.

(L) Building Code - All building standards code requirements that apply to detached dwellings apply to Accessory Dwelling Units.

(M) Maximum Height – Maximum height of the Accessory Dwelling Unit is the greater of the underlying zone designation, the existing height of an existing accessory structure being converted to an Accessory Dwelling Unit, or the height allowed by a permit approving the conversion of a non-residential structure to a residential use and an Accessory Dwelling Unit.

(N) Minimum Size – The minimum size of an Accessory Dwelling Unit shall be the same as an Efficiency Unit consistent with the meaning of Health & Safety Code Section 17958.1.

(O) Side, Rear, and Front Yard Setbacks - All otherwise applicable setback requirements shall apply except:

(1) The minimum required side and rear yard setback for an existing legal structure that encroaches into a required side or rear setback that is to be converted into an Accessory Dwelling Unit shall be equivalent to the existing legal structure's exterior walls that come nearest the property line and coterminous with the length of the encroachment.

(2) The minimum required side and rear yard setback for new development is four feet for an Accessory Dwelling Unit unless a larger setback is required for safety access purposes per Section 16-467.

(3) The front yard setback remains that of the underlying zoning on the applicant property.

(P) Development standards that do not apply – The following development standards do not apply to accessory dwelling units and are not to be considered in the application review:

- (1) Minimum lot size,
- (2) Minimum open space requirement,
- (3) Minimum patio/balcony dimensions,
- (4) Density and/or floor area ratio, and

(5) Interior yard space standards.

SEC. 16-467.1 TYPES 1, 2A, 2B, 2C, 3 and 4 STANDARDS.

Except as provided in Section 16-469, ("Fire Safety Exception to Setback Requirements for Accessory Dwelling Units"), Types 1, 2A, 2B, 2C, 3 and 4 Accessory Dwelling Units shall meet or exceed all of the following standards:

(A) Zoning compliance - Except as otherwise provided herein, the Primary Dwelling Units and the Accessory Dwelling Unit shall meet current applicable requirements for the zone in which the Primary Dwelling Unit and the Accessory Dwelling Unit are located. The Accessory Dwelling Unit shall not be considered when calculating the maximum number of dwelling units permitted by the underlying zone designation.

(B) Residentially zoned - Accessory Dwelling Units are allowed in the following zones: R-1, R-1-PD, R-1-7-PD, R-10-PD, R-1-8-PD ("single-family"); R-2, R-2-PD ("multiple-family"); R-3, R-3-PD ("Medium Density Residential"); and R-4 ("Medium-High Residential Density").

(C) Commercial and Mixed-Use zoned - Accessory Dwelling Units are allowed in the following zones if the lot is developed with only one legal Primary Dwelling Unit: C-1 ("Neighborhood Shopping Center"); C-2 ("General Commercial"); and DT-E ("Downtown Edge").

(D) Single-family Dwelling - There must be an existing legal or proposed single-family dwelling on the lot.

(E) Passageways and Patio Covers - No passageway, breezeway, or other type of covered passageway that is not fully enclosed and/or conditioned space shall be allowed to connect the Primary Dwelling Unit to a detached Accessory Dwelling Unit. A patio cover attached to an Accessory Dwelling Unit may be approved that complies with the applicable Accessory Dwelling Unit setbacks and required separation from other structures. The patio cover area shall not be counted as part of the Accessory Dwelling Unit floor area.

(F) An ingress/egress addition not to exceed 150 square feet may be attached to a Type 2A, 2B, or 4 Accessory Dwelling Unit. The ingress/egress addition must comply with a minimum four-foot side and rear yard setback.

(G) Maximum gross floor area -

(1) Type 1: New Detached Accessory Dwelling Unit-only Structure With or Without Garage - The permissible floor area shall not be more than 1,200 gross square feet.

(2) Type 2A: Conversion of an Existing Detached Legal Accessory Structure to an Accessory Dwelling Unit - maximum permissible floor area shall not be more than 1,200 gross square feet.

(3) Type 2B: Conversion of a Primary Dwelling Unit's Attached Garage to an Accessory Dwelling Unit - maximum permissible floor area shall not be more than the size of the existing garage.

(4) Type 2C: Conversion of an Existing Non-residential Structure to a Primary Dwelling Unit with an Accessory Dwelling Unit - For a detached Accessory Dwelling Unit the maximum size shall not be more than 1,200 gross square feet. An Accessory Dwelling Unit that is attached to the Primary Dwelling Unit shall not exceed 50% of the size of the Primary Dwelling Unit; except that the maximum size shall not be less than 850 square feet for a one-bedroom or 1,000 square feet for two or more bedroom Accessory Dwelling Unit.

(5) Type 3: Accessory Dwelling Unit Attached to an Existing Primary Dwelling Unit – maximum permissible size shall not exceed 50% of the size of the primary unit; except that the maximum size shall not be less than 850 square feet for a one-bedroom or 1,000 square feet for two or more bedroom Accessory Dwelling Unit.

(6) Type 4: Accessory Dwelling Unit Fully Within an Existing Primary Dwelling Unit - no maximum size except that the Accessory Dwelling Unit shall be the smaller of the two dwelling units and the minimum floor area of both the primary and Accessory Dwelling Units shall be no less than that of an Efficiency Unit consistent with the meaning of Health & Safety Code (HSC) 17958.1.

SEC. 16-467.2 TYPE 5 JUNIOR ACCESSORY DWELLING UNIT STANDARDS.

Except as provided in Section 16-469, ("Fire Safety Exception to Setback Requirements for Accessory Dwelling Units"), a Type 5 Junior Accessory Dwelling Units shall meet or exceed all of the following standards:

(A) Zoning compliance - Except as otherwise provided herein, the Primary Dwelling Unit and the Junior Accessory Dwelling Unit shall meet current applicable requirements for the zone in which the Primary Dwelling Unit and the Junior Accessory Dwelling Unit are located. The Junior Accessory Dwelling Unit shall not be considered when calculating the maximum number of dwelling units permitted by the underlying zone designation.

(B) Residentially zoned - Junior Accessory Dwelling Units are allowed in the following zones: R-1, R-1-PD, R-1-7-PD, R-10-PD, R-1-8-PD ("single-family"); R-2, R-2-PD ("multiple-family"); R-3, R-3-PD ("Medium Density Residential"); and R-4 ("Medium-High Residential Density").

(C) Commercial and Mixed Use zoned - Accessory Dwelling Units are allowed in the following zones if the lot is developed with only one legal Primary Dwelling Unit C-1 ("Neighborhood Shopping Center"), C-2 ("General Commercial"); or DT-E ("Downtown Edge").

(D) Single-family dwelling - There must be an existing legal or proposed primary single-family dwelling on the lot.

(E) Minimum gross floor area – 70 square feet for one person, 220 square feet for two persons consistent with Health & Safety Code Section 17958.1.

(F) Maximum gross floor area - permissible floor area shall not be more than 500 gross square feet.

(G) Conversion of habitable space and/or converted attached garage – the Junior Accessory Dwelling Unit shall consist only of Primary Dwelling Unit habitable area, such as a bedroom, and/or conversion of all or a portion of an attached garage so that the Junior Accessory Dwelling Unit is fully within the existing footprint of the Primary Dwelling Unit and its attached garage, except that an ingress/egress addition not to exceed 150 square feet may be attached to the Type 5 Junior Accessory Dwelling Unit. The ingress/egress addition must comply with a minimum four-foot side and rear yard setback.

(H) Kitchenette – minimum requirements are a hot and cold water sink, 4.5-cubic-foot refrigerator, two ground fault circuit interrupter outlets, 8 square feet of counter space, and 5 linear feet of cabinet space.

(I) Bathroom or Bathroom Access - Full bathroom or continuous access to a full bathroom via a common door to the primary unit that includes sink, toilet, and bathing facility. Bathroom access that requires crossing through an outdoor area is not allowed. A bathroom with a shower-only facility instead of a bathtub complies. Before a Certificate of Occupancy is issued for the Junior Accessory Dwelling Unit, an agreement affecting real property shall be recorded against the property that imposes specific restrictions on the property including bathroom access for the benefit of the Junior Accessory Dwelling Unit. The language of the agreement affecting real property shall be approved by the City of Oxnard prior to its recordation.

(J) Outside entrance - The Junior Accessory Dwelling Unit shall have one entrance separate from the entrance to the Primary Dwelling Unit. The outside entrance to the Junior Accessory Dwelling Unit shall not be visible from the front yard of the Primary Dwelling Unit unless the Primary Dwelling Unit and Junior Accessory Dwelling Unit entrances are designed in a manner that maintains the appearance of a single-family dwelling. An entrance leading to a foyer with entrances leading from the foyer to the Primary Dwelling Unit and the Junior Accessory Dwelling unit is allowed. A Junior Accessory Dwelling Unit shall have one primary entrance similar in design to that of the Primary Dwelling Unit. Secondary exterior access including sliding doors, french doors, and the like, may be provided in accordance with applicable development standards.

SEC. 16-467.3 TYPE 6 MULTIFAMILY STRUCTURE STANDARDS.

Except as provided in Section 16-469, ("Fire Safety Exception to Setback Requirements for Accessory Dwelling Units"), Type 6 multi-family accessory dwelling units shall meet or exceed all of the following standards:

(A) Conversion of Multi-Family Non-Habitable Areas – existing non-habitable spaces within a multifamily residential structure such as storage, passageway, attics, or garages may be converted to one or more Accessory Dwelling Units.

(B) Detached – no more than two detached Accessory Dwelling Units are allowed in a legal multi-family structure within the same project area and lot that are either converted existing non-habitable space and/or new construction.

(C) Maximum Allowed – the sum of Accessory Dwelling Units that are conversions of non-habitable area (A) and/or detached structures (B) shall not exceed 25 percent of the pre-existing total legal multifamily dwelling units within the same project area and on the lot.

(D) Junior Accessory Dwelling Units are not allowed in multi-family structures.

(E) Residentially zoned - Accessory Dwelling Units are allowed in legal multifamily structures in the following zones: R-1, R-1-PD, R-1-7-PD, R-10-PD, R-1-8-PD ("single-family"); R-2, R-2-PD ("multiple-family"); R-3, R-3-PD ("Medium Density Residential"); and R-4 ("Medium-High Residential Density").

(F) Commercial and Mixed Use zoned - Accessory Dwelling units are allowed in the following zones if the lot is developed with one legal multi-family structure: C-1 ("Neighborhood Shopping Center"), C-2 ("General Commercial"); DT-E ("Downtown Edge"), DT-C ("Downtown Core"), and DT-G ("Downtown General").

(G) Minimum gross floor area – 220 square feet for two persons consistent with Health & Safety Code Section 17958.1.

(H) Maximum gross floor area - permissible floor area shall not exceed 1,200 gross square feet.

(I) Entrance Location and Lighting – An Accessory Dwelling Unit entrance shall not open into a drive aisle or parking space or otherwise place the resident in a vehicular path of travel, and shall have outdoor lighting and a safe and clear pedestrian path to the primary unit's public street frontage to the satisfaction of the Director.

SEC. 16-467.4 TYPE 7 APPLICATIONS THAT ARE A MIX OF ADU TYPES.

When a proposed Accessory Dwelling Unit is a combination two or more of Accessory Dwelling Unit Types 1, 2A, 2B, 2C, 3, or 4 and 5, the following procedure shall apply to identify the applicable development standards and permitting process:

(A) The applicant shall identify the two or more Accessory Dwelling Unit Types being utilized consistent with section 16-465.1.

(B) The applicant shall include calculations of the floor area for each Type as components of the project.

(C) The Director shall utilize the development standards of the Accessory Dwelling Unit Type component that has the largest floor area.

(D) A Type 5 Junior Accessory Dwelling Unit application is a separate application that may be submitted concurrently with a Type 7 application.

SEC. 16-468. OFF-STREET PARKING.

(A) Parking requirements - The requirements of City Code section 16-622(F) (entitled "Schedule of Vehicle-Off-Street Parking Requirements") apply, where not specified in this section.

(B) Off-street parking requirements for Accessory Dwelling Units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking. The Accessory Dwelling Unit parking space(s) may not be located in the required front yard setback.

(C) Off-street parking is not required in any of the following instances when the applicant demonstrates that:

(1) The Accessory Dwelling Unit is located within one-half mile walking distance of public transit, including transit stations and bus stations;

(2) The Accessory Dwelling Unit is located within an architecturally and historically significant historic district;

(3) The Accessory Dwelling Unit is a Type 2A, 2B, or Type 4, constructed entirely within the proposed or existing primary dwelling unit or an attached or detached accessory structure and/or garage;

(4) When on-street parking permits are required by the city but not offered to the occupant of the Accessory Dwelling Unit; or

(5) When there is a car share vehicle use located within one block of the Accessory Dwelling Unit.

(D) Demolished or converted required parking spaces - When a required garage, carport, or covered parking structure for the Primary Dwelling Unit is demolished or converted in conjunction with the construction of an Accessory Dwelling Unit, required parking for the Primary Dwelling Unit shall be provided on the property, outside of the front yard setback, and on a city approved pad or structure.

SEC. 16-469. FIRE SAFETY EXCEPTION TO SETBACK REQUIREMENTS FOR ACCESSORY DWELLING UNITS.

Notwithstanding any other provision of this code to the contrary, the Director shall not ministerially approve an application for a permit to create an Accessory Dwelling Unit if the Accessory Dwelling Unit side and/or rear setbacks are insufficient for fire safety as determined by the Fire Marshal.

SEC. 16-469.5. ACCESSORY DWELLING UNIT IN SPECIFIC PLAN ZONES

Accessory Dwelling Units are allowed in Specific Plan use designation zones on legal lots that are developed in a manner equivalent to a zone designation listed within Sections 16-467.1, 16-467.2, and 16-467.3 as determined by the director.

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

Notwithstanding any other provision of this code to the contrary, the Director shall consider a request for a Development Design Review (DDR) permit to develop a new Primary Dwelling

Unit and designate an existing housing unit as the Accessory Dwelling Unit if all of the following apply:

- (A) The qualifying legal lot is at least 9,000 square feet;
- (B) Contiguous lots must be under the same ownership and shall be required to complete a lot merger;
- (C) The existing legal single-family housing unit is not greater than 1,200 square feet in size, not counting an attached or detached garage, or as determined by the Director;
- (D) The lot complies with zoning designations listed in Section 16-467(B);
- (E) The proposed new housing unit is situated on the lot in compliance with applicable zoning setbacks and uniformly applied development and parking standards;
- (F) The proposed new housing unit shall be at minimum of 150% the size of the existing dwelling unit now designated as the accessory dwelling unit, not counting an attached or detached garage; and
- (G) That approved plans, certificate of occupancy, and related documents shall reflect that the existing housing unit is classified as the Accessory Dwelling Unit and subject to sections 16-467(F), (I), (J), (L), (M), (O), and (P), and the newly constructed housing unit is classified as the primary unit and subject to sections 16-467(K), (M), and (P).
- (H) Nothing in this Section shall prevent approval of an application consistent with Sections 16-465.1 to 16-467.2 herein.”

Section 5. Oxnard City Code Section 16-148, Allowed Uses Table within the Division 10 Downtown Code is amended as shown in Attachment “A” incorporated herein by this reference.

Section 6. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, 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 invalid.

Section 7. City Council approves reading of title only and waives reading of the ordinance at the second reading.

Section 8. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 9. The City Clerk shall certify as to the adoption of this Ordinance and shall cause the summary thereof to be published within fifteen (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 36933. Ordinance No. _____ was first

read on _____, 2020, finally adopted on _____, 2020, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

Attachment C

Exhibit B Chapter 11 Cannabis Code Corrections
and Chapter 16 Downtown Code and Industrial Code Updates

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING OXNARD CITY CODE CHAPTER 11, ARTICLE XVII REGARDING COMMERCIAL CANNABIS USES AND CHAPTER 16, DIVISIONS 10 AND 11, TO INCORPORATE CERTAIN CANNABIS ACTIVITIES INTO THE DOWNTOWN CODE AND INDUSTRIAL ZONE USE TABLES; READOPTING THE INDUSTRIAL CODE SECTIONS 16-160 TO 16-173 TO RENUMBER AND CORRECT TYPOGRAPHICAL ERRORS. FILED BY THE COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

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

WHEREAS, on April 2, 2019, the City Council adopted Ordinance No. 2958 to repeal and replace the Industrial Zoning Ordinance to be consistent with the policies and directives of the 2030 General Plan that was adopted in October 2011; and

WHEREAS, on June 18, 2019, the City Council adopted Ordinance No. 2960 to regulate commercial cannabis activities in select zones with select permit processes; and

WHEREAS, Ordinance No. 2960 added regulations pertaining to commercial cannabis activities to sections pertaining to the Industrial Zoning Ordinance that was repealed under Ordinance No. 2958 (former Industrial Zoning Ordinance); and

WHEREAS, on July 16, 2019, the City Council replaced the entirety of the Chapter 16, Article III, Division 10, "Central Business District (CBD) Zone" with the "Downtown Zones;" and

WHEREAS, on October 1, 2019, the City Council adopted Ordinance 2965 which amended the permit requirements for Manufacturing, Testing and Distribution of Cannabis from a SUP to a Development Design Review (DDR) permit; and

WHEREAS, on December 17, 2019, the City Council adopted Ordinance 2972 to create regulations for cannabis retail dispensaries subject to a Special Use Permit (SUP); including adopting an ancillary recommendation to allow retail cannabis in the aforementioned newly created downtown zoning districts.

WHEREAS, the Community Development Director seeks to correctly incorporate City Council adopted regulations, update the Oxnard City Code to correct typographical errors; and

WHEREAS, the Community Development Director filed PZ Permit No. 20-580-04 to amend OCC Chapter 11, Article XVII, Section 11-454(GGG) to correct the "Retailer" definition, Section 11-468(D)(1)(b) to correct a Section reference, Section 11-473(B) to insert

“Downtown-Core” and “Downtown-General” into the list of zones allowing cannabis retail use, and Section 11-485(E) to correct “Uniformed” to “Un-uniformed”; and

WHEREAS, the Community Development Director filed PZ Permit No. 20-580-01 to amend OCC Chapter 16, Article III, Divisions 10 and 11 to incorporate certain cannabis activities into the Downtown Code and Industrial Zone use tables, to remove Section 16-173, and to correct typographical errors; and

WHEREAS, the proposed Zone Text Amendment would ensure that Chapters 11 and 16 are internally consistent with each other and the 2030 General Plan; and

WHEREAS, the Zone Text Amendments herein and attached Exhibit A establish specific use provisions consistent with the action items and policy directives in California State Law, the 2030 General Plan, and the proposed Zone Text Amendment would ensure that OCC Chapters 11 and 16 are internally consistent with itself and the 2030 General Plan; and

WHEREAS, the proposed Zoning Text Amendments include technical amendments that are in the public interest and reflect the input from residents, decisionmakers, and other stakeholders in the community. There are no changes recommended under the proposed Zoning Text Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, on June 18, 2020, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit Nos. 20-580-01 and 20-580-04 (Zone Text Amendment) (the “**Project**”) in accordance with the Oxnard City Code (OCC), and

WHEREAS, after considering all of the evidence in the record, including (but not limited to) the staff report (including attachments), written submittals and verbal testimony from the public, the Planning Commission adopted a Resolution recommending that the City Council of the City of Oxnard (the “City Council”) adopt the Zone Text Amendment; and

WHEREAS, on July X, 2020, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit No. 20-580-03 (Zone Text Amendment) (the “**Project**”) in accordance with the Oxnard City Code, and

WHEREAS, after considering all the evidence in the record, including (but not limited to) the staff report (including the attachments), written submittals and verbal testimony from the public; and

WHEREAS, there are no changes recommended under the proposed Zoning Text Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment does not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety. Moreover, the proposed Zone Text Amendment would be consistent with the land uses and development anticipated by the 2030 General Plan; and

WHEREAS, the adoption of Zone Text Amendment would be 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 industrial zones throughout the City of Oxnard; and

WHEREAS, the proposed Zone Text Amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because this project is categorically exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. A Notice of Exemption is prepared and will be filed in accordance with CEQA guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 11-454(GGG) of the Oxnard City Code is amended to read as follows:

“(GGG) ‘Retailer’ - a commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the City of Oxnard authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.”

Section 2. Section 11-468(D)(1)(b) of the Oxnard City Code is amended to read as follows:

“(b) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.”

Section 3. Section 11-473(B) of the Oxnard City Code is amended to read as follows:

“(B) All cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this ordinance. Retail dispensaries are conceptually permitted in property zoned Downtown-Core (DT-C), Downtown-General (DT-G), Neighborhood Shopping Center (C-1), Neighborhood Shopping Center Planned Development (C-1-PD), General Commercial (C-2), or General Commercial, Planned Development (C-2-PD), and Commercial Planned Development (CPD), Business Park, Retail Commercial, and Commercial Manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following Specific Plan areas subject to relevant Specific Plan requirements, and input from the Business Park Association (if operational): RiverPark - commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.”

Section 4. OCC Section 16-148, Allowed Uses Table within the Division 10 Downtown Code is amended as shown in Attachment “A” included herein by reference.

Section 5. Amend OCC Chapter 16, Article III, Division 11, Section 16-145 to Section 16-173 to read as follows:

“DIVISION 11. INDUSTRIAL ZONES

SEC. 16-160. PURPOSE AND INTENT.

The following are descriptions of the purpose and intent of each one of the industrial zoning districts in the City. All permitted and conditionally permitted uses shall be consistent with the purpose and intent of the respective zone.

(A) C-M (Commercial Manufacturing Zone). The purpose of the C-M Zone is to provide a zone for selected commercial retail sales and services, light manufacturing, warehousing, distributing, storage, and wholesale activities that are conducted totally within a building and with development standards suitable for commercial and limited industrial districts. This zone district also allows for permanent and temporary emergency shelters and emergency shelters for families, supportive and transitional housing, and farmworker housing pursuant to statutory requirements, and provides an appropriate transition from residential areas to more intense industrial activities.

(B) BRP (Business and Research Park Zone). The purpose of the BRP Zone is to provide areas for a limited group of professional, administrative, and research, and limited manufacturing uses along with limited commercial activities intended to support such uses. Such uses shall be

oriented toward major transportation elements such as freeways, airports, and harbors, and shall be developed to specific property and development design standards.

(C) M-L (Limited Manufacturing Zone). The purpose of the M-L Zone is to provide areas suitable for the development and protection of restricted manufacturing uses and activities involving a high level of performance and site development. Uses may include administrative, wholesaling, warehousing, and manufacturing activities, and scientific research offices and laboratories, including certain accessory facilities necessary to serve the employees of such uses located in the zone. The development and performance standards of this division will enhance views from major transportation routes and assure a high-quality environment compatible with surrounding and abutting residential zones. This zone district also allows for permanent and temporary emergency shelters and emergency shelters for families to provide housing pursuant to statutory requirements, and for adult businesses.

(1) Manufacturing uses shall be limited to the fabrication, assembly, compounding, processing, or packaging of materials in a processed form that do not, in their maintenance, assembly, or packaging, create obnoxious or offensive smoke, gas, odor, dust, sound, vibration, soot, or lighting.

(2) In order to avoid reduction of the City's industrial base and to protect industrial land and improvements from encroaching upon incompatible uses or uses more properly suited to other districts, residential and commercial uses, except as provided herein, are not permitted in the Limited Manufacturing Zone.

(D) M-1 (Light Manufacturing Zone). The purpose of the M-1 Zone is to provide areas for manufacturing and related service uses and activities where the principal activity occurs within a building, but also permits outdoor assembly, fabrication, public services, and storage that conform to the development and performance standards of this Chapter, and provide areas suitable for adult businesses. Industrial uses in this zone shall be limited to those that conduct fabrication, assembly, or/and processing of materials (including agricultural produce) primarily within a building. The development and performance standards of this Chapter limit the creation of smoke, gas, odor, dust, sound, and vibration that might be detrimental to health, safety, and welfare to protect any adjoining uses. Wholesale and retail sales and services related to principal uses are permitted. Limited outdoor storage associated with a primary use may be permitted.

(E) M-2 (Heavy Manufacturing Zone). The purpose of the M-2 Zone is to provide areas for industrial uses that are primarily outdoor and/or within specialized structures that may involve general manufacturing, processing, and/or fabrication activities, including outdoor storage and manufacturing, that are specifically excluded from other industrial zones and which do not require highly restrictive performance and development standards in regard to adjoining uses.

SEC. 16-161. PERMIT REQUIREMENTS FOR INDUSTRIAL USES.

The required permit for a respective industrial land use is indicated in section 16-163, industrial land use matrix. The permit requirements are as provided for in this chapter and as further provided for below.

(A) Special Use Permit (SUP). The permit application requirements and process for a Special Use Permit are set forth in Article VII, Division 3, of this Chapter.

(B) Development Design Review (DDR) permit. The permit application requirements and process for Development Design Review permit are set forth in Article VII, Division 2, of this Chapter.

(1) A DDR permit may be required for either the review and approval of the construction of a new industrial building, and/or the review and approval of a use which requires administrative review to insure compliance with the provisions of this chapter and other regulatory requirements.

(2) For the review of uses proposed to be located in existing structures, the director may determine the level of information and plans required.

(C) Minor Modifications. Where a planning permit such as a Special Use Permit, Planned Development Permit, or Development Design Review permit has been previously approved, the City may elect to modify that existing permit in lieu of requiring the application and approval of a new Special Use or Development Design Review permit for a proposed physical modification or use clearance, provided such physical modification is within the parameters for Minor Modifications provided for in this Chapter or by administrative policy.

(D) Permitted uses: Zone Clearance. Permitted uses are subject to the requirement for approval of a Zone Clearance in accordance with this Chapter.

(E) Specific Plan permit requirements. For development in areas within a designated Specific Plan, the following table identifies the permit processing requirements.

<i>Specific Plan</i>	<i>Permit Type</i>	
	<i>DDR</i>	<i>SUP</i>
Rose/Santa Clara	All new development	Drive-through uses Outdoor storage

Northfield-Seagate	All new development	SUP when use requires this per this code
McInnis Ranch	All new development under 100,000 square feet	All new development over 100,000 square feet SUP when use requires this per this code
Sakioka Farms	All new development	None
Camino Real	All new development	SUP when use requires this per this code

SEC. 16-162. NON-INDUSTRIAL USES.

The City Council has determined that certain non-industrial uses may be permitted in industrial zones in order to achieve land use compatibility objectives. Those uses include adult uses and churches and religious facilities. Consistent with the guidance provided in section 16-163, industrial land use matrix, the following provisions and restrictions apply.

(A) Adult uses. Adult uses are further governed by Article V, Division 1 of this Code.

(B) Churches and religious institutions. To insure the integrity and economic viability of the industrial zoning districts and promote compatibility with assembly type uses such as churches, mosques, synagogues, and other religious facilities, the following additional restrictions apply to industrial zoned properties.

(1) All religious facilities in industrial zones are subject to a Special Use Permit to permit the evaluation of land use compatibility and potential negative impacts on nearby industrial uses and hazard exposure to facility users.

(2) Religious facilities may be permitted in multi-tenant buildings in the C-M, BRP, and M-L zones, subject to a Special Use Permit.

(3) Schools which provide standard K-12 educational instruction are not permitted in any industrial zone. Religious instruction such as Sunday schools, bible study, and similar classes may be permitted subject to a Special Use Permit.

(4) Religious institutions in the M-1 and M-2 must be located in freestanding buildings.

(C) Senate Bill (SB) 2 uses. For the purposes of this section, certain terms and words are defined as follows:

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

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

(3) EMERGENCY SHELTER, TEMPORARY - A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a 12-month period. No individual or household shall be denied emergency shelter because of an inability to pay.

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

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

SEC. 16-163. INDUSTRIAL LAND USES BY ZONE: INDUSTRIAL LAND USE MATRIX.

The allowed land uses in the industrial zoning districts are identified in the following table.

<i>Industrial Land Use Matrix</i>						
<i>Key:</i> <i>Blank: Not Allowed P: Permitted Use (Requires a Zone Clearance)</i> <i>SUP: Special Use Permit DDR: Development Design Review Permit</i>						
<i>Land Use</i>	<i>Zone District</i>					
	<i>CM</i>	<i>BRP</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>	<i>Notes</i>
Administrative, executive, and/or corporate offices which are a part of a predominantly industrial operation, including governmental offices and facilities	P	P	P	P	P	
Administrative, financial, professional, medical, and general office services	P	P	SUP			
Adult businesses, except adult motels		P	P	P	P	Refer to section 16-337
Adult day care facilities	P	P				
Adult motels	P					Refer to section 16-336
Agricultural and construction vehicle sales with incidental repair and service	SUP		DDR	DDR		
Agricultural, limited to growing of crops	P	P	P	P	P	

Aircraft modification, storage, repair, and maintenance				P	P	
Aircraft sales	P	P	P	P		
Alcohol sales: on-site, off-site, and wine tasting	SUP	SUP	SUP	SUP		
Ambulance base facilities	P	P	P	P	P	
Appliance repairs	P		P	P		
Asphalt or concrete manufacture or refining					DDR	
Assembly or repair of small electrical and electronic equipment	P		P	P		
Assisted living residential facility		SUP				
Auction houses	P	P	P	P	P	
Boat building and repair				P	P	
Boiler repair and maintenance				P	P	
Book binding	P	P	P	P	P	
Bottling/canning plants			P	P	P	
Breweries, microbrew (less than 60,000 barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, craft (more than 60,000 barrels, less than 2 million barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, large (more than 2 million barrels)				DDR	DDR	

Brick, tile, or terra cotta manufacture				DDR	DDR	
Business furniture, supplies, and equipment sales	P	P	P			
Cabinet or carpenter shops	P		P	P	P	
Cafeterias accessory to permitted uses for the convenience of persons employed on the premises		P	P	P	P	
Commercial Cannabis Activities						
Distribution		DDR	DDR	DDR	DDR	See Section 16-173; Article XVII Chapter 11
Manufacturing		DDR	DDR	DDR	DDR	See Section 16-173; Article XVII Chapter 11
Testing		DDR	DDR	DDR	DDR	See Section 16-173; Article XVII Chapter 11
Retail		SUP				See Section 16-173; Article XVII Chapter 11
Carpet, rug, and dry-cleaning plants	P		P	P	P	
Cement, glass, lime, gypsum, or plaster manufacture					DDR	
Ceramic products	P		P	P	P	

Children's day care facility serving more than 15 children	SUP	SUP				
Churches	SUP	SUP	SUP	SUP	SUP	Refer to section 16-162(B)
Coffee shops, cafes	P	P	DDR	DDR	DDR	
Cold storage facilities including agricultural freezers and ice production and sales			P	P	P	
Commercial and retail uses	P	DDR	DDR	DDR		Refer to section 16-171
Commercial recreational and entertainment uses, such as batting cages, gymnasiums, boxing gyms, escape rooms, bowling alleys, skating rinks, and similar recreational uses as determined by the planning manager	DDR	DDR	DDR	DDR		
Computer and business machine sales and service	P	P	P			
Convenience markets and drugstores	P	DDR				
Corporate training and professional development facilities including ancillary outdoor activities	P	P	P	P	P	
Day care facilities accessory to industrial uses		DDR	DDR	DDR		
Day care facilities (over 12 children) as a principal use	DDR	DDR				

Distribution, warehousing, and wholesaling	P	P	P	P	P	
Drive-through services	SUP	SUP	SUP			
Drop forge industries					DDR	
Dwelling unit, one per establishment, for security or management when located on the premises where such person is employed in such capacity and accessory to an industrial use	DDR		DDR	DDR	DDR	
Electric motor rebuilding	P		P	P	P	
Electrical and lighting supply	P		P			
Electronic and computer repair	P	P	P			
Emergency shelter for families	SUP		P			
Emergency shelter, permanent	SUP		P			
Emergency shelter, temporary	SUP		P			
Employment agencies	P	P				
Energy generation, distribution, storage, and support facilities, including electrical and gas utilities	SUP	SUP	SUP	SUP	DDR	
Explosives, manufacture or storage					DDR	
Farmworker housing	SUP		P	P	P	
Feed sales	P		P	P		
Fertilizer manufacture					DDR	

Firearm and ammunition sales			SUP			Refer to Chapter 16, Division 19
Fish smoking, processing, curing, or canning				DDR	DDR	
Florists	P	P				
Freight classification yard, including truck and bus storage and maintenance				DDR	P	
Furniture manufacture and assembly	P		P	P	P	
Furniture upholstery shops	P		P	P		
Garbage, offal, or dead animal reduction or dumping					P	
Garment manufacturing		P	P	P	P	
Gas bulk storage, manufacturing, and distribution of flammable liquids and all gases					DDR	
General office, including legal, professional, medical, consulting, or similar	P	P				
Indoor firearm range			SUP			Refer to Chapter 16, Division 20
Iron, steel, brass, or copper foundry or fabrication plant				SUP	DDR	
Kennels and animal boarding	DDR		DDR	DDR	DDR	
Kennel day care	P		P	P	P	

Laboratories, research only		P	P			
Laundry, commercial	P		P	P	P	
Light metal fabrication (for example, sheet metal, wrought iron, and the like)	P		P	P	P	
Lumber yards with incidental sales of building and hardware supplies (outside storage)	SUP			SUP	P	
Machine shops	P		P	P	P	
Manufacture and assembly of electrical and electronic instruments, devices, and components	P	P	P	P	P	
Manufacturing and maintenance of electric neon signs	P		P	P	P	
Manufacturing, compounding assembly, or treatment of articles or merchandise from prepared materials such as, but not limited to, canvas, cloth, stones, wood products, and leather			P	P	P	
Manufacturing, compounding, processing, packaging, or treatment of food products such as, but not limited to, bakery, dairy, fruits and vegetables, and honey			P	P	P	
Marine equipment sales with incidental repair and service	P		P	P	P	
Medical product sales	P	P	P			
Medical: hospitals and medical centers		SUP				
Metals recycling and storage, including sales				SUP	DDR	

Mini-warehouses and self-storage facilities	SUP		SUP	SUP	SUP	Refer to Resolution No. 6446
Mobile home sales and display	DDR		DDR	DDR	DDR	
Motels, hotels, and convention facilities	SUP	SUP				
Off-site non-accessory signs or billboards					SUP	Refer to section 16-608(G)
Oilcloth or linoleum manufacture					P	
Outdoor storage or assembly as a primary use					SUP	
Outdoor storage, incidental/accessory to uses otherwise permitted			DDR	DDR	DDR	
Paint, oil, shellac, turpentine, and varnish manufacture					DDR	
Paper and pulp manufacture					DDR	
Pawnshops	SUP					
Petroleum bulk plants and distribution				SUP	DDR	
Petroleum refining					DDR	
Photographic studios and services	P	P	P			
Planning mills				SUP	DDR	
Plastic manufacture				P	P	
Plumbing supply	P		P	P		

Printing shop, lithographing, photocopying, blueprinting, and publishing	P	P	P	P	P	
Product assembly plants and production facilities primarily engaged in final or partial assembling of packaging of premanufactured, treated, or fabricated components, materials, or products	P	P	P	P	P	
Public service uses - communications, fire and police, water, and other governmental or public facilities	DDR	DDR	DDR	DDR	DDR	
Radio or television broadcasting station	P	P	P	P	P	
Railroad support services				SUP	DDR	
Recycling collection: collection recycling facility for the acceptance of materials from the public including a bulk or single-feed reverse vending machine, a kiosk unit, or a permanent building				DDR	DDR	
Recycling mobile unit: mobile recycling unit used for the collection of recycled materials including the bins, boxes, or containers for the collection of recyclable materials	DDR		DDR	DDR	DDR	
Recycling processing facility: processing facility for ferrous and non-ferrous materials including the preparation of material for efficient shipment which includes baling, briquetting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and re-manufacturing. Outdoor bin storage				SUP	SUP	

allowed for the collection of recycled materials						
Refrigeration and air conditioning repair and service	P		P	P	P	
Research and development, experimental or developmental laboratories		P	P	P	P	
Research, development, and clinical laboratories and uses including associated incidental and outpatient clinics		P				
Restaurants and delicatessens	P	P	P	DDR	DDR	
Rock crusher or distribution of rock, sand, or gravel					DDR	
Sale of building and hardware supplies within a building	P		P	P	P	
Specialized commercial retail centers oriented toward major transportation elements such as freeways, expressways, and other major transportation corridors. Specialized commercial uses include promotional, discount, factory outlet, and off-price shopping centers, as well as centers that are tourist-oriented or oriented to other specialized markets. Specialized commercial uses may also include general commercial uses in special or unique settings		SUP				
Stationery and office supplies	P	P				
Supportive housing	SUP					
Taxidermist	P		P	P		

Textiles manufacturing			P	P	P	
Trade schools, public and private schools and colleges, dance, and performing arts studios	P	P	DDR			
Transitional housing	SUP					
Vehicle assembly				SUP	DDR	
Vehicle and equipment dismantling and recycling, including sale of parts and vehicles					SUP	
Vehicle rental agencies	DDR	DDR	DDR			
Vehicle repair, including engine overhaul, body and fender work, transmission, radiator repair, painting, and upholstering	P		P	P	P	
Vehicle service stations	SUP	SUP	SUP	SUP	DDR	
Vehicle storage				SUP	SUP	
Veterinarians with on-site kennels	DDR		DDR	DDR	DDR	
Veterinarians with no on-site kennels	P		P	P	P	
Welding shops			P	P	P	
Wine production facility			SUP	P	P	
Wine tasting with or without cafes		SUP	SUP	SUP		

SEC. 16-164. DEVELOPMENT STANDARDS.

The following table sets forth development standards for all of the industrial zone districts in the City. All permitted and conditionally permitted uses shall be consistent with the purpose and intent of the respective zone.

<i>Development Standards</i>					
<i>Standard</i>	<i>Zone District</i>				
	<i>C-M</i>	<i>BRP</i>	<i>M-L</i>	<i>M-1</i>	<i>M-2</i>
Minimum lot size	Commercial and light manufacturing lots created after January 1, 1974, shall have a minimum area of 10,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft., exclusive of any public right-of-way dedicated for road purposes or proposed road purposes	15,000 sq. ft.	15,000 sq. ft.
Minimum lot width					
Interior lots	50 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Corner lots	75 ft.	150 ft.	150 ft.	150 ft.	150 ft.
Maximum building height	35 ft.*	35 ft.*	All buildings and structures shall be limited to a height of 35 feet, except that height limits may be increased one foot for each additional one foot increase to all of the required	55 ft.	No building shall exceed a height at the street line of 8 stories or 100 ft.

			building setbacks		
Front yard setback	None; See Section 16-165	30 ft.; 40 ft. when adjacent to designated thoroughfare	See section 16-165	10 ft.; 30 ft. when adjacent to designated thoroughfare. See Section 16-165	10 ft.; 30 ft. when adjacent to designated thoroughfare; See Section 16-165
Side yard setback	None; 10 ft. if adjacent to R zone; See Section 16-165	Equal to height of building unless otherwise permitted by a SUP	See section 16-165	None; See Section 16-165	None; 5 ft. if adjacent to R zone
Rear yard setback	20% of depth of lot not to exceed 20 ft.	20 ft.	See section 16-165	Equal to height of building; See Section 16-165	None
Street side yard setback	10 ft.; See Section 16-165	Half of height of building	See section 16-165	Same as front yard; See Section 16-165	Same as front yard; See Section 16-165
Setback from residential zoned property	See section 16-165	100 ft.; See Section 16-165	See section 16-165	30 ft.; same setback applies if parcel abuts an alley separating the parcel from a residential zone; see section 16-165	20 ft.; see section 16-165

Maximum lot coverage	40%	40%	50%	70%	70%
Maximum floor area ratio	50%	100%	60%	70%	70%
Minimum lot depth	100 ft.	150 ft.	150 ft.; measured at right angles to the front property line	150 ft.; measured at right angles to the front property line	150 ft.
* Additional height may be allowed with approval of a SUP.					

SEC. 16-165. SPECIAL REQUIREMENTS SPECIFIC TO C-M, BRP, M-L, M-1, AND M-2.

The purpose of this section is to provide regulations specific to the respective industrial zoning categories as follows.

(A) C-M Zone.

(1) Open storage of materials and equipment shall be permitted in a C-M Zone only when incidental to the use of an office, store, or manufacturing building located on the front portion of the same lot, and provided that:

(a) Storage is located on the rear one-half of the lot and is confined to an area not to exceed 3,000 square feet;

(b) Storage is completely enclosed by a solid wall or fence with necessary solid gates, not less than six feet in height; and

(c) No material is stored to a height greater than that of the wall or fence enclosing the storage area.

(2) Commercial and light manufacturing lots created after January 1, 1974, shall have a minimum area of 10,000 square feet.

(3) Every building in a C-M zone shall be so constructed, machinery and equipment shall be so installed and maintained, and activities shall be so conducted, that all noise, vibrations, dust, odor, and other objectionable factors shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity. Whenever there is any difficulty in determining the application of these provisions to any specific case, the Building Official shall make such determination.

(4) Minimum zoning district size composed of contiguous lots, exclusive of streets shall be 20 acres.

(5) Setbacks.

(a) Front. Lots in the C-M Zone having frontage on one side of the street between two intersecting streets need no front yard. If a lot having frontage on one side of the street between two intersecting streets is located in the C-M Zone and R Zone, the front yard requirement for the R Zone shall apply to the C-M Zone. If a front yard is required in the C-M Zone, the yard shall be landscaped and maintained, except for approved driveways and walkways and no parking shall be permitted in this area.

(b) Side. If a lot in a C-M Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than ten feet. If a reversed corner lot rears upon a lot in an R Zone, the side yard on the street side of the reversed corner lot shall be not less than 50% of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a C-M building shall not be required. If a street side yard is required in the case of a reversed corner lot, the area shall be landscaped and maintained except for approved driveways and walkways and no parking shall be permitted in this area.

(B) BRP zone.

(1) Architectural design standards.

(a) Metal buildings shall not be permitted.

(b) A minimum of two types of building texture or materials, exclusive of window glazing and frames, shall be provided on all building elevations having exposure to public streets or residential areas.

(c) All roof structure and mechanical equipment shall be completely screened from abutting public roadways and residential areas. Screening elements shall be integrated with the main structural and architectural features of the structure.

(2) Site design standards.

(a) No parking areas shall be permitted within 20 feet of any residential zone.

(b) The minimum dimension of the landscape area along any street shall be 30 feet. An average of 30 feet may be approved with approval of a DDR.

(c) All activities shall be conducted within a building except as otherwise permitted by a Special Use Permit.

(3) Landscaping. All landscaping shall be installed and maintained in accordance with the requirements of this Chapter. Vegetation sizes and types shall be in accordance with the adopted guidelines for commercial and industrial projects. In addition to these requirements, the following shall apply.

(a) All parking areas shall be screened from public streets by a minimum 36-inch high landscape berm or a combination of a 36-inch high wall and landscaping.

(b) All backflow prevention systems shall be screened by landscaping.

(c) A minimum of 15% of the lot area shall be landscaped in addition to any required parking lot landscaping.

(4) Utility service and structure.

(a) Where required by the Code, all off-site utility service shall be placed underground. All on-site utility service shall be placed underground.

(b) All aboveground utility structures shall be screened on all sides by landscaping or a structural element which matches the architectural features of the primary structure.

(5) Walls and fences.

(a) A minimum six-foot high wall shall be required where any BRP Zone directly abuts a residential zone. Such a wall may be required on a residential property line where a BRP Zone lies across a public roadway from a residential zone.

(b) Where required or provided, walls and fences shall be finished in textures and/or colors to match architectural features of the primary structure. Landscaping shall abut any exterior building wall where there is no penetration for loading or building entry.

(6) Parking and access.

(a) The quantity and size of vehicle parking spaces and the provision of on-site circulation for uses in the BRP Zone shall be in accordance with this Chapter.

(b) Curb cuts and site access shall be in accordance with adopted standards.

(c) Parking for marked service vehicles related to the on-site uses shall be provided in addition to and exclusive of required employee parking.

(7) On-site advertising signs. The placement and size of building and monument signs shall be in accordance with this Code. Where freestanding signs are permitted by this Code, a monument sign of no more than six feet in height shall be allowed.

(8) Lighting. All on-site lighting systems shall use architectural standards and devices that provide down-lighting and lighting that is shielded from abutting public streets, residential areas, or adjoining properties.

(9) Refuse enclosures and containment.

(a) All uses on individual lots shall provide refuse containers and enclosures in accordance with adopted Public Works Department standards. All solid masonry or concrete enclosures shall be finished in textures and/or colors to match the major architectural features of the primary structure.

(b) The storage of combustible materials shall not occur within 20 feet of any lot line and shall be separate from the storage of normal refuse.

(c) Access to such storage areas shall be subject to the approval of the Fire Department.

(d) All refuse containment areas shall be maintained in a sanitary manner and enclosures and gates shall be maintained in good condition.

(10) Loading and outdoor storage areas.

(a) Loading spaces shall be provided in accordance with this chapter.

(b) Where entries or docks are provided exclusively for loading and unloading purposes, such loading dock areas, ramps, and entries shall be screened from any public roadway or residential area by a solid wall or fence, and landscaping. Such wall or fence shall not be less than eight feet in height.

(c) Where permitted, outdoor storage areas shall be enclosed by a solid wall or fence, and landscaping of not less than eight feet in height.

(d) Solid screening and enclosure walls or fences shall be constructed of materials, textures, and colors to match or compliment the architectural features of the primary structure.

(e) All loading areas or spaces shall be a minimum of 50 feet from any residential zone.

(f) Prior to the issuance of Building Permits for buildings or structures for uses which do not require a Special Use Permit or other zoning permit as required by this Chapter, an administrative permit for Development Design Review shall be approved by the director pursuant to Section 16-525.

(C) M-L Zone.

(1) Front yard setback.

(a) All buildings or structures on property adjacent to a public road shall be set back not less than 20 feet from the property line, or 30 feet when adjacent to designated thoroughfares, minor thoroughfares, or the proposed property line, if future public road dedication is required, whichever is greater.

(b) Uses permitted in any required front yard setback area shall be limited to pedestrian walks, vehicular access drives, meter pits, signs, and utility manholes.

(2) Side yard setback.

(a) Side yards on interior property lines shall be not less than the height of the building, except that minimum side yards of 50 feet shall be required whenever a lot or parcel of land in the M-L Zone abuts a lot or parcel of land in a residential zone, or abuts any alley which separates a M-L Zone from any residential zone. The side yard adjacent to the public street shall meet the front yard setback requirements.

(b) A common building wall with a zero setback (except as required in subsection 16-165(C)(2)(a) above), may be established by a development plan, which shall provide documentation describing the exchange and recordation of necessary documents to insure adequate access, parking, and easements to serve the development.

(3) Rear yard setback. A rear yard shall be not less than the height of the building, except that a minimum rear yard of 50 feet shall be required whenever a lot or parcel of land in the Limited Manufacturing Zone abuts a lot or parcel in a residential zone or abuts any alley which separates a Limited Manufacturing Zone from any residential zone.

(4) Limitations. Uses permitted in any required side or rear setback area shall be limited to signs, landscaping, parking, loading, and recreation.

(5) Industrial service centers. Limited commercial services within existing or proposed industrial areas to meet the daily needs of industrial employees within their work area in the restricted amount of time available during the journey to work, breaks, or lunch periods.

(a) Location and size. Locational criteria for establishing industrial service centers are as follows:

1. Such centers shall not be located within one-half-mile of existing commercial services;

2. An industrial service center shall be centrally located in an industrial area, or at a location convenient to industrial employees by means of vehicular and pedestrian traffic from all portions of the industrial area which it is proposed to serve; and

3. An industrial service center shall be a minimum of one and a maximum of five acres in size. The total area of all industrial service centers in an industrial area shall not exceed 5% of the designated industrial area unless special circumstances and benefits are shown.

(b) Survey.

1. An application for an industrial service center shall include an objective market survey of the area shall to determine if there is evidence to support the findings required under subsection 16-165(C)(5)(c). The survey shall be conducted by a consultant selected by the director. The applicant shall make a cash deposit in an amount determined by the director. The survey shall be submitted to the special use permit approval body.

2. The survey shall address the ability of an existing or proposed industrial area to support an industrial service center.

3. A questionnaire shall be prepared and distributed to a cross-section of employees to reflect the needs and desires of the employees of the industrial area where an industrial service center is proposed.

(c) Findings. In order to grant a Special Use Permit for an industrial service center, the approval body must find that:

1. The proposed services will assist in meeting the daily needs of employees within their work area;

2. The proposed services will be subordinate to the primary purpose of the adjacent industrial zone;

3. The proposed commercial uses will not conflict with the commercial service uses of neighboring commercial zones; and

4. The proposed location of the industrial service center has the necessary industrial improvements to support the center.

(6) Walls.

(a) The placement, design, and detail of walls shall be included and indicated on any required project plan.

(b) A six-foot solid decorative masonry wall or other type of visual buffering such as landscaping, architectural treatment, or a combination thereof, shall be provided and maintained on the boundary of the M-L Zone which abuts or is across a public street or alley from a residential zone. Such wall or visual buffering shall be placed in the location shown on the approved project plan to provide the necessary screening from the public right-of-way.

(7) Access. Access to property shall typically be provided from dedicated industrial collector streets 74 feet in width, to provide access from a major thoroughfare or private street. A master circulation plan must be submitted and approved in compliance with adopted city policies. Curb cuts to the property shall be a minimum of 30 feet in width, except as otherwise approved by a master circulation plan, and shall be located in conformance with the adopted city curb cut policies.

(8) Landscaping.

(a) The landscaping requirements are intended to enhance and conserve property values by encouraging a pleasant and attractive environment.

(b) Landscaped areas shall be considered to be areas of lawn, trees, planter boxes, shrubs, or other planted areas. Courtyards, water ponds, fountains, decks, kiosks, walkways, and similar items may be permitted as part of the landscaped area in the discretion of the Planning Commission.

(c) All landscaping shall be provided in accordance with the following standards.

1. A landscape plan shall be required.

2. The entire required front yard setback shall be landscaped, with the exception of that area provided for vehicles or pedestrian access.

3. When the development is either behind or beside a residential zone, or abuts an alley across from residential zone, or abuts developed residential property, there shall be a landscaped area adjacent to that residential or developed property line. The landscaped area shall have a

depth of not less than 15 feet. Plant materials used for screening purposes shall consist of compact evergreen plants, together with evergreen trees. They shall be of a kind or used in such a manner so as to provide an opaque screen within 18 months after initial installation.

4. All parking lot landscaping shall be in conformance with this Code.

(9) Underground utilities, lighting, trash enclosures, tanks, transformers, and the like.

(a) All trash enclosures, lighting, utility lines, including, but not limited to, electric, communication, street lighting, and cable television, shall be installed in accordance with this Code.

(b) Appurtenances and associated equipment, including, but not limited to, tanks, air conditioning units, surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, and concealed ducts in an underground system, may be placed above ground if approved as part of the project plan and provided that such facilities are adequately screened by landscaping or other means.

(10) Certificate of occupancy.

(a) Application for a Certificate of Occupancy shall be made for any new use, except for the adult businesses referred to in section 16-337 or expansion of land or buildings permitted in Subsection 16-165(D)(2). The Building Official may issue the Certificate only after approval of the new buildings and use by the Director.

(b) Any subsequent modification, change, or changes in the use permitted by a Certificate of Occupancy shall occur only after the holder of such Certificate has obtained an amendment from the Building Official and Director allowing such change or changes.

(c) A Certificate of Occupancy for a use of the land in the M-L zone may be revoked by the City Council after a public hearing, if the City Council finds that the holder of the certificate has failed to comply with the approved Special Use Permit.

(D) M-1 Zone.

(1) Industrial service centers may be established pursuant to the provisions of Subsection 16-165(C)(5).

(2) A change or minor expansion of an existing use may not be changed to a permitted use to be located in an existing structure until the Planning and Environmental Services Manager determines that the proposed use is compatible with the zone. All uses shall be subject to the performance standards of this Division. However, this Subsection shall not apply to adult

businesses or to the change of an existing use to an adult business to be located in an existing structure.

(3) Setback requirements.

(a) Front yard setback.

1. All buildings or structures on property adjacent to a public road shall be set back not less than 10 feet from the property line, or 30 feet when adjacent to designated thoroughfares, minor thoroughfares, or the proposed property line, if future public road dedication is required, whichever is greater.

2. Pedestrian walks, vehicular access drives, meter pits, signs, and utility manholes may be located in any required front yard.

(b) Side yard setback.

1. No side yard setback shall be required along interior property lines where the abutting zoning is M-1 or M-2. Whenever a lot or parcel of land in the Light Manufacturing Zone abuts a lot or parcel of land in a residential zone or abuts an alley which separates a Light Manufacturing Zone from any residential zone, the setback requirement for the residential zone shall apply. The side yard adjacent to a public street shall meet the front yard setback requirements.

2. A common building wall with a zero setback may be established by a project plan which shall provide documentation describing the exchange and recordation of necessary documents to ensure adequate access, parking, and easements to serve the development.

(c) Rear yard setback. A rear yard shall be not less than the height of the building, except that a minimum rear yard of 30 feet shall be required whenever a lot or parcel of land in the Light Manufacturing Zone abuts a lot or parcel in a residential zone or abuts an alley which separates a Light Manufacturing Zone from any residential zone.

(d) Uses permitted in required setback areas. Uses permitted in any required front setback area shall be limited to signs and landscaping. Uses permitted in any other required setback area shall be limited to signs, parking, landscaping, recreational, loading, and outside storage uses, where such storage is adequately screened and approved by a Special Use Permit.

(4) Walls.

(a) The placement, design, and detail of walls shall be included and indicated on any required project plan.

(b) A six-foot solid decorative masonry wall or other type of visual buffering, such as landscaping, architectural treatment, or combination thereof, shall be provided and maintained on

the boundary of the Light Manufacturing Zone which abuts or is across a public street or alley from a residential zone. On the front or side front portion of the property, the wall or visual buffering shall be placed in a location as shown on the approved project plan to provide the necessary screening from the public right-of-way.

(5) Access.

(a) Access to property shall typically be provided from dedicated industrial collector streets 74 feet in width, to provide access from a major thoroughfare or private street. A master circulation plan must be submitted and approved in compliance with adopted city policies.

(b) Curb cuts to the property shall be a minimum of 30 feet in width, except as otherwise approved by a master circulation plan, and shall be located in conformance with the adopted city curb cut policies.

(6) Landscaping.

(a) The purpose of the landscaping requirements shall be to enhance, conserve, and stabilize property values by encouraging a pleasant and attractive environment. Landscaped areas shall be considered those areas of lawn, trees, planter boxes, shrubs, or other plants. Courtyards, water ponds, fountains, decks, kiosks, walkways, and similar areas may be permitted as part of the landscaped area in the discretion of the Planning Commission.

(b) All landscaping shall be provided in accordance with the following standards.

1. A landscape plan shall be required.

2. The entire front yard setback shall be landscaped, with the exception of that area provided for vehicle or pedestrian access.

3. When the industrial development is either behind or beside a residential zone, or where the Light Manufacturing Zone abuts an alley or developed property, there shall be a landscaped area adjacent to that residential or developed property line. The landscaped area shall have a depth of not less than ten feet. Plant materials used for the screen shall consist of compact evergreen plants, together with evergreen trees. They shall be of a kind or used in such a manner so as to provide an opaque screen within 18 months after initial installation.

(7) Underground utilities, lighting, and trash enclosures.

(a) All trash enclosures, on-site lighting, and utility lines, including, but not limited to, electric, communication, street lighting, and cable television, shall be installed in accordance with this code.

(b) Appurtenances and associated equipment, including, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, and concealed ducts in an underground system, may be placed above ground if approved as part of the project plan and provided that such facilities are adequately screened by landscaping or other means.

(8) Certificate of occupancy.

(a) Application for a Certificate of Occupancy shall be made for any new use, except the adult businesses referred to in section 16-337 or expansion of land or buildings permitted in Subsection 16-165(D)(2). The Building Official may issue the Certificate only after approval of the new buildings and uses by the Director. Any subsequent modification, change, or changes in the use permitted by a Certificate of Occupancy shall occur only after the holder of such Certificate has obtained an amendment from the Building Official and Director allowing such change or changes.

(b) A Certificate of Occupancy for a use of the land in the M-1 Zone may be revoked by the City Council after a public hearing, if the City Council finds that the holder of the Certificate has failed to comply with the approved Special Use Permit.

(E) M-2 Zone.

(1) Setback requirements.

(a) Front yard setback. Where all the frontage on one side of the street between two intersecting streets is located in an M-2 Zone, no front yard shall be required. Where frontage on one side of the street between two intersecting streets is located in an M-2 Zone and an R Zone, the front yard requirement in the R Zone shall apply to the M-2 Zone.

(b) Side yard setback. Where a lot in an M-2 Zone abuts the side of a lot in any R Zone, there shall be a side yard of not less than five feet. In all other cases, a side yard for a commercial or industrial building shall not be required.

(c) Rear yard setback. No rear yard shall be required except where an M-2 Zone abuts an R Zone, in which case there shall be a rear yard of not less than 20 feet.

SEC. 16-166. PERFORMANCE STANDARDS; GENERAL.

(A) All uses in the industrial zones are subject to performance standards as indicated below in Section 16-168.

(B) The property owner (designee) shall ensure compliance with the performance standards, with the exception of adult businesses referred to in section 16-163, except as an approved permit may warrant, and/or except as otherwise provided for in this Division or other Section.

(C) More restrictive performance standards or regulations enacted by an authorized governmental or regulatory agency having jurisdiction of such matters shall take precedence over the provisions of these regulations.

SEC. 16-167. EXCEPTIONS.

(A) These performance standards do not apply to unexpected brief periods where these standards are exceeded based upon a reasonable cause, such as equipment testing, breakdown of equipment, modification or cleaning of equipment, or other similar reason.

(B) These performance standards shall not apply to the operation of motor vehicles or other transportation equipment unless otherwise specified.

(C) These performance standards shall not apply to agricultural activities, food processing, and similar agricultural related uses.

SEC. 16-168. PERFORMANCE STANDARDS; SPECIFIC.

<i>Performance Standards</i>	<i>Industrial Zones: CM, BRP, M-L, M-1, and M-2</i>
Noise	Baffling or muffling devices or other precautionary means shall be employed with processes or operations causing objectionable noise characteristics to prevent their being objectionable when measured at the property line during normal operation. Noise levels are required to comply with Chapter 7 of this Code.
Smoke and particulates	Visible emissions of smoke shall not exceed Ringlemann No. 1 on the Ringlemann Chart of the U.S. Bureau of Mines, except for exhausts emitted by motor vehicles or other transportation facilities. This requirement shall also be applicable to the disposal of trash and waste materials. Windborne dust, dirt, fly ash, airborne solids, sprays, and mists (except water vapor) originating from any use shall be required to be conditioned and/or mitigated to below the Ringlemann No. 1 level.
Toxic or noxious matter	Toxic gases or noxious matter which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling beyond the property lines of the use shall not be permitted.

Odors	Operations, processes, or products shall not emit odors that are detectable at any point beyond the property lines of the use, except as otherwise exempted by Section 16-167 (Exceptions).
Glare or heat	Any operation producing intense glare or heat shall be performed within an enclosed or screened area in such a manner that the glare or heat emitted will not be detectable from the property lines of the use.
Vibration	Every use shall be operated so that the ground vibration generated by the use is not harmful or injurious to any surrounding properties. No perceptible vibration (seen or felt without vibration detecting instruments) shall be permitted at any point beyond the property lines of the use.
Electricity and radioactivity	Radio and television transmitters shall be operated at the regularly assigned wave lengths (or within the authorized tolerances thereof) as assigned by the appropriate governmental agency. Subject to such exception, such transmitters shall be suitably wired, shielded, and controlled so that in operation they shall not emit any electrical impulses or waves beyond the lot lines which shall adversely affect the operation and control of any domestic household equipment or any other electronic devices and equipment.
Liquid and solid wastes	Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply, nor to interfere with bacterial processes in sewage treatment. Such operations and uses shall comply with, and in some cases shall be obtain all required permits by authorized governmental health and safety regulatory agencies having jurisdiction over such disposal activities. The disposal or dumping of solid wastes, such as slag, paper or fiber wastes, or other industrial wastes, shall not be permitted for any use.
Fire and explosive hazards	(A) All activities involving the use or storage of combustible, flammable, or explosive materials shall be in compliance with nationally recognized standards, and shall be provided with adequate firefighting and fire-suppression equipment and devices in compliance with the current edition of the National Fire Protection Association regulations and in compliance with the city Fire Department. (B) Burning of waste materials in open fires is prohibited by State law.

Mechanical equipment	All mechanical and electrical equipment, including ground mounted equipment shall be completely screened behind a permanent structure or landscaping. All rooftop mechanical and electrical equipment shall be placed behind a permanent parapet screen or wall and shall be completely screened from any adjacent public street view except as otherwise permitted by project conditions of approval.
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SEC. 16-169. INDUSTRIAL ACCESSORY USES: PURPOSE AND INTENT.

The purpose of the following sections is to provide guidance and regulation concerning activities associated with industrial or manufacturing uses, which by their nature could be considered permitted or principal uses in other zones, but which are typically incidental to the principal industrial use.

SEC. 16-170. INDUSTRIAL ACCESSORY USES: OFFICE USES.

Office uses as a principal use are permitted as indicated in section 16-163. Office uses in support of the principal industrial use in M-L, M-1, and M-2 zones are permitted as follows.

(A) In any free-standing building or divisible space, no more than 25% of the total gross floor area of any single or multi-tenant building shall be office area.

(B) Office areas above the 25% threshold may be permitted subject to the approval of a DDR permit. The City may require traffic and/or parking studies to determine the appropriateness of permitting office areas in excess of 25%.

SEC. 16-171. INDUSTRIAL ACCESSORY USES: COMMERCIAL AND RETAIL USES.

Commercial and retail activities in industrial zones shall be limited to those types of uses, which by the size of the product offered or the care and handling of products, requires a significant allocation of space for product display and mechanical handling, or products and goods that are typically marketed to other industrial types of users and services.

(A) Types of commercial products and services are limited to the following:

- (1) Electrical, paint, and plumbing supply;
- (2) Janitorial, building, and property maintenance services, and equipment sales and rental;
- (3) Construction and agricultural equipment sales, rental, and service;
- (4) Medium and heavy-duty trucks sales, rental, and service;

- (5) Hardware in association with lumber and building material sales;
- (6) Spas, hot tubs, and prefabricated pools;
- (7) Flooring, surfaces, and cabinet sales;
- (8) Equipment, truck, trailer, and light vehicle rental;
- (9) Recreational vehicles and watercraft sales, service, and rental;
- (10) Restaurants, cafes, coffee shops, printing services, and similar uses intended to primarily serve the businesses and employees of adjacent industrial areas;
- (11) Breweries and associated food service, winery tasting rooms, and similar uses as determined by the Planning Manager; and
- (12) Similar types of uses and activities as determined by the Planning Manager.

(B) Permit requirements. The uses identified in subsection (A) above are subject to the permit requirements in Section 16-163.

SEC. 16-172. INDUSTRIAL ACCESSORY USES: OUTDOOR USES AND STORAGE/EQUIPMENT.

(A) The guidance for outdoor uses and equipment and storage is provided by the purpose and intent of the respective industrial zoning categories as follows.

- (1) C-M, BRP, and M-L zones.

(a) Outdoor equipment is limited to that which is essential to the principal use and which cannot be reasonably accommodated within the associated structure due to the physical characteristics of the equipment, or prohibited by other applicable regulations.

(b) Permit requirements. Outdoor equipment may be permitted by the review and approval of a DDR permit or permit modification as may be applicable.

(c) Outdoor areas shall be fully screened from view based upon the performance standards identified in section 16-168.

- (2) M-1 zone.

(a) Except as may be permitted by a Special Use Permit, outdoor uses in the M-1 Zone are limited to:

- 1. Outdoor equipment as described in subsection (A)(1);

2. Storage of materials directly related to the principal industrial use, provided it is screened and secured as provide for herein;

3. Parking of operative commercial vehicles, including automobiles, bearing identification of the associated business; and

4. Outdoor industrial activities, such as the manufacture, processing, or assembly of goods, raw materials, or equipment is not permitted.

(b) Permit requirements. Outdoor equipment and storage as identified above may be permitted by the review and approval of a DDR permit or permit modification as applicable.

(3) M-2 Zone.

(a) Outdoor storage, equipment and assembly, maintenance, processing, and similar activities, may be permitted in the M-2 Zone subject to the following provisions.

(b) Permit requirements. Except where a Special Use Permit is required by section 16-163, the following permits apply to outdoor uses in the M-2 Zone.

1. Incidental outdoor equipment or storage: DDR permit or permit modification as applicable.

2. Active manufacturing, assembly, storage, or processing: DDR permit.

(c) Standards applicable to outdoor uses and equipment.

(1) All outdoor equipment and storage areas shall be screened and secured by walls, fences, and gates. Where incidental outdoor equipment is proposed, the equipment may be painted to match the related structure and protected from damage by means other than walls and gates. Tanks and equipment made of stainless steel and similar material need not be painted.

(2) All storage areas shall be screened by a wall or opaque fence no less than six feet in height at any given point.

(3) All outdoor storage and active industrial activities in the M-2 Zone shall be screened by a wall or opaque fence of no less than eight feet in height at any given point.

SEC. 16-173. PERMITS REQUIRED FOR SPECIFIC COMMERCIAL CANNABIS ACTIVITIES.**SEC. 16-173. Permits Required For Specific Commercial Cannabis Activities.**

- (A) A commercial cannabis business for manufacturing, testing and/or distribution of cannabis may be permitted in the Business and Research Park (BRP) zone, the Limited Manufacturing (M-L) zone, the Light Manufacturing (M-1) zone, and the Heavy Manufacturing (M-2) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Development Design Review (DDR) Permit.
- (B) A commercial cannabis business for retail uses may be permitted in the Business and Research Park (BRP) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Special Use Permit.
- (C) A commercial cannabis business for retail uses may be permitted in the Planned Development (additive) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Special Use Permit (SUP). A commercial cannabis business for manufacturing, testing and/or distribution of cannabis may be permitted in the planned development (additive) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Development Design Review (DDR) permit.”

Section 6. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, 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 invalid.

Section 7. City Council approves reading of title only and waives reading of the ordinance at the second reading.

Section 8. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 9. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the code for and against the same, in the office of the

City Clerk in accordance with Government Code 36933. Ordinance No. _____ was first read on _____, 2020, finally adopted on _____, 2020, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSED:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney

Attachment C

Attachment "A"

Part 4 Downtown Code Use Table

ATTACHMENT “A”

SECTION 16-148 | ALLOWED USES

16-148 Allowed Uses

16-148.1 Applicability.

This section identifies the allowed uses and corresponding permit requirements within each zone, subject to the applicable development standards, development standards, and all other applicable requirements. Definitions of the uses are in Part 3. If a word or phrase used in the Downtown Code is not defined in Part 3, the definition in Section 16-10 of the City Code shall be used. If a word or phrase used in the Downtown Code is not defined in Section 16-10 of the City Code, the Director shall determine the correct definition, giving deference to common usage. Uses that are not listed are not allowed unless the Director makes a similar use determination.

A. Standards.

Allowed Uses Table 16-148				
Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Residential				
Assisted Living, Residential Care Facility	---	C	C	C
Accessory Dwelling Unit (ADU)	P	P	P ⁸	P ⁸
Dwelling, multifamily	P	P	P ²	P ²
Dwelling, single-family attached	P	P	---	---
Dwelling, single-family detached	P	P	---	---
Home-based business ⁴	P	P	P	P
Work/live, Live-Work	---	P	P	P ⁷
Agriculture-Related				
Commercial Garden / Greenhouse(s) < 3,000 sq ft	---	P	P	P
Commercial Garden / Greenhouse(s) > 3,000 sq ft	---	P	P	P ¹
Farmer's Market	---	---	P	P
Recreation, Resource Preservation, Open Space, and Public Assembly				
Community Assembly < 10,000 sq ft	---	C	C	P
Community Assembly > 10,000 sq ft	---	---	C	C
Day care (family, child, adult) < 15	P	P	P	P ³
Day care (family, child, adult) > 15	---	P	P	P ³
Institution (includes school)	---	C	C	C
Public Open Space	P	P	P	P
Recreation/Commercial	---	---	P	P
Nightclub < 10,000 sq ft	---	---	---	C
Nightclub > 10,000 sq ft	---	---	---	C

Key

- P use allowed, subject to identified standards
- C use requires approval of Special Use Permit (SUP)
- use not allowed

Notes

- ¹ In compliance with ground floor frontage requirements in 16-150.
- ² Bar allowed if accessory to a restaurant; requires SUP.
- ³ Not allowed on A Street between 3rd and 6th street.
- ⁴ Pursuant to City Code Ch. 16, Article V, Division 6 (Home occupation permits).
- ⁵ Required stealth design; Pursuant to City Code Ch. 16, Article V, Division 16 (Wireless communication facilities).
- ⁶ Minimum 5ft clear path on sidewalk and subject to issuance of encroachment permit.
- ⁷ Not allowed on ground floor in Shopfront Overlay.

⁸ Multifamily Structure only

Insert “P⁸” in DT G and DT C cells,
and insert footnote ‘8’ at bottom as
“Multifamily Structure only”

ALLOWED USES | SECTION 16-148

Allowed Uses Table 16-148				
Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Retail, Service, and Office				
Alcohol ² , beverage, with food sales (on-site consumption)	---	C	C	C
Artisanal Production	---	P	P	P
Bed and Breakfast Inn < 12 rooms	---	P	P	P
Brew Pub, Winery, Tasting Room	---	---	C	C
Cannabis Retail	---	---	C	C
Drive-through service	---	---	---	---
Grocery Store < 10,000 sq ft	---	P	P	P
Grocery Store > 10,000 sq ft	---	---	---	P
Health and exercise center / spa	---	P	P	P
Homeless shelter and resource center	---	---	C	---
Hotel	---	---	P	P
Mortuary, funeral home	---	---	P	---
Motor Vehicle sales, service	---	---	---	---
Museum, Art Gallery	---	P	P	P
Office: financial, professional, government, administrative	---	P	P	P
Office, medical	---	---	P	P ³
Outdoor Dining / Sidewalk Cafe ⁶ / Parklet ⁶	---	P	P	P
Outdoor Display	---	P ⁶	P ⁶	P ⁶
Multiplex Motion Picture Theater/Live Theater	---	---	---	C
Eating and Drinking Establishment < 5,000 sq ft ²	---	P	P	P
Eating and Drinking Establishment > 5,000 sq ft ²	---	---	---	P
Retail < 5,000 sq ft ³	---	P	P	P
Retail > 5,000 sq ft ³	---	---	---	P
Services, Administrative and Professional, Business Support	---	P	P	P
Services, Personal	---	P	P	P ³
Social Services	---	---	---	---
Studio: art, music, dance	---	P	P	P
Thrift or secondhand store	---	---	---	---
Use involving sale of alcohol for off-site consumption	---	C	C	C
Utility, Transportation, Public Facility, and Communication				
Public parking lot/facility	---	---	P	C
Transit facility	---	---	---	C ³
Wireless communications facility	P ⁵	P ⁵	P ⁵	P ⁵

Key

P use allowed by right, subject to identified standards

C use requires approval of Special Use Permit (SUP)

--- use not allowed

Notes¹ In compliance with frontage requirements in 16-150.² Bar allowed if accessory to a restaurant; requires SUP³ Not allowed on A Street between 3rd and 6th street⁴ Pursuant to City Code Ch. 16, Article V, Division 6 (Home Occupation Permits)⁵ Required stealth design; Pursuant to City Code Ch. 16, Article V., Division 16 (Wireless communication facilities)⁶ Minimum 5ft clear path on sidewalk, and subject to issuance of an encroachment permit.