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

CITY OF OXNARD CALIFORNIA

AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Meeting Location: Council Chambers, 305 West Third Street
October 4, 2022
Appointment Items - 5:00 PM
Regular Meeting - 6:00 PM

Zoom details to call-in for public comment during a meeting:

1. **Dial Phone Number: (888) 475-4499**
2. **Enter Meeting ID: 864 5082 8680**
3. **Passcode: 624264**

If you wish to speak during public comments or a particular item on the agenda, please sign-on by following the zoom calling-n steps listed above. Once the presiding officer calls for public speakers, press *9 to raise your hand to inform the City Clerk you would like to speak during the public speaking section for that particular item on the agenda, while in the zoom waiting room.

IN ACCORDANCE WITH ASSEMBLY BILL 361 AND IN RESPONSE TO THE DECLARED STATE AND LOCAL EMERGENCIES DUE TO THE NOVEL CORONAVIRUS, THE LEGISLATIVE BODY WILL MEET IN-PERSON AND REMOTELY. TO PARTICIPATE REMOTELY VISIT **WWW.OXNARD.ORG**.

To find out how you may provide public comment, please refer to the instructions below or at **www.https://www.oxnard.org/city-meetings/**.

The public may view the meeting from home on Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings of the meeting are typically available online following the meeting at the City's website at www.oxnard.org/city-meetings.

*Please see the link for the Measure M pre-recorded presentation video for each item listed on this agenda.

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card to the City Clerk.

2. EMAIL COMMENTS OR SIGN UP TO SPEAK REMOTELY BEFORE THE MEETING

   a. Submit a request to speak remotely by no later than 3 p.m. on the day of the meeting by using the form available at **www.oxnard.org/citymeetings**.
   b. Submit an email to **cityclerk@oxnard.org** no later than 3 p.m. on the day of the meeting (indicate the agenda item number in the subject line). All email correspondence will be forwarded to the legislative body prior to the start of the meeting and made part of the legislative record.
   c. Contact the City Clerk's Office at (805) 385-7803 to submit your request.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.
Agenda Item time estimates: (Presentation / Council Discussion / Public Comment)

3. PROVIDING PUBLIC COMMENTS REMOTELY DURING THE MEETING

   a. To provide public comment during the meeting dial (888) 475-4499 and enter the Meeting ID and Passcode listed above as the Zoom details for this meeting. When the presiding officer announces the particular item on the agenda you want to speak on, press *9 to raise your hand while in the zoom waiting room. Once called on, press *6 to unmute your phone.
   b. Public comments on agenda items will be taken following the announcement of the item. After the item is announced, members of the public may register or otherwise be recognized for the purpose of providing public comment.

Please review the Zoom instructions on the registration page to help ensure there are no technical difficulties during your comments and help you understand public comment procedures using Zoom. Detailed participation instructions can be found at www.oxnard.org/city-meetings.

In the event of a disruption which prevents a legislative body of the City of Oxnard from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the broadcast options are disrupted, but any of the other broadcast options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.

* The City has filed pre-election and post-election lawsuits regarding the validity of Measure M.

A. ROLL CALL, POSTING OF AGENDA
THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council

B. APPOINTMENT ITEMS (5:00 PM)

1. City Manager Department
SUBJECT: Gold Coast Transit District Annual Report and Public Transit Update.
RECOMMENDATION: That the City Council receive a verbal report and presentation from Vanessa Rauschenberger, General Manager, Gold Coast Transit District.
Legislative Body: City Council
Contact: Alexander Nguyen, (805) 385-7430

C. OPENING CEREMONIES (6:00 PM)
Pledge of allegiance to the flag of the United States.

D. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2022 as "Domestic Violence Awareness Month."

2. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2022 as "Breast Cancer Awareness Month."

3. SUBJECT: Presentation of a Proclamation Designating the Week of October 9 - 15, 2022 as "Fire Prevention Week."

4. SUBJECT: Presentation of a Proclamation Designating October 10, 2022 as "Indigenous People's Day."

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker requests shall be submitted as set forth on the first page of this agenda. Speakers are limited to three minutes. After 30 minutes, if all speakers have not had the opportunity to speak, the remaining speakers will be given an opportunity to speak prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

F. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

1. Public Works Department

SUBJECT: Ratification of Director Orders regarding the water shortage emergency and mandatory water conservation measures.

RECOMMENDATION: That the City Council adopt a resolution ratifying orders issued by the Director in response to the previously proclaimed water shortage emergency and mandatory water conservation measures.

Legislative Body: City Council

Contact: Michael Wolfe, (805) 385-8055

2. City Manager Department

SUBJECT: COVID-19 Update from Director of Emergency Services.

RECOMMENDATION: That the City Council re-authorize remote teleconference meetings of the legislative bodies of the City of Oxnard in accordance with Assembly Bill 361 based on the following findings: (i) the current COVID-19 situation, particularly with its variants, is causing, and will continue to cause, imminent risks to the health and safety of persons within the City, including City Council members, City staff, appointed officials, and members of the public; (ii) state and local officials continue to impose or recommend measures to promote social distancing; and (iii) the Governor's COVID-19 State of Emergency is still in effect; and (iv) numerous public agencies throughout Ventura County are still operating in accordance with Assembly 361, for the reasons stated herein.

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

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

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

1. City Manager Department

SUBJECT: Appointment of Member to Serve on the City's Parks, Recreation and Community Services Commission.
RECOMMENDATION: That the Mayor, with the approval of the City Council, appoint Ismael Paredes Ulloa to the City's Parks, Recreation and Community Services Commission representing District 3.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/iLS6_Y3SlsI
Legislative Body: City Council
Contact: Shiri Klima, (805) 385-7487

H. REVIEW OF INFORMATION/CONSENT AGENDA
The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

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

J. INFORMATION/CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the July 28, 2022 regular meeting as presented.
Legislative Body: City Council
Contact: Rose Chaparro, (805) 385-7805

2. Housing Department
SUBJECT: Letter of Support for Many Mansions State Funding Application.
RECOMMENDATION: That the City Council authorize the Mayor to sign a letter of support for Many Mansions in an application for state funding in support of Aspire Apartments located at 536 Meta Street.

(This item did not originate in Committee.)
Legislative Body: City Council
Contact: Emilio Ramirez, (805) 385-8094

3. Public Works Department
SUBJECT: Professional Services Agreement A-8491 with Tetra Tech, Inc. for Professional Engineering Services for the Kamala and Hobson Cast Iron Pipe Replacement Project PW 22-83.
RECOMMENDATION: That the City Council approve and authorize the following for a total of $935,000 in Project funds for the Kamala and Hobson Cast Iron Pipe Replacement Project, Specification No. PW 22-83 (Project No. 226502 & 226503):

1. The Mayor to execute Professional Services Agreement A-8491 with Tetra Tech, Inc. for professional engineering services in the amount of $850,000 for the Project; and
2. A Project contingency amount of $85,000 for the Project.

This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.

Legislative Body: City Council

Contact: Michael Wolfe, (805) 385-8055

4. Public Works Department

SUBJECT: Agreement A-8495 with Toro Enterprises, Inc. for the Water and Wastewater On-Call Construction and Repair Services Project, Specification No. PW 22-125.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Agreement A-8495 with Toro Enterprises, Inc. in the amount not to exceed $10,300,000 for a 5-year term ending October 17, 2027, for the Water and Wastewater On-Call Construction And Repair Services Project, Specification No. PW 22-125.

(Public Works and Transportation Committee approved 3-0)

Legislative Body: City Council

Contact: Michael Wolfe, (805) 385-8055

5. Finance Department

SUBJECT: Resolution Declaring the Intent of the City to be Reimbursed for Certain Capital Expenditures from the Proceeds of Indebtedness.

RECOMMENDATION: That the City Council adopt a resolution declaring the intent of the City to be reimbursed for certain capital expenditures for the acquisition and equipping of fire vehicles from the proceeds of indebtedness.

(Finance and Governance Committee approved 3-0.)

Legislative Body: City Council

Contact: Betsy George, (805) 200-5400

K. PUBLIC HEARINGS

1. Community Development Department

SUBJECT: Approval of Amended 2021-2029 6th Cycle Housing Element. (0/15/20)

RECOMMENDATION: That the City Council:

1. Conduct a public hearing;
2. Adopt a resolution approving the Amended 2021-2029 6th Cycle Housing Element as Chapter 8 within the 2030 General Plan; and
3. Direct City Staff to finalize the Amended 2021-2029 6th Cycle Housing Element into the 2030 General Plan as Chapter 8 of Goals and Policies document and forward the Amended 2021-2029 Housing Element to the State of California Department of Housing and Community Development (HCD) for certification.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/86NPsCh52Go

Legislative Body: Council
Contact: Ashley Golden, (805) 385-7478

L. ADJOURNMENT

CITY COUNCIL AGENDA REPORT

REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY
AGENDA ITEM NO. F.1

DATE: October 4, 2022

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Ratification of Director Orders regarding the water shortage emergency and mandatory water conservation measures.

RECOMMENDATION

That the City Council adopt a resolution ratifying orders issued by the Director in response to the previously proclaimed water shortage emergency and mandatory water conservation measures.

BACKGROUND

STRATEGIC PRIORITIES

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Michael Wolfe, Public Works Director

ATTACHMENTS

None

CITY COUNCIL AGENDA REPORT

REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY
AGENDA ITEM NO. F.2

DATE: October 4, 2022

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org

SUBJECT: COVID-19 Update from Director of Emergency Services.

RECOMMENDATION

That the City Council re-authorize remote teleconference meetings of the legislative bodies of the City of Oxnard in accordance with Assembly Bill 361 based on the following findings: (i) the current COVID-19 situation, particularly with its variants, is causing, and will continue to cause, imminent risks to the health and safety of persons within the City, including City Council members, City staff, appointed officials, and members of the public; (ii) state and local officials continue to impose or recommend measures to promote social distancing; and (iii) the Governor's COVID-19 State of Emergency is still in effect; and (iv) numerous public agencies throughout Ventura County are still operating in accordance with Assembly 361, for the reasons stated herein.

BACKGROUND

Staff recommends that the City Council re-authorize remote teleconference meetings of the legislative bodies of the City of Oxnard in accordance with Assembly Bill 361 based on the following findings: (i) the current COVID-19 situation, particularly with its variants, is causing, and will continue to cause, imminent risks to the health and safety of persons within the City, including City Council members, City staff, appointed officials, and members of the public; (ii) state and local officials continue to impose or recommend measures to promote social distancing; and (iii) the Governor's COVID-19 State of Emergency is still in effect; and (iv) numerous public agencies throughout Ventura County are still operating in accordance with Assembly 361, for the reasons stated herein.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Jason Zaragoza, Deputy City Attorney

ATTACHMENTS

None

CITY COUNCIL AGENDA REPORT

CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS AGENDA ITEM NO. G.1

DATE: October 4, 2022

TO: City Council

FROM: Shiri Klima, Deputy City Manager, (805) 385-7487, shiri.klima@oxnard.org

SUBJECT: Appointment of Member to Serve on the City's Parks, Recreation and Community Services Commission.

RECOMMENDATION

That the Mayor, with the approval of the City Council, appoint Ismael Paredes Ulloa to the City's Parks, Recreation and Community Services Commission representing District 3.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/iLS6_Y3SlsI

BACKGROUND

Oxnard City Code section 2-36 states that the Mayor, with the approval of the City Council, shall appoint the members of each Citizen Advisory Group (CAG), including the Parks, Recreation and Community Services Commission. The process is outlined in that provision, including nomination by each Council member congruent with his or her term in office. Section 2-37 states that each commissioner shall undergo the City's formal background check procedures before appointment.

DISCUSSION

The Parks, Recreation and Community Services Commission (PRCSC) is concerned with all matters pertaining to the parks, recreation and community services activities in the City and serves as a liaison between the City Council and the community on such matters. The Commission is composed of seven members, all of whom must reside in the City and be over the age of 18. For this purpose, Councilmember Madrigal nominates Ismael Paredes Ulloa to represent D3. This individual has passed the City's formal background check procedures.

Staff will return on a rolling basis with additional Council nominations to fill the remaining vacancies in the City's commissions, committees and boards.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Samantha Shapiro, Project Manager

ATTACHMENTS

1. Appointment of Member to Serve on the PRCSC Presentation

Appointment of Member to Serve on the City's Parks, Recreation and Community Services Commission

City Council

October 4, 2022

Samantha Shapiro, Project Manager

CITY OF OXNARD CALIFORNIA

RECOMMENDATION

That the Mayor, with the approval of the City Council, appoint Ismael Paredes Ulloa to the City's Parks, Recreation and Community Services Commission representing District 3.

PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION	
Function	Is concerned with all matters pertaining to the parks, recreation and community services activities in the City and serves as a liaison between the City Council and the community on such matters.
Requirements	7 members must reside in City and be over age 18
Nomination	Councilmember Madrigal nominates Ismael Paredes Ulloa (D3)

CITY OF
OXNARD
CALIFORNIA

THE END

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.1

DATE: October 4, 2022

TO: City Council

FROM: Rose Chaparro, City Clerk, (805) 385-7805, rose.chaparro@oxnard.org

SUBJECT: Approval of Minutes.

RECOMMENDATION

That the City Council approve the minutes of the July 28, 2022 regular meeting as presented.

BACKGROUND

Approval of Minutes.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Rose Chaparro, City Clerk

ATTACHMENTS

1. MINUTES 07 28 2022 CC Regular Meeting

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 28, 2022

A. At 4:32 p.m., Mayor John C. Zaragoza called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Housing Authority), in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda Councilmembers Gabriela Basua, Oscar Madrigal, Bert E. Perello, Gabriel (Gabe) Teran, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Housing Authority Commissioner Jose Andrade joined the meeting at 6:00 p.m. Commissioner Francisco Vega was absent.

Councilmember Vianey Lopez joined the meeting at 6:31 p.m.

Staff members present in person were Alexander Nguyen, City Manager; Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Stephen M. Fischer, City Attorney; Kenneth Rozell, Chief Assistant City Attorney; Jason Benites, Police Chief; Michael Wolfe, Public Works Director; Steve Howlett, Assistant Public Works Director; Tatiana B. Arnaout, P.E., City Engineer; Abraham Maldonado, Water Resources Manager; Renee Hatcher, Management Analyst; Vyto Adomaitis, Community Development Director; Joe Pearson II, AICP, Senior Planner; Emilio Ramirez, Housing Director; Helen Miller, Chief Information Officer; Adam Smith, Project Manager; and Rose Chaparro, City Clerk.

Emanuela Mayer with the Superior Court of California, County of Ventura and Member of the Grand Jury Panel attended the meeting in person.

Staff member Alexander Hamilton, Fire Chief; Denise Shadinger, Assistant Chief of Police; Marc Amon, Police Commander; Mark Sewell, Assistant Chief Financial Officer ; Beth Vo, Assistant Chief Financial Officer; Jennifer Yates, Purchasing Manager; Juanita Guzman, Administrative Services Manager; and Samantha Shapiro, Project Manager participated via videoconference.

Todd Mooney, Successor Agency Counsel; Luis Hernandez, Senior Project Manager at Many Mansions; Hassan Mirsadeghi, Commercial Habitat Inc.; Scott Boydstun, Rasmussen & Associates; Andy Bhatnagar, Kreative Core; Genevieve Flores-Haro, MPA, Associate Director with the Mixteco Indigena Community Organizing Project; and Vanessa Teran, Director of Policy with the Mixteco/Indigena Community Organizing Project; also participated via videoconference.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council, Community Development Commission Successor Agency, and Oxnard Housing Authority.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION (4:30 PM)

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(2))
Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case regarding the claim filed by Jason Corona to recover costs of removing a tree from

DRAFT

his property.
Legislative Body: City Council

At 4:35 p.m., the City Council recessed to a closed session. At 5:25 p.m., the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

D. APPOINTMENT ITEMS (5:30 PM)

1. SUBJECT: Presentation by Mixteco Indigena Community Organizing Project (MICOP) on the Mixteco/Indigenous migrant community in Oxnard.

Genevieve Flores-Haro, MPA, Associate Director with the Mixteco Indigena Community Organizing Project and Vanessa Teran, Director of Policy with the Mixteco/Indigena Community Organizing Project gave a presentation to Council and answered questions.

E. OPENING CEREMONIES (6:00 PM)

The flag salute was followed by a moment of silence.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Ray Blattel (Landscape Maintenance District – requested that staff provide additional information for the multiple element public records requests submitted), Lawrence Stein (Aquatic Center and Sports Park at College Park), Roger Poirier, Parks, Recreation and Community Services Commissioner (Campus Park – Oxnard Parks and Recreation Master Plan), and Eduardo Huerta (Oxnard Police Activities (PAL)).

G. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

City Manager Nguyen provided community updates on the COVID-19 pandemic and the mobile vaccine clinics. He also announced the upcoming 2022 Dallas Cowboys Training Camp schedule and special events. City Manager Nguyen reported on the streets and alleys pavement improvements and the Ormond Beach Generating Station.

1. Public Works Department

SUBJECT: Reconsideration of Local Emergency and Ratification of Director Orders Regarding the Water Shortage Emergency and Mandatory Water Conservation Measures.

RECOMMENDATION: That the City Council :
1. Adopt **Resolution #15,609** confirming the need to continue the local emergency declared on May 17, 2022 due to water shortage emergency conditions;
2. Ratify director orders, if any, modifying mandatory water conservation measures; and
3. Authorize the Mayor and the Chair of the Public Works and Transportation Committee to sign letters to regional water agencies regarding drought related issues on the City Council's behalf.

Michael Wolfe, Public Works Director presented and answered questions. Public comments were received from Lawrence Stein (drought, water system, recycle waste water, and source of new water). Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

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

Councilmember Lopez reminded residents to attend the upcoming Aquatic Center meetings and to complete the survey.

Councilmember Teran will attend the Oxnard Police Department National Night Out event which is being hosted by the Carriage Square and RiverPark Neighborhood Councils. He attended the Riverpark Neighborhood Council meeting. He also thanked the Public Works Department staff for the improvements done to the intersection located at Doris Avenue and Ventura Road. The pedestrian crosswalks are being repainted, the signs are being replaced with new traffic signage, and lead time was added for pedestrians to cross the street.

Councilmember Madrigal thanked staff for their assistance in resolving issues in the Rose Park Neighborhood. He attended an event and presented to local students from the South Oxnard, Colonia, Rose Park and other surrounding neighborhoods about attending college and his career. He congratulated and thanked staff for their work on the Housing Element and for receiving a positive report from the State Department. He reported receiving requests by residents asking to consider replacing the grass with turf at City parks to save water and maintenance costs.

Councilmember Basua reminded residents to attend the upcoming Aquatic Center Design process meetings being held at the South Oxnard Center.

Councilmember Perello spoke about the public speeding through the neighborhood streets which is dangerous. He requested that the City organize a meeting to discuss speed bumps.

Mayor Zaragoza, Councilmember Lopez, and Planning Commissioner Steve Nash met with Walter Fuller at Ormond Beach as well as the Nature Conservancy, Friends of Ormond Beach, and other members of the community. The Mayor thanked the Recreation & Community Services Parks Division for the maintenance work being done at Ormond Beach fronting the Ormond Wetlands and coastal farmlands.

1. City Manager Department

SUBJECT: Appointment of Member to Serve on the City's Cultural Arts Commission.

RECOMMENDATION: That the Mayor, with the approval of the City Council, appoint Teodoro Lopez to the Cultural Arts Commission to represent District 1.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Basua, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

2. Human Resources Department

SUBJECT: Amendments to City Manager and City Attorney Employment Agreements.
RECOMMENDATION: That the City Council:

1. Adopt **Resolution #15,610** approving and authorizing the Mayor to execute the Second Amendment to the employment agreement (No. A-8087) between the City and City Manager Alexander Nguyen to 1) provide a salary increase of 12% ($34,200), and 2) to extend the term of his contract by 5 years to July 8, 2029, with no built-in raises for the extension.

2. Adopt **Resolution #15,611** approving and authorizing the Mayor to execute the Third Amendment to the employment agreement (No. A-7880) between the City and City Attorney Stephen Fischer to 1) provide a salary increase of 10% ($24,853), 2) to extend the term of his contract by 4 years to July 8, 2027, subject to base salary increases for Executive Employees established by City Council resolution, and 3) modify severance upon termination from 6 month's salary paid monthly with benefits to 9 month's salary paid as a lump sum.

3. Adopt **Resolution #15,612** of the City Council of the City of Oxnard amending Resolution No. 15,594 authorizing and approving classification and salary schedules pursuant to Chapter 4 of the City Personnel Rules and Regulations.

Steve Naveau, Human Resources Director was available to answer questions. Public comments were received from Lawrence Stein, Pat Brown, Nancy Lindholm - Chair of the Business Alliance, Manuel Herrera, and Eduardo Huerta.

It was moved by Mayor Zaragoza, seconded by Mayor Pro Tem MacDonald, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

I. REVIEW OF INFORMATION/CONSENT AGENDA
Items K-1 through K-9 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA
Public comments were received from Pat Brown (K.1).

K. INFORMATION/CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the June 21, 2022 regular meeting as presented.

2. Police Department
SUBJECT: Office of Traffic Safety STEP Grant.
RECOMMENDATION: That the City Council adopt **Resolution #15,613** authorizing:

1. The City Manager to apply for $500,000 in grant funds from the State of California, Office

of Traffic Safety (OTS), to be used for the FY 2022-2023 Selective Traffic Enforcement Program (S.T.E.P.);
2. The City Manager or designee to execute grant agreements and appropriate funds upon confirmation of grant award;
3. The Chief Financial Officer or designee to submit financial reports and grant claims and approve budget appropriations for use of OTS funds; and
4. The Chief of Police or designee to submit all program related progress or status reports.

3. Public Works Department

SUBJECT: Agreement A-8489 to JTEC Corporation for Community Center Park East Restroom Project, Specification No. PW 22-116.

RECOMMENDATION: That the City Council approve and authorize the following for a total of $354,600 in Project funds for the Community Center Park East Restroom Project, Specification No. PW 22-116 (No. 185701):

1. The Mayor to execute Agreement A-8489 with JTEC Corporation in the amount of $295,500 for the Project;

2. A Project contingency amount of $29,550 for the Project; and

3. A Project allocation amount of $29,550 for engineering, inspection, survey and project management for the Project.

This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.

4. Police Department

SUBJECT: Resolution Commending Robin Whitney for over Twenty-Seven Years of Outstanding Service to the City of Oxnard.

RECOMMENDATION: That the City Council adopt **Resolution #15,614** commending Robin Whitney for over Twenty-Seven Years of Service to the City of Oxnard Police Department.

5. Information Technology Department

SUBJECT: Infrastructure Investment and Jobs Act (IIJA) Grant Application.

RECOMMENDATION: That City Council adopt **Resolution #15,615** authorizing:

1. The submittal of a grant application to the Federal Emergency Management Agency (FEMA) for a $500,000 grant funding, subject to use of City matching funds, through the Infrastructure Investment and Jobs Act (IIJA) for the purpose of investing in cybersecurity technology for systems used throughout the City;

2. The City Manager or Chief Information Officer, to execute all grant documents, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project for an amount not to exceed $500,000 in State of California IIJA

cybersecurity grant funds;

3. The Chief Financial Officer to submit financial reports and grant claims and approve special budget appropriations for use of grant funds; and

4. The Chief Information Officer to submit non-financial reports.

6. Public Works Department
SUBJECT: Response to Grand Jury Report titled, "Cybersecurity of Water Providers in Ventura County."
RECOMMENDATION: That the City Council shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the Council's control related to the Ventura County Grand Jury Report "Cybersecurity of Water Providers in Ventura County" dated June 6, 2022, and that the Mayor shall also comment on the findings and recommendations, through the form titled "Response to the Grand Jury Report Form.

7. Finance Department
SUBJECT: Approval of Four Annual Citywide Blanket Purchase Orders with amounts greater than $200,000 each.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Blanket Purchase Orders with Amazon Business for $300,000, Grainger, Inc. for $250,000, Office Depot for $225,000, and Tri-County Office Furniture for $250,000, each utilizing competitively bid and awarded cooperative agreements for daily operations for a period of July 1, 2022, to June 30, 2023.
(Finance and Governance Committee approved 3-0.)

8. Human Resources Department
SUBJECT: Second Amendments to Gallagher Benefit Services Agreements for Recruitment, Classification and Market Study.
RECOMMENDATION: That the City Council:

1. Approve and authorize the Mayor to execute the Second Amendment to Agreement Number 9109-21-HR with Gallagher Benefit Services for services related to classification and market study for an increase of $75,000 for a total contract amount not to exceed $150,000 and extending the agreement to December 31, 2022; and

2. Approve and authorize the Mayor to execute the Second Amendment to Agreement Number 9338-21-HR with Gallagher Benefit Services for recruitment services for an increase of $100,000 for a total contract amount not to exceed $200,000 and extending the agreement to June 30, 2023.

9. City Attorney Department
SUBJECT: Adoption of Single-use Foodware Accessories and Standard Condiments Ordinance No. 3017.
RECOMMENDATION:
That the City Council adopt Ordinance No. 3017 titled: “AN ORDINANCE OF THE CITY

COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE XXIV TO CHAPTER 7 OF THE OXNARD CITY CODE IN COMPLIANCE WITH ASSEMBLY BILL NO. 1276, TO RESTRICT THE DISTRIBUTION OF SINGLE-USE FOODWARE ACCESSORIES AND STANDARD CONDIMENTS"

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Lopez, to approve the Information/Consent items as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

L. PUBLIC HEARINGS

1. City Manager Department

SUBJECT: Successor Agency and Many Mansions Purchase and Sale Agreement for 538 Meta Street for $1. (0/10/10)

RECOMMENDATION:

That the Oxnard Community Development Commission Successor Agency adopt **Resolution CDCSA #41** titled "A Resolution of The Governing Board of The Oxnard Community Development Commission Successor Agency, Approving, and Recommending to The Ventura County Consolidated Oversight Board Approval of: (1) Entry By The Oxnard Community Development Commission Successor Agency Into a Proposed Purchase and Sale Agreement With Many Mansions; (2) A Grant Deed to Effectuate Said Purchase and Sale of Real Property; (3) The Remittance of the Net Purchase Price Proceeds Received By the Oxnard Community Development Commission Successor Agency After Close of Escrow to The Ventura County Auditor-Controller For Disposition to Taxing Entities; and (4) Related Actions."

That the City Council:

1. Conduct a public hearing and consider the Summary Report prepared pursuant to California Health and Safety Code section 33433; and

2. Adopt **Resolution #15,616** titled "A Resolution Of The City Council Of The City Of Oxnard (1) Making Findings And Taking Action Pursuant To The Provisions Of California Health And Safety Code Sections 33431 And 33433; (2) Approving: (A) The Sale And Transfer Of Certain Real Property From The Oxnard Community Development Commission Successor Agency To Many Mansions; (B) Entry By The Oxnard Community Development Commission Successor Agency And Many Mansions Into A Proposed Purchase And Sale Agreement; and (C) A Grant Deed To Effectuate Said Purchase And Sale Of Real Property; and (3) Approving Related Actions."

The City Clerk announced the affidavit of publication and stated that no written communications were received. Adam Smith, Project Manager, was available to answer questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. Public comments were received from Pat Brown.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

First Vote: City Council of the City of Oxnard:

It was moved by Councilmember Teran, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

Second vote: Oxnard Community Development Commission Successor Agency:

It was moved by Councilmember Teran, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

2. Community Development Department
SUBJECT: Utility Easement Vacation; Planning and Zoning (PZ) Permit No. 22-660-01- A Resolution to vacate a thirty-eight (38) foot wide utility easement, totaling approximately 33,409 square feet located at 2700 and 2750 North Ventura Road, Oxnard, CA 93033 (APN 132-0-100-095 & 132-0-100-085). (0/5/5)
RECOMMENDATION:

That the City Council:

1. Conduct a public hearing;
2. Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3); and
3. Adopt **Resolution #15,617** to vacate its right, title and interest in a thirty-eight (38) foot wide utility easement, totaling approximately 33,409 square feet.
4. Authorize the Mayor to sign a Quitclaim Deed releasing City authority and/or rights to the access utility easement at such time that the appeal of the Fore Apartments project has been resolved in a manner that would allow the Fore Apartments project to move forward as proposed.

(This item did not originate in Committee.)

The City Clerk announced the affidavit of publication and stated that no written communications were received. Joe Pearson II, AICP, Senior Planner, was available to answer questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. No public comments were received.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and

Zaragoza voted in favor; motion passed 7-0.

3. Community Development Department
SUBJECT: Subdivision of a 1.78 acre lot into two lots totaling 0.79 acre and 0.99 acre, located at 1600 Ives Avenue (APNs: 220-0-274-015, -025, -095). Filed by Hassan Amirsadeghi on behalf of the Philippine Center of Ventura County, property owner, 1600 Ives Avenue, Oxnard, California 93033. (0/5/5)
RECOMMENDATION: That the City Council:

1. Conduct a public hearing;
2. Find the project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (Infill Development); and
3. Adopt **Resolution #15,618** approving Planning and Zoning Permit No. 21-300-04 for a tentative parcel map, subject to certain findings and conditions.

(This item did not originate in Committee.)

The City Clerk announced the affidavit of publication and stated that no written communications were received. Jay Dobrowalski, Senior Planner, was available to answer questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. No public comments were received.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Councilmember Madrigal, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

M. REPORTS

1. City Treasurer
SUBJECT: City Treasurer's Monthly Investment Report for the Period Ending June 30, 2022. (0/5/5)
RECOMMENDATION: That the City Council receive and file the report.

Phillip Molina, City Treasurer presented and answered questions. Public comments were received from Eduardo Huerta. Discussion ensued among the Council and staff. Report was received and filed, no formal action was required.

2. Human Resources Department
SUBJECT: Memoranda of Understanding - Employee Bargaining Units. (0/10/5)
RECOMMENDATION:
That the City Council of the City of Oxnard adopt the following Resolutions:

1. **Resolution #15,619** of the City Council of the City of Oxnard approving the successor Memorandum of Understanding between the City of Oxnard and the International Union of Operating Engineers and authorizing the City Manager or designee to take the necessary administrative actions to implement the agreement,
2. **Resolution #15,620** of the City Council of the City of Oxnard approving the successor Memorandum of Understanding between the City of Oxnard and the Service Employees International Union and authorizing the City Manager or designee to take the necessary administrative actions to implement the agreement,
3. **Resolution #15,621** of the City Council of the City of Oxnard approving the successor Memorandum of Understanding between the City of Oxnard and the Oxnard Peace Officers Association and authorizing the City Manager or designee to take the necessary administrative actions to implement the agreement,
4. **Resolution #15,622** of the City Council of the City of Oxnard approving the benefits for the Executive and Unrepresented employees and authorizing the City Manager or designee to take the necessary administrative actions to implement the Resolution,
5. **Resolution #15,623** of the City Council of the City of Oxnard amending Resolution number 15,594 authorizing and approving the classification and salary schedule pursuant to Chapter 4 of the City Personnel Rules and Regulations, and
6. **Resolution #15,624** of the City Council of the City of Oxnard amending Resolution number 15,593 authorizing full time equivalent positions pursuant to Chapter 4 of the City Personnel Rules and Regulations.

Steve Naveau, Human Resources Director and Mike More, Human Resources Risk Manager presented and answered questions. Public comments were received from Ray Blattel. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Councilmember Basua, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

3. Human Resources Department

SUBJECT: Memorandum of Understanding - Oxnard Mid-Managers Association. (0/10/5)

RECOMMENDATION:

That the City Council of the City of Oxnard adopt the following resolutions:

1. **Resolution #15,625** of the City Council of the City of Oxnard approving the successor Memorandum of Understanding between the City of Oxnard and the Oxnard Mid-Managers Association and authorizing the City Manager or designee to take the necessary administrative actions to implement the agreement,
2. **Resolution #15,626** of the City Council of the City of Oxnard amending Resolution number 15,594 authorizing and approving the classification and salary schedule pursuant to Chapter 4 of the City Personnel Rules and Regulations, and
3. **Resolution #15,627** of the City Council of the City of Oxnard amending Resolution number 15,593 authorizing full time equivalent positions pursuant to Chapter 4 of the City Personnel Rules and Regulations.

Steve Naveau, Human Resources Director presented and answered questions. Public comments were received from Ray Blattel, Lauren Bueling (OMMA Representative), Karl Lawson (OMMA Representative), and George Van Hemert. Discussion ensued among the Council and staff.

It was moved by Councilmember Lopez, seconded by Councilmember Teran, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

4. City Manager Department

SUBJECT: Reconsideration of Successor Agency and Oxnard Housing Authority Properties in the Meta Street Area. (0/10/10)

RECOMMENDATION:

1. That the Board of Commissioners of the Housing Authority of the City of Oxnard upholds their October 5, 2021, decision to enter into a Purchase and Sale Agreement with the Oxnard Community Development Commission Successor Agency for property located on 6th and 7th streets adjacent to Meta Street (APNs 201-0-213-140, 201-0-272-030, 201-0-272-020, and 201-0-213-130).

2. That the Oxnard Community Development Commission Successor Agency:

   i. Upholds their October 5, 2021, decision to enter into a Purchase and Sale Agreement with the Housing Authority of the City of Oxnard for property located on 6th and 7th streets adjacent to Meta Street (APNs 201-0-213-140, 201-0-272-030, 201-0-272-020, and 201-0-213-130);
   ii. If the October 5, 2021 decision is not upheld, provide direction to staff to return to Committee to consider the parcels as either:
      a. "Exempt Surplus Land" subject to the agency's use and transfer ownership to the City of Oxnard in exchange for the price identified on the Long Range Property Management Plan; or
      b. "Surplus Land" subject to future affordable housing construction through the California Department of Housing and Community Development.
   iii. Provide direction to staff to return to Committee to consider two (2) Successor Agency-owned properties (APNs 201-0-272-170, 201-0-272-200) as either:
      a. "Exempt Surplus Land" subject to the agency's use and transfer ownership to the City of Oxnard in exchange for the price identified on the Long Range Property Management Plan; or
      b. "Surplus Land" subject to future affordable housing construction through the California Department of Housing and Community Development.

Ashley Golden, Assistant City Manager, presented and answered questions. No public comments were received. Discussion ensued among the Council and staff.

Council voted separately on the following recommendations, as presented:

First vote:

4. (1) That the Board of Commissioners of the Housing Authority of the City of Oxnard uphold their October 5, 2021 decision.

It was moved by Councilmember Basua, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, Zaragoza, and Housing Commissioner Andrade voted in favor; motion passed 8-0.

Second vote:
4. (2) That the Oxnard Community Development Commission Successor Agency uphold their October 5, 2021 decision.

It was moved by Councilmember Basua, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

Third vote:
4. (2. iii.) Provide direction to staff to return to Committee and to consider two (2) Successor Agency-owned properties (APNs 201-0-272-170, 201-0-272-200) as:
a. "Exempt Surplus Land" subject to the agency's use and transfer ownership to the City of Oxnard in exchange for the price identified on the Long Range Property Management Plan.

It was moved by Councilmember Teran, seconded by Mayor Zaragoza, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

5. City Manager Department
SUBJECT: Third Amendment with Kreative Core Technologies Corp (9431-21-FN) for ERP Project Management Services. (0/10/5)
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Third Amendment to the Professional Services Agreement with Kreative Core Technologies Corp (9431-21-FN) in the amount of $1,700,000 for a new not to exceed contract amount of $2,600,000 and to extend the term to December 31, 2023, for Project Management Services related to the Enterprise Resource Planning (ERP) implementation.
(Finance and Governance Committee approved 3-0.)

Shiri Klima, Deputy City Manager introduced Mark Sewell, Assistant Chief Financial Officer and Andy Bhatnagar with Kreative Core which presented and answered questions. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

6. Public Works Department
SUBJECT: Agreement A-8487 with Unlimited Engineering Contracting Inc. for Thompson Park, Johnson Creek Park and Sierra Linda Park Improvements Project, Specification No. PW 22-100. (0/5/5)
RECOMMENDATION: That the City Council approve and authorize the following for a total of $1,021,068.00 in Project funds for the Thompson Park, Johnson Creek Park and Sierra Linda Park Improvements Project, Specification No. PW 22-100 (Project Nos. 215706 & 225704):

1. The Mayor to execute Agreement A-8487 with Unlimited Engineering Contracting Inc. in the amount of $850,890 for the Project;

2. A Project contingency amount of $85,089 for the Project; and

3. A Project allocation amount of $85,089 for engineering, inspection, survey and project management for the Project.

This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.

Tatiana B. Arnaout, P.E., City Engineer answered questions. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Councilmember Basua, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 7-0.

7. Public Works Department
SUBJECT: Additional Appropriations for Fiscal Year 2021-22 in the Golf Enterprise Fund. (0/10/5)
RECOMMENDATION: That the City Council approve and authorize the recognition of additional golf course revenues in the amount of $1,197,450 and appropriate an amount not to exceed $778,352 for FY 2021-22 in the Golf Enterprise Fund (651).

Betsy George, Chief Financial Officer presented and answered questions. Public comments were received from Ray Blattel and Douglas Partello. Discussion ensued among the Council and staff.

It was moved by Councilmember Basua, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Perello, Teran, and Zaragoza voted in favor; Madrigal voted against; motion passed 6-1.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 9:47 p.m.

ROSE CHAPARRO
City Clerk

JOHN C. ZARAGOZA
Mayor

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.2

DATE: October 4, 2022

TO: City Council

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: Letter of Support for Many Mansions State Funding Application.

RECOMMENDATION

That the City Council authorize the Mayor to sign a letter of support for Many Mansions in an application for state funding in support of Aspire Apartments located at 536 Meta Street.

(This item did not originate in Committee.)

BACKGROUND

On June 27th, 2022, Many Mansions received their land use entitlements for the construction of Aspire Apartments located at 536 Meta Street, which is a 5-story mixed use, 100% affordable housing project that includes 88 residential units, 53 parking spaces, 5,185 square foot courtyard, and a 5,606 square foot paseo. The paseo is being constructed on a successor agency parcel that Many Mansions currently has under a purchase and sale agreement that is set to close escrow in September of 2022. The paseo will not only provide much needed open space, but allow for a seamless and contiguous design between Aspire Apartments and Central Terrace Apartments. Central Terrace Apartments is another Many Mansions affordable housing project that is currently under construction and located just south of Aspire Apartments.

Currently, Many Mansions is in the process of securing financing for the construction of Aspire Apartments. The California Department of Housing and Community Development (HCD) recently released the Multifamily Finance Super Notice of Funding Availability (Super NOFA). The Super NOFA provides funding through four distinct programs: Multifamily Housing Program (MHP), Veterans Housing and Homeless Prevention Program (VHHP), Joe Serna, Jr. Farmworker Housing Grant Program and Infill Infrastructure Grant Program. In total, $650 million dollars is available under the Super NOFA. HCD plans to announce program awards in November of 2022.

DISCUSSION

Many Mansions has requested $2,500,000 from the Infill Infrastructure Grant Program and $22,716,416 from the Multifamily Housing Loan Program to support the development of Aspire Apartments.

The Infill Infrastructure Grant Program provides grants for infrastructure improvements necessary to facilitate new infill affordable housing development. Eligible improvements include the development of open space, water, sewer, or other utility improvements, streets, roads, sidewalks and streetscape improvements.

The Multifamily Housing Program provides low interest loans to support the development of affordable housing. Funds can be used for property acquisition, construction and rehabilitation, on and off-site improvements, architecture, engineering and legal costs.

Both programs are highly competitive programs and annually oversubscribed, therefore it's important for Many Mansions to garner as many points as possible. This year applicants are eligible to receive additional points if a letter of support is provided by the local governing body by October 14th 2022.

The Housing Department supports the development of Aspire Apartments and recommends the issuance of a letter of support for Many Mansions funding application. The future development of Aspire Apartments will provide much needed new affordable housing opportunities in the City of Oxnard.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Oxnard City Council Letter of Support for Aspire Apartments 10.04.22
2. Presentation

John C. Zaragoza
Mayor

Office of the Mayor

300 West Third Street
Oxnard, CA 93030
(805) 385-7430
Fax (805) 385-7595
www.oxnard.org

October 4, 2022

California Department of Housing & Community Development
2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833
supernofa@hcd.ca.gov

RE: Oxnard City Council Letter of Support for Aspire Apartments

To whom it may concern:

On behalf of the Oxnard City Council, I would like to extend this letter of support for the development of Aspire Apartments, a proposed 88-unit, new-construction affordable housing development targeting lower-income and homeless households with incomes at 30, 45, 50, and 60 percent of Area Median Income (AMI). The project - located at 536 Meta Street, Oxnard, California, 93030 - applied for funding under HCD's Super NOFA released March 30, 2022.

Aspire Apartments is being developed by Aspire Apartments LP, an affiliate of Many Mansions, a California nonprofit corporation, and developer of affordable housing. The City of Oxnard has a longstanding partnership with Many Mansions. This includes Ormond Beach Villas, which was completed in 2019 and consists of 40 units of affordable housing for homeless and low-income veterans and their families; as well as Central Terrace Apartments, an 87-unit affordable housing development for lower-income families and homeless individuals, which began construction in July of 2022.

Central Terrace Apartments was funded in part by HCD and SGC's Affordable Housing and Sustainable Communities program, which also provided $4.9 million to improve transportation and related amenities in Downtown Oxnard. The City of Oxnard provided gap financing for both Ormond Beach Villas and Central Terrace Apartments.

Aspire Apartments is an initiative that will allow the City of Oxnard to continue to meet the housing needs of its lower income and homeless residents.

Sincerely,

John C. Zaragoza
Mayor

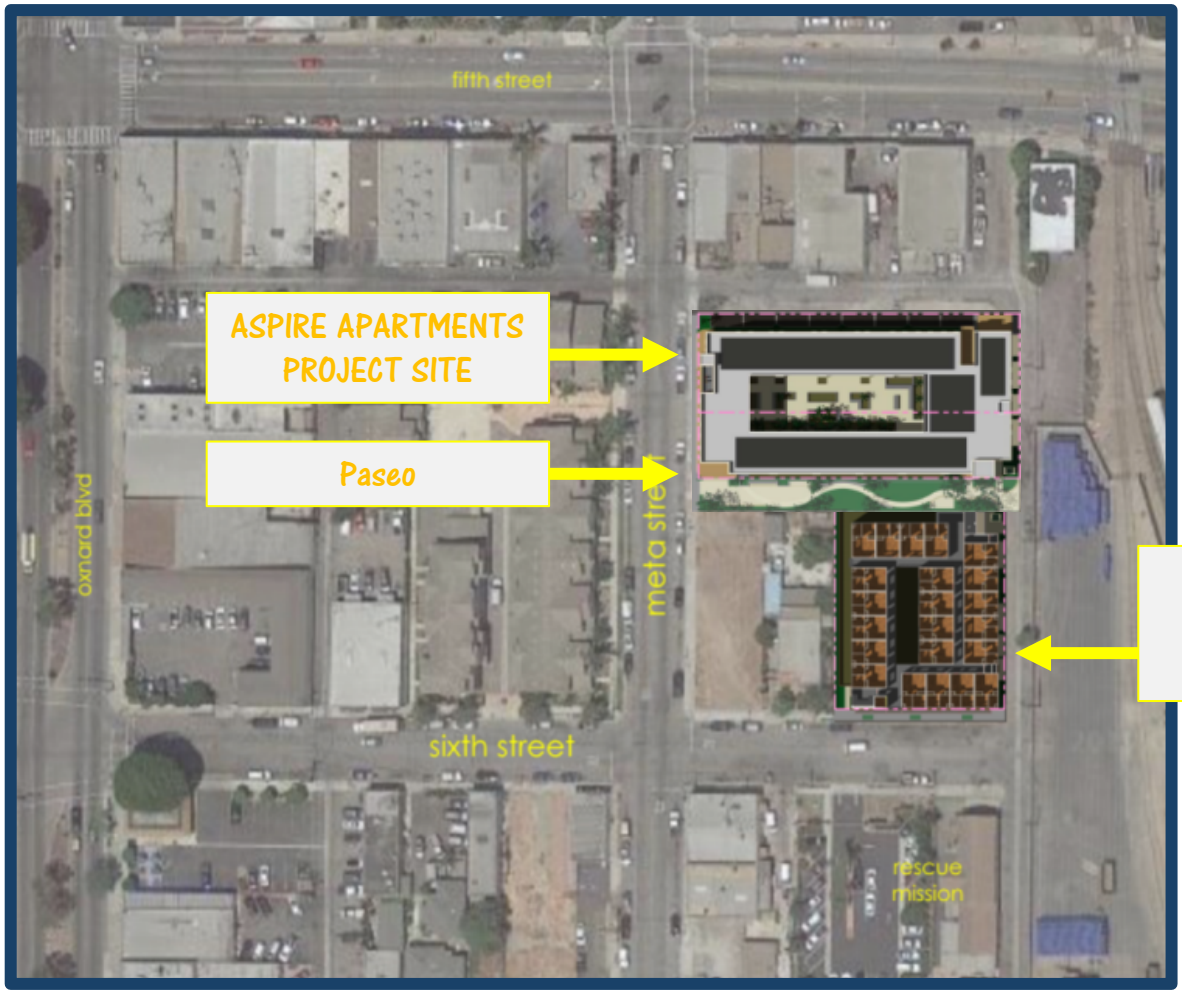
Aspire Apartments

Emilio Ramirez, Director
Housing Department
City Council
October 4, 2022

CITY OF OXNARD CALIFORNIA

Background

Project Location



Aspire Apartments

HCD Super NOFA

1. State Dept. of Housing and Community Development Released a $650 Million Dollar Super Notice of Funding Availability (NOFA).
2. Under this NOFA, Many Mansions requested $2.5 million from the Infill Infrastructure Grant Program and $22,716,416 from the Multifamily Housing Loan Program.
3. Infill Infrastructure Grant Program: Provides grants for infrastructure improvements that support the creation of affordable housing. Eligible improvements include the development of open space, water, sewer, or other utility improvements, streets, roads and sidewalks.
4. Multifamily Housing Loan Program: Provides low interest loans to support the creation of affordable housing. Funds can be used for acquisition, rehabilitation and construction architecture, engineering and legal costs.
5. Both programs are highly competitive. For additional points Many Mansions must submit a letter of support by the local governing body (City of Oxnard) by October 14th, 2022
6. HCD plans to announce program awards in November of 2022.

Recommendation

That the City Council authorize the Mayor to execute a letter of support for Many Mansions in an application for state funding in support of Aspire Apartments.

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.3

DATE: October 4, 2022

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Professional Services Agreement A-8491 with Tetra Tech, Inc. for Professional Engineering Services for the Kamala and Hobson Cast Iron Pipe Replacement Project PW 22-83.

RECOMMENDATION

That the City Council approve and authorize the following for a total of $935,000 in Project funds for the Kamala and Hobson Cast Iron Pipe Replacement Project, Specification No. PW 22-83 (Project No. 226502 & 226503):

1. The Mayor to execute Professional Services Agreement A-8491 with Tetra Tech, Inc. for professional engineering services in the amount of $850,000 for the Project; and
2. A Project contingency amount of $85,000 for the Project.

This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.

BACKGROUND

Cast iron pipe water lines within the City of Oxnard are typically over 50 years old, in poor physical condition, and beyond their service life. The City has defined replacement projects by neighborhood and prioritized them according to pipe and asphalt conditions.

The project involves preparing a preliminary engineering study, design drawings, specifications, and bid documents for the design and construction phase engineering services of new water mains in various locations throughout the Kamala and Hobson Neighborhoods. The full scope of work will replace approximately 48,700 linear feet of existing cast iron pipe water distribution mains (ranging from 8” to 12” in diameter) including associated valves, fire hydrants, services, and other appurtenances.

Capital Improvement Program (CIP) Reference:

Project No. **226502** & **226503** – Kamala and Hobson Cast Iron Pipe Replacement Project, Specification No. PW 22-105 - CIP 2022-2027 - Adopted May 3, 2022 – Page 125 & 126.

DISCUSSION

The project is specifically focused on replacing infrastructure that has reached the end of its useful life, increasing system reliability, and completing underground work in preparation for road resurfacing. The consultant is tasked with the following:

- Develop a comprehensive preliminary design report (PDR) outlining the pipeline alignment alternatives, pipe material selection, and trenchless construction technology selection for the new pipeline.

- Provide a complete set of design drawings, specifications, and bid documents that incorporate the results of the PDR.
- Provide a bid item list with a construction cost estimate to be used for budgetary purposes by the City.
- Provide bid and construction phase services and support.
- Develop record drawings representing the final installation.

The request for proposals (RFP) for the Project was published on May 9, 2022, and all proposals were due on June 17, 2022. The City received two proposals and were reviewed by two staff members consisting of the Water Operations Manager and Senior Civil Engineer.

Tetra Tech, Inc. (Tetra Tech) was selected as the most qualified firm to complete the design for the Kamala and Hobson Cast Iron Pipe Replacement Project. The selection was based upon the firm's dedication to the field of cast iron pipe replacement, significant experience, and proposed approach to the project. Staff has confirmed that Tetra Tech meets all required City contractual provisions including possession of a City business tax certificate, insurance certificates and corporate filing with the California Secretary of State. Based upon the available information and research performed to date, staff believes that the contractor is capable of satisfactorily completing the project. Thus, staff recommends that the City Council award the contract for this project to Tetra Tech.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

The total cost for the design phase of the Project shall not exceed $935,000 which includes the agreement with Tetra Tech and a contingency. Kamala and Hobson Cast Iron Pipe Replacement Project No. 226502 & 226503 has a combined approved design budget of $1,323,700 and is funded by the Water Capital Fund 601. Construction funding will be brought to the City Council for approval at a later date.

COMMITTEE OUTCOME

This item did not originate in Committee as this is a capital improvement project specifically listed in the Capital Improvement Program budget, which was previously approved by the City Council.

Prepared by: Tatiana Arnaout, City Engineer

ATTACHMENTS

1. Professional Services Agreement A-8491 Tetra Tech, Inc.

AGREEMENT FOR PROFESSIONAL SERVICES
COVER PAGE

(1) Agreement Start Date: October 4, 2022

(2) Consultant: Tetra Tech, Inc.

(3) Services: Professional Engineering Services for the Hobson and Kamala Water Cast Iron Pipe Replacement Project

(4) Schedule of Services: See Schedule of Services Exhibit, which is attached hereto and incorporated herein

(5) Agreement Ending Date: October 4, 2025

(6) Total Agreement Amount: $850,000

(7) City's Project Manager: Jorge Espinoza, Project Manager

(8) Consultant's Project Manager: Laurence Esguerra, P.E., Project Manager

(9) Insurance Coverage: INS-A

(10) Addresses for Notice:

FOR CONSULTANT:

Tetra Tech, Inc.
17885 Von Karman Ave. Suite 500
Irvine, CA 92614-5227
Attn: Laurence Esguerra, P.E., Project Manager

FOR CITY:

City of Oxnard
305 West Third, East Wing, 2nd Floor
Oxnard, CA 93030
Attn: Jorge Espinoza, Project Manager

(11) Contact Emails:

CONSULTANT'S PROJECT MANAGER:

laurence.esguerra@tetratech.com

CITY'S PROJECT MANAGER:

jorge.espinoza@oxnard.org

The Agreement for Professional Services is attached hereto and incorporated herein by this reference. The following exhibits are also attached hereto and incorporated herein by this reference into the Agreement:

☒ Scope of Services Exhibit
☒ Schedule of Services Exhibit
☒ Rates and Costs Exhibit
☒ Insurance Exhibit (INS-A)
☒ Prevailing Wage Exhibit

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES ("Agreement") is entered into in Ventura County, California, on the date that is written as "(1) Agreement Start Date" on the Cover Page, which is attached hereto and incorporated herein by this reference. This Agreement is entered by and between the City of Oxnard ("City") and the person or entity listed as "(2) Consultant" on the Cover Page, subject to the following terms and conditions:

1. Scope of Services. Consultant shall provide to City the services listed as "(3) Services" on the Cover Page (the "Services"). Consultant shall provide the Services during the term of this Agreement, as set forth below, according to the schedule written as "(4) Schedule of Services" on the Cover Page, and as further explained in the Scope of Services Exhibit, which is attached hereto and incorporated herein by this reference. In the event of any conflict between the terms of this Agreement and any incorporated document(s), the terms of this Agreement shall control.

2. Standard of Performance. Consultant shall undertake and complete the Services to conclusion using the standard of care, skill and diligence normally provided by a professional person in the performance of similar consulting services.

3. Correction of Errors. Consultant shall correct, at its expense, all errors which may be disclosed during review of the Services. Should Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by City, and the cost thereof shall be paid by Consultant.

4. Term. This Agreement shall begin on the date that is written as "(1) Agreement Start Date" on the Cover Page and shall end on the date that is written as "(5) Agreement Ending Date" on the Cover Page. Time is of the essence in this Agreement.

5. Compensation. For the Services performed during the term of this Agreement, City shall pay Consultant an amount not to exceed the amount that is listed as "(6) Total Agreement Amount" on the Cover Page, at the rates listed in Rates and Costs Exhibit, attached hereto and incorporated herein by this reference. The rates in Rates and Costs Exhibit shall be in effect through the end of this Agreement. Except as otherwise expressly provided in this Agreement, City shall not be responsible for expenses incurred by Consultant in performing the Services.

6. Invoices. Consultant shall submit a payment request to City by the end of each calendar month listing the Services provided, costs of those Services, and total amount due for the month. Each invoice must also list the current balance on the Agreement, including that invoice, as well as the months remaining on the term of the Agreement. Invoices may be emailed to: pwinvoices@oxnard.org.

7. Acceptance of Payment. Consultant's acceptance of final payment made pursuant to this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to the Services. City's payment shall not constitute nor be deemed a release of the responsibility and liability of Consultant for the accuracy and competency of the information provided and/or the Services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the Services performed by Consultant and its employees, agents and subcontractors. Consultant shall provide City with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service. If any sales tax is due for the Services performed by Consultant or materials or products provided to City by Consultant, Consultant shall pay the sales tax. City shall not reimburse Consultant for sales taxes paid by Consultant.

8. Non-Appropriation of Funds. Payments to be made to Consultant by City for the Services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of the Services beyond the current fiscal year, this Agreement shall cover payment for the Services only up to the conclusion of the last fiscal year in which City appropriated sufficient funds and shall automatically terminate at that fiscal year's conclusion.

9. Coordination of Services. The Services shall be coordinated with the person in the position listed in "(7) City's Project Manager" on the Cover Page, subject to the direction of the City Manager and Department Director. Consultant hereby designates the person in the position listed in "(8) Consultant's Project Manager" on the Cover Page as the person responsible for the Services who shall coordinate with City's Project Manager in making binding decisions in line with this Agreement on behalf of Consultant.

10. Personnel. Consultant represents that it has, or shall secure at its own expense, all personnel required to perform the Services. Any person who performs engineering services pursuant to this Agreement shall be licensed as a Civil Engineer by the State of California and in good standing. Consultant shall make reasonable efforts to maintain the continuity of Consultant's staff who are assigned to perform the Services. Consultant may associate with or employ associates or subcontractors in the performance of the Services, but at all times shall Vendor be responsible for its associates and subcontractors' labor, advice or materials provided in furtherance of providing the Services. Should any of Consultant's employees, assigns or subcontractors not conduct him- or herself appropriately, as determined by the City's Project Manager, in the process of providing the Services or any portion thereof, the City's Project Manager may notify the Consultant's Project Manager, who shall immediately handle the problem, as determined appropriate by him or her, such that the problem does not persist.

11. Additional Work. City may request additional specified work under this Agreement. The City's Project Manager must authorize all such work in writing before commencement. Consultant shall perform such work, and City shall pay for such additional work, in accordance with Rates and Costs Exhibit. Should the work not fall under any such listed rate or cost, Consultant shall submit a quote for all additional work, which the City's Project Manager must approve in writing by before any such work may commence. The City shall compensate Consultant for any work that does not fall under a rate or cost listed in the Rates and Costs Exhibit, and for which Consultant did not obtain the City's Project Manager's written approval before work commenced, as determined by the City's Project Manager in his or her sole discretion.

12. Audit. City shall have the option of inspecting, auditing and/or reproducing all records and other written materials used by Consultant in preparing its billings to City as a condition precedent to any payment to Consultant. Consultant will promptly furnish all documents requested by City. Additionally, if this Agreement is in excess of $10,000, the State Auditor may examine and audit Consultant for a period of 3 years after final payment under the Agreement. Regardless of whether a State audit is permitted, Consultant shall maintain and preserve all such records for a period of at least 3 years after final payment under the Agreement. Consultant shall include a copy of this Section 12 in all contracts with its subcontractors, and Consultant shall be responsible for immediately obtaining those records or other written material from its subcontractors upon a request by the State Auditor and/or City.

13. Termination. City may terminate this Agreement at any time, with or without cause and without penalty, upon 15 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice. Consultant may terminate this Agreement at any time, with or without cause and without penalty, upon 30 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice and only if all assignments accepted by Consultant have been completed before the date of termination. In the event of termination of this Agreement by either party due to no fault or failure of performance by Consultant, City shall pay Consultant compensation for all Services satisfactorily completed in accordance with all of the terms and provisions of this Agreement, as determined by the City, before the effective date of termination; provided, in no event shall the Consultant receive an amount exceeding that which would have been paid to Consultant for the full performance of the Services.

14. Hold Harmless, Defense and Indemnity.

If Consultant provides any architectural, landscape architectural, engineering or land surveying ("design professional") services, to the maximum extent permitted by law, Consultant shall hold harmless, defend, and indemnify City, its legislative and advisory bodies, and the City's officials, directors, officers, employees, and agents (collectively, "Indemnitees") from and against any and all claims, demands, causes of action, damages,

injuries, liabilities, losses, penalties, fines, judgments, costs or expenses, including reimbursement of attorneys' fees, court costs and costs of alternative dispute resolution, including but not limited to those relating to death or injury to any person and injury to any property (collectively, "Claims"), to the extent that the Claims arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant or of any of its officers, employees, subcontractors or agents in the performance of the Agreement or in the failure to comply with any of the obligations contained in this Agreement. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, to the extent required herein immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

If Consultant provides no design professional services, to the maximum extent permitted by law, Consultant shall hold harmless, defend and indemnify the Indemnitees from and against any and all Claims, which arise out of, pertain to, or relate to the performance of this Agreement, or the failure to comply with any of the obligations contained in this Agreement, by Consultant or of any of its officials, directors, officers, employees, subcontractors, or agents. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

a. The review, acceptance or approval of Consultant's work or work product by any of the Indemnitees shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This Section 14 shall survive completion of the Services or termination of this Agreement. The provisions of this Section 14 shall not be restricted by and does not affect the provisions of this Agreement relating to insurance.

15. Insurance. Consultant shall obtain and maintain during the performance of any services under this Agreement the insurance coverages listed within the insurance document stated in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit, which is attached hereto and incorporated herein by this reference, unless the City's Risk Manager waives, in writing, the requirement that Consultant obtain and maintain such insurance coverages. Consultant shall, before performance of any Services, file with the City's Risk Manager evidence of insurance coverage as specified in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit. Maintenance of insurance coverages by Consultant is a material element of this Agreement. Consultant's failure to maintain or renew insurance coverages or to provide renewal evidence, and any lapse in insurance coverage, may be considered a material breach of this Agreement.

16. Documents and Materials.

a. All final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data, photographs, specifications, information, images, video files, media, or other deliverables prepared, created, drawn, calculated, photographed or developed by Consultant pursuant to this Agreement ("Documents and Materials") shall be the City's property without restriction or limitation upon its use, duplication or dissemination. All Documents and Materials shall be considered "works made for hire," and all Documents and Materials and any and all intellectual property rights arising from their creation, including, but not limited to, all copyrights and other proprietary rights, shall be and remain the property of the City without restriction or limitation upon their use, duplication or dissemination by the City. Consultant shall not obtain or attempt to obtain copyright protection as to any Documents and Materials. Consultant hereby assigns to the City all ownership and any and all intellectual property rights to the Documents and Materials that are not otherwise vested in the City pursuant to this Section 16.

b. Consultant shall deliver all Documents and Materials to City's Project Manager upon completion of the Services or termination of this Agreement without additional cost or expense to the City. Additionally,

anytime at City's request, City shall be entitled to possession of, and Consultant shall furnish to City's Project Manager within 10 calendar days, any or all of the Documents and Materials without additional cost or expense to the City. In both situations, if Consultant prepares Documents and Materials on a computer, Consultant shall provide City with said Documents and Materials both in a printed format and in an electronic format that is acceptable to the City. Consultant may retain copies of these Documents and Materials but must request permission from the City before use, duplication or dissemination of these Documents and Materials for any purpose other than for the Services provided to the City pursuant to this Agreement.

c. Any substantive modification of the Documents and Materials by City staff or any use of the completed Documents and Materials for other City projects, or any use of incomplete Documents and Materials, without the written consent of Consultant, shall be at City's sole risk and without liability or legal exposure to Consultant.

d. Consultant warrants and represents that it has secured all necessary licenses, consents or approvals to use any instrumentality, thing or component as to which any intellectual property right exists, including computer software, used in the rendering of the Services and the production of all Documents and Materials, and that the City has full legal title to and the right to use, duplicate or disseminate the Documents and Materials. Consultant shall defend, indemnify and hold Indemnitees harmless from any loss, claim or liability in any way related to a claim that City's use of any of the Documents and Materials is violating federal, state or local laws, any contractual provisions, or any laws relating to trade names, licenses, franchises, copyrights, patents or other means of protecting intellectual property rights and/or interests in products or inventions. Consultant shall bear all costs arising from the use of patented, copyrighted, trade secret or trademarked documents, materials, equipment, devices or processes in connection with its provision of the services and Documents and Materials. In the event the use of any of the Documents and Materials by the City is held to constitute an infringement and the use of any of the same is enjoined, Consultant, at its own expense, shall: secure for City the right to continue using the Documents and Materials by suspension of any injunction, or by procuring a license or licenses for City; or modify the Documents and Materials so that they become non-infringing while remaining in compliance with the requirements of this Agreement.

e. This Section 16 shall survive the termination of this Agreement.

17. Confidentiality of Information.

a. For the purposes of this Agreement, "Confidential Information" means all information, in whatever form transmitted, relating to the past, present or future business affairs of the City, including without limitation, (i) technical information, including patent, copyright, trade secret, and other proprietary information, techniques, sketches, drawings, models, inventions, processes, apparatus, equipment, algorithms, software programs, software source documents, and formulas; or (ii) non-technical information, including without limitation finances, financial and accounting data and information, suppliers, customers, customer lists, purchasing data and any other information belonging to the City or to a third party whose information is in the City's possession or control under obligations of confidentiality, and which is disclosed to Consultant or is developed by Consultant in whole or in part at the City's expense.

b. All Documents and Materials shall be considered Confidential Information and shall not be reproduced, transmitted, disclosed or used by the Consultant without the written consent of the City, except as may be necessary for Consultant to fulfill its obligations to the City.

c. Notwithstanding the above, these limitations shall not apply to information that (i) is already known to Consultant at the time of that information's disclosure or becomes publicly known through no wrongful act or omission of Consultant, (ii) is communicated to a third party with the express written consent of City and is not subject to restrictions on further use or disclosure, (iii) is independently developed by Consultant and has no relation to this Agreement, or (iv) is required by law, court order, court-issued subpoena or other legal process to be disclosed; provided, however, that before making such disclosure, Consultant shall immediately provide City with written notice and a reasonable opportunity for City to object to the disclosure or to take action to maintain the confidentiality of the information, unless such prior disclosure is legally impermissible.

d. Consultant shall use reasonable care to protect the Confidential Information. In the event of a breach or threatened breach of this Agreement, City shall be entitled to obtain an injunction prohibiting any such breach, the costs of which shall be paid by Consultant. Any relief granted shall be in addition to and not in lieu of any other legal or equitable relief, including money damages. The parties acknowledge that Confidential Information is valuable and unique and that disclosure of the Confidential Information in breach of this Agreement may result in irreparable injury to the City.

e. Other than an obligation upon the City to deal in good faith, the City makes no warranties and shall bear no liability or responsibility for errors or omissions in any Confidential Information disclosed under this Agreement or for any business decisions made by Consultant in reliance on any Confidential Information disclosed under this Agreement.

f. This Section 17 shall survive the termination of this Agreement.

18. Independent Contractor. Consultant is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its employees or agents shall have control over the conduct of Consultant or any of its employees, except as stated in this Agreement. Consultant has and shall retain the right to exercise full control over the employment, direction, means of performance, location, compensation and discharge of all persons assisting Consultant, and it is free to dispose of all portions of its time which it is not obligated to devote to City in such a manner and to such persons, firms, or corporations as Consultant wishes except as expressly provided in this Agreement. This Agreement shall not be interpreted to prevent or preclude Consultant from rendering any services for Consultant's own account or to any other person or entity as Consultant in its sole discretion shall determine; provided, however, that performing such services shall not materially interfere with the Services Consultant shall perform for the City. Except as City's Project Manager specifies in writing, Consultant and its employees and agents have no authority, express or implied, to act on behalf of City in any capacity, to incur any debt, obligation or liability on behalf of City, bind City in any manner, or otherwise act on behalf of City as an agent. Consultant and its employees are not employees of City. Consultant and its employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, and health, life, dental, long-term disability and workers' compensation insurance benefits. Consultant shall not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant agrees to pay all required taxes on amounts paid to Consultant under this Agreement, and to indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Consultant's subcontractors, material suppliers, directors, officers, employees, agents and representatives, including compliance with social security requirements, federal and State income tax withholding, and all other regulations governing employer-employee relations, as applicable. City shall have the right to offset against the amount of any compensation due to Consultant under this Agreement any amount due to City from Consultant as a result of its failure to promptly pay to City any reimbursement or indemnification arising under this Section 18.

19. Nondiscriminatory Employment. Consultant shall not unlawfully discriminate against any individual based on race, color, religion or religious creed, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, sexual orientation, age, immigration status, citizenship or military and veteran status. Consultant understands and agrees that it is bound by and will comply with all legal nondiscrimination mandates. For every subcontractor who will perform Services, Consultant shall be responsible for such subcontractor's compliance with this Section 19.

20. Consultant's Representations. Consultant represents, covenants and guarantees that: a) Consultant is licensed, qualified, and capable of furnishing the labor, materials, and expertise necessary to perform the Services in accordance with the terms and conditions set forth in this Agreement; b) there are no obligations, commitments, or impediments of any kind that will limit or prevent Consultant's full performance under this Agreement; c) to the extent required by the standard of practice, Consultant has investigated and considered the scope of Services performed, has carefully considered how the Services should be performed, and understands the facilities, difficulties and restrictions attending performance of the Services under this Agreement.

21. Compliance with Laws. In performing the Services under this Agreement, Consultant shall comply with all applicable laws, ordinances and regulations. Before providing any Services under this Agreement, Consultant shall, at its own expense, obtain and maintain all required certificates, licenses and permits, including a City business tax certificate.

22. Conflict of Interest. If, in performing the Services set forth in this Agreement, Consultant makes, or participates in, a "governmental decision" as described in Title 2, Section 18704 of the California Code of Regulations, or performs the same or substantially all the same duties for City that would otherwise be performed by a City employee holding a position specified in City's conflict of interest code, Consultant shall be subject to City's conflict of interest code, the requirements of which include the filing of one or more statements of economic interests disclosing the relevant financial interests of Consultant's personnel providing the Services set forth in this Agreement. Furthermore, Consultant shall not to accept any employment or representation during the term of this Agreement or within 12 months after completion of the Services which is or may likely make Consultant "financially interested," as provided in California Government Code Sections 1090 and 87100, in any decisions made by City on any matter in connection with which Consultant has been retained pursuant to this Agreement.

23. Fictitious Name. If Consultant has a fictitious name, Consultant shall submit to City a new Fictitious Business Name Statement approved by any California county before Consultant's prior Fictitious Business Name Statement expires if such expiration may occur during the term of this Agreement, including any term amendment.

24. Non-Assignability. This Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's personnel's unique competence, experience and specialized personal knowledge. Consultant shall not assign or transfer any interest in this Agreement or any part thereof, whether by assignment or novation, without City's prior written consent, which may be withheld for any reason or for no reason at all. Any purported assignment without written consent shall be null, void, and of no effect, and Consultant shall hold harmless, defend and indemnify Indemnitees from and against all Claims arising from or relating to any unauthorized assignment.

25. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Consultant.

26. Applicable Law; Venue. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules. Venue for any such action relating to the Agreement shall be in the Ventura County Superior Court.

27. Titles. The titles used in this Agreement are for convenience only and shall in no way define, limit or describe the scope or intent of this Agreement or any part of it.

28. Force Majeure. Neither City nor Consultant shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include but are not be limited to acts of God, riots, acts of war, epidemics, fire, earthquakes, or other disasters.

29. Authority. Any person executing this Agreement on behalf of Consultant warrants and represents that s/he has the authority to execute this Agreement on behalf of Consultant and to bind it to the performance of these obligations.

30. Binding Agreement. The parties do not intend this Agreement to be binding upon them and shall not be held liable to its terms until it is fully executed by all required signers.

31. Integration; Amendment. This Agreement, including any other documents incorporated herein by specific reference, constitutes the entire and integrated agreement of City and Consultant regarding the subject matter described herein. This Agreement supersedes all prior oral or written communications, negotiations, representations, agreements and promises. This Agreement may not be modified or amended, nor any provision or breach waived, except in a writing, signed by both parties, that expressly refers to this Agreement.

32. Construction. In the event of any asserted ambiguity in or dispute regarding the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of construction providing for interpretation against the party who causes the uncertainty to exist or who drafted the Agreement in whole or in part.

33. No Waiver. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by City of any payment to Consultant constitute or be construed as a waiver by City of any breach of covenant, or any default that may then exist on the part of Consultant, and the making of any such payment by City shall in no way impair or prejudice any right or remedy available to City with regard to such breach or default.

34. Attorneys' Fees. The prevailing party shall be entitled to recover reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney's Office) and expenses, including investigation fees and expert witness fees, in addition to any other relief to which that party may be entitled, in any legal action or other proceeding, including an action for declaratory relief, for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement.

35. Notice. Except as otherwise required by law, a notice or communication authorized or required by this Agreement shall be in writing and shall be deemed received—on (a) the day of delivery if delivered by hand or overnight courier service during City's regular business hours or (b) the third business day following deposit in the United States mail, postage prepaid—to the addresses listed as "(10) Addresses for Notice" on the Cover Page or at such other address as one party may notify the other in writing.

36. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one and the same agreement. A signed copy of this Agreement transmitted by email to Project Managers' emails listed in "(11) Contact Emails" on the Cover Page or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.

37. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the date that is written as "(1) Agreement Start Date" on the Cover Page.

CITY OF OXNARD

☒ John C. Zaragoza, Mayor[1] Date
☐ Alexander Nguyen, City Manager
☐ Jennifer Yates, Purchasing Manager
☐ [name], Buyer

ATTEST:

Rose Chaparro, City Clerk (only if Mayor signs) Date

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney (always required) Date

TETRA TECH, INC.

Dan L. Batrack, CEO[2] Date

Preston Hopson, Secretary Date

[1] The City Council must authorize and the Mayor must sign any agreement over $200,000 annually. The City Manager may authorize and sign any agreement over $100,000 but up to $200,000 annually. The Purchasing Manager may authorize and sign any agreement up to $100,000 annually. A Buyer may authorize and sign any agreement up to $25,000 annually.

[2] The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC; or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

SCOPE OF SERVICES EXHIBIT

Consultant to perform engineering design services for the replacement of approximately 60,150 LF of existing cast iron pipe water distribution mains (ranging from 8" to 12" in diameter) including associated valves, fire hydrants and other appurtenances.

The project shall also include resurfacing/paving of streets for long sections where pipe is to be replaced.

Task 1: Program Management

1. Project Management. Consultant shall coordinate all efforts of the Project Team including representatives from the City of Oxnard's Public Works Department and Water Division (City). The Consultant shall facilitate regular Project progress meetings and provide monthly written updates on the Project status and budget.
2. Project Kick-off Meeting. At the commencement of the Project, the Consultant shall facilitate a "kick-off" meeting with the City's engineering and operations staff to discuss the scope and parameters of the Project. The Consultant shall prepare and distribute a draft agenda in advance of the meeting for review and comment by the City.
3. Progress Meetings. Consultant shall attend monthly meetings at the City for the duration of the project. As part of the effort, the Consultant is responsible for developing meeting information and an agenda prior to the meeting and meeting minutes within three business days following the meeting with complete action tracking log.
4. Project Schedule. Consultant shall develop a project schedule at the beginning of the project that covers preliminary design, recommendations, design drawings, specifications, construction cost estimate, bid documents, and bid/award support services. Project schedule shall be submitted with the proposal and shall be updated within 2 weeks of the kickoff meeting.
5. Project Communication. Consultant shall develop a communications protocol to be followed by all team members to be submitted within one week of starting the project. Communication protocol will include standard project communication as well as emergency communication protocols.
6. Project Coordination. Consultant shall coordinate all of the services of sub-consultants including site visits and site inspections, and shall ensure coordination with the City operations and engineering staff and other interested parties as outlined by the City.

7. Quality Assurance and Quality Control (QA/QC). The Consultant shall develop a QA/QC plan, to be followed for all submittals, within two weeks of starting the project. The plan shall include the staff who are responsible for reviewing design and documentation as well as the means for integrating review comments from the City.
8. Monthly Invoicing. The Consultant shall submit invoices on a monthly basis with all supporting documentation in a format acceptable to the City. Invoices requiring amendment shall be dated according to when the revised invoice is delivered to the City. Invoices shall be delivered electronically to the Project Manager and to PWInvoices@Oxnard.org.

Task 2: Preliminary Design

The consultant shall conduct land survey work as necessary to adequately complete the design, file permit applications, and provide reference points for construction layouts. As a minimum, property lines, right-of-ways, easements, topographic information, location of existing landmarks (e.g. edge of road, sidewalks, buildings, trees, valves, meter boxes, etc.) and underground utility locations are to be included. The engineer shall coordinate with the City and other utility owners to obtain underground utility information prior to the survey. If deemed necessary, the consultant shall conduct subsurface utility engineering locates to determine the location of important underground facilities.

The Consultant shall determine which permits are required for the project, including CEQA documentation, prepare and submit the necessary applications, and provide technical input as required in securing these permits. The consultant shall also provide the City with information regarding the approximate length of review time for each permit, and any special requirements that could delay this process.

The Consultant shall develop a project phasing plan to ensure utility service is maintained throughout the course of the construction project and construction impacts are minimized.

1. Site Survey: The Consultant shall include an allowance in its proposal to perform topographic and/or aerial surveys along the pipelines to be replaced. Aerial photography shall be at a minimum of 1-foot intervals to be used on a 1” = 40’ scale plan and profile drawings. Survey information shall include, at a minimum, elevations, northings and eastings of existing street infrastructure and all appurtenances (i.e. sidewalks, curb and gutter, utility

boxes, catch basins, utility covers, manholes, fences, driveways, medians, trees, vegetation, etc.). A benchmark and line of bearing shall be established and shall be tied to existing survey control. Electronic CAD files (.DWF) of each topographic survey shall be transmitted to the City and provided as a base map for the project.

2. Geotechnical Borings: The Consultant shall engage a geotechnical service firm to take 25 bore log samples to a minimum depth of six feet and determine the characteristics of the formation. A geotechnical analysis shall be completed by the Consultant and include the determination of needing imported backfill material and removal of unsuitable soil.
3. Potholing: The Consultant shall include an allowance in its proposal to perform exploratory excavations (i.e. "potholing") at 25 locations, at a minimum depth of 6 feet.
4. Preliminary Drawings: Develop plan and profile drawings equivalent to the 30-percent design level.
5. List of Specification: The preliminary design submittal shall include a list of anticipated technical specifications for all aspects of the facilities construction.

Deliverable

The Consultant shall submit the preliminary design electronically in the appropriate format (dwg & pdf).

Task 3: Pipeline 75% Design Services

The Consultant shall create a design, equivalent to the 75-percent design level, including various components such as design criteria, plan and profile drawings, connection details and cross sections. The Consultant shall produce the following 75% design deliverables:

1. General/Civil Design:
    a. Title Sheet
    b. Vicinity and location maps with contacts
    c. Drawing index, general notes, symbols, abbreviations, and legends
    d. Referenced Standards and Specifications
2. Pipeline Design:
    a. Plan and Profile Drawings: The Consultant shall prepare plan and profiles drawings to the 75% design level.
    b. Pipeline and Utility Key Map.
    c. Details: Consultant shall design connection details.

d. Backfill: Consultant shall provide design mix for all backfill material per the geotechnical report.

3. Paving and Resurfacing

a. Develop trenching, backfill, paving and resurfacing drawings.

b. Striping plan

c. Provide a standard design pavement section that adheres to the City Standards. The design shall consider and include limits of replacement.

4. Traffic Control:

a. Stipulate traffic control requirements per the City of standards and permitting requirements. Include requirements as a line item on the bid documents for the Contractor to complete.

5. Specifications:

a. Preliminary technical specification with draft text in all sections

6. Prepare Preliminary Construction Cost Estimate: Consultant shall prepare a preliminary construction estimate (Level 4 standard per the Association of Construction Cost Estimators) based on the PDR. This initial cost estimate will be updated throughout the final design process. Cost estimates shall include operating costs.

Deliverable

The Consultant shall provide the 75% design package containing drawings and specifications electronically and four (4) sets of 22”x34” (D Size) drawings.

Task 5: Pipeline Final Design Services

Consultant shall provide final design services that include full preparation of drawings, specifications, general and special provisions. The Consultant shall incorporate the review comments from the preliminary design phase into the 100% design package with the intermediate 90% submittal. The 100% design package shall include all bid documents, front-end documents, technical specifications, and drawings suitable for public bid. Subtasks include:

1. 90% Design Submittal: Drawings and specifications from the preliminary design phase shall be modified to account for any remaining design changes as a result of the preliminary (75%) design review. At the end of the 90 percent design phase, drawings and specifications shall be complete. The following tasks are to be completed:

a. Civil drawings and details

b. Pipeline drawings and details

c. Paving and trench repair plans

d. Traffic control drawings (as required)

e. Specifications

f. Construction cost estimate

g. Construction schedule

Deliverable

The Consultant shall provide the 90% design package (electronically)

2. Final Design Submittal: During the final design phase, minor comments from the 90 percent design submittal shall be incorporated into the drawings and specifications. This final submittal will not be reviewed by the City and will be considered the bid set. Tasks include:

a. Production of final engineering drawings

b. Production of final engineering specifications

c. The Consultant shall prepare a probable construction cost estimate to be transmitted along with the final 100% design package.

Deliverable

The Consultant shall provide the final design package (electronically). All drawings shall be prepared using AutoCAD 2018 or later.

Task 6: Bid Phase Services

The Consultant shall provide assistance to the City during the project advertisement and award period. Bid phase assistance shall include, at a minimum, the following:

1. Preparation of addenda in response to requests for information (RFIs) and requests for clarification (RFCs) received during the bid period.
2. Attendance and participation in the mandatory pre-bid meeting.
3. The Consultant shall incorporate all addenda issued during the Bid Period into a conformed set of contract documents within one week of the Bid Opening. Consultant shall provide the City with a written response to questions within two business days of questions received during the bidding period. The responses shall be provided in short memorandum format with the question and response shown. Consultant shall also keep a log of the questions and responses.

Task 7 – Pipeline Construction Phase Services

Engineering services during construction (ESDC) shall include, at a minimum, the following:

1. Preconstruction Conference: Attendance and participation in the Pre-Construction Conference.
2. Project Meetings: Attendance and participation in the Bi-Weekly Project Progress Meetings with the construction contractor and all Project stakeholders.
3. Submittal Review: Consultant shall review all shop drawing and material submittals transmitted by the construction contractor.
4. Change Order Review: Consultant shall review all change order requests submitted by the construction contractor. The Consultant shall review each request and make a formal statement regarding entitlement and the merit of the contractor's request.
5. Project Close-out: The Consultant shall assist in the development of Project punch lists and coordinate the delivery of all Project-related documentation.

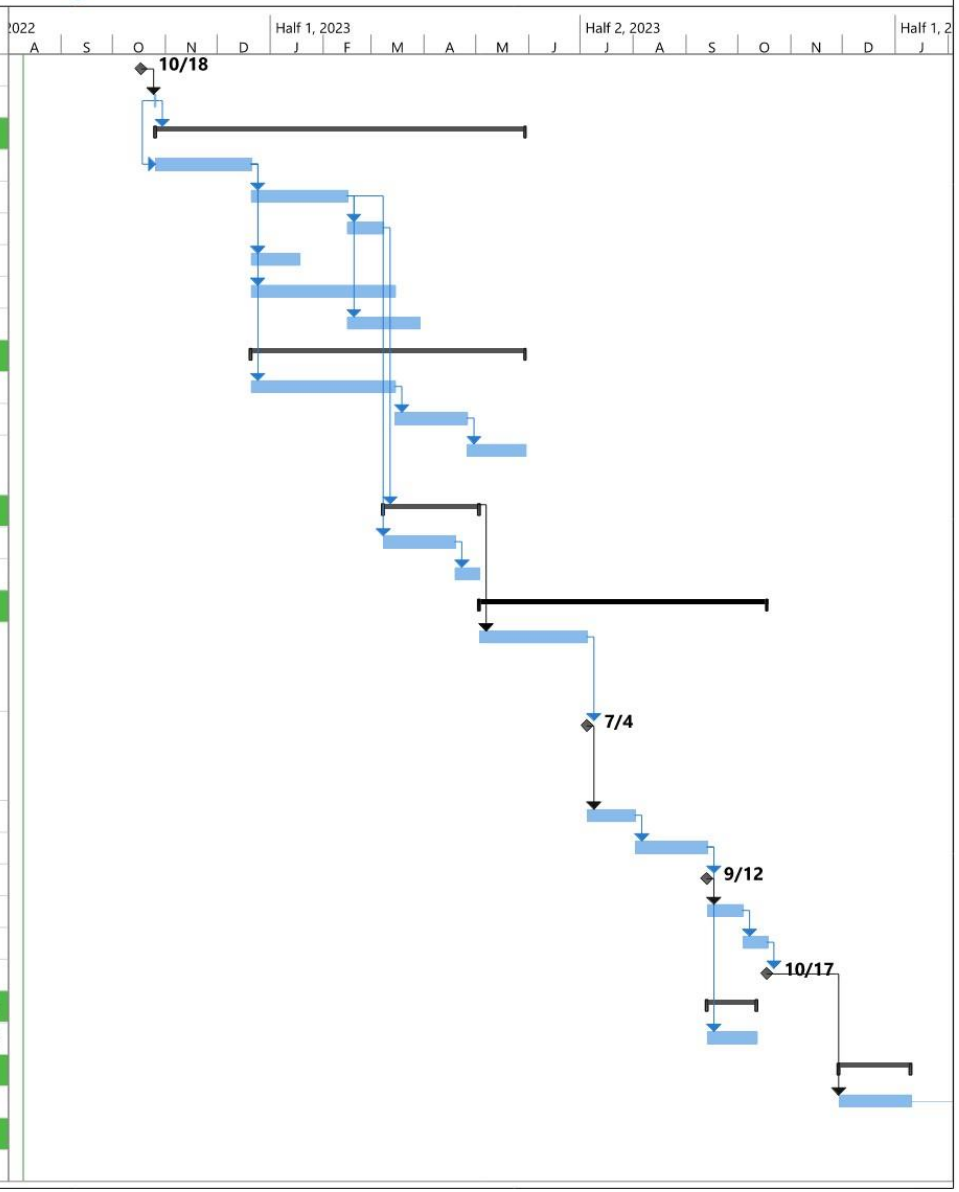
Record Drawings

The Consultant shall prepare a record drawing set based on the red-line drawings submitted by the construction contractor. The record drawings shall be prepared using the version of AutoCAD 2018 or later and shall be transmitted to the City within 30 calendar days of receipt of the contractor's red-line drawings. Electronic copies of the record drawings shall be submitted to the City in both AutoCAD and PDF formats.

SCHEDULE OF SERVICES EXHIBIT

City of Oxnard
Hobson and Kamala Water Cast Iron Pipe Replacement Project
City Project PW22-83
Project Schedule
Revised August 8, 2022

ID	Task Name	Duration	Start	Finish
1	Notice-to-Proceed	0 days	Tue 10/18/22	Tue 10/18/22
2	Kick-off Meeting	1 day	Tue 10/25/22	Tue 10/25/22
3	**Analysis and Preliminary Design**	**154 days**	**Wed 10/26/22**	**Mon 5/29/23**
4	Utility Research	40 days	Wed 10/26/22	Tue 12/20/22
5	Basemap Preparation	40 days	Wed 12/21/22	Tue 2/14/23
6	Site Visit	15 days	Wed 2/15/23	Tue 3/7/23
7	Design Survey	20 days	Wed 12/21/22	Tue 1/17/23
8	Geotechnical Investigation	60 days	Wed 12/21/22	Tue 3/14/23
9	Potholing Services	30 days	Wed 2/15/23	Tue 3/28/23
10	**CEQA Documents**	**114 days**	**Wed 12/21/22**	**Mon 5/29/23**
11	Prepare IS/MND	60 days	Wed 12/21/22	Tue 3/14/23
12	Public Review IS/MND	30 days	Wed 3/15/23	Tue 4/25/23
13	Written Responses and Final IS/MND	24 days	Wed 4/26/23	Mon 5/29/23
14	**30% Plan and Profile**	**40 days**	**Wed 3/8/23**	**Tue 5/2/23**
15	Submit 30% Plan and Profile	30 days	Wed 3/8/23	Tue 4/18/23
16	City Review	10 days	Wed 4/19/23	Tue 5/2/23
17	**Preparation of Contract Documents**	**120 days**	**Wed 5/3/23**	**Tue 10/17/23**
18	Prepare Final Preliminary Design Memorandum and 75% Design Submittal	45 days	Wed 5/3/23	Tue 7/4/23
19	Submit Final Preliminary Design Memorandum and 75% Design Submittal	0 days	Tue 7/4/23	Tue 7/4/23
20	City Review	20 days	Wed 7/5/23	Tue 8/1/23
21	Prepare 90% Design Submittal	30 days	Wed 8/2/23	Tue 9/12/23
22	Submit 90% Design Submittal	0 days	Tue 9/12/23	Tue 9/12/23
23	City Review	15 days	Wed 9/13/23	Tue 10/3/23
24	Prepare Final Design Submittal	10 days	Wed 10/4/23	Tue 10/17/23
25	Submit Final Design Submittal	0 days	Tue 10/17/23	Tue 10/17/23
26	**Permitting**	**21 days**	**Wed 9/13/23**	**Wed 10/11/23**
27	City of Oxnard	21 days	Wed 9/13/23	Wed 10/11/23
28	**Construction Bidding Support**	**30 days**	**Wed 11/29/23**	**Tue 1/9/24**
29	Bidding Support	30 days	Wed 11/29/23	Tue 1/9/24
30	**Construction Engineering Support**	**260 days**	**Wed 2/21/24**	**Tue 2/18/25**
31	Engineering Support	260 days	Wed 2/21/24	Tue 2/18/25



RATES AND COSTS EXHIBIT

Price Proposal

Revision Date: Apr 11, 2022

Hobson and Kamala Water Cast Iron Pipe Replacement Project

Pipeline Replacement Project

Submitted to: City of Oxnard (Attn: Purchasing Division)

Contract Type: T&M

Labor Plan

14 Resource

Project Phases / Tasks	Schedule From	Schedule Thru	Schedule Months	Work Days Off	Work Days	Total Labor Hrs	Civil/Mech	Program Manager	Senior Project Manager	Project Coordinator	Project Engineer 2	Project Engineer 2	Engineer 3	Engineer 2	Engineer 2	Traffic Engineer	Sr Planner 3	Planner 2	Engineer 3	Project Engineer 1	Sr Project Administrator
						Proj Area >	Civil/Mech	Civil/Mech	Civil/Mech	Civil/Mech	Civil/Mech	Civil/Mech	Civil/Mech	Civil/Mech	Civil/Mech	Traffic	CEQA	CEQA	CEQA	CEQA	Civil/Mech
						5,028	50	149	55	449	204	1,013	1,377	1,454	170	42	26	4	11	24
Task 1 - Project Management						**120**	**42**	**50**	**28**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
General Administration (12 months)						30		30												
Quality Control						40	40													
Kick-Off Meeting						6	2	2	2											
30%, 75% and 90% Design Review Meetings						12		6	6											
Monthly Meetings (10)						32		12	20											
Task 2 - Preliminary Design						**875**	**-**	**12**	**-**	**82**	**20**	**194**	**246**	**234**	**-**	**42**	**26**	**4**	**11**	**4**
Utility Research						40							20	20						
Basemap Preparation						200						40	80	80						
Site Visit						128				32		32	32	32						
Survey Services						8							4	4						
Geotechnical Investigation (25 Borings)						8							4	4						
Potholing Services (25 Potholes)						24						20		4						
30% Plan and Profile						290				20	20	70	90	90						
Preliminary Technical Memorandum						28		8		16										4
Specification List						2				2										
Phasing Plan and Isolation Valves						32		4		12			16							
Permitting						**115**	**-**	**-**	**-**	**-**	**-**	**32**	**-**	**-**	**-**	**42**	**26**	**4**	**11**	**-**
CEQA						99	-					16				42	26	4	11	
City of Oxnard						16						16								
Task 3 - Pipeline 75% Design Services						**3,312**	**-**	**45**	**1**	**224**	**172**	**690**	**928**	**1,070**	**170**	**-**	**-**	**-**	**-**	**12**
Plans						**3,135**	**-**	**31**	**-**	**168**	**166**	**666**	**896**	**1,038**	**170**	**-**	**-**	**-**	**-**	**-**
Title Sheet (1)						8				2			6							
General Sheets (2)						25	-	1		2	2	4	8	8						
Horizontal Control Plan (6)						50	-	2		4	4		20	20						
Plan and Profile Sheets - Hobson East (23)						692	-	8		32	32	180	220	220						
Plan and Profile Sheets - Kamala Park (54)						1,532	-	12		110	110	400	450	450						
Connection Details - Hobson East (3)						70	-	2		4	4	12	24	24						
Connection Details - Kamala Park (3)						70	-	2		4	4	12	24	24						
Fire and Water Service Connection Details (1)						28	-	2		2	2	6	8	8						
Miscellaneous Piping Details (3)						50	-	2		4	4	8	16	16						
Abandonment Details (1)						24	-			2	2	4	8	8						
Paving and Resurfacing Plans (11)						70	-			2	2	24	22	20						
Traffic Control Plans (40)						**516**	-	-	-	-	-	**16**	**90**	**240**	**170**	-	-	-	-	-
Billable						434	-					16	8	240	170					
Non-Billable						82	-						82							
Project Specifications						**72**	**-**	**12**	**-**	**48**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**12**
Front Ends Edits						16	-	4		8										4
Technical Specifications						56	-	8		40										8
Construction Cost Estimate and Schedule						**60**	**-**	**2**	**-**	**6**	**4**	**16**	**16**	**16**	**-**	**-**	**-**	**-**	**-**	**-**
Construction Costs (Level 4)						49	-	1		4	4	8	16	16						
Construction Schedule						11		1		2		8								
Submittals						**45**	**-**	**-**	**1**	**2**	**2**	**8**	**16**	**16**	**-**	**-**	**-**	**-**	**-**	**-**
75% Design Submittal						45	-		1	2	2	8	16	16						
Task 4 - Pipeline Final Design Services						**358**	**-**	**-**	**-**	**14**	**12**	**32**	**150**	**150**	**-**	**-**	**-**	**-**	**-**	**-**
90% Design Submittal						298				10	8	20	130	130						
Final Design Submittal						60				4	4	12	20	20						
Task 5 - Bid Phase Services						**76**	**-**	**4**	**2**	**25**	**-**	**28**	**13**	**-**	**-**	**-**	**-**	**-**	**-**	**4**
Pre-Bid Meeting						4		2	2											
Addenda (2)						54		2		24		24								4
Prepare Conformed Bid Plans						18				1		4	13							
Task 6 - Pipeline Construction Phase Services						**287**	**8**	**38**	**24**	**104**	**-**	**69**	**40**	**-**	**-**	**-**	**-**	**-**	**-**	**4**
Pre-Construction Conference						4			4											
Bi-weekly Project Progress Meetings (20)						20			20											
Shop Drawings (30/15)						116		16		40		60								
Request for Information (15)						40	4	12		24										
Change Order Review (5)						32	4	8		16										4
Project Punch List						18		2		16										
Record Drawings						57				8		9	40							
Totals						**5,028**	**50**	**149**	**55**	**449**	**204**	**1,013**	**1,377**	**1,454**	**170**	**42**	**26**	**4**	**11**	**24**

Price Summary / Totals

Task Pricing Totals	850,000
Specify Add'l Fees on Setup	0
Technology Use Fee	
Total Price	**850,000**

Pricing by Resource

Project Phases / Tasks	Labor Rate Esc.	Labor	Subs	Travel	Mat'ls & Equip	ODCs	Task Pricing Totals
	0.00%	**643,620**	**190,319**	**5,750**	**-**	**10,311**	**850,000**
Task 1 - Project Management		**29,480**	**-**	**-**	**-**	**520**	**30,000**
General Administration (12 months)		6,600					6,600
Quality Control		13,200					13,200
Kick-Off Meeting		1,430				60	1,490
30%, 75% and 90% Design Review Meetings		2,310				219	2,529
Monthly Meetings (10)		5,940				242	6,182
Task 2 - Preliminary Design		**110,480**	**190,319**	**5,750**	**-**	**3,451**	**310,000**
Utility Research		4,400				1,726	6,126
Basemap Preparation		22,800					22,800
Site Visit		16,480		5,750			22,230
Survey Services		880	94,185				95,065
Geotechnical Investigation (25 Borings)		880	64,170				65,050
Potholing Services (25 Potholes)		3,040	31,964				35,004
30% Plan and Profile		35,500					35,500
Preliminary Technical Memorandum		4,880					4,880
Specification List		330					330
Phasing Plan and Isolation Valves		4,620					4,620
Permitting		**16,670**	**-**	**-**	**-**	**1,725**	**18,395**
CEQA		14,590				1,725	16,315
City of Oxnard		2,080					2,080
Task 3 - Pipeline 75% Design Services		**405,355**	**-**	**-**	**-**	**4,645**	**410,000**
Plans		**380,280**	**-**	**-**	**-**	**-**	**380,280**
Title Sheet (1)		990					990
General Sheets (2)		3,160					3,160
Horizontal Control Plan (6)		6,160					6,160
Plan and Profile Sheets - Hobson East (23)		84,120					84,120
Plan and Profile Sheets - Kamala Park (54)		189,940					189,940
Connection Details - Hobson East (3)		8,600					8,600
Connection Details - Kamala Park (3)		8,600					8,600
Fire and Water Service Connection Details (1)		3,640					3,640
Miscellaneous Piping Details (3)		6,320					6,320
Abandonment Details (1)		2,940					2,940
Paving and Resurfacing Plans (11)		8,400					8,400
Traffic Control Plans (40)		**57,410**	**-**	**-**	**-**	**-**	**57,410**
Billable		57,410					57,410
Non-Billable							-
Project Specifications		**12,000**	**-**	**-**	**-**	**-**	**12,000**
Front Ends Edits		2,680					2,680
Technical Specifications		9,320					9,320
Construction Cost Estimate and Schedule		**7,690**	**-**	**-**	**-**	**-**	**7,690**
Construction Costs (Level 4)		6,100					6,100
Construction Schedule		1,590					1,590
Submittals		**5,385**	**-**	**-**	**-**	**4,645**	**10,030**
75% Design Submittal		5,385				4,645	10,030
Task 4 - Pipeline Final Design Services		**41,450**	**-**	**-**	**-**	**550**	**42,000**
90% Design Submittal		34,170				274	34,444
Final Design Submittal		7,280				276	7,556
Task 5 - Bid Phase Services		**10,885**	**-**	**-**	**-**	**115**	**11,000**
Pre-Bid Meeting		770				115	885
Addenda (2)		8,000					8,000
Prepare Conformed Bid Plans		2,115					2,115
Task 6 - Pipeline Construction Phase Services		**45,970**	**-**	**-**	**-**	**1,030**	**47,000**
Pre-Construction Conference		660				110	770
Bi-weekly Project Progress Meetings (20)		3,300					3,300
Shop Drawings (30/15)		17,920					17,920
Request for Information (15)		7,920					7,920
Change Order Review (5)		6,200					6,200
Project Punch List		3,080					3,080
Record Drawings		6,890				920	7,810
Totals	**0.00%**	**643,620**	**190,319**	**5,750**	**-**	**10,311**	**850,000**

TETRA TECH

Exhibit A
2022/2023
HOURLY CHARGE RATE AND EXPENSE REIMBURSEMENT SCHEDULE

Project Management	
Project Manager 1	$220.00
Project Manager 2	$260.00
Sr Project Manager	$305.00
Program Manager	$330.00
Principal in Charge	$330.00
Engineers	
Engineering Technician	$65.00
Engineer 1	$96.00
Engineer 2	$115.00
Engineer 3	$130.00
Project Engineer 1	$150.00
Project Coordinator	$165.00
Project Engineer 2	$165.00
Sr Engineer 1	$170.00
Sr Engineer 2	$185.00
Sr Engineer 3	$210.00
Principal Engineer	$300.00
Planners	
Planner 1	$104.00
Planner 2	$115.00
Sr Planner 1	$125.00
Sr Planner 2	$151.00
Sr Planner 3	$175.00
Designers & Technicians	
CAD Technician 1	$65.00
CAD Technician 2	$75.00
CAD Technician 3	$90.00
CAD Designer	$105.00
Sr CAD Designer 1	$125.00
Sr CAD Designer 2	$150.00
CAD Director	$155.00
Survey Tech 1	$50.00
Health & Safety	
H&S Administrator	$95.00
Sr H&S Administrator	$115.00
H&S Manager	$145.00

Construction	
Construction Project Rep 1	$80.00
Construction Project Rep 2	$90.00
Sr Constr Project Rep 1	$110.00
Sr Constr Project Rep 2	$120.00
Construction Manager 1	$170.00
Construction Manager 2	$190.00
Construction Director	$235.00
General & Administrative	
Project Assistant 1	$67.00
Project Assistant 2	$75.00
Project Administrator	$95.00
Sr Project Administrator	$120.00
Graphic Artist	$130.00
Technical Writer 1	$97.00
Technical Writer 2	$124.00
Sr Technical Writer	$155.00
Information Technology	
Systems Analyst / Programmer 1	$77.00
Systems Analyst / Programmer 2	$115.00
Sr Sys Analyst / Programmer 1	$130.00
Sr Systems Analyst / Programmer 2	$196.00
Project Accounting	
Project Analyst 1	$90.00
Project Analyst 2	$114.00
Sr Project Analyst	$155.00
Reimbursable In-House Costs:	
Photo Copies (B&W 8.5”x11”)	$ 0.15/Each
Photo Copies (B&W 11”x17”)	$ 0.40/Each
Color Copies (up to 8.5"x11")	$ 2.00/Each
Color Copies (to 11"x17")	$ 3.00/Each
Compact Discs	$10/each
Large format copies	$0.40 S.F.
Mileage-Company Vehicle	$0.80/mile
Mileage-POV	$0.55/mile*

*current GSA POV mileage rate subject to change

All other direct costs, such as production, special photography, postage, delivery services, overnight mail, printing and any other services performed by subcontractor will be billed at cost plus 15%.

Insurance Exhibit (INS-A)

INSURANCE REQUIREMENTS FOR CONSULTANTS
(WITH ERRORS AND OMISSIONS REQUIREMENT)

1. Consultant shall obtain and maintain during the performance of any services under this Agreement the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Consultant, its agents, representatives, employees or subconsultants.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project or shall be twice the occurrence amount;

b. Business automobile liability insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office automobile liability coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. Professional liability/errors and omissions insurance appropriate to Consultant's profession to a minimum coverage of $1,000,000, with neither Consultant nor listed subconsultants having less than $500,000 individually. The professional liability/errors and omissions insurance must be project specific with at least a one year extended reporting period, or longer upon request.

d. Workers' compensation insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than $1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Consultant shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-A. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before commencement of services. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email (or fax if necessary) to the Risk Manager, addressed as follows (do not send hard copies):

City of Oxnard
Insurance Compliance
Reference No. _____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

3. Consultant agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Consultant agrees that the commercial general liability and business automobile liability insurance policies shall be endorsed to name City, its City Council, officers, employees, agents and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees, agents and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-A or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 <u>and</u> CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages (**this must be endorsed**). Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. The insurer shall declare any deductibles or self-insured retentions to and be approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Consultant shall also be applicable to Consultant's subconsultants. Consultant agrees to maintain appropriate agreements with subconsultants and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

8/22

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for commercial general liability and business automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that the Consultant/insurer use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the sample accord form.

INS-A.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY LETTER A SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	**GENERAL LIABILITY** [x] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE $1,000,000 PRODUCTS COMP/OP AGG . $1,000,000 PERSONAL & ADV. INJURY $1,000,000 EACH OCCURRENCE $1,000,000 FIRE DAMAGE (Any one fire) $ MED. EXPENSE (Any one person) $
A	**AUTOMOBILE LIABILITY** [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT $1,000,000 BODILY INJURY (Per person) $ BODILY INJURY (Per accident) $ PROPERTY DAMAGE $
A	**EXCESS LIABILITY** UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE $ AGGREGATE $
A	**WORKERS' COMPENSATION** AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT $1,000,000 DISEASE-POLICY LIMIT $1,000,000 DISEASE-EACH EMPLOYEE $1,000,000
A	**OTHER** Errors and omissions insurance or malpractice insurance available for the insured's profession				Minimum coverage $1,000,000 Each consultant/ & listed sub-consultant $500,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No._____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~ENDEAVOR TO~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

GENERAL LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ❒ Included in Limits
❒ In Addition to Limits

❒ Deductible ❒ Self-Insured Retention (check which) of $ _____
with an Aggregate of $_____ applies to _____
coverage. ❒ Per Occurrence ❒ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ❒ in which case only the following specific agreements and permits with the City are covered

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

GENERAL LIABILITY
❒ COMMERCIAL GENERAL LIABILITY ❒ Claims Made
❒ COMPREHENSIVE GENERAL LIABILITY Retroactive Date _____
❒ OWNERS & CONTRACTORS PROTECTIVE ❒ Occurrence

OTHER PROVISIONS

COVERAGES	LIABILITY LIMITS IN THOUSANDS $	
	EACH OCCURRENCE	AGGREGATE
❒ GENERAL		
❒ PRODUCTS/COMPLETED OPERATIONS		
❒ PERSONAL & ADVERTISING INJURY		
❒ FIRE DAMAGE		
❒ _____		
❒ _____		

CLAIMS: Underwriter's representative for claims pursuant to this insurance.

Name: _____
Address: _____
_____
Telephone: (_____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or
   b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No._____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE

❒ Broker/Agent ❒ Underwriter ❒ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)
Telephone: (____)_____ Date Signed: _____

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ❒ Included in Limits
❒ In Addition to Limits

❒ Deductible ❒ Self-Insured Retention (check which) of $ _____ with an Aggregate of $_____ applies to coverage. ❒ Per Occurrence ❒ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ❒ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

❒ COMMERCIAL AUTO POLICY
❒ BUSINESS AUTO POLICY
❒ OTHER

OTHER PROVISIONS

LIMIT OF LIABILITY

$ _____ per accident, for bodily injury and property damage.

CLAIMS: Underwriter's representative for claims pursuant to this insurance.
Name: _____
Address: _____
_____
Telephone: ( ) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or
   b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No._____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE

❒ Broker/Agent ❒ Underwriter ❒ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)

Telephone: ( ) Date Signed _____

PREVAILING WAGE EXHIBIT

1. The Project defined in the Agreement between City and Contractor is a "public work" as defined in Division 2, Part 7, Chapter 1 of the California Labor Code ("Chapter 1"), and this Agreement is subject to Chapter 1 and the rules and regulations established by the Director of Industrial Relations ("DIR") implementing such statutes. Contractor shall perform the Project as a public work. Contractor shall comply with and be bound by all the terms, rules and regulations described in Chapter 1 and the DIR's rules and regulations as though set forth in full herein.
2. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Agreement are on file with the Project Coordinator at City Hall and will be made available to any interested party on request. They are also available at http://www.dir.ca.gov/Public-Works/Prevailing-Wage.html. Contractor shall post such rates at each job site covered by this Agreement.
3. Contractor is required to post job site notices, as prescribed by regulation. *See* Labor Code Section 1771.4(a)(2).
4. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. Contractor shall, as a penalty to City, forfeit not more than $200 for each calendar day or portion thereof for each worker paid less than the DIR's determined prevailing rates for the work or craft in which the worker is employed pursuant to this Agreement by Contractor or any subcontractor. The Labor Commissioner shall determine the amount of the penalty as described in Section 1775.
5. Contractor shall comply with Labor Code Section 1776, which requires Contractor and each subcontractor to (1) keep accurate payroll records and verify such records in writing under penalty of perjury, (2) certify and make such payroll records available for inspection, and (3) inform City of the location of the records.
6. Contractor shall comply with Labor Code Sections 1777.5, 1777.6 and 1777.7 and California Administrative Code Title 8, Section 200 *et seq*. concerning the employment of apprentices on public works projects. Contractor shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Before commencing work under this Agreement, Contractor shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within 60 days of the Agreement Ending Date listed in (6) of the Cover Page or the conclusion of the Project, whichever happens later, Contractor and each of its subcontractors shall submit to City a verified statement of the journeyman and apprentice hours performed under this Agreement.
7. Contractor shall not be debarred or suspended throughout the duration of this Agreement pursuant to Labor Code Section 1777.1 or 1777.7. If Contractor becomes debarred or suspended throughout the duration of the Agreement, Contractor shall immediately notify City.
8. Contractor is not qualified to bid on, be listed in a Bid, or engage in the performance of any contract for public work, as defined in LC Sections 1720 through 1861, unless currently registered and qualified to perform public work pursuant to LC Section 1725.5. Contractor shall continue without interruption to stay registered and qualified to perform public work pursuant to Section 1725.5 for the duration of the Agreement's term. This provision does not apply to construction, alteration, demolition, installation or repair work of $25,000 or less or to maintenance work of $15,000 or less.
9. Contractor acknowledges that 8 hours labor constitutes a legal day's work. Contractor shall comply with and be bound by Labor Code Section 1810.
10. Contractor shall comply with and be bound by Labor Code Section 1813 concerning penalties for workers who work excess hours. Contractor shall, as a penalty to City, forfeit $25 for each worker employed in the performance of this Agreement by Contractor or by any subcontractor for each calendar day during which such worker is required or permitted to work more than 8 hours in any calendar day and 40 hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code Section 1815, work performed by Contractor's employees in excess of 8 hours per day and 40 hours per week shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than 1½ times the basic rate of pay.
11. The Project listed in the Agreement is subject to compliance monitoring and enforcement by the DIR.
12. Contractor shall be responsible for each and every one of its subcontractors' compliance with Chapter

1, the DIR's rules and regulations, and Labor Code Sections 1860 and 3700. Contractor shall include in the written contract between it and each subcontractor a copy of, and a requirement that each subcontractor shall comply with, those statutory provisions. Contractor shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractors' compliance, including without limitation, conducting a periodic review of the certified payroll records of each subcontractor, and upon becoming aware of the failure of the subcontractor to pay its workers the specified prevailing rate of wages, Contractor shall diligently take corrective action to halt or rectify any failure.

13. To the maximum extent, Contractor shall hold harmless, defend (with counsel approved by the City Attorney) and indemnify City, its legislative bodies, and its officials, officers, employees, agents, successors and assigns from any demand or claim for damages, compensation, fines, penalties or other amounts arising out of or incidental to any acts or omissions listed above by any person or entity (including Contractor, its subcontractors, and each of their officials, officers, employees and agents) in connection with any work undertaken or in connection with the Agreement, including without limitation the payment of all attorneys' fees and other related costs. All duties of Contractor under this Section shall survive Agreement termination.

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.4

DATE: October 4, 2022

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Agreement A-8495 with Toro Enterprises, Inc. for the Water and Wastewater On-Call Construction and Repair Services Project, Specification No. PW 22-125.

RECOMMENDATION

That the City Council approve and authorize the Mayor to execute Agreement A-8495 with Toro Enterprises, Inc. in the amount not to exceed $10,300,000 for a 5-year term ending October 17, 2027, for the Water and Wastewater On-Call Construction And Repair Services Project, Specification No. PW 22-125.

(Public Works and Transportation Committee approved 3-0)

BACKGROUND

The Public Works Department comprises multiple divisions, including water; wastewater; recycled water; and stormwater; all of which require scheduled and non-scheduled or unplanned repair and maintenance to facilities and infrastructure from time-to-time. In order to avoid regulatory non-compliance, public health and safety hazards, property and/or environmental damage, the work must be completed with urgency, requiring quick response from a contractor. To respond promptly to these planned and unplanned infrastructure repairs, the Public Works Department requires an on-call contract with a qualified contractor or contractor team that has diverse technical capabilities as well as the ability to respond quickly to the City's needs.

The City has maintained similar contracts for many years to streamline the contracting process, allowing for quick response to unplanned repair needs. Assignments have ranged from relatively small repairs to large repairs.

Projects to be completed by the Contractor are categorized as follows:

Non-Scheduled Urgent Repair Work

Contractor must verbally respond within 30 minutes of telephone notification by the City. Contractor must be on the site within one hour of the notification and begin work immediately. Urgent repairs are those where public interest and necessity demand the immediate expenditure of public money to avoid harm to, or to safeguard life, health or property.

Scheduled Repair and Maintenance Work

Contractor must verbally respond within 24 hours of telephone notification by the City. The scope of work and schedule shall be mutually agreed to between City staff and the Contractor before work begins. Work under this category shall be planned and scheduled Monday through Friday between the hours of 8:00 am and 5:00 pm unless otherwise agreed to by the City.

The Project scope consists of furnishing all necessary labor, materials, equipment, and other incidental and appurtenant

work to provide on-call construction and repair services for the Public Works Department Water and Wastewater Divisions. This agreement will be a task order based on time and material contract. The contractor shall provide a written estimate of services before a task order is issued.

DISCUSSION

The work includes furnishing all necessary labor, materials, equipment and other incidental and appurtenant work to provide on-call construction and repair services for the Public Works Department Water and Wastewater Divisions. Work of this nature is typically not done in house as it requires specialized equipment along with a dedicated construction/repair workforce capable of quickly mobilizing during an urgent repair. These repairs include, but are not limited to water main breaks, sink hole repairs, wastewater sewer repairs, and repairs to existing treatment infrastructure. These repairs range in cost, but can reach hundreds of thousands per repair. Due to rising costs and the unknown frequency of unscheduled urgent repairs through the next 5 years, staff recommend a not to exceed value of $10,300,000 to be adequately prepared for all foreseen and unforeseen repairs over the five-year period.

The notice inviting formal bids (NIFB) for this public project was published on July 28, 2022, and all bids were due and opened on August 12, 2022. The City received three bids.

After review of all bids, Toro Enterprises, Inc. (Toro) was determined to be the lowest responsive bidder with the two remaining bids being deemed unresponsive. Procurement staff verified Toro's possession of all required licenses; reviewed the Federal Occupational Safety and Health Administration (OSHA) website for safety violations; and verified registration with the California Department of Industrial Relations (DIR). Based upon the available information and research performed to date, staff believes that the contractor is capable of satisfactorily completing the work. Thus, staff recommends that the City Council award the contract for this Project to Toro.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

The cost of this five-year agreement with Toro Enterprises, Inc. shall not exceed $10,300,000. Funding shall be provided by the Water Fund (601), Wastewater Funds (611/621), and Stormwater Fund (114) based on a task order process and available funding for each respective division. There is funding in the current fiscal year, should the need arise. Funding for subsequent fiscal years will be requested in the annual budget process.

COMMITTEE OUTCOME

The Public Works and Transportation Committee approved 3-0 on September 13, 2022 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Jan Hauser, Wastewater Division Manager, Omar Castro, Water Division Manager, Joseph Marcinko, Assistant Public Works Director

ATTACHMENTS

1. A-8495

CITY OF OXNARD CONTRACT FOR THE
WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT
SPECIFICATION NO. PW 22-125

THIS CONTRACT ("Contract") is made and entered this _____ day of _____, 2022 ("Effective Date"), by and between the CITY OF OXNARD, a California municipal corporation ("City") and Toro Enterprises, Inc. ("Contractor"). Contractor's license number is 710580.

In consideration of the covenants set forth herein, the parties hereto agree as follows:

1. Incorporation. The Contract consists of all Contract Documents, which shall include the General Provisions, Special Provisions and all documents referenced in either the General or Special Provisions as well as the Contractor's Bid Response. These documents are incorporated herein by reference.

2. Scope of Services. Contractor shall perform all Tasks in a good and workmanlike manner for the project identified as the WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT, Specification No. PW 22-125 ("Project"), as described in this Contract and in the Contract Documents, throughout the Contract Term. The Bid Sheets from the Contractor's Bid Response are attached hereto as "Exhibit A" and incorporated herein by this reference. The Special Provisions from the Contract Documents are attached hereto as "Exhibit B" and incorporated herein by this reference.

3. Compensation. In consideration of the services rendered pursuant to the requirements listed in the Contract Documents, City shall pay Contractor for each Task in accordance with the Contract Unit Prices submitted in the Bid and included in the attached Exhibit A, which in any case shall not exceed ten million three hundred thousand dollars ($10,300,000) during the Contract Term. A price increase for the Contract Unit Prices quoted in the Bid Sheets shall be increased by three percent (3%) each year to account for inflation costs. The effective date of the first increase will be November 1, 2023 and shall subsequently increase by three percent (3%) over the previous year's increase on November 1, 2024, November 1, 2025, November 1, 2026 and November 1, 2027.

4. Contract Term. The Contract Term shall begin on the Effective Date and end five (5) years thereafter, unless sooner terminated pursuant to the Contract Documents.

5. Antitrust Claims. In entering into this Contract, Contractor assigns to City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Business and Professions Code Section 16700 *et seq*.) arising from purchases of goods, services, or materials pursuant to the Contract Documents. This assignment shall be made and become effective at the time City tenders final payment to Contractor without further acknowledgment by the parties.

6. Prevailing Wages. City and Contractor acknowledge that the Tasks comprising the Project are public works to which prevailing wages apply. Once the Project Manager issues a Task Order, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the corresponding Task will be on file with the Project Coordinator at City Hall and will be made available to any interested party on request. Contractor and all Subcontractors are not qualified to bid on, be listed in a Bid proposal, or engage in the performance of any contract for public work, as defined in Labor Code Sections 1720 through 1861, unless registered and

qualified to perform public work pursuant to Labor Code Section 1725.5 at the time of Bid submission.

7. Workers' Compensation. Labor Code Sections 1860 and 3700 provide that every contractor will be required to secure the payment of compensation to its employees. In accordance with the provisions of Labor Code Section 1861, by signing this Contract, the Contractor certifies as follows: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the Work of this Contract."

8. Titles. The titles used in this Contract are for convenience only and shall in no way define, limit or describe the scope or intent of this Contract or any part of it.

9. Authority. Any person executing this Contract on behalf of Contractor warrants and represents that he or she has the authority to execute this Contract on behalf of Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

10. Entire Agreement. This Contract, including all incorporated documents, constitutes the entire agreement between the parties hereto with respect to the Project and all related Tasks and supersedes all previous agreements, promises, proposals, representations, understandings and negotiations, whether written or oral, between the parties regarding the subject matter.

11. Amendment. No modification, amendment or supplement to this Contract other than Change Orders or Task Orders shall be binding unless made in writing and signed by the duly authorized representatives of both parties.

12. Counterparts. This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A signed copy of this Contract transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Contract for all purposes. This provision shall likewise apply to all Task Orders and other Contract Documents.

[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the first written above.

CITY OF OXNARD

☒ John C. Zaragoza, Mayor[1] Date
☐ Alexander Nguyen, City Manager
☐ Purchasing Manager
☐ [name] , Buyer

ATTEST:

Rose Chaparro, City Clerk (only if Mayor signs) Date

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney (always required) Date

TORO ENTERPRISES, INC.

Sean Castillo, President[2] Date

Jerry Hannigan, Secretary Date

[1] The City Council must authorize and the Mayor must sign any agreement over $200,000 annually. The City Manager may authorize and sign any agreement over $100,000 but up to $200,000 annually. The Purchasing Manager may authorize and sign any agreement up to $100,000 annually. A Buyer may authorize and sign any agreement up to $25,000 annually.

[2] The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

Exhibit INS-G

INSURANCE REQUIREMENTS FOR CONSTRUCTION PROJECTS (WITHOUT BUILDER'S RISK REQUIREMENT)

1 Contractor shall obtain and maintain during the performance of any services under this Contract the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Contractor, its agents, representatives, employees or subcontractors.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than $2,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project location or shall be twice the occurrence amount;

b. Business Automobile Liability Insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. If architectural, engineering, or electrical work will be performed under the Contract, Professional Liability/Errors and Omissions Insurance appropriate to the work being done in an amount not less than $1,000,000, with neither Contractor nor listed subcontractors having less than $500,000 individually. The Professional Liability/Errors and Omissions Insurance must be project specific with at least a one year extended reporting period, or longer upon request. If the policy is not project specific, it must have a per claim and aggregate total of no less than $5,000,000 with subcontractors maintaining coverage in an amount of not less than $1,000,000.

d. Workers' Compensation Insurance in compliance with the laws of the State of California, and Employer's Liability Insurance in an amount not less than $1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

e. Contractors Pollution Liability and Errors & Omissions applicable to the work being performed, with a limit no less than $2,000,000 per claim or occurrence and $2,000,000 aggregate per policy period of one year.

2 Contractor shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-G. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email (or fax if necessary) to the Risk Manager, addressed as follows (do not send hard copies):

City of Oxnard
Insurance Compliance
Reference No. A-8495
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

3 Contractor agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4 Contractor agrees that the Commercial General Liability and Business Automobile Liability Insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor; premises owned, occupied or used by Contractor; or automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-G or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).**

5 The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages **(this must be endorsed)**. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with

reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6 Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7 All insurance standards applicable to Contractor shall also be applicable to Contractor's subcontractors. Contractor agrees to maintain appropriate agreements with subcontractors and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City□s practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the attached.

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODESUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY LETTER ASPECIFY COMPANY NAMES IN THIS SPACE

COMPANY LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	**GENERAL LIABILITY** [x] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE $2,000,000 PRODUCTS COMP/OP AGG. $2,000,000 PERSONAL & ADV. INJURY $2,000,000 EACH OCCURRENCE $2,000,000 FIRE DAMAGE (Any one fire) $ MED. EXPENSE (Any one person) $
A	**AUTOMOBILE LIABILITY** [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT $1,000,000 BODILY INJURY (Per person) $ BODILY INJURY (Per accident) $ PROPERTY DAMAGE $
A	**EXCESS LIABILITY** UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE $ AGGREGATE $
A	**WORKERS' COMPENSATION** AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT $1,000,000 DISEASE-POLICY LIMIT $1,000,000 DISEASE-EACH EMPLOYEE $1,000,000
A	**OTHER** Errors and omissions insurance or malpractice insurance available for the insured's profession; if architectural, engineering or electrical work will be performed under the Contract Contractors Pollution Liability and Contractors Pollution Errors & Omissions				Minimum coverage $1,000,000 Each consultant/ $500,000 & listed sub-consultant PER CLAIM / OCCURRENCE $2,000,000 GENERAL AGGREGATE $2,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No.A-8495
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~ENDEAVOR TO~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

GENERAL LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the □City□)

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ❒ Included in Limits
❒ In Addition to Limits

❒ Deductible ❒ Self-Insured Retention (check which) of $ _____
with an Aggregate of $_____ applies to _____
coverage. ❒ Per Occurrence ❒ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ❒ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

GENERAL LIABILITY
❒ COMMERCIAL GENERAL LIABILITY
❒ COMPREHENSIVE GENERAL LIABILITY
❒ OWNERS & CONTRACTORS PROTECTIVE

❒ Claims Made
Retroactive Date _____
❒ Occurrence

OTHER PROVISIONS

COVERAGES

	LIABILITY LIMITS IN THOUSANDS $	
	EACH OCCURRENCE	AGGREGATE
❒ GENERAL		
❒ PRODUCTS/COMPLETED OPERATIONS		
❒ PERSONAL & ADVERTISING INJURY		
❒ FIRE DAMAGE		
❒ _____		
❒ _____		

CLAIMS: Underwriter□s representative for claims pursuant to this insurance.
Name: _____
Address: _____
_____
Telephone: (_____)

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured□s scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company□s limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED□S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Commercial General Liability Coverage, □occurrence□ form CG0001; or
   b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No. A-8495
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE
❒ Broker/Agent ❒ Underwriter ❒ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)

Telephone: ( ) Date Signed _____

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the □City□)

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ❒ Included in Limits
❒ In Addition to Limits

❒ Deductible ❒ Self-Insured Retention (check which) of $ _____
with an Aggregate of $_____ applies to _____
coverage. ❒ Per Occurrence ❒ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ❒ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

❒ COMMERCIAL AUTO POLICY

❒ BUSINESS AUTO POLICY

❒ OTHER

OTHER PROVISIONS

LIMIT OF LIABILITY

$ _____ per accident, for bodily injury and property damage.

CLAIMS: Underwriter□s representative for claims pursuant to this insurance.

Name: _____

Address: _____

_____

Telephone: (____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured□s scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company□s limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED□S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Automobile Liability Coverage, □occurrence" form CA0001, code (□any auto□); or
   b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No. A-8495
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE
❒ Broker/Agent ❒ Underwriter ❒ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____

(original signature required)

Telephone: ( ) Date Signed _____

Bond No. _____

PAYMENT BOND
(LABOR AND MATERIALS)

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), State of California, has awarded to _____
_____
_____("Principal")
(Name and address of Contractor)

a contract (the "Contract") for the Work described as the WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT, Specification No. PW 22-125 (the "Project").

WHEREAS, under the terms of the Contract, the Principal is required before entering upon the performance of any Work, to file a good and sufficient Bond with the Agency to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code.

NOW, THEREFORE, we, the undersigned Principal, and _____
_____
_____
(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____ ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, and our heirs, assignees, successors, executors and administrators are held and firmly bound, jointly and severally, unto the Agency and all Contractors, Subcontractors, laborers, material suppliers, and other persons employed in the performance of the Contract and any Task related to the Contract and referred to in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code in the penal sum of _____ Dollars ($_____), this amount being not less than a hundred percent (100%) of the total not to exceed Contract Price, in lawful money of the United States of America, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to this Work or labor that the Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this Bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this Bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this Bond.

The Project shall be considered "accepted" for the purposes of triggering Bond deadlines at the Contractor's final completion of all Tasks, the City's acceptance of all Tasks, and the end of the Contract Term, whichever occurs last. Upon expiration of the time within which the California

Labor Commissioner may serve a civil wage and penalty assessment against the principal, any of its Subcontractors, or both the principal and its Subcontractors pursuant to Labor Code Section 1741, and upon expiration of the time within which a joint labor management committee may commence an action against the principal, any of its subcontractors, or both the principal and its subcontractors pursuant to Labor Code Section 1771.2, if the condition of this Bond be fully performed, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract, including all incorporated documents, shall in any manner affect its obligations on this Bond. The Surety hereby waives notice of any such change, extension, alteration, or addition. Additionally, the Surety hereby waives California Civil Code Sections 2845 and 2849 as well as any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

"Principal"	"Surety"
_____	_____
_____	_____
By: _____	By: _____
Its: _____	Its: _____
By: _____	By: _____
Its: _____	Its: _____
(Seal)	*(Seal)*

Note: This Bond must be executed in duplicate and dated, all signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. The date of the Bond must not be before the Contract's Effective Date. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.

Bond No. _____

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), has awarded to _____

_____

_____ ("Principal")

(Name and address of Contractor)

a contract (the "Contract") for the Work described as the WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT, Specification No. PW 22-125 (the "Project").

WHEREAS, Principal is required under the terms of the Contract to furnish a Bond for the faithful performance of the Contract.

NOW, THEREFORE, we, the undersigned Principal, and _____

_____

_____

(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____ ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, are held and firmly bound unto the Agency in the penal sum of _____ _____Dollars ($_____), this amount being not less than a hundred percent (100%) of the total not to exceed Contract Price, in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, assigns, successors, executors and administrators, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal, his, her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the Contract and any alteration thereof made as therein provided for all Tasks, on the Principal's part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Agency, its officers, agents and employees, as therein stipulated, within the Contract Term, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered. Surety hereby waives any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract, including all incorporated documents, or of the Work to be performed under any Task Order shall in any way affect the Surety's obligations under this Bond. The Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the Work in any Task Order. Surety hereby waives California Civil Code 2845

and 2849. The City is the principal beneficiary of this Bond and has all rights of a party hereto.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

"Principal"	"Surety"
_____	_____
_____	_____
By: _____	By: _____
Its: _____	Its: _____
By: _____	By: _____
Its: _____	Its: _____
(Seal)	*(Seal)*

Note: This Bond must be executed in duplicate and dated, all signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. The date of Bond must not be before the Contract's Effective Date. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.

EXHIBIT A

BID PACKET

CITY OF
OXNARD
CALIFORNIA

FOR

WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT
SPECIFICATION NO. PW 22-125

Submitted by:

Contractor's Name: TORO ENTERPRISES,INC.

Address: 2101 E VENTURA BLVD,OXNARD,CA 93036

City: OXNARD State: CA Zip Code: 93036

Contact Person: SEAN CASTILLO,PRESIDENT Phone: 805-483-4515

Email: ESTIMATING@TOROENTERPRISES.COM Date: 8/12/22

BID FOR THE WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT
SPECIFICATION NO.PW 22-125

The undersigned, as Bidder, declares that:

1. The Bidder has carefully examined the Contract Documents, all Addenda, and any other information provided regarding the Water and Wastewater On-Call Construction and Repair Services Project, Specification No. PW 22-125 ("Project") and is satisfied as to the conditions, character, quality and quantities of Work to be performed, and the materials to be furnished.
2. The Bid includes all taxes, fees and costs, and as such is the total amount required for the Bidder to complete this Project in accordance with the Contract Documents.
3. The Bidder is properly licensed by the State as a contractor to perform this type of Work.

The undersigned, as Bidder, agrees to the following:

A. The submission of this Bid shall be conclusive evidence that the Bidder has examined and investigated, to the greatest extent possible, the surface, subsurface and other conditions affecting the Work, including also the possible groundwater conditions, transportation, the disposal, handling and storage of materials, and the possible availability of labor, water, electric power, roads and the equipment and facilities needed for the Work. No information derived from an inspection of records or investigation will relieve the Bidder from its obligations under the Contract Documents nor entitle the Bidder to any additional compensation. The Bidder shall not make any claim, including for additional compensation, against the City based upon ignorance or misunderstanding of any condition of any Task site or of the Contract Documents' requirements.

B. Accompanying this Bid is a permissible form of Bid security in an amount equal to at least ten percent (10%) of the total Bid price submitted. The Bid security is given as a guarantee that, if selected, the Bidder will execute the Contract in conformity with the Contract Documents, provide evidence of all required insurance, provide a copy of its City business license and furnish the Performance and Payment Bonds (as well as a photocopy of each Bond)—each in the amount of one hundred percent (100%) of the Contract Price—within fourteen (14) Calendar Days of the date of delivery of the Contract to the Bidder. If the Bidder refuses or fails to do so, the City may award the Contract to the next lowest responsible Bidder, and this Bid security may be forfeited to the City as permitted by law.

C. In the event the Contract is awarded to the Bidder, the Bidder shall execute the Contract to perform all Tasks comprising the Project in accordance with the Contract Documents. Should the undersigned be awarded the Contract and thereafter fail or refuse to execute the Contract and provide the required evidence of its City business license, insurance and Bonds (plus photocopies) within fourteen (14) Calendar Days after the Contract award, then the Bid Bond, cash, cashier's check or certified check shall be forfeited to the City to the extent permitted by law.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on August 12th, 2022 [date], at OXNARD [city], CALIFORNIA [state].

Bidder's Name (Company): TORO ENTERPRISES,INC.

Signature: _____ Title: PRESIDENT

Print: SEAN CASTILLO Date: 8/12/22

Signature: _____ Title: SECRETARY

Print: JERRY HANNIGAN Date: 8/12/22

CITY OF OXNARD

BID SHEETS FOR THE WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT, SPECIFICATION NO. PW 22-125

Bidder's Name: TORO ENTERPRISES,INC.

To the Honorable Mayor and Members of the City Council:

In compliance with the Notice Inviting Bids, the undersigned hereby agrees to execute the Contract to furnish all labor, equipment and supplies for the Tasks comprising the Project in accordance with the Contract Documents to the satisfaction and under the direction of the Project Manager at the following prices:

BID ITEM UNIT COST FOR NON-SCHEDULED URGENT REPAIR WORK:

NON-SCHEDULED URGENT REPAIR WORK				
ITEM NO.	DESCRIPTION	HOURLY RATES		
		Hourly Rate Mon – Fri 8:00am – 5:00pm work begins within 1 hour	Hourly Rate Mon – Fri 5:01pm – 7:59am work begins within 1 hour	Hourly Rate Sat, Sun, and Holidays work begins within 1 hour
LABOR				
1	Foreman	$ 144.25 /hr	$ 216.38 /hr	$ 288.50 /hr
2	Equipment Operator	$ 124.53 /hr	$ 186.79 /hr	$ 249.05 /hr
3	Laborer	$ 92.56 /hr	$ 138.84 /hr	$ 185.13 /hr
4	Superintendent	$ 154.21 /hr	$ 231.32 /hr	$ 308.43 /hr
EQUIPMENT				
5	Air Compressor	$ 23.– /hr	$ 23.– /hr	$ 23.– /hr
6	Service Truck	$ 46.– /hr	$ 46.– /hr	$ 46.– /hr
7	Backhoe (CAT 420 or equal)	$ 59.80 /hr	$ 59.80 /hr	$ 59.80 /hr
8	Bobtail Dump Truck	$ 48.30 /hr	$ 48.30 /hr	$ 48.30 /hr
9	150 GPM Pump with 20-ft Hose	$ 9.20 /hr	$ 9.20 /hr	$ 9.20 /hr
10	Traffic Control, No Flaggers 8 Hr Day	$ 36.80 /hr	$ 36.80 /hr	$ 36.80 /hr

11	Traffic Control, with Flaggers 8 Hr Day	$ 204.82 /hr	$ 307.22 /hr	$ 409.63 /hr
12	Stihl TS 500 or Equal Saw	$ 8.20 /hr	$ 8.20 /hr	$ 8.20 /hr
13	Multquip MTX70 or Equal Compaction Unit	$ 10.40 /hr	$ 10.40 /hr	$ 10.40 /hr
14	Pumper Truck 120 Barrel	$ 238.75 /hr	$ 311.90 /hr	$ 376.74 /hr
Column Total for Non-Scheduled Urgent Repair Work:		$ 1,200.82	$ 1,634.15	$ 2,059.18

BID ITEM UNIT COST <u>FOR SCHEDULED REPAIR AND MAINTENANCE WORK:</u>

SCHEDULED REPAIR AND MAINTENANCE WORK				
ITEM NO.	**DESCRIPTION**	**HOURLY RATES**		
		Hourly Rate Mon – Fri 8:00am – 5:00pm		
LABOR				
15	Foreman	$ 144.25 /hr		
16	Equipment Operator	$ 124.53 /hr		
17	Laborer	$ 92.56 /hr		
18	Superintendent	$ 154.21 /hr		
EQUIPMENT				
19	Air Compressor	$ 23.— /hr		
20	Service Truck	$ 46.— /hr		
21	Backhoe (CAT 420 or equal)	$ 59.80 /hr		
22	Bobtail Dump Truck	$ 48.30 /hr		
23	150 GPM Pump with 20-ft Hose	$ 9.20 /hr		

24	Traffic Control, No Flaggers 8 Hr Day	$ 36.80 /hr		
25	Traffic Control, with Flaggers 8 Hr Day	$ 204.82 /hr		
26	Stihl TS 500 or Equal Saw	$ 8.20 /hr		
27	Multquip MTX70 or Equal Compaction Unit	$ 10.40 /hr		
28	Pumper Truck 120 Barrel	$ 238.75 /hr		
Column Total for Scheduled Repair and Maintenance Work:		$ 1,200.82		

BID ITEM UNIT COST FOR MISC. WORK:

MISC. WORK					
ITEM NO.	**DESCRIPTION**	**UNIT OF MEASURE**	**EVALUATION QUANTITY**		
			4-inch Discharge Pump	**6-inch Discharge Pump**	**8-inch Discharge Pump**
29	Bypass Pumping	Per pump Per day	$ 477.25	$ 615.25	$ 730.25
			12-inch Discharge Pump	**16-inch Discharge Pump**	**24-inch Discharge Pump**
			$ 1,012.–	$ 1,012.–	$ 1,012.–
Total for Misc. Work:			$ 4,858.75		

TOTAL OF ALL CONTRACT UNIT PRICES (BID PRICE):	$ 10,953.72

Note:

1. No adjustment in the Contract Unit Prices will be allowed except as noted below **. The cost of all labor, ~~material,~~ export of material, and other costs shall be included in the above Contract Unit Prices; no additional compensation will be granted for such expenses.

2. The ranges of quantities listed in the Bid Sheet are supplied only to give an indication of the general scope of work.

~~3. Items may be adjusted or deleted. Any changes to the quantities for these items shall not classify as a substantial change as stipulated in Greenbook Section 7.3.5.2 and 7.3.5.3. Regardless of total actual volume compared to estimated quantities, the unit prices provided above shall be applied to the final quantity when payment is calculated for these items. No adjustment in the unit prices will be allowed. The City reserves the right to not use any of the estimated quantities, and if this right is exercised, the Contractor will not be entitled to any additional compensation. The cost of all labor, materials, export of material shall be included in the above unit costs; no additional compensation will be granted for such expenses.~~

BID PRICE IN DIGITS: $ 10,953.72

BID PRICE IN WORDS: ten thousand nine hundred fifty-three dollars & seventy-two cents

The City does not promise or guarantee that Contractor's services will be called upon at any time or at all.

**A price increase for the Contract Unit Prices quoted in the Bid Sheets shall be increased by three percent (3%) each year to account for inflation costs. The effective date of the first increase will be November 1, 2023 and shall subsequently increase by three percent (3%) over the previous year's increase on November 1, 2024, November 1, 2025, November 1, 2026 and November 1, 2027. **

Bidder acknowledges receipt of all addenda

Addendum:	Date Received:	Addendum:	Date Received:
#01	08/09/2022	#03	
#02	08/09/2022	#04	

Bidder's Name (Company): Toro Enterprises, Inc.

Signature: [signature] Title: PRESIDENT

Print: SEAN CASTILLO Date: 8/12/22

Signature: [signature] Title: SECRETARY

Print: JERRY HANNIGAN Date: 8/12/22

REVISED B6

QUESTIONNAIRE FORM

Fill out all of the following information. Attach additional sheets if necessary. **Do not leave any question blank. If the question does not apply, write "N/A."**

(1) Bidder's Name: TORO ENTERPRISES,INC.

(2) If the Bidder's name is a fictitious name, what is the full name of the registered owner?

N/A

* If you are doing business under a fictitious name, provide a copy of the filed valid Fictitious Business Name Statement with your submitted Bid.

(3) Business Address: 2101 E VENTURA BLVD,OXNARD,CA 93036

Phone 1: 805-483-4515 Phone 2: N/A

Email: ESTIMATING@TOROENTERPRISES.COM

(4) Type of Firm (Partnership, LLC, Corporation, S-Corp, etc.): CORPORATION

Organized under the laws of the State of: CALIFORNIA

(5) California State Contractor's License Number and Class: 710580;A,C-31

Original Date Issued: 8/1/95 Expiration Date: 8/31/23

(6) DIR Contractor Registration Number: 1000002410

(7) Does the Bidder have a minimum of three (3) consecutive years of current experience in the type of Work related to the Project, and is this experience in actual operation of the Bidder with permanent employees performing a part of the Work as distinct from a firm operating entirely by subcontracting all phases of the Work? Circle one: YES ~~NO~~ SC

(8) List the names, titles, addresses and phone numbers of all individuals, members, partners, joint venturers and company officers having a principal interest in this Bid:

SEAN CASTILLO,PRESIDENT;2101 E VENTURA BLVD,OXNARD,CA 93036 805-483-4515

JERRY HANNIGAN,SECRETARY;2101 E VENTURA BLVD,OXNARD,CA 93036;805-483-4515

TRENT ROYLE,VP OPERATIONS;2101 E VENTURA BLVD,OXNARD,CA 93036;805-483-4515

(9) List all current and prior aliases, and provide all filed fictitious business names ("doing business as"), for any principal having interest in this Bid:

N/A

(10) List the dates of any voluntary and involuntary bankruptcy judgments against any principal having an interest in this Bid:

N/A

(11) For all arbitrations, lawsuits, settlements and the like (in/out of court) that the Bidder or any principal with an interest in this Bid has been involved with in the past five (5) years:

a. List the names, addresses and phone numbers of the parties' contact persons:

N/A

b. Briefly summarize the parties' claims and defenses:

N/A

c. State the tribunal (e.g., Superior Court, American Arbitration Association, etc.), the matter number, and the outcome:

N/A

(12) If the Bidder or any principal having an interest in this Bid has ever had a contract terminated by the owner or agency, explain below:

N/A

(13) If the Bidder or any principal having an interest in this Bid ever failed to complete a project, explain below:

N/A

(14) If the Bidder or any principal having an interest in this Bid has ever been terminated for cause, even if it was converted to a "termination of convenience," explain below:

N/A

For the final questions, the word "you" and "your" shall refer to the Bidder and all individuals, members, partners, joint venturers and company officers having a principal interest in this Bid.

(15) For projects that the Bidder or any principal having an interest in this Bid has been involved with in the last five (5) years, did you have any claims or actions:

a. By you against the owner? Circle one: Yes **No**

b. By the owner against you? Circle one: Yes **No**

c. By any agency or individual for labor compliance? Circle one: Yes **No**

d. By Subcontractors? Circle one: Yes **No**

e. Are any such claims/actions unresolved/outstanding? Circle one: Yes **No**

If your answer is "yes" to any part or parts of this question, explain.

N/A

(16) List the last three (3) projects, if any, you have worked on or are currently working on for the City of Oxnard:

1. ON-CALL MECHANICAL FACILITY REPAIR
2. LA COLONIA GREEN ALLEY'S PROJECT
3. WEST CAST IRON REPLACEMENT & SD IMPROVEMENTS

Upon request of the City, the Bidder shall furnish evidence showing a notarized financial statement, financial data, construction experience or other additional information.

The Bidder certifies under penalty of perjury under the laws of the State of California that the information provided in this Questionnaire Form is true and correct.

Signature: _____ Title: PRESIDENT

Print: SEAN CASTILLO Date: 8/12/22

Signature: _____ Title: SECRETARY

Print: JERRY HANNIGAN Date: 8/12/22

This Questionnaire Form must be notarized below.

State of California)

County of VENTURA) ss

City of OXNARD)

On August 12th, 2022 before me, TYSON RISING, NOTARY PUBLIC

(insert name and title of the officer) personally appeared SEAN CASTILLO, PRESIDENT & JERRY HANNIGAN, SECRETARY,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature _____ (Seal)

NRO1 TYSON RISING COMM. #2388737 Notary Public - California Ventura County My Comm. Expires Dec. 31, 2025 NRO1

REFERENCES FORM

For all like work that the Bidder is currently working on or has worked on for public agencies in the past two (2) years, provide the information requested below. If all of this information does not fit on this page, attach another page listing all information for all other work. You may, but are not obligated to, attach a separate page to explain why a final contract amount differed from an original contract amount (e.g., change orders, extra work, or other circumstances) or if you or the agency filed any claims against each other and the substance and outcome of those claims.

Project 1 Description: CONVEYANCE MAIN PROJECT

Construction Dates From: 12/2021 To: TBD

Agency Name: CITY OF SANTA BARBARA

Project Manager: CARSON WOLLERT Telephone: 805-451-1074

Original Contract Amount: $ 13,620,686.00 Final Contract Amount: $ TBD

Did you file any claims against the Agency? Circle one: Yes **No**

Did the Agency file any claims against you? Circle one: Yes **No**

Project 2 Description: BRYCE CANYON NORTH/SOUTH AND FREEMONT NORTH NEIGHBORHOOD WATER CAST IRON PIPE REPLACEMENT PROJECT

Construction Dates From: 05/2020 To: 09/2020

Agency Name: CITY OF OXNARD

Project Manager: GIANNA POURARIEN Telephone: 805-385-8280

Original Contract Amount: $ 4,652,679.00 Final Contract Amount: $ 4,793,391.00

Did you file any claims against the Agency? Circle one: Yes **No**

Did the Agency file any claims against you? Circle one: Yes **No**

Project 3 Description: On-Call Mechanical Facility Repair, Maintenance, Replacement and Construction Services

Construction Dates From: 05/2019 To: 05/2022

Agency Name: CITY OF OXNARD

Project Manager: CHRIS PALMIERI Telephone: 805-654-7800

Original Contract Amount: $ $4,500,000.00 Final Contract Amount: $ $4,500,000.00

Did you file any claims against the Agency? Circle one: Yes **No**

Did the Agency file any claims against you? Circle one: Yes **No**

Project 4 Description: ON-CALL/AS NEEDED PIPELINE REPAIR AND PAVING/CONCRETE SERVICES

Construction Dates From: 09/2020 To: TBD

Agency Name: LAS VIRGENES MUNICIPAL WATER DISTRICT

Project Manager: OLIVER SLOSSER Telephone: 805-251-2143

Original Contract Amount: $ 800,000.00 Final Contract Amount: $ TBD

Did you file any claims against the Agency? Circle one: Yes **No**

Did the Agency file any claims against you? Circle one: Yes **No**

I hereby give my permission to the City of Oxnard and its officers, employees and agents to contact references of the Bidder and its officers, managers, members, general partners, limited partners and other owners (collectively, the "Owners") and to request information from other agencies in which the Bidder and/or its Owners have worked. This permission includes the City reviewing any criminal records of the Owners and obtaining public records regarding the Owners, such as records of arrests, indictments, convictions, civil judicial actions, tax liens, or outstanding judgments. I have authority to waive, and I do waive, any and all rights and claims the Bidder and its Owners, employees and agents may have against the City, its officers, employees and agents, as well as any agency providing feedback or the mentioned records, and those agencies' officers, employees and agents, regarding any actions taken pursuant to, related to or incidental to, the authorization given in this paragraph.

Bidder's Name: TORO ENTERPRISES,INC.

Signature: _____ Title: PRESIDENT

Print: SEAN CASTILLO, PRESIDENT Date: 8/12/22

Signature: _____ Title: SECRETARY

Print: JERRY HANNIGAN Date: 8/12/22

DESIGNATION OF SUBCONTRACTORS

List all Subcontractors who will likely perform Work or labor or render service to the Contractor in or about the construction of the Work or improvement, or a Subcontractor licensed by the State of California who, under subcontract to the Contractor, will likely specially fabricate and install a portion of the Work or improvement according to detailed drawings contained in the Plans, Specifications and Task Orders. If all Subcontractors do not fit on this page, photocopy it and attach that additional page or those additional pages listing all other Subcontractors. If there is any change in this list of Subcontractors, Contractor must provide a new list to Project Manager before any unlisted Subcontractor can perform any Work on any Task. If Contractor intends to use no Subcontractors, please write "N/A" in the first open box.

Name under which Subcontractor is Licensed and Registered	CSLB License Number(s) and Class(es)	DIR Contractor Registration Number	Address and Phone Number	Type of Work (e.g., Electrical)	Highest Possible Percentage of Work (e.g., 10%)*
T&T TRUCK & CRANE SERVICE	T100004	1000016362	PO BOX 1748 VENTURA, CA 93002 (805)648-3348	CRANE SERVICE	10%
Performance Pipeline Technologies Inc	825824	1000561121	5292 System Drive Huntington Beach, CA 92649 (714)536-7386	CLEANING & VIDEO	7%
COLEMAN-PACIFIC, INC.	548754	1000008074	735 W. Ventura Blvd Unit B Camarillo, CA 93010 (805)529-1844	ELECTRICAL	16%
TAFT ELECTRIC COMPANY	772245	1000000149	P O BOX 3416 VENTURA, CA 93006 (805)642-0121	TRAFFIC LOOPS	2%

Bidder's Name: TORO ENTERPRISES,INC.

Signature: _____ Title: PRESIDENT

Print: SEAN CASTILLO Date: 8/12/22

Signature: _____ Title: SECRETARY

Print: JERRY HANNIGAN Date: 8/12/22

* If Subcontractor X may perform 4% of one item on the Bid Sheets, 6% of another item and 9% of a third item, list only 9%. This percentage shall represent the "portion of the work" for the purposes of Public Contract Code Section 4104(b). Bidders are instructed to review General Provisions Section 3-2 "*SELF PERFORMANCE*" for the percentage of Contract Work required of the Contractor.

DESIGNATION OF SUBCONTRACTORS

List all Subcontractors who will likely perform Work or labor or render service to the Contractor in or about the construction of the Work or improvement, or a Subcontractor licensed by the State of California who, under subcontract to the Contractor, will likely specially fabricate and install a portion of the Work or improvement according to detailed drawings contained in the Plans, Specifications and Task Orders. If all Subcontractors do not fit on this page, photocopy it and attach that additional page or those additional pages listing all other Subcontractors. If there is any change in this list of Subcontractors, Contractor must provide a new list to Project Manager before any unlisted Subcontractor can perform any Work on any Task. If Contractor intends to use no Subcontractors, please write "N/A" in the first open box.

Name under which Subcontractor is Licensed and Registered	CSLB License Number(s) and Class(es)	DIR Contractor Registration Number	Address and Phone Number	Type of Work (e.g., Electrical)	Highest Possible Percentage of Work (e.g., 10%)*
LOREN BRUGGER WELDING	723583	1000041851	6825 BARCELONA WAY RIVERSIDE, CA 92504 (909)229-3877	WELDING	13%
PRECON PRODUCTS	246528	1000018644	P.O. BOX 940669 SIMI VALLEY, CA 93094 (805)527-0841	SEWER MANHOLES & Lining	2%
AQUA TECH SERVICES, INC	414466	1000062332	PO BOX 3171 VENTURA, CA 93006 (805)340-0374	CHLORINATION	10%
PENHALL COMPANY	568673	1000000860	1801 PENHALL WAY ANAHEIM, CA 92801 (714) 627-9510	SAWCUTTING	2%

Bidder's Name: TORO ENTERPRISES,INC.

Signature: _____ Title: PRESIDENT

Print: SEAN CASTILLO Date: 8/12/22

Signature: _____ Title: SECRETARY

Print: JERRY HANNIGAN Date: 8/12/22

* If Subcontractor X may perform 4% of one item on the Bid Sheets, 6% of another item and 9% of a third item, list only 9%. This percentage shall represent the "portion of the work" for the purposes of Public Contract Code Section 4104(b). Bidders are instructed to review General Provisions Section 3-2 "*SELF PERFORMANCE*" for the percentage of Contract Work required of the Contractor.

DESIGNATION OF SUBCONTRACTORS

List all Subcontractors who will likely perform Work or labor or render service to the Contractor in or about the construction of the Work or improvement, or a Subcontractor licensed by the State of California who, under subcontract to the Contractor, will likely specially fabricate and install a portion of the Work or improvement according to detailed drawings contained in the Plans, Specifications and Task Orders. If all Subcontractors do not fit on this page, photocopy it and attach that additional page or those additional pages listing all other Subcontractors. If there is any change in this list of Subcontractors, Contractor must provide a new list to Project Manager before any unlisted Subcontractor can perform any Work on any Task. If Contractor intends to use no Subcontractors, please write "N/A" in the first open box.

Name under which Subcontractor is Licensed and Registered	CSLB License Number(s) and Class(es)	DIR Contractor Registration Number	Address and Phone Number	Type of Work (e.g., Electrical)	Highest Possible Percentage of Work (e.g., 10%)*
GRIFFIN DEWATERING LLC	1008718	1000033023	5306 CLINTON DR HOUSTON, TX 77020 (713) 676-8000	DEWATERING	25%
PRECISION PLUMBING MECHANICAL	533836	1000004502	5350 GABBERT RD MOORPARK, CA 93021 (805) 529-4748	PLUMBING	12%
SUNBELT RENTALS INC	965213	1000014710	2341 DEERFIELD DRIVE FORT MILL, SC 29715 (803) 578-5462	SEWER BYPASS	28%
PATRIOT ENVIRONMENTAL SERVICES INC	809990	1000013962	P O BOX 1091 LONG BEACH, CA 90801 (562) 436-2614	PUMPING	20%

Bidder's Name: TORO ENTERPRISES,INC.

Signature: _____ Title: PRESIDENT

Print: SEAN CASTILLO Date: 8/12/22

Signature: _____ Title: SECRETARY

Print: JERRY HANNIGAN Date: 8/12/22

* If Subcontractor X may perform 4% of one item on the Bid Sheets, 6% of another item and 9% of a third item, list only 9%. This percentage shall represent the "portion of the work" for the purposes of Public Contract Code Section 4104(b). Bidders are instructed to review General Provisions Section 3-2 "*SELF PERFORMANCE*" for the percentage of Contract Work required of the Contractor.

INDUSTRIAL SAFETY RECORD FORM

This Industrial Safety Record Form must include all construction work undertaken in California by the undersigned and any partnership, joint venture corporation or s-corporation that any principal of the undersigned participated in as a principal or owner for the listed years. Separate information must be submitted for each such partnership, joint venture, or corporate or individual. The undersigned may attach any additional information or explanation of data that it would like to be taken into consideration in evaluating the Industrial Safety Record Form. An explanation of the circumstances surrounding any and all fatalities must be attached.

	2022 (so far)	2021	2020	2019	2018	2017	Total
Number of contracts	20	265	250	228	220	210	1,193
Total dollar amount of contracts (in thousands)	$7M	$137M	$125M	$114M	$98M	$88M	$569M
Number of fatalities	0	0	0	0	0	0	0
Number of lost workday cases	7	5	0	0	0	3	15
Number of lost workday cases involving permanent transfer to another job or termination of employment	7	10	8	5	5	12	47

The above information was compiled from the records that are available to me at this time, and I declare under penalty of perjury that the information is true and accurate within the limitations of those records.

Bidder's Name: TORO ENTERPRISES INC.

Signature: _____ Title: PRESIDENT
Print: SEAN CASTILLO, PRESIDENT Date: 8/12/22

Signature: _____ Title: SECRETARY
Print: JERRY HANNIGAN Date: 8/12/22

NONCOLLUSION DECLARATION
TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declare(s):

I/we am/are the PRESIDENT of TORO ENTERPRISES,INC., the party making the foregoing Bid.

The Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, LLC, corporation or s-corporation. The Bid is genuine and not collusive or sham. The Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham Bid. The Bidder has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham Bid, or to refrain from bidding. The Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Bid price of the Bidder or any other Bidder, or to fix any overhead, profit, or cost element of the Bid price, or of that of any other Bidder. All statements contained in the Bid are true. The Bidder has not, directly or indirectly, submitted its, Bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, s-corporation, LLC, partnership, company, association, organization, Bid depository, or to any member or agent thereof, or to any individual, to effectuate a collusive or sham Bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person(s) executing this declaration on behalf of the Bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 8/12/22 [date], at OXNARD [city], CALIFORNIA [state].

Bidder's Name: TORO ENTERPRISES,INC.

Signature: _____ Title: PRESIDENT

Print: SEAN CASTILLO, PRESIDENT Date: 8/12/22

Signature: _____ Title: SECRETARY

Print: JERRY HANNIGAN Date: 8/12/22

This Noncollusion Declaration must be notarized on the following page.

(Continuation of Noncollusion Declaration)

State of California)

County of VENTURA) ss

City of OXNARD)

On August 12th, 2022 before me,

TYSON RISING, NOTARY PUBLIC (insert name and title of the officer)

personally appeared SEAN CASTILLO, PRESIDENT & JERRY HANNIGAN, SECRETARY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature _____

(Seal)

NRO1 TYSON RISING COMM. #2388737 Notary Public - California Ventura County My Comm. Expires Dec. 31, 2025 NRO1

CITY OF OXNARD
WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT, SPECIFICATION NO. PW 22-125

IRAN CONTRACTING ACT CERTIFICATION

(TO BE EXECUTED AND SUBMITTED WITH ANY BID EXCEEDING $1,000,000)

Public Contract Code Sections 2202-2208

Pursuant to Public Contract Code 2204.(a) A public entity shall require a person that is submits a bid or proposal to,or otherwise proposes to enter into or renew a contract with, a public entity with respect to a contract for goods or services of one million dollars ($1,000,000) or more to certify, at the time the bid is submitted or the contract is renewed, that the person is not identified on a list created pursuant to subdivision (b) of Section 2203 as a person engaging in investment activities in Iran described in subdivision (a) of Section 2202.5 or as a person described in subdivision 9b) of Section 2202.5, as applicable.

To comply with this requirement, please insert your company/entity and Federal ID number (if available) and complete **one** of the options below. Please note, California law established penalties for providing false certifications, including civil penalties equal to the greater of $250,000 or twice the amount of the contract for which the false certification was made, contract termination and three-year ineligibility to bid on contract in accordance with Public Contract Code section 2205.

OPTION No.1 – CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the company/entity identified below, and the company/entity identified below is not on the current list of persons engaged in investment activities in Iran created by DGS and is not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person or entity, for 45 days or more, if that other person or company/entity will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS in accordance with subdivision (b) of Public Contract Code 2203.

Company Name/Financial Institution (printed): TORO ENTERPRISES,INC.

Federal ID Number (or n/a): 77-0396663

By (Authorized Signature):

Printed Name & Title of Person Signing: SEAN CASTILLO,PRESIDENT

Date Executed 8/12/22

Executed in the County of VENTURA in the State of CALIFORNIA

OPTION No.2 – EXEMPTION

Pursuant to Public Contract Code sections 2203(c) and (d), a public entity may permit a vendor/financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit a proposal for, or enters into or renews, a contract for goods and services

If you have obtained an exemption from the certification requirement under the Iran Contracting Act, please fill out the information below and attach documentation demonstrating the exemption approval.

Company Name/Financial Institution (printed): N/A

Federal ID Number (or n/a): N/A

By (Authorized Signature): N/A

Printed Name & Title of Person Signing: N/A

Date Executed N/A

Executed in the County of _____ in the State of _____

SMALL LOCAL BUSINESS PURCHASING PREFERENCE REQUEST

The City offers a bidding preference for small local businesses. A small local business is defined as a business entity that meets all of the following criteria:

1. Has for at least 36 months immediately preceding submittal of its Bid held a current City business license;
2. Has maintained within the City of Oxnard's boundaries its principal business office, which is defined as the place where the principal officers or owners generally transact business, to which reports are made and from which orders and payments are made, and the place which the business represents to government authorities as its principal office or principal place of business;
3. Has average annual gross receipts of $20 million or less over the 36 months immediately preceding submittal of its bid; and
4. Employs fewer than 100 employees.

Additionally, a small local business must certify one of the following:

5. At least 50 percent of its employees are Oxnard residents and have been Oxnard residents for at least 90 days prior to submission of the bid; or
6. For a Bidder who intends to hire employees and/or obtain Subcontractors for the Project, the Bidder submits with its Bid a certification confirming it has verified its own proposed employee base for performance of the Contract and confirmed with all Subcontractors providing bids used to formulate the Contractor's Bid that at least 50 percent of the labor hours devoted to performance of the Contract will be provided by residents of the City of Oxnard.

Please note that under City Code Section 4-71, you may be subject to audit and may be required to provide proof of compliance with the requirements of the Section. You will be subject to penalties for falsely claiming to be a Small Local Business under the Section. More information is available at City Code Section 4-71.

If you wish to certify as a small local business, please submit the certification on the next page with the rest of your Bid.

SMALL LOCAL BUSINESS PURCHASING PREFERENCE:
BIDDER'S CERTIFICATION

Please refer to Oxnard City Code Section 4-71 to verify that your company is eligible for this Small Local Business Purchasing Preference Program.

The undersigned hereby certifies under penalty of perjury that:

- ☐ At least 50 percent of the Bidder's employees are Oxnard residents and have been Oxnard residents for at least 90 days prior to submission of the bid; or

- ☐ For a Bidder who intends to hire employees and/or obtain Subcontractors for the Project, the Bidder has verified its own proposed employee base for performance of the Contract and confirmed with all Subcontractors providing bids used to formulate the Bid that at least 50 percent of the labor hours devoted to performance of the Contract will be provided by residents of the City of Oxnard.

Any person(s) executing this certification on behalf of the Bidder hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on N/A [date], at N/A [city], N/A [state].

Bidder's Name: N/A

Signature: N/A Title: _____

Print: _____ Date: _____

Signature: N/A Title: _____

Print: _____ Date: _____

*If the Bidder is not requesting a Small Local Business Purchasing Preference, this form is not required to be completed and submitted with Bid.

Please note: The Small Local Business Purchasing Preference is not applicable for projects funded by grants or programs outside the City's General Fund, such as federal or State grants.

GENERAL ENGINEERING
CONTRACTORS

Certificate of Corporate Authority

I hereby certify that Toro Enterprises, Inc. is a duly organized and existing California corporation, which has the power to take the action called for by the following resolution.

I further certify that Sean Castillo is President, Jerry Hannigan is Secretary and Trent Royle is Vice President of Operations and all have the authority individually to execute bid bonds, bid submittals, contract documents and change orders on behalf of the corporation as stated in the minutes of the Board of Directors' Meeting of Toro Enterprises, Inc. held July 15, 2016.

In witness whereof, I have affixed by hand and seal of said corporation this 15th day of July 2016.

Jerry Hannigan
Secretary

JH/rc

Equal Opportunity Employer
PO BOX 6285, OXNARD, CA 93031
PHONE: (805) 483-4515 FAX: (805) 483-3635

Public Works Department
305 West Third Street, East Wing, Third Floor
Oxnard, California 93030
Tel 805.385.8280

CITY OF OXNARD CALIFORNIA

August 9, 2022

ADDENDUM NO. 1

Project Name: Water And Wastewater On-Call Construction And Repair Services Project
Specification No.: PW 22-125

BID DUE DATE: 2:00 pm on August 12, 2022

TO ALL BIDDERS:

Acknowledge receipt of this Addendum by enclosing one signed copy with your bid documents. (Note: Bidders are not required to include all addenda attachments with the signed copy.) Failure to do so may subject the bidder to disqualification. This Addendum forms a part of the Contract Documents as follows:

A. **Revisions to Bid Sheets.** Bidders are instructed to replace page B6 provided with the Contract Documents with the attached Revised B6. It is not necessary for Bidders to include the attachment with the executed Addendum 1.

B. **Revisions to Contract Template.** Bidders are instructed to replace page C1 provided with the Contract Documents with the attached Revised C1. It is not necessary for Bidders to include the attachment with the executed Addendum 1.

C. **Revisions to Special Provisions.** Bidders are instructed to replace page SP2 provided with the Contract Documents with the attached Revised SP2 and SP3. It is not necessary for Bidders to include the attachment with the executed Addendum 1.

Addendum No. 1 Received:

TORO ENTERPRISES, INC.
Contractor's Name

Authorized Signature

SEAN CASTILLO, PRESIDENT
Printed Name & Title

Date: 8/10/22

2101 E VENTURA BLVD
Address

OXNARD, CA 93036
City, State, Zip Code

805-483-4515
Telephone number, including area code

Public Works Department
305 West Third Street, East Wing, Third Floor
Oxnard, California 93030
Tel 805.385.8280

CITY OF OXNARD CALIFORNIA

August 9, 2022

ADDENDUM NO. 2

Project Name: Water And Wastewater On-Call Construction And Repair Services Project
Specification No.: PW 22-125

BID DUE DATE: 2:00 pm on August 12, 2022

TO ALL BIDDERS:

Acknowledge receipt of this Addendum by enclosing one signed copy with your bid documents. (Note: Bidders are not required to include all addenda attachments with the signed copy.) Failure to do so may subject the bidder to disqualification. This Addendum forms a part of the Contract Documents as follows:

A. Revisions to Contract Document Exhibit INS-G. Bidders are instructed to replace Exhibit INS-G page C 4 in the Contract Documents with the attached page "Revised C 4". **The insurance requirements are revised to reflect that if coverage under the Contractors policy is not project specific, it must have a per claim and aggregate total of no less than $5,000,000 with subcontractors maintaining coverage in an amount not less than $1,000,000.** It is not necessary for Bidders to include the attachment with the executed Addendum 2.

B. RFI Question / Response:

1. **Question**: In response to Addendum #1 three percent (3%) increase language: The unions do their pay increases every July 1st, so can you change the date from November 1st to July 1st?
   Response: Per Addendum #1, the 3% cost increase is to account for inflation cost, It has no bearing on Union dates. The date of November 1st correlates to the City's anticipated contract date.

Addendum No. 2 Received:

Date: 8/10/22

TORO ENTERPRISES, INC.
Contractor's Name

2101 E VENTURA BLVD
Address

Authorized Signature

OXNARD, CA 93036
City, State, Zip Code

SEAN CASTILLO, PRESIDENT
Printed Name & Title

805-483-4515
Telephone number, including area code

Bond No. N/A

BID BOND

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), has issued an invitation for bids for the Work described as the WATER AND WASTEWATER ON-CALL CONSTRUCTION AND REPAIR SERVICES PROJECT, Specification No. PW 22-125.

WHEREAS TORO ENTERPRISES, INC., 2101 E VENTURA BLVD. OXNARD, CA 93036
(Name and address of Bidder)

("Principal"), desires to submit a Bid to Agency for the Work.

WHEREAS, Bidders are required to furnish a form of Bidder's security with their Bids.

NOW, THEREFORE, we, the undersigned Principal, and

Travelers Casualty and Surety Company of America, ONE TOWER SQUARE, HARTFORD, CT 06183
(Name and address of Surety)

a corporation organized and existing under the laws of the State of Connecticut ("Surety"), a duly admitted surety insurer under the laws of the State of California, as Surety, are held and firmly bound unto the Agency in the penal sum of

Ten Percent of the Total Bid Price

Dollars ($ 10% of the Total Bid Price), being not less than ten percent (10%) of the total Bid price, in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, assigns, executors, administrators, successors, and administrators, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal is awarded the Contract for the Work by the Agency and, within the time and in the manner required by the Contract Documents, enters into the written form of Contract, furnishes the required Payment and Performance Bonds (and a photocopy of each Bond), furnishes a copy of the Bidder's City business license, and furnishes the required insurance coverage, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

In case suit is brought upon this instrument, Surety further shall pay all court costs incurred by the Agency in the suit and reasonable attorneys' fees in an amount fixed by the court. Surety hereby waives Civil Code Section 2845.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: August 9, 2022

"Principal"

TORO ENTERPRISES, INC.

By: _____

Its: Sean Castillo, President

By: _____

Its: Jerry Hannigan, Secretary

(Seal)

"Surety"

Travelers Casualty and Surety Company of America

By: _____

Its: Ethan Spector, Attorney-in-Fact

By: N/A

Its: N/A

(Seal)

Note: This Bond must be executed in duplicate and dated, all signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE§ 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California,

County of Ventura,

On August 12th, 2022 before me, Tyson Rising, Notary Public

Date *Here Insert Name and Title of the Officer*

personally appeared Sean Castillo & Jerry Hannigan

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

NRO1 TYSON RISING COMM. #2388737 Notary Public - California Ventura County My Comm. Expires Dec. 31, 2025 NRO1

Signature

Signature of Notary Public

Place Notary Seal Above

----------OPTIONAL----------

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: CITY OF OXNARD - SPEC NO. PW 22-125 - BID BOND Date: 08/09/2022

Number of Pages: 1 Signer (s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name Sean Castillo

☐ Corporate Officer — Title(s): President

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other:

Signer Is Representing: Toro Enterprises, Inc.

Signer's Name: Jerry Hannigan

☒ Corporate Officer — Title(s): Secretary

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other:

Signer Is Representing: Toro Enterprises, Inc.

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On AUG 09 2022 before me, D. Garcia, Notary Public, personally appeared Ethan Spector who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledgment to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

NRO1 D. GARCIA COMM. #2354770 Notary Public · California Los Angeles County My Comm. Expires Apr. 18, 2025 NRO1

Signature D. Garcia

D. Garcia, Notary Public

TRAVELERS	Travelers Casualty and Surety Company of America Travelers Casualty and Surety Company St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Ethan Spector** of **LOS ANGELES**, **California**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April, 2021.**

State of Connecticut

City of Hartford ss.

By: _____
Robert L. Raney, Senior Vice President

On this the **21st** day of **April, 2021**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June, 2026**

_____
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this day of **AUG 09 2022**

_____
Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

No. 6516

STATE OF CALIFORNIA

DEPARTMENT OF INSURANCE

SAN FRANCISCO

Amended

Certificate of Authority

THIS IS TO CERTIFY *that, pursuant to the Insurance Code of the State of California,*

Travelers Casualty and Surety Company of America

of Hartford, Connecticut, organized under the laws of Connecticut, subject to its Articles of Incorporation or other fundamental organizational documents, is hereby authorized to transact within this State, subject to all provisions of this Certificate, the following classes of insurance:

Fire, Marine, Surety, Disability, Plate Glass, Liability, Workers' Compensation, Common Carrier Liability, Boiler and Machinery, Burglary, Credit, Sprinkler, Team and Vehicle, Automobile, Aircraft and Miscellaneous

as such classes are now or may hereafter be defined in the Insurance Laws of the State of California.

THIS CERTIFICATE *is expressly conditioned upon the holder hereof now and hereafter being in full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made under authority of the laws of the State of California as long as such laws or requirements are in effect and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.*

IN WITNESS WHEREOF, *effective as of the 1st day of July, 1997, I have hereunto set my hand and caused my official seal to be affixed this 16th day of June, 1997.*

Fee: $ 92.00
Rec. No.
Filed: 5/28/97

Chuck Quackenbush
Insurance Commissioner

By Victoria S. Sidbury
Deputy

Certification

I, the undersigned Insurance Commissioner of the State of California, do hereby certify that I have compared the above copy of Certificate of Authority with the duplicate of original now on file in my office, and that the same is a full, true, and correct transcript thereof and of the whole of said duplicate, and said Certificate of Authority is now in full force and effect.

IN WITNESS WHEREOF, *I have set my hand and caused my official seal to be affixed this 29th day of September, 2020.*

Ricardo Lara
Insurance Commissioner

By Magnolia Gutierrez

EXHIBIT B

SPECIAL PROVISIONS

1000 SCOPE OF WORK

The Contractor or their sub-contractor(s) shall furnish all necessary labor, materials, equipment, supervision, and other incidental and appurtenant Work to provide on-call construction and repair services for the Public Works Department Water and Wastewater Divisions.

Work shall include repair, maintenance, replacement, and/or restoration of exposed and underground water; wastewater; recycled water; stormwater pipes; tanks; vessels; valves; hydrants; meters; chemical containment areas; manholes; sensors; controls; cathodic protection; filters; pumps; lift stations; treatment plant facilities; process equipment piping; and other related appurtenances.

1000-1 STANDARDS

All Work shall be completed to design and construction standards identified in the General Provisions and as outlined in the Task Orders. Standards may include but are not limited to: the City Standard Plates, Wastewater Division Standards, Manual on Uniform Traffic Control Devices (MUTCD), and the Caltrans traffic control regulations.

1000-2 RESPONSE TIME

Contractor shall respond to all requests as required, 24 hours per day, 365 days per year, including holidays. Response time by Contractor shall be as stated below:

1. **Non-Scheduled Urgent Work:**

   Contractor shall verbally respond within thirty (30) minutes of telephone notification by the City. Contractor shall be on site within one (1) hour of the notification and begin Work immediately. Urgent repairs are those where the public interest and necessity demand the immediate expenditure of public funds to avoid harm to, or safeguard life, employee health, public health, or property.

2. **Scheduled Work:**

   Contractor shall verbally respond within twenty-four (24) hours of telephone notification by the City. The scope of Work, schedule, and fee shall be mutually agreed upon by the City and Contractor before work begins. Work under this category shall be planned and scheduled Monday through Friday between the hours of 8:00 am and 5:00 pm unless otherwise agreed to by the City.

1000-3 WORK DONE IN THE RIGHT-OF-WAY

All work performed in the right-of-way shall comply with the applicable City Standards including obtaining Encroachment Permits which shall be specified in the approved Task Order. Work done in the right-of-way shall be inspected and approved by the Public Works Engineering Division.

1000-4 WORK DONE AT WATER OR WASTEWATER FACILITIES

All work performed at Water and Wastewater Facilities that are not in the right-of-way shall meet minimum standards identified in the Task Order. Work done at the Water or Wastewater Facilities shall be managed, inspected, and approved by the Water or Wastewater Division staff.

1000-5 PAYMENT AND INVOICING

Invoice shall include a cover letter with a summary of the work performed, detailed backup of all labor, receipts from all sub-contractors, equipment rentals, and materials. The City will not pay for an invoice over the amount specified in the Task Order unless a Task Order amendment is executed.

Labor, equipment, and bypass pumping shall be invoiced per the prices listed on the bid items. Items not listed on the bid items shall be identified in the Task Order and billed per the price in the Task Order.

1000-6 TASK ORDER PROCESS

Each project will be assigned a Task Order. Scheduled Work will be pre-approved by a Task Order issued by the Water or Wastewater Division prior to starting Work. Work can begin only after a fully executed Task Order is issued to the Contractor. Unscheduled Work will have a Task Order issued as soon as the scope and fees are made available. The scope and fees shall be provided by the Contractor as soon as possible following the start of urgent Work.

Task Orders shall include all estimated labor, equipment, materials, and taxes needed to complete the scope of work. The Task Order shall include all materials, labor, and taxes; if it does not, the Contractor shall clarify any missing information before commencing Work. Material and equipment rental shall be reimbursed at cost (Contractor must include receipt of purchase with the invoice submitted to the City) plus ten percent (10%) for material/equipment handling and Contractor will be required to itemize the supplies cost within the Task Order. Any equipment required to complete the Task Order that is not listed on the Bid Sheets and is owned by the Contractor, shall be paid at the rate listed in the State of California, State Transportation Agency, Department of Transportation, Division of Construction “Equipment Rental Rates and Labor Surcharge” latest edition as of the date the Task Order is issued. This publication is only for establishing equipment costs and shall not be used for any adjustments to Labor Rates related to this Project. Website link to the aforementioned document is provided for your convenience:

https://dot.ca.gov/programs/construction/equipment-rental-rates-and-labor-surcharge

A separate invoice is required for each Task Order issued pursuant to the Contract. Contractor is required to itemize the number of hours it will take for completion of a Task Order. Contractor shall request a Task Order amendment if expenses surpass the original Task Order fee. Upon mutual agreement between City and Contractor, City shall issue a Task Order amendment for the increased cost. Contractor shall only invoice for time spent at the location of service. The City shall not pay for time spent on route or traveling to acquire parts or supplies unless pre-approved by the Project Manager and included in the Task Order.

For scheduled work, Contractor shall meet with the Water or Wastewater Division to review and understand the project scope prior to submitting a project proposal. The Division will identify any relevant standards and materials necessary to complete the Task Order.

For unscheduled work, Contractor shall meet with the Water or Wastewater Division within seventy-two (72) hours of starting Work to confirm the scope. Contractor shall provide a project fee within seventy-two (72) hours after scope confirmation.

1000-7 ADJUSTMENT TO CONTRACT UNIT PRICES.

A price increase for the Contract Unit Prices quoted in the Bid Sheets shall be increased by three percent (3%) each year to account for inflation costs. The effective date of the first increase will be November 1, 2023 and shall subsequently increase by three percent (3%) over the previous year's increase on November 1, 2024, November 1, 2025, November 1, 2026 and November 1, 2027.

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.5

DATE: October 4, 2022

TO: City Council

FROM: Betsy George, Chief Financial Officer, (805) 200-5400, betsy.george@oxnard.org

SUBJECT: Resolution Declaring the Intent of the City to be Reimbursed for Certain Capital Expenditures from the Proceeds of Indebtedness.

RECOMMENDATION

That the City Council adopt a resolution declaring the intent of the City to be reimbursed for certain capital expenditures for the acquisition and equipping of fire vehicles from the proceeds of indebtedness.

(Finance and Governance Committee approved 3-0.)

BACKGROUND

City Council ratified the purchase of eight fire battalion chief command vehicle chassis from National Auto Fleet at the January 4, 2022, meeting. Subsequently, staff purchased the eight chassis and they were delivered to the city. City staff made full payment for the eight chassis to National Auto Fleet in late August.

City staff plan to utilize the outstanding Master Equipment Lease Purchase Agreement ("Master Lease") with Banc of America to reimburse the City for the cost of the eight chassis. In order for the reimbursement from the proceeds of a tax exempt financing to be compliant with the requirements of IRS, the City is required to adopt a resolution declaring its intention to reimburse the City out of tax-exempt financing proceeds. This must be adopted within 60 days of when the payments for purchases are made. Adopting this resolution preserves the option for the City to be reimbursed from draws on the line of credit for the amounts already paid for the vehicles.

In addition to reimbursing the City for the cost of purchasing eight chassis, City staff also planned to use the Master Lease to reimburse the City for the cost of outfitting those eight chassis to bring them into operating condition. The eight chassis were received in July 2022 and payment was made to the vendor, National Auto Fleet, on August 26, 2022. The initial vendor identified for the uplifting raised its price considerably. Therefore, the request for Council to authorize the purchasing of the uplifting was pulled from the September 7th Council meeting. Staff is obtaining bids from alternative vendors and expects to bring the uplifting agreement to Committee in October 2022.

City staff are also planning to request the Council to authorize the use of the Master Lease to reimburse the City for the cost of purchasing additional fire vehicles (two fire engines, one ladder truck). The total expected financing amount for the reimbursement for all these purchases is about $6.5 million (subject to change based on vendor quotes).

While adopting the reimbursement resolution demonstrates the City's intent to borrow funds, it does not obligate the City to borrow the funds. Staff will bring agenda items to the Committee and Council at later dates related to the approval of any financing.

STRATEGIC PRIORITIES

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

This reimbursement resolution is not expected to have any direct financial impact on the City. The decision to enter into a financing for the purchase of the fire vehicles will be made on a separate date.

COMMITTEE OUTCOME

The Finance and Governance Committee approved 3-0 on July 26, 2022, to approve the staff recommendation and to forward the item for Council approval.

Prepared by: NHA Advisors

ATTACHMENTS

1. Oxnard Reimbursement Resolution (Fire Vehicles and Equipment)

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DECLARING THE INTENT OF THE CITY TO BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES FROM THE PROCEEDS OF INDEBTEDNESS

WHEREAS, the City of Oxnard (the "City") intends to acquire and equip emergency fire equipment and vehicles to be used to perform its essential governmental functions (the "Project"); and

WHEREAS, the City will pay certain Capital Expenditures in connection with the Project (the "Expenditures") prior to the issuance of one or more series of tax-exempt obligations in the expected approximate principal amount of $6.5 million (the "Indebtedness") for the purpose of financing costs associated with the Project; and

WHEREAS, the City reasonably expects that certain of the proceeds of the Indebtedness will be used to reimburse the City for the Expenditures; and

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the City to declare its reasonable official intent to be reimbursed for prior Capital Expenditures made for the Project with proceeds of a subsequent borrowing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD AS FOLLOWS:

1. The City finds and determines that the foregoing recitals are true and correct.

2. This declaration is made solely for purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations, and does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.

3. The City declares its official intent to use proceeds of the Indebtedness to reimburse itself for Expenditures made on or after the date which is no more than 60 days prior to the date of adoption of this Resolution.

4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Indebtedness to reimburse itself for an Expenditure, no later than eighteen (18) months after the later of the date on which the expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

5. The City recognizes that exceptions are also available under the Treasury Regulations for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

6. This Resolution shall take effect upon its adoption by this City Council.

PASSED AND ADOPTED THIS 4TH DAY OF OCTOBER 2022 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza
Mayor

ATTEST:

Rose Chaparro
City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer
City Attorney

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. K.1

DATE: October 4, 2022

TO: Council

FROM: Ashley Golden, Assistant City Manager, (805) 385-7478, ashley.golden@oxnard.org

SUBJECT: Approval of Amended 2021-2029 6th Cycle Housing Element. (0/15/20)

RECOMMENDATION

That the City Council:

1. Conduct a public hearing;
2. Adopt a resolution approving the Amended 2021-2029 6th Cycle Housing Element as Chapter 8 within the 2030 General Plan; and
3. Direct City Staff to finalize the Amended 2021-2029 6th Cycle Housing Element into the 2030 General Plan as Chapter 8 of Goals and Policies document and forward the Amended 2021-2029 Housing Element to the State of California Department of Housing and Community Development (HCD) for certification.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/86NPsCh52Go

BACKGROUND

EXECUTIVE SUMMARY

The City Council is being asked to approve the Amended 2021-2029 6th Cycle Housing Element (Attachment 1, see https://www.oxnard.org/housing-element-update/).

On October 5, 2021, the City Council approved the City of Oxnard 2021-2029 6th Cycle Final Housing Element ("Housing Element") (Resolution No. 15,490) and associated housing related ordinances. The Housing Element was submitted to HCD for approval/certification.

On January 10, 2022, the City received a findings letter from HCD on our Housing Element. Since that time, staff has worked with HCD to address their comments.

Many of HCD's requests were for non-substantial changes, such as more information on existing City programs and updated information on project entitlements. HCD also requested substantial changes to the City Council adopted Housing Element including: 1.) identifying clear metrics and identification of fiscal year (FY) timing within specific programs to comply with state and federal law; 2.) reduction in the number of projected accessory dwelling units (ADUs) from 490 ADUs to 320 ADUs; and 3.) creation of a new program to conduct a Targeted Windshield Housing Conditions Survey to help to inform the City on where rehabilitation efforts should be focused. Staff made these recommended edits and prepared an Amended Housing Element. The Amended Housing Element under consideration by the City Council

addresses all of HCD's comments and will enable the City to secure HCD's formal certification of the City's Housing Element.

BACKGROUND

The Council's October 2021 approval of the Housing Element, as well as General Plan and Zoning Map Amendments to change land use designations to be consistent with the Housing Element (Resolution 15,491) and five (5) zoning ordinances to facilitate construction of housing units as stipulated in the Housing Element enabled the City to comply with the State's Housing Element approval deadlines and requirements.

On January 10, 2022, HCD completed their review and sent a findings letter to the City (Exhibit 1, Attachment 2). The State found that the City's Housing Element addressed most of the statutory requirements but required additional revisions to fully comply with State Housing Element Law. Based upon HCD's letter and follow-up meetings with HCD staff, City staff prepared a Conceptual Amended Housing Element and submitted it to HCD on May 12, 2022 (hard copy May 13th) for review and comment. In compliance with State law, the Conceptual Amended Housing Element was also posted on the City's website and interested parties were notified.

Based on follow-up input from HCD staff, additional revisions to the Conceptual Amended Housing Element were submitted to HCD on July 7, 2022. The proposed revisions were also posted on the City's website and interested parties were notified.

On July 11, 2022, HCD completed their review of the Conceptual Amended Housing Element submitted on May 12, 2022, as revised on July 7, 2022, and issued a Conditional Certification letter (Exhibit 2, Attachment 2) for the Amended Housing Element. According to HCD's letter, the Housing Element will comply when it is adopted, submitted to and approved by HCD.

On July 27, 2022, in compliance with State law the City posted the Amended Housing Element A comprehensive list of all recommended changes to the Housing Element (October 2021 adopted), as endorsed by HCD staff, is provided in Attachment 8 to the Planning Commission staff report (Attachment 3).

On September 15, 2022 (report dated August 18, 2022 due to required meeting continuance to September 15), the Planning Commission unanimously adopted a resolution recommending City Council approval of the Amended Housing Element. The Commission expressed support for the Amended Housing Element communicating the importance of the document and asked clarifying questions regarding various program revisions. Ms. Barbara Macri-Ortiz attended and expressed support for the Amended Housing Element. A member of the public asked questions regarding water and sewer availability and the ability to provide infrastructure to the proposed housing units. Staff responded that the City's infrastructure capacity could support the proposed housing units.

DISCUSSION

The January 10, 2022 letter from HCD required a number of changes to the City Council adopted Housing Element. The majority of these requests were for non-substantial changes, such as more information on existing City programs and current information on project entitlements, building permits and code compliance data.

The Amended Housing Element was revised in the following categories:

- Revisions to comply with State and Federal law;
- Reduction in the number of ADUs utilized to fulfill the City's lower and moderate income housing requirement;
- New Targeted Windshield Housing Conditions Survey;
- Community engagement; and
- Changes necessary to reflect Council actions since October 2021.

The Planning Commission staff report focuses only on the substantial changes and provides an analysis of these recommended substantial changes (Attachment 3). Staff is highlighting a few items which City Council may be specifically interested in (more in depth analysis contained within the Planning Commission staff report):

Revisions to comply with State and Federal Laws

- Affirmatively Furthering Fair Housing (AFFH) - Several programs were updated to identify goals and actions that seek to overcome contributing factors to fair housing issues, including metrics and milestones to address choice and affordability in high opportunity areas, place-based strategies to preserve and revitalize, and address displacement risk.
- Emergency Shelters - Program 6 (Zoning Code Amendment) was revised to reflect that the development standards for emergency shelters will be updated to allow development standards specific to the underlying zone and those standards listed in California Government Code for emergency shelters.
- Persons with Disabilities - Programs 6 (Zoning Code Amendments) and 21 (Reasonable Accommodation) was revised to reflect that the findings for Reasonable Accommodation will only include objective considerations, consistent with State law. Parking requirements for persons with disabilities (assisted living, nursing home, etc.) will be moved from health services to the residential parking section of the code, and the types of residential care will be updated to reflect changes in the industry.
- Single Room Occupancy (SRO) - Programs 6 (Zoning Code Amendments) and 22 (Special Needs Groups) - in compliance with State law, these requirements were revised to allow SROs in at least one zone district, rather than 'study the allowance.' Note that the policy decision on which zone will accommodate SROs will be reviewed by the City Council and implemented in FY 2022-2023.

Reduction in the Number of ADUs

The Amended Housing Element reduced the number of ADUs utilized for lower income housing; the number of ADU's was reduced from 490 ADUs to 320 ADUs based on building permit history. The projected ADUs reflected in the Housing Element can be reduced to 320 units without impacting the number of lower income units identified to meet the City's RHNA in all income categories. This is because the City provided a 15% buffer within the site inventory to account for loss of sites and other potential reductions to inventory.

New Targeted Windshield Housing Conditions Survey

HCD requested that the City add a Targeted Windshield Housing Conditions Survey/New Program (added to Program 1) to help to inform the City on where rehabilitation efforts should be focused. The survey will be conducted by visually assessing exterior of homes such as roofing, windows, and siding conditions and categorizing units as sound, in need of minor repair, moderate repair, substantial rehabilitation or dilapidated. Based upon the survey findings, in FY 2025-2026 the City will identify specific needs and tailor housing rehabilitation measures to fit those needs, such as encouraging housing preservation, conservation, acquisition rehabilitation, mitigation of potential costs, and minimizing displacement and relocation impacts on residents.

With these revisions, HCD has indicated in their July 2022 correspondence that the Amended Housing Element will be certified (Exhibit 2, Attachment 2).

Edits to Reflect Community Engagement and HCD Request for Information on Process

In the January 10, 2022 letter, HCD requested additional information on the policy and program changes incorporated into the Amended Housing Element as a result of community outreach and public participation during preparation of the Amended Housing Element. The Housing Element (October 2021) implemented many, if not all, of the public recommendations submitted to the City. A summary of this input and associated revisions to the document were forwarded to HCD on March 8, 2022 and were added to Supplement 3 of the Amended Housing Element.

The Conceptual Amended Housing Element that staff prepared to address HCD's letter was: 1) posted on the City's website for one week; 2) notification of the posting of this document was sent to interested parties; and 3) the Conceptual Amended Housing Element was submitted to HCD on May 12, 2022 (hard copy May 13th) for the state stipulated 60-day review. Following posting of the Conceptual Amended Housing Element in May 2022, staff received additional public input that resulted in minor revisions to the Housing Element. These include the following revisions.

- Figure B-12 Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS) map has been added to Chapter B. The Housing Element currently includes maps in Chapter B that identify disadvantaged areas in the City such as California Tax Credit Allocation Committee (TCAC) Opportunity Areas, Linguistic Isolation, and CalEnviroScreen 4.0. Ms. Macri-Ortiz identified, and staff concurs, the need for identification of R/ECAPS, which would be helpful for affordable housing developers to identify areas with greater need and associated availability of public funding.
- Ms. Macri-Ortiz identified, and staff concurs, the need for discussion on the City's recent Just Cause Eviction and Rent Stabilization ordinances. Further discussion on this addition is provided below under "Changes necessary to reflect Council actions since October 2021."

On August 1, 2022 from 3:00 pm to 5:00 pm, staff hosted community drop-in hours for the public to discuss any questions they had on the proposed Amended Housing Element. One member of the public attended and identified minor grammatical and word choice revisions to the Housing Element. These minor revisions are reflected in the Summary Matrix of Revisions to Housing Element that was included as Attachment 8 in the Planning Commission packet (Attachment 3). No additional discussion has been received from members of the public since the preparation of this staff report.

Changes Necessary to Reflect Council Actions since October 2021

On May 3, 2022, the City Council adopted a Just Cause Eviction ordinance (Ord. No. 3012) and a Rent Stabilization ordinance (Ord. No. 3013). These two ordinances became effective June 4, 2022 and were codified into the OCC. The Just Cause ordinance requires landlords to give tenants a reason for their eviction and includes a requirement that the owner provide tenant relocation assistance for no-fault evictions equal to 2 months of the tenant's rent or $5,000, whichever is greater. The Rent Stabilization ordinance restricts annual rent adjustments to not more than 4%. Both ordinances are more protective than California law. Descriptions of these two ordinances have been added to Section B.8 Fair Housing in the Housing Element and Program 19 AFFH. The program recognizes implementation of the adopted ordinances.

Project status since Council Approval of the Housing Element (October 2021)

City Council's approval of the Housing Element and adoption of several ordinances in October 2021 to accommodate the Housing Element have resulted in the following recent project entitlements for affordable housing:

- Lockwood 1, aka Lockwood Senior Apartments, at 2001 Outlet Center Drive was approved by the Oxnard Planning Commission on December 16, 2021. The project includes 173 senior apartments with kitchens for individuals who are 62 years of age or older and is 100% affordable (10% affordable to extremely low income, 10% affordable to very low income and 80% affordable to low income). The project is located within the Business Research Park - Affordable Housing Discretionary (BRP-AHD) zone.
- Lockwood 2 Senior Apartments, also located at 2001 Outlet Center Drive on a separate parcel in the BRP-AHD zone, includes 168-units for seniors (55+) and is also restricted to 100% affordable (22% affordable to very low income, 78% affordable to low income @ 60% AMI). The project was approved by the Planning Commission on May 5, 2022.

Impact to City by Failure to Secure a Certified Housing Element?

Without HCD Housing Element certification, the State has the potential to withhold or withdraw grant money targeted for housing planning as well as grant money for construction of the Homeless Solutions Center in Downtown Oxnard. The State has also threatened to withhold gas tax money.

COMMUNITY INPUT AND LEGAL NOTICE

A notice of public hearing was posted in the Ventura County Vida newspaper, and an email was sent to the City's Housing Element interested parties list on September 22, 2022. The Amended Housing Element was posted on the City's website and notification was sent to the City's Housing Element interested parties list on July 26, 2022, along with

notification of Community drop-in hours on August 1, 2022.

2030 GENERAL PLAN CONSISTENCY

An analysis of General Plan conformity was conducted for City Council adoption of the Housing Element on October 5, 2021. The Amended Housing Element does not change this analysis. Additionally, the action of the City Council on October 5, 2021 to update the General Plan Land Use Element ensured that the Land Use and the Housing Element would be internally consistent and support actions and development densities allowed within the Housing Element.

ENVIRONMENTAL REVIEW

On October 5, 2021, the City Council approved an Initial Study - Mitigated Negative Declaration (IS/MND - No. 2021-01) for the Housing Element and related actions in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15070; see https://www.oxnard.org/housing-element-update/.

Consistent with CEQA Guidelines Sections 15162 and 15164, the proposed Amended Housing Element updates existing information and does not trigger the need to prepare a subsequent or supplemental environmental document.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

Adoption of the Amended Housing Element commits the City to implement programs identified in Chapter G of the Amended Housing Element, including a new Targeted Windshield Housing Conditions Survey survey (added to Program 1) in targeted older and lower income neighborhoods during FY 2024-2025. This revision creates a City obligation that will require substantial staff time and resources to implement.

Implementation of the Amended Housing Element programs identified in Chapter G will either be executed as ongoing programs or grant funds (for example: Senate Bill 2 funding through Dec. 2023) already included in various departmental work efforts and priorities; or as new programs which will require departmental prioritization. As part of the FY 2023/2024 budget requests, the Community Development and Housing Departments will put together a comprehensive budget request for Council consideration.

COMMITTEE OUTCOME

This is a Public Hearing and was heard by the Planning Commission, therefore this item did not originate in Committee.

Prepared by: Kathleen Mallory, Planning & Sustainability Manager

ATTACHMENTS

1. Amended 2021-2029 Housing Element
2. Resolution - Amended Housing Element
3. August 18, 2022 Planning Commission Staff Report
4. Presentation - Amended Housing Element

Attachment 1

See https://www.oxnard.org/housing-element-update/

Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element (July 2022)

The City's Draft Amended Housing Element can be downloaded here. Two versions are available: Draft Clean Version and Draft Track Change/Legislative Version. This document will be reviewed by the Planning Commission on September 15, 2022 and considered by the City Council in Fall 2022.

You can download the Clean Draft (July 2022) of the Housing Element here.

https://www.oxnard.org/wp-content/uploads/2022/07/Oxnard_Conceptual-Revised-Draft-Housing-Element_July-2022_clean.pdf

The Legislative Version reflects changes made to the October 2021 Adopted Housing Element in response to input received during the public comment period, follow up meetings with housing advocates, and input from meetings and written correspondence from HCD. Removed text is shown in strikethrough and new text has been underlined. The text that was revised following the May 2022 published Conceptual Draft Housing Element has additionally been denoted by highlighted text and is summarized in the following table.

You can download the Legislative Draft (July 2022) of the Housing Element here.

https://www.oxnard.org/wp-content/uploads/2022/07/Oxnard_Conceptual-Revised-Draft-Housing-Element_July-2022_TrackedChanges.pdf

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE 2030 GENERAL PLAN GOALS AND POLICIES DOCUMENT BY ADOPTING THE AMENDED 2021-2029 HOUSING ELEMENT (6TH CYCLE) (PZ 20-620-03). FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

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

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

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

WHEREAS, the City of Oxnard (City) falls within the metropolitan planning region covered by the Southern California Association of Governments (SCAG) and for each Housing Element planning cycle, SCAG is required to determine the share of the regional housing needs to be allocated to each city and unincorporated county area within the SCAG region, and this process is called the Regional Housing Need Assessment (RHNA); and

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

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and the operative documents of the Oxnard 2030 General Plan consist of the (1) Background Report (2006), and the (2) Goals and Policies which includes the HCD-certified 2006-2014 Housing Element as Chapter 8; and

WHEREAS, the City Council adopted the 5th Cycle 2013-2021 Housing Element update on December 13, 2016, and the Mid-Cycle 2013-2021 Housing Element update on October 10, 2017. Both updates were certified by HCD; and

WHEREAS, the City Council adopted the 6th Cycle 2021-2029 Final Housing Element on October 5, 2021; and

WHEREAS, On October 8, 2021 the adopted 2021-2029 Final Housing Element was submitted to HCD for 90-day review; and

WHEREAS, On January 10, 2022 HCD completed their 90-day review and sent a findings letter to the City, incorporated by reference as Exhibit "A." The State found that the City's adopted Housing Element addressed most of the statutory requirements but required additional

revisions to fully comply with State Housing Element Law (Article 106 of Gov. Code), and included a request for specific revisions or additional information; and

WHEREAS, City Staff met with HCD on February 16, 2022, March 17, 2022 and April 4, 2022 to receive clarification on the topics in the January 10, 2022 letter. In response to the State's review, a Conceptual Amended Housing Element was prepared to address HCD's letter. The Conceptual Amended Housing Element was posted on the City's website and notification was sent to the City's Housing Element interested persons list on May 5, 2022, and the Conceptual Amended Housing Element was submitted to HCD on May 12, 2022 for a 60-day review period; and

WHEREAS, Based upon follow-up discussions with HCD staff on June 22nd and 28th, 2022, staff prepared an Addendum to the Conceptual Draft 6th Cycle 2021-2029 Amended Housing Element. The Addendum addressed HCD's comments and minor revisions resulting from ongoing community input on the May 2022 Conceptual Draft Amended Housing Element. The Addendum was posted on the City's website and notification was sent to the City's Housing Element interested persons list on July 1, 2022, and the Addendum was sent to HCD on July 7, 2022; and

WHEREAS, On July 11, 2022 HCD completed their review of the Conceptual Amended Housing Element submitted on May 12, 2022, as revised on July 7, 2022, and issued a Conditional Certification letter, incorporated by reference as Exhibit "B." HCD's letter stated that the Housing Element will comply when it is adopted, submitted to and approved by HCD; and

WHEREAS, the Planning Commission held a public hearing on September 15, 2022 to consider approving a resolution recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the Amended 2021-2029 Final Housing Element and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03); and

WHEREAS, the City Council held a public hearing on October 4, 2022 and received written and verbal comments from the public related to the proposed General Plan Amendment to the 2030 General Plan Housing Element and Land Use Element; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan is located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the proposed Amended 2021-2029 Housing Element is consistent with the City of Oxnard 2030 General Plan and the certified Coastal Land Use Program; and.

WHEREAS, the proposed Amended 2021-2029 Housing Element Update meets the requirements of state law (Government Code Section 65880 *et seq.*) and associated regulations relating to Housing Elements; and.

WHEREAS, consistent with the requirements of state law, the proposed Amended 2021-2029 Housing Element identifies and analyzes the current and future housing needs within the City of Oxnard and identifies goals, policies and programs to provide certain services and ensure adequate opportunities for housing of all income levels for the planning period set by the State of California; and

WHEREAS, changes have been made to the Final 2021-2029 Housing Element to address the issues raised by HCD as referenced in its letter of January 10, 2022, and subsequent

discussions with HCD; and these changes allow HCD to determine that the Amended 2021-2029 Housing Element meets the statutory requirements of state housing law; and

WHEREAS, the City has met all legal requirements for public outreach and obtaining public input relating to the proposed Amended 2021-2029 Housing Element.

WHEREAS, before approving the Amended 2021-2029 Final Housing Element, the City Council held a duly noticed public hearing on October 4, 2022 in which all those who wished to speak were given the opportunity to do so; and.

WHEREAS, in addition, before approving the Amended 2021-2029 Final Housing Element Update, the City Council considered all evidence in the record, including written comments and public comments.

WHEREAS, the proposed Planning and Zoning (PZ) Permit No. 20-620-03, General Plan Amendment, replaces in its entirety the current Chapter 8 (2021-2029 Final Housing Element) with the Amended 2021-2029 Amended Housing Element; and

NOW, THEREFORE, the City Council 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 City Council amends the 2030 General Plan to incorporate the Amended 2021-2029 Housing Element in its entirety as Chapter 8.

PASSED AND ADOPTED this 4th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____
John Zaragoza, Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

EXHIBIT A

January 10, 2022 HCD Findings Letter

EXHIBIT B
July 11, 2022 HCD Conditional Certification Letter

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Planning & Sustainability Manager
Heather Davis, Contract Planner

DATE: August 18, 2022

SUBJECT: Planning & Zoning (PZ) Permit No. 20-620-03, General Plan Amendment - Recommending City Council Approval of the Amended 2021-2029 Housing Element (6th Cycle)

1) **Recommendation:** That the Planning Commission:
   a) Receive a presentation on the Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element (Attachment 1 - see link); and
   b) Open the public hearing and receive public input; and
   c) Adopt a Resolution 2022-XX recommending City Council approval of the Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element as Chapter 8 within the 2030 General Plan, (Attachment 2); and

2) **Background:** On September 16, 2021, the Planning Commission recommended City Council approval of the Final Housing Element (October 2021) and associated approvals, including the Final Initial Study/Mitigated Negative Declaration, General Plan Land Use Element amendments and five ordinances. The recommendation included approval of amendments to the General Plan Land Use Element and Zoning text and map changes concurrently with the 6th Cycle Housing Element so that at the time of 6th Cycle Housing Element adoption, the appropriate zones would be in place to accommodate and implement the sites identified in Supplement 1 of the Housing Element, including the City's lower income RHNA allocation.

   On October 5, 2021 the City Council adopted Resolution No. 15,490 approving the 2021-2029 6th Cycle Housing Element. The Council also approved General Plan and Zoning Map Amendments to change land use designation on 13 parcels and the zoning designation on 106 parcels (https://arcg.is/HmSS1) to be consistent with Supplement 1 of the Final Housing Element (Resolution 15,491) and five (5) zoning ordinances to facilitate construction of housing units as stipulated in the Housing Element; these five (5) ordinances are summarized in Attachment 3.

   The City submitted the adopted Housing Element to the State of California Department of Housing and Community Development (HCD) for 90-day review on

October 8, 2021. The State law changed at the beginning of 2022 and shortened the review period for adopted Housing Elements to 60-days.

On January 10, 2022 the HCD completed their review and sent a findings letter to the City (Attachment 4). The State found that the City's adopted Housing Element addressed most of the statutory requirements but required additional revisions to fully comply with State Housing Element Law (Article 10.6 of Gov. Code). HCD identified specific requirements to comply to with State Law, including revisions or additional information needed regarding the following topics:

a) Affirmatively Furthering Fair Housing (AFFH) (**substantial edit**);
b) Rehabilitation/Renovation (**substantial edit**);
c) Status of pending projects;
d) Realistic capacity on commercially and industrially zoned parcels;
e) Accessory Dwelling unit (ADU) projection and affordability (**substantial edit**);
f) Availability of Infrastructure;
g) Emergency Shelters (**substantial edit**);
h) Parking Requirements;
i) Design Review and Site Plan Review;
j) Processing and Permit Procedures;
k) Persons with Disabilities (**substantial edit**);
l) Developed Densities and Permit Times;
m) Local Coastal Program;
n) Single Room Occupancy (SRO) (**substantial edit**); and
o) Public Participation.

Staff had review meetings with HCD staff on February 16, 2022, March 17, 2022 and April 4, 2022 to receive clarification on the topics in the January 10, 2022 letter. As a result of these meetings, staff prepared a Conceptual Amended Housing Element and a response letter outlining how the City would address the January 10, 2022 HCD comment letter (see Attachment 5). Pursuant to state law, the Conceptual Amended Housing Element was: 1) posted on the City's website for one week; 2) notification of the posting of this document was sent to interested parties; and 3) the Conceptual Amended Housing Element was submitted to HCD on May 12, 2022 (hard copy May 13th) for the state stipulated 60-day review.

As a result of the May 2022 submittal to HCD, staff had review meetings with HCD staff on June 22nd and 28th, 2022 and HCD staff asked for further revisions (see Attachment 6). HCD requested additional information and revision to address concerns regarding the following topics:

a) Age and Condition of housing stock information and addition to Code Compliance Program (**substantial edit**);
b) Guest parking requirements;

c) Findings for the City's recently adopted Site Plan Review process; and
d) Timing to update the City's Local Coastal Plan.

Pursuant to State law, the Proposed Revisions in response to HCD input on the Conceptual Amended Housing Element were: 1) posted on the City's website for one week; 2) notification of the posting of this document was sent to interested parties; and 3) the Proposed Revisions to the Conceptual Amended Housing Element was submitted to HCD on July 7, 2022. On July 11, 2022 HCD completed their review of the Conceptual Amended Housing Element submitted on May 12, 2022, as revised on July 7, 2022, and issued a Conditional Certification letter (Attachment 7) for the Amended 2021-2029 Housing Element. According to HCD's letter, the Housing Element will comply when it is adopted, submitted to and approved by HCD.

On July 27, 2022, the City posted the Amended 6th cycle 2021-2029 Housing Element (July 2022 - reflecting all of the edits staff recommended and HCD endorsed). To aid in review, two versions were posted: Draft Clean Version and Draft Track Change/Legislative Version. Housing advocates and interested parties were informed on July 27, 2022 of the posting of the revised document and notified of an upcoming August 1st virtual public review meeting, and the Planning Commission's August 18, 2022 public hearing.

3) Analysis: Though there are a number of required changes to the City Council adopted Final Housing Element, this staff report focuses on the HCD recommended "substantial changes" to the Final Housing Element. The substantial and non-substantial changes are described in detail in Attachment 8 (and highlighted above in the background section of the staff report), have been reviewed with housing advocates, and posted on the City's Housing Element update website at Housing Element Update — City Of Oxnard (on July 29, 2022) for transparency and clarity. Detailed discussions of the non-substantial and substantial changes are also provided in the letters to HCD on May 13, 2022 and June 28, 2022 (See Attachments 5 & 6).

Recommended Substantial Changes to Housing Element (Since October 2021):

- **Affirmatively Furthering Fair Housing (AFFH) – Goals, Priorities, Metrics and Milestones (Attachment 4 HCD Jan. 10, 2022 Letter on Appendix pages 1 and 2)** – HCD requested specific, quantifiable commitments to promoting AFFH in Programs 4, 10, 11, 12, 18, 19, 26, 29, 35 & 36. Goals and actions must significantly seek to overcome contributing factors to fair housing issues, and actions must have metrics and milestones to address choice & affordability in high opportunity areas, place-based strategies to preserve & revitalize, and address displacement risk. The listed programs have been updated with information on existing metrics, or were revised to include new metrics as discussed below to address HCD's comment:

  a) Program 4 - Urban Village Program. The 2030 General Plan requires Urban Villages to provide 15% affordable housing. Consistent with this requirement,

Program 4 has been updated with a metric of 372 lower income units within Urban Village Housing Element Sites (North Maulhardt, RiverPark Specific Plan Amendment, and Teal Club); these numbers are consistent with applicant proposals. Note that Housing Element Program 24 already established that if the Teal Club Annexation has not occurred by the end of Fiscal Year 2025-2026, the City will identify new sites. The only change to Program 4 is to align the metric for lower income units accommodated by this program with the proposed development project.

b) Program 6 - Zoning Code Amendment - Program 6 has been updated within the proposed Amended Housing Element to include zoning code amendments to allow Residential Care Facilities as a permitted use in zones where multifamily housing is permitted, and allow Single Room Occupancy units (SROs) in a zoning district by the end of Fiscal Year 2022-2023. Program 6 has also been updated to include revision to emergency shelter standards to only those that comply with state law, and to revise Reasonable Accommodation findings to only include objective considerations. The only changes are updates to the OCC to comply with existing State law, and to specify when the code will be updated.

c) Program 11 - Home Ownership Assistance Citywide. The metric for this program has been revised to assist 4 households annually, with at least half to households originating from low resource areas and/or areas designated as R/ECAPs. This is an ongoing program that is subject to available Home, CalHome, BEGIN and inclusionary in-lieu funds. A timeframe of June 2023 has been added within the proposed Amended Housing Element for developing and disseminating marketing material for the program in low resource or R/ECAPs areas to support the City's anti-displacement strategy by increasing home ownership. The only changes are to identify the number of households to be assisted, specifying that at least half of the households assisted would originate from low resources areas or R/ECAPS, and specifying the date by when to disseminate marketing materials.

d) Program 12 - Mortgage Credit Certificate. The metric for this program is to help 6 mortgage tax credit certificates per year, and an additional metric has been added for the Ventura County Consortium to outreach to at least twenty-four households, with at least half of applicants from low resource areas and/or areas designated as R/ECAPs. This ongoing program can be used with the City's Home Ownership Assistance program to qualify for private mortgages. A timeframe of June 2023 has been added for developing and disseminating focused marketing material for the program in low resource or R/ECAPs areas to support the City's anti-displacement strategy by increasing homeownership. The only changes are to identify the number of households for Ventura County Consortium outreach, specifying that at least half of the households assisted would originate from low resources areas or R/ECAPS, and specify the date by when to disseminate marketing materials.

e) Program 19 - AFFH. This program has been updated to include additional Anti-displacement Strategies, Place-based Revitalization Strategies, and Strategies to Address Barriers. Many of the existing actions have been updated to include metrics for assistance to a specified number of households and focus on low

resource areas, areas of linguistic isolation and R/ECAPs. The City has also added action items that utilize the City's Climate Action and Adaptation Plan (CAAP), Green Alley Plan, Parks and Recreation Master Plan, Bicycle and Pedestrian Facility Master Plan and Sustainable Transportation Plan to direct green infrastructure and capital improvements in low resource areas. The only change is to focus on households/low resource areas/linguistic isolation areas to be assisted and other programs and studies the City is currently working on.

f) Program 26 - Extremely low income households. The Program objective has been modified to accommodate a metric of at least 600 extremely low-income units in areas designated as moderate or higher resource areas. This number represents ⅔ of the City's extremely low income RHNA. The timeframe for Program 26 has been updated to begin meeting with developers annually in 2023 to facilitate opportunities to develop extremely low-income units. Program 26 is an ongoing program to encourage development of housing for extremely low income households. The program is subject to available Federal, State or local grant funds. Program 22 Special Needs Groups has also been updated to allow single room occupancy in at least one zoning district pursuant to AB 2634. The only changes are to identify the number of extremely low-income units to be located in moderate or higher resource areas, and specifying a date when this program will be implemented.

g) Program 29 - City owned sites and developer assistance. Program 29 has been updated with a metric to accommodate 193 units affordable to lower income households on city-owned properties as identified in Supplement 1 of the Housing Element. This number is consistent with the number of units projected on City-owned sites in Supplement 1 of the Housing Element. The only changes are to identify the number of lower income units on City-owned properties, and to specify the date to begin community outreach.

h) Program 34 (Renumbered from Program 36) - Pre-Approved Accessory Dwelling Units (ADU). The City commits to incorporating relevant and useful ADU/County REAP information on the City's Planning Department website by Fiscal Year 2023-2024, provided the County has completed the ADU design at that time. The program description has been updated to include an objective of reducing overall development costs through pre-approved plans and streamlined approvals. A metric has also been added to accommodate at least 320 ADUs to increase housing choice and mobility to higher resource areas. The only changes are to clarify the number of ADUs projected to be accommodated through the ADU programs and committing to utilize pre-approved ADU plans if acceptable by the Building Official.

- **Rehabilitation/Renovation Units (Attachment 4 HCD Jan. 10, 2022 Letter on Appendix page 2 and follow-up discussions with HCD staff on June 22, 2022 and June 28, 2022)** - HCD requested that the Housing Element clarify the number of estimated housing units in need of rehabilitation or replacement and include quantified objectives to be closer in line with the estimates. The proposed Amended Housing

Element Section B.6 Housing Stock Characteristics was updated to provide an estimate of the number of units in need of rehabilitation or replacement (page B-19).

Program 1 in Chapter G was also updated to include a targeted housing conditions survey as requested by HCD reviewer Melinda Coy in discussions with the City's Housing Element consultant, Placeworks, in a phone call on June 28, 2022. The Program 1 revision is a commitment for the City to complete a windshield housing condition survey in targeted older and lower income neighborhoods during Fiscal Year (FY) 2024-2025, which will help to inform the City on where rehabilitation efforts should be focused. The survey will be conducted by visually assessing exterior of homes such as roofing, windows, and siding conditions and categorizing units as sound, in need of minor repair, moderate repair, substantial rehabilitation or dilapidated. Based upon the survey findings, in FY 2025-2026 the City will identify specific needs and tailor housing rehabilitation measures to fit those needs, such as encourage housing preservation, conservation, acquisition rehabilitation, mitigation of potential costs, and minimizing displacement and relocation impacts on residents. This revision creates a City obligation that will require substantial staff time and resources to implement. An estimate of man hours needed for this type of survey are not known at this time, as they are dependent on the scale of the survey and the number of neighborhoods targeted. Many communities have funded such studies with Community Development Block Grant funds specifically awarded for this type of survey. The only change was to create a survey program.

- **Accessory Dwelling Unit (ADU) projections and affordability (Attachment 4 HCD Jan. 10, 2022 Letter on Appendix page 3 and discussion with HCD on March 8, 2022 and March 17, 2022)** - HCD questioned in their January 10, 2022 letter the City's Final Housing Element (October 2021) projection of 490 ADUs to be constructed from 2021 to 2029. The City had projected that number of ADUs based on the 54 ADU building permits issued in 2021 (54 x 8.8 year 6th cycle timeframe = 475) as a result of the City's recent ADU code update, streamlined building permit process, and creation of 4 new ADU Housing Element programs and the no net loss program (Program 3) in the Final Housing Element. On March 8, 2022, in a City correspondence the City asked HCD to reconsider their position and provided an analysis on the ADU projections and data justifying ADU affordability assumptions based on entitlement application rental surveys. During a virtual meeting between the City and HCD staff on March 17, 2022, HCD staff indicated that a revised ADU project of 320 units would be acceptable based on building permit history. Staff reviewed updated building permit data and site information and determined that the Projected ADUs reflected in the Housing Element could be reduced to the 320 units. HCD staff also indicated that based on the data provided on March 8, 2022, approximately 10% of the projected ADUs should be reflected as moderate. The number and affordability of projected ADUs in Section F.2 (Accessory Dwelling Unit Potential) and in Table F-3 (page F-13) have been updated to reflect 320 projected ADUs for 2021-2029 and the remaining number of ADUs (283) after subtracting building permits to date in the RHNA cycle. With this adjustment, the City will still

have sufficient units to meet RHNA in all income categories. The only change was to reduce the number of ADUs and level of affordability in meeting our RHNA.

- **Zoning for a Variety of Housing Types (Emergency Shelters) (Attachment 4 HCD Jan. 10, 2022 Letter on Appendix page 3 and discussion with HCD on February 15, 2022) -** During the February 15, 2022 virtual meeting, HCD staff identified that the City's standards for emergency shelters (Oxnard City Code (OCC) Section 16-504) are greater than those applicable to residential or commercial development within the same zone. Consistent with the State law, Program 6 (Zoning Code Amendments) has been revised to include an update to OCC Section 16-504 for emergency shelters. The only change is to allow development standards specific to the underlying zone and those standards listed in Government Code Section 65583(a)(4)(A).

- **Persons with Disabilities (Attachment 4 HCD Jan. 10, 2022 Letter on Appendix page 4)** - In response to HCD's comments, Program 27 (Parking Standards) has been updated to list a revision to OCC Section 16-622 (Off-street Parking) to move the requirements for parking for persons with disabilities (assisted living, nursing home) from the Health Services category to the Residential category, and expand the types of residential care facilities to recognize changes in the industry (currently only assisted living and nursing home are listed to encompass the various types of senior care facilities, including residential care facilities, independent living, memory care, etc. Programs 6 (Zoning Code Amendments) and 21 (Reasonable Accommodation) have also been updated to reflect a revision to OCC Section 16-501.5 (Reasonable Accommodation - Findings) by end of Fiscal Year 2022-2023 to only include objective considerations, consistent with State law. The only changes are revision to residential care facility requirements to comply with current state and federal law.

- **Housing Programs SRO's (Attachment 4 HCD Jan. 10, 2022 Letter on Appendix page 5)** - HCD requested a City commitment to amend the OCC to allow SROs in at least one zone, consistent with Assembly Bill (AB) 2634. Programs 6 (Zoning Code Amendments) and 22 (Special Needs Groups) within the Conceptual Amended Housing Element have been updated to provide language to allow SROs in at least one zone district, rather than 'study the allowance.' Note that the policy decision on which zone will accommodate SROs will be reviewed by the City Council and implemented within the prescribed time frame. The timeframe for updating the OCC per Housing Element Program 6 and 22 is Fiscal Year 2022-2023. The only change is a commitment to allow SROs, consistent with current state law.

<u>Revisions to Adopted Final Housing Element from New Information and City Actions:</u>

- **Public Participation** - After the Conceptual Amended Housing Element was posted for public review in May 2022, staff received an email from Barbara Macri-Ortiz on May 25, 2022 (Attachment 9). Staff met with Ms. Macri-Ortiz two times (May 31, 2022 and July 29, 2022) to answer questions and discuss requested revisions to the

Conceptual Amended Housing Element. Based on input, the following revisions are recommended and have been included in the proposed Amended Housing Element:

a) Figure B-12 Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS) map has been added to Chapter B. The Housing Element currently includes maps in Chapter B that identify disadvantaged areas in the City such as TCAC Opportunity Areas, Linguistic Isolation, and CalEnviroScreen 4.0. Ms. Macri-Ortiz identified, and staff concurs, the need for identification of R/ECAPS, which would be helpful for affordable housing developers to identify areas with greater need and associated availability of public funding.
b) Discussion on the Just Cause Eviction ordinance (Ord. No. 3012) and a Rent Stabilization ordinance (Ord. No. 3013) that were recently adopted on May 3, 2022 has been added to Section B.8 Fair Housing in the Housing Element and Program 19 AFFH. The program recognizes implementation of the adopted ordinances.

- **Current Information** – The Draft Amended Housing Element has been updated to include current information, such as number of permits issued and approval status; and revision/removal of programs that had been implemented since the City Council's adoption of the 2021-2029 Final Housing Element in October 2021. The following updates are reflected in the proposed Draft Amended 2021-2029 Housing Element (Attachment 1).
  a) Section D.2 (Housing Production Progress) has been updated to reflect entitlements, building permits and certificates of occupancy between June 30, 2021 and February 28, 2022. Tables D-2, D-3 & F-3 (Residential Units Approved, Remaining RHNA, and Comparison of Site Capacity) have been updated to reflect approvals through February 28, 2022.
  b) Several sections and programs in the Housing Element were revised to reflect City Councils approval in October 2021 to rezone parcels and revise General Plan designations to accommodate RHNA. Tables E-1, E-2 and E-3 and associated text were updated to include development standards for the newly adopted -AHP/-AHD Additive Zones. Description and findings for the City's new Site Plan Review permit were added to Chapter E. Program 3 was revised and renamed from "Rezone to Meet RHNA" to "No Net Loss Monitoring," and Program 30 (Vacant Repeat Sites for Lower Income RHNA) and Program 31 (Non-Vacant Repeat Sites for Lower-Income RHNA) have been removed as fulfilled programs.
  c) Code compliance case data has been updated from recent quarterly reports through March 2022.
  d) Supplement 1 sites have been updated to reflect the City Council October 2021 rezone of parcels and the current project status has been updated. For example, on Site 1 the Lockwood Senior Apartments (173 lower-income units) and the Lockwood 2 Senior Apartments (168 lower-income units) were approved by the Planning Commission on December 16, 2021 and May 5, 2022, respectively.
  e) Figure S-1 was updated to reflect a reconfiguration of lots resulting from the Wagon Wheel (Village Specific Plan) Final Map.

4) **General Plan Conformity:** An analysis of General Plan conformity was conducted for City Council adoption of the 2021-2029 Final Housing Element on October 5, 2021 and is contained in approval documents. The proposed Amendment to the 2021-2029 Housing Element does not change this analysis. Additionally, the action of the City Council on October 5, 2021 to update the General Plan Land Use Element ensured that the Land Use and the Housing Element would be internally consistent and support actions and development densities allowed within the Housing Element.

5) **California Environmental Quality Act (CEQA) Review:** On October 5, 2021 the City Council approved an Initial Study - Mitigated Negative Declaration (IS/MND - No. 2021-01) for the 2021-2029 Final Housing Element and related actions in accordance with CEQA Guidelines, Section 15070; see https://www.oxnard.org/housing-element-update/.

   Consistent with CEQA Guidelines Sections 15162 and 15164, the proposed amendment to the 2021-2029 Final Housing Element updates existing information and does not trigger the need to prepare a subsequent or supplemental environmental document.

6) **Community Outreach:** A notice of public hearing was posted in the Ventura County Vida newspaper, and an email sent to the City's Housing Element interested parties list. The Draft Amended 2021-2029 Housing Element was posted on the City's website and notification was sent to the City's Housing Element interested parties list on July 26, 2022, along with notification of Community drop-in hours. On August 1, 2022 from 3pm to 5pm, staff hosted community drop-in hours for the public to discuss any questions they had on the proposed Draft Amended 2021-2029 Housing Element. Other than the summary of discussions with the affordable housing advocates summarized above under analysis, no additional discussion has been received from members of the public since the preparation of this staff report.

Attachments:

1. Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element (see https://www.oxnard.org/housing-element-update/)
2. Resolution for General Plan Amendment
3. Summary of Ordinances approved in October 2021
4. January 10, 2022 Findings letter from HCD
5. May 13, 2022 Resubmittal Letter with Response to HCD Requirements
6. June 28, 2022 Addendum to May 2022 Conceptual Amended Housing Element
7. July 11, 2022 Conditional Certification Letter from HCD
8. Summary Matrix of Revisions to 2021-2029 Final Housing Element (October 2021)
9. Public Comment(s)
10. Staff Presentation

Attachment 1

See https://www.oxnard.org/housing-element-update/

Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element (July 2022)

The City's Draft Amended Housing Element can be downloaded here. Two versions are available: Draft Clean Version and Draft Track Change/Legislative Version. This document will be reviewed by the Planning Commission on August 18, 2022 and considered by the City Council in early Fall 2022.

You can download the Clean Draft (July 2022) of the Housing Element here.

The Legislative Version reflects changes made to the October 2021 Adopted Housing Element in response to input received during the public comment period, follow up meetings with housing advocates, and input from meetings and written correspondence from HCD. Removed text is shown in strikethrough and new text has been underlined. The text that was revised following the May 2022 published Conceptual Draft Housing Element has additionally been denoted by highlighted text and is summarized in the following table.

You can download the Legislative Draft (July 2022) of the Housing Element here.

Attachment 2

Resolution of General Plan Amendment

RESOLUTION NO. 2022 – [PZ 20-620-03]

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL AMEND THE 2030 GENERAL PLAN GOALS AND POLICIES DOCUMENT BY ADOPTING THE AMENDED 2021-2029 HOUSING ELEMENT (6TH CYCLE) (PZ 20-620-03). FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

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

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

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

WHEREAS, the City of Oxnard (City) falls within the metropolitan planning region covered by the Southern California Association of Governments (SCAG) and for each Housing Element planning cycle, SCAG is required to determine the share of the regional housing needs to be allocated to each city and unincorporated county area within the SCAG region, and this process is called the Regional Housing Need Assessment (RHNA); and

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

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and the operative documents of the Oxnard 2030 General Plan consist of the (1) Background Report (2006), and the (2) Goals and Policies which includes the HCD-certified 2006-2014 Housing Element as Chapter 8; and

WHEREAS, the City Council adopted the 5th Cycle 2013-2021 Housing Element update on December 13, 2016, and the Mid-Cycle 2013-2021 Housing Element update on October 10, 2017. Both updates were certified by HCD; and

WHEREAS, the City Council adopted the 6th Cycle 2021-2029 Final Housing Element on October 5, 2021; and

WHEREAS, On October 8, 2021 the adopted 2021-2029 Final Housing Element was submitted to HCD for 90-day review; and

WHEREAS, On January 10, 2022 HCD completed their 90-day review and sent a findings letter to the City, incorporated by reference as Exhibit "A." The State found that the City's

adopted Housing Element addressed most of the statutory requirements but required additional revisions to fully comply with State Housing Element Law (Article 106 of Gov. Code), and included a request for specific revisions or additional information; and

WHEREAS, City Staff met with HCD on February 16, 2022, March 17, 2022 and April 4, 2022 to receive clarification on the topics in the January 10, 2022 letter. In response to the State's review, a Conceptual Amended Housing Element was prepared to address HCD's letter. The Conceptual Amended Housing Element was posted on the City's website and notification was sent to the City's Housing Element interested persons list on May 5, 2022, and the Conceptual Amended Housing Element was submitted to HCD on May 12, 2022 for a 60-day review period; and

WHEREAS, Based upon follow-up discussions with HCD staff on June 22nd and 28th, 2022, staff prepared an Addendum to the Conceptual Draft 6th Cycle 2021-2029 Amended Housing Element. The Addendum also addressed HCD's comments and minor revisions resulting from ongoing community input on the May 2022 Conceptual Draft Amended Housing Element. The Addendum was posted on the City's website and notification was sent to the City's Housing Element interested persons list on July 1, 2022, and the Addendum was sent to HCD on July 7, 2022; and

WHEREAS, On July 11, 2022 HCD completed their review of the Conceptual Amended Housing Element submitted on May 12, 2022, as revised on July 7, 2022, and issued a Conditional Certification letter, incorporated by reference as Exhibit "B." HCD's letter stated that the Housing Element will comply when it is adopted, submitted to and approved by HCD; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan is located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the proposed Amended 2021-2029 Housing Element is consistent with the City of Oxnard 2030 General Plan and the certified Coastal Land Use Program; and.

WHEREAS, the proposed Amended 2021-2029 Housing Element Update meets the requirements of state law (Government Code Section 65880 *et seq.*) and associated regulations relating to Housing Elements; and.

WHEREAS, consistent with the requirements of state law, the proposed Amended 2021-2029 Housing Element identifies and analyzes the current and future housing needs within the City of Oxnard and identifies goals, policies and programs to provide certain services and ensure adequate opportunities for housing of all income levels for the planning period set by the State of California; and

WHEREAS, changes have been made to the Final 2021-2029 Housing Element to address the issues raised by HCD as referenced in its letter of January 10, 2022, and subsequent discussions with HCD; and these changes allow HCD to determine that the Amended 2021-2029 Housing Element meets the statutory requirements of state housing law; and

WHEREAS, the City has met all legal requirements for public outreach and obtaining public input relating to the proposed Amended 2021-2029 Housing Element .

WHEREAS, before making its recommendation regarding the Amended 2021-2029 Housing Element , the Planning Commission held a duly noticed public hearing on August 18, 2022 in which all those who wished to speak were given the opportunity to do so; and

WHEREAS, the proposed Planning and Zoning (PZ) Permit No. 20-620-03, General Plan Amendment, replaces in its entirety the current Chapter 8 (2021-2029 Final Housing Element) with the Amended 2021-2029 Amended Housing Element; and

WHEREAS, in addition, before making its recommendation regarding the Amended 2021-2029 Housing Element, the Planning Commission considered all evidence in the record, including written comments and public comments.

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 recommends that the City Council amend the 2030 General Plan to incorporate the Amended 2021-2029 Housing Element in its entirety as Chapter 8.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 18th day of August, 2022, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Daniel Chavez Jr., Chair

ATTEST: _____
Joe Pearson, Secretary

EXHIBIT A

January 10, 2022 HCD Findings Letter

EXHIBIT B
July 11, 2022 HCD Conditional Certification Letter

Attachment 3

Ordinance No. 2999 repealing the All-affordable Housing Opportunity Program (AAHOP) and replace these regulations with newly created Affordable Housing, Permitted (-AHP) And Affordable Housing, Discretionary (-AHD) Additive Zone Definitions, Designations and Regulations in OCC Sections 16-420a through 16-420k; and

Ordinance No. 3000 amending the General Commercial zone permitted and related uses in OCC Section 16-135 & 16-136 to allow up to 30 dwelling units per acre on parcels identified as AHP or AHD; and

Ordinance No. 3001 amending the Business And Research Park (BRP) zone permitted uses in OCC Section 16-162 & 16-163 to allow up to 30 dwelling units per acre on parcels identified as AHP or AHD; and

Ordinance No. 3002 amending the Density Bonus ordinance in OCC Section 16-410 to allow Density Bonus permit approval by the approval authority authorized to approve the associated discretionary or ministerial permit approval for the underlying development permit; and

Ordinance No. 3003 creating a Ministerial Site Plan Review process OCC Sections 16-523 through 16-523.12.

Attachment 4

January 10, 2022 the State of California Department of
Housing and Community Development (HCD) Findings Letter

See Exhibit A of Attachment 2

Attachment 5

May 13, 2022 Resubmittal Letter with Response to
HCD Comment Letter Dated January 10, 2022
(Submittal of Conceptual Draft Amended Housing Element - Identifying in Text Format
how the City would Address HCD's January 10, 2022 Comment letter)

Alexander Nguyen
City Manager

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May 13, 2022

Paul McDougall, Senior Program Manager
State of California,
Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino, Suite 500
Sacramento, CA 95833
(Via Electronic Submittal)

Subject: Submittal of Conceptual Draft Amended City of Oxnard, 6th Cycle 2021-2029 Housing Element

Dear Mr. McDougall:

Thank you for your letter dated January 10, 2022, where you state that the adopted City of Oxnard Housing Element addressed most of the statutory requirements described in the State of California, Housing and Community Development's (HCD's) July 13, 2021 letter. This correspondence noted that additional revisions were necessary to fully comply with State Housing Element Law (Article 106 of Government Code).

City of Oxnard staff met with HCD staff members to review the comment letter. The Element has been updated in response to your letter and the productive conversations with HCD staff on February 16th, March 17th, and April 4th. A list of responses to each of the requirements listed in the Appendix to your letter is provided in Attachment A to this letter. While the enclosed material addresses the listed requirements, we request that if additional edits are needed that we have the opportunity to work with HCD during the 60 day review period to secure issuance of a compliance letter. This letter also confirms that in accordance with Assembly Bill 215, the City posted the Conceptual Draft Amended Housing Element on the City's Housing Element website beginning on May 5, 2022 and distributed notice of the posting to all interested parties. This posting complies with the HCD's January 2022 posting requirement.

The City is committed to working with HCD to implement the City's Housing Element, to ensure the legal adequacy of the City's General Plan and to preserve local control of land use decisions. We appreciate HCD's assistance throughout this process. As offered by your staff, Melinda Coy, we request an expedited review of our Conceptual Draft Amended Housing Element. We'll be in touch very soon to schedule a virtual follow up meeting.

In conclusion, Kathleen Mallory, Planning & Sustainability Manager, can be reached at either (805) 385-8370 or Kathleen.Mallory@oxnard.org to schedule this expedited review and to follow up with any questions you or your staff may have.

We greatly appreciate your assistance and continued close collaboration with our staff in the City's efforts to obtain the expeditious certification of the City's Housing Element; we know this is a mutually important goal of HCD and the City of Oxnard.

Sincerely,

Alexander Nguyen
City Manager

Attachments:

A - City of Oxnard Response to January 10, 2022 HCD Comment Letter, Appendix A

B - Red-line Conceptual Draft Amended, 6th Cycle City of Oxnard - 2021-2029 Housing Element

C - Conceptual Draft Amended, 6th Cycle City of Oxnard - 2021-2029 Housing Element

Attachment A
Response to Requirements Listed in
Appendix to January 10, 2022 letter from HCD

In response to your letter in January 2022 on the City's Final Housing Element as well as verbal feedback from HCD staff via virtual meetings on February 16, 2022, March 17, 2022 and April 4, 2022, this correspondence identifies where changes have been made to the Conceptual Draft Amended Housing Element to address HCD's comment letter.

Item A.1 – Affirmatively Furthering Fair Housing (AFFH) - Goals and Actions to Overcome Patterns of Segregation (Appendix - Page 1 of HCD Jan. 10, 2022 Letter) - Within the October 5, 2021 Final Housing Element, HCD recognized that Section B.8 Fair Housing Assessment and Program 19 (AFFH) were revised in response to the July 2021 HCD correspondence on our Draft Housing Element ("July Draft") to address statutory requirements. HCD also requested that the Final Housing Element be amended to "include goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity".

The Conceptual Draft Amended Housing Element includes in Section B.8 an analysis on the patterns of segregation and integration (page B-33) and lists goals to address issues of segregation and poverty on page B-37. The actions to address these goals are included in Programs 2, 4, 9, 10, 11, 12, 13, 19, 26, 29, 33 & 34 in Chapter G. To address HCD's concern and clarify these goals and action items, Goal H-5 in Chapter G has been augmented to include additional language under Policy H-5.9 (page G-6) to specify overcoming patterns of segregation, including Racially/Ethnically Concentrated Areas of Poverty (R/ECAP) and areas of linguistic isolation, and fostering inclusive communities free from barriers that restrict access to opportunity.

Item A.1 – AFFH - Disparities in Access to Opportunities (Appendix page 1 of HCD Letter) - HCD recommended that the Final Housing Element include additional factors/policies/programs related to access to transportation opportunities; specifically, land use controls for bike lanes, carsharing, walkability and pedestrian infrastructure to expand access to public transportation. In response to HCD's July 2021 correspondence, the City added as an action item to Program 19 (AFFH) implementation of outcomes which are anticipated from the City of Oxnard Sustainable Transportation Plan (STP), which will be completed in Fiscal Year 2022-2023. The STP will provide guidance on ways to address disparities in access to transportation opportunities by incorporating complete streets design, safe routes to school, vision zero, sidewalk and bike lane improvements and first/last mile planning in tandem with land use opportunities in lower resourced areas including R/ECAPs and areas of linguistic isolation. Following submission of the Final Housing Element to HCD in October 2021, the City received a $410,000 transportation grant from Caltrans toward completing the STP. In April 2021, the City Council awarded a professional services agreement with Fehr & Peers to develop the STP. Development of the STP will include idea generation and prioritization, establishment of the sustainable transportation framework, catalog of enhanced streetscape elements, conceptual design alternatives, identification of funding sources, implementation steps, and a

final STP for adoption by the City Council (anticipated in Fiscal Year 2022- 2023). To address HCD's comment, a discussion and current status on the STP has been added to Section B.8 Fair Housing Assessment under Mobility Options (page B-39). Program 19 of the Conceptual Draft Amended Housing Element has been updated with additional action items related to the implementation of the STP (See bullet 8 under Place Based Strategies; page G-25).

A discussion on the City's adopted Bicycle and Pedestrian Facilities Master Plan has also been added to Section B.8 Fair Housing Assessment under Mobility Options (page B-39). The Bicycle and Pedestrian Facilities Master Plan includes Class II bike routes (separate bike lanes) within the City's low resource areas in central Oxnard and areas designated as an R/ECAP to provide mobility options for residents. The Bicycle and Pedestrian Facilities Master Plan will be incorporated within the City's STP.

Item A.1 – AFFH – Goals, Priorities, Metrics and Milestones (Appendix pages 1 and 2 of HCD Letter) – HCD requested specific, quantifiable commitments to promoting AFFH in Programs 4, 10, 11, 12, 18, 19, 26, 29, 35 & 36. Goals and actions must significantly seek to overcome contributing factors to fair housing issues, and actions must have metrics and milestones to address choice & affordability in high opportunity areas, place-based strategies to preserve & revitalize, and address displacement risk. The listed programs have been updated within the Conceptual Draft Amended Housing Element as discussed below to address HCD's comment:

- Program 4 - Urban Village Program. The 2030 General Plan Community Development chapter discusses the intent of the integration of land uses with the Urban Village "to provide and promote a pedestrian orientation to reduce trips and vehicle miles traveled in order to reduce greenhouse gas emissions." Through the Urban Village project review process, transportation issues/connectivity/integration with transit providers occurs. Further, as part of environmental analysis, the vehicle miles traveled (VMT) is considered to connect housing with transportation and mitigation of environmental effects. Urban Villages are also required to provide 15% affordable housing. Program 4 has been updated with a metric of 372 lower income units within Urban Village Housing Element Sites (North Maulhardt, River Park Specific Plan Amendment, and Teal Club). Additionally, the Conceptual Draft Amended Housing Element Program 24 establishes that if the Teal Club Specific Plan / Urban Village Annexation has not occurred by the end of Fiscal Year 2025-2026 the City will identify new sites.
- Program 6 - Zoning Code Amendment - Program 6 has been updated within the Conceptual Draft Amended Housing Element to include zoning code amendments to allow Residential Care Facilities as a permitted use in zones where multifamily housing is permitted, and allow Single Room Occupancy units (SROs) in a zoning district by the end of Fiscal Year 2022-2023. Note that the policy decision on which zone will accommodate SROs will be reviewed by the City Council and implemented within the prescribed time frame. Program 6 has also been updated to include revision to emergency shelter standards to only those that comply with state law, and to revise Reasonable Accommodation findings to only include objective considerations.
- Program 10 - Inclusionary Housing. Although the City is not counting on production of affordable housing through the City's Inclusionary Housing ordinance as a means of meeting the City's Regional Housing Needs Assessment (RHNA) for the 6th cycle, the City

has committed to updating the Inclusionary Housing ordinance by early 2023; this decision was collaboratively made by the City in conjunction with affordable housing community advocates. The metric to produce 18 lower income units per year is included under the Objective field for Program 10. This program requires that developers integrate affordable units into market-rate development to create opportunities for households with diverse socioeconomic backgrounds to live in the same developments and have access to the same services and amenities. Additionally, the City's 10% inclusionary requirement (5% very low and 5% low for rental projects), which applies to all new residential development over 10 units, automatically benefits from reduced parking requirements per State Density Bonus law and entitles the project to a 20% state density bonus and one or more concessions. Inclusionary Housing is discussed in Section E.4 (page E-31) of the Housing Element, and further discussion has been provided under Program 10 to address AFFH goals of upward housing mobility, place-based revitalization and anti-displacement.

- Program 11 - Home Ownership Assistance Citywide. The metric for this program has been revised to assist 4 households annually, with at least half to households originating from low resource areas and/or areas designated as R/ECAPs. This is an ongoing program that is subject to available Home, CalHome, BEGIN and inclusionary in-lieu funds. A timeframe of June 2023 has been added within the Conceptual Draft Amended Housing Element for developing and disseminating marketing material for the program in low resource or R/ECAPs areas to support the City's anti-displacement strategy by increasing home ownership.
- Program 12 - Mortgage Credit Certificate. The metric for this program is to help 6 mortgage tax credit certificates per year, and an additional metric has been added for the Ventura County Consortium to outreach to at least twenty-four households, with at least half of applicants from low resource areas and/or areas designated as R/ECAPs. This program can be used with the City's Home Ownership Assistance program to qualify for private mortgages. This is an ongoing program. A timeframe of June 2023 has been added for developing and disseminating focused marketing material for the program in low resource or R/ECAPs areas to support the City's anti-displacement strategy by increasing homeownership.
- Program 18 - Section 8 Assistance. The program objective and description have been updated to include AFFH metrics, priorities and goals. The City is committed to seeking an increase in Section 8 HUD vouchers utilization by 95% by expanding the City's outreach and engagement effort to landlords. The goal is to improve landlord and tenant relations, which in turn will impact the participation rate of property owners in the Section 8 program. The City will continue to apply for new or targeted population vouchers as those opportunities arise. HUD requires that 75% of new leases through Section 8 be made to households earning below 35% AMI. In November 2020, the Oxnard Housing Authority submitted a request to HUD for technical assistance, which was approved. HUD technical assistance included an asset repositioning report with implementation strategies and an evaluation of staffing levels and capacity, but did not provide additional Section 8 vouchers.
- Program 19 - AFFH. This program has been updated to include additional Anti-displacement Strategies, Place-based Revitalization Strategies, and Strategies to Address Barriers. The quantified objectives for specified actions are included in the action description. Many of the existing actions have been updated to include metrics

for assistance to a specified number of households and focus on low resource areas, areas of linguistic isolation and R/ECAPs. The City has also added action items that utilize the City's Climate Action and Adaptation Plan (CAAP), Green Alley Plan, Parks and Recreation Master Plan, Bicycle and Pedestrian Facility Master Plan and Sustainable Transportation Plan to direct green infrastructure and capital improvements in low resource areas.

HCD suggested as an example AFFH action item, to waive parking standards for units that are deed restricted. The ADU ordinance already waives parking for most units, and State Density Bonus addresses parking for restricted units. The majority of multi-family development within Oxnard is automatically eligible for State Density Bonus parking requirements due to the City's Inclusionary Housing Ordinance requirement of 10% lower income units. Parking is not a constraint for development in the downtown, as the downtown code accommodates offsite parking in a shared City parking garage. With the existing City parking provisions in place, staff determined that an additional waiver to parking standards was not necessary at this time.

- Program 26 - Extremely low income households. The Program objective has been modified to accommodate a metric of at least 600 extremely low-income units in areas designated as moderate or higher resource areas. The timeframe for Program 26 has been updated to begin meeting with developers annually in 2023 to facilitate opportunities to develop extremely low-income units. Program 26 is an ongoing program to encourage development of housing for extremely low income households. The program is subject to available Federal, State and local or grant funds. Note, Program 22 Special Needs Groups has also been updated to allow single room occupancy in at least one zoning district pursuant to AB 2634.
- Program 29 - City owned sites and developer assistance. This is an ongoing program to disseminate information to local affordable housing developers and advocates about available developer assistance. The City is actively selling City properties in compliance with the Surplus Lands Act where the first opportunity is offered for affordable housing development to support upward housing mobility and housing choice in higher resource areas; this information has been added to Program 29. Additionally, the City has added an annual outreach meeting with the community, starting Fiscal Year 2022-2023, to discuss and provide feedback on opportunities for development of affordable housing on City-owned surplus land. Program 29 has also been updated with a metric to accommodate 193 units affordable to lower income households on city-owned properties as identified in Supplement 1 of the Housing Element.
- Program 33 (Renumbered from Program 35) - Allow Housing in Business Research Park (BRP) zone. This program will utilize the results of the High Quality Transit Corridor (HQTC study; Program 31) to identify opportunities for construction in the BRP. The timeframe listed for this program is consistent with the timeframe for the HQTC of Fiscal Year 2023-2024 for completion, and community outreach to property owners starting in 2023. Note that the City is not counting on production of affordable housing through the Program 33 as a means of meeting the City's RHNA for the 6th cycle, but rather as a means of providing more affordable housing construction opportunities. The BRP Overlay zone would affirmatively further fair housing by increasing housing mobility opportunities and/or housing in higher resource areas by reducing constraints on development of residential units and expanding where they can be built.

- Program 34 (Renumbered from Program 36) - Pre-Approved Accessory Dwelling Units (ADU). The City commits to incorporating relevant and useful ADU/County REAP information on the City's Planning Department website by Fiscal Year 2023-2024, provided the County has completed the ADU design at that time. The program description has been updated to include an objective of reducing overall development costs through pre-approved plans and streamlined approvals. A metric has also been added to accommodate at least 320 ADUs to increase housing choice and mobility to higher resource areas.

Item A 2 - Rehabilitation/Renovation Units (Appendix page 2 of HCD Letter) - Conceptual Draft Amended Housing Element Section B.6 Housing Stock Characteristics has been updated to provide an estimate of the number of units in need of rehabilitation or replacement (page B-19). As summarized in Table B-25, approximately 45 percent of the housing units in the City were constructed prior to 1970 and may be in need of rehabilitation or replacement. Although building age does not always correlate with substandard housing conditions, neighborhoods with a concentration of homes 50 years old (or more) are more likely than newer neighborhoods to experience housing problems stemming from deferred maintenance, inadequate landscaping, and outdated utilities.

Item A 3 - Pending Projects (Appendix page 2 of HCD Letter) - Following City Council approval of the Final Housing Element in October 2021, on December 16, 2021 the Planning Commission approved the Lockwood Senior Apartments located at 2001 Outlet Center Drive (APN 213-0-090-285). The project includes 173 senior apartments that are deed restricted as 100% affordable to lower income seniors (10% affordable to extremely low income, 10% affordable to very low income and 80% affordable to low income). The Lockwood 2 Senior Apartments located at 2001 Outlet Center Drive on the western portion of the same site (APN 213-0-090-285) was approved by the Planning Commission on May 5, 2022. This project includes 168 senior apartments deed restricted as 100% affordable to lower income seniors (22% affordable to very low income, 78% affordable to low income @ 60% AMI). The parcel at 2001 Outlet Center Drive (APN 213-0-090-285) has also been split to accommodate the two projects; the new APNs are 213009029 and 213009030. Site 1 in the Conceptual Draft Amended Housing Element Supplement 1 has been updated with the affordability and approval status of the two projects.

Items A 3 – Realistic Capacity for commercially and industrially zoned parcels (Appendix pages 2 and 3 of HCD Letter) - To justify the housing projections for residential development on nonresidential sites (BRP Business and Research Park, C-2 General Commercial, M-L Industrial Limited, and M-1 Light Manufacturing zoned parcels), in a virtual meeting on February 16, 2022 HCD staff asked that the City to assess the percentage of nonresidential sites listed in the 2013-2021 (prior) adopted Mid-Cycle Housing Element that were developed with commercial uses rather than lower income/residential land uses. HCD requested that the City use that percentage to inform the realistic development capacity assumption for sites in these zones that are listed in the Conceptual Draft Amended Housing Element to address the assigned number of lower income units. The City reviewed those sites identified in the City's Mid-Cycle Housing Element (2013-2021) that were designated All Affordable Housing Opportunity Program (AAHOP) with a commercial or industrial base zone compared to the current land use. Staff's analysis found that none of the commercial or industrial zoned AAHOP sites were

developed with new commercial or industrial uses. Therefore, realistic capacity should not be reduced from the HCD standard of 80% of the potential density. This analysis was provided to HCD Staff Shawn Danino in an email transmittal dated March 8, 2022, and is included in Section F.6 Relatistic Capacity (pages F-12 and F-13) of the Housing Element. Staff's methodology for the Realistic Capacity was provided in Attachment A of the March 8, 2022 letter (AAHOP commercial and industrial zoned sites in the 2013-2024 Mid-Cycle Housing Element). With the summary of realistic capacity, the City believes sufficient support has been provided for utilizing the 80% capacity in our Housing Element; this is in alignment with HCD's standard. In a virtual meeting between City and HCD on March 17, 2022, HCD reviewer Shawn Danino indicated that the information provided satisfied the request for verifying realistic capacity.

Here is a summary of the City's March 2022 findings:

- 20 of the AAHOP sites were zoned C-2, CM, M-1 or ML. The sites were made up of 80 parcels;
- None (0) of the AAHOP commercial or industrial zoned sites in the prior Housing Element have been developed with new commercial and industrial uses;
- Two (2) of the AAHOP sites have been developed with new 100% affordable residential uses; and
- 14 of the 20 AAHOP sites (or some parcels/sites) were continued in the 2021-2029 6th Cycle Housing Element as sites that may be developed by-right (meaning discretionary review if not required/finding approval).

Item A 3 - Accessory Dwelling Unit (ADU) projections and affordability (Appendix page 3 of HCD Letter) - HCD questioned the City's Final Housing Element's projection of 490 ADUs to be constructed from 2021 to 2029. The City had projected that number of ADUs based on the 54 ADU building permits issued in 2021 (54 x 8.8 year 6th cycle timeframe = 475) as a result of the City's recent ADU code update, streamlined building permit process, and creation of 4 new ADU Housing Element programs and the no net loss program (Program 3) in the Final Housing Element. On March 8, 2022, in a City correspondence the City asked HCD to reconsider their position. The March 8th letter provided an analysis on the ADU projections and data justifying ADU affordability assumptions based on entitlement application rental surveys. To support City staff's analysis and the reporting provided by homeowners, the March 8, 2022 City correspondence to HCD staff included the results of 2021 and 2022 ADU affordability surveys & 2021 Building permits issued. This information has been added to Conceptual Draft Amended Housing Element, Section F.2 - Accessory Dwelling Unit Potential (pages F-2 and F-3).

In 2021, 90 of 182 ADU entitlement applications provided rental amounts as requested by the City. Of the 90 applications, 94% reported rental rates that were affordable to lower income households. Rental percentages were as follows:

- 18% were affordable to persons of extremely low income;
- 22% were affordable to persons of very low income;
- 54.5% were affordable to persons of low income;
- 4.5% were affordable to persons of moderate income; and
- 1% (1 unit) was reported as "market rate" which may be interpreted as above moderate income.

In 2022, 34 of the 40 ADU entitlement applications received to date (as of Feb 2022) provided rental amounts that were 100% affordable to lower income households:

- 6% were affordable to persons of extremely low income;
- 24% were affordable to persons of very low income;
- 71% were affordable to persons of low income;
- 0% were moderate income; and
- 0% were above moderate income

During a virtual meeting between City and HCD staff on March 17, 2022, Melinda Coy at HCD indicated that a revised ADU project of 320 units would be acceptable based on building permit history. Staff reviewed updated building permit data and site information and determined that the Projected ADUs reflected in the Housing Element could be reduced to the 320 units. The number of projected ADUs in Table F-3 (page F-13) reflects the remaining number of ADUs (283) after subtracting building permits to date in the RHNA cycle. With this adjustment, the City will still have sufficient units to meet RHNA in all income categories. Based on the combination of the online survey analysis, the feedback from ADU owners in Oxnard, and the Chapple industry research, 90 percent the 320 ADUs projected to be built in Oxnard between 2021 and 2029 are anticipated to be affordable to lower-income households and 10 percent are anticipated to be affordable to moderate-income households. Ms. Coy indicated during the meeting on March 17th that based on the data approximately 10% of the projected ADUs should be reflected as moderate.

Item A.3 - Availability of Infrastructure (Appendix page 3 of HCD Letter) - HCD requested that the City clarify availability of sufficient water and wastewater capacity to support new housing units. Conceptual Draft Amended Housing Element Section F.10 Environmental Constraints and Adequate Infrastructure (pages F-15 and F-16) has been updated to include information on water and sewer availability. Based on the data provided in the 2020 Urban Water Management Plan, the City has adequate facilities, services and infrastructure to accommodate the planned residential growth within the city limits during the time frame of this Housing Element. The Oxnard Wastewater Treatment Plant (OWTP) has a current capacity of 31.7 million gallons per day (mgd) with average daily flows of approximately 19.0 mgd. Sufficient capacity exists to accommodate wastewater generated by the 2030 General Plan and the development of the Housing Element sites. All Affordable Housing additive zone sites would be considered infill development and are within the City's ability to serve.

Item A.3 - Zoning for a Variety of Housing Types (Emergency Shelters) (Appendix page 3 of HCD Letter) - During the February 15, 2022 virtual meeting with HCD staff, concern was expressed that the standards for emergency shelters (Oxnard City Code (OCC) Section 16-504) are greater than those applicable to residential or commercial development within the same zone. To address HCD's concern, and consistent with the State law, the City will amend Program 6 (Zoning Code Amendments) to include an update to OCC Section 16-504 for emergency shelters. The revision will allow development standards specific to the underlying zone and those standards listed in Government Code Section 65583(a)(4)(A). A discussion on this revision has been added to Section F.4 under Other Special Needs Housing (pages E-30 and E-31). The timeframe for code update is Fiscal Year 2022-2023.

Item A.4 - Parking requirements (Appendix pages 3 and 4 of HCD Letter) - HCD is concerned that the City's parking requirements for covered/enclosed residential parking create a constraint on affordability and they would like the Housing Element to provide additional discussion or programs. HCD provided as an example of concern a City code requirement for up to 6 parking spaces for a single family home with an ADU. Additional discussion on residential parking has been provided in Section E.1 starting on page E-18. In context, 6 parking spaces would be required for the rare circumstance of a detached 8-bedroom home with an ADU. Only 2 parking spaces are presently required for a detached residence with up to 5 bedrooms, which are the majority of single family homes in the City. Under the current ADU ordinance, parking for ADUs is not required for the majority of locations in the City. Two parking spaces for a 5-bedroom home with an ADU is a reasonable requirement that does not create a constraint on affordability. Additionally, the City will update the ADU portion of the OCC (Sections 16-468(D) and 16-622) to recognize current State law that no replacement parking spaces are required if using the garage for an ADU. Program 6 (Zoning Code Amendments) and Program 27 (Parking Standards) program descriptions text have been updated to recognize this revision.

HCD also requested analysis of the cumulative effects of residential and guest parking requirements. Additional discussion has been provided in Housing Element Section E.1 (page E-18 and E-19) regarding guest/visitor parking. Only one parking space is presently required for studio and one-bedroom units, and one visitor space is required for the first 30 units. However, most multifamily development receives further parking reduction (no visitor spaces required, parking waiver) due to the City's Inclusionary Housing ordinance requirement of 10% lower income units. Development that meets the City's inclusionary requirement is automatically eligible for reduced State Density Bonus parking requirements.

Discussion on the City's Downtown centralized parking provision and in-lieu fee for the district parking facility is provided in the Review of Parking Standards on page A-27 and in Section E.1 Land-Use Planning and Development Standards on page E-15. Pursuant to HCD's recommendation, the City has augmented the discussion on parking for multifamily in the downtown within Conceptual Draft Amended Housing Element Section B.8 Fair Housing Assessment discussion on transportation and access to opportunity on page B-40 and on page E-19 to clarify the City's existing parking provisions for centralized parking rather than parking onsite. Programs 19 (AFFH) and 27 (Parking Standards) include an action item on reducing total parking requirements in the Downtown, including a study on ways to increase transit-oriented development in the Downtown.

Item A. 4 - Design Review and Guidelines (Appendix page 4 of HCD Letter) - HCD recognized that the Housing Element provided information on the design review process and requirements for public noticing and workshops. They requested that the Housing Element additionally include an analysis on potential constraints on housing development caused by the design review process. For this analysis, HCD provided as an example that the element could describe required findings for approval and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts.

As part of the 2021-2029 Final Housing Element adopted by the City Council in October 2021, the Council approved a new ministerial Site Plan Review process (OCC Section 16-523) for reviewing by-right development and the addition of new Affordable Housing Additive Zone code

(OCC Section 16-420) for sites identified in Supplement 1 of Housing Element. The Additive Zone code includes objective standards for reviewing affordable development. Discussion regarding Site Plan Review for the Affordable Housing Additive Zone sites have been added to Housing Element Section E Constraints on pages E-3, E-41, E-43 and E-44 and Tables E-1 and E-3. Objective development standards for the additive zone are listed in the adopted City Code Section 16-420 at the following link: https://codelibrary.amlegal.com/codes/oxnard/latest/oxnard_ca/0-0-0-53148

Item A. 4 - Processing and Permit Procedure (Appendix page 4 of HCD Letter) - HCD requested that the Housing Element include the approvals that are necessary, approving body, required number of public hearings and process timing for a Special Use Permit (SUP). The approval body and typical processing times for types of approval, and specifically the processing timeline for an SUP are provided on Tables E-8 and E-9 of the Housing Element on Pages E-46 and E-47.

HCD's letter also indicated that a third party identified a subjective finding for SUP approval that was not included in the City's list of SUP approval findings in Section E.5 Processing and Permit Procedures on page E-40 of the Final Housing Element and that this may constrain housing production. The Final Housing Element included all of the required SUP findings from "Requirements for Granting" pursuant to OCC Section 16-531. The third party's referenced line is from the introductory section of the Division for SUP (i.e., OCC Section 16-530) that explains why SUPs are necessary in general and is not a required finding.

The Housing Accountability Act (HAA) does not prohibit cities from requiring discretionary approval for housing projects. The City of Oxnard is predominantly a built-out City where remaining infill developable vacant or underutilized sites may face development constraints. The City must retain an element of discretion on some sites to ensure safe locations for residential development. For this reason, the City created two zones to allow development at default densities of 30 dwelling units per acre for sites identified in the Final Housing Element.

These include the Affordable Housing Permitted (AHP) additive zone where sites from prior Housing Elements are permitted by-right with the provision of 20% affordable housing, and Affordable Housing Discretionary (AHD) additive zone for new sites that have not been included in prior housing elements. Many of the new sites are in underutilized Industrial and Business Research Park zoned areas and were added to the Final Housing Element with the understanding that they would be subject to discretionary review. Such review will help ensure that future multifamily or mixed-use developments are not subject to noise, odor, or other incompatible conditions while also allowing other non-residential uses to be allowed within areas which currently allow non-residential uses. Therefore, discretion must be retained on these sites. Additionally, both the AHP and AHD sites are subject to objective development and design standards as listed in OCC Sections 16-420H and 16-420I, and objective Finding for approval (OCC Section 16-420L) consistent with the HAA. Therefore, projects with an SUP will be reviewed with these objective standards, and can also have HAA findings.

HCD staff member, Shawn Danino indicated during a virtual meeting between City and HCD staff on March 17th that HCD is agreeable to the SUP findings on page E-40 provided that they don't include the preamble mentioned by the third party commenter. We have added text in Section E.5 on pages E-40 and E-41 to clarify that the preamble regarding 'integrity and character of the

zoning district' is not a required finding for approval. The City has also provided additional information on the SUP review process.

Item A.4 - Persons with Disabilities (Appendix page 4 of HCD Letter) - HCD is requesting that the City add a definition of family and address how projects with insufficient parking will be processed and/or be denied for residential care facilities under reasonable accommodation for. The definition for 'family' in OCC Section 16-10 is the same as the building code definition for household, which is a group of residents. This definition has been added to the Terms in Housing Element Section E.1 (page E-2) for clarity. Under OCC Section 16-446, Senior and/or Senior Assisted Living Residential Facilities have flexibility on parking requirements with a parking study that demonstrates sufficient parking. discussion on provision for residential care facility parking has also been added for clarity to Section E.1 the Housing Element on pages E-19 and E-28. Program 27 (Parking Standards) has been updated to list a revision to OCC Section 16-622 (Off-street Parking) to move the requirements for parking for the elderly from the Health Services category to the Residential category, and expand the types of residential care facilities to recognize changes in the industry (currently only assisted living and nursing home are listed to encompass the various types of facilities, including residential care facilities, independent living, memory care, etc. Programs 6 (Zoning Code Amendments) and 21 (Reasonable Accommodation) have also been updated to reflect a revision to OCC Section 16-501.5 (Reasonable Accommodation - Findings) by end of Fiscal Year 2022-2023 to only include objective considerations.

Item A.5 – Developed Densities and Permit Times (Appendix pages 4 and 5 of HCD Letter) - HCD is concerned that development projects will be proposed and approved with less than the maximum allowable density. Planning does not generally receive project applications which are 'substantially' below allowed density. The OCC does not mandate minimum densities, though this has not been found to be a constraint to development. Table F-2 was augmented following HCD's comments on the Draft Housing Element in July 2021 to include a list of current/recent projects showing that developers consistently propose to build at maximum density (or even above maximum density with Density Bonuses). In the event that the approval of a development project results in the remaining sites' capacity becoming inadequate to accommodate the City's RHNA by income category and there are no replacement sites remaining in the Site Inventory surplus (Table F-3; See Surplus RHNA), Program 3 provides a no-net-loss process for the City to rezone enough sites to meet the City's RHNA allocation.

HCD also asked in this comment about the "length of time between received application approval for a housing development and submittal of an application for building permits that potentially hinders the construction of a locality's share of the regional housing need." Information on turnaround times was included in Section E.5 of the prior submittal, which stated "Typical turnaround time after receiving planning entitlements until requesting a building permit is driven by market and funding availability. Development projects are conditioned to secure a building permit within 12-36 months from entitlement (depending on the permit type)" (page E-42). The City has added information on page E-42 to indicate the time between when an application receives their entitlement and when they apply for building permits, which is typically dictated by the developers funding and outside of the City's control. The last five residential projects that have been processed in the City took an average of 18 months between entitlement and the request for a building permit.

Item B.1 - Housing Programs - Programs 6, 9, and 14 pertaining to the Local Coastal Plan (LCP) (Appendix page 5 of HCD Letter) HCD is asking for the City to provide a specific commitment on when these programs will be accomplished in relation to the LCP. Within the Conceptual Draft Amended Housing Element, Program 6 (Zoning Code Amendments) and 14 (Shelter Development) have been updated to include commitment language to completing the Local Coastal Implementing Plan (LIP) once the City's Local Coastal Plan (LCP) is updated in Fiscal Year 2027/2028. However, none of the RHNA sites are located in the coastal zone, as the City would not have been able to rezone coastal sites to allow 30 du/ac, nor would we be able to secure Coastal Commission rezoning approval prior to the Housing Element approval deadline. Program 9 (Farmworker Housing) does not reference the LCP; therefore language regarding the LCP completion date was not listed in this program.

Item B.1 - Housing Programs SRO's (Appendix page 5 of HCD Letter) - HCD is requesting a City commitment to amend the OCC to allow SROs in at least one zone. HCD reviewer Sean Danino specified that this is a requirement of Assembly Bill (AB) 2634, which has been confirmed by the City Attorney. Programs 6 (Zoning Code Amendments) and 22 (Special Needs Groups) within the Conceptual Draft Amended Housing Element have been amended to provide language to allow SROs in at least one zone district, rather than 'study the allowance.' The timeframe for updating the OCC per Housing Element Program 6 and 22 is Fiscal Year 2022-2023.

Item B.2 – Complete Site Analysis (Appendix pages 5 and 6 of HCD Letter) - Related to Item A.3. **Comment Noted**

Item B.3 – Complete Governmental and Non-Governmental Constraints Analysis (Appendix page 6 of HCD Letter) - Related Items A.4&A.5. **Comment Noted**

Item B.4 – Complete analysis of AFFH (Appendix page 6 of HCD Letter) - Related Item A.1. **Comment Noted**

Item C. Public Participation (Appendix pages 6 and 7 of HCD Letter) - As a result of robust community outreach and public participation during preparation of the Final Housing Element, HCD requested additional information on the policy and program changes incorporated into the Housing Element. The City Council implemented many, if not all, of the public recommendations submitted to the City. A summary of the input as well as revisions to the document was forwarded to HCD on March 8, 2002 and has been added to Supplement 3 of the Conceptual Draft Amended Housing Element.

Attachments:

A1 – Realistic Capacity Documentation

A2 – 2021 ADU Affordability Survey

A3 – 2022 ADU Affordability Survey

A4 – 2021 ADU Building Permits Issued

2013-2021 Housing Element Commercial and Industrial Sites Development Status

AAHOP Number		Site Description		GP Des	Zoning	Total Acreage	Buildable Acreage	Allowable Density	ite Capacity All Affordable verlay Site Zone	Affordability Level	Developed with New Commercial?	Site Continued in 6th cycle Housing Element	Development Status (No Change = No improvements since 2013-2021 Mid-Cycle Housing Element)
Vacant													
A-05	225001418		Vacant	CG	C2-PD	13.9	11	24	211	VL/L	No	Yes	No change
Largely Vacant													
B-01	139026025	2121 N. Oxnard Blvd	Auto sales lot	CG	C2-PD	5.2	4.5	24	65	VL/L	No	No	No change
B-02	222015208	4684 & 4700 Saviers	Eagles Lodge	RMH	C-2-PD*	1.16	1.16	24	17	VL/L	No	Yes	No change
	222015202		Propane gas distributor	RMH	C-2-PD*	0.59	0.59	24	8	VL/L	No	Yes	No change
B-06	203012048	1331 - 1369 Saviers Rd	garage bldg	CG	C2	0.77	0.77	24	11	VL/L	No	Yes	No change
	203012050		Com. strip center	CG	C2	0.24	0.24	24	3	VL/L	No	Yes	No change
			2,500 sf total in								No	Yes	No change
	203012041		two garage	CG	C2	0.35	0.35	24	5	VL/L	No	Yes	No change
			buildings								No	Yes	No change
B-07	205044308	3461 Saviers Rd	partly vacant former market/swap meet	CG	C2	4.2	4.2	24	60	VL/L	No	Yes	No change
B-11	223004104	5690 Cypress Rd	vacant	ILM*	M1-PD*	0.37	0.29	24	6	VL/L	No	No	Developed with Residential, Garden City Labor Camp, 100% affordabe
B-12	222001126	5513 Saviers	residence,	CG	C-2 PD	0.92	0.92	24	13	VL/L	No	No	No change
			vehicle storage										
	222001111	5777 S. Saviers	vacant	CG	C-2 PD	0.45	0.45	24	6	VL/L	No	Yes	No change
	222001130	161 W. Hueneme	vacant	CG	C-2 PD	1.7	1.7	24	24	VL/L	No	Yes	No change
	222001129	5489 S Saviers	SF residence	CG	C-2 PD	0.92	0.92	24	13	VL/L	No	No	No change
	222001128	5527 S Saviers	vacant	CG	C-2 PD	0.90	0.90	24	22	VL/L	No	No	Developed with Ormond Beach Villas 39 veteran units, 100% affordable
	222001127	5527 S Saviers	vacant	CG	C-2 PD	0.91	0.91	24	22	VL/L	No	No	Developed with Ormond Beach Villas 39 veteran units, 100% affordable
	222001110	5577 S Saviers	auto repair	CG	C-2 PD	0.31	0.31	24	4	VL/L	No	No	no change

B-13	222010201	Saviers and Pleasant Valley	vacant	CG	C-2-PD	0.44	0.38	24	5	VL/L	No	Yes	No change
	222010218		parking lot	CG	C-2-PD	0.13	0.13	24	2	VL/L	No	No	no change
	222010219		restaurant	CG	C-2-PD	0.34	0.34	24	5	VL/L	No	No	no change
	222010225		vacant	CG	C-2-PD	0.01	0.01	24	0	VL/L	No	No	no change
	222010227		vacant	CG	C-2-PD	0.01	0.01	24	0	VL/L	No	No	no change
B-14	202005409	2nd St	Vacant. bldg	CG	C-2	0.16	0.16	24	2	VL/L	No	Yes	No change
	202005408		parking lot	CG	C-2	0.16	0.16	24	2	VL/L	No	Yes	No change
	202005407		Vacant building (city owned)	CG	C-2	0.32	0.32	24	5	VL/L	No	Yes	No change
	202005410		vacant	CG	C-2	0.16	0.16	24	2	VL/L	No	Yes	no change
	202005404		vacant	CG	C-2	0.16	0.16	24	2	VL/L	No	Yes	no change
	202005403		vacant	CG	C-2	0.16	0.16	24	2	VL/L	No	Yes	no change
	202005402		vacant	CG	C-2	0.16	0.16	24	2	VL/L	No	Yes	no change
B-19	203004114	800-900 blocks of	commercial	CG	C-2-PD	0.09	0.09	24	2	VL/L	No	No	no change
	203004115	W. Wooley Rd	commercial	CG	C-2-PD	0.18	0.18	24	5	VL/L	No	No	no change
	203004116		commercial	CG	C-2-PD	0.09	0.09	24	2	VL/L	No	No	no change
	203004117		commercial	CG	C-2-PD	0.09	0.09	24	2	VL/L	No	No	no change
	203004118		commercial	CG	C-2-PD	0.35	0.35	24	9	VL/L	No	No	no change
	203004119		commercial	CG	C-2-PD	0.18	0.18	24	4	VL/L	No	No	no change
	203004216		commercial	CG	C-2-PD	0.09	0.09	24	2	VL/L	No	No	no change
	203004217		commercial	CG	C-2-PD	0.18	0.18	24	4	VL/L	No	No	no change
	203004218		commercial	CG	C-2-PD	0.35	0.35	24	8	VL/L	No	No	no change
	203004219		commercial	CG	C-2-PD	0.18	0.18	24	4	VL/L	No	No	no change
	203004222		commercial	CG	C-2-PD	0.18	0.18	24	5	VL/L	No	No	no change
	203004226		commercial	CG	C-2-PD	0.01	0.01	24	0	VL/L	No	No	no change
Largely Vacant Structure													
C-01	142001034	Levits	parking lot	CG	C2-PD	5.3	5.3	24	76	VL/L	No	No	no change
	142002101		vacant Levitz	CG	C2-PD	3.6	3.6	24	52	VL/L	No	No	no change
C-03	222008229	207-631 W. Hueneme	older strip com.	CG	C-PD*	0.7	0.7	24	10	VL/L	No	yes	no change
	222001128		older strip com.	CG	C-PD*	1.37	1.37	24	20	VL/L	No	yes	no change
	222001127		vacant	CG	C-PD*	0.27	0.27	24	4	VL/L	No	yes	no change
	222001126		vacant	CG	C-PD*	1.09	1.09	24	16	VL/L	No	yes	no change
	222008265		older strip com.	CG	C-2	0.29	0.29	24	4	VL/L	No	yes	no change
	222008263		older strip com.	CG	C-2	1.48	1.48	24	21	VL/L	No	yes	no change

	222008257		older strip com.	CG	C-2	0.59	0.59	24	8	VL/L	No	yes	no change
	222008255		older strip com.	CG	C-2	0.59	0.59	24	8	VL/L	No	yes	no change
	222008256		parking lot	CG	C-2	0.29	0.29	24	4	VL/L	No	yes	no change
	222008258		older strip com.	CG	C-2	0.3	0.3	24	4	VL/L	No	yes	no change
Constrained													
D-03	203007028	1132 S. C St.	vacant	CG	C-PD*	0.29	0.29	24	6	VL/L	No	Yes	no change
D-05	205014132	Pleasant Valley Shopping Center	Unique Characteristics	CG	C2	7.8	3	24	43	VL/L	No	No	no change
D-06	200010002	1345 N. Oxnard	car dealership	CG	C2-PD	2.82	2.82	24	41	VL/L	No	Yes	Active application for residential, 195 units, 100% affordable
	200010003		car dealership	CG	C2-PD	1.13	1.13	24	16	VL/L	No	Yes	Active application for residential, 195 units, 100% affordable
	200010004		car dealership	CG	C2-PD	4.47	4.47	24	64	VL/L	No	No	no change
D-07	200008219	1205 N. Oxnard Bvd	dealership	CG	C2-PD	2.8	2.5	24	36	VL/L	No	Yes	no change
D-10	203007034	1111 S. Saviers Rd		CG	C2	1.4	1.3	24	19	VL/L	No	Yes	no change
D-11	204006003	1225 to 1263 S Oxnard	auto shop	CG	CM-PD	0.6	0.6	24	9	VL/L	No	Yes	no change
	204006004		small offices	CG	CM-PD	0.7	0.7	24	10	VL/L	No	Yes	no change
	204006012		vacant	CG	CM-PD	0.85	0.85	24	12	VL/L	No	Yes	no change
	204006013		9 apartments	CG	CM-PD	0.5	0.5	24	7	VL/L	No	Yes	no change
D-12	204007301	1325to 1401 S. Oxnard	bar & parking	CG	C-2	0.34	0.34	24	5	VL/L	No	No	no change
	204007302		auto sales	CG	C-2	0.34	0.34	24	5	VL/L	No	Yes	no change
	204007317		auto sales	CG	C-2	0.17	0.17	24	2	VL/L	No	Yes	no change
	204007318		auto sales	CG	C-2	0.17	0.17	24	2	VL/L	No	Yes	no change
D-14	183025021	SE corner Patterson Rd & W. Wooley Rd	industrial bdg	IL	ML	0.5	0.5	24	12	VL/L	No	No	no change
	183025013		industrial bdg	IL	M-PD	0.4	0.4	24	10	VL/L	No	No	no change
	183025015		industrial bdg	IL	M-PD	0.4	0.4	24	10	VL/L	No	No	no change
	183025023		industrial bdg	IL	ML	1.5	1.5	24	36	VL/L	No	No	no change
	183025024		self storage	IL	ML	2.4	2.4	24	57	VL/L	No	No	no change
	183025018		industrial bdg	IL	M-PD	0.2	0.2	24	5	VL/L	No	No	no change
	183025019		industrial bdg	IL	M-PD	0.3	0.3	24	5	VL/L	No	No	no change
	183025009		industrial bdg	IL	ML	0.6	0.6	24	14	VL/L	No	No	no change
	183025010		industrial bdg	IL	ML	0.4	0.4	24	10	VL/L	No	No	no change

	183025012		industrial bdg	IL	M-PD	0.3	0.3	24	8	VL/L	No	No	no change
	183025022		industrial bdg	IL	ML	1.2	1.2	24	29	VL/L	No	No	no change

Attachment A2 to A4 – Redacted

Attachment 6

June 28, 2022 Proposed Revisions to Conceptual Draft Amended Housing Element
(Revisions to Conceptual Amended Housing Element)

Vytautas Adomaitis, Community Development Director
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June 28, 2022

Shawn Danino
Housing Policy Development, Land Use & Planning
Housing & Community Development
2020 W. El Camino, Suite 500
Sacramento, CA 95833

(Via Email – Hard Copy to Follow)

Subject: Proposed Revisions to Conceptual Draft Amended Final Housing Element, City of Oxnard - 6th Housing Element

Dear Mr. Danino:

Thank you for meeting with the City of Oxnard on June 22, 2022, and on June 28, 2022 via conversation with Placeworks, to discuss your review of the Conceptual Draft Amended City of Oxnard, 6th Cycle 2021-2029 Housing Element that was submitted to HCD on May 13, 2022 ("Housing Element").

During our meeting, you identified four additional revisions that are necessary for the Housing Element to fully comply with State Housing Element Law. The City committed to providing the following revisions to assist HCD in evaluating the Housing Element. The items contained in this correspondence provide information we discussed and pertain to:

1. Age & Condition of Housing Stock;
2. Guest Parking;
3. Findings and Design Standards for Site Plan Review; and
4. Timing on Local Coastal Plan

Each of the four revisions are outlined in Attachment A to this letter. Attachment A also identifies additional proposed minor revisions due to community input. This letter confirms that in accordance with Assembly Bill (AB) 215, the City will post the Proposed Revisions to the Conceptual Draft Amended Final Housing Element (Attachment A to this correspondence) on the City's Housing Element website beginning on July 1, 2022 and distribute notice of the posting to all interested parties. This posting complies with AB 215 posting requirements.

Should you have any further questions, Kathleen Mallory, Planning & Sustainability Manager, can be reached at either (805) 385-8370 or Kathleen.Mallory@oxnard.org.

We greatly appreciate your assistance and continued close collaboration with our staff.

Sincerely,

Kathleen Mallory

for Vytautas "Vyto" Adomaitis
Community Development Director

Attachment:
A - Proposed Revisions to Conceptual Draft Amended Final Housing Element (May 2022)

Attachment A
Proposed Revisions to Conceptual Draft Amended Final Housing Element (May 2022)

In response to a June 22, 2022 phone call and follow-up discussions with HCD staff on the City's Conceptual Draft Amended Final Housing Element (May 2022) ("Housing Element"), this correspondence identifies conceptual modifications to this document to address HCD's comments. Changes are identified in legislative format below (new text is underlined and strike through is to be deleted):

1. **Rehabilitation/Renovation Units** - Housing Element Section B.6 Housing Stock Characteristics has been conceptually revised to provide updated estimates of the number of units in need of rehabilitation or replacement (Page B-19). Chapter G has also been revised with updates to Table G-1 to increase quantified objectives and Program 1 to include a targeted housing conditions survey as requested by HCD reviewer Melinda Coy in discussions with the City's Housing Element consultant, Placeworks, in a phone call on June 27, 2022.

The text in Section B.6 will be conceptually updated as follows.

> Most legally-permitted units in Oxnard have full plumbing and kitchen facilities, based on observations by the City's building inspectors and Code Compliance staff. There are a handful of older, small residences that were built before 1940 without what is now considered complete kitchen and bathroom facilities. There are also an unknown number of unpermitted garage and internal subdivided homes that do not have complete kitchen and/or bathroom facilities, and some lack safe heating. Residents of these units probably have access to kitchens and bathrooms in the "parent" housing unit or share with other boarders. Code Compliance responds to complaints of illegal units and initiates cases to bring the units into permit compliance if possible or requires the units to be removed. The City relies on anecdotal information from inspector, Police and Fire department field personnel, and Code Compliance cases to provide statistics on the condition of the housing stock. <u>From 2015 through 2022, Code Compliance has opened a total of 518 substandard housing cases, investigated a total of 2,168 substandard Housing cases and resolved/closed 529 substandard housing cases.</u> With the recent allowance of Accessory Dwelling Units (ADUs) and Junior ADUs, many of the unpermitted conditions that previously were not allowed will now be allowed with proper permits. This has resulted in an extended time to resolve cases as the corrections are not considered resolved until the entire permitting process for the units is completed. In addition, the COVID-19 pandemic has affected the number of substandard cases reported. They are significantly lower since the pandemic began. As summarized in Table B-25, approximately 45 percent of the housing units in the City were constructed prior to 1970 and may be in need of <u>some type of</u> rehabilitation or replacement. Although age does not always correlate with substandard housing conditions, neighborhoods with a concentration of homes 50 years old (or more) are more likely than newer neighborhoods to experience housing problems stemming from

deferred maintenance, inadequate landscaping, and outdated utilities, and therefore approximately 11,440 units could be in need of rehabilitation. However, this does not consider ongoing property owner reinvestment and most likely the rehabilitation need is much lower. To ensure the City has an accurate understanding of the neighborhoods in need of rehabilitation, the City has included in Program 1 a commitment to complete a windshield housing condition survey in targeted older and lower income neighborhoods which will help to inform the City on where rehabilitation efforts should be focused.

Table G-1 in Chapter G has been conceptually updated as follows: The increased objectives for rehabilitation and conservation for the moderate and above moderate categories align with the projected need discussed in Chapter B. Rehabilitation of moderate and above moderate units would be owner funded while some funds are available from the City for rehabilitation of lower income units.

Table G-1 Housing Unit Objectives by Income Category (Quantified Objectives): 2021–2029

Income Group	2021–2029 RHNA Table D-1	Rehabilitation Conservation Estimate [Program No.]	Preservation Estimate [Program No.]	Total Housing Units Constructed, Rehabilitated, or Preserved
Extremely Low/ Very Low	1,840	125 [1,2]	215 [16]	2,180
Low	1,071	125 [1,2]	216 [16]	1,412
Moderate	1,538	~~28~~150 [1, 2]	0	~~1,566~~ 1,688
Above Moderate	4,100	~~28~~300 [1, 2]	0	~~4,128~~ 4,400
TOTAL	**8,549**	**~~306~~ 700**	**431**	**~~9,286~~ 6,980**

Program 1 in Table G-2 in Chapter G has been updated as follows:

Table G-2. Housing Element Implementation Programs **Implementation by**

Program	Objective (quantified/ qualified)	Imple-ments Policy	In prog-ress	2021-2022	2023-2024	2025-2026	2027-2029	Annually or Ongoing

Program 1: **Code Compliance Program** **Responsibility: Community Development Department, with technical support by other City Departments as needed** **Funding: General Fund, CDBG, Measure 'O'** **Time Frame: Ongoing**	Ensure compliance with City codes, with a focus on substandard housing, which includes garage conversions and unpermitted additions. 300 cases per month.	1.1 1.2 1.3 1.4 1.5 1.7			■	■		■

The Code Compliance Division enforces building and property maintenance regulations with a goal of compliance and safety. Code Compliance officers work with neighborhood advisory groups and respond to complaints to identify violations, and then direct owners to appropriate City departments to achieve compliance. The City may have loan and grant programs and works with other agencies to avoid unnecessary displacement. The Housing Department serves as a liaison for Code Compliance in mobile home parks under HCD jurisdiction. The Code Compliance Division will continue to ensure that landlords of rental units are completing repairs for tenants in a timely manner to reduce displacement risk and without threat of retaliation.

Additionally, the City will complete a targeted windshield housing conditions survey during Fiscal Year (FY) 2024- 2025 in several City selected older neighborhoods and neighborhoods with lower median incomes, to evaluate rehabilitation needs. The survey will be conducted by visually assessing exterior of homes such as roofing, windows, and siding conditions and categorizing units as sound, in need of minor repair, moderate repair, substantial rehabilitation or dilapidated. Based upon the survey findings, in FY 2025-2026 the City will identify specific needs and tailor housing rehabilitation measures to fit those needs, such as encourage housing preservation, conservation, acquisition rehabilitation, mitigation of potential costs, and minimizing displacement and relocation impacts on residents. These measures may include, but are not limited to the following:

· Reaching out directly to homeowners of housing units in need of repair to promote the Homeowner Repair Program (Program 2).

· Streamlining permit review for repairs on housing units identified during the conditions survey.

· Seeking non-city funding to offer relocation assistance to low-income tenants or owners displaced during rehabilitation efforts.

· Seeking non-city funding to develop a housing rehabilitation program.

2. **Guest/Visitor Parking** - HCD requested that language be added to Housing Element Program 27 (Review of Parking Standards) to monitor how the City's guest parking requirement could be a governmental constraint to production of affordable housing. Oxnard City Code (OCC) Section 16-622 presently requires for multifamily development one uncovered visitor parking space per unit for the first 30 units; after the 31st unit, 0.5 uncovered visitor space per unit. As discussed with HCD, due to the City's existing Inclusionary Housing Ordinance that requires that all developers provide 10% lower income units in development with 10 or more units, most multifamily development in the City is eligible for waived guest parking under the State's Density Bonus parking requirements, including projects that do not apply for Density Bonus. However, the guest parking requirement is still in place for projects that are not eligible for State Density Bonus. Accordingly, the following bullet item will conceptually be added to Program 27:

   - Monitor existing visitor parking requirements for impacts to affordable housing development applications. As part of the City's Annual Housing Element reporting, the City will evaluate the multifamily visitor parking requirements to determine if it is a constraint to production of lower income units and conduct necessary Oxnard City Code modifications as needed. (Multifamily parking visitor parking is presently one uncovered visitor space per unit for the first 30 units; after the 31st unit, 0.5 uncovered visitor space per unit).

3. **Site Plan Review and Affordable Housing Overlay Design Standards**- HCD requested that the Housing Element include the Site Plan Review findings for the City's newly adopted Site Plan Review process for by-right development, and the objective design standards from the City's newly adopted code for development in the Affordable Housing Additive zones.

   As discussed in prior correspondence with HCD, in October 2021 the Council approved a new ministerial Site Plan Review process (OCC Section 16-523) for reviewing by-right development, and a new Affordable Housing Additive Zone (OCC Section 16-420) for development of sites identified in Supplement 1 of Housing Element that have been zoned Affordable Housing Permitted (AHP) or Affordable Housing Discretionary (AHD) and provide 20% of unis affordable to lower income households. The Additive Zone code includes objective development and design standards for reviewing affordable development projects.

   The following findings from OCC Section 16-523.4 for Site Plan Review are provided in Section E starting on page E-43:

   (A) The project is consistent with the applicable general plan policies and is in conformance with applicable zoning regulations contained in this chapter and other adopted standards.

(B) There are adequate infrastructure and public services available to serve the proposed development, including sewerage, water, fire and police protection, storm drainage facilities, and legal access to the lot.
(C) The proposed development is on a legally created lot.

Objective development standards for development in the AHP and AHD zones are provided in Table E-2 starting on Page E-10, and Table E-3 on Page E-14 of the Housing Element. The City recently adopted OCC Section 16-420, which also requires objective design standards for development in the AHP and AHD zones. The following text is provided in Section E on Page E-44 of the Housing Element regarding the objective design standards:

Housing development permitted under the Additive Zone code for development in the AHP and AHD zones are required to follow Objective Design Standards outlined under OCC 16-420I for neighborhood compatibility, building design, massing/articulation, site design and accessory elements such as refuse enclosures.

The OCC is available online at the following link: CHAPTER 16: ZONING CODE (amlegal.com). Rather than including the full list of objective design standards in its entirety within the Housing Element, for reference, the list of the objective design standards that are required for development in the AHP and AHD additive zones are provided below (OCC, Chapter 16, Article 5, Division 7C):

SEC. 16-420I. DESIGN STANDARDS.
Housing developments permitted under this Division 7C shall incorporate the following objective design standards and include on-site amenities appropriate for the resident population to be served:

(A) Neighborhood compatibility.

(1) Residential developments located abutting or across the street from a single-family neighborhood shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas, garages and carports shall be located behind residential structures unless it is technically infeasible based on other city or state required standards.

(2) Duplexes, triplexes, and fourplexes abutting or across the street from a single-family neighborhood shall include individual front doors and interior stairs (when stairs are needed).

(3) When determined necessary by a noise assessment, sound walls shall include an earth berm and landscaping. Walls between buildings shall be extended to create pockets of protected common space avoiding long continuous walls for the entire length of a development site.

(B) Building design.

(1) Buildings shall orient towards the street or internal courtyard.

(2) Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.

(3) Architectural articulation shall be provided on all four sides of a building-Architectural articulation rhythms shall be followed based upon dimensions found in existing developments immediately adjacent to the site being developed.

(4) Exterior siding shall be made of nonreflective and nonmetallic materials. Acceptable siding material includes wood, stucco, ceramic tile, brick, stone, or other masonry materials, or any combination of these materials.

(5) Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.

(6) Blank walls (facades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.

(7) Buildings over three stories must provide a ground floor elevation that is distinctive from the upper stories by providing a material change or color change between the first floor and upper floors when in alignment with a change in architectural fenestration or facade articulation. The change in material or color shall occur along at least 75% of the building facade with frontage upon a street, adjacent public park or public open space.

(8) The primary street and the side street frontages, up to 75 feet from the primary street front property line, of on-grade parking podiums and parking structures shall be lined with occupiable, usable space with a minimum depth of 18 feet. Non-lined portions of above-grade garages (rear of lots along side streets) must be set back at least five feet. The setback area should contain landscaping of the same quality as elsewhere on the property.

(9) Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from the wall plane by a minimum of three inches.

(10) At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage.

(11) Building facades shall be multi-colored. Each facade must contain not less than two but not more than five distinct colors. Extremely bright colors are only allowed on doors, window trim, or other building components that represent a small portion of the overall building facade. Materials, finishes, fixtures, and colors visible from the street shall be designed in a manner that is consistent with the architectural style of the building

(C) Massing/articulation.

(1) A minimum of two features such as balconies, cantilevers, dormers, bay windows, patios, individualized entries, and accent materials shall be incorporated into each proposed building.

(2) A minimum one-foot offset is required for any wall plane that exceeds 30 feet in length.

(3) Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building

entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.

(4) Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12 inches deep and four feet wide and extend the full height of the building.

(5) Rooflines shall be vertically articulated at least every 50 feet along the street frontage, through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.

(6) Within 20 feet of an R-1 District boundary, the maximum building height is 35 feet. From this point, the building height may be increased to a ground level of up to 16 feet to allow for podium parking and four additional stories of ten feet each with a combined maximum height of 56 feet.

(D) Site design.

(1) When dwelling units are abutting common open space areas and parks, a minimum of one window from each dwelling shall be located to overlook common area and parks.

(2) Garages and carports shall be designed to include a minimum of two of the following from the main building(s): materials, detailing, roof materials, and colors.

(3) Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum of 18 feet from the back of sidewalk, in order to accommodate one vehicle entering the facility.

(4) Where bicycle parking is not visible from the street, directional signage to bicycle parking shall be included at the main building entrance. The signage shall be in the form of either a directory not exceeding six square feet and or up to ten individual directional signs not exceeding one square foot each.

(5) Within commercial zones parking shall not be allowed within the front setback areas and direct pedestrian access to the building(s) must be provided from the public right-of-way. Direct pedestrian access between the public right-of-way and the building shall not require crossing parking, drive aisles, or other spaces used for vehicular circulation.

(6) Within commercial zones all housing developments must have direct interaction with the public right-of-way. When ground floor residential units are proposed, the residential units which front the public right-of-way shall locate kitchens and other living spaces (but not bedrooms) to front on the public right-of-way. These residential units may have covered patios and decks which can be constructed within the front yard setback within five feet of the property line provided the patios or decks have steps and or gates which lead directly to the public right-of-way. Second and third floor residential units are encouraged to place kitchens and other living spaces (but not bedrooms) to overlook the public right-of-way. These residential units may have decks and or balconies which encroach up to ten feet into the front yard back.

(7) Surface parking spaces may be open or covered. All surface parking shall be screened from street views by buildings, walls (36 to 48 inches tall), landscaping, a planted earth berm, planted fencing, topography, or some combination of the above.

Landscaping used for screening purposes must be no less than five feet wide (from the back of sidewalk or street curb to the parking lot paving, whichever is greater).

(8) Frontage improvements consistent with public works plates. The frontage improvements shall be designed to connect with and transition into adjacent existing frontage improvements.

(9) Common use site areas shall include refuse collection, mail distribution, laundry, recreation, and congregation. All such areas shall be connected with an accessible route.

(10) All secured mail and parcel distribution areas shall be well lit, secure, and shall remain open to the tenants at all times.

(E) Accessory elements.

(1) Perimeter fencing utilized along a public street shall be constructed of decorative iron, pre-painted welded steel, CMU block, or wood picket material.

(2) The height of solid fencing between private yards and common open spaces shall be limited to four and one-half feet in height. If a six-foot fence is desired, the top 18 inches shall allow for vision in and out of the yard.

(3) All roof top, wall mounted or ground mounted equipment must be screened. Rooftop screening must use the materials and colors from the building and be architecturally integrated.

(4) All exterior storage facilities shall be screened from the public right-of-way, within an enclosure with walls at least six feet in height.

(5) All wood service poles, electric and gas meters, fire sprinkler valves and backflow preventers and transformers shall be located in the least prominent locations onsite as allowed by the utilities, and all equipment shall be camouflaged using building materials and colors and or landscaping included within the project design.

(6) Refuse enclosures.

(a) All refuse enclosures shall be designed to comply with the city material management And enclosure design guidelines.

(b) Shield all dumpsters within an enclosure a minimum of six feet tall with a solid roof. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures and gates shall be detailed to withstand heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.

(c) Provide an opening so that pedestrians can access the dumpsters without opening the large gates.

(d) Provide lighting at trash enclosures for night time security and use.

(e) Locate dumpster enclosures so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 150 feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

4. **Local Coastal Plan Timing (LCP)** HCD requested that the City provide additional discussion on the timeline for completing the City's Local Coastal Plan (LCP) in Fiscal Year 2027/2028. Additional discussion on the LCP timeline has been provided in Section E under the Local Coastal Program, starting on Page E-54. The following conceptual text will be added:

The City will be updating the City's General Plan and Local Coastal Plan (LCP) simultaneously beginning in early 2023. This multi-year work effort is envisioned to take 3 - 4 years. Following City Council approval of the two documents, in accordance with State law the LCP will be submitted to the State of California Coastal Commission for review and approval. The review and approval process is estimated to take 1 1/2 years to complete. Therefore, Fiscal Year 2027-2028 has been specified in the Housing Element for revisions to the City's Local Coastal Implementing Plan (LIP), Chapter 17 which implements the LCP.

As discussed in prior correspondence with HCD, none of the Regional Housing Needs Assessment (RHNA) sites that the City has identified in the Housing Element are located in the coastal zone, as the City would not have been able to rezone coastal sites to allow 30 du/ac, nor would we be able to secure Coastal Commission rezoning approval prior to the 6th cycle Housing Element approval deadline.

5. **Additional Revisions from Public Participation** - As a result of ongoing community outreach, and due to public review of the May 2022 Housing Element, staff has received additional public input that will result in minor revisions to the Housing Element. These conceptual revisions will be implemented in the below discussed locations to provide consistency and clarity within the Housing Element.
   - Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS) map in Chapter B - The Housing Element currently includes maps in Chapter B that identify disadvantaged areas in the City such as TCAC Opportunity Areas, Linguistic Isolation, and CalEnviroScreen 4.0. Public input identified the need for identification of R/ECAPS, which would be helpful for affordable housing developers to identify areas with greater need and associated availability of public funding. Accordingly, a R/ECAPS map will be added as Figure B-12.
   - Rent Caps Ordinance and Just Cause Eviction Ordinance - The City adopted a 4% annual rent cap ordinance and a Just Cause Eviction Ordinance on May 3, 2022. These two ordinances became effective June 4, 2022. Discussions on these two ordinances will be added to Section B.8 Fair Housing and in Program 19 of the Housing Element.
   - Single Room Occupancy (SRO) - Although Program 6 was revised in the last draft of the Housing Element to allow SRO in at least one zone (rather than study), the revision was missed in Program 22 that also discussed SRO. Program 22 will be revised to be consistent with Program 6.

Attachment 7

July 11, 2022 HCD Conditional Certification Letter

See Exhibit B of Attachment 2

Attachment 8

Summary Matrix of Revisions to Final Housing Element (October 2021)

Attachment No. 8

This attachment provides a matrix of revisions to the October 2021 Adopted Housing Element. Edits to the Housing Element are noted below in legislative format; text to be removed is shown in ~~strikethrough~~ and new text is underlined. The matrix includes changes reflected in 1) the City of Oxnard Conceptual Draft Amended 2021-2029 Housing Element that was release to the public of the on May 5, 2022 and submitted to HCD on May 12, 2022 (May 13, 2022 Letter to HCD); and 2) Revisions that were published on June 28, 2022 and sent to HCD on July 7, 2022 (June 28, 2022 letter to HCD), which were based on follow up input from HCD discussions with staff on June 22nd and 30th, 2022 and ongoing community input on the May 2022 Draft.

On July 11, 2022 HCD sent a conditional certification letter based on the May 2022 Draft and the proposed July 7, 2022 revisions.

The following revisions summarize changes to the City Council adopted Housing Element (October 2021). Changes can be categorized as substantial and non-substantial changes. Changes have been reviewed with housing advocates and interested parties. Most of the changes can be considered non-substantial.

Page Number	**Substantial Change/Non-Substantial Change**	**Updated Information or Input Received**	**Description of Change**	**Staff Comment**
Page B-19	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4); and June 22, 2022 and June 28, 2022 meetings with HCD (Attachment 6 June 28, 2022 Letter to HCD) - clarify the number of estimated housing units in need of rehabilitation. Current Information: Update Code Compliance data through 2022 and	"The City relies on anecdotal information from inspector, Police and Fire department field personnel, and Code Compliance cases to provide statistics on the condition of the housing stock. <u>From 2015 through 2022, Code Compliance has opened a total of 518 substandard housing cases, investigated a total of 2,168 substandard Housing cases and resolved/closed 529 substandard housing cases.</u>" <u>"As summarized in Table B-25, approximately 45 percent of the housing units in the City were constructed prior to 1970 and may be in need of some type of rehabilitation or replacement. Although age does not always correlate with substandard housing conditions, neighborhoods with a concentration of homes 50 years old (or more) are more likely than newer neighborhoods to experience housing problems stemming from deferred maintenance, inadequate landscaping, and outdated utilities, and therefore approximately 11,440 units could be in need of rehabilitation. However, this does not consider ongoing property</u>	The code compliance information is being updated to include current data through March 2022. HCD requested that the Housing Element further clarify the number of estimated housing units in need of rehabilitation or replacement. The discussion on Program 1 (Code Compliance Program) has also been updated to include a targeted housing conditions survey as requested by HCD reviewer Melinda Coy in

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			owner reinvestment and most likely the rehabilitation need is much lower. To ensure the City has an accurate understanding of the neighborhoods in need of rehabilitation, the City has included in Program 1 a commitment to complete a windshield housing condition survey in targeted older and lower income neighborhoods which will help to inform the City on where rehabilitation efforts should be focused. "	discussions with the City's Housing Element consultant, Placeworks, in a phone call on June 28, 2022.
B-33	Non-substantial change	Date May 31, 2022 meeting with Barbara Macri Ortiz (see Attachment 9 May 25, 2022 email) - Add to Section B.8 Fair Housing a discussion on the City's recently adopted Just Cause and Rent Stabilization ordinances.	The City adopted a Just Cause Eviction ordinance (Ord. No. 3012) and a Rent Stabilization ordinance (Ord. No. 3013) on May 3, 2022 that are more protective than California Civil Code Section 1946.2. These two ordinances became effective June 3, 2022 and were codified into the OCC under Chapter 27 Articles I and II. The Just Cause ordinance requires landlords to give tenants a reason for their eviction (Consistent with California AB 1482) and includes a requirement that the owner provide tenant relocation assistance for no-fault evictions equal to 2 months of the tenant's rent or $5,000, whichever is greater. The Rent Stabilization Ordinance restricts annual rent adjustments to not more than 4%. Both ordinances make it illegal for owners or their representatives to retaliate against tenants for lawfully and peaceably exercising their legal rights under the ordinances. The landlords are required to post notice of the existence of Chapter 27 in the following languages: English, Purepecha, Mixteco, Otomi, Tagalog, Zapoteco, Nahuatl, and Spanish.	This information is being added due to development and adoption of this program after Council approval of the October 2021 Housing Element. Note: the effective date of the ordinances is incorrect in the legislative draft. This will be updated for the version that is submitted to HCD.
Pages B-35 & B-36	Non-substantial change	As a result of ongoing public outreach, staff identified a need for a clear	"The different categories of areas in terms of resources as defined by TCAC are shown below. Not all of the types of areas currently exist in Oxnard. The current map and types of areas	The definitions for Opportunity Areas (aka resource categories) from

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		description of the different resource categories as defined by TCAC in Housing Element Section B.8 Fair Housing Assessment.	identified represent a static moment in time and will change over time. **High Segregation & Poverty.** Areas in which at least 30 percent of the population earns an income below the federal poverty line and there is an overrepresentation of people of color relative to the county. **High Resource.** Top 40 percent highest-scoring census tracts in the region. Indicates residents in these census tracts have access to highly positive outcomes in terms of health, economic attainment, and education attainment. **Highest Resource.** Top 20 percent highest-scoring census tracts in the region. Indicates residents in these census tracts have access to the best outcomes in terms of health, economic attainment, and education attainment. **Low Resource.** Bottom 30 percent of remaining census tracts in the region. Indicates residents in these census tracts could be experiencing a lack of access to positive environmental, economic, and education factors results in negative outcomes or perpetuated outcomes (such as perpetuated poverty). **Moderate Resource.** Top 30 percent of remaining census tracts in the region. Indicates residents in these census tracts have access to either somewhat positive outcomes in terms of health, economic attainment, and education; or positive outcomes in a certain area (e.g., score high for health, education) but not all areas (e.g., may score poorly for economic attainment). **Moderate Resource (Rapidly Changing).** A filter applied to moderate resource tracts based on index scores	the California Tax Credit Allocation Committee (TCAC) have been added to the Housing Element for clarity. Note that Oxnard does not have any areas that qualify as high or highest resource areas (See Housing Element Figure B-2 TCAC/HCD Opportunity Areas).

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			just below the high resource threshold and experiencing rapid increases in key dimensions of opportunity (housing price, median income, job proximity, etc.). "	
Page B-36	Non-substantial change	Add reference to new Figure B-12, R/ECAP map	"Oxnard has three census tracts that are considered a Racially/Ethnically Concentrated Area of Poverty (R/ECAP), or areas in which more than 50 percent of the population identifies as non-white and there is a poverty rate of 40 percent or more or a poverty rate of more than three times the average poverty rate for the county (see Figure B-12)."	See discussion for Page B-58.
Page B-39	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4); update to address AFFH.	"To address issues of segregation and poverty the City has included Programs 2, 4, 9, 10, 11, 12, 13, 19, and 26, 29, 33 & 34 in Chapter G to:" ● "Increasing housing mobility opportunities and/or housing in high resource areas."	This revision adds programs where AFFH goals are addressed. An AFFH goal to increase mobility to high resource areas has been added to the list of how the Housing Element addresses patterns of segregation.
Page B-40 to B-42	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). HCD recommended that the Housing Element include additional factors/policies/ programs related to access to transportation opportunities;	"In February 2011, the City adopted a Bicycle and Pedestrian Facilities Master Plan, which identified the existing bike and pedestrian infrastructure and the demand for routes, improvements, and/or safety features. As identified in the Plan, the City has existing Class II bike routes (separate bike lane) citywide, including within the City's low resource areas in central Oxnard and areas designated as an R/ECAP. Within the R/ECAPs, Class II bike routes are provided along Gonzales Road, Camino Del Sol, and Rose Avenue providing either direct or proximate access to seven schools and several parks. The Bicycle and Pedestrian Facilities Master	The discussion on Mobility Options in Chapter B is being updated to include a discussion on the City's adopted Bicycle and Pedestrian Facilities Master Plan, which will be incorporated with the City's Sustainable Transportation Plan (STP). The Plan includes

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		specifically, land use controls for bike lanes, carsharing, walkability and pedestrian infrastructure to expand access to public transportation..	Plan includes proposed bike plan improvements and expansions, most significantly a multi-use path (not in the roadway) for bikes and pedestrians that runs north and south in central Oxnard along Oxnard Boulevard and connecting path (east/west) within the R/ECAP along Fifth Street. This will provide convenient and safe access to a major commercial corridor and is accessible to residents of low resource and R/ECAP areas. The Bicycle and Pedestrian Facilities Master Plan will be reviewed and incorporated as a part of the City's Sustainable Transportation Plan (STP) effort, which was initiated in 2022. Access, multi-modal transportation, and environmental amenities are significant goals of the Sustainable Transportation Plan. The City has added an action item to Program 19 in Chapter G regarding the completion of the City of Oxnard STP in Fiscal Year 2022-2023. The STP will address disparities in access to transportation opportunities by incorporating complete streets design, safe routes to school, vision zero, sidewalk and bike lane improvements and first/last mile planning in tandem with land use opportunities in lower resourced areas including R/ECAPs and areas of linguistic isolation. Following submission of the housing element to HCD in October 2021, the City received a $410,000 transportation grant from Caltrans toward completing the STP. In April 2022 the City Council awarded a professional services agreement with Fehr & Peers to develop the STP. Development of the STP will include idea generation and prioritization, establishment of the sustainable transportation framework, catalog of enhanced streetscape elements, conceptual design alternatives, identification of funding sources,	Class II bike routes (separate bike lanes) within the City's low resource areas in central Oxnard and areas designated as R/ECAP to provide mobility options for residents.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			implementation steps, and a final STP for adoption by the City Council. A key initiative of the City's Bicycle and Pedestrian Facilities Master Plan was to complete a citywide sidewalk survey to identify areas of increased pedestrian demand (based on proximity to schools, commercial areas/employment centers, and public transit, among other factors) and barriers to safely utilize pedestrian infrastructure in areas of high demand. The City completed the report of High Demand Pedestrian Areas in 2015, identifying 14 high demand pedestrian areas that each encompass about one to two blocks. Of the 14 pedestrian areas, 11 are located along Oxnard Boulevard/South Oxnard Boulevard/ Saviers Road corridor, and seven (or half) are concentrated along South Oxnard Boulevard between West Ninth Street to the south and Palm Drive to the north (referred to as Downtown Oxnard in the report). These areas fall within census tracts designated as low resource (west of South Oxnard Boulevard) and an area of High Segregation and Poverty (east of South Oxnard Boulevard) and would reasonably be utilized by residents in both census tracts. The High Demand Pedestrian Areas report identified that within a half mile radius of these areas there were approximately 20 instances of missing curb ramps and 40 instances of pedestrian collisions. Compared to the City's other high demand pedestrian areas, Downtown Oxnard has lower instances of missing curbs and ramps, which is more significant since it is the largest area surveyed. With the exception of Palm Drive, the high demand pedestrian areas in Downtown Oxnard also received relatively low scores comparatively for ADA Severity, an indicator for the number of barriers within each area for a person with	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			disabilities to safely navigate as a pedestrian. However, the number of pedestrian collisions in Downtown Oxnard is higher than other areas of high pedestrian demand. The report includes the following suggested programs for the City to consider that would address pedestrian safety. ● Consider adopting a Vision Zero policy sets the goal of reducing traffic-related fatalities to zero by a certain year. The City would work to improve safety conditions for all road users, particularly vulnerable users like pedestrians and cyclists. ● Consider adopting a Complete Streets policy to institutionalize practices associated with complete streets. ● Install pedestrian-friendly traffic signals, such as leading pedestrian intervals that gives pedestrians an advance walk signal before motorists get a green signal, and pedestrian-oriented speed limits. These efforts have been included in Program 19. In addition to providing infrastructure for alternative transportation, the City further supports alternative forms of transportation in the Downtown by allowing centralized parking in an offsite lot for residential developments rather than requiring parking minimums onsite. This allows more efficient land use development by dedicating more space onsite to the land use, and in the case of multifamily housing, allows more units onsite. The City is committed to reviewing development standards and regulations on an annual basis to facilitate transit-oriented development Downtown (Program 19) and reviewing parking requirements citywide (Program 27).	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
Pag B-58	Non-substantial change	Date May 31, 2022 meeting with Barbara Macri Ortiz (see Attachment 9, May 25, 2022 email) - Add R/ECAPS map as Figure B-12	Figure B-12 Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS)	Map is being added to assist affordable housing developers in locating R/ECAPS areas.
Pages D-2 & D-3	Non-substantial change	Current Information: Update data through February 28, 2022.	**"Housing Completed Through ~~July 2021~~ February 28, 2022** Housing Element law and HCD Guidelines allow cities to count housing units receiving entitlements, building permits, or certificate of occupation towards meeting the RHNA allocation if the entitlements, building permits, or certificate of occupation are issued after June 30, 2021. Table D-2 lists housing projects as of ~~July 2021~~ February 2022 that have received building permits after June 30, 2021 and are expected to be fully developed by October 15, 2029." **Table D-2. Residential Units Approved, through ~~July 2021~~ February 28, 2022** **Project Name** | **Extremely Low/Very Low (EL/V** | **Low (Low)** | **Moder (Mod)** | **Above Moderate** | **Total**	This revision updates Tables D-2 & D-3 with building permits issued through February 28, 2022.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change					Staff Comment
			L)					
			~~Duplex~~ Single Family, Detached, July – December 2021	0	0	0	2	2
			Duplexes July – Decembe 2021	0	0	0	4	4
			F Street Condom ms, July - Decembe 2021	0	0	0	12	12
			Wagon Wheel, Oxford F Single Family Attached July – Decembe 2021	0	0	0	24	24
			Anacapa Townhor Single Family Attached July – Decembe 2021	0	0	0	16	16
			Accessor dwelling units, Jul Decembe 2021	4 ~~1~~	6 ~~0~~	15 ~~0~~	0	25 ~~1~~
			Accessor dwelling units, January - February 2022	3 ~~1~~	7 ~~0~~	2 ~~0~~	0	12 ~~1~~
			~~Accessor dwelling~~	~~0~~	~~1~~	~~0~~	~~0~~	~~1~~

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment

~~unit~~					
~~Accessor dwelling unit~~ Wag Wheel, Oxford F Single Family Attached January - February 2022	0	0 ~~1~~	0	12 ~~0~~	12 ~~1~~
~~Accessor dwelling unit~~	~~0~~	~~1~~	~~0~~	0	~~1~~
TOTAL ~~(J 2021)~~	**7 ~~2~~**	**13 ~~3~~**	**17 ~~0~~**	**70 ~~2~~**	**107 ~~7~~**

Source: City of Oxnard ~~July 2021~~ February 2022 project list

Note 1: The accessory dwelling units are counted as affordable to very low and low income households based on the survey of ADUs for rent conducted by the City in 2020-2022.

Table D-3 presents the City's total and remaining RHNA for the 2021–2029 RHNA cycle after subtracting units that have been approved (Table D-2). As of ~~July 2021~~ February 2022, the City's total remaining RHNA need is 8,442 units in the four income categories.

Table D-3. Remaining RHNA ~~through~~ as of ~~July 2021~~ February 28, 2022

Status Toward Goal	Extremely Low/Very Low	Low	Mod	Above Moderate	Total
RHNA Allocati n (2014	1,840	1,071	1,538	4,100	8,549

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			–2021) Under Construction or Approved: 7 ~~2~~ 13 ~~3~~ 17~~0~~ 70~~2~~ 107~~8~~ Remaining: 1,833~~8~~ 1,05~~6~~~~8~~ 1,521~~3~~ 4,030~~9~~ 8,45~~42~~ *Source: SCAG 2021; City of Oxnard 2022~~1~~*	
Page E-2 & E-3	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). HCD requested that the City add a definition of family.	**"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." **"Gross acreage**. The total area of a development site expressed in acres, usually including the area to be devoted to streets. **High Segregation & Poverty.** Areas in which at least 30 percent of the population earns an income below the federal poverty line and there is an overrepresentation of people of color relative to the county. **High Resource.** Top 40 percent highest-scoring census tracts in the region. Indicates residents in these census tracts have access to highly positive outcomes in terms of health, economic attainment, and education attainment. **Highest Resource.** Top 20 percent highest-scoring census tracts in the region. Indicates residents in these census tracts have access to the best	The definition for 'family' in OCC Section 16-10 is the same as the building code definition for a household, which is a group of residents. This definition has been added to the Terms in Housing Element. For clarity and a consistent understanding of terms, TCAC definitions for resource areas have been added to the definitions.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			outcomes in terms of health, economic attainment, and education attainment. **Lot coverage**. The amount of a lot that is allowed to be covered by the footprint of structures on that lot. **Low Resource.** Bottom 30 percent of remaining census tracts in the region. Indicates residents in these census tracts could be experiencing a lack of access to positive environmental, economic, and education factors results in negative outcomes or perpetuated outcomes (such as perpetuated poverty). **Moderate Resource.** Top 30 percent of remaining census tracts in the region. Indicates residents in these census tracts have access to either somewhat positive outcomes in terms of health, economic attainment, and education; or positive outcomes in a certain area (e.g., score high for health, education) but not all areas (e.g., may score poorly for economic attainment). **Moderate Resource (Rapidly Changing).** A filter applied to moderate resource tracts based on index scores just below the high resource threshold and experiencing rapid increases in key dimensions of opportunity (housing price, median income, job proximity, etc.)."	
Page E-3	Non-substantial change	Current Information: -AHP and -AHD zones adopted by Council in October 2021	"In October 2021 the City adopted Affordable Housing Additive Zones (-AHP and -AHD). The Additive Zones are a residential overlay zones that allow multifamily development on nonresidential zoned sites identified in Supplement 1 of the Housing Element at densities of up to 30 du/ac with the provision of 20% of units affordable to lower income households. The Additive Zones have a specific set of objective standards to streamline the approval	A discussion on the Additive Zones that were adopted in October 2021 has been added to Housing Element Section E.1 Land-use Planning and Development Standards.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			process for affordable projects and accommodate greater density, such as a higher height limit than the underlying zone. “	Note: the text in the legislative draft includes a typo (‘adopting’). This will be updated for the version that is submitted to HCD.
Page E-4, E- & E-14	Non-substantial change	Current Information: Newly adopted -AHP and -AHD zones added to Tables E-1 & E-2	**Table E-1 Residential Zoning and 2030 General Plan Compatibility** **Zoning District** / **Minimu Lot Area per housing unit (Square Feet)** / **Densit Range Units p Net Ac (Zoning** / **2030 Genera Plan Lai Use Designa on** / **Dwellir Units p Gross Acre (2030 Genera Plan)** -AHP/ -AHD / Affoda e Housin Additiv Zone / na / Up to 30 / Affoda e Housi Additiv Zone / Up to 30 **Table E-2 Residential Development Standards by Zoning District** **Zoni Distr** / **Type Hous Allov** / **Dens Units Acre** / **Front** / **Side** / **Rear** / **Heigl** / **Min. Lot Size (Cove /FAR** -AHP -AHD / Mult ly resid al wi min of un affor e to lowe incor ADU Uses allow in / 30 units per acre / 20 f C 30 f BF / 5 ft 1-2 s 7.5 f 3 st 10 f 4+ s in / 5 ft 1-2 s 7.5 f 3 st 10 f 4+ s in / 30 str side BF / N/ BF / 56 / Und erlyir Zone / n/a	Additive Zones that were adopted in October 2021 have been added to Tables E-1, E-2 and E-3 to show development standards specific to the new additive zones.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			unde g zon **Table E-3 Allowance for Housing in Oxnard's Nonresidential Zoning Districts** **Zoni Distr / Type Hous Allov / Dens Units Acre / Front / Side / Rear / Heigl / Min. Lot Size (Cove /FAR** -AHP -AHD / Mult ly resid al wi min 2 of un affor e to lowe incor ADUs Uses allow in unde g zon / 30 units per acre / 20 f C 30 f BF / 5 ft 1-2 s 7.5 f 3 st 10 f 4+ s in / 30 str side BF / 5 ft 1-2 s 7.5 f 3 st 10 f 4+ s in / N/A BF / 56 / Und erlyin Zone / n/a	
Page E-13	Non-substantial change	Current Information: Newly adopted -AHP and -AHD zones added to discussion on Nonresidential Zoning Options.	The majority of housing opportunities in Oxnard are governed by its residential zoning districts. There is considerable opportunity for residential growth in ~~both~~ the commercial and industrial zoning districts and in the Downtown Zones: Downtown Core (DT-C), Downtown General (DT-G), and Downtown Edge (DT-E). Table E-3 summarizes these opportunities by nonresidential zoning district. Oxnard will need to take into consideration the requirements of California's Housing Accountability Act (California Government Code Section 65589.5) when considering applications for the districts listed in Table E-3. Lot coverage is indicated for each district in Table E-3.	Additive Zones that were adopted in October 2021 have been added discussion on Nonresidential Zoning Options.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			Many districts don't have a maximum lot coverage or FAR. Those that do have maximum lot coverage or FAR have large enough lot coverages to allow for maximum residential densities in that zone. In addition, in October 2021 multiple properties in zones in Table E-3 had an Affordable Housing overlay zone applied that allows 30 du/ac and objective development standards for affordable housing ~~are proposed to receive an overlay that allows high density housing and will be accompanied by any needed changes to development standards to facilitate those densities (See Programs 3, 30, 31, and 35 in Chapter G)~~.	
E-16	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). Provide additional discussion on if parking requirements for covered/ enclosed residential parking may create a constraint on affordability.	"Multifamily projects receive further parking reductions (no visitor spaces required) with a state density bonus, which is applicable to most multifamily development as they are subject to the City's inclusionary housing requirement of providing 10 percent lower income units. "	This revision adds a discussion on Multifamily parking requirements. Most multifamily project in the City have been subject to reduced state density bonus parking requirements due to the City's 10% lower income inclusionary housing ordinance that makes most multifamily development eligible for state density bonus.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
E-17	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). Provide additional discussion on if parking requirements for covered/ enclosed residential parking may create a constraint on affordability.	**Table E-4. Residential Off-Street Parking** Requirements Detached single-family dwelling with Accessory Dwelling Unit "Per OCC 16-468, ADU parking is not required for the majority of locations in the City. The City will update ADU code (16-468(D) and 16-622) to recognize current State law that no replacement parking spaces are required if using the garage for an ADU."	Minimum off-street parking requirement for Detached Single-family dwelling with Accessory Dwelling Unit In Table E-4 has been updated to include OCC 16-468. The OCC will need to be updated regarding ADU replacement parking to be consistent with State law. The code update will be processed at the same time as OCC updates listed in Program 6.
Page E-18 & E-19	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). Provide additional discussion on if parking requirements for covered/ enclosed residential parking may create a constraint on affordability.	"Only two (garage) spaces are presently required for single-family units up to five bedrooms, which are the majority of single-family units. Detached housing in Oxnard requires a minimum of two garage parking spaces for dwelling units up to six bedrooms,One additional garage space is required at seven bedrooms, and another space for eight or more bedrooms. In the case of apartments, only a single space is required, unless there are two or more bedrooms in the unit, in which case two are required. Only one visitor space is required for the first 30 units in a multifamily project. When the inclusionary regulations apply, as is the case on nearly all multifamily projects, visitor parking is waived altogether upon request of the developer. Adequate and appropriate on-site garage parking is a necessity that	Clarification on existing code requirements has been added to the Housing Element discussion on Parking Requirements. Note: a clarifier "upon request of the developer" has been added to the revision that discusses visitor parking. This will be updated for the version that is submitted to HCD.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			prevents impacts on public streets and neighborhoods and provides secure parking for vehicles." "The City has an administrative relief procedure that is often approved to request reduced parking under certain circumstances (such as retirement housing, senior housing, and affordable housing) and the City's density bonus ordinance is in compliance with state law to allow a lower parking requirement for projects that qualify for the density bonus. Most m~~M~~ultifamily projects in the City ~~are generally~~ are automatically eligible for parking reductions (no visitor parking) under State Density Bonus law as they are subject to the City's inclusionary housing requirement of providing 10 percent lower income units ~~reducing guest parking, utilizing tandem parking, and using more surface parking as the projects qualify for density bonus parking standards. The City~~OCC Section 16-466 also allows reduced parking requirements for senior and ~~affordable housing projects~~ senior assisted living residential facilities with approval of a parking study that demonstrates sufficient parking as well as shared parking when uses with different peaking characteristics (such as offices and apartments) are combined in a single structure. Program 27 also proposes to update the parking requirements in OCC Section 16-622 to move parking requirements for the elderly – residential care facilities, independent living, memory care – under residential uses (OCC 16-622 currently lists parking for assisted living and nursing homes under health services). Currently, assisted living requires one space for every two units plus one shuttle van parking space. Nursing Homes require one space per three beds for nursing and convalescent	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			homes which do not contain separate living quarters containing individual kitchens, plus one space for every two employees required on largest shift. Over the past five years, the City monitored the impacts of these parking studies for any constraints on the development of housing affordable to lower-income households. In addition, the new Downtown Code, approved in 2019, has reduced parking requirements for residential uses in the downtown and reductions for studio and one-bedroom apartments, as a result of a review of city parking requirements. The reduced requirements for the Downtown include The Downtown Parking In-Lieu fee program which facilitates designation of parking spaces to serve residential projects in Downtown in city parking garages rather than requiring parking onsite for each project."	
Page E-24	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). update to address HCD's comments on Reasonable Accommodation.	**Zoning and Land-Use Policies** The Oxnard Zoning Code is conscious of fair housing law and the housing needs of the disabled. It contains provisions designed to accommodate the development of housing for residents with physical and/or mental challenges. Program 6 in Chapter G proposes to remove a finding that is part of the City's Reasonable Accommodation approval process for consistency with state law.	The Reasonable Accommodation findings in OCC Section 16-501.5 will be revised to remove a subjective consideration, in compliance with the Fair Housing Act. This OCC update will be processed at the same time as other code updates listed in Program 6.
Page E-26	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). Update discussion on	**Permit Procedure** In compliance with the California Health and Safety Code, the City of Oxnard permits residential care facilities for the elderly by right. No Special Use Permit is required for these types of licensed	A discussion has been added on revision to the requirements for residential care to comply with

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		residential care facilities in relation to reason accommodation.	facilities in residential zones and the C-R zone as long as they are designed to serve no more than six persons, and residential care facilities with no more than 15 persons are permitted in the C-2 zone ~~by right~~. Similarly, congregate living health facilities are ~~allowed~~ permitted in residential zones, the C-R zone and the C-2 zone ~~by right~~, which ensures that the City provides the ability to consider these smaller types of dwellings for the elderly and disabled in its Municipal Code. To affirmatively promote more inclusive communities, the City will also review and revise the City's requirements for Residential Care Facilities with seven or more persons by the end of Fiscal Year 2022-2023 and permit them as a residential use in zones where multifamily housing are permitted, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.	Reasonable Accommodation and AFFH. Program 6 includes a new action item to review and revise the City's requirements for Residential Care Facilities to be permitted where multifamily housing are permitted and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.
Pages E-27 & E-28	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). Update to address HCD's comments on Reasonable Accommodation.	"Program 6 in Chapter G proposes to remove the following finding that is part of the City's Reasonable Accommodation approval process for consistency with state law: § Whether the accommodation would result in a substantial increase in traffic or insufficient parking. Program 27 also proposes to move the requirements for parking for the elderly from the Health Services category to the Residential category, and expand the types of residential care facilities to recognize changes in the industry (currently only assisted living and nursing home are listed to encompass the various types of facilities, including residential care facilities, independent living, memory care, etc."	The Reasonable Accommodation approval process in OCC Section 16-501 will be revised in compliance with the Fair Housing Act. Program 27 has been updated to list a revision to OCC Section 16-622 (Off-street Parking) to move the requirements for parking for the elderly from the Health Services category to the Residential category. This OCC update will

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
				be processed at the same time as other code updates listed in Program 6.
Pages E-30 & E-31	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). Add to the the standards for emergency shelters and zoning code update in Program 6 to bring standards into compliance with state law.	The parking requirements stated above are in compliance with current state law. The standards for emergency shelters listed below are out of compliance with state law. Under Program 6 in Chapter G the City will delete or revise these requirements to comply with state law: ● The emergency shelter operator shall conduct a background check on all prospective patrons using Megan's Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions. ● Patrons shall not possess or consume alcoholic beverages or illegal drugs while in the shelter, nor shall they possess weapons of any kind while in the shelter. ● Space shall be allocated for each patron consisting of a bed and storage area. ● At least two toilets, one shower and one sink shall be provided for every twenty patrons. ● All items stored outdoors shall be screened from the view of all public rights-of-way. ● Should an emergency shelter be proposed within 300 feet of a school, the development services director or designee may request that the developer/sponsor coordinate with the school district to address potential concerns.	Existing OCC findings for emergency shelter have been provided per HCD's request. The standards are required to be updated to comply with state law. The revision will allow development standards specific to the underlying zone and those standards listed in Government Code Section 65583(a)(4)(A). This revision is discussed in Housing element Section F.4 under Other Special Needs Housing.
Page E-37	Non-substantial change	Current Information: Newly adopted -AHP and -AHD	**Table E-7 Housing Types Permitted by Zoning District** (See Table)	Additive Zones that were adopted in October 2021 have been added to Table E-7 to

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		zones added to Table E-7	*Notes: 12. Permissible if allowed in underlying zone and subject to permitting required in underlying zone (see OCC 16-420c)*	clarify required permits (SPR or SUP) for multifamily in each overlay zone. Most residential uses listed as permissible if allowed in underlying zone.
Pages E-40 and E-41	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). List all findings for SUPs and add clarification regarding OCC 16-530 Purpose.	Once City staff have reviewed the application for the Special Use Permit as described above, it is forwarded to the Planning Commission for a public hearing. Developers are required to notify and then present their projects to the Planning Commission and public at that hearing so that interested citizens may provide input. This process is intended to confirm the public's issues and any concerns early in the development review process. The required findings for Special Use Permits are: ● The proposed use is in conformance with the General Plan and other adopted standards. ● The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed special use permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare. ● The site that is subject to the special use permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and items which may be required by section 16-532. ● The site that is subject to the special use permit shall be served by highways adequate in width and	The SUP findings were included in the October 2021 Housing Element. HCD's January 10th letter indicated that a third party identified a subjective finding for SUP approval that was not included in the City's list of SUP approval findings in Section E.5 Processing and Permit Procedures. The third party's referenced line was from the introductory section of the Division for SUP (OCC Section 16-530) that explains why SUPs are necessary in general and is not a required finding. This clarification has been added. Note: the text in the legislative

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			improved as necessary to carry the kind and quantity of traffic such use would generate. ● The site that is subject to the special use permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities. It should be noted that the above findings are the only criteria used to make a determination about approval of a project. The purpose section for Special Use Permits (OCC Section 16-530) includes the following language: "..necessary to preserve the integrity and character of the zoning district, the utility and value of adjacent property and the general welfare of the neighborhood and the public." This language is not a constraint to approval of Special Use Permits as it is not a required finding for approval. The Planning Commission must render a decision by written resolution, reciting any findings on which the decision is based and any conditions imposed on the approved permit, within 30 days of the public hearing. The conditions imposed upon a Special Use Permit may involve any of the factors affecting the establishment, operation, or maintenance of the requested use, including but not limited to: special yards, open spaces and buffer areas; fences and walls; traffic circulation and parking facilities; street and alley dedications and improvements; water supply, fire protection, sewerage service and storm drainage facilities; landscaping and maintenance of grounds; regulation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gasses, noxious matter, heat, glare, electromagnetic disturbances and radiation; regulation of operating hours for activities affecting normal neighborhood	draft includes a misspelling. This will be updated for the version that is submitted to HCD.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			schedules and functions; regulation of signs and outdoor advertising; a specified period limiting the time in which development may begin; provision for a bond or other surety that the proposed special use will be removed on or before a special date; height limitations to protect the character and integrity of abutting parcels or the general welfare; residential density, by specifying the number of dwelling units per acre; and such other conditions as will make possible the development of the proposed special use in an orderly and efficient manner and in general accordance with the intent of the Zoning Code. The applicant may file an appeal of the Planning Commission's ruling to the City Council within 18 days after the date of the decision.	
Page E-41	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). HCD requested discussion on potential constraints on housing development caused by the design review process related to by-right development.	**Development Review Process** Larger and more complex projects, such as subdivisions, condominiums, apartments, or projects that require other planning permits (e.g., Special Use Permits) usually require design review. However, in October 2021 the City Council approved a new ministerial Site Plan Review process for by-right approval of development on sites identified in Supplement 1 that were in prior Housing Elements. These sites are no longer subject to design review. Further discussion on Site Plan Review is provided in the next section.	Clarification was added that by-right development on sites identified in Supplement 1 are no longer subject to design review and references the new Site Plan Review process adopted by Council in October 2021.
Page E-42	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). HCD requested information on typical time	Typical turn around time after receiving planning entitlements until requesting a building permit is driven by market and funding availability. Development projects are conditioned to secure a building permit within 12-36 months from entitlement (depending on the permit type). The last five residential	Information has been added on page E-42 to indicate the time between when an application receives their entitlement and

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		between entitlement and building permit issuance.	projects that have been processed in the City took an average of 18 months between entitlement and the request for a building permit.	when they apply for building permits, which is typically dictated by the developers funding and outside of the City's control.
E-43 & E-44	Non-substantial change	Date June 22, 2022 meeting with HCD (Attachment 6 June 28, 2022 Letter to HCD); add discussion on the newly adopted Site Plan Review permit process and findings.	With regard to parcels with the ~~proposed~~AHP additive zone, ~~the~~ a development that provides 20% lower income units would be reviewed under Site Plan Review rather than Design Review. The Site Plan Review process is discussed further below. ~~review process is staff approved and does not require review by the Planning Commission or City Council.~~ These concepts reviewed identify only technical issues such as architectural and landscape design issues and do not constrain development of housing affordable to lower-income households. Rather, they ensure functionality, public safety, and neighborhood compatibility. **Site Plan Review Process** In October 2021 the City Council approved a new ministerial Site Plan Review process (OCC 16-523) for reviewing by-right development, the addition of a new Affordable Housing Additive Zone code (16-420), and update to the Zoning map and General Plan Land Use Plan to include the new Affordable Housing Additive Zone. The Additive Zone code includes objective standards for reviewing affordable developments. Sites that are zoned AHP are reviewed under a Site Plan Review. Site Plan Review is reviewed by the Community Development Director unless the development is processed concurrently with a required discretionary permit. Procedures for Site Plan Review are outlined under	This revision provides a description of the City's new ministerial Site Plan Review process (OCC Section 16-523) that the City Council adopted as part of the 2021-2029 Final Housing Element in October 2021 for reviewing by-right development. Reference to the Development standards for the Affordable Housing Additive Zone sites (OCC Section 16-420; also adopted in October 2021) have also been added to the discussion.

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			OCC 16-523.2, and are intentionally streamlined to reduce costs and process time for affordable housing development. The process includes the following: ● The application is reviewed by the Development Advisory Committee (DAC) for consistency with applicable regulations and standards. The intent of this review is to provide interdepartmental perspective and coordination prior to project approval with the goal of streamlining the building permit process. This review is non-discretionary, though the Committee may provide conditions of approval to ensure compliance with applicable regulations and standards. ● The applicant is informed in writing within 30 calendar days of application submittal if the application is complete or the application is incomplete and additional information, specified in writing, is required before it can be accepted for processing. ● A Site Plan Review is issued after the Director makes the following required findings: (A) The project is consistent with the applicable general plan policies and is in conformance with applicable zoning regulations contained in OCC Chapter 16 and the adopted standards. (B) There are adequate infrastructure and public services available to serve the proposed development, including sewerage, water, fire and police protection, storm drainage facilities, and legal access to the lot. (C) The proposed development is on a legally created lot. Housing developments permitted under the Additive Zone code are required to follow Objective Design Standards	

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			outlined under OCC 16-420I for neighborhood compatibility, building design, massing/articulation, site design and accessory elements such as refuse enclosures.	
Page E-46	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4). HCD requested information on design review findings.	The City makes the same findings for the Development Design Review process as those required for a Special Use Permit. Those findings are listed earlier in this chapter in Section E.5. These ~~standards~~ findings are to ensure conformance with surrounding neighborhoods and increase transparency in the permit review process, thereby minimizing additional costs related to additional work and extended project timelines. Therefore, these standards do not constrain development of housing affordable to lower-income households.	Information added on City's existing requirements.
Pages E-54 & E-55	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4); and June 22, 2022 meeting with HCD (Attachment 6 June 28, 2022 Letter to HCD) - Provide discussion on the LCP timeline	**Local Coastal Program** The City will be updating the City's General Plan and Local Coastal Plan (LCP) simultaneously beginning in early 2023. This multi-year work effort is envisioned to take 3 - 4 years. Following City Council approval of the two documents, in accordance with State law the LCP will be submitted to the State of California Coastal Commission for review and approval. The review and approval process is estimated to take 1 1/2 years to complete. Therefore, Fiscal Year 2027-2028 has been specified in the Housing Element for revisions to the City's Local Coastal Implementing Plan (LIP), Chapter 17 which implements the LCP.	This information is being added to clarify the realistic timeline for updating the City's LCP and LIP, Chapter 17 that implements the LCP.
Pages F-2 & F-3	Non-substantial change	Update number of ADU that received building permits through 2021.	**F.2 Accessory Dwelling Unit Potential** In 2018~~, 2019, and 2020,~~to 2021 City planning permit records indicate that an average of 24~~16~~ ADUs received building permits per year. ● 2018 - 4~~3~~ ADUs received building permits	Data was added to the discussion on ADU potential to justify the 490 ADUs that had been projected in the October 2021

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		Date January 10, 2022 Findings Letter from HCD (Attachment 4); provide discussion of analysis of ADU affordability.	● 2019 - 14~~3~~ ADUs received building permits ● 2020 - 25~~8~~ ADUs received building permits ● 2021 – 54 ADUs received building permits ● The increase in ADUs permitted in 2020 and 2021 was due to updates in the City's ADU program that became effective in January 2020. The 2020 ADU program simplified the ADU permitting process, revised development standards and waived parking requirements consistent with State law based on ADU location. Because of efforts the City is already making to promote and facilitate ADUs, and additional efforts committed to in the programs in Chapter G, it is assumed that an additional 320~~490~~ ADUs have already been or will be permitted between ~~now~~ June 30, 2021, and October 2029. Over the course of a couple weeks in May 2020, the City conducted a survey of ADUs for rent in Oxnard. Six listings for ADUs for rent were found during that point-in-time survey. Address information was only available for three of the listings. Two of those listings were in the northern section of the city in moderate resource areas and one was in the central part of the city in a low resource area. All of the ADUs available for rent were affordable to very low- or low-income one- or two-person households. The average market rate for an ADU surveyed ranged from about $975 per month to up to $1,575 per month. Not all listings included information about size of the units but those that did ranged from 300 to 940 square feet. All listings were either studios or one-bedroom units. In addition, over the past few years, the City has been collecting rental figures	Final Housing Element. The analysis was based on the results of 2021 and 2022 ADU affordability surveys & 2021 Building permits issued. The 490 ADU projection was reduced following conversation with HCD on a number they would find acceptable based on building permit history prior to the City's ADU code update. With this adjustment, the City will still have sufficient units to meet RHNA in all income categories. Projected Affordability is based on the combination of the online survey analysis, the feedback from ADU owners in Oxnard, and the Chapple industry research, and has been evaluated by HCD as acceptable.

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			on ADU application materials to document rental affordability. Providing this type of information is voluntary for ADU applicants. To justify the affordability assumptions for ADUs in this Housing Element, a summary of the ADU affordability data collected by the City is provided below. In 2021, 90 of the 182 ADU entitlement applications reported rental amounts. Of the 90 applications, 94 percent reported rental rates that were affordable to lower income households. The distribution of responses was as follows: ● 18% were affordable to persons of extremely low income; ● 22% were affordable to persons of very low income; ● 54.5% were affordable to persons of low income; ● 4.5% were affordable to persons of moderate income; and ● 1% (1 unit) was reported at "market rate" which may be interpreted as above moderate income In 2022, 34 of the 40 entitlement applications received through February of 2022 reported rental rates that were 100 percent affordable to lower income households. ● 6% were affordable to persons of extremely low income; ● 23.5% were affordable to persons of very low income; ● 70.5% were affordable to persons of low income; ● 0% were moderate income; and ● 0% were above moderate income In addition, ADU research conducted by the University of California, Berkeley's (UC Berkeley's) Center for Community Innovation (Chapple et al. 2017) indicates that 40 percent of ADUs are typically rented to family members or friends at either no cost or	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			below-market rental rates. Based on the combination of the online survey analysis, the feedback from ADU owners in Oxnard, and the Chapple industry research, 90 percent the 320 ~~490~~ ADUs projected to be built in Oxnard between 2021 and 2029 are anticipated to be affordable to lower-income households and 10 percent are anticipated to be affordable to moderate-income households. The Oxnard ADU regulations encourage this housing type and allow flexibility in their development. The City has most recently updated their ADU regulations in ~~2020~~ 2019 and will continue to do so to comply with state law (see Program 6 in Chapter G). The City also has a dedicated website providing information and resources related to ADUs. Programs 6, 34~~6~~, 35~~7~~, 36~~8~~, and 424 commit the City to other ongoing and new efforts to promote and facilitate ADUs to support the development of an increased number of ADUs during the 2021-2029 Housing Element update.	
Pages F-3 & F-4	Non-substantial change	Current information	**F.3 Vacant Sites** ~~Table F-1 shows that~~ Oxnard has a limited number of vacant never-developed parcels with zoning that currently allows residential development, or with changes to the zoning and/or General Plan land use that would allow residential development at suitable densities. A detailed table of vacant parcels by Assessor's Parcel Number (APN) is shown in Supplement 1. The sites that are addressing the lower-income RHNA allocation are described in more detail in Supplement 1. Table F-1 provides a summary of land available on vacant and non-vacant sites in the City. ~~Sites that were used to address lower-income RHNA allocations in the two prior~~	Discussion on vacant sites has been updated to reflect adjustments to development status of sites within Supplement 1. For example, the buildings on Site 13 (Gold Coast) were demolished, which revised the site classification from 'non-vacant' to 'vacant.' Discussion of the newly adopted Additive Zone also added.

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<tr><td></td><td></td><td></td><td>~~Housing Elements are subject to Program 30 in Chapter G.~~

Certain vacant sites ~~will need a~~ have recently received a change to their zoning and/or their General Plan land use designation to address the lower-income allocation via overlays that allow greater density with the provision of 20% lower income units~~(see Program 3 in Chapter G)~~. Several sites are part of existing Specific Plans that have not been completely built out. The City will also rely on non-vacant sites and a discussion of the non-vacant, underutilized sites that are available for meeting the City's lower-income RHNA allocation follows this section. The sites that are in the vacant land inventory can accommodate 1,233~~010~~ lower-income units, 142~~1~~ moderate-income units, and 610 above-moderate income units.</td><td></td></tr>
<tr><td>Page F-4</td><td>Non-substantial change</td><td>Current Information</td><td>Table F-1. Summary of Vacant and Non-Vacant Sites (Including Specific Plans and Pending Annexations)
<table>
<tr><th>Current Zoning Designation (overlays not denoted)</th><th>Total Acreage Per Zone</th><th>~~Current or Proposed~~ Maximum Density (du/ac)</th><th>Realistic/ Net Unit Capacity</th></tr>
<tr><td>Business Research Park</td><td>27.03</td><td>30</td><td>681~~14~~</td></tr>
<tr><td>Multiple Family Residential</td><td>134.28</td><td>30</td><td>1,239~~7~~</td></tr>
</table></td><td>Table F-1 has been updated to reflect minor revisions to total acreage and Realistic net unit capacity based on current data and changes to development status.</td></tr>
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Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			(R-2) Downtown General 57.45 Unlimited 2,968~~2~~ Downtown Core 28.47~~3~~ ~~1~~ Unlimited 884~~78~~ **TOTAL 504.34 ~~18~~ — 9,514 ~~8,512~~**	
Page F-4	Non-substantial change	Current Information	**F.4 Non-Vacant Sites** To provide adequate sites for the lower-income RHNA categories, additional non-vacant sites have been identified as the most likely locations where additional housing could be built by the private sector. As with the vacant sites, the City has ~~some will need a~~ recently changed ~~to~~ their zoning and/or General Plan land use designations ~~(see Program 3 in Chapter G)~~ to address the lower income allocation. A summary of the sites is shown in Table F-1. The sites that are addressing the lower-income RHNA allocation are described in detail in Supplement 1. ~~Sites that were used to address lower-income RHNA allocation in the prior Housing Element are subject to Program 31 in Chapter G.~~	Discussion updated to reflect City's rezone of parcels to meet RHNA in October 2021.
Pages F.12 and F.13	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4) and discussion with HCD on February 16, 2022. To justify the housing projections for residential development on nonresidential sites (BRP Business and	"Realistic capacity for vacant sites was determined by first multiplying the number of acres by the maximum density for the site or 30 dwelling units per acre for the sites to address the lower-income RHNA. Thirty dwelling units per acre has been used for the sites as the default density to address the lower-income RHNA allocation because those sites were~~ill~~ either rezoned and/or redesignated to that maximum density prior to the 2021–2029 RHNA planning period in October 2021. City Council resolution 15,491 making the updates is included in Supplement 3. The realistic capacity	Section F.6 Realistic Capacity was revised in response to HCD input to include an analysis on realistic capacity and a discussion on parking in the downtown. The analysis found that none of the commercial or industrial zoned

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		Research Park, C-2 General Commercial, M-L Industrial Limited, and M-1 Light Manufacturing zoned parcels), HCD asked the City to assess the percentage of nonresidential sites listed in the 2013-2021 (prior) adopted Mid-Cycle Housing Element that were developed with commercial uses rather than lower income/residential land uses. HCD requested that the City use that percentage to inform the realistic development capacity assumption for sites in these zones.	calculation was then reduced by 20 percent as a buffer to account for setbacks, open space, access and/or other requirements for sites." "To further support the unit assumptions in the sites inventory for these sites that allow non-residential development, the City has analyzed the past development trends on sites listed in the City's current housing element that allow non-residential development. The City reviewed all of the sites with an All Affordable Housing Opportunity Program (AAHOP) additive designation with a base designation of commercial or industrial in the City's currently adopted Mid-Cycle Housing Element (2013-2021) and compared that with current uses on the site. The details about the sites analyzed are below: ● 20 of the AAHOP sites were zoned C-2, CM, M-1 or ML (commercial and industrial zones). The sites were made up of 80 parcels ● None of the AAHOP commercial or industrial zoned sites have been developed with new commercial or industrial uses ● Two of the AAHOP sites have been developed with new 100 percent affordable residential uses ● 14 of the 20 AAHOP sites (or some parcels from the sites) were continued in the 2021-2029 Housing Element sites inventory as sites that may be developed by right. The City found that none of the commercial or industrial zoned AAHOP sites were developed with new commercial or industrial uses. This analysis did not result in identification of a need to adjust realistic capacity assumptions on this type of site." In the Downtown there is no maximum density and all projects with residential	sites in the prior housing element were developed with new commercial or industrial uses. Therefore, the realistic capacity utilized (which reflected HCD's standard of 80% of the potential density) was retained.

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			units proposed or approved since the Downtown Code was adopted in 2019 have had densities of over 100 dwelling units per acre; therefore, the maximum number of units at 100 dwelling units per acre were calculated for the realistic/net unit numbers on sites in the Downtown. This assumption also relies on the understanding that parking is not a constraint to development in Downtown, supported by the densities that projects are achieving and the Downtown Parking In-Lieu Fee program that is in place. The Downtown Parking In-Lieu fee programs facilitates designation of parking spaces to serve residential projects in Downtown in city parking garages rather than requiring parking onsite for each project. Multiple projects are listed in Table F-2 that are pending or have been approved/built in the DT-G zone and their characteristics support the realistic capacity assumptions for sites in the Downtown. Because there is no maximum density in the Downtown, the state default density threshold was used to calculate the percent of allowed density achieved on projects in Downtown shown in Table F-2.	
Page F-13	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4); Update projected ADUs. Update remaining RHNA based on construction data through February 2022. Update vacant and nonvacant site capacity based on	**Table F-3. Comparison of Site Capacity to 2021-2029 Regional Housing Needs Assessment** **Income Group / Remaining RHNA Table D-3 / Projected Accessory Dwelling Units / Vacant Sites Capacity [Supply] / Non-Vacant Site Capacity [Supply] / Specific Plans [Supply] / Subtotal Remaining RHNA / Pending Annexations (Rural Urban and Tiny Club) / Total Units / Surplus RHNA / Additional** Extremely Low: 1,835 ~~5~~ Very Low: ~~5~~ Low: 1,05 ~~2544900~~ ~~1,233010~~ ~~1,303456~~ 224 0 165 ~~3,19935~~ ~~+28843~~ ~~9~~	Table F-3 has been updated to reflect 320 projected ADUs for 2021-2029 and the remaining number of ADUs (283) after subtracting building permits to date in the RHNA cycle. Table F-3 has also been updated to reflect current remaining RHNA

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As shown in Table F-3, after reviewing available sites for residential development, the City has an additional 662~~777~~ moderate- and above-moderate income units to accommodate.
</td><td>as adjusted in Table D-3 after subtracting building permits through February 2022.</td></tr>
<tr><td>Pages F-15 and F-16</td><td>Non-substantial change</td><td>Date January 10, 2022 Findings Letter from HCD (Attachment 4); HCD requested that the City clarify availability of sufficient water and wastewater capacity to support new housing units.</td><td>● Adequate Water Supply, Water Delivery, and Water Treatment Facilities. As described in greater detail in the 2030 General Plan, the City has a comprehensive multifaceted Water Management Program that outlines how the City plans to provide an adequate water supply to meet forecast water demands well into the future. The City completed and adopted its 2015 Water Master Plan and Urban Water Management Plan in 2016. The land use assumptions are within the range of the 2030 General Plan and with consideration of water conservation, use demand factors, and agriculture water annexation factors, the City has determined it has sufficient water supplies. The City completed and adopted its 2020 Urban Water Management Plan (UWMP) in 2021.</td><td>Section F.10 Environmental Constraints and Adequate Infrastructure has been updated to include information on water and sewer availability.
Based on the data provided in the 2020 Urban Water Management Plan, the City has adequate facilities, services and infrastructure to accommodate the planned residential</td></tr>
</table>

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			The UWMP identified additional water sources to plan for future growth, such as utilizing recycled water for indirect potable reuse. ~~The City is currently in the process of updating the 2015 UWMP. To plan for future growth the City is pursuing water sources and implementing water conservation measures.~~ Oxnard voters approved Measure E in 2020 to fund City improvements including infrastructure improvements that would further assist in conservation efforts. In addition to its internal water management program, the City is working cooperatively with local groundwater managers, such as the Fox Canyon Groundwater Management Agency (FCGMA), United Water Conservation District (UWCD), and Calleguas Municipal Water District (CMWD) ~~(Las Posas)~~ on local groundwater management programs, as well as with the CMWD and the Metropolitan Water District (MWD) on regional imported water supply issues. Together, these programs are intended to provide a high degree of flexibility to provide a reliable long-term water supply under a broad range of known (i.e., projected growth and planned water supply projects) and unknown scenarios (i.e., global climate change). The availability of local groundwater i~~a~~s augmented by existing groundwater management programs (including groundwater recharge through the Freeman Diversion project, the Las Posas Aquifer Storage Project, and the Aquifer Storage and Recovery program), imported state water, and the City's planned water recycling effort through its Groundwater Recovery Enhancement and Treatment (GREAT) and Augmented Municipal and Industrial (M&I) Supplemental Water Programs	growth within the city limits during the time frame of this Housing Element.

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			will help to ensure that the City will be able to meet long-term water demands. Relative to water delivery, all Affordable Housing additive zone sites would be considered infill or redevelopment and are within the City's ability to serve. The 2030 General Plan includes policies and implementation measures that address a range of water supply and groundwater resource issues. With implementation of the applicable policies and implementation programs, the 2030 General Plan Project Environmental Impact Report (PEIR) found impacts on water resources and services to be a less-than-significant impact. Based on the data provided in the 2020 Urban Water Management Plan, the City has adequate facilities, services and infrastructure to accommodate the planned residential growth within the city limit during the time frame of this Housing Element. The City has the water capacity to accommodate the projected residential demand. ● **Adequate Wastewater Collection and Treatment**. The Oxnard Wastewater Treatment Plant (OWTP) has a current capacity of 31.7 million gallons per day (mgd) with average daily flows of approximately 19.0 mgd. Sufficient capacity exists to accommodate wastewater generated by the 2030 General Plan and the full development of the Housing Element sites. Major interceptor and trunk lines also have sufficient capacity to accommodate known future wastewater flows. Localized wastewater conveyance (including sewer lines and lift stations) may require additional wastewater flow capacity ~~need to be increased~~ to accommodate future ~~wastewater~~	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			~~flows associated with~~ Affordable Housing additive zone sites. Capacity of local sewers and lift stations will be evaluated on ~~development to be determined on~~a case-by-case basis during technical development review. Deficient sewer infrastructure will be addressed as part of the development project.	
Page G-6	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4); HCD also requested the Housing Element to include goals to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity.	**H-5.9 Affirmatively Furthering Fair Housing** Take proactive steps to overcome ~~address~~ longstanding patterns of segregation (including racially or ethnically concentrated areas of poverty and areas of linguistic isolation), discrimination, and disinvestment with a focus on use of Federal funds. Foster inclusive communities free from barriers that restrict access to opportunity.	Goal H-5 in Chapter G has been augmented to include additional language under Policy H-5.9 (page G-6) to specify overcoming patterns of segregation, including Racially/Ethnically Concentrated Areas of Poverty (R/ECAP) and areas of linguistic isolation, and fostering inclusive communities free from barriers that restrict access to opportunity.
Page G-7	Non-substantial change	Date June 22, 2022 meeting with HCD (Attachment 6 June 28, 2022 Letter to HCD) - in Table G-1, update number of estimated moderate and upper income rehabilitation conservation units to align	**Table G-1 Housing Unit Objectives by Income Category (Quantified Objectives): 2021–2029** **Income Group** / **2021–2029 RH** / **Rehabilitation Conservation Estimate [Program No.]** / **Preservation Estimate [Program No.]** / **Total Housing Units Constructed, Rehabilitated, or**	This revision increases the estimate to be closer to the number of units anticipated to be rehabilitated by moderate and above moderate income homeowners. The revision does not create a new objective for the

<table>
<tr><th>Page Number</th><th>Substantial Change/Non-Substantial Change</th><th>Updated Information or Input Received</th><th>Description of Change</th><th>Staff Comment</th></tr>
<tr><td></td><td></td><td>with projected needs discussed in Chapter B.</td><td>
<table>
<tr><th></th><th>NA
Table D-1</th><th></th><th></th><th>Preserved</th></tr>
<tr><td>Moderate</td><td>1,538</td><td>~~28~~150 [1, 2]</td><td>0</td><td>~~1,566~~ 1,688</td></tr>
<tr><td>Above Moderate</td><td>4,100</td><td>~~28~~300 [1, 2]</td><td>0</td><td>~~4,128~~ 4,400</td></tr>
<tr><td>TOTAL</td><td>8,549</td><td>~~306~~ 700</td><td>431</td><td>~~9,286~~ 9,680</td></tr>
</table>
</td><td>City, as rehabilitation of moderate and above moderate units would be owner funded, while some funds are available from the City for rehabilitation of lower income units.

Note: The Table on Page G-7 shows the incorrect total in the last column. This will be updated for the version that is submitted to HCD.</td></tr>
<tr><td>Page G-8</td><td>Substantial Change</td><td>Date June 28, 2022 HCD reviewer discussions with the City's Housing Element consultant, Placeworks, requested the City include a targeted windshield housing condition survey to help inform the City on where rehabilitation</td><td>Program 1: Code Compliance Program

"Additionally, the City will complete a targeted windshield housing conditions survey during Fiscal Year (FY) 2024- 2025 in several City selected older neighborhoods and neighborhoods with lower median incomes, to evaluate rehabilitation needs. The survey will be conducted by visually assessing exterior of homes such as roofing, windows, and siding conditions and categorizing units as sound, in need of minor repair, moderate repair, substantial rehabilitation or dilapidated. Based upon the survey findings, in FY 2025-2026 the City will identify specific needs and tailor housing rehabilitation measures to fit those needs, such as</td><td>This revision adds an action item to Program 1 that will require substantial staff time to conduct a targeted windshield housing conditions survey, compile results and take measures listed based on survey findings.</td></tr>
</table>

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		efforts should be focused. Program 1 (Code Compliance Program) has been updated to include a targeted housing conditions survey.	encourage housing preservation, conservation, acquisition rehabilitation, mitigation of potential costs, and minimizing displacement and relocation impacts on residents. These measures may include, but are not limited to the following: · Reaching out directly to homeowners of housing units in need of repair to promote the Homeowner Repair Program (Program 2). · Streamlining permit review for repairs on housing units identified during the conditions survey. · Seeking non-city funding to offer relocation assistance to low-income tenants or owners displaced during rehabilitation efforts. · Seeking non-city funding to develop a housing rehabilitation program."	
Page G-9	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4); address HCD's comment on AFFH.	**Program 2: Citywide Homeowner Repair Program** The Homeowner Repair Program supports an anti-displacement strategy.	Added sentence clarifies that the existing Homeowner Repair Program supports an AFFH strategy.
Page G-9 and G-10	Non-substantial change	Update program following City rezoning to meet RHNA in October 2021. Rename program, update timeframe and Program Objective, remove reference to rezoning that has took place	**Program 3: ~~Rezone to Meet RHNA~~ No Net Loss Monitoring** **Time Frame: Assess whether sufficient sites remain annually and continue to maintain sufficient sites at all income categories throughout the planning period.~~Time Frame: Rezoning will be completed prior to or concurrent with Housing Element adoption by October 15, 2021.~~** Maintain sufficient sites to meet the RHNA throughout the planning period ~~Rezone sites to allow 30 dwelling units per acre (du/ac) and continue to~~	This update removes a portion of Program 3 that was completed in October 2021 with the City rezone of parcels in Supplement 1 to accommodate the default density of 30 dwelling units/acre.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		in October 2021.	~~maintain a running sites inventory that meets or exceeds the remaining RHNA lower income allocation need.~~ ~~To address the 2021–2029 RHNA, the City shall amend the General Plan and the Zoning Code, as needed, and as detailed in Chapter F, Achieving the RHNA Allocation, to provide adequate site(s) for at least 2,911 lower-income units and allow 30 dwelling units per acre or greater on certain sites or in certain zones. The City intends to amend the General Plan Land Use map and text, as well as Chapter 16 of the Oxnard City Code (OCC) and zoning map as part of this program, for the Assessor's Parcel Numbers (APNs) listed in Supplement 1 of this Housing Element. This will include changing General Plan and Zoning density and text as needed to allow for the density of 30 dwelling units per acre. Rezoning will be completed prior to the start of the Housing Element planning period, which is October 15, 2021. (This program replaces Programs 3 and 26 in the 2013-2021 Housing Element.)~~ Consistent with "no-net-loss" zoning requirements in Government code section 65863, the City will maintain an inventory of potential sites to accommodate housing at all income categories. In the event that the approval of a development project results in the remaining sites' capacity becoming inadequate to accommodate the City's RHNA by income category and there are no replacement sites remaining in the Sites Inventory surplus (Table F-3), the City will initiate the legislative process to rezone enough sites to meet No Net Loss requirements. The determination as to ~~on~~ if a replacement site is needed and required will be based on results of the City's Annual Report which will be	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			submitted to the California Department of Housing and Community Development (HCD) on a yearly basis. The legislative process will be implemented when the City does not have sufficient surplus land capacity to meet the RHNA.	
Page G-10	Non-substantial change	Date January 10, 2022 Findings Letter from HCD (Attachment 4); Update Objective to include a metric and add text to address HCD's comment on AFFH.	**Program 4: Urban Village Program** "Accommodate at least 372 lower income units in Urban Village areas identified in Supplement 1 to increase access to higher opportunity areas, prioritizing construction of affordable units." "Development of the Urban Villages affirmatively furthers fair housing by increasing access to housing in moderate and higher resource areas by reducing constraints on development of affordable residential units and expanding where they can be built. Supplement 1 identifies 372 lower income units in three Urban Village designated Specific Plan projects (Teal Club 148 units, Riverpark Specific Plan Amendment 118 units, and Northeast Community/East Village Specific Plan Amendment 106 units). Urban Villages~~should~~ occur in the designated areas but may be proposed in others through a General Plan Amendment, and other associated entitlement permits. The integration of land uses is intended to provide and promote a pedestrian orientation to reduce trips and vehicle miles traveled in order to reduce greenhouse gas emissions. Urban Villages are implemented through City Council approval of a specific plan and entitlement permits. Within these areas, as stipulated in the 2030 General Plan Land Use Element a minimum of 15 percent of the UVP housing would be affordable."	This revision provides a metric that aligns with the lower income units accommodated within the proposed development project within Urban Village Housing Element Sites (North Maulhardt, River Park Specific Plan Amendment, and Teal Club)

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
Page G-12	**Substantial change**	Date January 10, 2022 Letter from HCD (see Attachment 4); and June 22, 2022 and June 28, 2022 meetings with HCD (Attachment 6 June 28, 2022 Letter to HCD) - In Program 6, update bullets to bring OCC into compliance with state and federal law, including ADU parking, Employee Housing Act, emergency shelters, residential care facilities, and reasonable accommodations. Remove SPR action item that was adopted in October 2021.	**Program 6: Zoning Code Amendments** ● " In order to comply with recently adopted state law and address identified constraints to residential development, the City will address the following issues and make needed OCC amendments. Amendments to Chapter 17 (Coastal Zoning) of the code will occur once the City updates its Local Coastal Plan (LCP) which is estimated to occur by the end of Fiscal Year 2027-2028. ● The City adopted updates to the Accessory Dwelling Unit (ADU) ordinance in 2020 to comply with state law and implement this program. With the City's ADU program, the City has successfully permitted ADU's throughout the City. The City will amend the ordinance further to make one change to address current state law. By the end of Fiscal Year 2022-2023, the City will update OCC Sections 16-468(D) and 16-622 to recognize current State law that no replacement parking spaces are required if using the garage for an ADU. If additional changes to state law occur during the planning period, the ADU ordinance will be updated to comply with those changes. ● Pursuant to the state Employee Housing Act (Health and Safety Code Sections 17021.5, 17021.6, and 17021.8) and Senate Bill 2 (2007), in 2022, the City anticipates beginning to update the Coastal Zoning Chapter 17 of the OCC to address updates called for in this Housing Element in Programs 9 and 14 once the City updates the Local Coastal Plan. Completion of updates to the Local Coastal Plan are expected by the end of Fiscal Year 2027-2028. The City will adhere to the Employee Housing Act in areas outside of the Coastal zone by the end of Fiscal Year 2022-2023 as	The recommended additional action items are necessary to bring the OCC into compliance with existing law on ADU parking, Employee Housing Act, emergency shelters, residential care facilities, and reasonable accommodation. Site Plan Review was adopted as OCC Section 16-523 et seq. in October 2021.

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			those requirements are already in effect." ● "By the end of Fiscal Year 2022-2023, update Chapter 16 of the OCC to streamline the ordinance provisions, clarifying permitting requirements, simplifying the code requirements, and creating a web-based OCC . ● By the end of Fiscal Year 2022~~By~~ 2023, amend the Zoning Code to allow supportive housing in compliance with AB 2162. This law requires that supportive housing be allowed without discretionary review in areas zoned for residential use in zones where multifamily and mixed uses are permitted, including in non-residential zones permitting multifamily uses. ● By the end of Fiscal Year 2024-2025, amend the OCC Chapter 16, Article 5, Division 18 to limit the standards applying to emergency shelters to only those that comply with state law. ● By the~~By~~ end of Fiscal Year 2022-2023, amend the OCC to allow low-barrier navigation centers without discretionary review in compliance with Assembly Bill (AB) 101 in areas zoned for mixed-use and nonresidential zones permitting multifamily uses. ● By end of Fiscal Year 2022-2023, pursuant to Assembly Bill 2634, amend the OCC to allow ~~study the allowance of~~ single-room occupancy units in at least one zoning district to facilitate housing options for extremely low income households ~~pursuant to Assembly Bill 2634~~ Solutions suitable to address the needs of extremely low income households include single-room occupancy and/or shared housing, establishing deeper income targeting for subsidies on housing projects,	

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			providing housing with supportive services or rent subsidies through vouchers. ● To affirmatively promote more inclusive communities, pursuant to AB 686, the City will also review and revise the City's requirements for Residential Care Facilities with seven or more persons by the end of Fiscal Year 2022-2023 and permit them as a residential use in zones where multifamily housing are permitted, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. ● By the end of Fiscal Year 2022-2023, and as required under the Fair Housing Amendment Act (FHAA), amend OCC Section 16-501.5 (Reasonable Accommodation – Findings) to only include objective considerations in compliance with the Fair Housing Act." ● "~~By December 2022, amend the OCC to include a Site Plan Review (SPR) process for ministerial review of By Right projects. The Planning Manager or designee will be the reviewing authority for SPRs. The process will include objective review by the Development Advisory Committee (made up of City Staff) for consistency with local, state and federal codes, which will ultimately reduce permit processing time during building permit plan check. The ministerial SPR process will not be subject to discretionary review, hearings, public workshops or public notification requirements.~~"	
Page G-15		Date January 10, 2022 Letter from HCD (see Attachment 4); update to address HCD's	**Program 10: Inclusionary Housing Program** In 1999, the Inclusionary Housing Program was established to generate affordable housing in proportion with the overall increase in market-rate	The program description has been updated to include AFFH priorities and goals.

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		comments on AFFH	residential units. City Council Ordinances 2594, 2980, 2721, 2615, and 2688 require developers with ten~~10~~ or more units to provide ten~~10~~ percent affordable units. Developers of rental projects with 10 or more units are required to provide five~~5~~ percent for very low-income households and 5 percent for low-income households. Pursuant to current ordinance provisions, Developers may request City Council approval at the preliminary stage ~~in advance for payment~~ of entitlement processing (i.e., at the beginning) to secure Council approval to pay the City's Inclusionary Housing in-lieu fees (Resolution 15,330), which are periodically adjusted based upon inflation provisions contained in the ordinance ~~The City conducted a study and subsequently updated the inclusionary housing fee in May 2020~~. The City will use the in-lieu fees to produce affordable housing opportunities within areas of the City of Oxnard that are proximate to moderate or higher resources (such as place based conditions proximate to the Oxnard Transit Center, employment hubs, education facilities and medical providers) to support upward housing mobility. The City will also seek to improve the existing living and affordability conditions of racially or ethnically concentrated areas of poverty with high rates of households over burdened by housing cost and with linguistic isolation (such as South Oxnard, Downtown, Five Points Northeast and Colonia). The City will also implement anti displacement strategies to prevent displacement of households in areas improved by new affordable housing. By early 2023, the City will update the City's Inclusionary Housing Ordinance	

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			~~the inclusionary housing~~ requirements, which will be codified in Chapter 16 of the OCC to take into consideration many components and factors, including construction trends, opportunities, and effectiveness in securing affordable housing, to name a few. In addition, to ensure the Inclusionary Housing Program does not pose a constraint to the development of all housing affordability levels, the City will annually monitor the implementation of this program through the City's Annual Housing Element Workshop (Program 41), evaluate the impacts on the costs and supply of housing, and make necessary revisions to the program(s).	
Page G-16	**Substantial change**	Date January 10, 2022 Letter from HCD (see Attachment 4); update to address HCD's comments on AFFH. Add metric.	**Program 11: Homeownership Assistance Program** **Time Frame: Develop and disseminate marketing materials for by June 2023, update on an annual basis; Ongoing** Assist a total of four~~3~~ households annually. At least half of the households originating from low resource areas and/or areas designated as racially or ethnically concentrated areas of poverty in Oxnard. Continued assistance is provided for moderate and lower-income households to buy single-family units, condominiums, and mobile homes. Two loan opportunities are offered with an aggregate ~~The~~ maximum down payment assistance of ~~is~~ up to $57,000, based on income level and need. A forgivable loan will be up to $30,000, with a ten ~~10~~ -year term, non -~~zero~~interest bearing, deferred ~~, no monthly payments, forgiven at the end of the term, or due~~ and forgivable note. ~~payable if property is sold, transferred, or defaults before the end of the term.~~ A deferred loan of	The program timeline, objective and description have been updated to include AFFH metrics, priorities and goals. The metric for this program has been revised to assist 4 households annually. To address AFFH, a metric has also been included to require at least half of the households assisted originate from low resource areas and/or areas designated as R/ECAPs. This is an ongoing program that is subject to

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			up to $27,000 with a thirty year term, three percent interest bearing, and deferred note. To support upward housing mobility the City will develop focused discussion questions which will be shared during the City's Annual workshop and will address the needs of low resource areas and areas designated as racially or ethnically concentrated areas of poverty (such as South Oxnard, Downtown, Five Points Northeast and Colonia) to offer them homeownership opportunities. To combat barriers to participation due to linguistic isolation, all programmatic materials will be offered in Spanish. The City will also partner with local community-based organizations that serve residents in these neighborhoods ~~the term or earlier if the property is sold, transferred, or defaults before the end of the term.~~	available Home, CalHome, BEGIN and inclusionary in-lieu funds.
Page G-17		Date January 10, 2022 Letter from HCD (see Attachment 4); update to address HCD's comments on AFFH. Add metric.	**Program 12: Mortgage Credit Certificate (MCC)** **Responsibility: Housing Department and Ventura County** **Time Frame: Develop and disseminate marketing materials by June 2023, update on an annual basis; Ongoing and as first-time homebuyers' applications are pursued** Continue working with the Ventura County Consortium to distribute funding and work toward Oxnard residents using at least six Mortgage Credit Certificates per year. Work with the Ventura County Consortium to request that they outreach to at least twenty-four households in the areas designated as low resource and/or RE/CAPs through marketing efforts, so at least half of	The program timeline, objective and description have been updated to include AFFH metrics, priorities and goals. A metric has been added for the Ventura County Consortium to outreach to at least twenty-four households, with at least half of applicants from low resource areas and/or areas designated as R/ECAPs.

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			applicants are from low resource areas and/or areas designated as racially or ethnically concentrated areas of poverty in Oxnard. Oxnard participates with a consortium of cities in the Mortgage Credit Certificate ~~(MCC)~~ program administered by Ventura County. Mortgage Credit Certificates ~~MCCs~~ are available for income-qualified, first-time homebuyers and provide a federal income tax credit up to twenty percent of the annual mortgage interest paid. Since the mortgage payments repay the bonds, no City guarantee is required. Mortgage Credit Certificates ~~MCCs~~ can be used with City homebuyer programs to assist persons to qualify for private mortgage financing. To support upward housing mobility **t**he City will outreach to the Ventura County Consortium to develop a focused marketing campaign to households in low resource areas and areas designated as racially or ethnically concentrated areas of poverty to offer them homeownership opportunities. To combat barriers to participation due to linguistic isolation, the City will ask the Ventura County Consortium to ensure that all programmatic materials be offered in Spanish, and the City will ask the Ventura County Consortium to partner with local community-based organizations that serve residents in these neighborhoods.	
Page G-18	Non-substantial change	Date June 22, 2022 and June 28, 2022 meetings with HCD (see Attachment 6 June 28, 2022 Letter to HCD) - In Program 14,	**Program 14: Shelter Development Program** "The City will comply with SB 2 requirements for transitional and supportive housing outside of the Coastal zone by the end of Fiscal Year 2023-24."	This revision is for adherence to an existing law.

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		update timeline to comply with SB2 requirements for transitional and supportive housing.		
Page G-21	Non-substantial change	Date January 10, 2022 Letter from HCD (see Attachment 4); update timeframe, objective and description to address HCD's comments on AFFH. Add metric.	**Program 18: Section 8 Assistance Program** **Responsibility: Oxnard Housing Authority** **Time Frame: Ongoing. Increase voucher utilization; ~~Seek new vouchers and/or to~~ raise ~~the~~ payment standards; expand landlord outreach. Provide annual training to landlords starting in June 2023.~~standard as needed annually~~** Continue to participate in the Section 8 Assistance program. Increase voucher utilization by 95%~~, encourage property owners to register units, and~~ seek to raise the payment standard as needed to align with private rental markets. Expand landlord outreach The Section 8 Rental Assistance program provides rental assistance to very low-income families to afford housing in the private rental market. Participants' gross household income may not exceed 50% of the median income for the county or metropolitan area in which they choose to live. The income levels and maximum payment standards are established by the HUD. The program has an income targeting requirement which establishes that at least 75% of new admissions to the program must comprise of applicants whose income does not exceed 30% of the area median income level. The Housing Authority must also monitor the rental market and adjust the local payment standard so that the voucher remains	The program timeline, objective and description have been updated to include AFFH metrics, priorities and goals.

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			competitive. The Housing Authority will build on the recommendations as funding allows, focusing on the efforts of increasing voucher utilization and landlord participation in the program. The Oxnard Housing Authority will seek to increase voucher utilization by expanding our landlord outreach and engagement effort, including a demonstration that Section 8 participants are valued tenants and landlords are not permitted to discriminate on the basis of a Section 8 voucher participant. The goal is to improve landlord and tenant relations and customer service, which in turn will impact the participation rate of property owners in the Section 8 program. The City will apply for new or targeted population vouchers as those opportunities arise. ~~The Section 8 program subsidizes very low-income households who expend over half their income on rent. Prospective renters secure housing from HUD-registered apartments, and HUD pays the difference between what the tenant can afford and the negotiated payment standard. HUD regulations require that 75 percent of new leases be made to households earning below 35 percent of median family income, provided less than 40 percent of their income is spent on housing. In an inflating rental market, this standard is often exceeded, resulting in denial of a certificate. To protect housing opportunities for very low-income households, the rental payment standard must keep pace with the market. The City regularly seeks to increase Section 8 vouchers from HUD. In 2020, the Housing Authority began an effort known as "Rethink and Renew" to restructure operations. The goal is to~~	

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			~~improve landlord and tenant relations and customer service, which in turn will impact the participation rate of property owners in the Section 8 program . As a result of the COVID-19 pandemic, all efforts had to be postponed until the City of Oxnard authorizes for the department to proceed with community outreach events. In November of 2020, the Housing Authority submitted a grant request to HUD for technical assistance pertaining to the Rethink and Renew efforts. The application revolves around assistance with asset portfolio repositioning, organizational and staff assessment, and analysis of workforce productivity. All of these tasks are aligned with the goals and objectives of the Rethink and Renew effort. The City continue this type of work through the planning period if funding allows. The City will also provide biannual training to landlords regarding fair housing requirements, including the requirement that they accept vouchers, and encourage them to market available units at their rental properties in high resource areas to voucher holders to increase mobility from low to high resource areas.~~	
Pages G-22 to G-27	**Substantial Change**	Date January 10, 2022 Letter from HCD (see Attachment 4); update to address HCD's comments on AFFH. Add metrics to each action item. Date May 31, 2022 meeting with Barbara Macri Ortiz (see Attachment 9 May 25, 2022	**Program 19: Affirmatively Furthering Fair Housing** **Time Frame: Fair housing services are ongoing; Create plan by Fiscal Year 2022-2023 and implement on an ongoing basis. <u>Timeframes for individual actions are included in the action description.</u>** <u>Quantified objectives for specific actions are included in the action description.</u> ~~Average 320 contacts per year. Reach at least 50 households in areas of linguistic isolation to participate in the planning process or~~	The program update includes additional Anti-displacement strategies, place-based revitalization strategies, and strategies to address barriers. Many of the actions have also been updated to include metrics for assistance to a specified number of households

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		email) - In Program 19 under Anti-displacement Strategies, add implementation of the City's recently adopted Just Cause and Rent Stabilization ordinances. In Program 19, add clarification on the projected date when the Sustainable Transportation Plan (STP) will be completed.	~~serve the City during the planning period.~~ "The City will continue to provide fair housing services and will connect with an average 320 contacts per year to access fair housing services." Specific actions include: ● Implement this program to address AFFH affirmatively further fair housing, including targeting community revitalization through place-based programs, enhancing mobility between neighborhoods, and developing strategies to reduce displacement risk in areas of higher concentration of lower-income households and overpayment (e.g. Programs 10, 11, 12, and 29) and facilitating affordable housing in moderate or higher resource ~~high opportunity~~ areas (e.g. Programs 26 and 34~~36~~). Anti-displacement Strategies: ● Annually seek funding to provide targeted rehabilitation efforts in low resource areas and areas designated as Racially or Ethnically Concentrated Areas of Poverty to prioritize anti-displacement efforts in neighborhoods within these areas. The City will provide loans under the Citywide Homeowner Repair Program (Housing Element Program 2) to rehabilitate 6 lower income homes annually, with at least half of loans provided to households in low resource areas and areas designated as Racially or Ethnically Concentrated Areas of Poverty. ● Work with Ventura County Department of Health and Housing Rights Center to track fair housing issues and identify patterns in the City, including meeting annually to	and focus on low resource areas, areas of linguistic isolation and R/ECAPs. Action items have also been added that utilize the City's Climate Action and Adaptation Plan (CAAP), Green Alley Plan, Parks and Recreation Master Plan, Bicycle and Pedestrian Facility Master Plan and Sustainable Transportation Plan to direct green infra-structure and capital improve-ments in low resource areas. Implementation of two ordinances that Council adopted in May 2022 have also been added. This revision also clarifies the fiscal year timeframe for this action item in Program 19.

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			check on the status of active cases. The City will support Ventura County and Housing Rights center to increase public education and outreach on neighborhoods identified as being areas of linguistic isolation, as well as continuing to assist in the investigation and resolution of complaints of housing discrimination, including, where merited, targeted testing. This increased outreach shall include, beginning in 2024, at least one educational outreach campaign annually in an area of linguistic isolation, targeting a minimum of at least 25 households in such areas with multi-lingual fair housing education resources. The City will use its partnerships with community-based organizations that work with the Oxnard Mixteco community to provide access to information and resources, and will invite those organizations to participate in the City's Annual Housing Element workshop (Program 41). ● Continue working with Ventura County groups who promote expanded housing opportunities through various financial assistance initiatives and affordable housing/neighborhood revitalization programs and educates the community about fair-housing and equal housing opportunity, providing housing counseling services and family resource information and referral. Through this partnership, the City will connect with an average of 320 contacts per year. The City will collaborate with these organizations and the Housing Rights Center (which provides materials in seven languages) to disseminate fair housing information in all appropriate languages, and to encourage community participation in	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			workshops, and public hearings, which shall include at least one fair housing outreach and education workshop annually, beginning in 2024, in the areas of linguistic isolation and in Spanish language. ● As part of the City's Housing Element Annual Report, continue to annually monitor zoning regulations to ensure compliance with fair housing laws. ● Each time a housing project is proposed that may influence a particular group or neighborhood, in particular in areas of linguistic isolation, the City will make efforts to distribute information on the project in Spanish, including partnering with community-based organizations to promote community engagement opportunities, to ensure that the group or neighborhood is made aware of the project and the process and has the opportunity to respond. When housing projects are proposed, including projects which may impact a particular group or neighborhood in a particular area of linguistic isolation, the City shall continue to provide interpretation services at said meetings. Further, the City will continue to ensure that public notice includes text communicating that interpretive services are available should they be needed. ● Implement the City of Oxnard's recently adopted and codified Rent Stabilization Ordinance No. 3012 and the Just Cause Eviction Ordinance No. 3013 to increase the certainty and fairness within the residential rental market in the City. Both ordinances are more protective than California Civil Code Section 1946.2. Place-based Revitalization Strategies: ● Continue to promote methods which provide opportunities for residents	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			from neighborhoods of concentrated poverty and areas of linguistic isolation to serve or participate on boards, committees, and other local government bodies. The City's effforts to promote job opportunity and ESL jobs at the City's newly constructed Amazon Distribution Fullfillment Center is an example of a relevant program. The City, on an on-going basis, will track participation by residents of areas of linguistic isolation in public workshops, fair housing education and outreach seminars, and public hearings, and will also collect annual data from the Housing Rights Center on all cases opened from these areas which raise potential fair housing issues. ● Utilize the City's Climate Action and Adaptation Plan (CAAP) to disseminate community programs to improve climate and resilience citywide with particular attention to disadvantaged community areas as identified in the City's CAAP. ● Utilize the results of the tree inventory published as part of the City's Green Alleys Plan (2016), with focus on funding tree canopy installation/improvements in Racially/Ethnically Concentrated Areas of Poverty R/ECAP areas during the City's Capital Improvement Program (CIP) and in public areas only. Focus will be on areas of linguistic isolation, and neighborhoods identified as disadvantaged communities by December 2025. If tree canopy is less than in other areas of the City, prioritize actions through the City's CIP. ● As part of the City's CIP process, prioritize green infrastructure investment (permeable pavements, infiltration planters, trees, etc.) in areas of concentrated poverty,	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			specifically neighborhoods identified as disadvantaged communities. ● The City will review the sufficiency of open space requirements (during Fiscal Year 2025-2026) for new developments, with consideration to state mandates and conservation, and City polices and revise as necessary by June 2026 to ensure all residents have access to healthy outdoor spaces. The analysis will consider if more or less open space is necessary to support housing, density, and options for passive or active open space is consideration to water and conservation. ● The City's Parks and Recreational Master Plan will assist the City in developing CIP activities to improve. access to parks and recreational areas, including seeking funding sources to develop and/or improve parks or recreational areas and programs and/or partnerships to access nearby recreational spaces located on sites that are not City-controlled. ● Implement the City's Bicycle and Pedestrian Facility Master Plan (2011), with consideration to bicycle and pedestrian facilities in R/ECAP areas. ● The City of Oxnard Sustainable Transportation Plan (scheduled to be complete in Fiscal Year 2022-2023) will focus on inclusive community engagement to ensure that the needs of each community, age group, and socioeconomic status are represented. The document will incorporate complete streets design, safe routes to school, vision zero, sidewalk or bike lane improvements and first/last mile planning in tandem with land use opportunities in lower resourced areas including R/ECAPs and areas of linguistic isolation. The Sustainable Transportation Plan shall	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			incorporate the findings and key strategies identified in the City of Oxnard Bicycle and Pedestrian Facility Master Plan in 2011 and the Sidewalk Survey prepared in 2015, including the following strategies that improve pedestrian safety: o Consider adopting a Vision Zero policy set of goals for reducing traffic-related fatalities to zero by a certain year. The City would work to improve safety conditions for all road users, particularly vulnerable users like pedestrians and cyclists. o Consider adopting a Complete Streets policy to institutionalize practices associated with complete streets. o Secure grant, or other funding opportunities and seek to install pedestrian-friendly traffic signals consistent with Section 5.2.2 of the Oxnard Bicycle and Pedestrian Master Plan, such audible crossing signals, countdown timer signals, pedestrian refuge islands, and pedestrian-oriented speed limits. Strategies to Address Barriers to Housing Choice in Higher Opportunity Areas and Housing Mobility: ● Promote transit-oriented development in Downtown Oxnard through implementation of the Downtown Development Plan and as feasible the City's Sustainability Transportation Plan, and review development standards as part of the City's Annual Housing Element outreach (Program 41) to ensure that	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			City regulations promote, rather than constrain, transit-oriented development. ● Use land use, zoning, and development standards to address barriers to housing choices in moderate or higher opportunity areas, such as allowing ADUs and decreasing minimum lot sizes. Starting in January 2023, and as part of the City's Annual Housing Element workshop, review land use, zoning, and development standards to identify regulations that constrain affordable housing development in higher resource areas. The City will initiate this process by amending the OCC to allow single-room occupancy units in at least one zoning district to facilitate housing options for extremely low income households pursuant to Assembly Bill 2634 (Program 6). ● As part of the City's Annual Housing Element Workshop, the City will meet with developers to discuss possibilities of multifamily housing development on sites identified in Supplement 1 of the Housing Element. ~~located in~~ ● Continue to promote affordable housing programs and opportunities in collaboration with the Housing Department and economic development organizations, as well as affordable housing advocates and any ~~interested party — see~~ ~~intereste partysee~~ https://www.oxnard.org/city-department/community-development/oxnard_affordable_housing/. These organizations and interested parties will also be consulted during the City's Annual Housing Element Workshop (Program 41). The City will use its partnerships to ensure that representatives from the Oxnard Mixtec community participate in the	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			Annual Housing Element Workshop. ~~43).~~ ● Continue to provide Ventura County brochures and Ventura County Department of Health and Human Services information regarding fair housing, tenant rights, rehabilitation grants, rehabilitation loans, first-time homebuyer programs, and Section 8 programs in English and Spanish at the Oxnard customer service counter, Housing Department and City libraries. Continue to provide a link to the City's professional fair housing services provider organization, the Housing Rights Center's website on the City's website. The Housing Right Center provides numerous fair housing resources and brochures on their website, in multiple languages. The City will collaborate with the Housing Rights Center (which provides materials in seven languages) to distribute promotional materials (digital and physical) by December 2024 to ensure residents in areas of linguistic isolation (as identified inFigure B-7) can access fair housing education and City and County program resources. The City will use its partnerships with community-based organizations to ensure the Oxnard Mixteco community has access to information and resources. ● Actively recruit residents from neighborhoods of concentrated poverty and areas of linguistic isolation to serve or participate on boards, committees, and other local government bodies. ~~Ensure environmental hazards are not disproportionately concentrated in low-income communities of color.~~ ~~● Encourage additional multifamily housing in high-performing school areas.~~	

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			● ~~Meet with local school districts by February 2022 to identify mechanisms of attracting and retaining high-quality teachers to schools in Oxnard.~~ ● ~~Use land use, zoning, and development standards to address barriers to housing choices in high-opportunity areas, such as allowing ADUs and decreasing minimum lot sizes.~~ ● ~~Prioritize green infrastructure investment in areas of concentrated poverty.~~ ● Ensure non-English-speaking residents ~~applicants~~ have access to programs like rehabilitation grants, rehabilitation loans, first-time homebuyer programs, and Section 8 programs through advertising and outreach, including accommodation for translation services during the application review ● ~~Each time a housing project is proposed that may influence a particular group or neighborhood, in particular in areas of linguistic isolation, the City will make efforts to distribute information on the project to ensure that the group or neighborhood is made aware of the project and the process and has the opportunity to respond.~~ ● ~~Expand access to utilities in Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs).~~ ● ~~Conduct an assessment of tree canopy in R/ECAP areas and areas of linguistic isolation. If tree canopy is less than in other areas of the City, include actions in the Climate Action Plan the City is currently preparing to increase tree coverage in the identified areas.~~	
Page G-28	**Substantial Change**	Date January 10, 2022 Letter from HCD (see	**Program 21:Reasonable Accommodation**	The Reasonable Accommodation findings in OCC

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
		Attachment 4); update to address HCD's comments on Reasonable Accommodation .	The City of Oxnard will continue to process requests for reasonable accommodation which are reviewed on a staff level (Chapter 16). OCC Section 16-501.5 (Reasonable Accommodation – Findings) will be updated by the end of Fiscal Year 2022-2023 to remove subjective considerations in compliance with the Fair Housing Act.	Section 16-501.5 will be revised to only include objective consideration, in compliance with the Fair Housing Act. This OCC update will be processed at the same time as other code updates listed in Program 6.
Page G-28	Non-substantial Change	Date January 10, 2022 Letter from HCD (see Attachment 4); update to address HCD's comments on SROs. Date May 31, 2022 meeting with Barbara Macri Ortiz (see Attachment 9 May 25, 2022 email) - In Program 22, revise text for SRO to be consistent with Program 6.	**Program 22: Special Needs Groups** "~~The City will also explore the feasibility of using its CDBG to provide seed money to assist nonprofit agencies in these efforts.~~ " "By end of Fiscal Year 2022-2023, pursuant to Assembly Bill 2634, amend the OCC to ~~study the~~ allow~~ance of~~ single-room occupancy units in at least one zoning district to facilitate housing options for extremely low income households."	Revision is necessary for the City to comply with AB 2634 to allow SROs in at least one zoning district.
Pages G-29 & G-30		Update program to recognize LAFCO approval of Rio Urban annexation.	**Program 24: Annexation Areas** **Time Frame: Annexation of Rio Urbana in Fiscal Year 2021-2022. City Council action in Fiscal Year 2023-2024, with~~; Consider alternative approaches if annexation does not occur by the end of Fiscal Year 2021-2022.~~ Annexation of Teal Club feasible ~~expected~~ by 2024-25; Consider alternative approaches if**	Program has been updated with current information on status of the Rio Urbana site that was recently received LAFCO approval for annexation. This program still includes the Teal

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			annexation does not occur by end of Fiscal Year ~~2024~~2025-2026. The Housing Element is relying on the Rio Urbana Annexation to satisfy a portion of its RHNA allocation, including 17 lower income units, 3 moderate~~The annexation is currently undergoing the annexation process~~ and 147 above moderate.~~may or may not be approved~~The project proposed at this site has already been approved by the City of Oxnard. Because the project site is within the City's sphere of influence it is required to be built in the City not within the County of Ventura pursuant to the Ventura County Guidelines for Orderly Development. Annexation was approved by the County of Ventura, Local Agency Formation Commission (LAFCO)~~This program is intended to create 167 residential units~~ in December ~~8 three-story buildings, including 17 low-income units and 3 moderate-income units. The annexation and rezone is expected to be completed in early Fall~~ 2021. The City is also continuing to process a ~~evaluate the potential~~ development and annexation project, known as the Teal Club Specific Plan site, which encompasses approximately ~~of about~~ 174 acres. If approval of the development project and support for annexation is approved by the City Council, annexation of the Teal Club Specific Plan area will accommodate ~~allow the~~ development of up to 990 housing units in a range of densities and affordability. City action on the Specific Plan project will be made in Fiscal Year 2023-2024. Due to Ventura County LAFCO ~~Local Agency Formation Commission~~ annexation processes, the annexation and service district detachment process takes approximately ~~approximatrely~~ one year.	Club annexation site, along with a requirement to find sites to accommodate 990 RHNA allocations if Teal Club is not annexed during FY 2025-2026.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			Therefore, annexation would occur during Fiscal Year 2024-2025. If the ~~Rio Urbana and~~ Teal Club annexation is ~~annexations are~~ not approved, this program will also be used to find alternative housing opportunities ~~land~~ to accommodate 990 ~~rezone or up-zone for the creation of the 1,157~~ units (148 lower income, 282 moderate, 560 above moderate) during Fiscal Year 2025-2026.	
Pages G-30 & G-31	**Substantial Change**	Date January 10, 2022 Letter from HCD (see Attachment 4); Update to address AFFH	**Program 26: Extremely Low-Income Households** **Time Frame: Beginning in Fiscal Year 2022-2023, as part of the City's Annual Housing Element workshop, meet with developers to Look for opportunities to develop or facilitate extremely low-income units. Provide assistance to support development on a project-by-project basis throughout the planning period and on an annual basis. ~~at least annually~~** Comply with AB 2634. to accommodate at least 600 extremely low-income units (which represents 2/3rd of the City's Extremely Low Income RHNA) in areas designated as moderate or higher resource.~~Comply with AB 2634.~~ To address the housing needs of extremely low-income households, the City will continue to encourage the development of housing suitable for extremely low-income households ~~(i.e., single-room occupancy units, transitional housing, multifamily, etc.)~~, with a special emphasis on construction of these units in moderate or higher ~~high~~ resource areas to support the City's housing element goals . , the City will regularly meet with developers and on an annual basis as part of the City's Annual Housing Element workshop (Program 41) to discuss the possibilities	The program timeline, objective and description have been updated to include AFFH metrics, priorities and goals. A metric has been added for at least 600 extremely low-income units in areas designated as moderate or higher resource areas. This number represents ⅔ of the City's extremely low income RHNA.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			of developing housing suitable for extremely low income households on sites located in neighborhoods in the City's moderate or higher resource areas. The City commits to supporting developers by~~. Activities include~~ assisting with site identification, available ~~and acquisition~~ local funding, ~~financial resources,~~ assisting to provide streamlined ~~and streamlining~~ entitlements, and implementing ~~providing~~ concessions and incentives. Program 22 also calls for allowing single-room occupancy units in at least one zoning district in the City.~~The City will meet with local nonprofit developers throughout the planning period.~~	
Page G-32	Non-Substantial Change	Date January 10, 2022 Letter from HCD. Update to address HCD comment on parking for the disabled, such as residential care. Date June 22, 2022 meeting with HCD (Attachment 6 June 28, 2022 Letter to HCD) - In Program 27, add a bullet to monitor if the City's guest parking requirement is a governmental constraint to the production	**Program 27: Review Parking Standards** ● "By end of Fiscal Year 2023-2024, pursuant to the Fair Housing Act, update OCC Section 16-622 to classify parking requirements for the facilities for the elderly – residential care facilities, independent living, memory care, etc. as residential uses rather than health facilities and to update the standards themselves. ● By the end of Fiscal Year 2022-2023, the City will update OCC Sections 16-468(D) and 16-622 to recognize current State law that no replacement parking spaces are required if using the garage for an Accessory Dwelling Unit." ● "Study ways to increase transit-oriented development in Downtown. ● Monitor existing visitor parking requirements for impacts to affordable housing development applications. As part of the City's	Program 27 has been updated to list a revision to OCC Section 16-622 (Off-street Parking) to move the requirements for parking for the elderly from the Health Services category to the Residential category, and expand the types of residential care facilities to recognize changes in the industry (currently only assisted living and nursing home are listed to encompass the various types of facilities, including

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		of affordable housing.	Annual Housing Element reporting, the City will evaluate the multifamily visitor parking requirements to determine if it is a constraint to production of lower income units and conduct necessary Oxnard City Code modifications as needed. (Multifamily visitor parking is presently one uncovered visitor space per unit for the first 30 units; after the 31st unit, 0.5 uncovered visitor space per unit)." "Per Government Code Section 65583(a), b~~B~~y the end of Fiscal Year 2023-2024,..."	residential care facilities, independent living, memory care, etc. This OCC update will be processed at the same time as other code updates listed in Program 6.
Page G-33	Non-Substantial Change	Date January 10, 2022 Letter from HCD. Update to address HCD comment on the sale of City-owned sites and address AFFH.	**Program 29: City Owned Sites and Developer Assistance** **Time Frame: Beginning in FY 2022/-2023, as part of the City's Annual Housing Element workshop, outreach to the community on uses for surplus land,~~Time Frame:~~ Promote awareness of availability of City-owned sites and assist applicants on an ongoing basis; disseminate information on technical assistance annually.** Accommodate 193 units affordable to lower income households on city-owned properties in low resource areas. The City owns some sites that could be suitable for affordable housing development. The City is actively selling City properties in compliance with the Surplus Land Act where the first opportunity is offered for affordable housing development to support upward housing mobility and housing choice in higher resource areas. Through website promotion of the City's Affordable Housing Ordinances and ~~/~~Programs and collaboration amongst City departments, the City will continue to ensure information and	A metric has been added to accommodate 193 units affordable to lower income households on city-owned properties, which is consistent with the number of units projected on City-owned sites in Supplement 1 of the Housing Element.

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			assistance is provided about opportunities to develop affordable housing on City-owned sites in compliance with the Surplus Land Act. Specifically, the City will continue to include information about opportunities for affordable housing on City-owned sites, assist developing projects that include affordable units on City-owned land, and/or for projects with State Density Bonuses, in one place on its website. Contact information for the Housing Department and Planning Division is provided on the website for interested parties to contact for further assistance. The City also disseminates information about this available assistance annually to local affordable housing developers and advocates. Starting in January 2023, as part of the City's Annual Housing Element Workshop (Program 41), the City will outreach to the community to discuss and provide feedback on opportunities for development of affordable housing on City-owned sites.	
Page G-34	Non-substantial Change	Remove Programs that were completed with the City's rezone of parcels in October 2021.	~~**Program 30: Vacant Repeat Sites for Lower-Income RHNA**~~ (Remove Program) ~~**Program 31: Non-Vacant Repeat Sites for Lower-Income RHNA**~~ (Remove Program)	This update removes Program 30 & 31 that were completed in October 2021 with the City rezone of vacant and non-vacant parcels in Supplement 1 to accommodate the default density of 30 dwelling units/acre.
Pages G-36 & G-37	Non-substantial Change	Date January 10, 2022 Letter from HCD. Update to address HCD comment on AFFH.	**Program 33 ~~35~~: Allow Housing in the Business Research Park (BRP) Zone** Conduct outreach to property owners and community starting in 2023. The BRP Overlay zone affirmatively furthers fair housing by increasing	The program objective and description have been updated to include AFFH metrics, priorities and goals.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
			housing mobility opportunities and/or housing in higher resource areas by reducing constraints on development of residential units and expanding where they can be built.	
Page G-37	Non-substantial Change	Date January 10, 2022 Letter from HCD; Update to address HCD comment on AFFH and add metric	**Program 34 ~~36~~: Pre-Approved Accessory Dwelling Units (ADUs)** Support approval and development of ADUs. Utilizing pre-approved ADU plans will reduce overall development costs and streamline approvals. Accommodate at least 320 ADUs to increase housing choices and mobility to higher resource areas. In addition to the 2019 update to the ADU ordinance ~~ordinace~~ that simplified the ADU permitting process, revised development standards and waived parking requirements (discussed in Section F.2), to further support ADU development and support affirmatively furthering fair housing through housing mobility and increasing housing choice in higher resource areas, the City will consider participating in the regional effort to evaluate and adopt pre-approved accessory dwelling unit (ADU) plans to streamline the approval process and lower development costs for applicants and develop a pre-fabricated ADU that can be used in the City. As part of the regional program, the City Building Official will evaluate the accessory dwelling unit (ADU) provisions developed by the Ventura County Association of Governments (VCOG~~VOG~~) to determine how and if they can be utilized in the permitting of affordable housing in the City. Provided the VCOG plans are available to the City, the Building Official will review the VCOG pre-approved ADU plans and options for a streamlined building permit review	This revision adds a metric of 320 ADUs, consistent with HCD's projected ADU recommendation. The VCOG plans, when available, would be reviewed by the Building Official to determine if the VCOG plans are viable for the City to use as pre-approved plans.

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			process by the Quarter 2 of Fiscal Year 2024- 2025. If the City determines this will be a beneficial program for the City, information regarding the REAP ADU program will be posted on the City's Planning Department website and utilized where appropriate ~~for the City~~.	
Page G-38	Non-substantial Change	As a result of ongoing public outreach, clarification was necessary that the City does not presently have any areas that qualify 'high resource areas' under HCD/TCAC definition.	**Program 36~~38~~: ADU Promotion Program** "moderate and higher ~~high"~~	The program language presently emphasizes promoting construction of ADUS in high resource areas to improve mobility from low resource areas. Program language regarding resource areas was revised from 'high' to 'moderate and higher' to reflect that the City does not presently have any high resource areas. However, in the event that an area is reclassified as a high resource area in the future, the selected term does not preclude those areas.
Page G-40	Non-substantial Change	Update to timeframe.	**Program 38~~40~~: Institutional Land Use Housing Opportunity Program** **Time Frame: Amend zoning by Fiscal Year ~~2023~~-2024/2025** Program elements would be explored over the next three years, Fiscal Year 2024-2025.	Timeframe revised to reflect realistic parameters based on staffing and budget. The Housing Element does not depend on this program for units to meet RHNA.

Page Number	Substantial Change/Non-Substantial Change	Updated Information or Input Received	Description of Change	Staff Comment
Page G-41	Non-substantial Change	Date January 10, 2022 Letter from HCD (Attachment 4). Update to address AFFH.	**Program 41~~43~~: Annual Housing Element Workshop** Each year, hold an Annual Workshop ~~a public workshop~~ to update the community on progress towards implementing the Housing Element ahead of submission of the Annual Housing Element Progress Report to HCD. Outreach will include community based organizations with intention to outreach to all segments of the population. Yearly evaluate sufficiency of program and participation and inclusion.	The program description has been updated to include AFFH priorities and goals.
Page G-41	Non-substantial Change	Update to clarify time frame.	**Program 42~~44~~: ADU Construction Cost Assistance and Accelerator Program** **Time Frame: Establish program by the end of Fiscal Year 2022-2023**	Minor clarification added to the timeframe.
Supple-ment 1	Non-substantial Change	Current Information.	Supplement 1: Housing Element Sites Inventory - update Zoning and General Plan designation resulting from Rezone of parcels in October 2021; update project development status for sites; update lot splits.	This revision updates the approval status of a development project on the site.
Table A	Non-substantial Change	Date July 5, 2022 HCD Site Inventory review Ava Hoffman requested Update to the Housing Element Inventory table to replace 9-digit Assessor Parcel Number (APN) with 10-digit APNs (9-digits + suffix),	Table A: Housing Element Sites Inventory, update Assessor Parcel Number column to 10-digits.	Although the City and County database use the 9-digit APN to locate parcels, this revision is necessary for the Housing Element to sync with HCD's database.

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		consistent with HCD's database		
Various Sections Through-out docu-ment	Non-substantial changes	Clean up typos and minor grammatical changes	Various	Minor clean up will occur

Attachment 9

Public Comments

Barbara Marci-Ortiz, dated May 25, 2022

BMO COMMENTS ON HOUSING ELEMENT IN RELATION TO 1/10/2022 HCD LETTER

1. RE: HCD Letter comment A.2., page 2 - estimate of total # of units in need of rehab or replacement.

Reference H/E Edit in red page B- 19 does not answer the question. Need to estimate a number.

Using Table B-25, I would estimate 11,924 units in need of rehab or replacement, which is 21.2% of our total housing stock, using the following percentages by age of housing to arrive at the estimate:

Before 1939	60% of units =	840
1940-1949	50% of units	1,333
1950 - 1959	40% of units	3,289
1960 - 1969	30% of units	3,941
1970 - 1979	20% of units	2,213
1980 - 1989	5% of units	308

* Total number of units needing rehab/replacement 11,924

2. See bullet on page F-16 re deficient sewer infrastructure. If City puts that burden on affordable housing on AH sites, that burden may make those projects infeasible. Need to include money in City's CIP in order for City to be able to address deficient sewer infrastructure for affordable housing projects.

3. See bullet on page G-28: Delete the word "study" re: single room occupancy units. Should read that the City will amend the OCC to allow single-room occupancy units in at least one zoning district**. I would urge you to allow in both the R-3 and R-4 districts, as well as the commercial and BRP and industrial sites that allow residential development.**

******* NEW COMMENTS that reference Attachment A - Response*****

Item A-1

1. Where are the moderate and high resource areas in Oxnard?

2. Need a chart that shows the low, moderate and high resource areas in Oxnard by neighborhood.. Should also identify low resource areas, areas of linguistic isolation and R/ECAPS, so that can be correlated with the programs being put in place (that are listed at top of page 4. Should also identify the location of the five census tracts listed on page G-14, in the discussion of the new SGC AHSC Grant (Cap & Trade) EDC set-aside for five highly qualified Oxnard census tracts.

3. Program 10, Inclusionary Housing [pg. 2] . Re: density bonus parking. Should redraft - with inclusionary requirements - not "automatically benefits" Should be: "allows reduced parking standards per SDB law..."

4. Program 18 - Section 8 - What was the OHA HUD technical assistance grant for? Says it "included an asset repositioning report with implementation strategies and an evaluation of staffing levels and capacity, did not provide additional Section 8 vouchers." I am confused, it sounds like this was for OHA properties, not section 8?

4. Program 19 AFFH -

* should include discussion of the City's new ordinance re: rent caps and just cause eviction as an anti-displacement strategy.

* Should also have an honest discussion about parking. HCD wants waiver of parking standards for deed restricted units. Can point out that developments are eligible for reduction of parking standards pursuant to DB law. But complete waiver is not practical in neighborhoods that are not well served by public transportation and where residents need cars to get to work and to the stores, etc. When there are no alternatives to cars, we do need to have some parking opportunities for families. Identify areas of city where parking problems are problematic.

5. Program 26 - Extremely low income households. Why are you raising AB 2634? That law was passed in 2006. Just note that City plans to update zoning code to make it clear that SROs are allowed in at least one zone. Note that SROs are needed for more than just "Special Needs Groups". In AB 2634 it appears to lump in SROs as supportive housing (no comma between supportive housing and SROs)

Govt Code § 65583 (c)

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, **supportive housing single-room occupancy units,** emergency shelters, and transitional housing.

Item A 2. Rehabilitations/Renovations Units

Need to provide an estimate of the number of units. See prior comments, point 1. I came up with estimate of 11, 924 as the total number of units needing rehab/replacement

Item A.4 Processing of Permits (pg. 9)

While it is true that the HAA does not prohibit cities from requiring discretionary approval for housing projects, the scope of that discretion is limited. I would add the following sentence after that statement in the third paragraph regarding discretionary approval:

"However, the City may not deny a project protected by the HAA (i.e. where developer proposes that at least 20% of the units be for low income), based on the Planning Commission's inability to make any of the findings required for a special use permit. The reasons for denial are limited to the five reasons set forth in Govt. Code § 65589.5 (d).

Item B. 1 - Housing Programs SRO's

It is stated that the Conceptual DAH/E has been amended to provide language to allow SROs in at least one zone district, rather than **study the allowance.** However, that was not done. Program 22 still has the language "study the allowance." The language in Program 6 was changed.

Attachment 10

August 18, 2022 Presentation

General Plan Amendment
Amended 2021-2029 Housing Element

By: Kathleen Mallory, Planning & Sustainability Manager
Heather Davis, Contract Planner
Amy Sinsheimer, PlaceWorks Housing Consultant

Planning Commission
August 18, 2022

CITY OF OXNARD CALIFORNIA

Housing Element Update

Why is the Amended Housing Element being considered by the Planning Commission again?

- **September 16, 2021** - Planning Commission recommended City Council approval of the Final Housing Element & associated approvals
- **October 5, 2021** - City Council approved the 2021-2029 6th Cycle Housing Element, Rezoning & Amend General Plan land use designations, and 5 Ordinances, in the Oxnard City Code (OCC)
- **October 8, 2021** - City submitted the adopted Housing Element to State Housing and Community Development (HCD)
- **January 10, 2022** - HCD Findings Letter, with edits to Element
- **May 12, 2022** - City submitted the Conceptual Amended Housing Element to HCD
- **July 7, 2022** - City Submitted Addendum to Conceptual Amended Housing Element
- **July 11, 2022** - HCD Issued a Conditional Certification Letter

Background

- **To receive HCD certification of the Housing Element, City must adopt Amended City of Oxnard 6th Cycle 2021-2029 Housing Element:**
  - HCD Conditional Certification Letter (July 11, 2021) - must adopt "revised draft Housing Element received (by HCD) for review on May 12, 2022, along with revisions received on July 7, 2022"
  - Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element posted July 27, 2022 incorporates these revisions
  - Most of the substantial revisions are updates to OCC to bring into compliance with existing State & Federal laws
- **Without Certification**
  - Withholding of housing related grant monies, including homeless program assistance money
  - Discussion of withholding gas tax money
  - Potential HCD originated litigation against jurisdictions

Overview of Changes

Housing Element changes are characterized as:

- Non-substantial - Changes which occurred to correct grammatical errors/text edits; and/or addition of language to reflect programs and approvals already implemented by the City Council. Not focus of staff report, but see Attachment 8
- Substantial - Changes which occurred to address edits requested by HCD staff to clarify program timing and/or compliance with State law; and addition of a new program action. Large reduction in number of Accessory Dwelling Units (ADU's) utilized to meet City's affordable housing requirements; summarized in Attachment 8
- Update to Address Current Information - Building permits, code compliance reports, project entitlement status, etc.; see Attachment 8
- Updates to Address Public Participation - Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS) map, and definitions; Attachment 8

Analysis - Recommended Substantial Changes

- **Affirmatively Furthering Fair Housing (AFFH)**
  - Program 4 - Urban Village Program - Metric for 372 lower income units
  - Program 6 - Zoning Code Amendment - Residential Care in Multifamily zones, Reasonable Accommodation findings, Employee Housing Act
  - Program 11 - Home Ownership Assistance Citywide - Metric of half of households originating from low resource areas
  - Program 12 - Mortgage Credit Certificate - Metric of half of households originating from low resource areas
  - Program 19 - AFFH - Additional Anti-displacement Strategies, Place-based Revitalization Strategies, and Strategies to Address Barriers
  - Program 26 - Extremely low income households - Metric for 600 extremely low income units in moderate or higher resource areas
  - Program 29 - City owned sites and developer assistance - Metric for 193 lower income units
  - Program 34 (Renumbered from Program 36) - Pre-Approved ADU - Metric to reduce overall development costs and streamline approval for 320 ADUs

Analysis- Recommended Substantial Changes

- **Rehabilitation/Renovation Units (NEW)**
  - Program 1 - Targeted Windshield Housing Condition Survey
- **ADU projections and affordability**
  - Reduce Projected ADUs from 490 units to 320 units
- **Zoning for a Variety of Housing Types (Emergency Shelters - Comply with State Law)**
  - Program 6 - Update OCC on Emergency Shelters
- **Persons with Disabilities (Comply with State & Federal Law)**
  - Program 6 - Update OCC to Expand Types of Residential Care Facilities
  - Program 21 - Update OCC Reasonable Accommodation Findings
  - Program 27 - Update OCC Parking for Senior Housing
- **Housing Programs Single Room Occupancy (SRO) (Comply with State Law)**
  - Programs 6 & 22 - Update OCC to allow SROs in at least one zoning district

Analysis - Current Information

Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element also includes updates to current information:

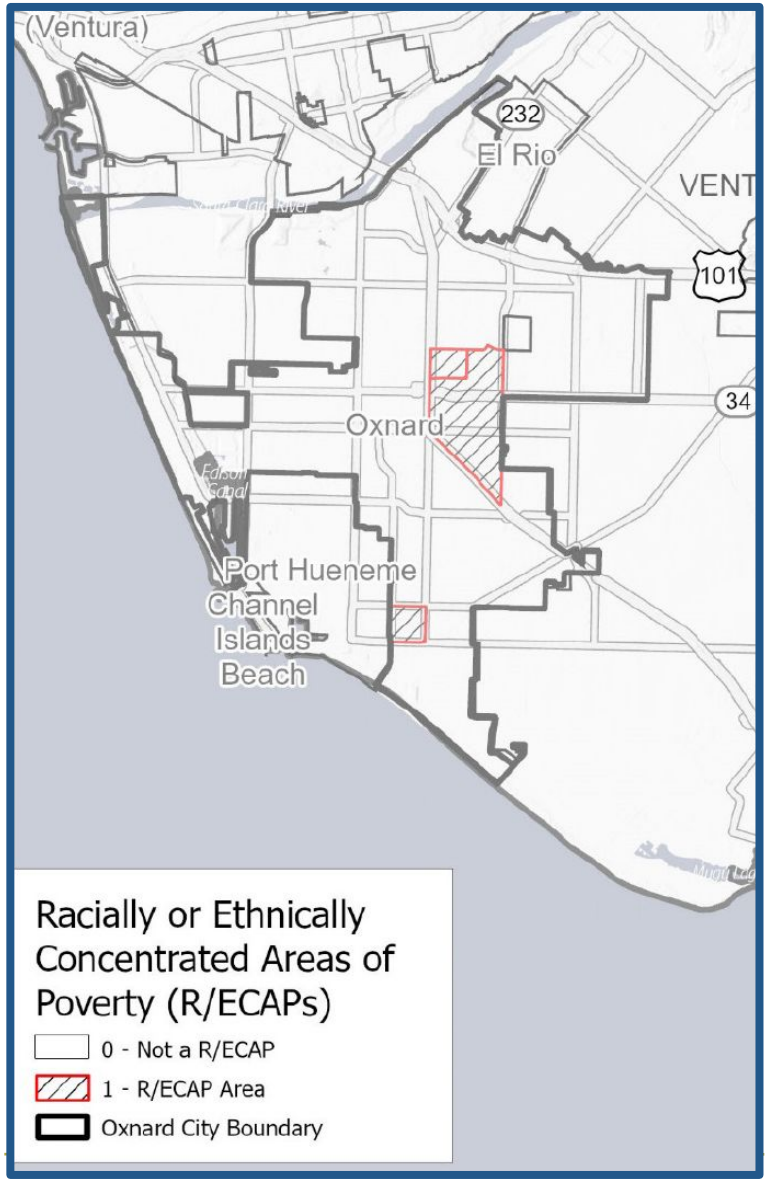
- Rezone and General Plan land use designation to accommodate Regional Housing Needs Assessment (RHNA), City Council Approval in October 2021
- Site Plan Review and Additive Zone Objective Standards, City Council Approval in October 2021
- Building Permits and certificate of occupancy between June 30, 2021 and February 28, 2022
- Code Compliance data through March 2022
- Supplement 1 Sites - Updates project descriptions, entitlement status, site status (vacant), lot reconfigurations, etc.

Analysis - Public Participation

Public Participation resulted in additional updates:

- Figure B-12 - Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS)
- Just Cause Eviction Ordinance (Ord. No. 3012) &

  Rent Stabilization Ordinance (Ord. No. 3013), Adopted May 3, 2022
- Definitions for Resource Areas



California Environmental Quality Act (CEQA)

- October 5, 2021 - City Council approved an Initial Study - Mitigated Negative Declaration for the 2021-2029 Final Housing Element
- Amended Draft 2021-2029 Housing Element updates existing information and does not trigger the need to prepare a subsequent or supplemental environmental document
- Consistent with CEQA Guidelines Sections 15162 and 15164, the proposed amendment to the 2021-2029 Final Housing Element updates existing information and does not trigger the need to prepare a subsequent or supplemental environmental document

Community Outreach

Public Notification for Planning Commission Hearing on Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element:

- Virtual meetings with housing advocates throughout 2022 to review changes presented to HCD
- Email Notice to City's Housing Element interested parties list
- Draft Amended 2021-2029 Housing Element posted on the City's website and notification sent to the City's Housing Element interested parties list on July 26, 2022
- August 1, 2022 from 3pm to 5pm, staff hosted community drop-in hours for the public; one housing advocate participated
- Notice of public hearing posted in the Ventura County Vida newspaper
- No additional discussion has been received from members of the public since the preparation of this presentation

Recommendation

That the Planning Commission:

a) Receive a presentation on the Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element

b) Open the public hearing and receive public input

c) Adopt a Resolution recommending City Council approval of the Draft Amended City of Oxnard 6th Cycle 2021-2029 Housing Element as Chapter 8 within the 2030 General Plan

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QUESTIONS?

General Plan Amendment Amended 2021-2029 6th Cycle Housing Element

Kathleen Mallory, Planning & Sustainability Manager
City's Consultant Team
Heather Davis, Contract Planner
Amy Sinsheimer, PlaceWorks Housing Consultant

City Council
October 4, 2022

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6th Cycle Housing Element Update

2

- **October 5, 2021** - City Council approved the 2021-2029 6th Cycle Housing Element (Housing Element), Rezoning & Amend General Plan land use designations, and 5 Ordinances, in the Oxnard City Code (OCC)
- **October 8, 2021** - City submitted the Housing Element to State Housing and Community Development (HCD)
- **January 10, 2022** - HCD Findings Letter, with requested edits
- **May 12, 2022** - City submitted the Conceptual Amended Housing Element to HCD
- **July 7, 2022** - City Submitted Addendum to Conceptual Amended Housing Element
- **July 11, 2022** - HCD Issued a Conditional Certification Letter
- **September 15, 2022** - Planning Commission recommended City Council approval of the Amended 2021-2029 6th Cycle Housing Element (Amended Housing Element)

Background

3

- **To receive HCD certification of the Housing Element, City must adopt Amended 2021-2029 6th Cycle Housing Element:**
  - HCD Conditional Certification Letter (July 11, 2022)
  - Most of the substantial revisions are updates to OCC to bring into compliance with existing State & Federal laws
- **Without Certification**
  - Withholding of housing related grant monies, including homeless program assistance money
  - Discussion of withholding gas tax money
  - Potential HCD originated litigation against jurisdictions

Overview of Changes

4

Amended Housing Element changes are characterized as:

- Non-substantial - Not focus of staff report:
  - Grammatical errors/text edits
  - Addition language to reflect programs and approvals already implemented by the City Council
  - Update to Address Current Information - Building permits, code compliance reports, project entitlement status, etc.
  - Updates to Address Community Engagement - Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS) map, and definitions
- Substantial - Changes to address requests by HCD staff:
  - Changes in Housing Element programs to comply with State & Federal Laws
  - Reduction in number of Accessory Dwelling Units (ADU's) utilized to meet City's lower income / affordable housing requirements
  - New Program - Targeted Windshield Housing Conditions Survey

Discussion

5

Changes in Amended Housing Element - in compliance with State and Federal laws:

- **Affirmatively Furthering Fair Housing (AFFH)** - Goals and actions to address fair housing, increase affordability and choice in high resource opportunity areas, place based strategies to preserve and revitalize, reduce displacement risk
- **Emergency Shelters** - Development standards per California Gov. Code
- **Persons with Disabilities** - Reasonable Accommodation Findings, Parking requirements, Residential Care
- **Single Room Occupancy** - Allowed in at least one zone

Discussion

6

Reduction in Accessory Dwelling Units (ADUs)

- From 490 ADUs to 320 ADUs (meeting lower income category)
- Reduction required by HCD - 320 based on Building Permit data
- Can reduce to 320 ADUs without impacting lower income RHNA units
  - City developed inventory with a “Buffer” within Site Inventory

Discussion

7

Targeted Windshield Housing Conditions Survey (Program 1)

- Required by HCD
- Help inform the City on where rehabilitation efforts should be focused
- 'Windshield' Survey - Visually assessing exterior of homes such as roofing, windows, and siding conditions in targeted older and lower income neighborhoods (FY 2024-2025)
- Based upon the survey findings, identify specific needs & tailor housing rehabilitation measures to fit those needs (FY 2025-2026)

Discussion

8

Edits to Reflect Community Engagement and HCD Request for Information on Process:

- Summary of community input and associated Housing Element revisions added to Supplement 3 of the Amended Housing Element
- New Figure B-12 - addition of Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS) map
- Just Cause Eviction & Rent Stabilization Ordinances
- Definitions for Resource Areas

Changes to Reflect Council Action

9

- Just Cause Eviction Ordinance (Ord. No. 3012, Approved 5/3/22) - requires landlords to give tenants a reason for their eviction (per California Law) and includes a requirement that the owner provide tenant relocation assistance for no-fault evictions equal to 2 months of the tenant's rent or $5,000, whichever is greater.
- Rent Stabilization Ordinance (Ord. No. 3013, Approved 5/3/22) - restricts annual rent adjustments to not more than 4%.
- Both Ordinances - illegal for owners or their representatives to retaliate against tenants for lawfully and peaceably exercising their legal rights under the ordinances.
- Both Ordinances - more protective than California Civil Code.

Projects Approved Since 2021

10

Project Status Since October 2021

- Lockwood 1 (approved 12/16/21)
  - 173 Senior Apartments
  - BRP AHD
  - 100% affordable

- Lockwood 2 Senior Apartments (approved 5/5/22)
  - 168 Senior apartments
  - BRP AHD
  - 100% affordable

California Environmental Quality Act (CEQA)

- October 5, 2021 - City Council approved an Initial Study - Mitigated Negative Declaration for the 2021-2029 Housing Element
- Draft 2021-2029 Amended Housing Element updates existing information and does not trigger the need to prepare a subsequent or supplemental environmental document
- Consistent with CEQA Guidelines Sections 15162 and 15164, the 2021-2029 Amended Housing Element updates existing information and does not trigger the need to prepare a subsequent or supplemental environmental document

Fiscal Impact

Amended 2021-2029 Housing Element

- Commits City to implement programs in Chapter G of Amended Housing Element
- FY 2022/2023 Zoning Code updates funded via SB2 grant monies (funds expire in Dec. 2023):
  - Program 6 - Supportive Housing, SROs, Residential Care, Farmworker Housing, etc. (FY 2022/2023)
  - Program 27 - Parking (FY 2023/2024)
  - Program 32 - SB35 Objective Design Standards (FY 2022/2023)
- Commits City to new Targeted Windshield Housing Conditions Survey (Program 1) (FY 2024-2025 and 2025-2026)
  - Future budget appropriation will be required

Recommendation

That the City Council:

a) Conduct a public hearing;

b) Adopt a Resolution approving the Amended 2021-2029 6th Cycle Housing Element as Chapter 8 within the 2030 General Plan; and

c) Direct City Staff to finalize the Amended 2021-2029 6th Cycle Housing Element into the 2030 General Plan as Chapter 8 of Goals and Policies document and forward the Amended 2021-2029 Housing Element to the State of California Department of Housing and Community Development (HCD) for certification

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QUESTIONS?