CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Juan Carlos Torres, Associate Planner

DATE: April 6, 2023

SUBJECT: **Project Name: Vista Real Charter Schoo**l; Planning and Zoning Permit No. 22-520-02 (Special Use Permit);401 South A Street, Suites 1-3 & 8-10; (APN 202-0-104-015)

1) **Recommendation:** That the Planning Commission:
   - **a)** Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
   - **b)** Adopt Resolution 2023-XX approving Planning and Zoning Permit No. 22-520-02 (Special Use Permit), subject to certain findings and conditions.

2) **Project Description and Applicant:** A request to allow operation of a charter school use (Vista Real Charter High School) within an existing two-story 16,425 square-foot building (Woolworth Building). The proposed School currently occupies approximately 12,800 square feet of the building and is located at 401 South A Street, Suites 1-3 & 8-10 (APN: 202-0-104-015) within the Downtown Core (DT-C) Zone. The proposed hours of operation for the proposed use will be Monday through Friday from 8am to 6pm. The project will have 20 employees and 65 students. For the purpose of this Staff Report, the foregoing project description shall be referred to as the "**Project.**" Filed by Tracy Woods with Learn 4 Life, on behalf of Vista Real Oxnard, applicant (the "**Applicant**"), 177 Holston Drive, Lancaster, CA 93535.

   Please see the reduced Project plans (Attachment B) for more details.

3) **Existing & Surrounding Land Uses:** The project site is located on the southwest corner of Fourth Street and A Street, within the Downtown Core District (DT-C). The existing building is located on a lot that is approximately 60-feet wide by 140-feet deep that fronts onto A Street and Fourth Street. The project site is surrounded by commercial developed lots; some of which are retail, restaurants, medical and general offices, a theater facility, and a post office facility. The following table summarizes existing land uses, zoning, and 2030 General Plan designations of the Project site and adjacent properties, which are also shown on Attachment A:

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Downtown Core (DT-C)	Downtown	Charter School/Retail Commercial
North	Downtown Core (DT-C)	Downtown	Multi-Tenant Retail Commercial
South	Downtown Core (DT-C)	Downtown	Centennial Plaza/Theater/Retail
East	Downtown Core (DT-C)	Downtown	Multi-Tenant Retail Commercial
West	Downtown Core (DT-C)	Downtown	Offices/Family Services

4) **Background Information:** On February 7, 1950, a building permit was issued for the construction of the subject two-story, multi-tenant, commercial building. Following the construction of the building, there have been a number of subsequent permits issued for building modifications, sign programs, and related uses.

On February 5, 2004, a downtown minor modification was approved under PZ 04-110-02 for facade and sign improvements for the building which included a new door.

On June 7, 2005, a zone clearance was issued to Vista Real Charter High School for administrative office use. The facility originally started with 9,364 square feet and has expanded since then. Currently, Vista Real occupies the majority of the first floor and the entire second floor.

On February 2, 2006, the Planning commission approved Special Use Permit No. 05-510-11 (Resolution 2006-08), allowing the sale of beer and wine for off-site consumption for a 2450 square foot grocery store (Tonalli) located within the building at 401 South A Street, Suite 1 (Suite 1). The grocery store eventually changed their business model within the year.

In January 2007, a zone clearance was issued for a bakery use with the sales of coffee, pastries and sandwiches named The Woolworth Building Deli/Tonalli. The coffee shop took over the grocery store location, Suite 1. The bakery closed for business early 2008. Meanwhile, 401 South A Street, Suite 2, was being used for legal offices during 2007 and closed for business in 2010.

On May 27, 2008, a zoning clearance was issued for Cajun Country Cafe restaurant but later on February 2, 2009, changed ownership and business name to Fresh and Fabulous. The business square footage was 2,450 square feet. In 2011, Fresh and Fabulous submitted a minor modification for the addition of a new sign under PZ 11-110-06.

On June 7, 2018, Vista Real Charter High School expanded their facility to the former cafe area and increased their square footage by 2,443 square feet and has been used for the administration overflow area of the existing charter school that has not yet obtained a zone clearance approval by the Planning Division for the school use. Vista Real Charter High School was originally approved to use the building for administrative offices but changed to a charter high school use without the approval of a special use permit process as required by the Downtown Code.

On March 15, 2022, a Special Use Permit for the charter school was submitted for review to the Planning Division to legalize the school use. On September 6, 2023, the interior tenant improvement plan was submitted to the City for the city to legalize the school use and the proposed expansion. In the meanwhile the charter school has utilized the majority of the Woolworth building pending approval of the SUP and interior tenant improvements.

5) **Environmental Determination:** In accordance with Section No. 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found exempt from the requirements of CEQA. The Project involves a request to use 12,800 square-feet of an existing 16,425 multi-tenant commercial building to operate a charter high school, educational use, and does not involve expansion of square footage of building area. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption.

   Therefore, Staff has determined that there is no substantial evidence that the project may have a significant effect on the environment, and recommends that the Planning Commission accept the Notice of Exemption (Attachment B)

6) **Analysis**
   a) ***General Discussion:*** The Applicant is requesting approval of a Special Use Permit to allow minor interior tenant improvements, legalize an existing charter high school facility to operate within a two-story, multi-tenant, 16,425 square-foot building. Vista Real Charter High School was originally approved to use the building for administrative offices. The Project currently occupies approximately 12,800 square feet of the Woolworth building.

      According to their online home page, the school is a non-profit public school that provides students with academic instruction that includes one-on-one teaching with in person or virtual tutoring that focus and help students obtain a high school diploma. The school has a total of 20 employees and operates Monday through Friday 8 a.m. to 6 p. m. As an independent study model, the daily attendance on site is approximately 65 students

per day.

b) ***General Plan and Zoning Consistency:*** The 2030 General Plan Land Use designation is consistent with the Project site's zoning designation of Downtown Core (DTC). The DT-C zoning district is characterized by lively, pedestrian-oriented retail, restaurants, service, professional offices, high density residential and a wide range of other supporting uses including institution (schools) facilities for which the Planning Commission may approve with a Special Use Permit. Approval of the entitlements related to this Project has been determined to be consistent with the General Plan and the property's land use designation.

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

I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).

II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-1.6	I	Public Facilities	-The change of use from offices to a charter school and interior expansion would enhance resident quality of life by providing adequate space for schools to support the community's vision.
CD-3.1		Neighborhood Preservation	-The existing charter school use and interior expansion is compatible with the surrounding uses within the City's downtown area. The change of use from offices to a charter school is anticipated to continue the compatible activities and land uses.
CD-4.2		Commercial Revitalization and Redevelopment	-The change of use from office to a charter school and interior expansion will fill a vacant tenant space and allow an existing use to potentially introduce more people to the City's Downtown.

CD-18.1		Attract New Business	-Activating the space is anticipated to attract community business compatible and not detrimental with the community's climate.
CD-18.2		Small Business	-Entrepreneurial opportunity for an existing small business owner already operating in the City.
ICS-21.1		Accommodating Growth	-The change of use and interior expansion of the charter school accommodates the growth of school facilities.
ICS-21.5	I	Expansion of Existing Facilities	-The change of use and the interior expansion of the facilities within a vacant tenant space provides for an alternative educational experience which allows for smaller school / class sizes. -As such, the proposed Project is consistent with General Policy Nos. CD-1.6; CD-3.1;CD-4.2; CD-18.1; CD-18.2; ICS-21.1; ICS-21.5
CD-2.1	II	Zoning and General plan Consistency	-The Downtown Core (DT-C) zoning designation is consistent with the Downtown (DTN) designation of the 2030 General Plan land use designation. Therefore, the proposed application is consistent with General plan Policy CD 2.1
CD-5.2		-Compatible Land Use	-The project involves a change of use and reuse of a vacant tenant space. The expansion into the vacant tenant space is expected to contribute to and compatible with the building and the surrounding commercial developments. The expansion of the school is anticipated to provide added community benefits (i.e. increased education, some employment opportunities, and increased property value.)
CD-15.1		-Quality of Life	-The change of use and expansion of a school use, which is compatible with the City's downtown area, would enhance the City's quality of life through additional educational opportunities. -The change of use and expansion of the use offers indirect improvements, revitalization, and other neighborhood opportunities. - The change of use from administrative offices to a school and the interior expansion to reuse

	II		and adjacent vacant tenant space will not increase the parking requirements for the existing or proposed use. For all the reasons stated above, the project meets the following Plan Policies: CD 2.1; CD-5.2; and CD 15.1.
	III	All Policie not listed above	Assumed consistent

Therefore, approval of this use is in conformance and consistent with the policies and standards of the 2030 General Plan.

Zoning Consistency:
The proposed use is located within the Downtown Core (DT-C) zoning district. The DT-C allowed uses lists permitted uses, uses that require approval of Special Use Permit, and not allowed uses. Specifically, the DTC zone list Institution (includes schools) facilities allowed uses through a Special Use Permit per the Downtown Code Section 16-148. Originally, the Vista Charter High School was permitted to utilize a portion of the Woolworth Building for administrative office purposes. Since 2005, Vista Charter High School has made interior use changes to the building to operate as a charter school. After the most recent square footage increase done in the year 2018, the existing and in operation non-legal School facility increased the size of their facility by 2,243 square feet for a total of 12,800 square feet. This change allowed them to expand to the adjacent first floor vacant tenant space located at 401 South A Street, Suite 1. The Special Use Permit, PZ No. 22-520-02, application would allow them to legalize the use and associated interior improvements in accordance with the Oxnard Municipal Code and Downtown Code Section 16-148.

The proposed change of use from administrative office to a charter school would not have an effect on the required parking since the Downtown Code Section 16-147.3.E requires all commercial uses, including school and offices, to provide one (1) parking stall for every 1000 square feet of area. Since the proposed use does not intensify the required parking requirements, therefore, the proposed use is in compliance with the parking requirement for properties within the Downtown Core zoning district. No exterior modification are being proposed to the existing building, therefore, approval of this use is in conformance and consistent with the standards of the Oxnard Municipal Code and Downtown Code.

As part of the Special Use Permit application, Vista Real Charter High School is not proposing any exterior alterations or modification to the existing building. Currently the Woolworth Building provides a glass wall frontage facing South A Street. To ensure

compliance with the Downtown Code Section 16-150H(6) and 16-150H(12), a special condition was included to maintain all glass door and window frontages clear or very lightly tinted and a require that no other displays or other materials are used to block the windows so as not to block view into the ground floor frontage windows of the building.

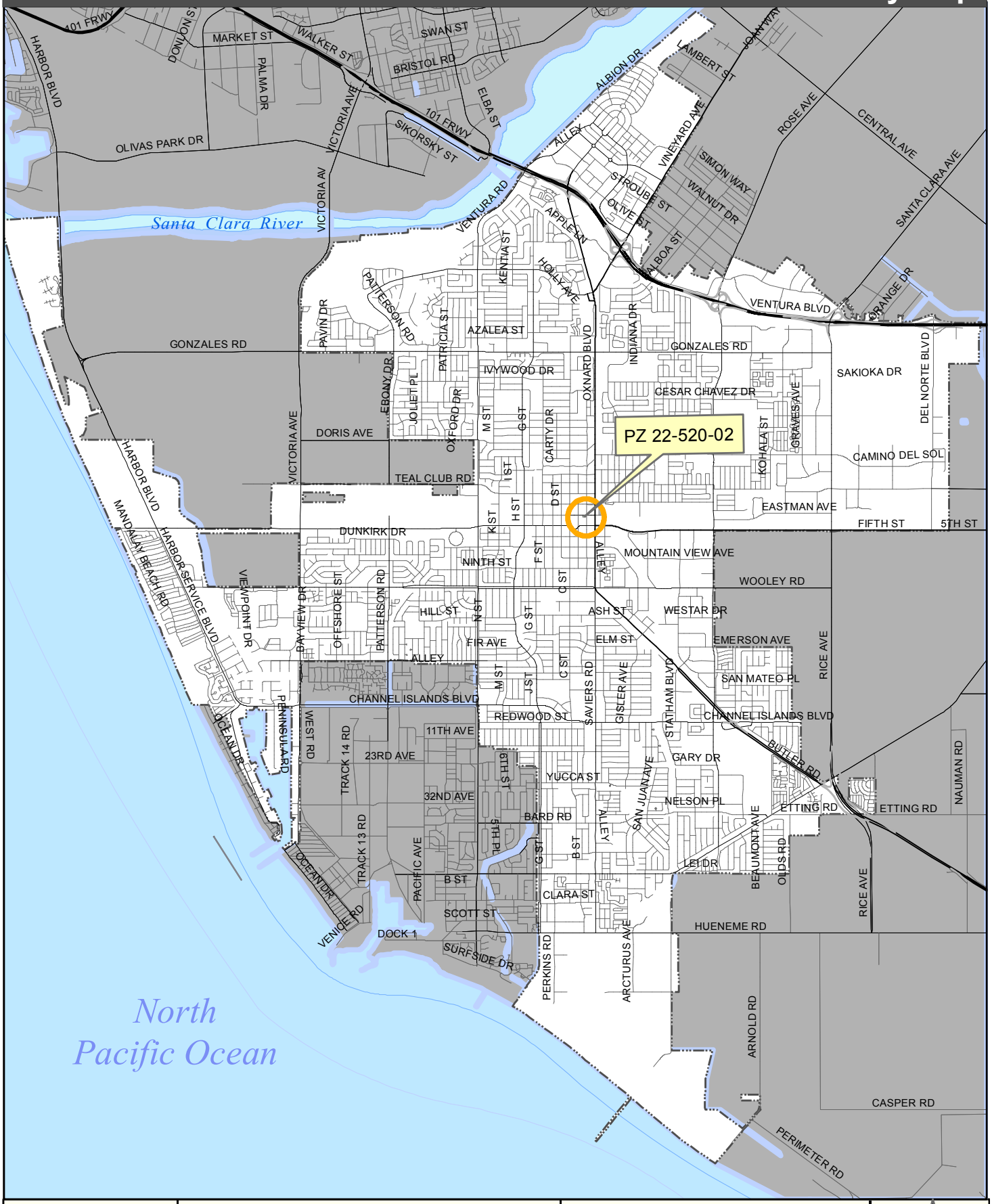
7) **Community Workshop and Public Input:** The project is located within the Wilson Neighborhood. On April 8, 2022, the applicant mailed 700 notices of the Community Workshop meeting to all property owners within the Wilson Neighborhood. A notice of this meeting was posted on the Project site along with a brief description and contact information. The Community Workshop was conducted on April 22, 2022. Approximately, one (1) person attended the Community Workshop meeting for this project. Staff made a brief presentation describing the proposed request. None of the persons in attendance asked questions, expressed concerns or opposition to the proposed Project. As of the date of this report our office has not received any interest in support or opposition.

8) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period.

Attachments:

A. Maps (Vicinity, Aerial, General Plan, Zoning)
B. Reduced Project Plans
C. Notice of Exemption
D. Draft Resolution PZ 22-520-02 (Special Use Permit)
E. Operational Letter
F. Staff Presentation

Vicinity Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

March 11, 2022

PZ 22-520-02
Location: 401 S A St
APN: 2020104015
Vista Real Charter School

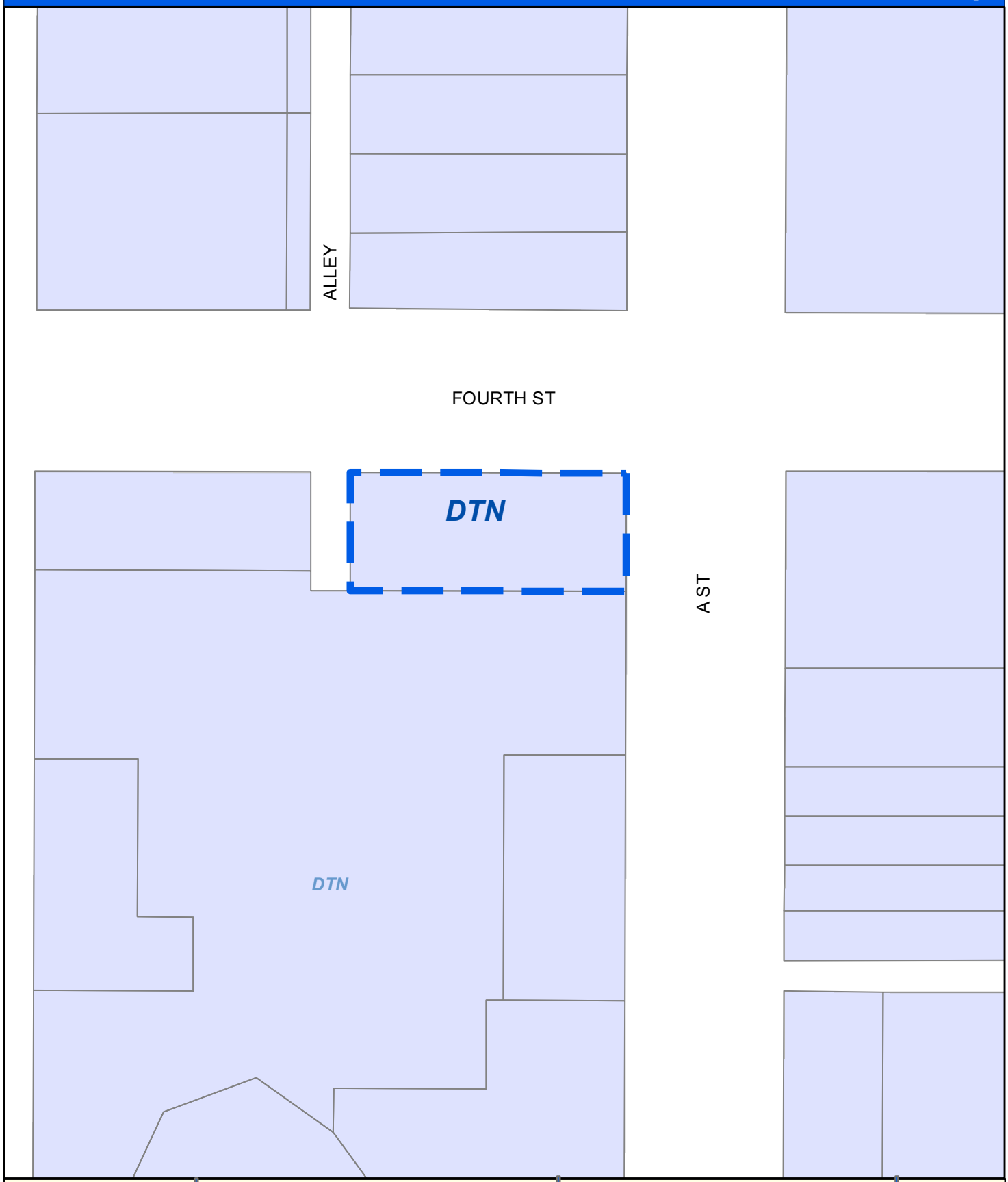
Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

2030 General Plan Land Use Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

March 11, 2022

PZ 22-520-02
Location: 401 S A St
APN: 2020104015
Vista Real Charter School

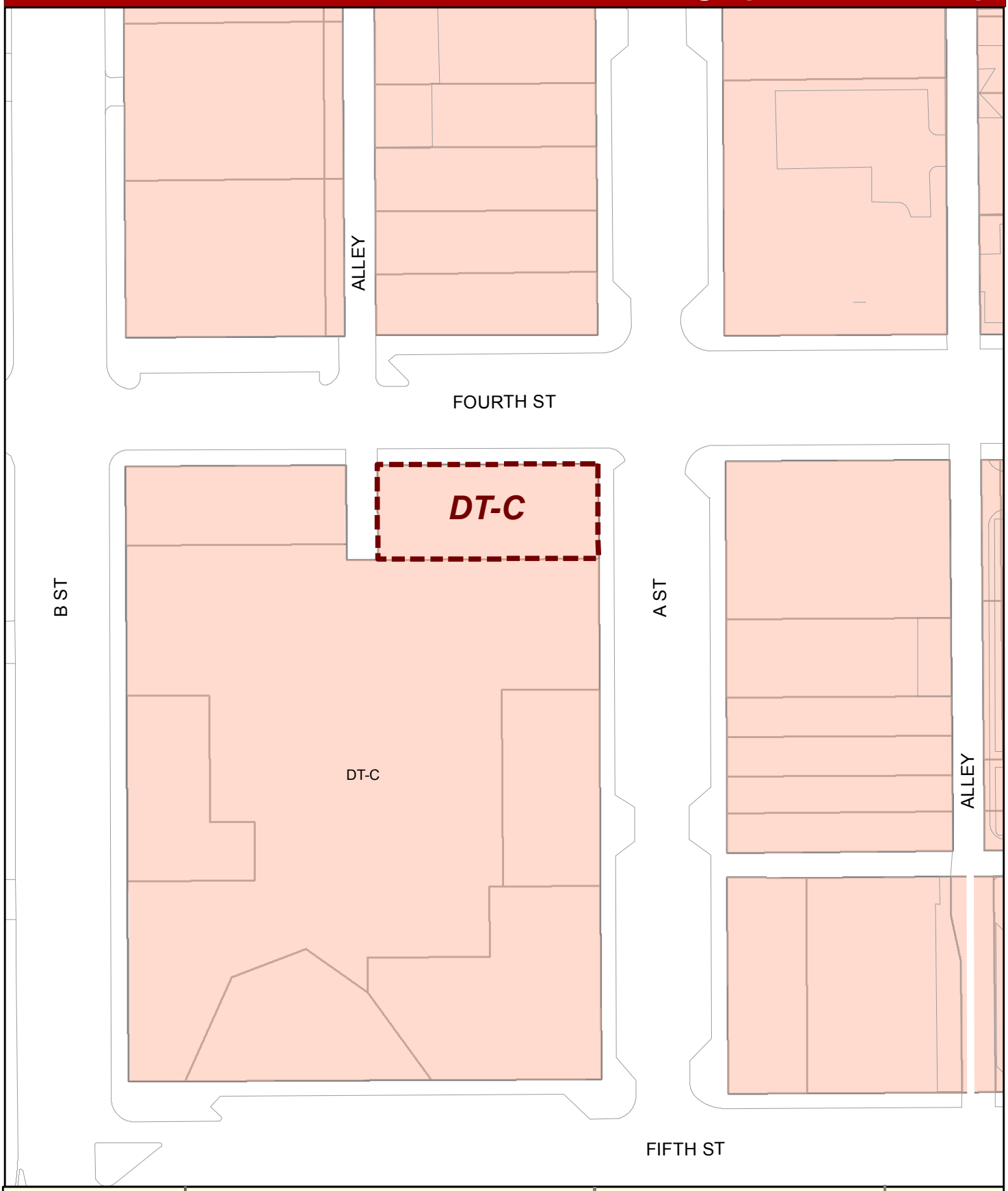
0 15 30 60 Feet

2030 General Plan Land Use Map

N W E S

1:800

Zoning/Specific Plan Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

March 11, 2022

PZ 22-520-02
Location: 401 S A St
APN: 2020104015
Vista Real Charter School

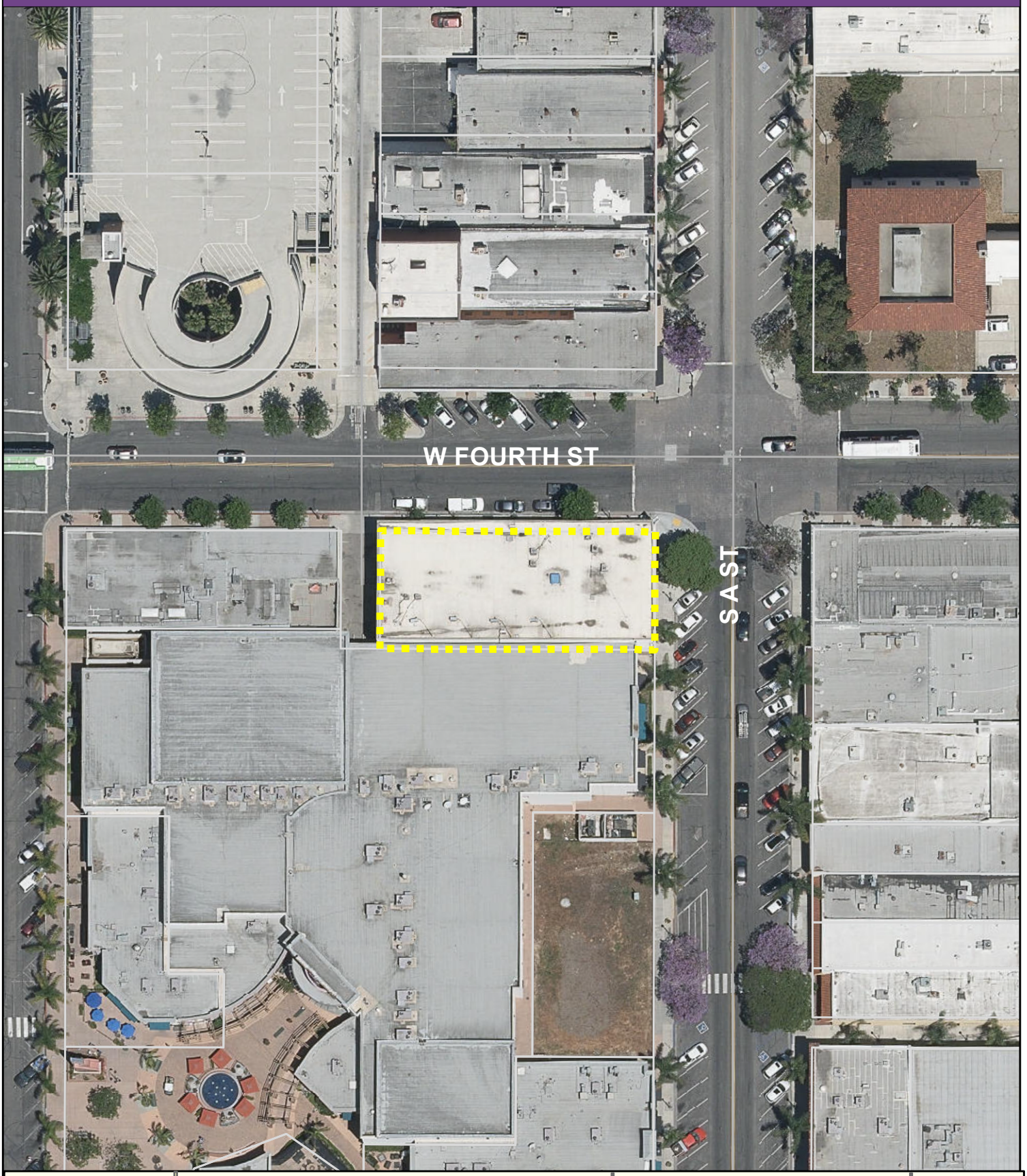
0 15 30 60 90 120 Feet

Zoning/Specific Plan Map

N W E S

1:1,000

Aerial Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

March 11, 2022

PZ 22-520-02
Location: 401 S A St
APN: 2020104015
Vista Real Charter School

0 15 30 60 90 120 Feet

Aerial Map

N W E S

COMMUNITY DEVELOPMENT DEPARTMENT
OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

CITY OF OXNARD CALIFORNIA

NOTICE OF EXEMPTION

Project Description:

Project Name: Vista Real Charter High School PLANNING AND ZONING PERMIT NO. 22-520-02 (Special Use Permit) A request to legalize an existing charter high school use (Vista Real Charter High School) to operate within a two-story 16,425 square-foot building (Historic Woolworth Building) and allow for associated interior improvements. Vista Real Charter High School proposes to occupy approximately 12,800 square feet of the building and is located at 401 South A Street, Suites 1-3 & 8-10 (APN: 202-0-104-015) within the Downtown Core (DT-C) Zone. The hours of operation for the proposed use will be Monday through Friday from 8am to 6pm. The project will have 20 employees and 65 students. Filed by Tracy Woods with Learn 4 Life, on behalf of Vista Real Oxnard, applicant, 177 Holston Drive, Lancaster, CA 93535.

Finding:

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

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

Supporting Reasons: In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves a request to construct interior tenant improvements and legalize an existing charter high school used to operate within a two-story 16,425 square-foot building (Historic Woolworth Building). The use proposes to occupy approximately 12,800 square feet of the building. New building construction is not proposed to the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Based on the above exemption and in accordance with CEQA, the Planning Commission has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment and that a Notice of Exemption may be filed.

_____
(Date)

_____
Joe Pearson II,
Planning and Environmental Services
Manager

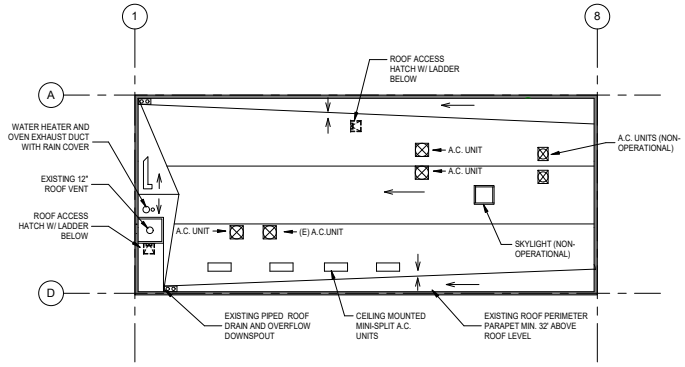
CHANGE OF USE
WOOLWORTH BUILDING

VISTA REAL CHARTER SCHOOL
401 SOUTH "A" STREET - OXNARD, CALIFORNIA,93030

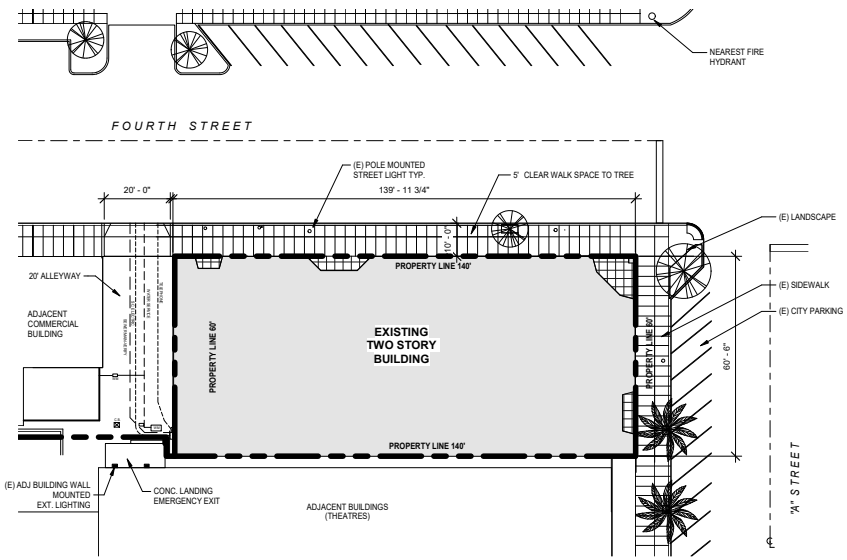
CORRINE MANLEY
AREA SUPERINTENDENT

THE WOOLWORTH BUILDING INC.

DAVID R. FEIGIN, NANCY GREENFIELD FEIGIN (OWNERS)
5924 VARNA AVENUE - VALLEY GLEN , CALIFORNIA, 91401



2 ROOF PLAN
1" = 20'-0"



1 SITE PLAN
1" = 20'-0"

0 10' 20' 40'

PROJECT DIRECTORY

OWNER:
WOOLWORTH BUILDING, INC.
5924 VARNA AVENUE
VALLEY GLEN , CALIFORNIA, 91401
Attention: David Fegin

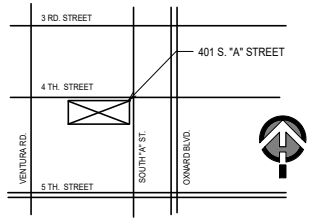
TENANT
Vista Real Charter School
Corrine Manley, Area Superintendant
404 South "A" Street
Oxnard, California, 93030
Phone: 805.276.2689
E-mail: cmanley@vrchs.org

ARCHITECT:
Lauterbach & Associates Architects
DAVID KESTERSON
300 Montgomery Avenue
Oxnard, California, 93036
Phone: 805-988-0912
Fax: 805-981-4510
E-Mail: david.kesterson@la-arch.com

ELECTRICAL ENGINEERS
JMPE - ELECTRICAL ENGINEERS
JOHN MALONEY
Electrical Engineer
627 Olive Street
Santa Barbara, California, 93101
Phone : 805-659-2405
E-mail : maloney@jmpe.net

VICINITY MAP

NO SCALE



SCOPE OF WORK

EXISTING BUILDING: 2-STORY, TYPE VB, MIXED OCCUPANCY
SCOPE OF WORK, THIS APPLICATON: CHANGE OF USE TO AN 'E' OCCUPANCY
EXISTING LIMITED OCCUPANCY (CHARTER SCHOOL) AT SELECTED AREAS
1. PROVIDE REQUIRED OCCUPANCY SEPARATIONS, EXITING, EMERGENCY LIGHTING AND ALARM
2. COMPLETE FIRE SPRINKLER SYSTEM FOR THE ENTIRE BUILDING (DEFERRED SUBMITTAL).

PROJECT DATA (GROSS AREAS)

FIRST FLOOR AREA	8,215 SF
SECOND FLOOR AREA	8,250 SF
TOTAL :	16,465 SF

BUILDING COVERAGE

LAND AREA 60' x 140' =8,400 SF

BUILDING FOOTPRINT / COVERAGE = 8,215 SF / 8,400	98%
PAVED AREA = 185 SF / 8,400	2%
LANDSCAPE AREA	0%
TOTAL:	100%

PROJECT DESCRIPTION

NEW CONSTRUCTION : Type V-B, Fully Sprinklered (NEW SPRKINLER SYSTEM AS DESRIBED)
ASSESSOR PARCEL NO.: 202-0-104-015

CODE ENFORCEMENT JURISDICTION: CITY OF OXNARD - BUILDING AND SAFETY
ZONING JURISDICTION: CITY OF OXNARD - PLANNING DEPARTMENT

CODE	TITLE	EDITION	LOCAL	AMENDMENTS
Administrative	Bldg. Stnds. Admin Code	2019		
Building	California Bldg. Code	2019		
Access Compliance	California Bldg. Code	2019		
Mechanical	California Mech. Code	2019		
Electrical	California Electrical Code	2019		
Plumbing	California Plumbing Code	2019		
Fire Prevention	California Fire Code	2019	YES	
	State Fire Marshall Regs.	2017		
	NFPA 72	2016		
	California Building Code	2019		
	California Green Building Code	2019		
Zoning Code	CITY OF OXNARD Zoning Ordinance			

SHEET INDEX

ARCHITECTURAL

A-001	COVER PROJECT INFO	
A-101	FLOOR PLAN - FIRST	
A-102	FLOOR PLAN - SECOND	
A-501	DETAILS WALLS / CEILINGS	

ELECTRICAL

E0.1	GENERAL NOTES
E1.1	FIRST FLOOR EMERGENCY LIGHTING
E1.2	SECOND FLOOR EMEGENCY LIGHTING

PROPERTY AND PROJECT INFO

ADDRESS:
401 SOUTH "A" STREET
OXNARD, CALIFORNIA, 93030

ASSESSOR'S PARCEL NUMBER:
202-0-104-015

EXISTING LAND USE
USE: COMMERCIAL
ZONE DESIGNATION: COMMERCIAL

APPROVALS REQUIRED:
SPECIAL USE PERMIT : ZZ-520-02
B&S PERMITS

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LAUTERBACH & ASSOCIATES

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PROJECT MANAGER:
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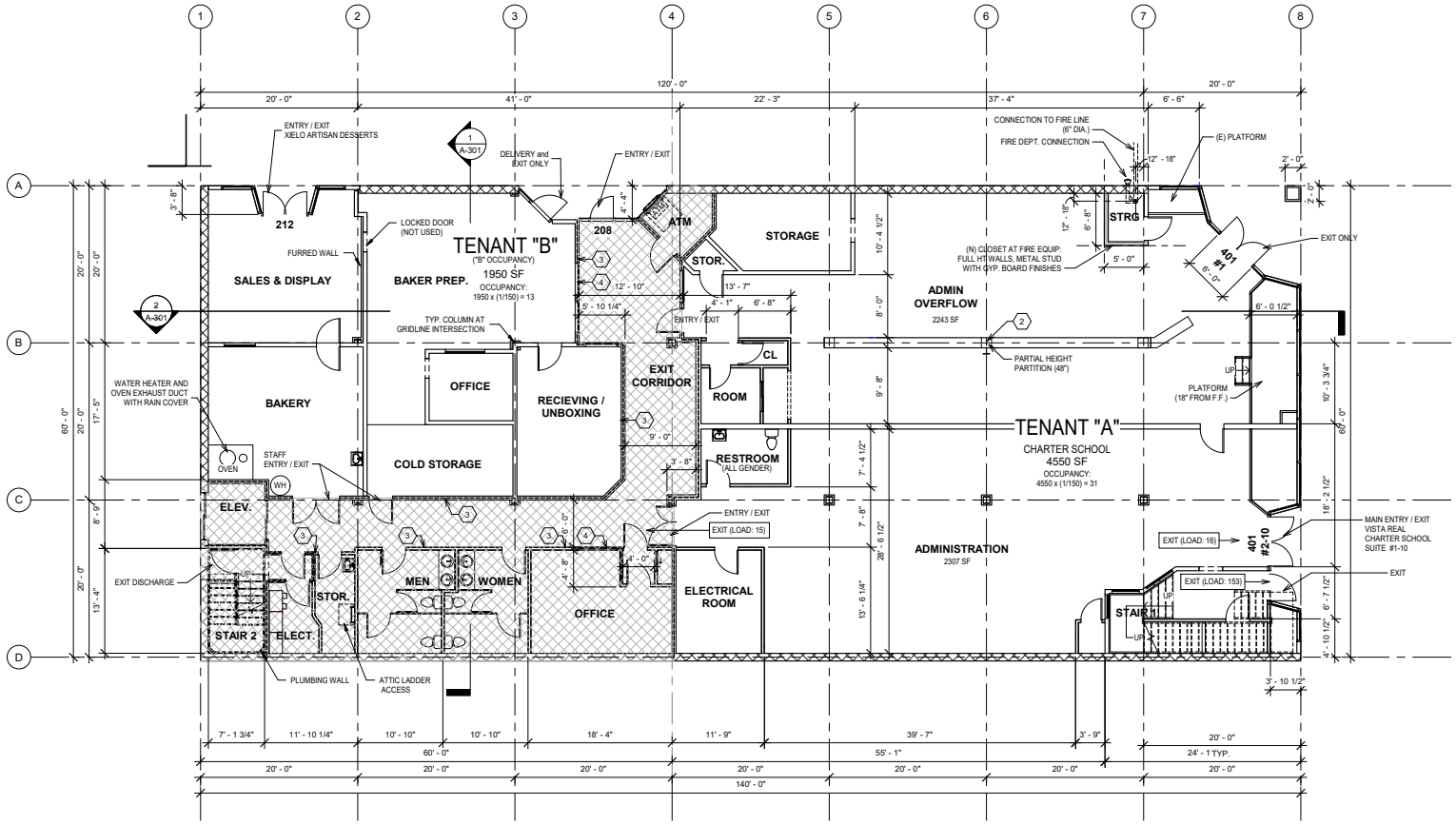

1 FLOOR PLAN - FIRST
1/8" = 1'-0"

LEGEND

SHARED CORRIDOR / RESTROOMS
1715 SF

WALL LEGNED

1. EXTERIOR STRUCTURE: C.M.U.
2. INTERIOR STRUCTURAL ELEMENTS: STEEL COLUMN
3. AREA SEPARATION: 1-HOUR CONSTRUCTION. VERIFY CONDITIONS AND EXTENT. SEE DETAILA 1 AND 2/A-501
4. INTERIOR WINDOWS (FIXED GLAZING) 1-HOUR RATED FRAME AND GLAZING (OR ALTERNATE WATER CURTAIN AS A PART OF SPRINKLER DESIGN)

GENERAL NOTES

1. ALL AREAS ARE EXISTING. SCOPE OF WORK TO INCLUDE VERIFICATION OF CONDITIONS
2. WHERE CONDITIONS AND/OR MATERIALS ARE FOUND TO BE NON-COMLIANT TO REQUIREMENTS OF 1-HOUR CONSTRUCTION, REPAIR AND OR NEW MATERIALS TO BE PROVIDED.
3.

TENANT ADDRESS

TENANT A	TENANT B
VISTA REAL CHARTER SCHOOL 401 S A St #3, Oxnard, CA 93030 (SUITES # 1-10)	XIELO ARTISAN DESSERTS 212 W 4th St, Oxnard, CA 93030

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LAUTERBACH & ASSOCIATES

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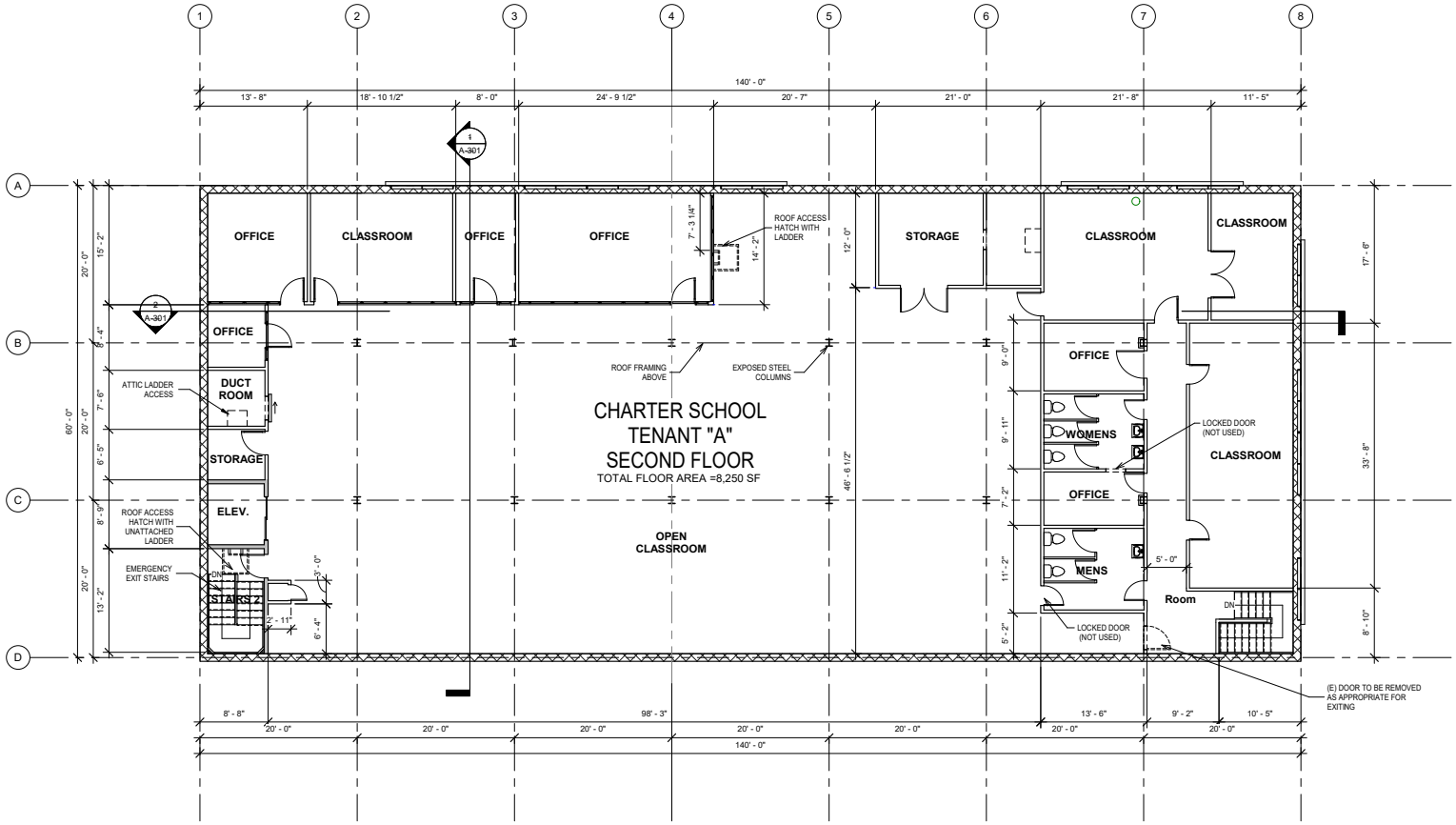

1 FLOOR PLAN - SECOND
1/8" = 1'-0"

0 4' 8' 16'

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PROJECT MANAGER:
PRINT DATE:

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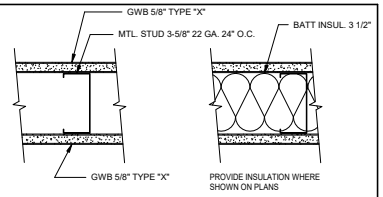


THICKNESS: 4 7/8"
APPROX. WEIGHT: 6 psf
FIRE TEST: FM WP-45, 6-19-68; OSU T-1770, 8-61; ULC 79T484, 79T500, 79T497, 8-12-81,
SOUND TEST: ULC DESIGN W415 NRCC 816-NV, 2-3-81

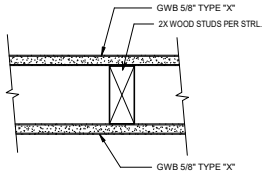
DESCRIPTION	DESIGN NO.
1 HOUR FIRE WALL	GA WP 1072 GENERIC 45 TO 49 STC SOUND

CONSTRUCTION: ONE LAYER 5/8" TYPE X GYPSUM WALL BOARD OR GYPSUM VENEER BASE APPLIED PARALLEL OR AT RIGHT ANGLES TO EACH SIDE OF 3 5/8" STEEL STUDS 24" o.c. WITH 1" TYPE S DRYWALL SCREWS 8" o.c. AT VERTICAL JOINTS AND 12" o.c. AT FLOOR AND CEILING RUNNERS AND INTERMEDIATE STUDS.

JOINTS STAGGERED 24" ON EACH SIDE AND ON OPPOSITE SIDES. SOUND TESTED WITH 3 1/2" GLASS FIBER FRICTION FIT IN STUD SPACE. (NLB)

NOTES:
1. SUBSTITUTE WATER RESISTANT GYPSUM WALL BOARD AT WET AREAS.
2. SEE PLANS FOR WALL FINISH

2 1 - Hr Mtl Stud Wall
3" = 1'-0"



THICKNESS: 4 7/8"
APPROX. WEIGHT: 7 psf
FIRE TEST: UL R1319-4, 6-17-52; UL R2717-39, 1-20-66; UL R3501-52, 3-15-66; UL DESIGN U305; ULC DESIGN W301
SOUND TEST: OR 64-8,2-4-64

DESCRIPTION	DESIGN NO.
1 HOUR FIRE WALL	GA WP 3605 GENERIC 30 TO 34 STC SOUND

CONSTRUCTION: ONE LAYER 5/8" TYPE "X" PLAIN OR PREDECORATED GYPSUM WALLBOARD, WATER-RESISTANT GYPSUM BACKING BOARD, OR GYPSUM VENEER BASE APPLIED PARALLEL OR AT RIGHT ANGLES TO EACH SIDE OF 2 X WOOD STUDS 16" o.c. WITH 6D COATED NAILS, 1 7/8", 0.0915" SHANK, 1/4" HEADS, 7" o.c. JOINTS OF SQUARE EDGE, BEVELED EDGE OR PREDECORATED WALLBOARD MAY BE LEFT EXPOSED.

JOINTS STAGGERED 16" ON OPPOSITE SIDES. (LOAD-BEARING)

NOTES:
1. SUBSTITUTE WATER RESISTANT GYPSUM WALL BOARD AT WET AREAS.
2. PROVIDE INSULATION WHERE SHOWN ON PLANS
3. SEE PLANS FOR WALL FINISH

1 1 - HR WOOD STUD WALL - STC 30 TO 34
3" = 1'-0"

1-HOUR CONSTRUCTION - FLOOR/CEILING ASSEMBLY

FLOOR/CEILING ASSEMBLY TO COMPLY WITH TABLE 721.1(13)

TABLE 721.1(3)—continued
MINIMUM PROTECTION FOR FLOOR AND ROOF SYSTEMS[a, n]

FLOOR OR ROOF CONSTRUCTION	ITEM NUMBER	CEILING CONSTRUCTION	THICKNESS OF FLOOR OR ROOF SLAB (inches)				MINIMUM THICKNESS OF CEILING (inches)			
			4 hours	3 hours	2 hours	1 hour	4 hours	3 hours	2 hours	1 hour
13. Double wood floor over wood joists spaced 16" on center.[b, k]	13-1.1	Gypsum plaster over $^{3}/_{8}$" Type X gypsum lath. Lath initially applied with not less than four $1^{1}/_{2}$" by No. 13 gage by $^{19}/_{64}$" head plasterboard blued nails per bearing. Continuous stripping over lath along all joist lines. Stripping consists of 3" wide strips of metal lath attached by $1^{1}/_{2}$" by No. 11 gage by $^{1}/_{2}$" head roofing nails spaced 6" on center. Alternate stripping consists of 3" wide 0.049" diameter wire stripping weighing 1 pound per square yard and attached by No.16 gage by $1^{1}/_{2}$" by $^{3}/_{4}$" crown width staples, spaced 4" on center. Where alternate stripping is used, the lath nailing shall consist of two nails at each end and one nail at each intermediate bearing. Plaster mixed 1:2 by weight, gypsum-to-sand aggregate.	—	—	—	—	—	—	—	$^{7}/_{8}$
	13-1.2	Cement or gypsum plaster on metal lath. Lath fastened with $1^{1}/_{2}$" by No. 11 gage by $^{7}/_{16}$" head barbed shank roofing nails spaced 5" on center. Plaster mixed 1:2 for scratch coat and 1:3 for brown coat, by weight, cement to sand aggregate.	—	—	—	—	—	—	—	$^{5}/_{8}$

3 CEILING NOTES
12" = 1'-0"

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LAUTERBACH & ASSOCIATES

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OXNARD, CA

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FIRST PLAN CHECK SU

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JOB NO.

DRAWN BY:
CHECKED BY:
PROJECT MANAGER:
PRINT DATE:

DET
WALLS /

A-5

LED FIXTURE SCHEDULE

TYPE	MANUFACTURER AND CATALOG NUMBER	LED MODULE TYPE	LED MODULE COLOR TEMP	LED MODULE WATTS	DRIVER	OPTIC/LENS	REMARKS
E / 6	ISOLITE RLPGUWH UN		GREEN	6	NICAD BATTERY	PRISMATIC	LED EXIT SIGN W/ EM LIGHT
EM / 6	ISOLITE BUG 6WH		4000K	6	NICAD BATTERY	PRISMATIC	

(E) PANEL SCHEDULE "A1"

SERVICE: 120/240V 3Φ 4W | MAIN BKR.: 100A - 3P | BUS: 225A | LOC.: SEE PLAN
SIEMENS PANELBOARD | PHASE B = HIGH LEG | MTG.: FLUSH

REMARKS	LOAD ΦA	LOAD ΦB	LOAD ΦC	REC	LTG	MISC	POLE	TRIP	CIRC		CIRC	TRIP	POLE	REC	LTG	MISC	LOAD ΦA	LOAD ΦB	LOAD ΦC	REMARKS
HVAC							3	40	1		2	20	1							DATA
"							X	X	3		4									FUTURE
"							X	X	5		6									"
A/C							1	20	7		8									"
									9		10									
OVERHEAD LIGHTS							1	20	11		12	20	1							OUTLETS 8,10,12
"							1	20	13		14	20	1							OVERHEAD LIGHTS
									15		16									
OUTLETS CUBICLES 1,2,3,4							1	20	17		18	20	1							V OUTLET CUBICLE 4A
OUTLETS CUBICLES 5,13,14							1	20	19		20	20	1							"
									21		22									
DATA ROOM OUTLET							1	20	23		24									
"							1	20	25		26	20	1							BATHROOM
									27		28									
									29		30									
									31		32	20	1							BATHROOM
									33		34	20	2							CUBICLE
									35		36	X	X							"
									37		38	20	1							PROJECTOR/AV OFF
									39		40									
			51			9	1	20	41	(N)	42									

TOTAL WATTS= 51 WATTS ADDED | ΦA= | ΦB= | ΦC=
AMPS= | MINIMUM BKR | A.I.C. RATING= 10,000 AMPS SYM

(E) PANEL SCHEDULE "A4"

SERVICE: 120/240V 3Φ 4W | MAIN BKR.: 200A - 3P | BUS: 225A | LOC.: SEE PLAN
SIEMENS PANEL BOARD | PHASE B = HIGH LEG | MTG.: FLUSH

REMARKS	LOAD ΦA	LOAD ΦB	LOAD ΦC	REC	LTG	MISC	POLE	TRIP	CIRC		CIRC	TRIP	POLE	REC	LTG	MISC	LOAD ΦA	LOAD ΦB	LOAD ΦC	REMARKS
WALK - IN							1	20	1		2	30	3							EXPRESSO
WALK - IN									3		4	X	X							"
WALK - IN							1	20	5		6	X	X							"
KITCHEN RECEPT							1	20	7		8	20	1							SIGN
									9	*	10	20	1							OFF
COOLER DISPLAY							1	20	11		12	20	1							LIGHTS
COOLER DISPLAY							1	20	13		14	20	1							LIGHTS
									15		16									
COUNTER OUTLETS							1	20	17		18	20	1							EMERGENCY LIGHTS
SECURUTY OUTLETS							1	20	19		20	20	1							
									21		22									
COLUMN OUTLETS							1	20	23		24	20	1							
COOLER DISPLAY							1	20	25		26	20	1							
									27	*	28	20	1							OFF
COLUMN OUTLETS							1	20	29		30	20	1							
WALK-IN COOLER DISPLAY							1	20	31		32	20	1							KITCHEN RECEPT
									33		34									
COUNTER OUTLET DESK COMP							1	20	35		36	15	2							TURBOCHEF
							1	20	37		38	X	X							"
									39		40									
(N) EXIT & EM LTS			36			6	1	20	41		42	20	1							

TOTAL WATTS= 36 WATTS ADDED | ΦA= | ΦB= | ΦC=
AMPS= | MINIMUM BKR | A.I.C. RATING= 10,000 AMPS SYM

(E) PANEL SCHEDULE "SA3"

SERVICE: 120/240V 3Φ 4W | MAIN BKR.: MLO | BUS: 200A | LOC.: SEE PLAN
SIEMENS LOAD CENTER | PHASE B = HIGH LEG | MTG.: FLUSH

REMARKS	LOAD ΦA	LOAD ΦB	LOAD ΦC	REC	LTG	MISC	POLE	TRIP	CIRC		CIRC	TRIP	POLE	REC	LTG	MISC	LOAD ΦA	LOAD ΦB	LOAD ΦC	REMARKS
SOUTHWEST PLUGS									1		2	20	3							EDUCATION OFFICE
									3		4	X	X							
SOUTHWEST PLUGS									5		6	X	X							I BEAM PLUGS
I BEAM PLUGS							1/1	20/20	7		8	20/20	1/1							STUDENT SERVICES PLUG
									9		10									
COMPUTER PLUGS							1/1	20/20	11		12	20/20	1/1							HR ACCOUNTING PLUGS
COMPUTER PLUGS							1	20	13		14	20	1							LIGHTS
									15		16									
PLUGS							2	20	17		18	20	2							LIGHTS
EASTWALL PLUGS							X	X	19		20	X	X							EXIT LIGHTS
									21		22									
I BEAM PLUGS							1	20	23		24	20/20	1/1							LIGHTS
EASTWALL PLUGS							1	20	25		26	20	1							
									27		28									
COPY MACHINE							1	20	29		30	20	1							
							1	20	31		32	20	1							
									33		34									
NIGHT LIGHT / EXIT			260		4	10	1	20	35		36	20	1							
LIGHTS							1	20	37		38	20	1							
									39		40									
							1	20	41		42	20	1							

TOTAL WATTS= 60 WATTS ADDED | ΦA= | ΦB= | ΦC=
AMPS= | MINIMUM BKR | A.I.C. RATING= 10,000 AMPS SYM

(E) PANEL SCHEDULE "SA3A"

SERVICE: 120/240V 3Φ 4W | MAIN BKR.: MLO | BUS: 100A | LOC.: SEE PLAN
SIEMENS LOAD CENTER | PHASE B = HIGH LEG | MTG.: FLUSH

REMARKS	LOAD ΦA	LOAD ΦB	LOAD ΦC	REC	LTG	MISC	POLE	TRIP	CIRC	CIRC	TRIP	POLE	REC	LTG	MISC	LOAD ΦA	LOAD ΦB	LOAD ΦC	REMARKS
							3	20	1	2	20	3							
							X	X	3	4	X	X							
							X	X	5	6	X	X							
AC-1 & SPLIT SYSTEM							3	60	7	8	20	3							
"							X	X	9	10	X	X							
"							X	X	11	12	X	X							
							1	60	13	14	20/20	1/1							
							1	20	15	16									
							1/1	20/20	17	18	20/20	1/1							
							1/1	20/20	19	20	20/20	1/1							
									21	22									
							1/1	20/20	23	24	20/20	1/1							

TOTAL WATTS= | ΦA= | ΦB= | ΦC=
AMPS= | MINIMUM BKR | A.I.C. RATING= 10,000 AMPS SYM

GENERAL NOTES

1. VISIT JOB SITE AND VERIFY EXISTING CONDITIONS PRIOR TO BID.
2. THE ELECTRICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE 2019 CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE LOCAL ORDINANCES. WHERE PLANS CALL FOR A HIGHER STANDARD THAN APPLICABLE CODES, THE PLANS SHALL GOVERN.
3. CONDUIT RUNS ARE SHOWN DIAGRAMMATICALLY. EXACT LOCATIONS SHALL BE DETERMINED IN THE FIELD TO SUIT FIELD CONDITIONS.
4. ALL ELECTRICAL EQUIPMENT, APPLIANCES AND LIGHTING FIXTURES SHALL BE LISTED BY A RECOGNIZED TEST LAB AND BEAR THAT LABEL OF APPROVAL.
5. CONTRACTOR SHALL FURNISH, INSTALL AND CONNECT ALL MATERIAL AND EQUIPMENT FOR THIS WORK UNLESS OTHERWISE NOTED.
6. FURNISH DISCONNECT SWITCHES AT REMOTE MOTORS.
7. ALL SPACES AS INDICATED ON PANELS OR SWITCHBOARDS SHALL BE COMPLETE WITH HARDWARE AND BUSSING FOR FUTURE BREAKER OR SWITCH.
8. CHECK ARCHITECTURAL PLANS FOR DOOR SWINGS BEFORE INSTALLING SWITCH OUTLETS.
9. GROUNDING AND BONDING SHALL BE PER CODE PLUS ANY ADDITIONAL PROVISIONS SPECIFIED OR SHOWN ON DRAWINGS.
10. ALL CONDUIT RUNS SHALL CONTAIN A CODE SIZED GREEN GROUND WIRE.
11. THESE PLANS ARE NOT COMPLETE UNTIL APPROVED BY THE AUTHORITY HAVING JURISDICTION.
12. ALL CONDUCTORS SHALL BE IN CONDUIT.
13. ALL CONDUCTORS SHALL BE COPPER WITH TYPE THHN/THWN INSULATION.
14. COORDINATE WITH SERVING ELECTRICAL UTILITY COMPANY AND MAKE PROVISIONS FOR ELECTRICAL SERVICE ACCORDINGLY. INCLUDE ALL SERVICE COSTS AND UTILITY COMPANY CHARGES IN BID.
15. COORDINATE WITH SERVING TELEPHONE UTILITY COMPANY AND MAKE PROVISIONS FOR TELEPHONE SERVICE ACCORDINGLY. INCLUDE ALL SERVICE COSTS AND ANY UTILITY COMPANY CHARGES IN BID.
16. COORDINATE WITH SERVING CABLE TELEVISION COMPANY AND MAKE PROVISIONS FOR CABLE TELEVISION ACCORDINGLY. INCLUDE ALL SERVICE COSTS AND ANY UTILITY COMPANY CHARGES IN BID.
17. ALL PERMITS SHALL BE OBTAINED AND PAID FOR BY CONTRACTOR.

SYMBOLS

- CONDUIT EXISTING
- CONDUIT CONCEALED IN WALL OR CEILING
- CONDUIT CONCEALED UNDER FLOOR OR BELOW GRADE
- CONDUIT STUBBED OUT AND CAPPED
- CONDUIT TURNED UP
- CONDUIT TURNED DOWN
- HATCH MARKS INDICATE NO. OF #12 WIRES IN CODE SIZED CONDUIT (3) MAX. IN 1/2" C., (5) MAX. IN 3/4" C., (8) MAX. IN 1"C., NO MARKS = 2#12
- A-3 — HOME RUN: LETTER INDICATES PANEL, NUMBER(S) INDICATES CIRCUIT(S).
- SAWCUT
- GROUND CONNECTION
- DISTRIBUTION SWITCHBOARD OR PANEL
- PANEL, BRANCH CIRCUIT TYPE, SURFACE AND FLUSH
- SIGNAL TERMINAL CABINET, SURFACE & FLUSH
- FLUORESCENT FIXTURE
- 2 a — OUTLET DATA: BAR INDICATES WALL MOUNT, LETTER INDICATES SWITCH CONTROL, NO. INDICATES CIRCUIT.
- SURFACE FIXTURE ON FLUSH OUTLET.
- RECESSED FIXTURE WITH JUNCTION BOX FOR THRU WIRING
- EXIT LIGHT WITH ARROWS AS SHOWN ON PLANS, WALL AND CEILING MOUNT.
- LOW LEVEL EXIT SIGN, +6" AFF, +4" FROM DOOR JAMB
- A / 100 — LIGHT FIXTURE DESIGNATION, LETTER INDICATES TYPE, NO. INDICATES WATTAGE. SEE FIXTURE SCHEDULE.
- FC / 1 — MECHANICAL EQUIPMENT DESIGNATION. SEE MECHANICAL DRAWINGS.
- SPECIAL RECEPTACLE - SEE PLAN
- M — METER
- FLUSH FLOOR RECEPTACLE
- RECEPTACLE, DUPLEX, 15A, 125V, NEMA 5-15R +18" U.N.O.
- DUPLEX RECEPTACLE MTD. ABOVE BACKSPLASH
- DUPLEX RECEPTACLE W/LOWER HALF SWITCHED
- GFI — GROUND FAULT CIRCUIT INTERRUPTING RECEPTACLE
- DOUBLE DUPLEX RECEPTACLE
- CEILING RECEPTACLE
- RECEPTACLE, DUPLEX, 20A, 125V, NEMA 5-20R +18" U.N.O.
- J — JUNCTION BOX 4" SQUARE, 1-1/2" DEEP U.N.O.
- T — THERMOSTAT F.B.O. +48"
- 2 — MOTOR, NO. INDICATES HORSEPOWER
- CLOCK OUTLET +7'-6" U.N.O.
- DISCONNECT SWITCH, NON-FUSED
- F — DISCONNECT SWITCH FUSED HORSEPOWER RATED OR SIZED AS NOTED
- COMBINATION MAGNETIC STARTER WITH DISCONNECT SWITCH AND FUSES
- MAGNETIC MOTOR STARTER W/OVERLOADS IN EACH PHASE
- D — DIMMER W/INTEGRAL "ON-OFF" SW.
- PUSHBUTTON
- PC — PHOTOCELL
- SD — SMOKE DETECTOR
- TELEPHONE/COMPUTER/DATA OUTLET, TWO GANG BOX W/1 GANG COVERPLATE & GROMMETED OPENING +18" U.N.O.
- TV — CABLE TV OUTLET +18" U.N.O.
- M — MOTION SENSOR
- \$ — EXISTING SWITCH
- S — SINGLE POLE SWITCH
- S^2 — DOUBLE POLE SWITCH
- S^3 — THREE WAY SWITCH
- S^P — SWITCH W/PILOT LT.
  - (S, S^2, S^3, S^P:) QUIET TOGGLE TYPE RATED AT 20A, 120/277V A.C. +42" U.N.O.
- S^M — MANUAL MOTOR STARTER
- FACP — FIRE ALARM CONTROL PANEL
- GFI — GROUND FAULT CIRCUIT INTERRUPTING
- LST — LABOR SAVING TANDEM
- MLO — MAIN LUGS ONLY
- w/ — WITH
- C.O. — CONDUIT ONLY
- W.P. — WEATHERPROOF
- F.B.O. — FURNISHED BY OTHERS, INSTALL & CONNECT
- U.N.O. — UNLESS NOTED OTHERWISE
- N.E.C. — NATIONAL ELECTRICAL CODE
- N.I.C. — NOT IN CONTRACT
- (E) — EXISTING
- (N) — NEW
- (R) — REMOVE
- (RL) — RELOCATE
- S/M — SURFACE MOUNT
- U/G — UNDERGROUND
- CWP — COLD WATER PIPE
- AFF — ABOVE FINISHED FLOOR
- HACR — HEATING AND AIR CONDITIONING RATED CIRCUIT BREAKER
- N.L. — NIGHT LIGHT

NOTE: NOT ALL SYMBOLS SHOWN ARE USED ON THIS PROJECT.

JMPE
ELECTRICAL ENGINEERING
LIGHTING DESIGN
CA REGISTRATION NO E13083
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SANTA BARBARA CA 93101
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FAX (805) 569-2405
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OXNARD

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JOB NO.
DRAWN BY:
CHECKED BY:
PROJECT MANAGER:
PRINT DATE:

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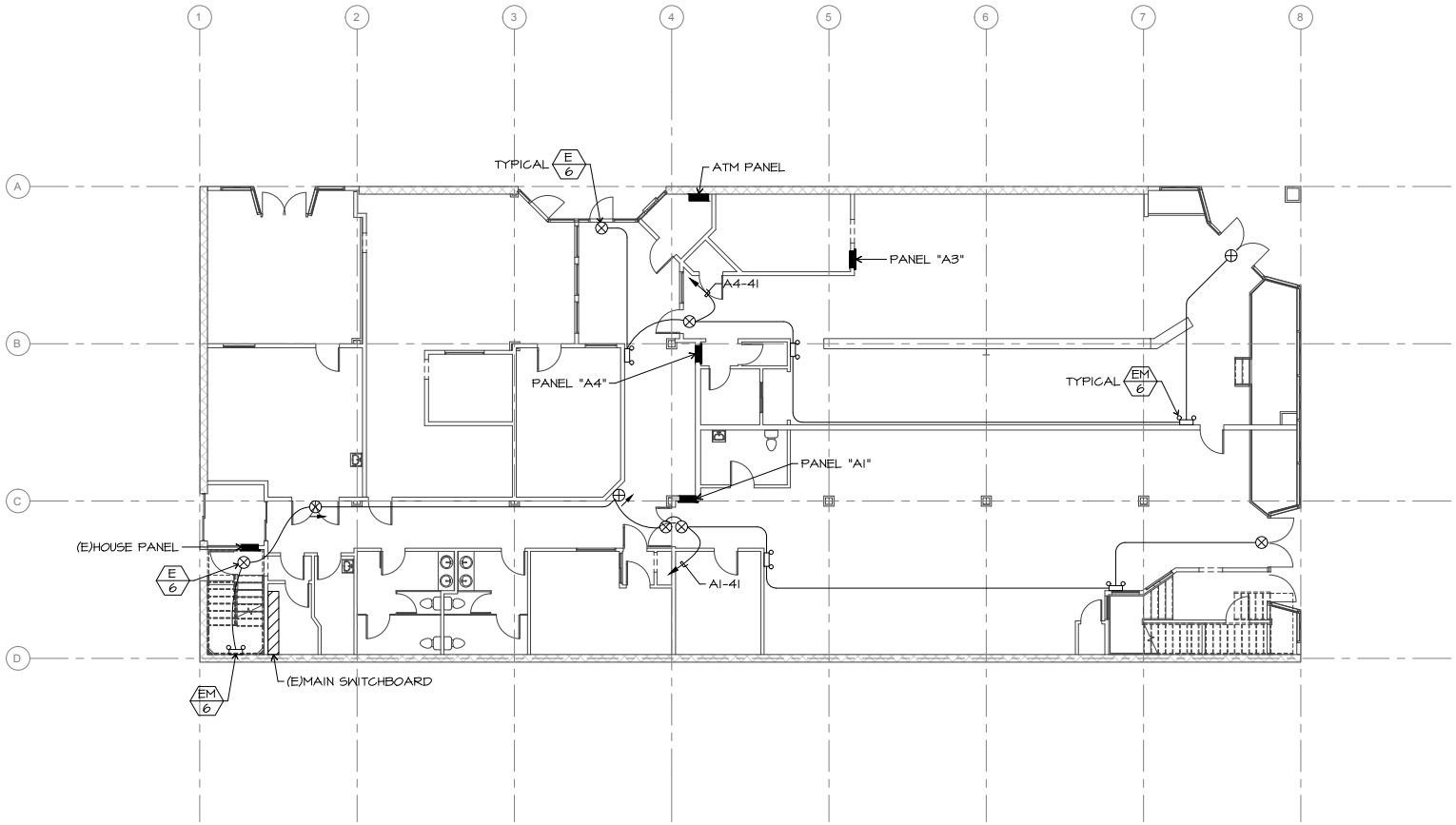

FIRST FLOOR EMERGENCY LIGHTING PLAN

SCALE: 1/8" = 1'-0"

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SANTA BARBARA CA 93101
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email : malcom@jmpe.net
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REGISTERED PROFESSIONAL ENGINEER
JOHN MALCOM
EXP. 06/30/2012
ELECTRICAL
STATE OF CALIFORNIA

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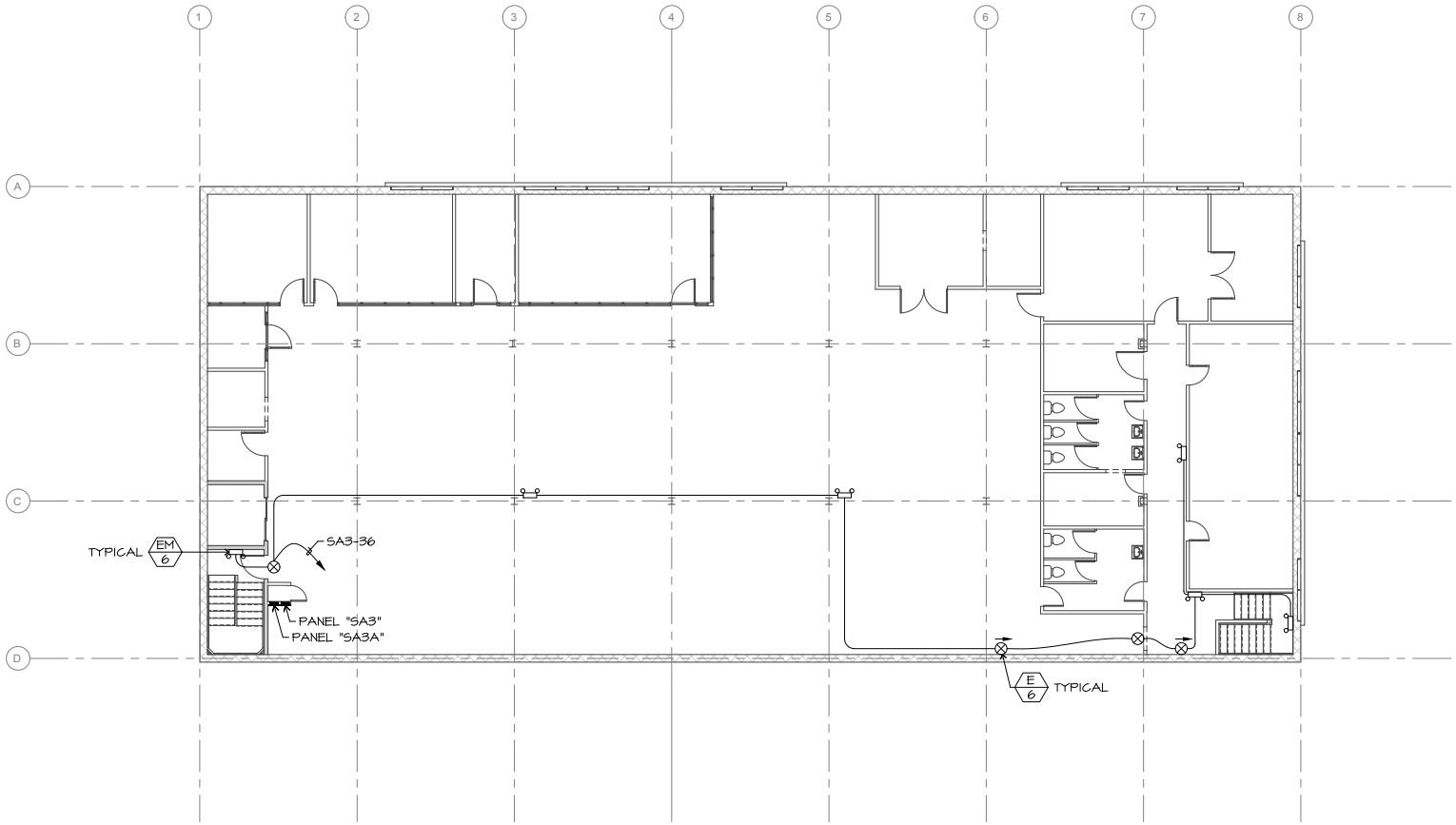

SECOND FLOOR EMERGENCY LIGHTING PLAN

SCALE: 1/8" = 1'-0"

0 1 2 4 8 16

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ELECTRICAL ENGINEERING
LIGHTING DESIGN
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CHA
SCH

401 SOUTH
OXNARD

CORRINE

NO	DESCR

JOB NO.

DRAWN BY:
CHECKED BY:
PROJECT MANAGER:
PRINT DATE:

SECON
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RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. PZ 22-520-02 (SPECIAL USE PERMIT) TO ALLOW OF A CHARTER HIGH SCHOOL WITHIN A MULTI-TENANT, TWO-STORY, 16,425 SQUARE-FOOT BUILDING (WOOLWORTH BUILDING). THE USE CURRENTLY OCCUPIES 4,550 SQUARE FEET OF THE FIRST FLOOR AND 8,250 SQUARE FEET OF THE SECOND FLOOR FOR A COMBINE SQUARE FOOTAGE OF 12,800 SQUARE FEET. THE CHARTER SCHOOL WOULD OPERATE MONDAY THROUGH FRIDAY FROM 8 AM TO 6 PM AND PROPOSES TO HAVE 20 EMPLOYEES AND 65 STUDENTS. NO EXTERIOR CHANGES ARE PROPOSED AND ONLY MINOR INTERIOR TENANT IMPROVEMENTS ARE ANTICIPATED TO ACCOMMODATE THE EXISTING CHARTER SCHOOL LOCATED ON A .19-ACRE LOT AT 401 SOUTH A STREET, SUITES 1-3 & 8-10 (APN 202-0-104-015) WITHIN THE DOWNTOWN CORE (DT-C) ZONE, SUBJECT TO CERTAIN FINDING AND CONDITIONS. FILED BY TRACY WOODS WITH LEARN 4 LIFE, ON BEHALF OF VISTA REAL-OXNARD, APPLICANT, 177 HOLSTON DRIVE, LANCASTER, CA 93535.

WHEREAS, on March 15, 2022, designated agent Tracy Woods on behalf of Vista Real-Oxnard, (the **"Applicant"** and/or **"Permittee"**) submitted Planning and Zoning Permit No. 22-520-02 (Special Use Permit), pursuant to Oxnard Downtown Code Sections 16-138, to allow for the operation of a charter school facility, Vista Real Charter High school. The school will be approximately 12,800 square feet within a site zoned Downtown Core (DT-C) located at 401 South A Street, Suites 1-3 & 8-10 (APN: 202-0-104-015)(the **"Project"**); and

WHEREAS, on April 6, 2023, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit No. 22-520-02 (Special Use Permit) to allow for the operation of a charter school, Vista Real Charter High school in accordance with Section 16-148.1(A) of the Downtown Code, Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Section 15301 (Existing Facilities) Categorical Exemption. Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2):

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on

the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within the 2030 General Plan land use designation of Downtown (DTN) and the zoning designation is for Downtown Core (DT-C). The Project is surrounded by commercial development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed Special Use Permit request for a charter high school is consistent with the 2030 General Plan, the Oxnard City Code and the Downtown Code and is compatible with the physical scale and character of other commercial development in the project area as no exterior changes are proposed and only minor interior tenant improvements are anticipated to accommodate the expansion of the charter school. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan, the Downtown Code, the Oxnard City Code, and for consistency and CEQA for any potential impacts. Therefore the project will have no significant cumulative impact.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed Special Use Permit request for a charter high school will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the commercial character of the surrounding development as no exterior changes are proposed and only minor interior tenant improvements are anticipated to accommodate the expansion of the charter school, and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by commercial development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to

improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located in or adjacent to a State designated scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site is within a building that contains an existing or potential landmark, point of interest, or historic resource but is not within a historic district or considered a historic building. However, the property is a contributor to a potentially eligible local historic district representing the most intact remaining examples of post-war commercial development of downtown Oxnard, and is individually significant as good, intact example of the Streamline Moderne style as it merged into the popularized version of the international Style during the post-war era. The existing building will not be affected by the interior improvements and the use as there will be no exterior improvements to the building. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource; and

WHEREAS, the Planning Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

(1) The proposed use is in conformance with the City of Oxnard 2030 General Plan and the elements thereof and other adopted standards.

As described in the Staff Report, the proposed charter high school is consistent with the 2030 General Plan land use designation Downtown (DTN) land use

designation and Downtown core (DT-C) zoning district and related standards, subject to the approval of a Special Use Permit. Therefore the proposed charter high school is in conformance with the 2030 General Plan and the elements thereof and other adopted standards, Therefore, this Project meets this finding.

(2) The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

As described in the Staff Report, the Project will allow for interior tenant improvements and the legalization of a charter school use (Vista Real Charter High School) to operate within an existing two-story multi-tenant commercial building. Vista Real Charter High School currently occupies approximately 12,800 square feet of the existing 16,425 square-foot Woolworth building. The existing charter school proposes interior tenant improvements to expand into an adjacent commercial tenant space formerly used for a bakery, deli, and coffee shop located 401 South A Street, Suite 1. Any minor interior tenant improvements will be subject to standard construction requirements of the California Building and Fire Codes. Therefore, the proposed use and the existing improvements are not expected to have adverse effects or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare. As such, this Project meets this finding

(3) The site for the proposed use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required by the conditions of approval.

As described in the Staff Report, the proposed expansion of an existing charter school will occur entirely within an existing building that is adequate for the proposed use. The proposed project does not require exterior changes to the site. The recommended conditions of approval do not require changes to the site. As described in the Staff Report, the proposed charter high school is consistent with the DT-C zoning district and related standards, including parking requirements. Therefore, the site for the proposed charter school is adequate in size and shape to accommodate all items required by the conditions of approval. As such, this Project meets this finding.

Additionally, the project has been reviewed by the Development Advisory Committee members and was determined that it would have no significant impact on the public health, safety, or welfare and the project plans have been reviewed by all applicable City departments and outside agencies.

(4) The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.

The project site is currently served by existing infrastructures and surrounding roadways which includes West Fourth Street to the north, South A Street to the east, and a public alleyway to the west. Therefore, the site for the proposed charter school will be served by highways adequate in width and improved as necessary to carry project-generated traffic. As such, this Project meets this finding.

(5) The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

The project site is currently served by adequate sewage, water, fire protection and storm drainage facilities. The proposed charter school will not generate significant impacts that would require additional facilities. Therefore, the site for the proposed charter school will be provided with adequate sewage, water, fire protection, and storm drainage facilities. As such, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves the request to do interior tenant improvements and the legalization of charter school (Vista Real Charter High School) use of approximately 12,800 square feet within an existing multi-tenant building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission authorizes and directs the Planning & Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 22-520-02 (Special Use Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an Appeal of the action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PZ 22-520-02, VISTA REAL CHARTER SCHOOL
401 SOUTH 'A' STREET
STANDARD CONDITIONS OF APPROVAL
FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated April 6, 2023, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. This permit shall automatically become null and void 24 months from the date of its issuance, unless the Applicant obtains a zone clearance and business license for the proposed use. (PL, *G-3*)

4. By commencing any activity related to the project or using any structure authorized by this permit, Permittee accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, *G-6*)

6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

7. Permittee shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Permittee shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

8. Before placing or constructing any signs on the project property, Permittee shall obtain a sign permit from the City. Except as provided in the sign permit, Permittee may not change any signs on the project property. (PL/B, *G-10*)

9. Permittee shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

10. Permittee shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

11. Permittee shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

12. If Permittee, owner or tenant fails to comply with any of the conditions of this permit, the Permittee, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

13. Prior to issuance of building permits, Permittee shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

PLANNING DIVISION STANDARD CONDITIONS

14. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

15. Before the City issues building permits, Permittee shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)

16. If the project property is already occupied or use has already been initiated, Permittee shall comply with all conditions of this permit within 60 days of approval thereof. (PL/B, *PL-6*)

17. Prior to issuance of building permits, Permittee shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

18. Outdoor displays, vending equipment or outdoor storage shall be prohibited. (PL)

PLANNING DIVISION SPECIAL CONDITIONS

19. The existing blade sign located on the second floor of the building was previously approved for another use and not for Vista Charter Charter High School. The permittee shall submit a sign application to Community Development Service Center for review and approval within 60 of the approval of the use for the changes made to the existing blade sign. Any new or refacing of existing signs shall comply with the Downtown Code Section 16-154 Signage Table 16-154 A-H.

20. All glass door and window frontages for the proposed use should be clear, or very lightly tinted (10% Maximum) and merchandising is not allowed to block views into shopfront windows in accordance with the Downtown code Shopfront, Cont'd Table 16-150H(6) and 16-150H(12). Permittee shall comply with this condition within 60 days of the approval of the use.

FIRE DEPARTMENT STANDARD CONDITIONS

21. Before the City issues building permits, Permittee shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, *F-3*)

22. At Permittee's expense, Permittee shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. Permittee shall obtain permits for the tests from the Engineering Division. Permittee shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, *F-4*)

23. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)

24. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)

25. Permittee shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)

26. Permittee shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)

27. Permittee shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, *F-12*)

28. Permittee shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, *F-13*)

29. Permittee shall install in each structure in the project where automatic fire sprinklers are installed a system that automatically opens the skylights in areas affected by fire before the fire sprinklers are activated. (FD, *F-14*)

30. Permittee shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Permittee shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD*, F-16*)

FIRE DEPARTMENT SPECIAL CONDITIONS

31. Fire sprinkler coverage is required for:
    a. Patios, overhangs or any other projections that are 48" or more from the structure.
    b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
    c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.

32. Areas designated by the Fire Marshal as Fire Lanes shall be identified by a red curb and signage per the California Department of Motor Vehicles.

33. Alley shall be maintained without obstructions and a minimum clear width of 20 feet.

34. Fire hydrants shall be operational and accessible at all times. No parking, storage or staging of equipment/supplies shall be located within 15 feet on either side of fire hydrants. Prior to final inspection, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire Department standards.

35. Alterations shall comply with the State Historical Building Code, Part 8, Title 24, of the California Code of Regulations.

36. Before the city issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department.

37. All overhangs over 4 feet are required to be sprinklered.

38. Occupancy loads need to be defined on approved plans.

POLICE DEPARTMENT CONDITIONS

39. Security camera system should be operated 24 hours a day to monitor the activity at the site. The system shall be designed to capture images of all persons and all vehicles that enter the site. Cameras shall also be distributed throughout the site to capture general activities. The camera system shall comply with these minimum standards:

    a. The camera system shall be cloud based to facilitate off-site and mobile monitoring.

    b. Access to the cloud based camera system may be made accessible to the Oxnard Police Department for specific areas of the property and adjacent areas that are either public, or, semi-public that include: adjacent public street, alleys, sidewalks, and within the private property the parking facility and paseo. Contact specialprojects@oxnardpd.org to participate in this program.

    c. If the Police Department is provided access to the cloud based camera system, privacy of residents shall be taken into consideration.

    d. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are expected for infra-red lighting.

    e. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.

    f. Cameras shall have low light capability to facilitate the later identification of persons involved in criminal or problem activities.

    g. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.

h. The video system shall allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.

i. Recorded images shall bear a date and time stamp that cannot be altered.

j. All entry doorways to the premises shall be monitored by a camera or cameras that are strategically mounted for face capture of persons who enter. Such cameras shall be mounted no higher than 7-feet above the floor/ground. Face capture images shall be determined as those images where the clarity of a person's facial image is sufficient for later identification.

k. All vehicular entrances to the parking facilities shall be monitored by a camera or cameras that are placed to capture images of sufficient quality where the vehicle's license plate, make, model and color can be easily identified.

l. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.

m. A camera shall be dedicated to face capture image of any person accessing the call system at the exterior of the primary entrance.

n. Site management shall provide in a timely manner any digital records of security camera or access control systems requested pursuant to a police investigation or for the periodic inspection of equipment required under these conditions.

o. Security cameras shall be installed to monitor activity around each side of the building's exterior.

<u>Access Control Systems</u>

40. The site should be equipped with an access control system that shall restrict human and vehicle access to semi-public areas of the site. The areas considered "semi-public" shall include: parking areas restricted to residents, the building lobby, mailroom, shared hallways, laundry rooms, activity rooms, pool and physical fitness facilities.

41. The access control system should utilize instruments such as cards, fobs, QR decals or other devices that can be individually programmed to provide access, as appropriate, for an individual user. The system shall have the capability to add or subtract an access instrument assigned to a particular residential unit, employee, or service provider.

42. The access control system should record each permitted access and the authorizing individual and the instrument/method used to facilitate the access.

43. "Click-To-Enter" access technology shall be installed at each pedestrian and vehicular entrance to a semi-public area to provide access to first responders.

Security Plan

44. A Security Plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits. The purpose of the Security Plan is to align the applicant's need to secure the development site for its end users with current security standards and to provide the Police Department an understanding of the layout of the site in the event of a critical incident. The Security Plan, when submitted directly to the Police Department, is considered a confidential document. The plan shall include:

    a. The Security Plan Sheet will identify the location of each security camera, camera recording/support equipment, all elements of an access control system, and any safe or secure room or rooms designed to maintain valuable assets or records.

    b. The Security Plan shall include a chart identifying each camera by an alpha-numeric, the scope of their capture area, and placement of the camera above the floor/ground.

    c. The Security Plan shall identify all doors with an alpha-numeric (e.g. D-1, D-2, etc.) that serve passage between public & semi-public, semi-public to semi-public and similar access points where tenants and their guests routinely pass without needing specific permission from a resident or property manager/responsible party or resident. This would include access to the lobby, parking garage, laundry room, mailroom, emergency exits, etc. When a camera is positioned for face capture it shall be noted on the camera chart.

    d. The Security Plan shall identify any area which is served by an intrusion/burglary alarm system.

    e. The Security Plan shall identify all the components of the access control system, their location and a chart that identifies each instrument with an alpha-numeric with the device name, make and model. The access control system shall provide site access to tenants and persons authorized by the site management. The access control sites shall include areas deemed semi-public such as the lobby, parking garage, laundry room, mailroom and any shared facility such as an activity room or community kitchen.

    f. Click-to-Enter technology shall be installed to provide access for first responders to all entrances to the facility that serve as an interface between public and semi-public areas. All such access points shall be identified on the Security Plan.

    g. The permittee/property manager/owner shall maintain all security features in good working condition and consistent with industry standards.

45. Any digital records from the security camera system or access control system shall be made available to any representative of the Oxnard Police Department in a timely manner upon request related to any official police investigation. If requested, the site manager shall upload or email any digital records at the request of a representative of the Oxnard Police Department.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

46. Permittee shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance.

47. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)

48. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse the City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve the Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

49. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)

50. Developer shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)

51. Developer shall be responsible for all project related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

52. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

53. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

54. Owner shall execute a lot merger or demonstrate to the satisfaction of the City Engineer the project is wholly located in one contiguous parcel prior to building permit issuance. (DS)

55. The project shall comply with the latest building code requirement for any proposed building improvements and uses.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of April 2023.

_____
Ronald Arruejo., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 6th day of April 2023, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____
Joe Pearson II, Secretary

vista real
CHARTER HIGH SCHOOL

POWERED BY learn4life

To Whom It May Concern,

Our unique charter concept is a not-for-profit organization that offers a personalized education program for students who need an independent studies approach in meeting their academic needs. Our program offers the flexibility demanded by students who are seeking an alternative to the traditional school structure. We provide students with a non-traditional setting which includes accredited, teacher's curriculum mandated by the State, appropriate material to accompany curriculum, and a facility referred to as a "Resource Center" which students attend to fulfill their educational responsibilities.

The student base is on average at-risk or low-income adolescents between the ages of 14-19, of which 80% are expected to use public transportation. All school activities will occur within the enclosed building and no recreation activities or facilities are needed. Therefore, the use of the property will be similar to the activity of an office or light commercial use. Our independent study program is in the best interest of public convenience and necessary because it offers an opportunity for youths who otherwise would not attend a traditional high school due to economic or medical hardship, the opportunity to achieve a general education and diploma.

Our program takes great pride in providing students a Resource Center that has the look and feel of a friendly business office. Students are treated with the same professionalism they notice in the appearance of the facility they attend. It is in the Resource Center that students have predetermined appointments, every week, with their designated teacher/tutor to submit and discuss previous assignment, have assignments evaluated, receive new assignments and participate in assessments. Student assignments are expected to be completed at the student's home, and therefore, these weekly meetings between the teacher and student are designed to last approximately one to two hours. In addition, students have the option of taking a number of vocational education programs, and are encouraged to attend seminars designed to mimic the feel and function of a college schedule where they can get assistance in small groups on some more challenging subjects. We also offer tutoring on site to assist the student with their assignments. Because students are scheduled to come in, and much of their work is one on one with their teacher, we are able to keep 8:00am-6:00pm hours Monday thru Friday without causing any traffic congestion or crowding the space.

vista real
CHARTER HIGH SCHOOL

POWERED BY learn4life

We hope this helps shed some light on our organization.

If you have any questions, please don’t hesitate to contact us.

Regards,

Tres Simi
Vice President Strategic Communications and Facilities
Learn4Life Concept Charter Schools
t.simi@llac.org

City of Oxnard Planning Commission
April 6, 2023

Vista Real Charter High School
401 South A Street
PZ 22-520-02
(Special Use Permit - Charter High School Use)

Applicant: Tracy Woods

By: Juan Carlos Torres, Associate Planner

CITY OF OXNARD CALIFORNIA

Project Description

A request to allow operation of a charter school use, Vista Real Charter High School, within an existing two-story 16,425 square-foot building. The proposed use currently occupies 4,550 square-feet on the first floor and 8,250 square-foot second floor for a combined total area of 12,800 square-feet and is located at 401 South A Street, Suites 1-3 & 8-10 within the Downtown Core (DT-C) Zone. The proposed hours of operation for the use will Monday through Friday from 8 a.m. to 6 p.m. and will have 20 employees and 65 students.

Background

On February 7, 1950: A building permit was issued for the construction of the subject two-story, multi-tenant commercial building.

In June 7, 2005: A zoning clearance was issued by the Planning Division for the use of portion of the building for the administrative office for Vista Real Charter High School.

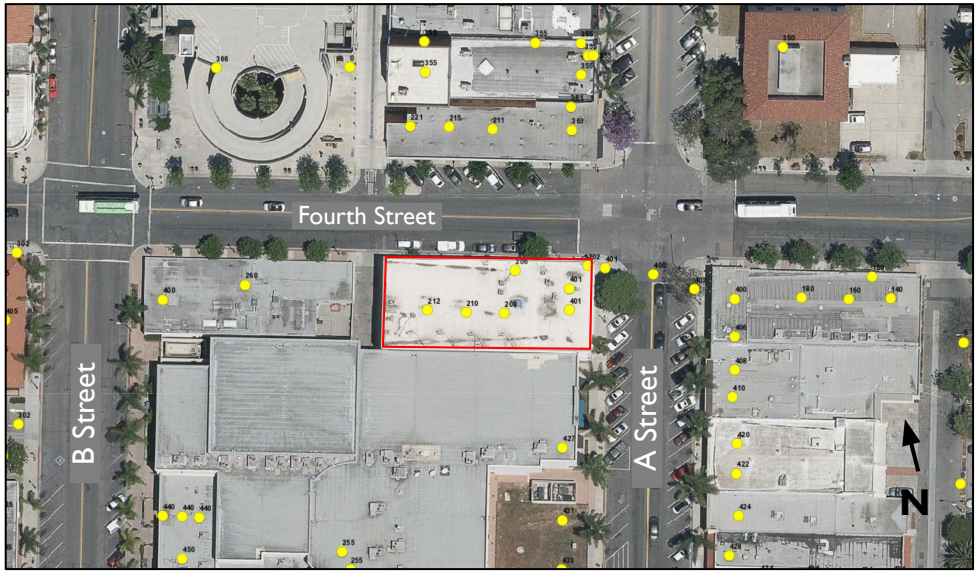
On January 10, 2007: A zoning clearance was issued for Tonalli for a bakery use with the ancillary sales of coffee, pastries, and sandwiches replacing the grocery store located at 401 South A Street, Suite 1. In 2008, the coffee shop change business name to Cajun Country Cafe and a year after to Fresh and Fabulous.

On June 7, 2018: Vista Real Charter High School took over the vacant restaurant area located within Suite 1 to expand their use.

March 15, 2022: SUP ,PZ 22-520-02, application to legalize the use from Administrative office to a charter high school was submitted for review to the Planning Division.

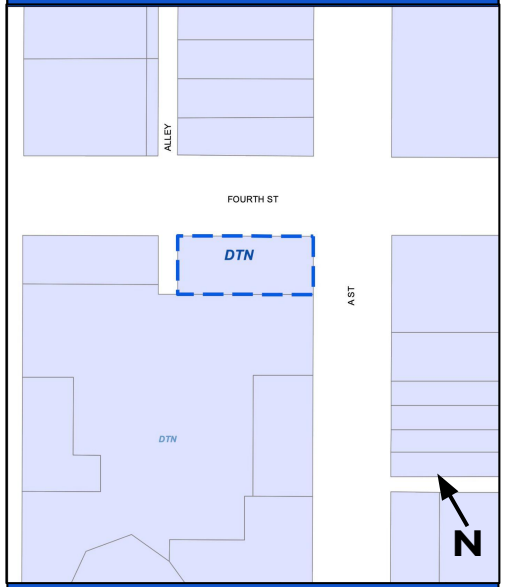
Project Location and Surrounding Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Downtown (DTN)	Downtown Core (DT-C)	Charter School/Retail Commercial
North	Downtown (DTN)	Downtown Core (DT-C)	Multi-Tenant Retail Commercial
South	Downtown (DTN)	Downtown Core (DT-C)	Centennial Plaza/Theater/Retail
East	Downtown (DTN)	Downtown Core (DT-C)	Multi-Tenant Retail Commercial
West	Downtown (DTN)	Downtown Core (DT-C)	Office/Family Service



Land Use and Zoning

2030 General Plan



Downtown (DTN)

Zoning Map

Downtown Core (DT-C)

Building Street Views

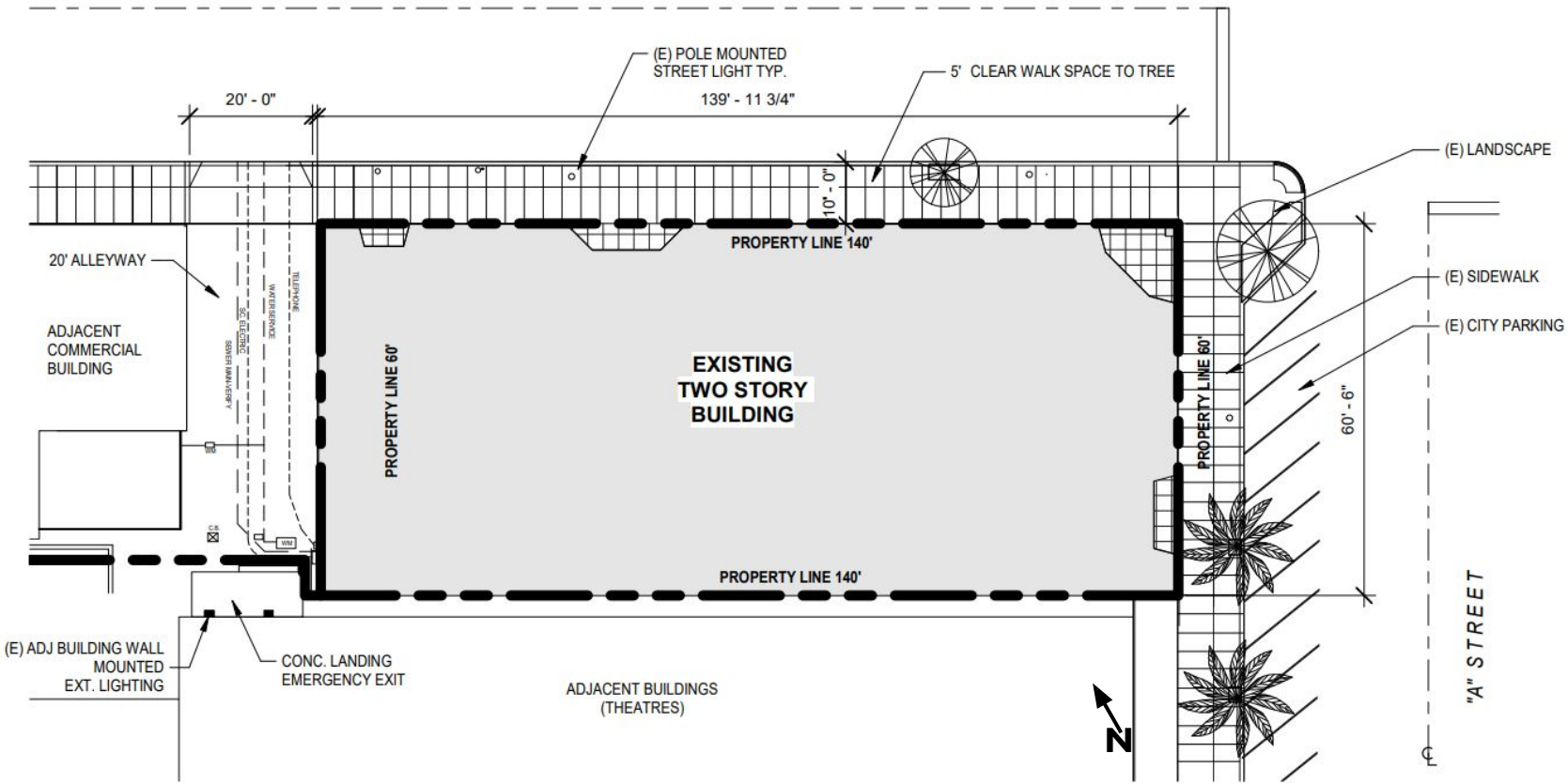
East elevation of the building looking West

Corner of the building looking Southwest

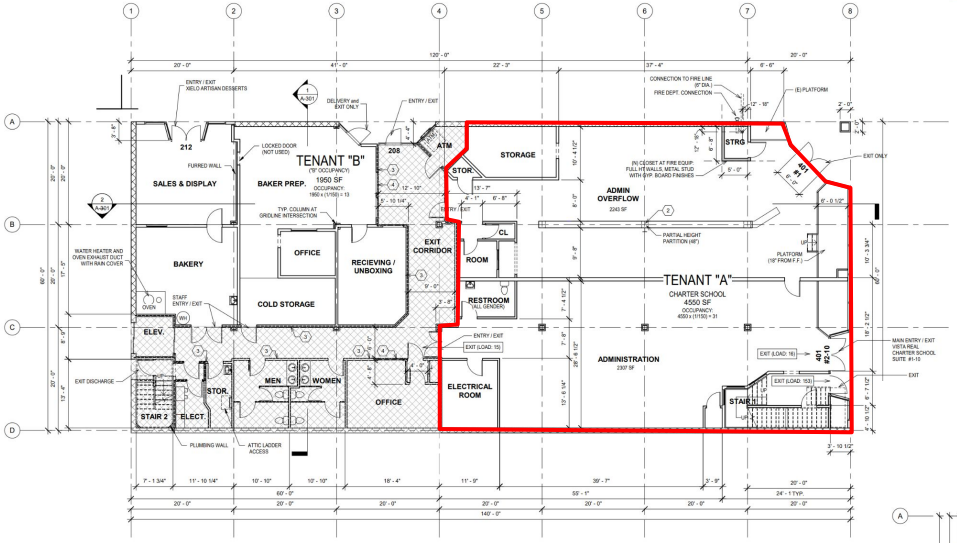
Corner of the building looking Southeast

North elevation of the building looking South

Site Plan

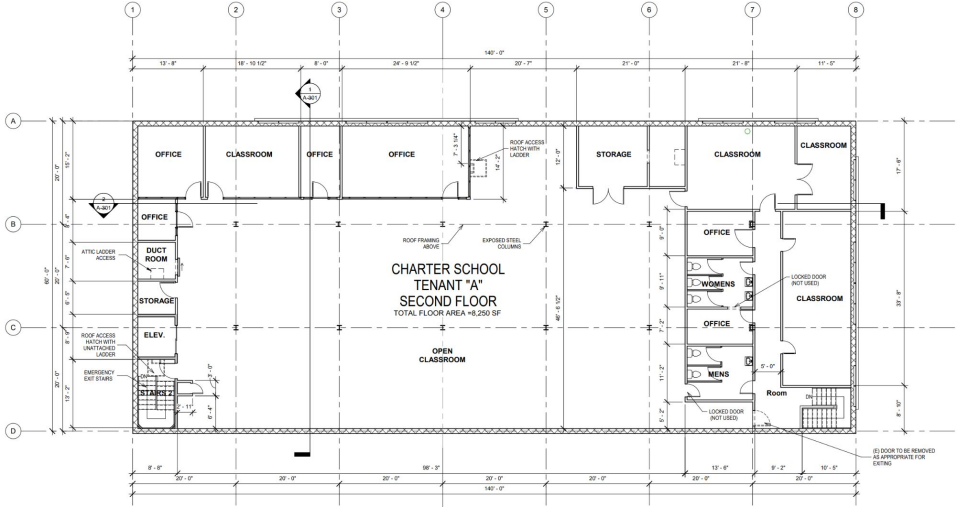

(E) POLE MOUNTED
STREET LIGHT TYP.
5' CLEAR WALK SPACE TO TREE
20' - 0"
139' - 11 3/4"
10' - 0"
(E) LANDSCAPE
PROPERTY LINE 140'
20' ALLEYWAY
(E) SIDEWALK
(E) CITY PARKING
ADJACENT
COMMERCIAL
BUILDING
TELEPHONE
WATER SERVICE
GAS
SEWER
PROPERTY LINE 60'
EXISTING
TWO STORY
BUILDING
PROPERTY LINE 60'
60' - 6"
PROPERTY LINE 140'
"A" STREET
(E) ADJ BUILDING WALL
MOUNTED
EXT. LIGHTING
CONC. LANDING
EMERGENCY EXIT
ADJACENT BUILDINGS
(THEATRES)
N

Proposed Use -Floor Plan



Floor Plan-First Floor

Floor Plan-Second Floor



Downtown Code

Proposed Use:

A. Vista Real Charter High School use is subject to approval of a SUP as it proposes to to do interior tenant improvement and utilize majority of an existing building that previously was approved for administrative offices and restaurant use.

   a. Per the City's Downtown Code Section 16-148(A) Recreation, Resources Preservation, Open Space and Public Assembly including Institution and School facilities, a Special Use Permit is required to be approved by the Planning Commision.

General Plan and Zoning Code Consistency

General Plan:

A. The proposed charter school use is consistent with the General Plan Land Use Designation (Downtown) and compatible with the surrounding commercial developments, providing adequate schools to support the community vision consistent with the City's General Plan Policy CD-1.6, CD-2.1, CD-5.2.

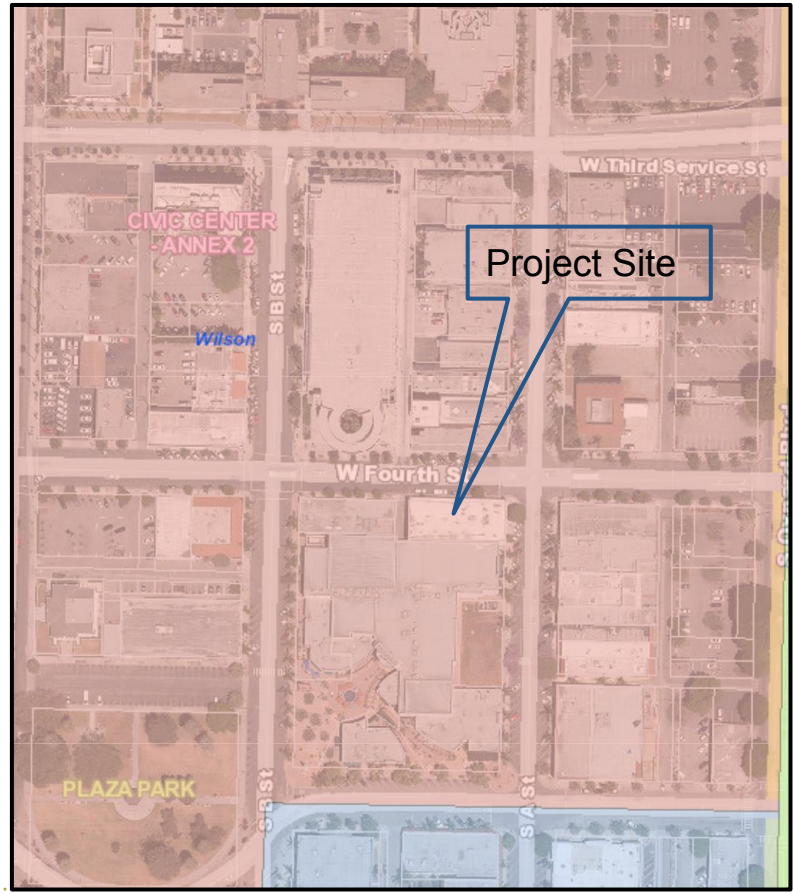
Zoning Code:

B. The proposed charter school use will be consistent with the City's zoning designation with the approval of the Special Use permit per Downtown Code Section 16-148 and with the parking requirements as it will not increase the parking requirements for all commercial and recreational facilities per Downtown Code Section 16-147.3.

Community Input

Community Input:

- A virtual Community Workshop was conducted on April 18, 2022. Notices were provided to the Wilson Neighborhood area. No comments were received by the public.
- Nearby business operators for the Wilson Neighborhood were contacted regarding this application and proposed operations.
- To date, staff has not received any concerns or public comments regarding the proposed project.



Select Recommended Conditions of Approval

- **CofAs # 20:** All glass door and window frontages for the proposed use should be clear, or very lightly tinted (10% Maximum) and merchandising is not allowed to block views into shopfront windows in accordance with the Downtown code Shopfront, Cont'd Table 16-150H(6) and 16-150H(12). Permittee shall comply with this condition within 60 days of the approval of the use.
- **CofAs # 41:** Fire sprinkler coverage is required for:
    a. Patios, overhangs or any other projections that are 48" or more from the structure.
    b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
    c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.

Environmental Review

Exempt from California Environmental Quality Act (CEQA) (Section 15301 "Existing Facilities")

- Project does not require physical development.
- Does not trigger thresholds in City CEQA Guidelines or Exceptions to the Exemptions.
- A Notice of Exemption will be filed.

Public Comment

- Notice of PC hearing posted on-site
- Notice of PC hearing sent to surrounding property owners
- To date, no public comments regarding project for the interior tenant improvements and charter school use.

Staff Recommendation

That the Planning Commission

a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and

b) Adopt Resolution 2023-XX approving Planning and Zoning Permit No. 22-520-02 (Special Use Permit-Charter High School), subject to certain findings and conditions.

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Brenna Wengert, AICP, Contract Planner

DATE: April 6, 2023

SUBJECT: **Project Name: Carmax Expansion Project;** Planning and Zoning Permit No. 22-550-02 (Major Modification to PZ 10-500-11 (Special Use Permit)) and 22-310-05(Lot Line Adjustment (Merger)), Property Located at 1975 Lockwood Street; APN(s): 213-0-011-245, -285, -310, -330, and -340.

1) **Recommendation:** That the Planning Commission:

   a) Find the Projects to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (Infill Development); and

   b) Adopt Resolution 2023-XX approving Planning and Zoning Permit No. 22-550-02 (Major Modification to PZ 10-500-11 (Special Use Permit)) and 22-310-05 (Lot Line Adjustment (Merger)), subject to certain findings and conditions.

2) **Project Description and Applicant:** The proposed project includes a development proposal to demolish an existing 38,854 square foot industrial building and related site improvements to allow for the construction of a vehicle storage yard to stage vehicles sold by the CarMax automotive dealership. The 4.27-acre site consists of three lots that will be merged into one lot. The property is presently developed with an existing building and paving and would be rebuilt as a non-public vehicle staging area, including new paving, curb and gutter, and stormwater controls including a small detention pond in the southeast corner of the site. Landscaping would be provided along the perimeter of the site, and the southern portion of the site fronting Lockwood Street would include a 6’ tall masonry wall with landscaping. Access into the site would use the existing Western curb-cut from Lockwood Street. Cross Access connection between the two sites is proposed in the southeastern corner of the site. No new buildings are proposed.

The project site currently consists of three properties. The applicant is also processing a Lot Line Adjustment (Merger) to merge the three properties and create the 4.27 acre project parcel. The project shall be conditioned to process and finalize the Merger prior to the issuance of building permits for the Project. The Project site is located at 1975 Lockwood Street; APN(s): 213-0-011-245, -285, -310, -330, and -340 within the General Commercial Planned Development (C-2-PD) zone district and within the Commercial General land use designation (Attachment A). For purposes of this staff report, the foregoing Project Description shall be referred to as the "Project". Filed By Hollee King Winegar, (Applicant) 7584 Eisenhower Street, Ventura, CA, 93003. (the "Applicant").

3) **Existing & Surrounding Land Uses:** The site is located north of Lockwood Street, south of the 101 Freeway, and west of North Rose Avenue.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial (C-2)	Commercial General (CG) and Business Research Park (BRP)	Vacant Industrial Building
North	Rose Santa Clara Specific Plan	Commercial Regional (CR)	Shopping center and US-101
South	General Commercial (C-2)	Commercial General (CG)	Construction equipment and wood yard.
East	Business Research Park (BRP)	Business Research Park (BRP)	Used automotive dealership
West	General Commercial (C-2)	Commercial General (CG)	Multi-tenant shopping center.

4) **Background Information:** On August 4, 2011, the Planning Commission approved Special Use Permit (SUP) No.10-500-11 to allow the redevelopment of an automotive dealership. The redevelopment included the demolition of an existing building and the reconstruction of the current 41,507 square-foot building. The current building accommodates 8,269 square feet of sales area, 31,173 square feet of vehicle service area, 1,135 presentation room and a 930 square-foot car wash. Additionally, the SUP redevelopment request allowed for a 2.89-acre parcel located across the street (APN: 213-0-013-430) to be improved for the creation of a vehicle staging area for use by the automobile dealership.

On September 16, 2016, the Planning Manager approved Minor Modification No. 15-140-39 for the expansion of the CarMax automotive dealerships car sales lot area. On June 1, 2020 the Planning Manager approved Minor Modification No. 19-140-26 for the construction of a 1,452 square-foot building for the purpose of a vehicle photography booth and an attached 336 square-foot canopy. On May 26, 2021 the Planning Manager approved Minor

Modification No. 20-140-26 for Parking Lot Improvements and Mid-block Crosswalk Installation.

5) Environmental Determination:

In accordance with Section 15332, Class 32 of the State CEQA Guidelines, projects categorized as in-fill development may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA**).** This proposal includes the demolition of an existing 38,854 square foot industrial building and related site improvements, and proposes construction of a non-public vehicle staging area, including new paving, curb and gutter, and stormwater controls including a small detention pond in the southeast corner of the site. Landscaping would be provided along the perimeter of the site, and the southern portion of the site fronting Lockwood Street would include a 6' tall masonry wall with landscaping. The project includes the merger of 3 lots into one 4.27-acre site. The project site is surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species. Additionally, the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the exemption. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (see Attachment C).

6) Analysis:

a) ***General Discussion:*** The project proposed is an expansion of the existing Carmax vehicle retail facility. The project site is located at 1975 East Lockwood Street and is a 4.27-acre property that will be redeveloped by demolishing the existing structure and associated site improvements such as paving and landscaping, to construct a new non-public vehicle staging area in its place. The applicant states that the new site would be utilized in support of existing operations as a temporary staging area for vehicles awaiting disposition, which includes any vehicle that is awaiting title, sold but awaiting pick up, trade-in vehicles, cars awaiting transfer to another facility, and those awaiting onsite or virtual auction. The project will assist in alleviating over-parking and congestion on the existing facility and will not result in new retail sales operations on the expansion property. The site is not open to the public, and current operations for delivery and pick-up would remain in place. No buildings are proposed as part of the scope of work, and the project will include new paving, curb, gutter, and stormwater controls, as well as screening and landscaping around the perimeter of the site.

b) ***General Plan Consistency:*** The City's 2030 General Plan land use designation for the subject site is split between General Commercial (CG) and Business Research Park (BRP) land uses. The CG land use allows retail centers and free-standing commercial uses along arterials, and may also include office and other residential uses, while BRP allows for professional, administrative, research, and limited manufacturing uses, along

with limited commercial activities intended to support such uses, integrated into campus-like environments that are oriented towards arterials, freeways, airports, and harbors, an developed to high property and development standards. The project complies with these land use determinations as the project would provide an expansion of the existing free-standing vehicle retailer. The lot merger will tie the three lots together as one, where the operation of CarMax's commercial activity will continue. Approval of the Project has been determined to be consistent with the General Plan and the property's land use designation.

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

I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).

II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD -1.2		Promote the efficient use of larger vacant parcels and vacant areas of the City by encouraging infill development, with a priority to mixed uses that reduce vehicle trips and GHG emissions and promote sustainable development goals and objectives.	The project's design will provide infill development by redeveloping a vacant building and by developing a vacant parcel to support the operations of the existing Carmax facility.
CD – 4.1		Mitigate Land Use Conflicts between commercial and other land uses, especially residential and recreational uses.	Under the General Plan 2030, the subject property has the land use of CG and BRP. The project is consistent with both designations.
CD -14.1		Design review process that continues to ensure that public and private development projects comply with City design policies, plans, and guidelines.	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of approval that meet policy CD 14.1
CD –14.2		Continue to require that a staff Development Advisory Committee review new development projects for consistency with the City's development policies and appropriateness for the	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of

		proposed sites.	approval that meet policy CD 14.2
CD– 17.6		Focus business attraction, retention, and expansion efforts on companies and institutions that bring quality jobs that provide benefits and livable wages for Oxnard residents.	The project proposes an expansion of the existing Carmax vehicle retailer operation, which may result in the provision of additional jobs and sales tax revenue to support the City.

c) ***Conformance with Zoning Development Standards:*** The proposed development is located in the General Commercial (C-2) zoning district. In accordance with the City Code, the proposed vehicle staging facility may be permitted with an approved Special Use Permit. Applicable development standards of the C-2 zone have been compared with the proposed project, as follows:

GENERAL COMMERCIAL (C-2) OXNARD MUNICIPAL CODE SECTIONS 16-135 THROUGH 16-144			
DEVELOPMENT STANDARD	**REQUIREMENT**	**PROPOSED**	**COMPLIES?**
Maximum Building Height §16-137	2 stories or 35 feet.	No building proposed, N/A	YES
Front yard setback §16-139	10 feet	82'7"	YES
Side yard setback §16-140 (C-2)	5 feet.	11'3 ¾"	YES
Rear yard setback §16-141 (C-2)	Commercial: 15 feet if greater than 16 feet in height	30'	YES
Parking Standards §16-622	General Commercial Use: 1 space for every 250 square feet of gross floor area	The lot is proposed to be a vehicle staging area, and no buildings or gross floor area is proposed.	YES
Trash enclosures & transformers	Double wide parallel refuse containers	Existing trash enclosures along the rear of the building. No change proposed.	YES
Rooftop equipment	May not protrude above the height of the parapet.	N/A	YES
Lighting 16-320	Comply with Section 16-320 of the City Code.	On-site lighting meets the code.	YES

Therefore, approval of this use is in conformance and consistent with the standards of the OCC.

d) ***Site Design:*** The subject property is approximately 184,630 square feet. The project proposes to pave approximately 142,494 square feet of the project site, and will provide approximately 23,206 square feet of landscaping around the perimeter of the site. Access to the site is through an access-controlled gate accessible from Lockwood Street, and site connection access is provided between the existing Carmax property and the subject parcel. The site will be illuminated by lamp posts placed in a linear fashion through the center of the property.

e) ***Circulation and Parking:*** Access to the site is proposed through a western existing curb cut from Lockwood Street. This curb cut will lead to an access gate that is restricted to Carmax employees and emergency services only. There is a cross-access connection between the existing primary facility and the proposed project site, which is located in the southeastern corner of the site. As the project proposes no new buildings, the lot is to be paved and will operate as a vehicle staging area.

f) ***Landscaping and Open Space:*** The project proposes a minimum 30-foot landscaped buffer area between the subject property and the 101 freeway, which includes groundcovers, trees, succulents, and a decorative wall with vines. The project proposes approximately 42,475 square feet of landscaping.

7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on May 11 and September 14, 2022. Recommendations of the DAC are included in the attached resolution(s).

8) **Community Workshop and Public Input:** The Project is not located within a General Plan identified neighborhood; therefore, a Community Workshop was not conducted for the proposed Project.

Consistent with public noticing requirements, the Planning Commission hearing was advertised in the newspaper, with an on-site posting, and by mail to property owners within 300 feet of the subject property. To date, Staff has not received any concerns or public comments regarding the proposed Project.

9) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action on PZ 22-550-02 (MJMD) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. If an appeal is not filed within 18 working days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

Attachments:

A. Maps (Vicinity, General Plan, Zoning)
B. Reduced Project Plans
C. Notice of Exemption
D. Draft Planning Commission Resolution

E. Staff Presentation

Vicinity Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

March 21, 2023

PZ 22-550-02, 22-310-05
Location: 1975 Lockwood St
APN: 213011245, 2130011285, 2130011310, 2130011330, 2130011340
Carmax

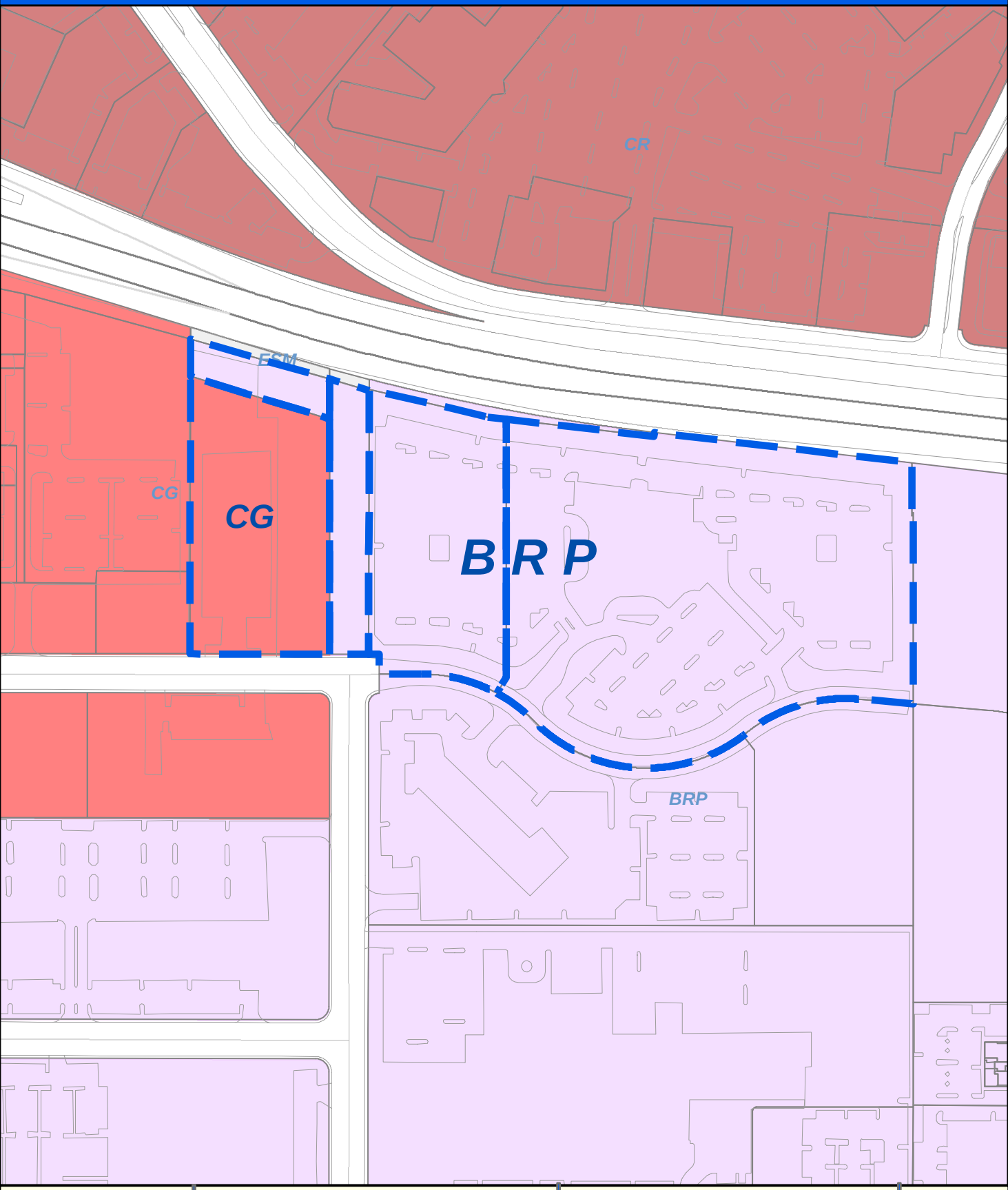
Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

2030 General Plan Land Use Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

March 21, 2023

PZ 22-550-02, 22-310-05
Location: 1975 Lockwood St
APN: 213011245, 2130011285, 2130011310, 2130011330, 2130011340
Carmax

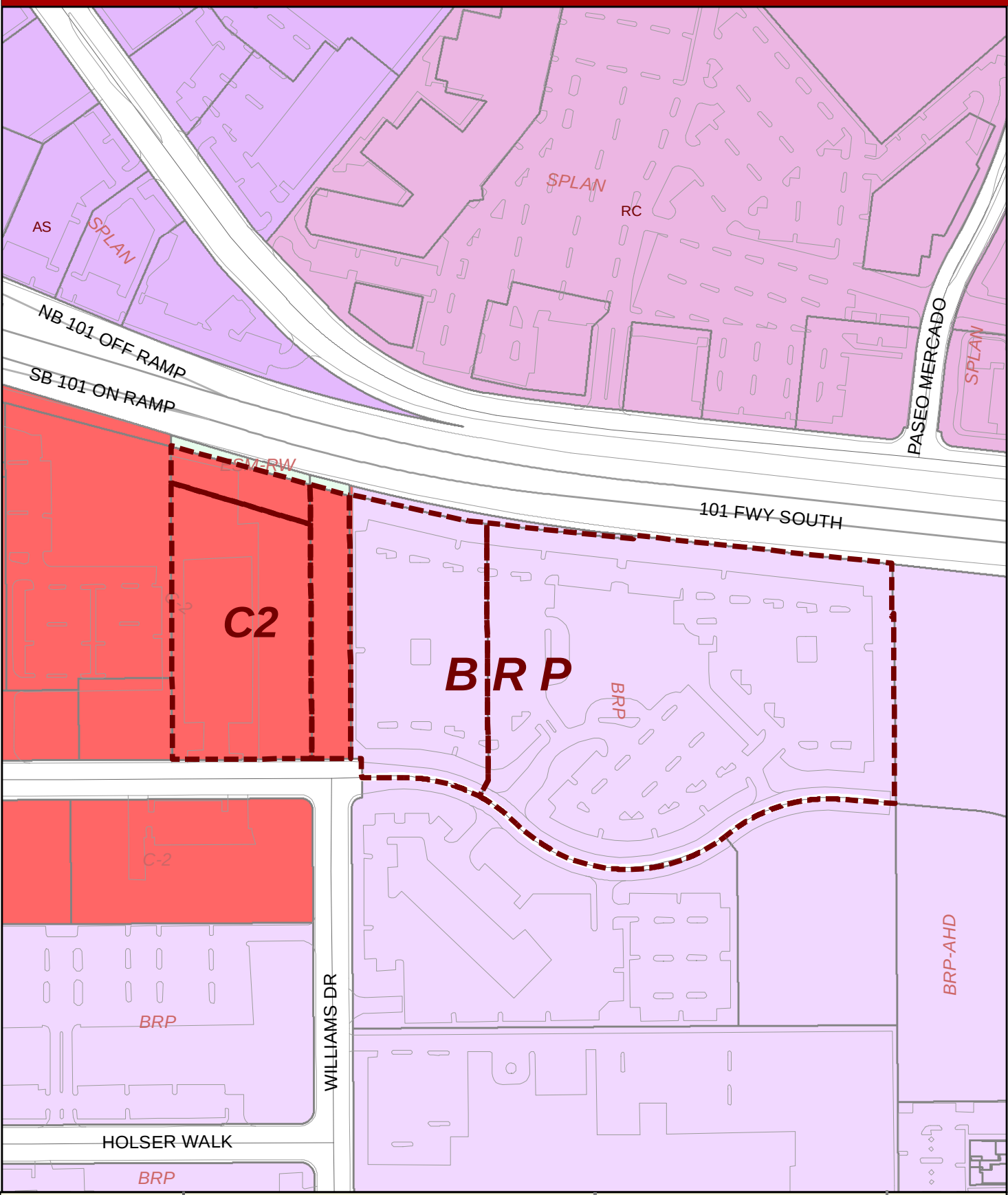
0 75 150 300 Feet

2030 General Plan Land Use Map

N W E S

1:3,000

Zoning/Specific Plan Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

March 21, 2023

PZ 22-550-02, 22-310-05
Location: 1975 Lockwood St
APN: 213011245, 2130011285,
2130011310, 2130011330, 2130011340

Carmax

Feet

0 37.5 75 150 225 300

Zoning/Specific Plan Map

N W E S

1:3,000

Aerial Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

March 21, 2023

PZ 22-550-02, 22-310-05
Location: 1975 Lockwood St
APN: 213011245, 2130011285, 2130011310, 2130011330, 2130011340
Carmax

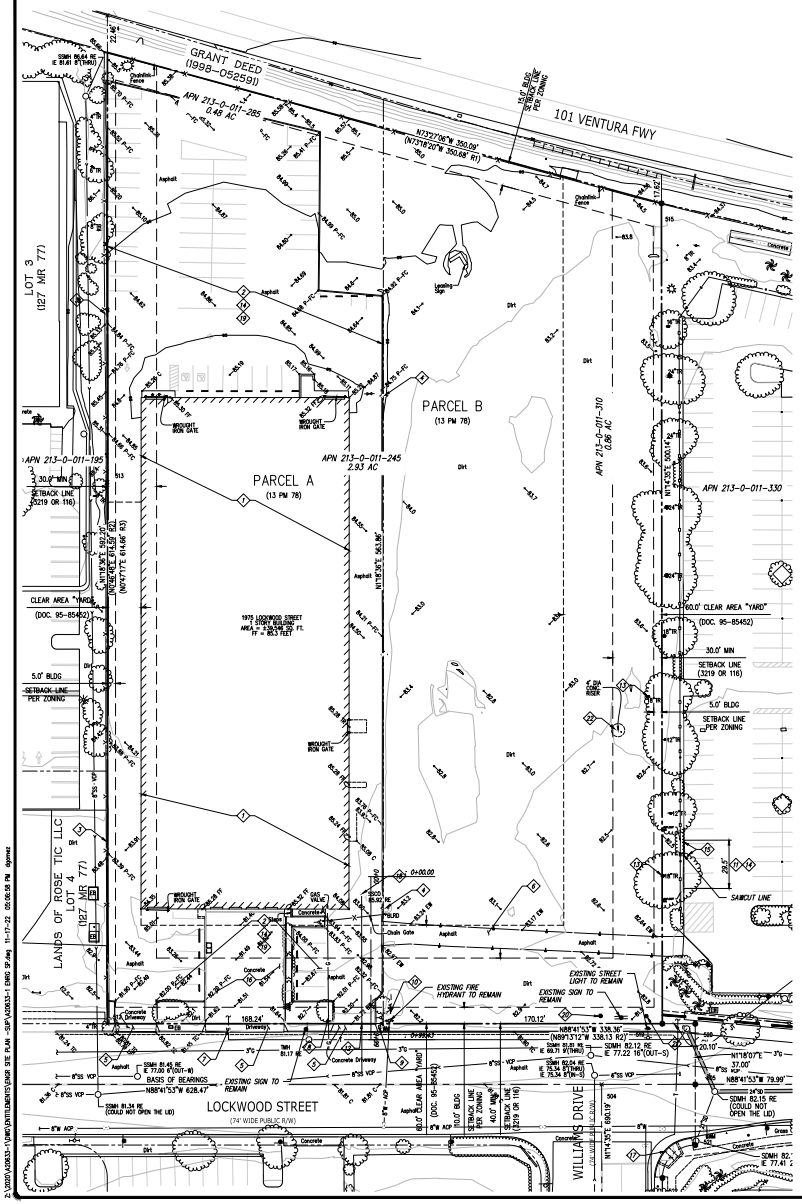
0 50 100 200 300 400 Feet

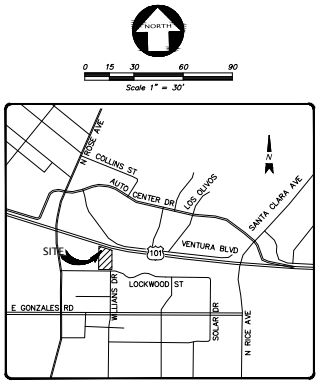
Aerial Map

N W E S

COMMUNITY DEVELOPMENT SERVICES
ENGINEERING SITE PLAN
CARMAX PARKING LOT

NOVEMBER 2022





VICINITY MAP

SCALE: NTS

PROJECT TEAM

APPLICANT
CARMAX AUTO SUPERSTORES, INC.
12800 TUCKAHOE CREEK PARKWAY
RICHMOND, VIRGINIA 23238

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DENNIS GOMEZ

SURVEYOR
KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.
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ROD STEWART

GEOTECHNICAL ENGINEERING
TERRACON CONSULTANTS
1626 COLE BLVD. SUITE 125
LAKEWOOD, COLORADO 80401
FRED BUHAMDAN

SHEET INDEX

SHEET	DESCRIPTION
CIVIL	
C1	TOPOGRAPHIC SURVEY & DEMOLITION PLAN
C2	ENGINEER SITE PLAN
C3	TRUCK TURN PLAN & SECTIONS

ABBREVIATIONS

BL	BUILDING
BM	BENCHMARK
BOL	BOLLARD
BR	BOTTOM OF RAMP
BS	BOTTOM OF STEP
BSCK	BACK-SIGHT CHECK
BTM	BOTTOM
BW	BACK OF WALK
CL	CENTERLINE
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
DWY	DRIVEWAY
EB	ELECTRIC BOX
EW	EDGE OF WALK
FC	FACE OF CURB
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISH FLOOR
FH	FIRE HYDRANT
FL	FLOW LINE
FNC	FENCE
FND	FOUND
FSCK	FRONT-SIGHT CHECK
GRN	GROUND
HP	HIGH POINT
IE	INVERT ELEVATION
IP	IRON PIPE
LIP	LIP OF GUTTER
MH	MANHOLE
MON	MONUMENT
N)	NORTH
PIV	POST INDICATOR VALVE
RE	RIM ELEVATION
S)	SOUTH
SDMH	STORM DRAIN MANHOLE
SL	STREET LIGHT
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP OF CURB
TMH	TELEPHONE MANHOLE
TR	TOP OF RAMP
TS	TOP OF SLAB
TW	TOP OF WALL
WM	WATER METER
WV	WATER VALVE

LEGEND

- BUILDING LINE
- CENTERLINE
- CONCRETE CURB & GUTTER
- MAJOR CONTOUR LINE
- MINOR CONTOUR LINE
- FENCE LINE
- GAS LINE-VALVE & METER
- JOINT TRENCH LINE
- LOT LINE
- SANITARY SEWER LINE-MANHOLE & CLEANOUT
- SIDEWALK
- SPOT ELEVATION
- STORM DRAIN LINE-MANHOLE & CATCH BASIN
- STORM DRAIN LINE OVER 24"DIAMETER
- TELEPHONE LINE
- WATER LINE & VALVE
- BENCHMARK/TEMPORARY BENCHMARK
- ELECTROLIER
- FIRE HYDRANT
- HOSEBIBB
- IRON PIPE FOUND
- NAIL FOUND
- POST INDICATOR VALVE
- POWER POLE/JOINT POLE
- SURVEY CONTROL POINT
- TRAFFIC SIGN
- TREE
- UTILITY BOX
- WATER VALVE

DEMO NOTES

1. REMOVE EXISTING BUILDING
2. REMOVE EXISTING PAVEMENT
3. REMOVE EXISTING CHAIN LINK FENCE
4. REMOVE EXISTING FIRE HYDRANT
5. REMOVE EXISTING CONCRETE DRIVEWAY
6. REMOVE EXISTING AC PATHWAY
7. CAP EXISTING TELEPHONE
8. CAP EXISTING GAS
9. CAP EXISTING WATER AT BACK OF METER, MODIFY FOR IRRIGATION
10. REMOVE EXISTING BACKFLOW DEVICE, PIV & FDC. CAP AT PROPERTY LINE
11. REMOVE EXISTING GUARD RAIL
12. CAP EXISTING SEWER LINE AT RIGHT-OF-WAY
13. REMOVE INTERFERING TREES
14. REMOVE EXISTING STRIPING
15. REMOVE EXISTING BRUSH
16. REMOVE EXISTING CONCRETE
17. REMOVE EXISTING CURB CUT RAMP
18. REMOVE EXISTING SEWER CLEANOUT
19. REMOVE EXISTING WHEEL STOPS
20. REMOVE EXISTING STUMP
21. REMOVE EXISTING ELECTRICAL RECEPTACLE
22. REMOVE EXISTING CONCRETE WATER RISER

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UNDERGROUND SERVICE ALERT(USA) OF SOUTHERN CALIFORNIA

BENCHMARK

BM WILLIAMS 306: AT THE NORTHWESTERLY CORNER OF GONZALES ROAD AND WILLIAMS DRIVE, 55.0 FEET WESTERLY FROM THE CENTER OF WILLIAMS DRIVE, 48.0 FEET NORTHERLY FROM THE CENTER DIVIDE OF GONZALES ROAD, 33.0 FEET SOUTHERLY FROM THE E.C.R., 12.0 FEET EASTERLY FROM THE B.C.R.

ELEVATION: 74.350' (NAVD88)

NO.	REVISION	BY

NO.	REVISION	BY

REGISTERED PROFESSIONAL ENGINEER — DENNIS R. GOMEZ — CIVIL — STATE OF CALIFORNIA

KIER+WRIGHT
4081 Mission Oaks Blvd., Ste. B
Camarillo, CA 93012
Phone: (805) 384-0003
www.kierwright.com

TOPOGRAPHIC SURVEY & DEMOLITION PLAN
OF
CAR MAX PARKING LOT EXPANSION
1975 LOCKWOOD STREET
OXNARD, CALIFORNIA

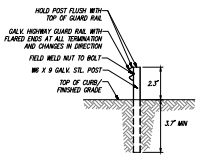
DATE	NOVEMBER 2022
SCALE	AS SHOWN
DESIGNER	DG
DRAWN BY	LCN
JOB NO.	A20633-1
SHEET	C1
	1 OF 3 SHEETS

Z:\2020\A20633-1\DWG\SITE\ENGR\SITE PLAN -SUP\A20633-1 ENGR SP.dwg 11-17-22 02:06:58 PM dgomez

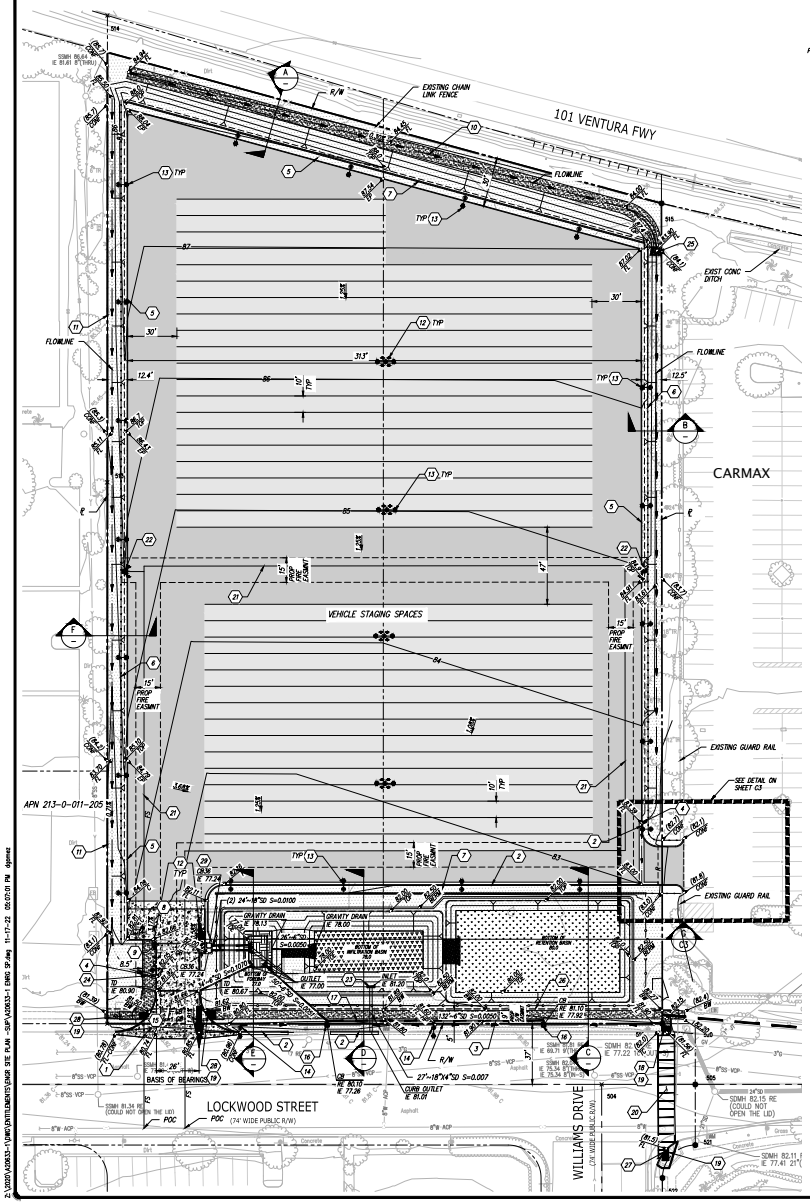
COMMUNITY DEVELOPMENT SERVICES
ENGINEERING SITE PLAN
CARMAX PARKING LOT

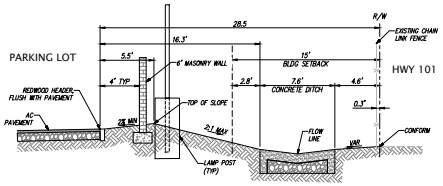
NOVEMBER 2022

CITY OF OXNARD CALIFORNIA



GUARD RAIL DETAIL (1)
NOT TO SCALE





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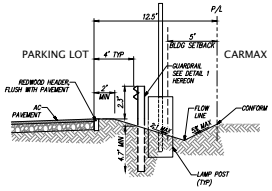

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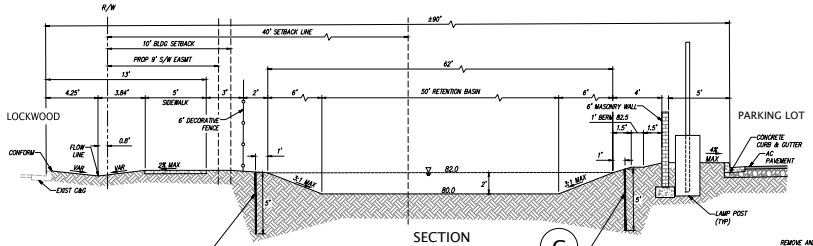

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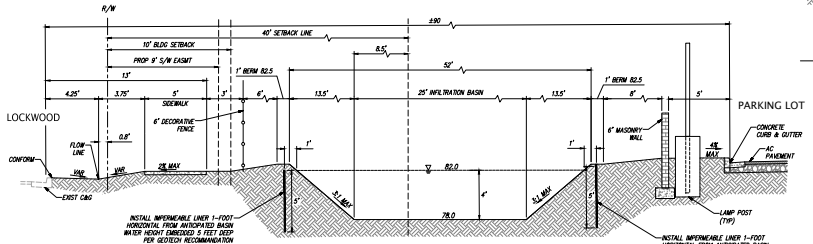

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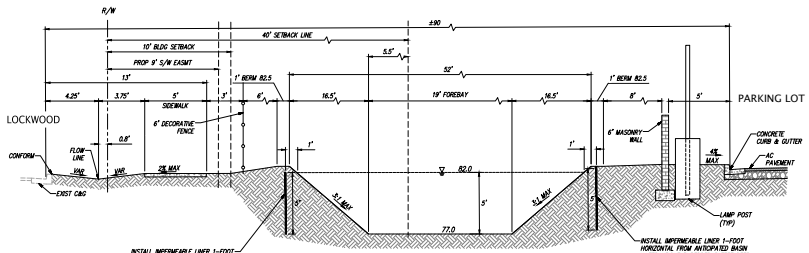

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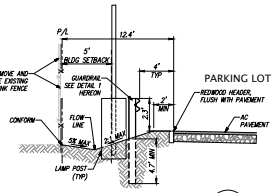

SECTION (F)
NOT TO SCALE

NORTH
0 15 30 60 90
Scale 1" = 30'

LEGEND

- BOLLARD
- FL FLOW LINE
- PV PAVEMENT
- RE RIM ELEVATION
- TD TRENCH DRAIN
- LAMP POST
- 23.8 SPOT ELEVATION
- STORM DRAIN LINE
- TC TOP OF CURB
- EXISTING CHAIN LINK FENCE
- NEW CHAIN LINK FENCE
- GUARDRAIL
- DECORATIVE FENCING
- MASONRY WALL
- FLOWLINE
- AC TRUCK PAVEMENT: TI=7 5.0" AC OVER 7.0" CLASS II AB, SUBGRADE PER GEOTECHNICAL REPORT
- AC AUTO PAVEMENT: TI=5 3.0" AC OVER 4.0" CLASS II AB, SUBGRADE PER GEOTECHNICAL REPORT
- CONCRETE DRIVEWAY PAVEMENT: 6.0" PCC OVER 4.0" CLASS II AB, SUBGRADE PER GEOTECHNICAL REPORT
- CONCRETE WALK: 4" PCC OVER 4 CLASS II AB
- FOREBAY
- INFILTRATION BASIN
- RETENTION BASIN
- LANDSCAPE
- Q100 OVERLAND ESCAPE ROUTE

Site Percentage Impervious/Landscape Table

Site Area (ac)	Impenious Area (ac)	Landscape Area (ac)	% Impervious	% Landscape
4.24	3.27	0.97	77%	23%

CONSTRUCTION NOTES

1. CONSTRUCT DRIVEWAY PER OXNARD STD. PLAN PLATE 116
2. CONSTRUCT CURB & GUTTER TYPE A2-6 PER OXNARD STD. PLAN PLATE 111
3. CONSTRUCT SIDEWALK PER OXNARD STD. PLAN PLATE 113
4. CONSTRUCT CURB OPENING WITH ROCK RIPRAP
5. INSTALL REDWOOD HEADER
6. INSTALL GUARD RAIL PER DETAIL 1 HEREON
7. CONSTRUCT 6' HIGH MASONRY BLOCK WALL
8. CONSTRUCT ELECTRICAL PANEL SHED
9. INSTALL SECURITY GATE, CLICK-2-ENTER, WITH KNOX SWITCH CONTROL
10. CONSTRUCT CONCRETE DITCH
11. INSTALL 6' HIGH CHAIN LINK FENCE
12. INSTALL BOLLARD
13. INSTALL LAMP POST
14. INSTALL STREET LIGHT PER CITY STANDARDS
15. INSTALL SLOTTED DRAIN
16. INSTALL AREA DRAIN
17. INSTALL PVC STORM DRAIN PIPE
18. INSTALL ADA RAMP PER OXNARD STD. PLAN PLATE 110, CASE A, TYPE 5
19. INSTALL RAISED DOMES
20. INSTALL CROSSWALK
21. INSTALL FIRE LINE SERVICE, CONNECT TO EXIST 8" WATER
22. INSTALL FIRE HYDRANT WITH BOLLARD PROTECTION
23. INSTALL SPILLWAY WITH TRASH CAPTURE SCREEN CASCA APPROVED, ADS FLEXSTORM CPS U-EXT 3.18H-BYPASS-SHAPE OR APPROVED EQUAL, MOUNTED TO INSIDE OF HEADWALL
24. SIDEWALK DRAIN PER OXNARD STD. PLATE 122
25. INSTALL ROCK COBBLE PAD
26. INSTALL 6' HIGH DECORATIVE FENCING
27. INSTALL ADA RAMP PER OXNARD STD PLAN PLATE 110, CASE C
28. INSTALL ADA RAMP PER OXNARD STD PLAN PLATE 110, CASE D, TYPE 1
29. INSTALL 36"x 36" CATCH BASIN

AREAS

GROSS AREA = 184,630 S.F.
PAVED AREA = 142,494 S.F.
LANDSCAPE AREA = 23,206 S.F.
BASIN AREA = 18,930 S.F.

EARTH WORK

CUT = 4,600 CY
FILL = 4,600 CY

DIGALERT
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UNDERGROUND SERVICE ALERT(USA) OF SOUTHERN CALIFORNIA

BENCHMARK

BM WILLIAMS 306: AT THE NORTHWESTERLY CORNER OF GONZALES ROAD AND WILLIAMS DRIVE, 55.0 FEET WESTERLY FROM THE CENTER OF WILLIAMS DRIVE, 48.0 FEET NORTHERLY FROM THE CENTER DIVIDE OF GONZALES ROAD, 33.0 FEET SOUTHERLY FROM THE E.C.R., 12.0 FEET EASTERLY FROM THE B.C.R.

ELEVATION: 74.350' (NAVD88)

BY	REVISION	NO.

BY	REVISION	NO.

REGISTERED PROFESSIONAL ENGINEER DAVID R. BURDICK CIVIL STATE OF CALIFORNIA

KIER+WRIGHT
4001 Mission Oaks Blvd., Bldg. B
Camarillo, CA 93012
Phone: (805) 384-0310
www.kierwright.com

ENGINEERING SITE PLAN
OF
CAR MAX PARKING LOT EXPANSION
1975 LOCKWOOD STREET
OXNARD, CALIFORNIA

DATE	NOVEMBER 2022
SCALE	AS SHOWN
DESIGNER	DG
DRAWN BY	LCN
JOB NO.	A20633-1
SHEET	C2
	2 OF 3 SHEETS

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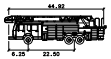
COMMUNITY DEVELOPMENT SERVICES
ENGINEERING SITE PLAN
CARMAX PARKING LOT

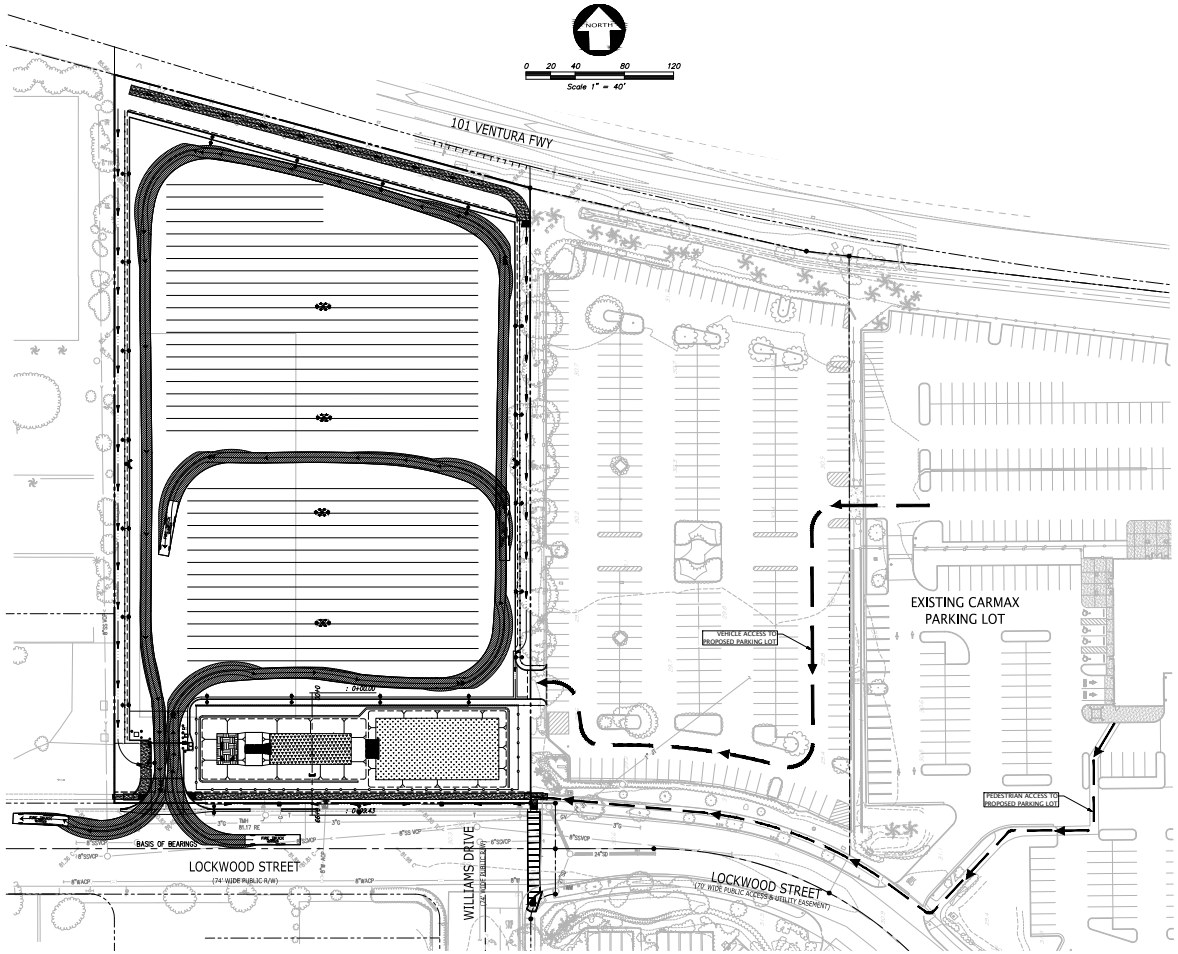
NOVEMBER 2022

CITY OF OXNARD CALIFORNIA



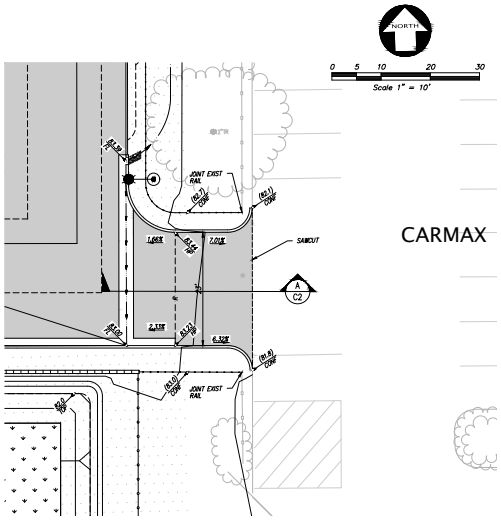
FIRE TRUCK

	feet
Width	: 8.25
Track	: 5.25
Lock to Lock Time	: 6.0
Steering Angle	: 25.4

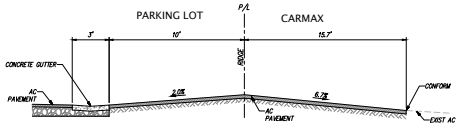


TRUCK TURNING TEMPLATE

ACCESS PATHS

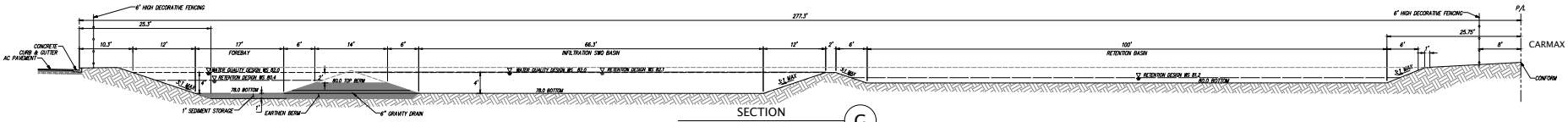


DETAIL



SECTION A

NOT TO SCALE



SECTION G

NOT TO SCALE

NO.	REVISION	BY

NO.	REVISION	BY

REGISTERED PROFESSIONAL ENGINEER — DAVID A. KIER — CIVIL — STATE OF CALIFORNIA

KIER+WRIGHT

4001 Mission Oaks Blvd., Ste. B
Camarillo, CA 93012
Phone: (805) 384-0003
www.kierwright.com

ENGINEERING SITE PLAN
OF
CAR MAX PARKING LOT EXPANSION
1975 LOCKWOOD STREET

OXNARD, CALIFORNIA

DATE	NOVEMBER 2022
SCALE	AS SHOWN
DESIGNER	DG
DRAWN BY	LCN
JOB NO.	A20633-1
SHEET	C3
	3 OF 3 SHEETS

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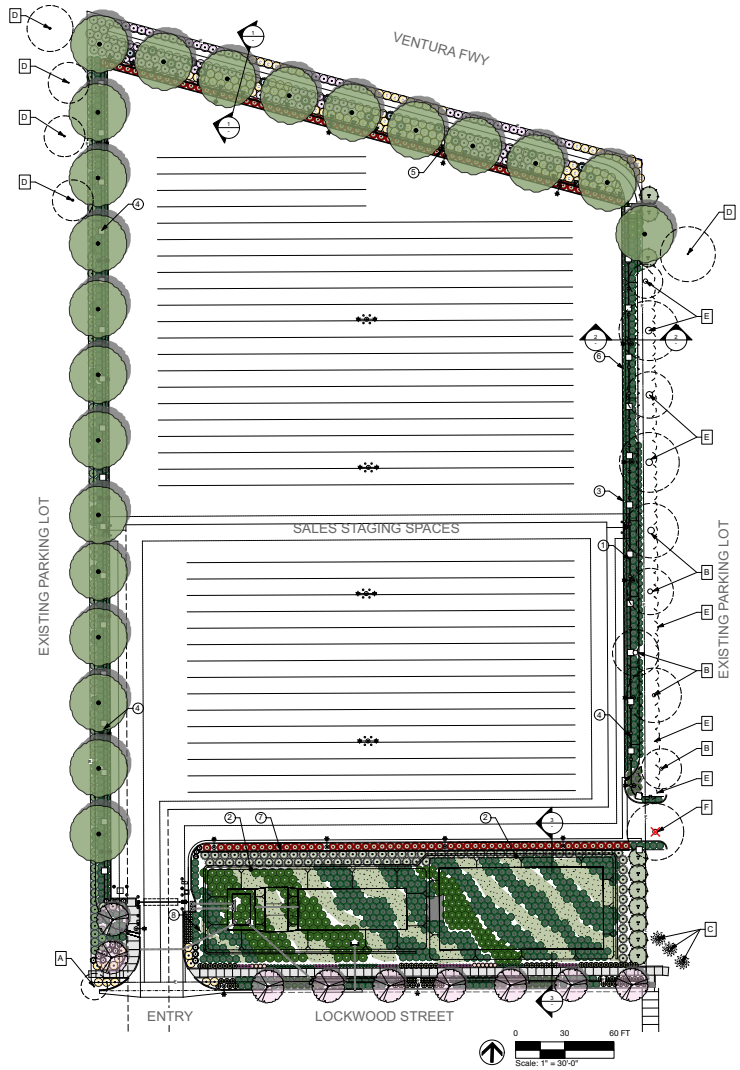


Plant List

	Botanical Name	Common Name	Size	Qty	Mature Height	Size Width	WUCOLS
	Trees						
	Chilopsis linearis	Desert Willow	24" box	9	12 - 15 ft	6 - 25 ft	Low
	Quercus agrifolia	Coast Live Oak	36" box	22	15	> 35 ft	Low
	Shrubs						
	Hardenbergia violacea 'Happy Wanderer'	Vine Lilac	15 gal	24	5 - 10 ft	12 - 16 ft	Low
	Heteromeles arbutifolia	Toyon	5 gal	10	8'-15'	15'	Low
	Lantana camara 'Sunburst'	Sunburst Lantana	5 gal	113	2 - 3 ft	6 - 8 ft	Low
	Lantana montevidensis	Purple Trailing Lantana	5 gal	135	1 - 2 ft	8 - 10 ft	Low
	Lantana x 'New Gold'	New Gold Lantana	5 gal	13	12 - 15 in	18 - 24 in	Low
	Mahonia 'Golden Abundance'	Hybrid Oregon Grape	15 gal	80	5-8 ft.	6'	Low
	Myrica californica	Pacific Wax Myrtle	15 gal	85	20 - 30 ft	10 - 20 ft	Low
	Salvia greggii 'Furman's Red'	Furman's Red Autumn Sage	1 gal	85	2 - 3 ft	2 - 3 ft	Low
	Perennials						
	Achillea m. 'Island Pink'	Island Pink Yarrow	1 gal	10	1 - 2 ft	2 - 3 ft	Low
	Chondropetalum "El Campo"	El Campo Small Cape Rush	5 gal	47	2 - 3 ft	3 - 4 ft	Low
	Chondropetalum tectorum	Small Cape Rush	5 gal	199	3 ft.	3 to 4 ft.	Low
	Epilobium canum 'Catalina'	California Fuchsia	5 gal	7	3 to 4 ft.	4 to 5 ft.	Low
	Juncus patens 'Elk's Blue'	Elk's Blue Rush	1 gal	35	12 - 24 in	12 - 24 in	Low
	Succulents						
	Agave "Blue Flame"	Blue Flame Agave	15 gal	11	2 - 3 ft.	2 - 3 ft.	Low
	Agave americana	Century Plant	15 gal	19	4 - 8 ft.	6 - 12 ft.	Low
	Hesperaloe parviflora	Red Yucca	5 gal	116	3 - 4 ft	4 - 5 ft	Low
	Grasses						
	Muhlenbergia dubia	Pine Muhly	5 gal	1006	3 ft	3 ft.	Low
	Total			2027			
	Leymus triticoides		seed	1,987 SF			

Tree Requirement Calculations per Predevelopment Findings

1. Minimum quantity shall be determined by dividing length of property line along street frontage by 40 (including driveways).
Along Lockwood St. = 338 L.F.
trees required = 8
trees existing to remain = 1
trees proposed = 8

2. Peripheral landscaping shall include one tree for each forty (40) lineal feet of property line.

West Boundry = 592 L.F.
trees required = 15
trees proposed = 15

East Boundry = 500 L.F.
trees required = 13
trees existing to remain = 11
trees proposed = 2

North Boundry = 350 L.F.
trees required = 9
trees proposed = 9

Total # of trees required = 45
Total # of (E) trees to remain = 11
Total # of (P) trees required = 34
Total # of (P) trees provided = 38

4. All trees a MIN. of 24" box, and at least 2 of them needs to be 36" box.

5. All shrubs and vines shall be minimum 5 gal.

Total Landscape Area: 42,475 SF

(Including basin area: 13,470 SF,

landscape only area: 29,005 SF)

Planting Notes

Important note: All plant materials shall be set out as shown on plan. Final locations shall be approved by the Landscape Architect prior to planting.

1. Prior to starting work, Contractor shall take representative soil samples from the project site. Soil shall be analyzed by an approved commercial soil testing laboratory for suitability for ornamental planting. A copy of the results of the soil analysis shall be submitted to the Owner and Landscape Architect. Contractor shall follow the recommendations of the soils lab as to the application of fertilizer & amendments to provide a suitable medium for planting. The Contractor shall notify the Landscape Architect and Owner of any potential problems which may result due to harmful substances found in the soil. Failure to act as specified may result in the Contractor assuming financial responsibility for any damage to plants.

2. Contractor shall clear and grub all planting areas, removing all weed growth and construction debris, prior to installation of plant materials.

3. All plants are identified by typical symbols and quantities in each area. Plant quantities indicated on the plan are approximate and are provided for the convenience of the contractor. It shall be the responsibility of the contractor to confirm all plant quantities prior to bidding. In the event of discrepancies in plant count, quantities indicated by plant symbols shall prevail.

4. As noted above, all plant materials shall be set out as shown on plan by Contractor for approval by Landscape Architect. Landscape Architect shall inspect Contractor layout prior to actual plant installation. Landscape Architect shall be given 48 hours notice to inspect Contractor layout prior to final plant installation.

5. Contractor shall provide and install 3" of chocolate brown mulch in all planted areas unless otherwise noted. Mulch shall be spread evenly. Contractor to provide Landscape Architect with samples of mulch for approval prior to installation.

6. Linear Root Barriers shall be provided for all trees 5 'or closer to paving and curbs.

7. All (E) trees to remain unless otherwise noted.

Vicinity Map

NTS

Existing Notes

- A (P) 6' H. chainlink fence
- B (E) Pinus sp.
- C (E) California Fan Palm
- D (E) Camphor tree
- E (E) Japanese privet hedge
- F (E) Pinus sp. to be removed

Proposed Notes

1. (P) guardrail
2. (P) bioretention area per Civil
3. (P) curb and gutter
4. (P) guard rail per Civil
5. (P) decorative wall per Civil
6. (P) drainage rip rap
7. (P) 6' masonry wall per Civil
8. (P) 6' decorative fence per Civil

Existing Tree Protection & Removal Notes

All existing plant material to remain and be protected unless otherwise noted.

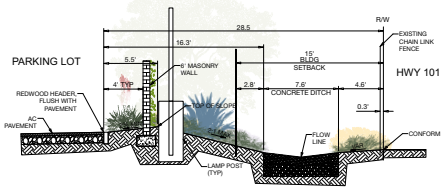
(E) tree symbol

(E) shrub

(E) palm

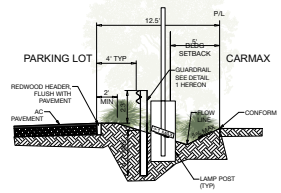
Abbreviations

APROX.	-	approximate
DG	-	decomposed granite
(E)	-	existing
EQ.	-	equal
H.	-	height
MAX.	-	maximum
MIN.	-	minimum
LF	-	linear foot
L.O.W.	-	limit of work
O.C.	-	on center
(P)	-	proposed
PA	-	planting area
R	-	radius
SF	-	square foot
SIM.	-	similar
TBD	-	to be determined
TYP.	-	typical
W/	-	with
GPM.	-	gallons per minute
DI	-	drain inlet

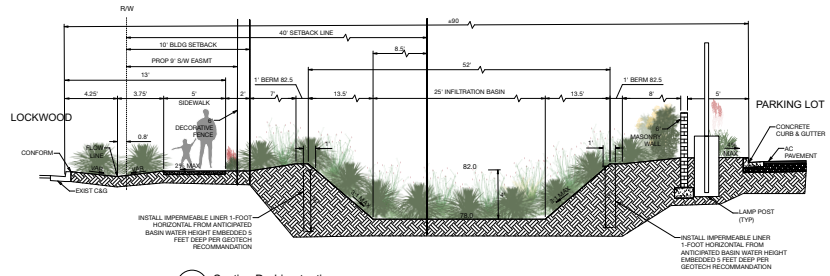


1 Section A - along 101 corridor
Scale: NTS

*please refer to civil plans for more detailed sections.



2 Section B - periphery planter
Scale: NTS



3 Section D - bioretention area
Scale: NTS

NO.	BY	REVISION

NO.	BY	REVISION

KIESEL - DESIGN
Kiesel Landscape Architecture Inc.
412 E Main Street, Ventura, CA 93001
(p) 805.641.0150
jack@kieseldesign.com
CLA 1289

PRELIMINARY LANDSCAPE PLAN
OF
CAR MAX PARKING LOT EXPANSION
FOR
CENTERPOINT INTEGRATED SOLUTION

OXNARD, CALIFORNIA

DATE	MAR 2023
SCALE	AS SHOWN
DESIGNER	JK
DRAWN BY	YZ
JOB NO.	A20633-1
SHEET	1 OF 1 SHEETS

COMMUNITY DEVELOPMENT DEPARTMENT
OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

OXNARD
CALIFORNIA

NOTICE OF EXEMPTION

Project Description: Carmax Expansion Project; Planning and Zoning Permit Nos. 22-550-02 (Major Modification to PZ 10-500-11 (Special Use Permit)) and 22-310-05 (Lot Line Adjustment (Merger)). The proposed project includes a development proposal to demolish an existing 38,854 square foot industrial building and related site improvements and construct a vehicle storage yard to stage vehicles sold by the CarMax automotive dealership. The 4.27-acre site consists of three lots that will be merged into one lot. Further, the applicant is requesting a Major Modification to demolish and redevelop the 4.27-acre property directly to the west of the existing Carmax property located at 1975 Lockwood Street. The property is presently developed with an existing building and paving and would be rebuilt as a non-public vehicle staging area, including new paving, curb and gutter, and stormwater controls including a small detention pond in the southeast corner of the site. Landscaping would be provided along the perimeter of the site, and the southern portion of the site fronting Lockwood Street would include a 6' tall masonry wall with landscaping. Access into the site would use the existing Western curb-cut from Lockwood Street. Cross Access connection between the two sites is proposed in the southeastern corner of the site. No new buildings are proposed. Filed by Hollee King Winegar, Sites Pacific Planning, 7584 Eisenhower Street, Ventura, CA 93003 (the "Applicant") on behalf of the Property Owner.

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

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

Supporting Reasons: In accordance with Section [15332], Class 32 of the State CEQA Guidelines, projects categorized as in-fill development may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA**).** This proposal includes the demolition of an existing 38,854 square foot industrial building and related site improvements, and proposes construction of a non-public vehicle staging area, including new paving, curb and gutter, and stormwater controls including a small detention pond in the southeast corner of the site. Landscaping would be provided along the perimeter of the site, and the southern portion of the site fronting Lockwood Street would include a 6' tall masonry wall with landscaping. The project includes the merger of 3 lots into one 4.27-acre site. The project site is surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species. Additionally, the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project will have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, and there is no requirement to prepare an environmental document.

_____ _____

(Date) Joe Pearson II, Planning & Environmental Services Manager

RESOLUTION NO. 2023 - XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 22-550-02 (SPECIAL USE PERMIT) AND PLANNING AND ZONING PERMIT NO 22-310-05 (LOT MERGER) TO DEMOLISH AN EXISTING 38,854 SQUARE FOOT BUILDING AND RELATED SITE IMPROVEMENTS AND CONSTRUCT A VEHICLE STORAGE YARD TO STAGE VEHICLES SOLD BY THE CARMAX AUTOMOTIVE DEALERSHIP AND TO ALLOW FOR A LOT MERGER OF THREE LOTS INTO ONE 4.27 ACRE LOT, LOCATED AT 1975 LOCKWOOD STREET (APN(S) 213-0-011-245, 213-0-011-285 and 213-0-011-310), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY HOLLEE KING WINEGAR, (APPLICANT) 7584 EISENHOWER STREET, VENTURA, CA, 93003.

WHEREAS, on April 14, 2022, Hollee King Winegar (the **"Applicant"** and/or **"Permittee"**) submitted a request for a Special Use Permit to demolish an existing 38,854 square foot building and related site improvements and construct a paved vehicle storage yard to stage vehicles sold by the CarMax automotive dealership. The lot merger proposes the merge of three lots into one 4.27 acre lot. The project is located in the General Commercial (C-2) Zone at 1975 Lockwood Street (APN(s): 213-0-011-245, 213-0-011-285 and 213-0-011-310); and

WHEREAS, on April 6, 2023, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, to consider the Applicant's request to approve Planning and Zoning Permit No. 22-550-02 (Special Use Permit) and 22-310-05 (Lot Merger) to allow for the demolition of an existing vacant building and construction of a paved vehicle staging area (the **"Project"**), in accordance with Section 16-536 of the Oxnard City Code (OCC); and

WHEREAS, Section 15-11 and 15-267 of the Oxnard City Code authorizes the Community Development Director to approve a Lot Line Adjustment (Merger); and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project meets the criteria set out in Sections 16-530 of the OCC; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the Planning Commission finds that the Project conforms to the City of Oxnard 2030 General Plan elements thereof and the Oxnard City Code for the reasons set forth in the Planning Commission Staff Report; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Class 32 Categorical Exemption (Section 15332). Further, the project does not trigger any of the Exceptions to the Exemptions (15300.2):

A. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the

project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site has a 2030 General Plan land use designation of Commercial General (C-2) and Business Research Park (BRP) and is in the General Commercial (C-2) zoning designation. The project is currently developed with an existing 38,854 square foot building and is surrounded by other commercial urban development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

B. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The existing development consists of a 38,854 square foot building. The proposed development would intensify the use and modify the operational characteristics of the existing development to allow the proposed vehicle staging area, but the project also includes site modifications which are intended to improve the site conditions including circulation and aesthetics. As such, the proposed Project is consistent with the 2030 General Plan and Oxnard City Code and is compatible with the physical scale and character of allowable development in the project area. Any projects requiring discretionary approval would be analyzed with the General Plan and the Oxnard City Code for consistency and CEQA for any potential impacts. Therefore, the project will have no significant cumulative impact.

C. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The existing development consists of a 38,854 square foot building. The proposed development would intensify the use and modify the operational characteristics of the existing development to allow the proposed vehicle staging area, but the project also includes site modifications which are intended to improve the site conditions including circulation and aesthetics. The proposed site improvements will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The Project will not alter the urban development (commercial) character of the surrounding development and the property does not contain any unusual environmental characteristics as the property will be surrounded on all sides by commercial development. Therefore, the Project will not have a significant effect on the environment due to unusual circumstances.

D. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to,

trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The Project is not located in or adjacent to a state designated scenic highway.

E. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

F. Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.; and

WHEREAS, the Planning Commission finds after due study and deliberation that the that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission finds:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

   As described in the Staff Report, the project site is in the General Commercial (C-2) zoning designation, which is consistent with the 2030 General Plan land use designation of Commercial General. The project is currently developed with an existing 38, 854 square foot building and is surrounded by other commercial urban development. The proposed development would intensify the existing use on the CarMax property and will provide for a vehicle staging area to support the existing CarMax vehicle dealership operations.

   As discussed in detail in the Planning Commission Staff Report Sections 6b, 6c, 6d,

6e, and 6f the Project, as designed and conditioned, meets all applicable development standards with the approval of the Special Use Permit under OCC 16-530(A), to allow for the use of the site as vehicle staging as an extension of the CarMax operation. The associated improvements

The associated site improvements do not change the land use of the subject site. The project site is not subject to a Specific Plan. Therefore, the proposed project is in compliance with the 2030 General Plan and other adopted policies of the City of Oxnard and meets this Finding.

2. **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 the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

   As described in the Staff Report, pursuant to the 2030 General Plan land use designation "Commercial General" and "Business Research Park" and the General Commercial (C-2) zoning district, the proposed use of the project site as a vehicle staging area is an allowed use, subject to a Special Use Permit. The surrounding uses are characterized by commercial uses, which are predominantly commercial centers, construction equipment yard, and industrial uses. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Additionally, the design of the Project and the included conditions of approval, will minimize the potential for impacts to adjacent roadways and properties. Therefore, the proposed use and improvements, as conditioned, will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. **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 (Conditions).**

   As described in the Staff Report, the project as designed and conditioned meets the development standards of the General Commercial (C-2) zone as described above in Finding Section 1(1). The Project will result in an overall increase in landscaping, for a total of 42,475 square feet. The project proposes a minimum 30-foot landscaped buffer area between the subject property and the 101 freeway, which includes groundcovers, trees, succulents, and a decorative wall with vines. A majority of the new landscaping will be installed along Lockwood Street and along the 101 Freeway, which is a designated scenic corridor which requires a landscaped buffer of at least 30 feet. This new landscaping will bring the project site into compliance with the General Plan's 30-foot-wide landscape buffer standard. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards.

4. **The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

The Project site is and will be accessed from Lockwood Road via the existing driveways and internal connections.The Project is consistent with the development anticipated under the City's General Plan and build out of the street network. Therefore, the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service.

5. **The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

   The existing development on the site is a vacant industrial building and will be demolished and replaced with a paved vehicle staging area. The proposed Project improvements have been found to be consistent with anticipated development for this site. Furthermore, the Project will be served by existing City of Oxnard water and sewer mains and adequate Fire Protection will be provided as determined by the Development Advisory Committee. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit. The Project is consistent with the level of development identified under the General Plan and Oxnard City Code, and therefore are within the anticipated level of development. The project is not anticipated to result in any significant impacts to utilities and public services. Therefore, the site for the proposed use will be provided with adequate sewage, water, fire protection and storm drainage facilities.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to CEQA Guidelines §15332 (Class 32) of the State CEQA Guidelines. This proposal includes the demolition of an existing 38,854 square foot industrial building and related site improvements, and proposes construction of a non-public vehicle staging area, including new paving, curb and gutter, and stormwater controls including a small detention pond in the southeast corner of the site. Landscaping would be provided along the perimeter of the site, and the southern portion of the site fronting Lockwood Street would include a 6' tall masonry wall with landscaping. The project includes the merger of 3 lots into one 4.27-acre site. The project site is surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species. Additionally, the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The Planning Commission has determined that there is no substantial evidence that the project will have a significant effect on the environment and no Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. The Planning & Environmental Services Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments thereto, the Planning Commission hereby approves Planning and Zoning Permit No. 22-550-02 (Major Modification to PZ 10-500-11 (Special Use Permit)) and 22-310-05 (Lot Merger), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the

action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

CONDITIONS OF APPROVAL

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic
PD	Police	B	Building Plan Checker
SC	Source Control	FD	Fire
PK	Landscape Design	CE	Code Enforcement

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated April 6, 2023, ("the plans") on file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items (PL, *G-2*).

3. This permit shall automatically become null and void 36 months from the date of its issuance, unless the Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements (PL, *G-3*).

4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows the Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)

5. By commencing any activity related to the Project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein (CA, *G-5*).

6. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process (CA, *G-6*).

7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the Project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail (CA, *G-7*).

8. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager (PL, *G-8*).

9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9).

10. Before placing or constructing any signs on the Project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the Project property (PL/B, *G-10*).

11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)

12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)

13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)

14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

LANDSCAPE STANDARD CONDITIONS

16. Prior to submittal of landscape and irrigation plans, Developer shall obtain approval of the Planning Manager or designee of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, PK-1)

17. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, PK-2)

18. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)

19. Developer shall properly maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so may result in the revocation of this permit and initiation of legal proceedings against Developer to ensue compliance (PK, PK-4)

20. Prior to the issuance of City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)

21. All trees planted or placed on the property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)

22. At the time of landscape plan check submittal, the landscape planting and irrigation plans shall comply with the current title 23 Model Water Efficient Landscape Ordinance (MWELO). (PK, PK-7.1)

23. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

24. At time of submittal to the Building and Engineering Division for plan check, Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK, PK-23)

25. Developer shall include a note on the Landscape Plans submitted to the Building and Engineering Division for a building permit that "all landscaping and irrigation comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards, and applicable water conservation requirements of the State of California". (PK, PK-24)

26. At the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart shall contain a listing of all existing trees on site and shall refer to them by number as identified in the Arborist's Tree Report. The Tree Tabulation Chart shall clearly list all trees to remain, be removed or transplanted. The Chart shall contain the Arborist's economic appraisal value of each tree(s) removed as well as computations and calculations showing how the value of the removed tree(s) was put back into new tree sizes for the project that are in addition to meeting the City's minimum tree size of 24" box. (PK)

PLANNING DIVISION SPECIAL CONDITIONS

27. Developer shall remove any and all graffiti from the project premises within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch.

28. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval of the Planning Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)

29. The Project approval for PZ 22-550-02 is not in effect until such time as implementation of the Lot Line Adjustment (Merger). Prior to building permit issuance, the applicant and property owner shall complete final recordation of a Lot Line Adjustment (Merger) and copies of the associated recorded documents and deed are filed with the Planning Division. This Lot Line Adjustment (Merger) filed with Planning and Zoning Permit No. 22-310-05, Lot Line Adjustment (Merger), is approved in concept by the Community Development Director. (PL)

30. Developer shall repair and/or replace any existing broken or damaged sidewalk, curb gutter or asphalt paving adjacent to property due to the construction of the Project, as directed by the City Inspector. (DS)

PLANNING DIVISION STANDARD CONDITIONS

31. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

32. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development Director in all sets of construction documents and specifications for the project. (PL, *PL-3*)

33. Before the City issues building permits, Developer shall provide to the Planning Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Community Development Director. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

34. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code

for the modified use. (PL, *PL-7*)

35. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)

36. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.

37. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, PL-8)

38. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, PL-9)

39. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16).

40. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications.

41. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.

42. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities.

43. During construction, Developer shall control dust by the following activities:

    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code §23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.

44. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less.

45. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite.

46. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust), and Rule 55.1 (Removal of Visible Roadway Accumulations).

47. Prior to issuance of demolition permits for any structure on the site, Developer shall provide evidence of notifying the Air Pollution Control District of such demolition. Demolition and/or renovation activities shall be conducted in compliance with APDC regularities regarding Asbestos (Rule 63.7).

48. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance.

49. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

50. Developer shall contract with a qualified archaeologist to conduct a Phase I cultural resources survey of the project site prior to issuance of any grading permits. The survey shall include: (1) an archaeological and historical records search through the California Historical Resources Information System at CalState Fullerton; and (2) a field inspection of the project site. Upon completion, the Phase I survey report shall be submitted to the Planning Division for compliance verification. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to initiation of the Phase I activities.

    The contract shall include provisions in case any cultural resources are discovered onsite. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. The archaeologist shall evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any future mitigation resulting from the survey.

51. Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The monitor shall provide a [monthly, weekly, daily—Pick as appropriate for the size of the project] report to the Planning Division summarizing the activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature.

POLICE DEPARTMENT STANDARD CONDITIONS

52. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline
    a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
    b. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
        i. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
        ii. Luminaires with a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to on 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
    c. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one food-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

53. Graffiti shall be removed within 48-hours of application. (PD)

54. Police recommends graffiti/etching-resistant film application on accessible window panes. (PD)

55. Exterior security lighting shall be on photocells and shall be on from dusk to dawn. Exterior lighting of the site including parking areas shall be between 1 and 7 foot candles and shall be in harmony with existing adjacent lighting scheme. (PD)

56. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature). (PD)

57. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians. (PD)

58. Outdoor lighting instruments shall not be placed in close proximity of parking lot trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity. (PD)

59. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above walking/driving surface. This plan shall be submitted and approved prior to the issuance of building permits. (PD)

60. Landscape elements shall be arranged to provide clear lines of sight and eliminate potential places of concealment. (PD)

61. Trees shall not be located where they would conflict with lighting instruments. Appropriate proximity is based on a tree's canopy size at twenty-year maturity. (PD)

62. Creeping fig or similar climbing vine shall be used to dissuade the application of graffiti on CMU walls. This specifically includes trash enclosures, where adjacent to landscaped planters. (PD)

63. A security camera system is required to be installed, operated and maintained and shall meet or exceed these minimum standards:
    a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are expected for infra-red lighting.
    b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
    c. Cameras shall have low light capture ability to identify persons conducting transactions or entering the business.
    d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
    e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
    f. Video system shall operate 24-hours a day.
    g. Recorded images shall bear a date and time stamp that cannot be altered.
    h. Prior to the installation of a security camera system applicant shall submit a plan showing location of cameras and the scope of their capture area. The plan shall include a list of components.
    i. Camera installations intended to capture images of faces are best located so they target doorways and choke-points for foot traffic.
    j. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
    k. Cameras shall be installed to capture head and shoulder images of persons entering any entrance to the building. Such cameras shall be mounted no higher than 7-feet above the floor in order to capture quality images of faces.
    l. The security camera system shall be maintained in good working order.
    m. Images from the security camera system shall be made available to any member of

the Oxnard Police Department pursuant to a police investigation or inspection of the operability of the camera system. Requested images shall be delivered in a timely manner.

n. Questions concerning security camera requirements can be sent to specialprojects@oxnardpd.org

ENVIRONMENTAL RESOURCES DIVISION

64. A Construction and Demolition Waste Management Plan (ERDC-1) must be submitted to the Environmental Resources Division for review and approval prior to issuance of a building permit establishing a goal that at least 65% of the waste generated on the project will be diverted from the landfill.

65. After completion of construction and prior to a certificate of occupancy being issued, a Construction and Demolition Waste Management Report (ERDC-2) must be submitted that demonstrates that at least 65% of the waste generated on the project has been diverted from the landfill. This Report must also include legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities.

66. An Occupancy Plan must be submitted to the Environmental Resources Division prior to issuance of a certificate of occupancy. The Plan must clearly state how all three waste streams will comply with all applicable state laws, including AB 939, AB 341, AB 1826, and SB 1383, and any subsequent legislation adopted in the future, will be managed on site in perpetuity.

67. Any/all organic waste that is generated must be diverted from landfill disposal, as material of this type is not allowed in a trash dumpster. If landscaping is performed by an entity other than the City of Oxnard (i.e. self-haul or third party private hauler), the landscape service providers must be informed, in writing, of this condition and the property management must complete and submit an Alternative Services Certification annually.

68. Any new or renovated waste enclosures must be sized so that they can accommodate all three waste streams and meet minimum safety and operational requirements, including vehicle path of travel, employee access, and prevention of illegal dumping and/or vandalism. Use the City's approved Standard Plates, but modify dimensions accordingly.

69. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling. Regardless of hauling methods, all materials collected must be conveyed to the Del Norte Regional Recycling and Transfer Station.

70. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

71. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

72. Developer shall have the site improvement plans prepared using standard DevelopmentServices Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Building and Engineering Division. (DS-3)

73. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)

74. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)

75. Before connecting the project to existing sewer and water service laterals, Developer shall inspect (pothole or video) existing lateral(s) and arrange for City staff to view inspection results. Developer shall make repairs to such facilities as determined necessary by City staff. Developer shall bring all existing water services into compliance with current City standards including removal of unused water or sewer laterals by disconnection at the main. (DS-7)

76. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)

77. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)

78. Prior to issuance of a site improvement permit, Developer shall provide to the Building and Engineering Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

79. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If the Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the City Engineer issue a stop work order until such time as the graffiti is removed. (DS-20)

80. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

81. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

82. Developer shall be responsible for all project-related actions of Developer's employees,contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

83. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

84. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)

85. Developer shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)

86. All grading shall conform to City's standard grading notes, City Code, and recommendations of Developer's soils engineer as approved by the City Engineer. (DS-30)

87. Developer shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum 18- inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)

88. Developer shall design project grading to convey stormwater to a street, alley, or approved drain so that there are no undrained depressions. (DS-35)

89. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

90. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)

91. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

92. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)

93. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

94. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15-feet from the face of the enclosure. (DS-69)

95. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

96. Developer shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 including all revisions) for new development and redevelopment projects. Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). (DS-78)

97. Developer shall construct the trash enclosure with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall provide a traffic rated drainage inlet within the enclosure to catch all enclosure wash water. This drain shall connect to the sanitary sewer system via a grease interceptor by a gravity system. If a gravity system is proven infeasible by the Developer and approved by the City Engineer, the connection may be waived provided that spill control design measures are incorporated. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Building and Engineering Division. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-80)

98. Developer's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site specific soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated

infiltration devices. Project plans shall implement approved design recommendations. (DS-81)

99. Using forms provided by the Building and Engineering Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the City Engineer approves the Plan and Developer provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

100. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning; 2) Requirement to maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system; 3) Requirement to label all on-site storm drain inlets and catch basins with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)

101. Developer shall provide pre-treatment for all infiltration based stormwater quality Best Management Practices ("BMPs".) Pre-treatment devices must effectively reduce sediment load entering infiltration BMPs to minimize occlusion of underlying soils and reduce long term maintenance requirements and thereby maintain the infiltration capacity of the BMP. 2011 TGM compliant pre-treatment such as vegetated swales are an approved form of pre-treatment. Proprietary pre-treatment devices must be capable of removing 80% of 50 micron particles to be considered adequate pre-treatment. Typical catch basin inserts do not provide the sufficient sediment storage to provide pre-treatment. (DS-85)

102. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall prepare a Local Stormwater Pollution Prevention Plan ("Local SWPPP".) The Local SWPPP shall be developed and implemented in accordance with requirements of the Ventura Countywide MS4 Permit. The Local SWPPP shall be approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the Local SWPPP updated to reflect current site conditions and a copy of the Local SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-87)

103. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments

and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)

DEVELOPMENT DIVISION SPECIAL CONDITIONS

106. If any water wells are located onsite, the Developer shall abandon all onsite water wells per state and local laws and regulations. Any water rights shall be relinquished and assigned to the City of Oxnard. (DS)

107. Developer shall provide at least one Americans with Disabilities Act (ADA) compliant pedestrian path to the project's designated parking area from the public sidewalk. (DS)

108. Developer shall construct a 5-foot minimum width sidewalk per City Standard Plates with a parkway along Lockwood Street. The configuration shall match the existing improvements to the east of the project. (DS)

109. A 24-inch landing shall be provided from the public sidewealk's back-of-walk to the top of the stormwater basin slopes. (DS)

110. Developer shall construct a fencing perimeter around all basins where ponding exceeds 18-inches in height. (DS)

111. Developer shall provide a soils report that includes infiltration testing along with the substantiating data for the tests. (DS)

112. Developer shall not locate any existing or new water mains or laterals in the footprint of the stormwater basins. (DS)

113. Developer shall abandon all existing sewer and water laterals to the site that aren't proposed for use by the project. Abandonment shall occur at the service main. (DS)

114. Prior to issuance of a grading permit the Developer shall provide an executed modification of the Restrictions Covenants and Yard Agreement (record number 95-085452) to be in conformance with the project. (DS)

115. All onsite City water mains and Fire Hydrant systems shall be looped backed to the City water main located in the public right-of-way. (DS)

116. Developer shall process and record a lot merger prior to issuance of a grading permit. (DS)

117. All unused easements located in the project site shall be vacated prior to recordation of the lot merger. (DS)

118. Developer shall dedicate a sidewalk easement from the existing right-of-way to the back-of-walk. (DS)

119. Developer shall settle all outstanding parcels liens prior to merging the parcel. (DS)

120. Developer shall provide a 15-ft easement for the onsite City water main fire hydrant(s). Except for flatwork, no other facilities are permitted to be inside the water easement. (DS)

121. All existing, proposed, and proposed vacated easements within and around the project site shall be shown on the civil improvement plans. (DS)

122. Developer shall design the site and stormwater basin system to be hydraulically sufficient to manage a 100-year storm event. During a 100-year storm event, the overflow shall not be directed onto neighboring parcels. (DS)

123. The project shall convey drainage flows from the northern end of the site, between the parking lot and the 101 freeway, to the storm basins at the southern end of the parcel. The drainage report shall include calculations demonstrating the capacity of swales or structures to convey the water flows from a 100-year storm event to the onsite stormwater basins. (DS)

124. Stormwater runoff from this project site shall be limited to a post-development discharge of 1 CFS/acre for all events up to a 100-year event and onsite detention shall be provided in conformance with the "Agreement for Storm Water Retention within Rice Road Drain Watershed". The analysis for the detention and stormwater discharge shall account for the entire project site, including the adjacent street frontages to the street centerline. The detention basin(s) shall be designed in accordance with Public Works standards and policies. Developer shall include a hydrograph exported from VCRAT software or Excel for use in the detention system sizing. (DS)

125. Developer's Geotechnical Engineer shall perform percolation tests on the exposed bottom of all infiltration chambers immediately prior to facility construction and provide the City with an opinion that the exposed soil layer is suitable for the proposed infiltration facility based on the review of the existing geotechnical reports, percolation tests, infiltration facility design, and characteristics of the exposed soil layer. This requirement shall be clearly noted on the improvement plans. The report shall be reviewed and approved by the Project Civil Engineer. (DS)

126. Provide calculations in drainage report to demonstrate that detained water volumes in the detention basin shall be infiltrated or released within 24 hrs or less. Retained water volumes in the retention basin and forebay shall be infiltrated in 72 hrs or less. (DS)

127. Developer shall provide an executed city standard Declaration of Restrictive Covenant for Detention Basin Perpetual Maintenance by the property owner prior to grading/site improvement permit issuance. (DS)

128. The Developer shall provide an onsite safe Americans with Disabilities Act (ADA) pedestrian route for employees between the two lots; plot and label the circulation path on the plans. (TR)

129. Developer shall provide a safe and uninterrupted ADA pedestrian path along the frontage of the site. This shall include truncated domes on the new and existing ADA ramps.(TR)

130. Developer shall provide a standard type crosswalk connecting the new proposed ramp at the new north easterly ramp of Lockwood Street and Williams Drive and the existing ramp at the south easterly ramp. (TR)

131. Developer shall prepare and provide a set of plans with all the proposed and existing pavement markings and signs. (TR)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

132. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

133. Developer's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material. Developer shall indicate the proposed structural section and design T.I. on the site improvement plans. (DS-2)

134. Developer shall have the site improvement plans prepared using standard Development Services Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Development Services Division (DS-3)

135. Developer shall submit improvement plans and drainage calculations demonstrating that storm drain runoff from the project property and all upstream areas will be safely conveyed to an approved drainage facility.The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)

136. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)

137. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)

138. Developer shall provide fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards and shown on the civil site improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over onsite waterlines using standard City format. (DS-11)

139. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)

140. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)

141. Prior to issuance of a site improvement permit, Developer shall provide to the development Services Division a a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

142. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)

143. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If the Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)

144. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

145. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

146. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

147. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or and other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

148. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)

149. Developer shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)

150. All grading shall conform to City's standard grading notes, City Code, and recommendations of Developer's soils engineer as approved by the City Engineer. (DS-30)

151. Developer shall construct sufficient drainage facilities concurrent with rough grading operations to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way. (DS-31)

152. Developer shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum18- inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)

153. Storm drain, sewer and water facilities shall confirm to applicable City Master Plans.Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)

154. Developer shall design project grading to convey stormwater to a street, alley, or approved drain so that there are no undrained depressions. (DS-35)

155. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

156. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)

157. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

158. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Developer shall obtain permits from the City Engineer prior to performing tests. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)

159. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. (DS-54)

160. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)

161. As a part of the site improvement plans, Developer shall submit a master utility plan that shows the relative location of all public and private utilities (including gas, electric, street lights, telephone and cable television lines) in accordance with City standard plans (DS-61)

162. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

163. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

164. Prior to issuance of a building permit, all traffic signal, pavement marking and sign plans shall be prepared by a registered California traffic engineer and approved by the City Engineer prior to issuance of a grading, site improvement or a building permit. (TR-74)

165. Prior to issuance of an encroachment permit, Developer's shall obtain City's approval of a contractor qualified to install traffic signals, pavement markings and signs. (TR-76)

STORMWATER QUALITY CONDITIONS

166. Developer shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water QualityControl Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 including all revisions) for new development and redevelopment projects Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). (DS-78)

167. Developer's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site-specific soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Project plans shall implement approved design recommendations. (DS-81)

168. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract

with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Plan and Developer provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

169. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning; 2) Requirement to maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system; 3) Requirement to label all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)

170. Developer's engineer shall submit written confirmation that the project landscape drawings comply with the landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures for all landscape-based stormwater quality best management practices. (DS-84)

171. Developer shall provide pre-treatment for all infiltration-based stormwater quality Best Management Practices ("BMPs".) Pre-treatment devices must effectively reduce sediment load entering infiltration BMPs to minimize occlusion of underlying soils and reduce long term maintenance requirements and thereby maintain the infiltration capacity of the BMP. 2011 TGM compliant pre-treatment such as vegetated swales are an approved form of pre-treatment. Proprietary pre-treatment devices must be capable of removing 80% of 50-micron particles to be considered adequate pre-treatment. Typical catch basin inserts do not provide the sufficient sediment storage to provide pre-treatment. (DS-85)

172. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)

173. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall prepare a Local Stormwater Pollution Prevention Plan ("Local SWPPP".) The Local SWPPP shall be developed and implemented in accordance with requirements of the Ventura Countywide MS4 Permit. The Local SWPPP shall be approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the Local SWPPP updated to reflect

current site conditions and a copy of the Local SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-87)

174. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)

175. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot paving material to clearly identify pedestrian areas. (DS-101)

176. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)

TRAFFIC DIVISION SPECIAL CONDITIONS

177. Provide a safe ADA pedestrian route for employees between the two lots, plot and label the circulation path on the plans.

178. Provide a safe and uninterrupted ADA pedestrian path along the frontage of the site. This shall include truncated domes on the NEW and EXISTING ADA ramps.

179. Prepare and provide a set of plans with all the proposed and existing pavement markings and signs.

FIRE DEPARTMENT STANDARD CONDITIONS

180. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide, exclusive of shoulders. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)

181. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)

182. At all times during construction, Developer shall maintain surfaces capable of handling loads of 76,000 pounds which will provide access for firefighting apparatus to all parts of the project property. (FD/DS, *F-7*)

183. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)

184. Developer shall install security devices and measures, including walkway and vehicle control gates, entrance telephones, intercoms and similar features, subject to approval of the Police Chief and the Fire Chief. Vehicle control gates shall be operable by City approved radio equipment. (FD/PD, *F-9*)

185. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, *F-11*)

FIRE DEPARTMENT SPECIAL CONDITIONS

186. Areas designated by the Fire Marshal as Fire Lanes shall be identified by signage per the California Department of Motor Vehicles.

187. Fire hydrants shall be operational and accessible at all times. No parking, storage or staging of equipment/supplies shall be located within 15 feet on either side of fire hydrants. Prior to final inspection, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire Department standards.

188. Before the city issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department.

189. Vegetation clearance shall be maintained at all times.

190. A minimum 20-foot clear width and 13-foot, 6-0inch (13’ 6”) clear height emergency access lane shall be maintained free of obstructions at all times within the project site once construction starts.

191. An on-site Life safety Inspection shall be conducted to approve final configuration of the site.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of April, 2023.

_____

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 6th day of April, 2023, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____

Joe Pearson II, Secretary

CarMax Expansion Project

Planning & Zoning Permit Nos.

- 22-550-02 (Major Modification to PZ 10-500-11 (Special Use Permit))
- 22-310-05 (Lot Line Adjustment (Merger))

Applicant: Hollee King Winegar, Site Specific Planning

Brenna Wengert, AICP, Contract Planner

Planning Commission
April 06, 2023

CITY OF OXNARD CALIFORNIA

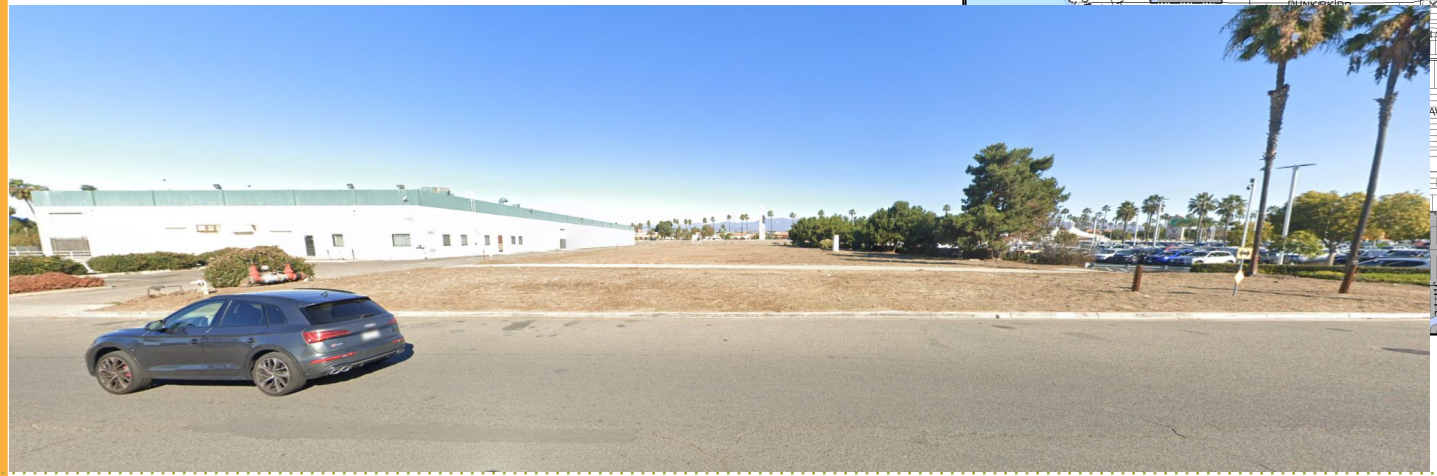
Project Description

- A request for the following actions:
  - PZ 22-550-02 - Major Modification to PZ 10-500-11 (Special Use Permit)
    - Demolish the existing approximately 38,854 square foot building
    - Build non-public vehicle staging area
    - Landscaping and infrastructure improvements
    - 4.27-acre project site.
  - PZ 22-310-05 - Lot Line Adjustment (Lot Merger)
    - 3 properties to be merged into one 4.27 acre parcel

Project Location

Subject Site: 1975 Lockwood Street

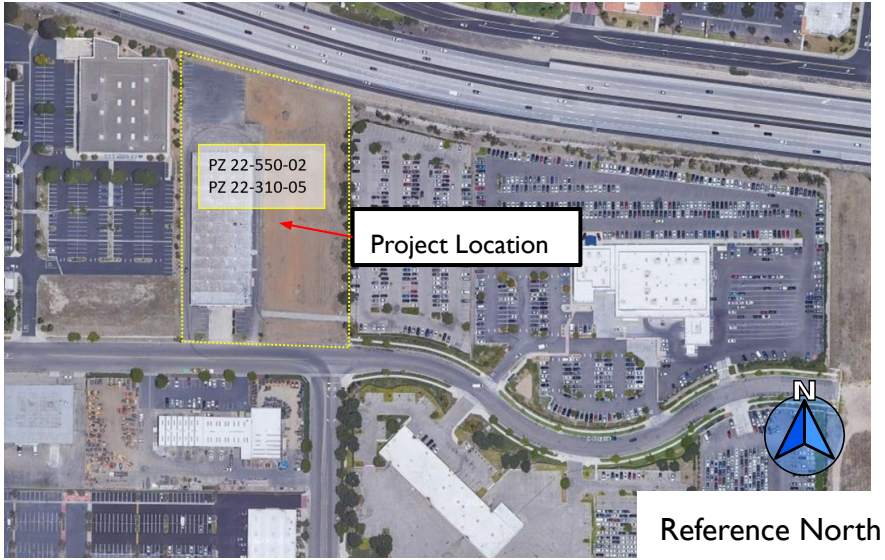
Existing Car Dealership



Project Location

Project Location

Aerial-View



LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	General Commercial (C-2)	Commercial General (CG) and Business Research Park (BRP)	Vacant Industrial Building
North	Rose Santa Clara Specific Plan	Commercial Regional (CR)	Shopping center and US-101
South	General Commercial (C-2)	Commercial General (CG)	Construction equipment and wood yard.
East	Business Research Park (BRP)	Business Research Park (BRP)	Used automotive dealership
West	General Commercial (C-2)	Commercial General (CG)	Multi-tenant shopping center.

Background - Existing CarMax facility

- On August 11, 2011, the Planning Commission approved Special Use Permit No. 10-500-22 to allow the redevelopment of an automotive dealership at 2001 Lockwood Street.

- The current building accommodates 8,269 square feet of sales area, 31,173 square feet of vehicle service area, 1,135 square foot presentation room, and a 930 square foot car wash.

- The SUP request also allowed for a 2.89 acre parcel located at APN 213-0-013-430 to be improved as a vehicle staging area for use by the automobile dealership.

Background - Existing Center

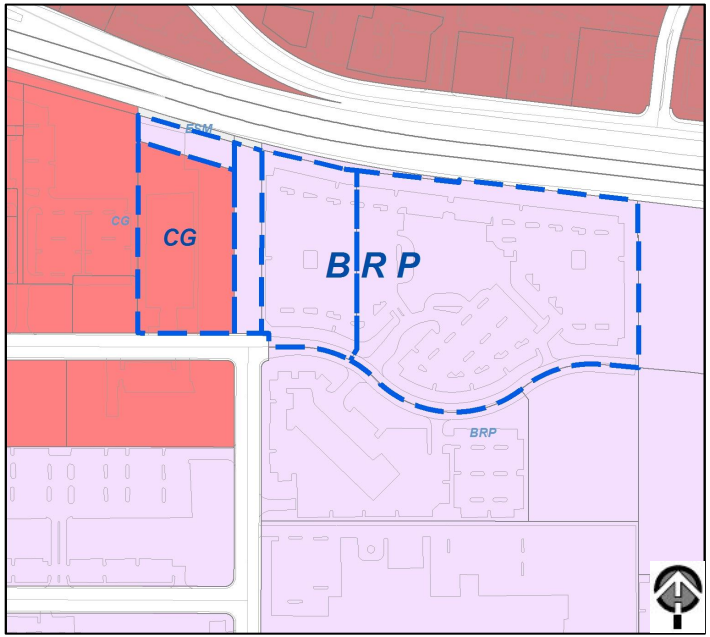
- On September 16, 2016 Minor Modification No. 15-140-39 was approved by the Planning Manager for the expansion of the CarMax automotive dealership as a sales lot area.

- On June 1, 2020, Minor Modification No. 19-140-26 was approved by the Planning Manager for the construction of a 1,452 square foot building for a vehicle photography booth and attached canopy.

- On May 26, 2021, Minor Modification No. 20-140-26 was approved by the Planning Manager for Parking Lot Improvements and Mid-block Crosswalk Installation was approved.

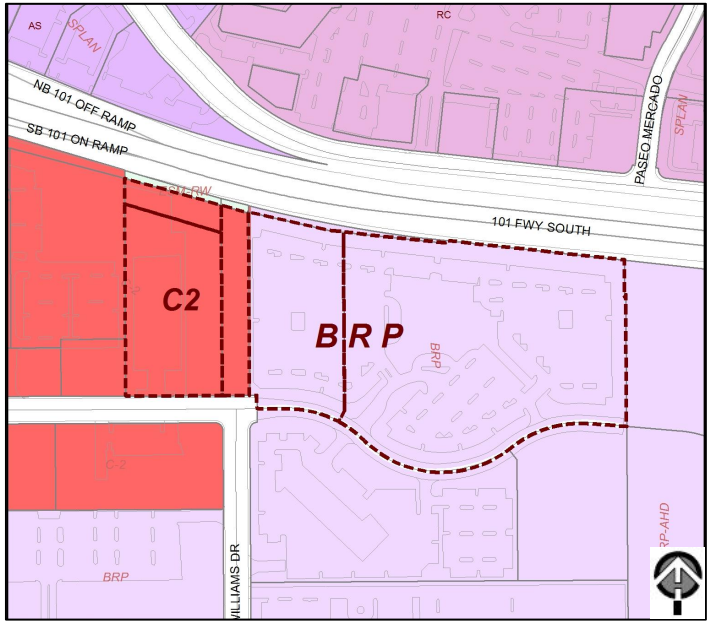
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG), Business and Research Park (BRP)

Zoning Designation

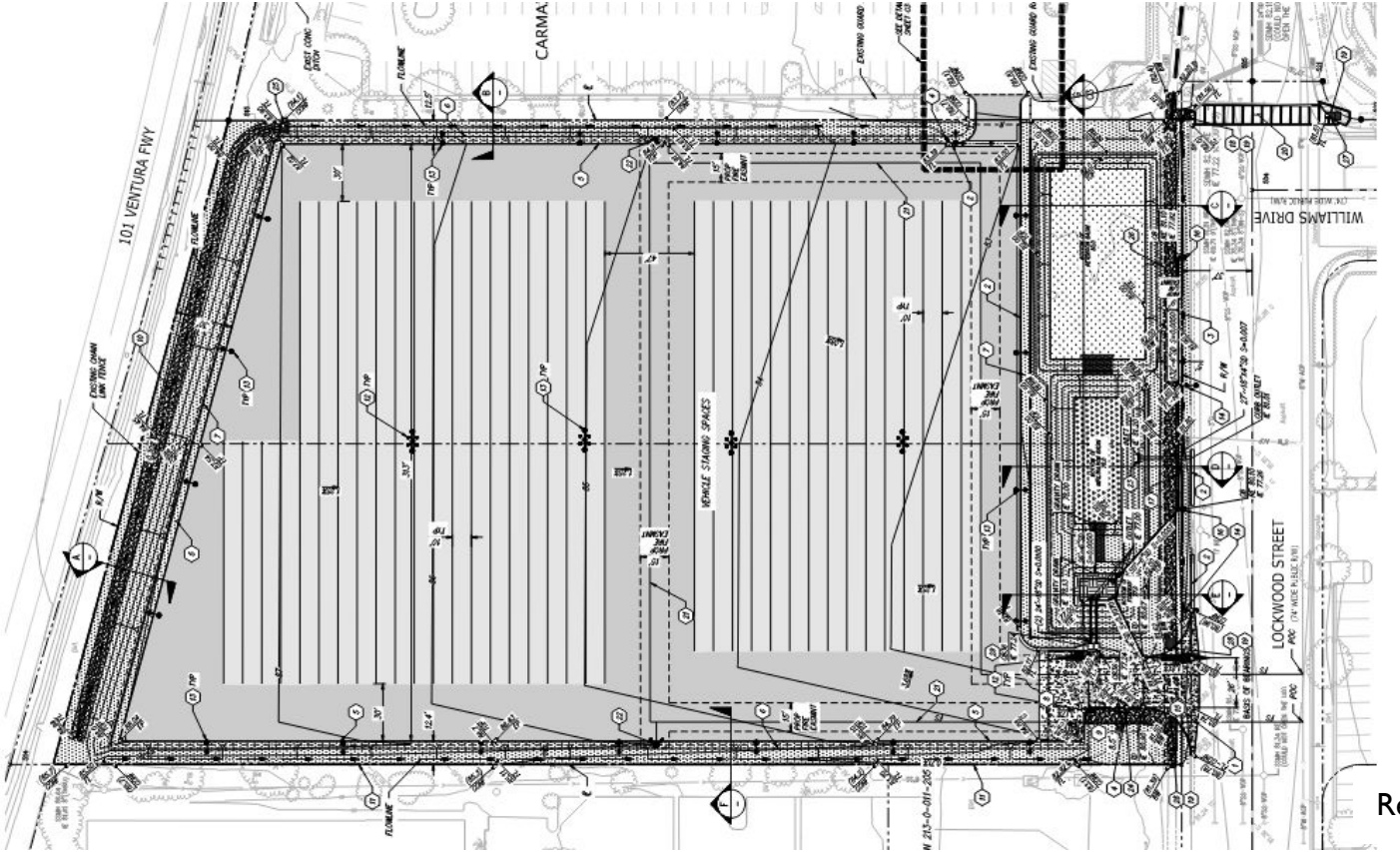


General commercial (C-2), Business and research park (BRP)

Zoning Code Compliance

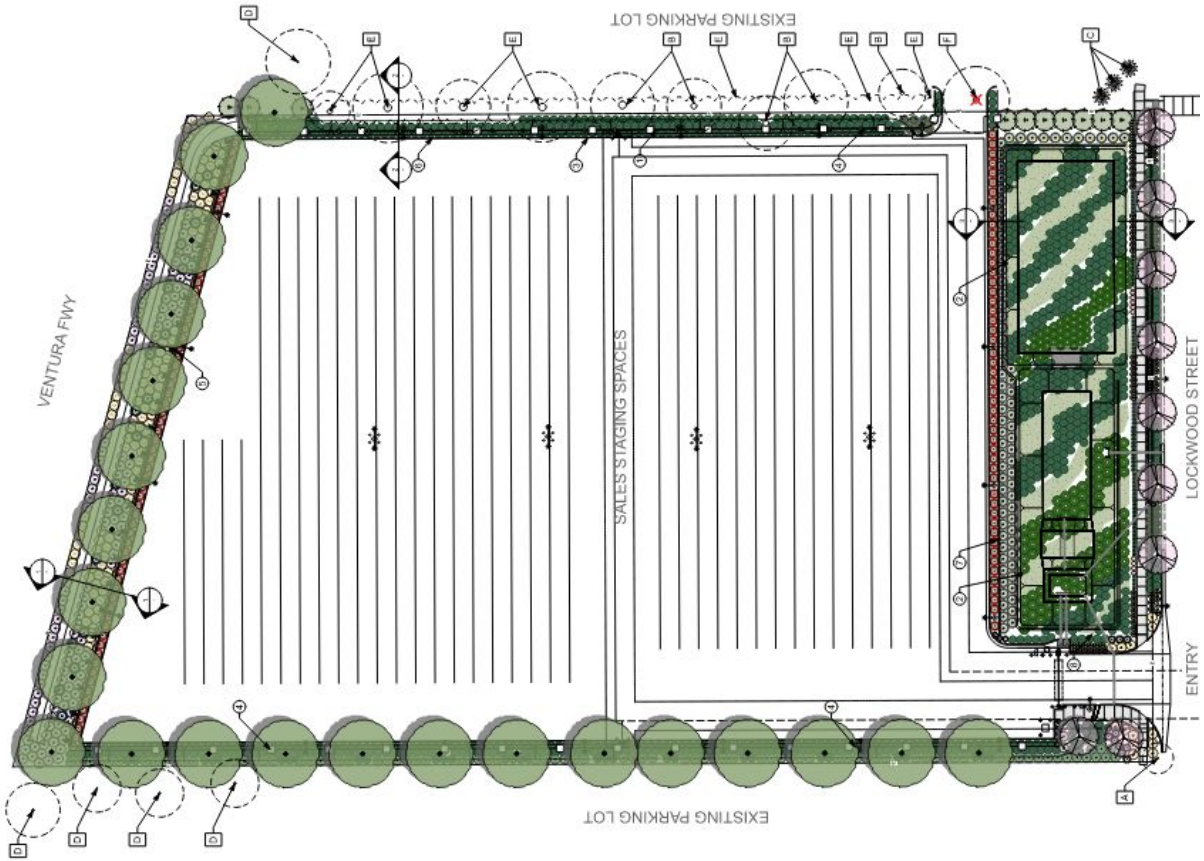
DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Maximum Building Height §16-137	2 stories or 35 feet.	No building proposed, N/A	YES
Front yard setback §16-139	10 feet	82’7”	YES
Side yard setback §16-140 (C-2)	5 feet.	11’3 ¾”	YES
Rear yard setback §16-141 (C-2)	Commercial: 15 feet if greater than 16 feet in height	30’	YES
Parking Standards §16-622	General Commercial Use: 1 space for every 250 square feet of gross floor area	The lot is proposed to be a vehicle staging area, and no buildings or gross floor area is proposed.	YES
Trash enclosures & transformers	Double wide parallel refuse containers	Existing trash enclosures along the rear of the building, no change proposed.	YES
Rooftop equipment	May not protrude above the height of the parapet.	N/A	YES
Lighting 16-320	Comply with Section 16-320 of the City Code.	On-site lighting meets the code.	YES
Maximum Building Height §16-137	2 stories or 35 feet.	No building proposed, N/A	YES

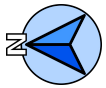
Proposed Site Plan (Vehicle Staging Area)



Reference North

Proposed Landscape Plan





Reference North

General Plan Consistency

- The development of the proposed Project furthers many of the policies identified in the 2030 General Plan, as identified in the staff report. Some of the key policies are:
  - Community Development Policy 1.2 - Infill Development
  - Community Development Policy 4.1 - Mitigate Land Use Conflicts
  - Community Development Policy 14.1 & 14.2 - DAC Process
  - Community Development Policy 17.6 - Business Expansion

Environmental Review

- In accordance with Section 15332, Class 32 of the State CEQA Guidelines, projects categorized as infill development may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA**).**

- This proposal includes:
  - The demolition of an existing 38,854 square foot industrial building and related site improvements, and proposes construction of a non-public vehicle staging area, including new paving, curb and gutter, and stormwater controls including a small detention pond in the southeast corner of the site.
  - Landscaping would be provided along the perimeter of the site, and the southern portion of the site fronting Lockwood Street would include a 6’ tall masonry wall with landscaping.
  - The merger of 3 lots into one 4.27-acre site.

- No substantial evidence the project will have a significant effect on environment.

- A Notice of Exemption will be filed.

Public Notice

- Notice of PC hearing was provided:
  - Newspaper,
  - On-site posting; and
  - Mailed to property owners within 300 feet.

- To date, no public comment has been submitted in support or in opposition of the project.

Select Recommended Conditions of Approval (22-550-02 & 22-310-05)

- The Project approval for PZ 22-550-02 is not in effect until such time as implementation of the Lot Line Adjustment (Merger). Prior to building permit issuance, the applicant and property owner shall complete final recordation of a Lot Line Adjustment (Merger) and copies of the associated recorded documents and deed are filed with the Planning Division. This Lot Line Adjustment (Merger) filed with Planning and Zoning Permit No. 22-310-05, Lot Line Adjustment (Merger), is approved in concept by the Community Development Director. (PL)

- This permit shall automatically become null and void 36 months from the date of its issuance, unless the Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements (PL, *G-3*).

Staff Recommendation

Recommendation: That the Planning Commission:

a) Find the Projects to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (Infill Development); and

b) Adopt Resolution 2023-XX approving Planning and Zoning Permit No. 22-550-02 (Major Modification to PZ 10-500-11 (Special Use Permit)) and 22-310-05 (Lot Line Adjustment (Merger)), subject to certain findings and conditions.

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PLANNING COMMISSION

STAFF REPORT

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Planning & Sustainability Manager

Heather Davis, Contract Planner

DATE: April 6, 2023

SUBJECT: **Implementation of Program 10 of the City's Adopted Amended Housing Element - Update to the City's Inclusionary Housing Ordinance:** Planning & Zoning (PZ) Permit No. 23-580-01.

1) **Recommendation:** That the Planning Commission ("Commission"):
   a) Open the public hearing and receive public testimony;
   b) Review and provide comment on the proposed amendments to Chapter 16 of the Oxnard City Code (OCC) to codify the updated Inclusionary Housing Ordinance; and
   c) Adopt Resolution 2023-XX recommending that the City Council repeal Ordinance Nos. 2506, 2545, 2615, 2688, 2721 and 2980 and approve zoning text amendments to Chapter 16 of the OCC to require affordable housing in future residential development applications of a specific size (see Attachment 1).

2) **Project Description and Applicant: Update of the City's Inclusionary Housing Ordinance:** The project implements the City of Oxnard certified and Adopted Amended 2021-2029 Housing Element, Program 10 that calls for an update to and codification of the City's Inclusionary Housing Ordinance. Filed by the City of Oxnard Long Range Planning & Sustainability Division and the Housing Department - 214 South C Street, Oxnard, CA 93030.

3) **Existing & Surrounding Land Uses**: The proposed ordinance amendments would apply to housing development applications of 6 dwelling units or more within the City, with limited exceptions.

4) **Background Information:**

   Executive Summary

   If approved, the draft Inclusionary Housing Ordinance amendments will change the distribution of affordability. It would:

   a) Increase the required percentage of affordable housing from 10% to 15%;
   b) Establish a threshold of 6 residential units or more as required to: 1.) provide affordable housing unit(s); 2.) pay an in-lieu fee; or 3.) donate land in-lieu of building housing units;

c) Increase the term of restriction for an affordable unit's from 20 years to 55 years for rental units;

d) Change the current "resale restriction" on for-sale units to an "Equity Share" arrangement, with 45 year term restriction;

e) Create City Council guidelines for consideration of proposed off site Inclusionary Housing Units; and

f) Address numerous minor changes regarding document language, consistency, and clarifications.

A. Overview of the City's current Inclusionary Housing Ordinance and In-Lieu Fee

In 1999, the City adopted an Inclusionary Housing Ordinance (Ord. 2506) with a policy to establish an affordable housing in-lieu fee to facilitate housing units that are affordable to lower income households (households earning less than 80% of the Ventura County area median income (AMI)). Since this time, the ordinance has been amended various times to address legal requirements and update the City's inclusionary in-lieu fee. The Inclusionary Housing Ordinance was last amended in 2020 to adopt the in-lieu fee requirements in Part 10 of Ordinance No. 2721 (Ordinance 2980).

The City's current Inclusionary Housing Ordinance applies to all future residential development applications containing 10 or more dwelling units, and requires 10% of the units be set aside for lower income households:

- For rental projects - at least 5% of dwelling units must be affordable for very low income households; and 5% must be affordable to lower income households; and
- For sale projects - 10% must be affordable to lower income households.

In June 2020, the City Council updated the required in-lieu affordable in-lieu fee (Resolution 15,330). The in-lieu fees are based on the City's adopted affordable housing in-lieu fee schedule, adjusted annually. The in-lieu fees are identified at the following link: City Council Resolution-No. 15,330.

B. Relationship to Adopted Amended 2021-2029 Housing Element

The City's Adopted Amended 2021-2029 Housing Element of the General Plan (October 2022), includes an Inclusionary Housing Program (Program 10). The Program requires 1) amendment and codification of revised inclusionary regulations, and 2) annual program monitoring to ensure it does not pose a constraint to the development of housing at all affordability levels. This ordinance revision is the first of numerous steps Staff has embarked on to satisfy Program 10.

C. Community Service, Public Safety, Housing & Development Committee Input

On November 22, 2022, the Community Services, Public Safety, Housing & Development Committee ("Committee") provided the following policy direction on the Inclusionary Housing Ordinance:

- Increase the required percentage of affordable housing from 10% to 15%, within the income categories identified below.
  - Revise the requirement for affordable housing for future for-sale development applications from 10% of units affordable to lower income households to 5% of units affordable to lower income households and 10% affordable to moderate income households; and
  - Revise the requirement for affordable housing in future rental development applications from 5% of units as affordable to very low income households and 5% affordable to lower income households to 5% affordable to very low income households and 10% affordable to lower income households.
- Reduce the affordable housing requirement threshold from 10 units to 6 units.
- Revise the affordable housing cost calculator to be consistent with State Density Bonus law.
- Continue to require City Council approval for developers to pay an in-lieu fee rather than developing required affordable units.
- Continue to require City Council approval for developers to donate land or produce required affordable units off-site.
- Consider at a later time to include an option for developers to reduce the number of affordable units required to be produced if they provide a deeper level of affordability.

The Committee agenda report can be reviewed at the following link: Committee Agenda Report, November 22, 2022. Note, the section numbers have also been updated since the Committee meeting.

D) Additional Staff Efforts

Subsequent to the Committee meeting, staff incorporated the policy feedback received into a new draft Inclusionary Housing Ordinance, and conducted additional research on other City documents, agreements and Oxnard City Code provisions which may be subject to the amended Inclusionary Housing Ordinance. Our research can be summarized as follows:

1) The Downtown Code [Section 16-145.2(L)] contains a provision permitting an applicant to receive additional building height if they enter into a Development Agreement to provide additional community benefits. A qualifying community benefit currently listed in the code is the contribution of affordable housing at a minimum of 10% of the project units. Provided Council approves the draft Ordinance, within six months Staff will prepare a Director's Interpretation aligning the minimum unit percentage to be used in negotiations for the affordable housing community benefit as the same minimum percentage specified within the Inclusionary Housing Ordinance.

2) Staff updated the in-lieu fee calculation in Section 16-415.9(D) to exclude affordable units used to calculate State Density Bonus, consistent with an update to State Density Bonus law that became effective in 2022 (Government Code Section 65915.1).

3) Staff identified a subset of City documents, largely consisting of City Council approved Specific Plans and Development Agreements, which will need to be reviewed on a case by case basis with regard to the applicability of this ordinance.

4) The City Attorney's office advised staff to amend the mandatory elements of local preference from Section 16-415.8. The current Inclusionary Housing Ordinance (Ordinance 2980) requires developers to establish and maintain written lists of Oxnard residents qualified to purchase or rent each of the affordable units, and to give preference to the qualified Oxnard residents on the waiting list. Based upon recent trends in case law, the City can require that the affordable units be marketed to Oxnard residents as part of a developer's overall marketing program. The City, however, can only require the affordable units be offered to Oxnard residents first (the mandatory local preference) if the City is providing funding for the project or the project is subject to a development agreement. Therefore the draft Inclusionary Housing Ordinance has been updated to reflect these changes.

5) **Environmental Determination:** Pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, regulatory actions that will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA.

   The proposed Zoning Text Amendment (ZTA) is a regulatory action that does not increase the quantity or size of future development. Furthermore, any development following approval of the ZTA will be subject to applicable environmental review requirements for that development. Therefore, staff has determined that there is no possibility that the project will have a significant effect on the environment. A Notice of Exemption will be filed upon approval of the ZTA by the City Council.

6) **Analysis:** The City's updated Inclusionary Housing Ordinance will be incorporated into the OCC, Chapter 16 (Zoning Code), Article V (Specific Use Requirements), Division 7B (Inclusionary Housing), Sections 16-415.1 through 16-415.13. The proposed project amends and codifies the City's Inclusionary Housing program. This section discusses changes made to the existing City of Oxnard Inclusionary Housing Ordinance requirements. A legislative draft of the proposed Inclusionary Housing Ordinance is provided in Attachment 2 to show revisions to the prior text.

   <u>Applicability</u>

   If adopted, the proposed Inclusionary Housing Ordinance will apply to current and future residential development applications that have not been deemed complete prior to the Inclusionary Housing Ordinance effective date. This means that an application that is currently on-file with the Planning Division, but not deemed complete, would be subject to the new ordinance.

   <u>Overview of Ordinance Changes</u>

   Changes made to the Inclusionary Housing Ordinance have been categorized below as: (A) larger Ordinance changes; and (B) minor revisions. The changes discussed below were reviewed by the Committee on November 22, 2022.

A. Larger Ordinance Changes

1. Increase Affordable Housing Requirement (Section 16-415.3)

The City's current Inclusionary Housing Ordinance requires that both rental and for-sale developments provide a minimum of 10% of units affordable to lower income households.

The Committee, based on Staff recommendations, supported increasing the affordable housing requirement in the Inclusionary Housing Ordinance to 15% of units as affordable to lower and moderate income households.

During staff's community engagement, there was debate on the 15% requirement (see the Community Outreach portion of this staff report). A few members of the affordable housing community supported increasing the inclusionary requirement to 20%, whereas the development community was seeking to keep the City's requirement at 10%. The proposed Inclusionary Housing Ordinance reflects an increase in the affordable housing production requirement to 15% because it maximizes the production of affordable housing without triggering California Assembly Bill (AB) 1505.

During discussions with the Committee, Staff noted that AB 1505, requires Inclusionary Housing Ordinances with an inclusionary affordable housing requirement greater than 15% of new rental units to submit the Ordinance to the California Department of Housing and Community Development (HCD) for review. The City would also need to provide an economic feasibility study prepared by a qualified entity verifying that the ordinance does not unduly constrain the production of housing at all income levels. If the feasibility study does not meet HCD's statutory requirement, the jurisdiction's inclusionary requirement cannot require more than 15% lower income units.

Because the Inclusionary Housing Ordinance is not the principal means of achieving affordable housing mandated via RHNA, Staff's recommended 15% percentage reflects a middle-ground approach as an affordable housing policy. It additionally avoids continued delay to the revised Ordinance implementation, and curtails applicants from locking in the current Ordinance thresholds provided by AB330, which "freezes" the current code in place at the time of preliminary application to the City. A 15% inclusionary requirement is also consistent with other jurisdictions in Ventura County and some surrounding jurisdictions in the region, as shown in Attachment 3.

2. Revise For-Sale Affordable Housing Requirement (Section 16-415.3)

The current Inclusionary Housing Ordinance requires that future for-sale development applications restrict 10% of units as affordable to lower income households. With an increase from 10% to 15% for affordable units, the Committee provided direction on how to distribute the level of affordable units.

On November 22, 2022, the Committee was supportive of revising the for-sale requirement to 5% to lower income households and 10% affordable to moderate income households.

The proposed percentage split was based on the goal for supporting opportunities for all lower income households to own a home. Recent construction cost data also shows that a lower income unit costs the developer more in land and construction costs than the restricted sales

price, resulting in not just a lower profit, but an actual loss to the developer. If costs do not pencil out for the developer, the entire project is not constructed, whereby no housing is produced at all - market or affordable. Additionally, no other City ordinance presently restricts units as affordable to moderate income households, resulting in omission of for-sale units in this affordability range.

For purposes of calculating the required inclusionary units for "For Sale" units, under the proposed Inclusionary Housing Ordinance, fractional units will be rounded up. Rounding in this fashion is consistent with State Density Bonus Law. The allocation of the affordable units would align with the Ordinance distribution - meaning more of the units would be allocated to moderate income and less allocated to lower income units. For example, in a 15 unit development, the affordable unit requirement calculates to 2.25 units and is rounded up to the next whole number, resulting in 3 units. The affordability level for this size development would be 1 unit affordable to a lower income household and 2 units affordable to a moderate income household. However, there are situations when rounding up for each income category results in a higher number of units than 15%. For example, in a six unit development, rounding up would produce 1 very low income unit (6 units x 5% = 0.3 unit, rounds up to 1 very low income unit) and one lower income unit (6 units x 10% = 0.6 unit, rounds up to 1 lower income unit), which is more than the one unit required by 15% of 6 units. To address this situation, staff has clarified code language in Section 16-415.3(A) of the draft Inclusionary Housing Ordinance to account for this calculation (see Attachment 4 for a table of this calculation).

Affordable income categories are available at the following link: Income Limits | California Department of Housing and Community Development.

3. Revise Rental Affordable Housing Requirement (Section 16-415.3)

The current Inclusionary Housing Ordinance requires that future rental development applications restrict 5% of units as affordable to lower income households and 5% affordable to very low income households.

On November 22, 2022, the Committee was supportive of revising this requirement to provide the same percentage of units affordable to very low income households as the current Inclusionary Housing Ordinance (5%) and an increase in the required percentage of units affordable to lower income households from 5% up to 10%.

The Inclusionary Ordinance is one of the few ways that very low income rental units are secured; therefore, staff recommends that the City continue to require 5% of units affordable to very low income households. The balance of the inclusionary rental units (10%) will be affordable to lower income households to address the housing needs of Oxnard residents as identified in the City's Housing Element. For example, in a 15 unit development, the affordable unit requirement of 15% calculates to 2.25 units and is rounded up to the next whole number, resulting in 3 units. The affordability level for this size development would be 1 unit affordable to a very low income household and 2 units to lower income households. Similar to the discussion under the "For Sale" units, staff has also clarified code language in Section 16-415.3(B) of the draft Inclusionary Housing Ordinance to account for situations

when rounding up for each income category results in a higher number of units than 15% (see the discussion in the prior section regarding the example 6-unit development).

4. Reduction in Affordability Threshold (Section 16-415.3)

The current Inclusionary Housing Ordinance imposes an affordability requirement when a development builds 10 or more residential dwelling units. The threshold for applicability of an Inclusionary Housing Ordinance is subject to local consideration, and the threshold varies by jurisdiction.

On November 22, 2022, the Committee was supportive of decreasing the applicable development threshold from 10 dwelling units down to 6 dwelling units.

Staff recommends changing the threshold to 6 dwelling units because the lower threshold would encompass more projects without discouraging small scale infill developments such as ADUs, townhomes and 4-plexes. The proposed 6 unit threshold is close to the threshold used by other jurisdictions such as Los Angeles County and the cities of Goleta, Fillmore, Santa Monica, and Davis. The threshold from other jurisdictions in Ventura County can be found in Attachment 3.

Staff also recommended 6 dwelling units as the threshold because this number is consistent with the applicability requirements for the Attached Dwelling Unit Development Standards in OCC Section 16-361 and the Development Design Review permit in OCC Section 16-363, that apply to multi-family residential projects of 6 dwelling units or more. Due to rounding, an inclusionary threshold of 6 units is also preferable to 5 units.

5. Increase Years of Affordability Restriction applicable to or Rent Projects (Section 16-415.5)

The current Inclusionary Housing Ordinance imposes a covenant agreement that requires rental inclusionary units remain affordable for at least 20 years. The deed restriction requiring affordable rent for tenant occupied properties is proposed to increase from 20 years to a 55 year term. The revised affordability term is consistent with State Density Bonus law for rental units and Affordable Housing and High Roads Jobs Act (AB 2011). Consistency with State law will provide the development community with unified and consistent expectations in terms of development regulations and predictability. For the City, consistency with State law will also save time and simplify implementation when developers request approvals under State laws that incentivize affordable housing, such as State Density Bonus or AB 2011.

6. Change from Resale Restriction to Equity Share on For-Sale units (Section 16-415.5)

The current Inclusionary Housing Ordinance imposes a Resale Restriction agreement that requires for-sale inclusionary units remain affordable for at least 20 years. A Resale Restriction agreement restricts the controlled sales price at each transaction to ensure the unit remains affordable to an income qualified buyer for the duration of the term. The advantages of a resale restriction agreement is the preservation of the longer-term affordability of the unit.

On November 22, 2022, the Committee supported the adoption of an “Equity Share” agreement similar to the requirement of the State Density Bonus law instead of the existing “Resale Restriction” agreement; however, unlike the State Density Bonus law, the proposed

ordinance includes a 45 year term. Under an Equity Share agreement, the buyer and the City share the unit appreciation when an affordable for-sale unit is sold. The City retains the initial subsidy, while the seller retains any initial down payment made on the unit. An Equity Share agreement expires at the point of the *first* resale to a second buyer. While this agreement terminates with the sale of the affordable housing unit, it allows the seller and local jurisdiction to capture accrued equity appreciation. For a local jurisdiction, this accrued equity can then be used to permit other investments in affordable housing. Additionally, if the initial buyer never resells the home during the 45 year term, then the initial buyer will never receive the full value of appreciation.

7. Revise Housing Cost Calculations (Section 16-415.4)

The current Ordinance is inconsistent with Density Bonus law on how affordable housing costs are calculated for rental and for-sale units. The current Ordinance calculates housing costs based on a percentage of area median income (AMI), which is higher than the percentages used by the State for calculating rental and for-sale lower income affordable housing costs. Specific to for-sale units, the current Ordinance also excludes the cost of maintenance and utilities from housing costs in a for-sale unit, which should be included for affordable units under State law (California Code of Regulations Section 6920).

On November 22, 2022, the Committee was supportive of revising the affordable housing cost calculation for rental and for-sale housing to be consistent with current State regulations, which simplifies calculations when development is providing both inclusionary and density bonus affordable units or developing under new California laws such as AB 2011. Since the proposed cost requirements reference State regulations (California Health and Safety Code 50052.5 and 50053), which are lower than the City's current inclusionary ordinance, the revision also effectively reduces the rental and for-sale housing cost for lower income affordable units. This revision will not impact the renter or buyer household income eligibility; it only reduces the rent or purchase cost of the inclusionary unit.

8. Add a Council Review Factor for allowing in-lieu Fee Payment (Section 16-415.9)

The current Inclusionary Housing Ordinance requires that the City Council consider four factors before allowing developers to pay an in-lieu fee rather than constructing the required affordable units.

Consistent with Program 19 of the City's Amended Adopted 2021-2029 Housing Element, the proposed Inclusionary Housing Ordinance adds a fifth factor requiring consideration for Affirmatively Furthering Fair Housing (AFFH) before granting a developer's request to pay in-lieu fees. A primary objective of State law regarding AFFH is to increase housing mobility opportunities and provide housing choice in higher resource areas. Accordingly, the location of the proposed project in a higher or moderate resource area would be preferable under AFFH for construction of affordable units required under the Inclusionary Housing Ordinance rather than paying an in-lieu fee.

9. Add Council Review Guidelines for allowing Off-site Units (Section 16-415.7)

The current Inclusionary Housing Ordinance requires City Council approval for allowing developers to provide the required affordable housing units off-site. However, unlike the

required in-lieu factors in the current ordinance, no factors are presently required for allowing off-site development.

The proposed Inclusionary Housing Ordinance adds five factors for the City Council to consider in determining whether to allow development of required affordable units off-site, including compatibility of off-site land use and AFFH. As discussed in the prior section, a primary objective of AFFH is to increase housing mobility opportunities and provide housing choice in higher resource areas. Accordingly, meeting the requirement for inclusionary units off-site should not be approved if the location of the off-site units is in a lower resource area than the proposed project.

B. Minor Revision to the Current Inclusionary Housing Ordinance

The proposed Inclusionary Housing Ordinance also includes minor revisions for internal consistency, clarification on requirements, consistency with law, and other minor changes. Specifically, these revisions include: an update to the appeal process to reflect different processes for administrative and discretionary approval (Section 16-415.12); a correction for consistency with Density Bonus Case law (Section 16-415.11); clarification to ensure architectural consistency with market rate units (Section 16-415.6); revision for internal consistency on unit size and distribution requirements (16-415.3); clarification on allowable use of the Affordable Housing Trust Fund (16-415.7); and the addition of a provision for the City Council to allow a future City list of qualified applicants (16-415.8). Brief discussions on each of these minor revisions is provided in Attachment 5.

7) **General Plan Consistency:** The proposed ZTA is consistent with a number of goals and policies included in the 2030 General Plan. Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project.

Program 10 of the Amended Adopted 2021-2029 Housing Element identifies the existing development threshold of 10 units and the existing inclusionary rental requirement of 5% very low and 5% lower income units. This program also calls for updates to the inclusionary regulations. Following City's Council's approval of an Inclusionary Housing Ordinance and with the updated inclusionary housing in-lieu fee, Program 10 will be updated to reflect the new thresholds and percentage requirements.

The following three consistency classification levels are required for consistency evaluation under the 2030 General Plan Goals and Policies, Chapter 9, Section 9.2 "Consistency Procedure":

I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).

II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

The consistency analysis is identified in Attachment 6.

8) **Community Outreach:** In 2022, Staff organized several workshops and outreach meetings to provide an overview of the updated Inclusionary Housing Ordinance and solicit feedback from affordable housing advocates, developers, and business organizations. The draft Inclusionary Housing Ordinance implements much of the input received from this outreach. Additional information on community outreach efforts is outlined in Attachment 7.

   Through the community outreach process, staff received three written comment letters on the draft Ordinance (January 2023) from: 1.) Barbara Macri-Ortiz; 2.) House Farm Worker!; and 3.) the Central Coast Alliance United for A Sustainable Economy (CAUSE). The comments in the letters focused primarily on the four topics listed below. Staff's response as to the status and analysis of these proposed changes is provided in italics following the item. The comment letters and full list of responses can be found in Attachment 8.

   - Request to increase the Inclusionary Housing Ordinance affordable housing requirement to 20%.

     Staff's Response: The proposed 15% is consistent with the direction provided by the City's Committee. Increasing the affordability percentage above 15% triggers additional hurdles under AB 1505. If the City exceeds 15%, the City must submit the ordinance to HCD for review and provide an economic feasibility study prepared by a qualified entity verifying that the ordinance does not constrain the production of housing at all income levels, including moderate and upper income.

     Additionally, 15% reflects a middle ground between the development community's preference of retaining the existing 10% and affordable housing community's support of increasing the inclusionary requirement to 20%.

   - Request to include a deeper affordability allowance within the Inclusionary Housing Ordinance.

     Staff's Response: Due to the extent of the added analysis, this matter will be evaluated separately by the Community Services, Public Safety, Housing & Development Committee at a later date.

   - Request to require a Resale Restriction agreement or modified Equity Share Agreement that restricts the sale to a household in the same income category.

     Staff's Response: Equity Share is the standard affordable housing restriction model utilized for for-sale housing under State Density Bonus law and was included in the Ordinance revisions. The Equity Share model allows the owner to gain equity over time, which is recognized as a key benefit of homeownership. Upon sale, the owner can use this equity gain towards the down payment of a new home, helping to secure long term stability for that family. The City's portion of the Equity Share funds can be used towards developing or subsidizing new affordable housing development, which can result in more affordable homes than the original unit under the Equity Share agreement. The Equity Share model has the ability to help more families over time.

- Request to calculate the required number of affordable units and the in-lieu fee on the total market rate units, including the market rate units granted under State Density Bonus.

  Staff's Response: The calculation of the number of affordable units on the "base" number of units in a development (total number of units less the density bonus units) is consistent with Density Bonus calculations under State Density Bonus law. Following adoption of this Ordinance, a new in-lieu fee study will evaluate the fee calculation and methodology, including housing production trends.

A notice for the Planning Commission's public hearing considering changes to the proposed ordinance was posted in the Ventura County Vida newspaper for the ordinance changes, and an email was sent to the City's Inclusionary Housing Ordinance interested parties list on February 23, 2023. Interested parties were emailed since February communicating the new hearing schedule. The Planning Commission continued their consideration of this matter from March 2nd to March 16, 2023 and April 6, 2023.

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

The draft Inclusionary Housing Ordinance is tentatively scheduled to be presented to City Council in the Spring 2023. Following adoption of the Inclusionary Housing Ordinance, Staff will initiate a General Plan Amendment to the Amended Adopted 2021-2029 Housing Element for consistency.

Housing Element Program 41 (Annual Housing Element Workshop) will assure an annual public review and opportunity to evaluate the success of the Inclusionary Housing Ordinance as amended and codified.

Provided Council adopts the ordinance, the inclusionary housing in-lieu fee will need to be updated. The in-lieu fee study will evaluate the fee calculation and methodology, including housing production trends. In the interim, the existing in-lieu fees will continue to apply.

Attachments:

1. Planning Commission Resolution for Zoning Code Text Amendments (PZ 23-580-01).
   1a. Draft City Council Ordinance - OCC Section 16-415 (Inclusionary Housing) amendments - New Provisions.
2. Legislative Draft of Inclusionary Housing Ordinance
3. Existing Inclusionary Requirements for Ventura County and Some Surrounding Jurisdictions
4. Affordable Housing Rounding Calculations
5. Minor Revisions
6. 2030 General Plan Consistency Analysis
7. Community Outreach
8. Response to written comments on the draft Inclusionary Housing Ordinance;
   a. Barbara Marci-Ortiz (email dated January 28, 2023),
   b. HFW! and CAUSE (emailed February 9, 2023) and

c. Veronica Garcia, People's Self Help (emailed February 8, 2023).

9. Staff Presentation

RESOLUTION NO. 2023 – XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO REPEAL ORDINANCE NOS. 2506, 2545, 2615, 2688, 2721 AND 2980 CONCERNING AFFORDABLE HOUSING REQUIREMENTS FOR NEW DEVELOPMENT AND AMEND CHAPTER 16 (ZONING CODE) OF THE OXNARD CITY CODE (ZONING TEXT AMENDMENT; PZ NO. 23-580-01) TO CODIFY AND AMEND THE INCLUSIONARY HOUSING REGULATIONS IN DIVISION 7B OF ARTICLE V OF CHAPTER 16 OF THE OXNARD CITY CODE (SECTIONS 16-415.1 THROUGH 16-415.13), RELATED TO IMPLEMENTATION OF PROGRAM 10 OF THE ADOPTED AMENDED 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, LONG RANGE PLANNING AND SUSTAINABILITY AND HOUSING DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 23-580-01, filed by the City of Oxnard Long Range Planning and Sustainability and Housing Departments, to amend Chapter 16 of the Oxnard City Code (OCC) to amend and codify the City of Oxnard Inclusionary Housing Ordinance that will implement Program 10 of the Adopted Amended 2021-2029 Housing Element. The Inclusionary Housing Ordinance provides requirements for the provision of affordable housing in new development in OCC Chapter 16, Article V, Sections 16-415.1 through 16-415.13; and

WHEREAS, the State of California has declared that the provision of affordable housing in all communities for all segments of the population is a matter of statewide importance and concern; and

WHEREAS, the City of Oxnard adopted the 2030 General Plan that includes specific elements, including the Land Use Element within the Community Development Chapter, and the Adopted Amended 2021-2029 Housing Element, all which contain certain goals, objectives and policies concerning affordable housing; and

WHEREAS, the 2030 General Plan Community Development Chapter requires a range of housing choices for current and future residents in compliance with State housing element law (Policy CD-16.6) and also provides for a balance between jobs and housing within the community (Policy CD-1.10); and

WHEREAS, the 2030 General Plan Community Development Chapter requires establishment of Urban Villages with a minimum of 15 percent affordable housing (Policies CD-7.1 & CD-7.4); and

WHEREAS, the 2030 General Plan Military Compatibility Chapter requires the City to promote the availability and development of off-base affordable housing to meet the needs of military personnel and their dependents (Policy MC-4.4); and

WHEREAS, the Adopted Amended 2021-2029 Housing Element contains policies that the City provide opportunities to the private and public sector to produce a variety of housing types throughout the City which meet the needs of special needs, extremely low-, very low-, low-, moderate- and above moderate-income housing to achieve a balanced community (Policy H-2.2); that the City require, when possible, local preference for affordable units (Policy H-2.8); and that the City continue the Inclusionary Housing Program that requires new housing developments to

reserve a portion of units for lower-income households or make a payment into the City's in-lieu fee program (Policy H-3.4), and

WHEREAS, State law provides that the City may be ineligible for state grants and funding and legal actions may be brought to prohibit new residential housing if the City does not comply with the General Plan Housing Element; and

WHEREAS, the City Council has stated in the 2030 General Plan and the Housing Element, that one of the major goals of the City is to achieve a balanced community with housing available for households of all income levels, so that the moderate, low and very low-income families may have housing available at an affordable cost; and

WHEREAS, the Adopted Amended 2021-2029 Housing Element found that low and very low-income families, especially large families and farm worker families, in the community are experiencing a housing shortage; and

WHEREAS, the Housing Element further found that low and very low-income families are living within the community in severely overcrowded housing or in housing that is not decent, safe, and sanitary; and

WHEREAS, the State of California has found that the shortage of new housing affordable to moderate, low, and very low-income families is detrimental to the public health, safety, and welfare and that the City is required by California public policy to make available an adequate supply of housing for persons of all economic segments of the community, including moderate, low, and very low-income families; and

WHEREAS, based on the foregoing recitals, in 1999 the City established an Inclusionary Housing Program (Ord. 2506), requiring developers to provide a percentage of their units at affordable prices and a policy to establish an affordable housing in-lieu fee to facilitate new housing units that are affordable to households with extremely low, very low and low incomes. The program was updated in 2000 (Ord. 2545), 2002 (Ord. 2615), 2005 (Ord. 2688), and 2006 (Ord. 2721) to provide a procedure for appeal and make other adjustments. The most recent update to the Inclusionary Housing Program was adopted by City Council on June 2, 2020 (Uncodified Ordinance No. 2980); and

WHEREAS, on October 25, 2022, the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard Adopted Amended 2021-2029 Housing Element. Program 10 of the 2021-2029 Housing Element requires the City update the inclusionary regulations to take into consideration construction trends, opportunities, and effectiveness in securing affordable housing and codify the inclusionary regulations in Chapter 16 of the Oxnard City Code (OCC) by early 2023; and

WHEREAS, between March 2022 and July 2022, the Community Development Department and Housing Department jointly organized several public workshops and outreach meetings to provide an overview of the updated Inclusionary Housing Ordinance and solicit feedback from the affordable housing community, the development community, business interest groups and residents on potential changes to the City's existing Inclusionary Housing Ordinance*;* and

WHEREAS, on November 22, 2022, the Community Services, Public Safety, Housing & Development Committee ("Committee") reviewed eight key policy questions from staff related to potential revisions to the City of Oxnard's existing Inclusionary Housing Ordinance. Recommendations included an increase in the inclusionary housing production requirement to 15%,

levels of affordability, reduction in the development threshold to six units, increase in the affordability terms to 45-years for for-sale development and 55-years for rental development, revision to the for-sale affordability restriction to Equity Share, and specific revisions cost calculations to be consistent with State law; and

WHEREAS, City staff prepared a draft Inclusionary Housing Ordinance that reflects community input and Committee direction on updates to the City's existing Inclusionary Housing Ordinance (Ordinance Nos. 2506, 2545, 2615, 2688, 2721 and 2980). The draft Inclusionary Housing Ordinance was made available to the public for review and comment between January 25, 2023 and February 8, 2023; and

WHEREAS, on January 31, 2023 the City held a community-wide virtual meeting on the draft update to the City's Inclusionary Housing Ordinance; and

WHEREAS, on April 6, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider approving a resolution recommending that the City Council of the City of Oxnard repeal Ordinance Nos. 2506, 2545, 2615, 2688, 2721 and 2980 concerning affordable housing requirements for new development and amend Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 23-580-01) to amend and codify the City of Oxnard Inclusionary Housing Ordinance; and

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

WHEREAS, the Planning Commission finds that the proposed ZTA is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed ZTA implements Program 10 of the Adopted Amended 2021-2029 Housing Element by providing requirements for the provision of affordable housing in new development in OCC Chapter 16, Article V, Sections 16-415.1 through 16-415.13;

WHEREAS, the Zone Code amendment is incorporated by reference and attached as the following exhibit:

> Attachment "1a" Draft City Council Ordinance repealing Ordinance Nos. 2506, 2545, 2615, 2688, 2721 and 2980 concerning affordable housing requirements for new development and approving Planning & Zoning (PZ) Permit No. 23-580-01, amendment to Chapter 16 of the Oxnard City Code (OCC) to add an "Inclusionary Housing" Ordinance; and

WHEREAS, the Planning Commission determined that this action is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3) as this ZTA is a regulatory action which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of the Zone Text` Amendment PZ No. 23-580-01.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the Inclusionary Housing Ordinance attached hereto as Attachment 1a.

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

Section 2. The Planning Commission finds, for the above stated reasons and the reasons set forth in the staff report, that the proposed ZTA presented as Attachment 1a herein will not result in significant environmental impacts.

Section 3. The Planning Commission, based on the findings set forth herein, recommends that the City Council of the City of Oxnard adopt ZTA PZ No. 23-580-01 attached hereto as Attachments 1a and incorporated herein by this reference to this Resolution.

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

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6nd day of April 2023, by the following vote:

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 6nd day of April 2023, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____ ATTEST:_____

Daniel Chavez Jr., Chair Joe Pearson II, AICP

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD REPEALING ORDINANCE NOS. 2506, 2545, 2615, 2688, 2721 AND 2980 CONCERNING AFFORDABLE HOUSING REQUIREMENTS FOR NEW DEVELOPMENT AND AMENDING CHAPTER 16 (ZONING CODE) OF THE OXNARD CITY CODE (ZONING TEXT AMENDMENT; PZ NO. 23-580-01) TO CODIFY AND AMEND THE INCLUSIONARY HOUSING ORDINANCE IN DIVISION 7B OF ARTICLE V OF CHAPTER 16 OF THE OXNARD CITY CODE (SECTIONS 16-415.1 THROUGH 16-415.13), RELATED TO IMPLEMENTATION OF PROGRAM 10 OF THE ADOPTED AMENDED 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, LONG RANGE PLANNING AND SUSTAINABILITY AND HOUSING DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 23-580-01, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) to amend and codify the City of Oxnard existing Inclusionary Housing Ordinance to implement Program 10 of the 2021-2029 Housing Element. The Inclusionary Housing ordinance provides requirements for the provision of affordable housing in market rate development in OCC Chapter 16, Article V, Sections 16-415.1 through 16-415.13. The ZTA also amends OCC Section 16-145.2(L) to be consistent with the Inclusionary Housing Ordinance; and

WHEREAS, the State of California has declared that the provision of affordable housing in all communities for all segments of the population is a matter of statewide importance and concern; and

WHEREAS, the State of California requires all cities and counties to adopt and implement a general plan that governs many of the overall land use and planning issues for the local agency to use as a guideline for future development, including affordable housing; and

WHEREAS, the City of Oxnard adopted the 2030 General Plan that includes specific elements, including the Land Use Element within the Community Development Chapter, the Military Compatibility Chapter, and the 2021-2029 Housing Element, that all contain certain goals, objectives and policies concerning affordable housing; and

WHEREAS, the 2030 General Plan Community Development Chapter requires a range of housing choices for current and future residents in compliance with State housing element law (Policy CD-16.6) and also provides for a balance between jobs and housing within the community (Policy CD-8.9); and

WHEREAS, the 2030 General Plan Community Development Chapter requires Establishment of Urban Villages with a minimum of 15 percent affordable housing (Policies CD-7.1 & CD-7.4); and

WHEREAS, the 2030 General Plan Military Compatibility Chapter requires the City to promote the availability and development of off-base affordable housing to meet the needs of military personnel and their dependents (Policy MC-4.4); and

WHEREAS, the General Plan 2021-2029 Housing Element contains policies that the City provide opportunities to the private and public sector to produce a variety of housing types throughout the City that meet the needs of special needs, extremely low-, very low-, low-, moderate- and above moderate-income housing to achieve a balanced community (Policy H-2.2); that the City require local preference for affordable units (Policy H-2.8); and that the City continue the Inclusionary Housing Program that requires new housing developments to reserve a portion of units for lower-income households or make a payment into the City's in-lieu fee program (Policy H-3.4). Program 10 of the 2021-2029 Housing Element also requires the City update the inclusionary regulations to take into consideration construction trends, opportunities, and effectiveness in securing affordable housing and codify the inclusionary regulations in Chapter 16 of the Oxnard City Code (OCC) by early 2023, and

WHEREAS, State law provides that the City may be ineligible for state grants and funding and legal actions may be brought to prohibit new residential housing if the City does not comply with the General Plan Housing Element is not complied with; and

WHEREAS, the 2021-2029 Housing Element found that low and very low-income families, especially large and farm worker families, in the community are experiencing a housing shortage; and

WHEREAS, the City Council has stated in the 2030 General Plan and the Housing Element, that one of the major goals of the City is to achieve a balanced community with housing available for households of all income levels, so that the moderate, low and very low-income families may have housing available at an affordable cost; and

WHEREAS, the Housing Element further found that low and very low-income families are living within the community in severely overcrowded housing or in housing that is not decent, safe, and sanitary; and

WHEREAS, the State of California has found that the shortage of new housing affordable to moderate, low, and very low-income families is detrimental to the public health, safety, and welfare and that the City is required by California public policy to make available an adequate supply of housing for persons of all economic segments of the community, including moderate, low, and very low-income families; and

WHEREAS, the City Council finds that new residential development enjoys the benefits of public resources and City facilities and must participate in protecting and enhancing the public welfare by helping to meet the goals and objectives for affordable housing set out in the 2030 General Plan and its various elements; and

WHEREAS, the City Council finds that new residential development that does not include affordable housing on site reduces the limited inventory of real property in the City that may be used to develop affordable housing; and

WHEREAS, the City Council desires to amend and codify a program for the provision of affordable housing on a City-wide basis for all new development; and

WHEREAS, the City Council desires that a program exist to allow that – in specific situations – new residential development provide an in-lieu affordable housing payment instead of providing affordable housing units on site, which in-lieu payment would allow other affordable housing goals and objectives to be met throughout the City; and

WHEREAS, based on the foregoing recitals, on April 20, 1999, the City Council adopted Resolution No. 11,570, establishing affordable housing requirements and in-lieu fees; and

WHEREAS, on October 5, 1999, the City Council adopted Resolution No. 11,645, amending Resolution No. 11,570, and on October 19, 1999, adopted Resolution No. 11,651, repealing Resolution No. 11,645; and

WHEREAS, on October 19, 1999, the City Council adopted Resolution No. 11,652, amending Resolution No. 11,570 to exempt certain projects there from; and

WHEREAS, on October 26, 1999, the City Council adopted Ordinance No. 2506, establishing the affordable housing requirements contained in Resolution Nos. 11,570 and 11,652 by ordinance; and

WHEREAS, on December *5,* 2000, the City Council adopted Ordinance No. 2545, making certain adjustments to Ordinance No. 2506; and

WHEREAS, on March *5,* 2002, the City Council adopted Ordinance No. 2594, providing a procedure to appeal application of Ordinance No. 2545, and any successor ordinance, on the basis that its application to a specific project was unconstitutional; and

WHEREAS, December 3, 2002, the City Council adopted Ordinance No. 2615, replacing Ordinance No. 2545; and

WHEREAS, on June 28, 2005, the City Council adopted Ordinance No. 2688, making adjustments to adjusting Ordinance No. 2615; and

WHEREAS, on July 18, 2006 the City Council adopted Ordinance No. 2721, making adjustments to adjusting Ordinance No. 2688; and

WHEREAS, on June 2, 2020 the City Council adopted Ordinance No. 2980, amending Part 10 of Ordinance 2721 and other minor adjustments thereto and reenacting Ordinance No. 2721. Ordinance No. 2980 replaced Ordinance No. 2721 but did not repeal Ordinance No. 2721; and

WHEREAS, as outlined in Program 10 of the Amended 2021-2029 Housing Element, the City Council now desires to repeal and replace in their entirety Ordinances No. 2506, 2545, 2615, 2688, 2721 and 2980; and

WHEREAS, between March 2022 and July 2022, the Community Development Department and Housing Department jointly organized several public workshops and outreach meetings to provide an overview of the updated Inclusionary Housing Ordinance and solicit feedback from the affordable housing community, the development community, business interest groups and residents on potential changes to the City's existing Inclusionary Housing Ordinance*;* and

WHEREAS, on November 22, 2022, the Community Services, Public Safety, Housing & Development Committee ("Committee") reviewed eight key policy questions from staff related to potential revisions to the City of Oxnard's existing Inclusionary Housing Ordinance. Recommendations included an increase in the inclusionary housing production requirement to 15%, levels of affordability, reduction in the development threshold to six units, increase in the affordability terms to 45-years for for-sale development and 55-years for rental development, revision to the for-sale affordability restriction to Equity Share, and specific revisions cost

calculations to be consistent with State law; and

WHEREAS, City staff prepared a draft Inclusionary Housing Ordinance that reflects community input and Committee direction on updates to the City's existing Inclusionary Housing Ordinance (Ordinance Nos. 2506, 2545, 2615, 2688, 2721 and 2980). The draft Inclusionary Housing Ordinance was made available to the public for review and comment between January 25, 2023 and February 8, 2023; and

WHEREAS, on January 31, 2023 the City held a community-wide virtual meeting on the draft update to the City's Inclusionary Housing Ordinance; and.

WHEREAS, on April 6, 2023 the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider approving a resolution recommending that the City Council of the City of Oxnard repeal Ordinance Nos. 2506, 2545, 2615, 2688, 2721 and 2980 concerning affordable housing requirements for new development and amend Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 23-580-01) to amend and codify the City of Oxnard Inclusionary Housing Ordinance; and

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

Part 1. All recitals set forth hereinabove are found and determined to be true and correct and are incorporated into this ordinance by this reference.

Part 2. The findings and references to affordable housing that are contained in the 2030 General Plan are incorporated by reference as findings in support of the affordable housing requirements set out in this ordinance.

Part 3. Oxnard City Code Chapter 16, Article V, Division 7B entitled "Inclusionary Housing," Sections 16-415.1 through 16-415.13 are hereby added to read as follows:

"**DIVISION 7B. INCLUSIONARY HOUSING**

16-415.1. Intent

16-415.2. Definitions

16-415.3. Affordable Unit Requirements

16-415.4. Affordable Housing Costs

16-415.5. Affordable Housing Agreement and Equity Share Agreement

16-415.6. Standards

16-415.7. Off-Site Units

16-415.8. Qualified Applicant List

16-415.9. In-Lieu Fee

16-415.10. Applicability

16-415.11. Relation to Density Bonus

16-415.12. Appeals

16-415.13. Interpretation of this Division 7B

DIVISION 7B. INCLUSIONARY HOUSING

SEC. 16-415.1. INTENT.

The intent of this Division 7B is to promote the public welfare by increasing the production and availability of affordable housing units within market rate residential development and to assure continued provision of affordable housing in the City of Oxnard through site acquisition, construction, development assistance, rehabilitation of existing affordable housing, subsidies, financing, and administration of affordable housing programs. This Division is intended to work together with other affordable housing programs within the City of Oxnard.

SEC. 16-415.2. DEFINITIONS.

In addition to the definitions in Section 16-10, the following definitions apply to this Division and shall control over any conflicting definitions in Section 16-10. Where the definitions are provided by State law, the citation to the statute, as may be amended from time to time, follows.

(A) AFFORDABLE HOUSING AGREEMENT - an agreement between the City of Oxnard and the developer pursuant to Section 16-415.5.

(B) AFFORDABLE HOUSING COST - The definition set forth in Cal. Health and Safety Code, Section 50052.5, inclusive of housing related costs set forth in California Code of Regulation Section 6920.

(C) AFFORDABLE RENT - The definition set forth in Cal. Health and Safety Code, Section 50053(b), inclusive of reasonable utility allowance, as defined in Health and Safety Code 50053 (b)(3) for lower income households whose household income is not greater than eighty percent (80%) of the Ventura County Area Median Income (AMI), adjusted for family size, as defined in California Health and Safety Code Section 50079.5 and revised annually.

(D) AFFORDABLE UNIT - A residential dwelling unit that is guaranteed by the developer to be rented or sold in accordance with the requirements of this Division to persons and families of lower or moderate income (Cal. Health and Safety Code, Section 50093).

(E) DENSITY BONUS UNIT - a dwelling unit granted pursuant to Cal. Gov't Code, Section 65915 which exceeds the otherwise maximum allowable residential density.

(F) DEVELOPER - The applicant or permittee of a qualified housing development and its assignees or successors in interest.

(G) DEVELOPMENT STANDARD - A site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio, that applies to a residential development pursuant to the zoning ordinance, the general plan, specific plan or other city condition, law. policy, resolution, or regulation (Cal. Gov't Code, Section 65915(o)(2)).

(H) DOMESTIC PARTNER - The definition set forth in California Family Code Section 297. An individual is considered a domestic partner of the owner by presenting the Declaration of Domestic Partnership filed with the California Secretary of State (Cal. Family Code Section 297).

(I) EQUITY SHARE AGREEMENT - An agreement between the City of Oxnard and the initial buyer of an affordable unit offered for sale pursuant to Section 16-415.5.

(J) HOUSING DEVELOPMENT - A development of five or more residential units, including mixed-use developments. This also includes a subdivision or common interest

development that is approved by the city and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units. (Cal. Gov't Code, Section 65915(i))

(K) HOUSING RELATED COST - The definition set forth in California Code of Regulations Section 6920. Housing related cost is inclusive of mortgage loan payments, mortgage insurance payments, property taxes and assessments, homeowner association fees, reasonable utilities allowance, insurance premiums, maintenance costs, and space rent.

(L) HOUSEHOLD INCOME CATEGORY DEFINITIONS

(1) ACUTELY LOW INCOME HOUSEHOLDS - Persons and families whose incomes do not exceed 15% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50063.5, as may be amended.

(2) EXTREMELY LOW INCOME HOUSEHOLDS - Persons and families whose incomes do not exceed 30% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50106, as may be amended.

(3) VERY LOW INCOME HOUSEHOLDS - Persons and families whose incomes do not exceed 50% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50105, as may be amended.

(4) LOW INCOME HOUSEHOLDS - Persons and families whose incomes do not exceed 80% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50079.5, as may be amended.

(5) LOWER INCOME HOUSEHOLDS - Includes acutely low income households, extremely low income households, very low income households and low income households whose gross incomes are 80% or less of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, pursuant to California Health and Safety Code Section 50079.5 and 50105, as may be amended.

(6) MODERATE INCOME HOUSEHOLDS - Persons or families whose incomes do not exceed 120% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50093.

(M) INCENTIVE - "Incentives and concessions" as that phrase is used in Cal. Gov't Code, Section 65915(k).

(N) INCLUSIONARY HOUSING UNIT - A dwelling unit that is required under Section 16-415.3 of this Division.

(O) MARKET-RATE UNIT - A dwelling unit that is not an Affordable Unit.

(P) RENT - The definition set forth in Cal. Code of Regulations, Section 6918. Monthly rent

shall be an average of estimated costs for the next twelve months. Rent is inclusive of the total of monthly payments for a rental or cooperative unit for:

(1) Use and occupancy of a housing unit and land and facilities associated therewith.

(2) Any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.

(3) A reasonable allowance for utilities not included in (1) or (2) above, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Utilities do not include telephone service. Such an allowance shall take into consideration the cost of an adequate level of service.

(4) Possessory interest, taxes, or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than the lessor.

(Q) SPECIFIC, ADVERSE IMPACT - A significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the housing development was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Cal. Gov't Code, Section 65589.5(d)(2))

(R) TOTAL UNITS AND TOTAL DWELLING UNITS -Dwelling units other than density bonus units. (Cal. Gov't Code, Section 65915(o)(6))

(S) ZONING ORDINANCE - Chapters 16 and 17 of the City of Oxnard Municipal Code.

SEC. 16-415.3. AFFORDABLE UNIT REQUIREMENTS.

(A) For-Sale Development. Except where determined to be superseded by State law and/or prior City Council approvals, all residential development applications containing six (6) or more dwelling units to be offered for sale shall include a number of dwelling units equal to not less than 5% of the total number of dwelling units, not inclusive of density bonus units, offered for sale in the development that shall be sold at an affordable housing cost to lower income households, as defined in California Health and Safety Code Section 50079.5, and shall include an additional number of dwelling units equal to not less than 10% of the total number of dwelling units in the development, not inclusive of density bonus units, that shall be sold at an affordable housing cost to moderate income households, as defined in California Health and Safety Code Section 50093. All affordable dwelling unit calculations resulting in fractional units shall be combined to sum a whole lower income unit. Any remaining fractional units shall be rounded up to a whole moderate income unit. If the number of bedrooms per unit varies within a development, the number of affordable lower income and moderate income units shall be proportionately distributed throughout the development by bedroom size. For purposes of this Division, the term "units offered for sale" includes single residences, attached dwelling units and units classified as condominium units under California law. All affordable units must be of similar size, shape, quality and appearance (including all interior and exterior finishes) as the units not reserved to be affordable.

(B) Rental Development. Except where determined to be superseded by State law and/or prior City Council approvals, all residential development applications containing six (6) or more dwelling units to be offered for rent shall include a number of dwelling units equal to not less

than 5% of the total number of dwelling units in the development, not inclusive of density bonus units, offered for rent that shall be rented at an affordable rent to very low income households, as defined in California Health and Safety Code Section 50105, and shall include an additional number of dwelling units equal to not less than 10% of the total number of dwelling units in the development offered for rent at an affordable rent to lower income households, as defined in California Health and Safety Code Section 50079.5. All affordable dwelling unit calculations resulting in fractional units shall be combined to sum a whole very low income unit. Any remaining fractional units shall be rounded up to a whole lower income unit. For purposes of this Division, the term "units offered for rent" includes single residences, attached dwelling units and accessory dwelling units. If the number of bedrooms per unit varies within a development, the number of low and very low-income units of each bedroom number must meet the requirements where the affordable units shall be proportionately distributed throughout the development by bedroom size. All affordable units must be of the similar size, shape, quality and appearance (including all interior and exterior finishes) as the units not reserved to be affordable.

SEC. 16-415.4. AFFORDABLE HOUSING COSTS.

(A) Housing Cost or Rent. For the purposes of this Division, "affordable housing cost or rent" shall mean:

(1) As used in this Division, the term "housing cost" includes the costs described in 25 California Code of Regulations Section 6920. Affordable housing cost for any for-sale and owner-occupied housing shall not exceed the “affordable housing cost” as defined in Section 50052.5 of the California Health and Safety Code for each income category, based on the area median income for the Ventura County Metropolitan Statistical Area, adjusted for household size appropriate for the unit in question, and.

(2) As used in this Division, the word "rent" has the meaning ascribed to such word in 25 California Code of Regulations Section 6918. Affordable rent, including a reasonable utility allowance, shall not exceed the calculation outlined for each income category in California Health and Safety Code 50053 based on the area median income for the Ventura County Metropolitan Statistical Area, adjusted for household size appropriate for the unit in question.

(B) Prior to offering for sale or rental the first unit which the developer intends to qualify as an affordable unit under Section 16-415.3, the developer shall submit to the City's Housing Director the proposed sale price or rental amount for all affordable units and the dates upon which the affordable units will be offered for sale or rental, and thereafter, any other information requested by the City's Housing Director. The Housing Director shall review the information submitted, and within 30 days of receipt of all requested information, shall determine whether the sales price or rental amount is affordable as provided in this Division. Thereafter, if the developer desires to increase the sales price or rental amount for any affordable units, the developer must obtain the approval of the Housing Director. A developer may appeal a decision of the Housing Director made pursuant to Section 16-415.12.

SEC. 16-415.5. AFFORDABLE HOUSING AGREEMENT AND EQUITY SHARE AGREEMENT

(A) The developer will be required to enter into an Affordable Housing Agreement with the City, and if applicable, the developer must also require that all initial buyers of the affordable units offered for sale execute an Equity Share Agreement with the City or its designee pursuant

to and in compliance with this Division. The agreements shall be in the form provided by the City which shall contain terms and conditions mandated by, or necessary to implement, State law and this article. The Housing Director may designate a qualified administrator or entity to administer the provisions of this Section on behalf of the City. The Affordable Housing Agreement shall be recorded in the office of the Ventura County Recorder prior to, or concurrently with, final map recordation or, where the qualified housing development does not include a map, prior to issuance of a building permit for any structure on the site. The Housing Director is hereby authorized to enter into the agreements authorized by this Section on behalf of the City upon approval of the agreements by City Attorney for legal form and sufficiency.

(B) Minimum affordable housing component.

The following requirements apply to units identified under Section 16-415.3:

(1) For-Sale Units. For-sale lower and moderate income units shall have a maximum term of affordability of 45 years and shall be subject to an Equity Sharing Agreement, unless the Equity Sharing Agreement is in conflict with the requirements of another public funding source or law. If a Resale Restriction agreement or other affordability agreement is required for the development by another public funding source or law, the minimum term of the affordability restriction shall be 45 years or the minimum term required by the applicable public funding source or law, whichever is longer. The initial eligible buyer of an Affordable Unit offered for sale must enter into an Equity Share Agreement with the City. The Equity Share Agreement shall be recorded as a lien against the purchased property, securing and stating the City's equity share in the property. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The equity sharing agreement shall include at a minimum the following provisions:

(a) The initial buyers of all for-sale units required under this Division are lower or moderate income households, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 16-415.3.

(b) Purchasers of affordable units shall be required to occupy the unit except with approval from the City. Evidence must be presented to the City that the owner is unable to occupy the unit due to illness or incapacity. In such cases, the unit shall be rented to a person within the same household income category designated for the Affordable Unit;

(c) Upon the first resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Any improvements must be constructed with a building permit. For the first 45-years of the equity-share agreement, upon the first resale, the City shall recapture any initial subsidy, as defined in subparagraph (d) below, and its proportionate share of appreciation, as defined in subparagraph (e), which shall be deposited in the City's Affordable Housing Trust Fund. If the first resale occurs after the 45-year term of the equity share agreement, the seller of the unit shall retain the value of any improvements, the initial subsidy and the full appreciation;

(d) For purposes of this subdivision, the City's initial subsidy shall be deemed equal to the fair market value of the home at the time of initial sale minus the initial sale price to the lower or moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value;

(e) The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale.

(f) Resale Procedures. The owner of an inclusionary housing unit must give the City thirty days' notice of the owner's intent to sell or transfer the property. The owner must complete a pest control report and allow the City to inspect the property. The City will complete an appraisal to determine the unrestricted fair market value and decide within that 30-day period whether or not to exercise its option to purchase the property at unrestricted fair market value. If the City decides to exercise its option, or to assign the option to another person, it will close escrow within 45 days after deciding to exercise its option (assuming that the seller has met the terms of the purchase agreement). If the City exercises its option, and the seller desires to dispute the property's unrestricted fair market value, the seller must complete an appraisal at the seller's expense. If the City and the seller cannot agree on the property's unrestricted fair market value, the parties will select a third appraiser to determine the purchase price, with the City and seller sharing equally in the cost of the appraisal.

(g) If the City decides not to exercise its option, then the homeowner may sell the property on the open market at unrestricted fair market value, subject to an appraisal and approval by the Housing Director. At least 15 days but not more than 45 days before the close of escrow, the seller must give the City the documentation to ensure that the unit is being sold at unrestricted fair market value.

(h) Permitted Transfers. No permission from the City is required for the following transfers, but all owners of the inclusionary housing unit remain bound by the Equity share agreement and City note:

i. A good faith transfer by an owner to a spouse or domestic partner where the spouse or domestic partner becomes the co-owner of the property;

ii. Transfer between spouses as part of a dissolution proceeding, or between domestic partners as part of the dissolution of a domestic partnership;

iii. Transfer by an owner into an inter-vivos trust (a living trust) in which owner is the beneficiary;

iv. Transfers by will or inheritance to an existing spouse, child, or domestic partner of the owner following the death of owner, providing that any inheriting child executes a new option to purchase and equity-sharing agreement, promissory note, and deed of trust with a 30-year term or the number of years remaining on the initial term of affordability at the time of transfer, whichever is greater; and

v. Transfer by operation of law on the death of a joint tenant.

vi. The homeowner must provide the City with notice of these permitted transfers at least fifteen days before they occur, except that if a transfer occurs due to inheritance or to the death of an owner, the City must be notified within 30 days.

(2) Rental Units. Rents for lower income affordable units shall remain affordable for at least 55 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(a) The developer of a qualified housing development based upon the inclusion of affordable units for rent must enter into an Affordable Housing Agreement with the City to maintain the

continued affordability of the units. The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall among other things, specify the number of extremely low, very low, low and moderate-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria based upon the specific development; standards for maximum rents; the person responsible for certifying tenant incomes; procedures by which vacancies will be filled; required annual report and monitoring fees; restrictions imposed on lower income affordable units on sale or transfer; and methods of enforcing such restrictions.

SEC. 16-415.6. STANDARDS

All affordable units shall be designed and constructed to be architecturally consistent and similar in size, shape, quality and appearance (including all interior and exterior finishes) to the units not reserved to be affordable. Generally, affordable units shall be dispersed throughout the development. As part of the developer's application before the land use application is deemed complete, the developer shall submit to the City planning staff documentation that the requirements of this Division have been met and that the design, quality and placement of the affordable units will not affect the quality of the development or the affordable units and will not result in discrimination on any legally prohibited basis.

SEC. 16-415.7. OFF-SITE UNITS

(A) As part of the developer's application for land use approvals required for the development and before the application is deemed complete, the developer may request in writing that instead of providing affordable housing within the proposed development, the developer shall provide in whole or in part affordable housing required under this Division on specified off-site land within the City’s jurisdiction.

(B) All developments for which the developer makes a request to provide affordable housing required under this Division on off-site land shall be subject to the City's pre-application process. During the pre-application process, the City Council shall determine whether off-site units are permitted.

(C) The City Council shall consider the following factors in determining whether to grant a request:

(1) If the location of the off-site land is within 500 feet of US 101 or any industrially zoned property;

(2) The compatibility of the off-site land with surrounding uses with respect to issues including, but not limited to the following:

(a) Noise.

(b) Odors.

(c) Truck traffic and deliveries.

(d) Hazardous materials handling/storage.

(e) Air emissions.

(f) Soil/groundwater contamination.

(g) Complete sidewalk circulation systems and bus stops.

(3) The extent to which the proposed development may be designed or redesigned to allow the production of quality units on-site;

(4) The extent to which the City is meeting the affordable housing goals of its 2030 General Plan, and the City's current certified Housing Element; and

(5) The Opportunity Areas of the subject property and the off-site land as defined by the California Department of Housing and Community Development and if development on the off-site land will implement Affirmatively Furthering Fair Housing objectives to increase housing mobility opportunities and provide housing choice in higher resource areas.

(D) If the City Council determines that the off-site land is suitable, the developer shall enter into an Affordable Housing Agreement with the City to provide affordable housing on such land. The Affordable Housing Agreement shall provide for affordable units in a number not less than the number of on-site units required by this Division for the development. The Affordable Housing Agreement shall contain conditions and provisions requiring the construction of such affordable units prior to or concurrent with construction of the development, unless the City Council determines in its sole discretion that such a condition is not necessary to ensure that the affordable units are constructed. The agreement may contain other terms and conditions as the City Council determines are necessary or appropriate.

SEC. 16-415.8. QUALIFIED APPLICANT LIST

The developer shall establish and at all times maintain a written list of Oxnard residents qualified to purchase or rent each of the affordable units. At the City's discretion, the City may maintain a written list of Oxnard residents qualified to rent or purchase affordable units for use by developers. The developer shall market the affordable units to qualified Oxnard resident buyers or renters on the waiting list for a period of no less than thirty (30) days.

SEC. 16-415.9. IN-LIEU FEE

(A) A developer may make a written request that, instead of providing such affordable housing units within the proposed development or off site, the developer be allowed to make an in-lieu affordable housing payment to the City's Affordable Housing Trust Fund.

(B) All developments for which the developer makes a request to make a payment shall be subject to the City's pre-application process. During the pre-application process, the City Council shall determine whether an in-lieu payment may be made.

(C) The City Council shall consider the following factors in determining whether to grant a request:

(1) the size, type and nature of the lots and homes or apartment buildings and units proposed for the development;

(2) the prices for which the developer plans to sell the market rate homes or rent market rate apartment units;

(3) the extent to which the proposed development may be designed or redesigned to allow the production of quality units at lower costs; and

(4) the extent to which the City is meeting the affordable housing goals of its 2030 General Plan, and the City's current certified Housing Element.

(5) the Opportunity Area of the site as defined by the California Department of Housing and Community Development and if development on the site will implement Affirmatively Furthering Fair Housing objectives to increase housing mobility opportunities and provide housing choice in higher resource areas.

(D) If the request is granted by the City Council in its sole discretion, then the payment shall be calculated using the City's adopted housing in-lieu fee ordinance. The payment is based on the total number of units, not including density bonus units and affordable units used to calculate density bonus, multiplied by the adopted in-lieu fee for the type of development.

(E) Beginning on July 1, 2021, and every July 1st thereafter, the Housing Director or designee shall adjust the Fee by the percentage increase or decrease for the prior twelve months as stipulated in the City's adopted housing in-lieu fee ordinance.

(F) If a developer's request to make an in-lieu payment is granted, the full and complete fee for the entire development shall be paid prior to issuance of any building permit. Within 60 days after a developer's request to make a payment is granted, the developer may request in writing that the City allow the developer to satisfy all or part of the payment by dedicating specified off-site land to the City. With such a request, the developer shall submit a written Members of the Appraisal Institute (MAI) appraisal of the land. The City may require that the developer pay for an additional MAI appraisal obtained by the City. The Housing Director or designee shall make a recommendation to the City Council on the market value of the land based on the appraisals provided or paid for by the developer and any other reliable data. The Housing Director or designee shall also make a recommendation to the City Council as to whether the land is suitable for affordable housing and meets the City's needs for sites for affordable housing. If the City Council so determines in its discretion and agrees to accept such property and the Mayor executes a certificate of acceptance for the land, then the City shall apply the market value of the land to the payment owed. If the market value of the land is less than the payment, the developer shall pay the difference. If the market value of the land is more than the payment, dedication of the land shall be deemed the equivalent of making the payment, and the developer shall not be entitled to any payment for the excess market value. The developer shall deed to the City land so accepted before the developer applies for the first building permit for the development. The City Council shall have sole discretion as to acceptance of the developer's request to satisfy all or part of the in-lieu payment with dedicated land.

(G) All in-lieu affordable housing payments shall be deposited in the City's Affordable Housing Trust Fund and used exclusively to provide or assure the continued provision of affordable housing in the City of Oxnard through site acquisition, construction, development assistance, rehabilitation to preserve existing affordable housing stock, subsidies, financing, costs of administering affordable housing program, and any other assistance that will serve to increase or maintain the supply of affordable housing in the City. The Housing Department will report annually to the City Council on the use of the City's Affordable Housing Trust Fund.

SEC. 16-415.10. APPLICABILITY

(A) The provisions of this division shall apply to all residential development applications containing six (6) or more dwelling units, except where determined to be superseded by State law and/or prior City Council approvals as applicable. This Division shall apply to applications for land use approvals that are filed on or after the effective date of this ordinance and to applications for land use approvals that have been filed but have not been deemed complete as of

the effective date of this ordinance.

(B) Nothing in this Division prohibits the City from negotiating a greater percentage or deeper affordability than required by this Division pursuant to a Development Agreement or as stipulated in a City approved Specific Plan area.

SEC. 16-415.11. RELATION TO DENSITY BONUS

In a development that receives a density bonus pursuant to Government Code Section 65915 or 65915.5, the calculation pursuant Section 16-415.3 of this Division of the number of affordable dwelling units to be offered for sale or rent shall be based on the number of units, before the density bonus is applied.

SEC. 16-415.12. APPEALS

(A) Administrative permit - A determination by the Housing Director may be appealed to a hearing officer in accordance with the administrative hearing procedures set forth in Article V of Chapter 1 of the City Code.

(B) Discretionary permit - A determination made by the Planning Commission for Inclusionary Housing in conjunction with a discretionary land use application may be appealed to the City Council by the applicant or any aggrieved person within 18 calendar days of the date of the determination. Such appeal shall be delivered in writing to the City Clerk. Prior to the appeal taking place, an appeal fee as set by City Council resolution shall be collected from the appellant. The City Clerk shall set a hearing date within 30 days of receipt of the appeal. The City Council decision shall be final.

SEC. 16-415.13. INTERPRETATION OF THIS DIVISION 7B.

(A) No effect on other sites - Nothing in this Division 7B prevents all or partially affordable housing developments being developed pursuant to the applicable 2030 General Plan, Housing Element, Oxnard City Code, zoning designations, density bonus permit process, development standards, California Environmental Quality Act review, and applicable permitting procedures.

(B) Development standards - Nothing in this Division 7B shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined by Cal. Gov't Code, Section 65589.5(d)(2), upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(C) Design - Nothing in this Division 7B shall be interpreted as authorizing or encouraging the development of affordable housing with lower quality design compared with market-rate developments. Affordable developments are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments."

Part 4. This ordinance shall apply to applications for land use approvals that are filed on or after the effective date of this ordinance and to applications for land use approvals that have been filed but have not been accepted as complete as of the effective date of this ordinance.

Part 5. This ordinance repeals and replaces Ordinance No. 2506, 2545, 2615, 2688, 2721 and

2980.

Part 6. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

Part 7. Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the Guidelines to the California Environmental Quality Act because the activity is covered by the general rule that CEQA applies only to development which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, CEQA does not apply to this action.

Part 8. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on _____, to become effective thirty (30) days thereafter.

[Remainder of Page Left Intentionally Blank]

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____
John Zaragoza, Mayor

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

ATTEST:

_____
Rose Chaparro, City Clerk

Attachment 2

Revisions to Existing Inclusionary Housing Ordinance

(NOTE: Bold and Italic language represents changes to the Ordinance post January 25, 2023 - after public review. Underline and strikethrough are changes to the existing Inclusionary Housing Ordinance).

Part 3. Oxnard City Code Chapter 16, Article V, Division 7B entitled "Inclusionary Housing," Sections 16-415.1 through 16-415.13 are hereby amended to read as follows:

"**DIVISION 7B. INCLUSIONARY HOUSING**

16-415.1. Intent

16-415.2. Definitions

16-415.3. Affordable Unit Requirements

16-415.4. Affordable Housing Costs

16-415.5. Affordable Housing Agreement and Equity Share Agreement

16-415.6. Standards

16-415.7. Off-Site Units

16-415.8. Qualified Applicant List

16-415.9. In-Lieu Fee

16-415.10. Applicability

16-415.11. Relation to Density Bonus

16-415.12. Appeals

16-415.13. Interpretation of this Division 7B

DIVISION 7B. INCLUSIONARY HOUSING

SEC. 16-415.1. INTENT.

The intent of this Division 7B is to promote the public welfare by increasing the production and availability of affordable housing units within ***new*** market rate residential development and to assure continued provision of affordable housing in the City of Oxnard through site acquisition, construction, development assistance, rehabilitation of existing affordable housing, subsidies, financing, and administration of affordable housing programs. This Division is intended to work together with other affordable housing programs within the City of Oxnard.

SEC. 16-415.2. DEFINITIONS.

In addition to the definitions in Section 16-10, the following definitions apply to this Division and shall control over any conflicting definitions in Section 16-10. Where the definitions are provided by State law, the citation to the statute, as may be amended from time to time, follows.

(A) AFFORDABLE HOUSING AGREEMENT - an agreement between the City of Oxnard and the developer pursuant to Section 16-415.5.

(B) ***AFFORDABLE HOUSING COST - The definition set forth in Cal. Health and Safety Code, Section 50052.5, inclusive of housing related costs set forth in California Code of Regulation Section 6920.***

(C) AFFORDABLE RENT - The definition set forth in Cal. Health and Safety Code, Section 50053***(b), inclusive of reasonable utility allowance, as defined in Health and Safety Code 50053 (b)(3) for lower income households whose household income is not greater than eighty percent (80%) of the Ventura County Area Median Income (AMI), adjusted for family size, as defined in California Health and Safety Code Section 50079.5 and revised annually.***

(D) AFFORDABLE UNIT - A residential dwelling unit that is guaranteed by the developer to be rented or sold in accordance with the requirements of this Division to persons and families of low**er** or moderate income (Cal. Health and Safety Code, Section 50093).

(E) DENSITY BONUS UNIT - a dwelling unit granted pursuant to Cal. Gov't Code, Section 65915 which exceeds the otherwise maximum allowable residential density.

(F) DEVELOPER - The applicant or permittee of a qualified housing development and its assignees or successors in interest.

(G) DEVELOPMENT STANDARD - A site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio, that applies to a residential development pursuant to the zoning ordinance, the general plan, specific plan or other city condition, law. policy, resolution, or regulation (Cal. Gov't Code, Section 65915(o)(2)).

(H) DOMESTIC PARTNER - The definition set forth in California Family Code Section 297. An individual is considered a domestic partner of the owner by presenting the Declaration of Domestic Partnership filed with the California Secretary of State (Cal. Family Code Section 297).

(I) EQUITY SHARE AGREEMENT - An agreement between the City of Oxnard and the initial buyer of an affordable unit offered for sale pursuant to Section 16-415.5.

(J) HOUSING DEVELOPMENT - A development of five or more residential units, including mixed-use developments. This also includes a subdivision or common interest development that is approved by the city and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units. (Cal. Gov't Code, Section 65915(i))

(K) HOUSING RELATED COST - The definition set forth in California Code of Regulations Section 6920. Housing related cost is inclusive of mortgage loan payments, mortgage insurance payments, property taxes and assessments, homeowner association fees, reasonable utilities allowance, insurance premiums, maintenance costs, and space rent.

(L) HOUSEHOLD INCOME CATEGORY DEFINITIONS

(1) ACUTELY LOW INCOME HOUSEHOLDS - Persons and families whose incomes do

not exceed 15% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50063.5, as may be amended.

(2) EXTREMELY LOW INCOME HOUSEHOLDS - Persons and families whose incomes do not exceed 30% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50106, as may be amended.

(3) VERY LOW INCOME HOUSEHOLDS - Persons and families whose incomes do not exceed 50% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50105, as may be amended.

(4) LOW INCOME HOUSEHOLDS - Persons and families whose incomes do not exceed 80% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50079.5, as may be amended.

(5) LOWER INCOME HOUSEHOLDS - Includes acutely low income households, extremely low income households, very low income households and low income households whose gross incomes are 80% or less of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, pursuant to California Health and Safety Code Section 50079.5 and 50105, as may be amended.

(6) MODERATE INCOME HOUSEHOLDS - Persons or families whose incomes do not exceed 120% of the area median income for the Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50093.

(M) INCENTIVE - "Incentives and concessions" as that phrase is used in Cal. Gov't Code, Section 65915(k).

(N) INCLUSIONARY HOUSING UNIT - A dwelling unit that is required under Section 16-415.3 of this Division.

(O) MARKET-RATE UNIT - A dwelling unit that is not an Affordable Unit.

(P) RENT - The definition set forth in Cal. Code of Regulations, Section 6918. Monthly rent shall be an average of estimated costs for the next twelve months. Rent is inclusive of the total of monthly payments for a rental or cooperative unit for:

(1) Use and occupancy of a housing unit and land and facilities associated therewith.

(2) Any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.

(3) A reasonable allowance for utilities not included in (1) or (2) above, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Utilities do not include telephone service. Such an allowance shall take into consideration the cost of an adequate level of service.

(4) Possessory interest, taxes, or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than the lessor.

(Q) SPECIFIC, ADVERSE IMPACT - A significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the housing development was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Cal. Gov't Code, Section 65589.5(d)(2))

(R) TOTAL UNITS AND TOTAL DWELLING UNITS -Dwelling units other than density bonus units. (Cal. Gov't Code, Section 65915(o)(6))

(S) ZONING ORDINANCE - Chapters 16 and 17 of the City of Oxnard Municipal Code.

SEC. 16-415.3. AFFORDABLE UNIT REQUIREMENTS.

~~Part 3~~ (A) For-Sale Development. ***Except where determined to be superseded by State law and/or prior City Council approvals, ~~A~~a***ll ***~~new~~*** residential development ***applications*** ~~projects~~ containing ~~ten~~ six (6~~10~~) or more dwelling units to be offered for sale shall include a number of dwelling units equal to not less than ~~10~~5% of the total number of dwelling units, not inclusive of density bonus units, offered for sale in the development ~~projects~~ that shall be sold at an affordable housing cost to ~~persons and families of~~ lower income households, as defined in California Health and Safety Code Section 50079.5, and shall include an additional number of dwelling units equal to not less than 10% of the total number of dwelling units in the development, not inclusive of density bonus units, that shall be sold at an affordable housing cost to moderate income households, as defined in California Health and Safety Code Section 50093. All affordable dwelling unit calculations resulting in fractional units shall be ***combined to sum a whole lower income unit. Any remaining fractional units shall be rounded up to a whole moderate income unit ~~rounded up to the next whole number~~.*** If the number of bedrooms per unit varies within a development, the number of affordable lower income and moderate income units ~~of each bedroom numbers must meet the requirements of this part 3, i.e., affordable units~~ shall be proportionately distributed throughout the development by bedroom size.~~Each such affordable dwelling unit shall have at least three bedrooms, provided that if a project contains at least ten two-bedroom units, two-bedroom affordable units may be provided in the same percentage ratio to all affordable units as the percentage ratio of two-bedroom market rate units bears to the total number of market rate units in the project.~~ For purposes of this ~~ordinance~~ Division, the term "units offered for sale" includes single residences, attached dwelling units and units classified as condominium units under California law. All affordable units must be of similar size, shape, quality and appearance (including all interior and exterior finishes) as the units not reserved to be affordable.

~~Part 4~~ (B) Rental Development. ***Except where determined to be superseded by State law and/or prior City Council approvals, ~~A~~a****ll* ***~~new~~*** residential development ***applications*** ~~projects~~ containing ~~ten~~ six (6~~10~~) or more dwelling units to be offered for rent shall include a number of dwelling units equal to not less than 5% of the total number of dwelling units in the development, not inclusive of density bonus units, offered for rent that shall be rented at an affordable rent to ~~persons and families of~~ very low income households, as defined in California Health and Safety Code Section 50105, and shall include an additional number of dwelling units equal to not less than ~~5%~~10% of the total number of dwelling units in the development ~~projects~~ offered for rent at an affordable rent to ~~persons and families of~~ lower income households, as defined in California Health and Safety Code Section 50079.5. All affordable dwelling unit calculations resulting in

fractional units shall be ***combined to sum a whole very low income unit. Any remaining fractional units shall be rounded up to a whole lower income unit*** ~~***rounded up to the next whole number***~~**.** For purposes of this Division, the term "units offered for rent" includes single residences, attached dwelling units and accessory dwelling units. If the number of bedrooms per unit varies within a development ~~project~~, the number of low and very low-income units of each bedroom number must meet the requirements where the ~~of this Section part 4, i.e.~~ affordable units shall be proportionately distributed throughout the development ~~projects~~ by bedroom size. All affordable units must be of the similar size, shape, quality and appearance (including all interior and exterior finishes) as the units not reserved to be affordable.

SEC. 16-415.4. AFFORDABLE HOUSING COSTS.

~~Part 5.~~ (A) Housing Cost or Rent. ~~As used in this ordinance, the term "housing cost" includes the costs described in 25 California Code of Regulations section 6920, except that in determining housing cost under this ordinance the amount paid for maintenance and utilities will not be included. For purposes of calculating mortgage loan cost, a prevailing market interest rate for a fixed interest rate loan will be used. As used in this ordinance, the word "rent" has the meaning ascribed to such word in 25 California Code of Regulations section 6918.~~ For the purposes of this Division ~~Ordinance~~, "affordable housing cost or rent" shall mean:

(1) As used in this Division, the term "housing cost" includes the costs described in 25 California Code of Regulations Section 6920. Affordable housing cost for any for-sale and owner-occupied housing shall not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code for each income category, based on ~~With respect to a lower-income person or family, rent or housing cost not in excess of 30% of 70%80% of~~ the area median income for the Ventura County Metropolitan Statistical Area, adjusted for household ~~family~~ size appropriate for the unit in question, ~~as set forth in Section 6932 of Title 25 of the California Code of Regulations~~; and.

(2) ~~With respect to a very low-income person or family, rent or housing cost not in excess of 30% of 50%~~ As used in this Division, the word "rent" has the meaning ascribed to such word in 25 California Code of Regulations Section 6918. Affordable rent, including a reasonable utility allowance, shall not exceed the calculation outlined for each income category in California Health and Safety Code 50053 based on the area median income for the Ventura County Metropolitan Statistical Area, adjusted for household ~~family~~ size appropriate for the unit in question~~, as set forth in Section 6932 of Title 25 of the California Code of Regulations~~.

(B) Prior to offering for sale or rental the first unit which the developer intends to qualify as an affordable unit under ~~Part 3 or Part 4 of this ordinance~~ Section 16-415.3, the developer shall submit to the City's Housing Director the proposed sale price or rental amount for all affordable units and the dates upon which the affordable units will be offered for sale or rental, and thereafter, any other information requested by the City's Housing Director. The Housing Director shall review the information submitted, and within 30 days of receipt of all requested information, shall determine whether the sales price or rental amount is affordable as provided in ~~Part 3 or Part 4~~ this Division. Thereafter, if the developer desires to increase the sales price or rental amount for any ~~for sale~~ affordable units, the developer must obtain the approval of the Housing Director. A developer may appeal a decision of the Housing Director made pursuant to ~~this Part 5~~ Section 16-415.12. ~~within the time and following the procedures (including payment of the fee) set forth in the Oxnard City Code section 16-545 et seq. for appeal of a decision of the~~

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~~Planning Commission denying a special use permit.~~

SEC. 16-415.5. AFFORDABLE HOUSING AGREEMENT AND EQUITY SHARE AGREEMENT

~~Part 6. Not later than the date of application for the first building permit for a project that is subject to Part 3 or 4 of this ordinance,~~ (A) The developer will be required to enter into an Affordable Housing Agreement with the the City, and if applicable, the developer must also require that all initial buyers of the affordable units offered for sale execute an Equity Share Agreement with the City or its designee pursuant to and in compliance with this Division. The agreements shall be in the form provided by the City which shall contain terms and conditions mandated by, or necessary to implement, State law and this article. The Housing Director may designate a qualified administrator or entity to administer the provisions of this Section on behalf of the City. The Affordable Housing Agreement shall be recorded in the office of the Ventura County Recorder prior to, or concurrently with, final map recordation or, where the qualified housing development does not include a map, prior to issuance of a building permit for any structure on the site. The Housing Director is hereby authorized to enter into the agreements authorized by this Section on behalf of the City upon approval of the agreements by City Attorney for legal form and sufficiency.

(B) Minimum affordable housing component.

The following requirements apply to units identified under Section 16-415.3:

(1) For-Sale Units. For-sale lower and moderate income units shall have a maximum term of affordability of 45 years and shall be subject to an Equity Sharing Agreement, unless the Equity Sharing Agreement is in conflict with the requirements of another public funding source or law. If a Resale Restriction agreement or other affordability agreement is required for the development by another public funding source or law, the minimum term of the affordability restriction shall be 45 years or the minimum term required by the applicable public funding source or law, whichever is longer. The initial eligible buyer of an Affordable Unit offered for sale must enter into an Equity Share Agreement with the City. The Equity Share Agreement shall be recorded as a lien against the purchased property, securing and stating the City's equity share in the property. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The equity sharing agreement shall include at a minimum the following provisions:

(a) The initial buyers of all for-sale units required under this Division are lower or moderate income households, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 16-415.3.

(b) Purchasers of affordable units shall be required to occupy the unit except with approval from the City. Evidence must be presented to the City that the owner is unable to occupy the unit due to illness or incapacity. In such cases, the unit shall be rented to a person within the same household income category designated for the Affordable Unit;

(c) Upon the first resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Any Improvements must be constructed with a building permit. For the first 45-years of the equity-share agreement, upon the first resale, the City shall recapture any initial subsidy, as defined in subparagraph (d) below, and its proportionate share of appreciation, as defined in

subparagraph (e), which shall be deposited in the City's Affordable Housing Trust Fund. If the first resale occurs after the 45-year term of the equity share agreement, the seller of the unit shall retain the value of any improvements, the initial subsidy and the full appreciation;

(d) For purposes of this subdivision, the City's initial subsidy shall be deemed equal to the fair market value of the home at the time of initial sale minus the initial sale price to the lower or moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value;

(e) The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale.

(f) Resale Procedures. The owner of an inclusionary housing unit must give the City thirty days' notice of the owner's intent to sell or transfer the property. The owner must complete a pest control report and allow the City to inspect the property. The City will complete an appraisal to determine the unrestricted fair market value and decide within that 30-day period whether or not to exercise its option to purchase the property at unrestricted fair market value. If the City decides to exercise its option, or to assign the option to another person, it will close escrow within 45 days after deciding to exercise its option (assuming that the seller has met the terms of the purchase agreement). If the City exercises its option, and the seller desires to dispute the property's unrestricted fair market value, the seller must complete an appraisal at the seller's expense. If the City and the seller cannot agree on the property's unrestricted fair market value, the parties will select a third appraiser to determine the purchase price, with the City and seller sharing equally in the cost of the appraisal.

(g) If the City decides not to exercise its option, then the homeowner may sell the property on the open market at unrestricted fair market value, subject to an appraisal and approval by the Housing Director. At least 15 days but not more than 45 days before the close of escrow, the seller must give the City the documentation to ensure that the unit is being sold at unrestricted fair market value.

(h) Permitted Transfers. No permission from the City is required for the following transfers, but all owners of the inclusionary housing unit remain bound by the Equity share agreement and City note:

i. A good faith transfer by an owner to a spouse or domestic partner where the spouse or domestic partner becomes the co-owner of the property;

ii. Transfer between spouses as part of a dissolution proceeding, or between domestic partners as part of the dissolution of a domestic partnership;

iii. Transfer by an owner into an inter-vivos trust (a living trust) in which owner is the beneficiary;

iv. Transfers by will or inheritance to an existing spouse, child, or domestic partner of the owner following the death of owner, providing that any inheriting child executes a new option to purchase and equity-sharing agreement, promissory note, and deed of trust with a 30-year term or the number of years remaining on the initial term of affordability at the time of transfer, whichever is greater; and

v. Transfer by operation of law on the death of a joint tenant.

vi. The homeowner must provide the City with notice of these permitted transfers at least fifteen days before they occur, except that if a transfer occurs due to inheritance

or to the death of an owner, the City must be notified within 30 days.

(2) Rental Units. Rents for lower income affordable units shall remain affordable for at least ~~20 years~~ 55 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(a) The developer of a qualified housing development based upon the inclusion of affordable units for rent must enter into an Affordable Housing Agreement with the City to maintain the continued affordability of the units. The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall among other things, specify the number of extremely low, very low, low and moderate-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria based upon the specific development; standards for maximum rents; the person responsible for certifying tenant incomes; procedures by which vacancies will be filled; required annual report and monitoring fees; restrictions imposed on lower income affordable units on sale or transfer; and methods of enforcing such restrictions.

SEC. 16-415.6. STANDARDS

~~Part 7. Such~~ All affordable units shall be designed and constructed ~~so as~~ to be architecturally consistent ~~with~~ and ~~qualitatively~~ similar in size, shape, quality and appearance (including all interior and exterior finishes) to the units not reserved to be affordable ~~to other units in the projects~~. Generally, affordable units shall be dispersed throughout the development ~~projects~~. As part of the developer's application ~~for any land use approvals required for the projects~~ and ~~prior to the date upon which~~ before the land use application is deemed complete, the developer shall submit to the City planning staff ~~such documents and plans as planning staff determines are necessary and appropriate for the City to determine~~ documentation that the requirements of this Division have been met and that the design, quality and placement of the affordable units will not affect the quality of the development ~~projects~~ or the affordable units, and will not result in discrimination on any legally prohibited basis. ~~The City Council, Planning Commission, or other decision-making person or body with final approval over the projects shall make such determination. The determination of the decision-making body shall be made exercising its sole, good faith, discretion.~~

SEC. 16-415.7. OFF-SITE UNITS

~~Part 8.~~ (A) As part of the developer's application for land use approvals required for the development ~~projects~~ and before ~~prior to the date upon which~~ the application is deemed complete, the developer ~~of a projects that is subject to this Division~~ may request in writing that instead of providing ~~such~~ affordable housing within the proposed development ~~projects~~, the developer shall provide in whole or in part ~~such~~ affordable housing required under this Division on specified off-site land within the City's jurisdiction.

(B) All developments for which the developer makes a request to provide affordable housing required under this Division on off-site land shall be subject to the City's pre-application process. During the pre-application process, the City Council shall determine whether off-site units are permitted.

(C) The City Council shall consider the following factors in determining whether to grant a request:

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(1) If the location of the off-site land is within 500 feet of US 101 or any industrially zoned property;

(2) The compatibility of the off-site land with surrounding uses with respect to issues including, but not limited to the following:

(a) Noise.
(b) Odors.
(c) Truck traffic and deliveries.
(d) Hazardous materials handling/storage.
(e) Air emissions.
(f) Soil/groundwater contamination.
(g) Complete sidewalk circulation systems and bus stops.

(3) The extent to which the proposed development may be designed or redesigned to allow the production of quality units on-site;

(4) The extent to which the City is meeting the affordable housing goals of its 2030 General Plan, and the City's current certified Housing Element; and

(5) The Opportunity Areas of the subject property and the off-site land as defined by the California Department of Housing and Community Development and if development on the off-site land will implement Affirmatively Furthering Fair Housing objectives to increase housing mobility opportunities and provide housing choice in higher resource areas.

(D) ~~The request shall be presented to the City Council, which shall determine in its sole discretion whether the land is suitable for affordable housing.~~ If the City Council determines that the off-site land is suitable, the developer shall enter into an Affordable Housing Agreement with the City to provide affordable housing on such land. The Affordable Housing Agreement shall provide for affordable units in a number not less than the number of on-site units required by this Division for the development ~~projects~~. The Affordable Housing Agreement shall contain conditions and provisions requiring the construction of such affordable units prior to or concurrent with construction of the development ~~projects~~, unless the City Council determines in its sole discretion that such a condition is not necessary to ensure that the affordable units are constructed. The agreement may contain ~~such~~ other terms and conditions as the City Council determines are necessary or appropriate.

SEC. 16-415.8. QUALIFIED APPLICANT LIST

~~Part 9.~~ The developer shall establish and at all times maintain a written list of Oxnard residents qualified to purchase or rent each of the affordable units. At the City's discretion, the City may maintain a written list of Oxnard residents qualified to rent or purchase affordable units ***for use by developers.***~~***; this list would supersede the developer's list.***~~ The developer shall ~~offer~~ ~~***affirmatively***~~ market the affordable units to qualified Oxnard resident buyers or renters on the waiting list ***first*** for a period of no less than thirty (30) days ~~***and give preference to them until there are no qualified Oxnard residents on the waiting list. At such time, the developer may make units available to all other prospective buyers or renters meeting the income limitations for such units.***~~

SEC. 16-415.9. IN-LIEU FEE

(A) ~~Part 10.~~ A developer may~~, following the procedure set forth in this Part 10,~~ make a written request that, instead of providing such affordable housing units within the proposed development ~~projects~~ or off site, the developer ***be allowed to*** make an in-lieu affordable housing payment ~~("Payment")~~ to the City's Affordable Housing ~~In-Lieu Fee~~ Trust Fund.

(B) All ~~projects~~ developments for which the developer makes a request to make a payment shall be subject to the City's pre-application process. During the pre-application process, the City Council shall determine whether an in-lieu payment may be made.

(C) The City Council shall consider the following factors in determining whether to grant a request:

(1) the size, type and nature of the lots and homes ~~and/~~or apartment buildings and units proposed for the development;

(2) the prices for which the developer plans to sell the market rate homes or rent market rate apartment units;

(3) the extent to which the proposed development may be designed or redesigned to allow the production of quality units at lower costs; and

(4) the extent to which the City is meeting the affordable housing goals of its 2030 General Plan, and the City's current certified Housing Element.

(5) the Opportunity Area of the site as defined by the California Department of Housing and Community Development and if development on the site will implement Affirmatively Furthering Fair Housing objectives to increase housing mobility opportunities and provide housing choice in higher resource areas.

(D) If the request is granted ***by the City Council in its sole discretion***, the***n the*** payment shall be calculated using the City's adopted ~~affordable~~ housing in-lieu fee ordinance ~~schedule~~. The payment is based on the total number of units, not including density bonus ***units and affordable units used to calculate density bonus***, multiplied by the adopted in-lieu fee for the type of development.

(E) Beginning on July 1, 2021, and every July 1st thereafter, the Housing Director or designee shall adjust the Fee by the percentage increase or decrease for the prior twelve months as stipulated in the City's adopted housing in-lieu fee ordinance. ~~determined by Engineering News Record Building Cost Index for the Los Angeles Region.~~

(F) ~~Part 11~~ If a developer's request to make an in-lieu payment is granted, the full and complete fee for the entire development shall be paid prior to issuance of any building permit.~~the fee for each unit shall be paid when the developer pulls a building permit for each unit.~~ Within 60 days after a developer's request to make a payment is granted, the developer may request in writing that the City allow the developer to satisfy all or part of the payment by dedicating specified off-site land to the City. With such a request, the developer shall submit a written Members of the Appraisal Institute (MAI) ~~M.A.I.~~ appraisal of the land. The City may require that the developer pay for an additional ~~M.A.I.~~MAI appraisal obtained by the City. The Housing Director or designee ~~The \City Council~~ shall ~~determine~~ make a recommendation to the City Council on the market value of the land based on the appraisals provided or paid for by the

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developer and any other reliable data. The Housing Director or designee shall ~~make a recommendation to the City Council regarding the land's market value~~. ~~The City Council shall~~ also ~~determine~~ make a recommendation to the City Council as to whether the land is suitable for affordable housing and meets the City's needs for sites for affordable housing. If the City Council so determines ***in its discretion and agrees to accept such property*** and the Mayor executes a certificate of acceptance for the land, ***then*** the City shall apply the market value of the land to the payment owed. If the market value of the land is less than the payment, the developer shall pay the difference. If the market value of the land is more than the payment, dedication of the land shall be deemed the equivalent of making the payment, and the developer shall not be entitled to any payment for the excess market value. The developer shall deed to the City land so accepted before the developer applies for the first building permit for the development ~~project~~. The City Council shall have sole discretion as to acceptance of the developer's request to satisfy all or part of the in-lieu payment with dedicated land.

(G) All in-lieu affordable housing payments shall be deposited in the City's Affordable Housing Trust Fund and used exclusively to provide or assure the continued provision of affordable housing in the City of Oxnard through site acquisition, construction, development assistance, rehabilitation to preserve existing affordable housing stock, subsidies, financing, costs of administering affordable housing program, and any other assistance that will serve to increase or maintain the supply of affordable housing in the City. ~~to provide affordable housing and affordable housing assistance to persons and families of lower and very low income~~ The Housing Department will report annually to the City Council on the use of the City's Affordable Housing Trust Fund.

SEC. 16-415.10. APPLICABILITY

(A) The provisions of this division shall apply to all ***new*** residential development~~s~~ ***applications*** containing six (6) or more dwelling units***, except where determined to be superseded by State law and/or prior City Council approvals as applicable.*** ~~***Part 17.***~~ This ~~ordinance~~ Division ~~***applies prospectively only. It***~~ *shall* ~~***not***~~ *apply to applications* ***for land use approvals that are filed on or after the effective date of this ordinance and to applications for land use approvals that have been filed but have not been deemed*** ~~***accepted as***~~ ***complete as of the effective date of this ordinance.*** ~~***which have been submitted to the Planning Division for entitlement processing prior to the Inclusionary Housing Ordinance effective date.***~~

(B) Nothing in this Division prohibits the City from negotiating a greater percentage or deeper affordability than required by this Division pursuant to a Development Agreement or as stipulated in a City approved Specific Plan area.

SEC. 16-415.11. RELATION TO DENSITY BONUS

~~Part 15.~~In a development ~~project~~ that receives a density bonus pursuant to Government Code Section 65915 or 65915.5, the calculation pursuant ~~to Part 3 or Part 4~~ Section 16-415.3 of this Division ~~ordinance~~ of the number of dwelling units to be offered for sale or rent shall be based on the number of units before the density bonus is applied. ~~Affordable units provided pursuant to this ordinance shall not be included in the calculation of affordable units provided pursuant to density bonus statutes, ordinances or resolutions.~~

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SEC. 16-415.12. APPEALS

~~Part 12. A developer may appeal to the City Council a decision of the Housing Director or Planning Commission requiring compliance with this Division, on the ground that such application of this Division to the development results in an unconstitutional taking of property or that there is no reasonable relationship between the impact of the development and such requirements.~~

(A) Administrative permit - A determination by the Housing Director may be appealed to a hearing officer in accordance with the administrative hearing procedures set forth in Article V of Chapter 1 of the City Code.

(B) Discretionary permit - A determination made by the Planning Commission for Inclusionary Housing in conjunction with a discretionary land use application may be appealed to the City Council by the applicant or any aggrieved person within 18 calendar days of the date of the determination. Such appeal shall be delivered in writing to the City Clerk. Prior to the appeal taking place, an appeal fee as set by City Council resolution shall be collected from the appellant. The City Clerk shall set a hearing date within 30 days of receipt of the appeal. The City Council decision shall be final.

SEC. 16-415.13 INTERPRETATION OF THIS DIVISION 7B.

(A) No effect on other sites - Nothing in this Division 7B prevents all or partially affordable housing developments being developed pursuant to the applicable 2030 General Plan, Housing Element, Oxnard City Code, zoning designations, density bonus permit process, development standards, California Environmental Quality Act review, and applicable permitting procedures.

(B) Development standards - Nothing in this Division 7B shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined by Cal. Gov't Code, Section 65589.5(d)(2), upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(C) Design - Nothing in this Division 7B shall be interpreted as authorizing or encouraging the development of affordable housing with lower quality design compared with market-rate developments. Affordable developments are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments.

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Attachment 3

EXISTING INCLUSIONARY REQUIREMENTS FOR VENTURA COUNTY & SOME SURROUNDING JURISDICTIONS

JURISDICTION	PROJECT TYPE	THRESHOLD PROJECT SIZE	AFFORDABILITY REQUIREMENT
FILLMORE	For-Sale & Rental	5 Units	15%: 10% low income + 5% extremely low or very low income for large projects 1-3 lower income units required for projects between 5-19 units
OXNARD	For-Sale & Rental	10 Units	10%: For-Sale: 10% lower income Rental: 5% very low + 5% lower income
PT. HUENEME	For-Sale & Rental	10 Units	25%: 25% low or moderate income. Administrative in-lieu fee option
SAN BUENA-VENTURA (Updated 2/27/23)	For-Sale & Rental	7 Units	15% Rental: 10% low and 5% very low income For-sale: 10% moderate income Rental development with fewer than 20 dwellings and for-sale development (any size) may pay in-lieu fee rather than constructing affordable units.
SANTA PAULA	For-Sale & Rental	10 Units	15%: 15% low income *or* 10% very low income, or 17% offsite low income or 12% offsite very low income. The developer pays an in-lieu fee for partial numbers.
THOUSAND OAKS (currently being updated)	For-Sale & Rental	6 Units	10%: For-sale & Rental: 10% Moderate income or lower income. Administrative in-lieu fee option. In 2009 the City Council set the in-lieu fee at $0.
VENTURA COUNTY	For-Sale & Rental	10 Units	10.5%: For-Sale & Rental lower income

JURISDICTION	PROJECT TYPE	THRESHOLD PROJECT SIZE	AFFORDABILITY REQUIREMENT
	(Piru Area Plan Only)		
SANTA BARBARA CITY (Coastal & Inland)	For-sale	10 Units	For-sale: 15% for income ≤110% of AMI (moderate) <u>15%:</u> Rental: ● 5% for very low income ● 5% for lower income; and ● 5% for moderate income; <u>or</u> ● 10% for extremely low income
CITY OF GOLETA	For-Sale & Rental City also charges a commercial linkage fee	2-4 Units, pay in-lieu fee, 5+ Units, Construct	<u>20% (or 15% with public benefit):</u> ● 2.5% extremely low income, ● 2.5% very low income, ● 5% low income, ● 5% moderate income, and ● 5% above moderate income. If 15% with public benefit: ● 1% extremely low income, ● 1% very low income, ● 5% low income, ● 4% moderate income, and ● 4% above moderate income
SAN LUIS OBISPO CITY	For-sale & Rental	Exempts development that include a Density Bonus	<u>10%</u> For-Sale: 5% low income and 5% moderate income <u>6%</u> Rental: 3% very low income and 3% low income

Note: the above table does not reflect all jurisdictions in Ventura County because not all communities require inclusionary housing, or have an Inclusionary Housing Ordinance that requires evaluating each project individually for the number of affordable units.

Attachment 4

Affordable Housing Rounding Calculations
For For-Sale Development

Project size	5% Low	10% Moderate	Fractional Combine Low and Moderate	Fractional Low	Fractional Mod	Total Low	Total Moderate	Total Units	15% of project size
6	0.3	0.6	0.9	1	0	**1**	**0**	1	1
7	0.35	0.7	1.05	1	1	**1**	**1**	2	2
8	0.4	0.8	1.2	1	1	**1**	**1**	2	2
9	0.45	0.9	1.35	1	1	**1**	**1**	2	2
10	0.5	1	0.5	1	0	**1**	**1**	2	2
11	0.55	1.1	0.65	1	0	**1**	**1**	2	2
12	0.6	1.2	0.8	1	0	**1**	**1**	2	2
13	0.65	1.3	0.95	1	0	**1**	**1**	2	2
14	0.7	1.4	1.1	1	1	**1**	**2**	3	3
15	0.75	1.5	1.25	1	1	**1**	**2**	3	3
16	0.8	1.6	1.4	1	1	**1**	**2**	3	3
17	0.85	1.7	1.55	1	1	**1**	**2**	3	3
18	0.9	1.8	1.7	1	1	**1**	**2**	3	3
19	0.95	1.9	1.85	1	1	**1**	**2**	3	3
20	1	2	0	0	0	**1**	**2**	3	3
21	1.05	2.1	0.15	1	0	**2**	**2**	4	4
22	1.1	2.2	0.3	1	0	**2**	**2**	4	4
23	1.15	2.3	0.45	1	0	**2**	**2**	4	4
24	1.2	2.4	0.6	1	0	**2**	**2**	4	4
25	1.25	2.5	0.75	1	0	**2**	**2**	4	4
26	1.3	2.6	0.9	1	0	**2**	**2**	4	4
27	1.35	2.7	1.05	1	1	**2**	**3**	5	5
28	1.4	2.8	1.2	1	1	**2**	**3**	5	5
29	1.45	2.9	1.35	1	1	**2**	**3**	5	5
30	1.5	3	0.5	1	0	**2**	**3**	5	5
31	1.55	3.1	0.65	1	0	**2**	**3**	5	5
32	1.6	3.2	0.8	1	0	**2**	**3**	5	5
33	1.65	3.3	0.95	1	0	**2**	**3**	5	5
34	1.7	3.4	1.1	1	1	**2**	**4**	6	6
35	1.75	3.5	1.25	1	1	**2**	**4**	6	6
36	1.8	3.6	1.4	1	1	**2**	**4**	6	6
37	1.85	3.7	1.55	1	1	**2**	**4**	6	6
38	1.9	3.8	1.7	1	1	**2**	**4**	6	6
39	1.95	3.9	1.85	1	1	**2**	**4**	6	6
40	2	4	0	0	0	**2**	**4**	6	6
41	2.05	4.1	0.15	1	0	**3**	**4**	7	7

Project size	5% Low	10% Moderate	Fractional Combine Low and Moderate	Fractional Low	Fractional Mod	Total Low	Total Moderate	Total Units	15% of project size
42	2.1	4.2	0.3	1	0	**3**	**4**	7	7
43	2.15	4.3	0.45	1	0	**3**	**4**	7	7
44	2.2	4.4	0.6	1	0	**3**	**4**	7	7
45	2.25	4.5	0.75	1	0	**3**	**4**	7	7
46	2.3	4.6	0.9	1	0	**3**	**4**	7	7
47	2.35	4.7	1.05	1	1	**3**	**5**	8	8
48	2.4	4.8	1.2	1	1	**3**	**5**	8	8
49	2.45	4.9	1.35	1	1	**3**	**5**	8	8
50	2.5	5	0.5	1	0	**3**	**5**	8	8
51	2.55	5.1	0.65	1	0	**3**	**5**	8	8
52	2.6	5.2	0.8	1	0	**3**	**5**	8	8
53	2.65	5.3	0.95	1	0	**3**	**5**	8	8
54	2.7	5.4	1.1	1	1	**3**	**6**	9	9
55	2.75	5.5	1.25	1	1	**3**	**6**	9	9
56	2.8	5.6	1.4	1	1	**3**	**6**	9	9
57	2.85	5.7	1.55	1	1	**3**	**6**	9	9
58	2.9	5.8	1.7	1	1	**3**	**6**	9	9
59	2.95	5.9	1.85	1	1	**3**	**6**	9	9
60	3	6	0	0	0	**3**	**6**	9	9
61	3.05	6.1	0.15	1	0	**4**	**6**	10	10
62	3.1	6.2	0.3	1	0	**4**	**6**	10	10
63	3.15	6.3	0.45	1	0	**4**	**6**	10	10
64	3.2	6.4	0.6	1	0	**4**	**6**	10	10
65	3.25	6.5	0.75	1	0	**4**	**6**	10	10
66	3.3	6.6	0.9	1	0	**4**	**6**	10	10
67	3.35	6.7	1.05	1	1	**4**	**7**	11	11
68	3.4	6.8	1.2	1	1	**4**	**7**	11	11
69	3.45	6.9	1.35	1	1	**4**	**7**	11	11
70	3.5	7	0.5	1	0	**4**	**7**	11	11
71	3.55	7.1	0.65	1	0	**4**	**7**	11	11
72	3.6	7.2	0.8	1	0	**4**	**7**	11	11
73	3.65	7.3	0.95	1	0	**4**	**7**	11	11
74	3.7	7.4	1.1	1	1	**4**	**8**	12	12
75	3.75	7.5	1.25	1	1	**4**	**8**	12	12
76	3.8	7.6	1.4	1	1	**4**	**8**	12	12
77	3.85	7.7	1.55	1	1	**4**	**8**	12	12
78	3.9	7.8	1.7	1	1	**4**	**8**	12	12
79	3.95	7.9	1.85	1	1	**4**	**8**	12	12
80	4	8	0	0	0	**4**	**8**	12	12
81	4.05	8.1	0.15	1	0	**5**	**8**	13	13
82	4.1	8.2	0.3	1	0	**5**	**8**	13	13
83	4.15	8.3	0.45	1	0	**5**	**8**	13	13
84	4.2	8.4	0.6	1	0	**5**	**8**	13	13

Project size	5% Low	10% Moderate	Fractional Combine Low and Moderate	Fractional Low	Fractional Mod	Total Low	Total Moderate	Total Units	15% of project size
85	4.25	8.5	0.75	1	0	**5**	**8**	13	13
86	4.3	8.6	0.9	1	0	**5**	**8**	13	13
87	4.35	8.7	1.05	1	1	**5**	**9**	14	14
88	4.4	8.8	1.2	1	1	**5**	**9**	14	14
89	4.45	8.9	1.35	1	1	**5**	**9**	14	14
90	4.5	9	0.5	1	0	**5**	**9**	14	14
91	4.55	9.1	0.65	1	0	**5**	**9**	14	14
92	4.6	9.2	0.8	1	0	**5**	**9**	14	14
93	4.65	9.3	0.95	1	0	**5**	**9**	14	14
94	4.7	9.4	1.1	1	1	**5**	**10**	15	15
95	4.75	9.5	1.25	1	1	**5**	**10**	15	15
96	4.8	9.6	1.4	1	1	**5**	**10**	15	15
97	4.85	9.7	1.55	1	1	**5**	**10**	15	15
98	4.9	9.8	1.7	1	1	**5**	**10**	15	15
99	4.95	9.9	1.85	1	1	**5**	**10**	15	15
100	5	10	0	0	0	**5**	**10**	15	15
101	5.05	10.1	0.15	1	0	**6**	**10**	16	16
102	5.1	10.2	0.3	1	0	**6**	**10**	16	16
103	5.15	10.3	0.45	1	0	**6**	**10**	16	16
104	5.2	10.4	0.6	1	0	**6**	**10**	16	16
105	5.25	10.5	0.75	1	0	**6**	**10**	16	16
106	5.3	10.6	0.9	1	0	**6**	**10**	16	16
107	5.35	10.7	1.05	1	1	**6**	**11**	17	17
108	5.4	10.8	1.2	1	1	**6**	**11**	17	17
109	5.45	10.9	1.35	1	1	**6**	**11**	17	17
110	5.5	11	0.5	1	0	**6**	**11**	17	17
111	5.55	11.1	0.65	1	0	**6**	**11**	17	17
112	5.6	11.2	0.8	1	0	**6**	**11**	17	17
113	5.65	11.3	0.95	1	0	**6**	**11**	17	17
114	5.7	11.4	1.1	1	1	**6**	**12**	18	18
115	5.75	11.5	1.25	1	1	**6**	**12**	18	18
116	5.8	11.6	1.4	1	1	**6**	**12**	18	18
117	5.85	11.7	1.55	1	1	**6**	**12**	18	18
118	5.9	11.8	1.7	1	1	**6**	**12**	18	18
119	5.95	11.9	1.85	1	1	**6**	**12**	18	18
120	6	12	0	0	0	**6**	**12**	18	18
121	6.05	12.1	0.15	1	0	**7**	**12**	19	19
122	6.1	12.2	0.3	1	0	**7**	**12**	19	19
123	6.15	12.3	0.45	1	0	**7**	**12**	19	19
124	6.2	12.4	0.6	1	0	**7**	**12**	19	19
125	6.25	12.5	0.75	1	0	**7**	**12**	19	19
126	6.3	12.6	0.9	1	0	**7**	**12**	19	19
127	6.35	12.7	1.05	1	1	**7**	**13**	20	20

Project size	5% Low	10% Moderate	Fractional Combine Low and Moderate	Fractional Low	Fractional Mod	Total Low	Total Moderate	Total Units	15% of project size
128	6.4	12.8	1.2	1	1	**7**	**13**	20	20
129	6.45	12.9	1.35	1	1	**7**	**13**	20	20
130	6.5	13	0.5	1	0	**7**	**13**	20	20
131	6.55	13.1	0.65	1	0	**7**	**13**	20	20
132	6.6	13.2	0.8	1	0	**7**	**13**	20	20
133	6.65	13.3	0.95	1	0	**7**	**13**	20	20
134	6.7	13.4	1.1	1	1	**7**	**14**	21	21
135	6.75	13.5	1.25	1	1	**7**	**14**	21	21
136	6.8	13.6	1.4	1	1	**7**	**14**	21	21
137	6.85	13.7	1.55	1	1	**7**	**14**	21	21
138	6.9	13.8	1.7	1	1	**7**	**14**	21	21
139	6.95	13.9	1.85	1	1	**7**	**14**	21	21
140	7	14	0	0	0	**7**	**14**	21	21
141	7.05	14.1	0.15	1	0	**8**	**14**	22	22
142	7.1	14.2	0.3	1	0	**8**	**14**	22	22
143	7.15	14.3	0.45	1	0	**8**	**14**	22	22
144	7.2	14.4	0.6	1	0	**8**	**14**	22	22
145	7.25	14.5	0.75	1	0	**8**	**14**	22	22
146	7.3	14.6	0.9	1	0	**8**	**14**	22	22
147	7.35	14.7	1.05	1	1	**8**	**15**	23	23
148	7.4	14.8	1.2	1	1	**8**	**15**	23	23
149	7.45	14.9	1.35	1	1	**8**	**15**	23	23
150	7.5	15	0.5	1	0	**8**	**15**	23	23
151	7.55	15.1	0.65	1	0	**8**	**15**	23	23
152	7.6	15.2	0.8	1	0	**8**	**15**	23	23
153	7.65	15.3	0.95	1	0	**8**	**15**	23	23
154	7.7	15.4	1.1	1	1	**8**	**16**	24	24
155	7.75	15.5	1.25	1	1	**8**	**16**	24	24
156	7.8	15.6	1.4	1	1	**8**	**16**	24	24
157	7.85	15.7	1.55	1	1	**8**	**16**	24	24
158	7.9	15.8	1.7	1	1	**8**	**16**	24	24
159	7.95	15.9	1.85	1	1	**8**	**16**	24	24
160	8	16	0	0	0	**8**	**16**	24	24
161	8.05	16.1	0.15	1	0	**9**	**16**	25	25
162	8.1	16.2	0.3	1	0	**9**	**16**	25	25
163	8.15	16.3	0.45	1	0	**9**	**16**	25	25
164	8.2	16.4	0.6	1	0	**9**	**16**	25	25
165	8.25	16.5	0.75	1	0	**9**	**16**	25	25
166	8.3	16.6	0.9	1	0	**9**	**16**	25	25
167	8.35	16.7	1.05	1	1	**9**	**17**	26	26
168	8.4	16.8	1.2	1	1	**9**	**17**	26	26
169	8.45	16.9	1.35	1	1	**9**	**17**	26	26
170	8.5	17	0.5	1	0	**9**	**17**	26	26

Project size	5% Low	10% Moderate	Fractional Combine Low and Moderate	Fractional Low	Fractional Mod	Total Low	Total Moderate	Total Units	15% of project size
171	8.55	17.1	0.65	1	0	**9**	**17**	26	26
172	8.6	17.2	0.8	1	0	**9**	**17**	26	26
173	8.65	17.3	0.95	1	0	**9**	**17**	26	26
174	8.7	17.4	1.1	1	1	**9**	**18**	27	27
175	8.75	17.5	1.25	1	1	**9**	**18**	27	27
176	8.8	17.6	1.4	1	1	**9**	**18**	27	27
177	8.85	17.7	1.55	1	1	**9**	**18**	27	27
178	8.9	17.8	1.7	1	1	**9**	**18**	27	27
179	8.95	17.9	1.85	1	1	**9**	**18**	27	27
180	9	18	0	0	0	**9**	**18**	27	27
181	9.05	18.1	0.15	1	0	**10**	**18**	28	28
182	9.1	18.2	0.3	1	0	**10**	**18**	28	28
183	9.15	18.3	0.45	1	0	**10**	**18**	28	28
184	9.2	18.4	0.6	1	0	**10**	**18**	28	28
185	9.25	18.5	0.75	1	0	**10**	**18**	28	28
186	9.3	18.6	0.9	1	0	**10**	**18**	28	28
187	9.35	18.7	1.05	1	1	**10**	**19**	29	29
188	9.4	18.8	1.2	1	1	**10**	**19**	29	29
189	9.45	18.9	1.35	1	1	**10**	**19**	29	29
190	9.5	19	0.5	1	0	**10**	**19**	29	29
191	9.55	19.1	0.65	1	0	**10**	**19**	29	29
192	9.6	19.2	0.8	1	0	**10**	**19**	29	29
193	9.65	19.3	0.95	1	0	**10**	**19**	29	29
194	9.7	19.4	1.1	1	1	**10**	**20**	30	30
195	9.75	19.5	1.25	1	1	**10**	**20**	30	30
196	9.8	19.6	1.4	1	1	**10**	**20**	30	30
197	9.85	19.7	1.55	1	1	**10**	**20**	30	30
198	9.9	19.8	1.7	1	1	**10**	**20**	30	30
199	9.95	19.9	1.85	1	1	**10**	**20**	30	30
200	10	20	0	0	0	**10**	**20**	30	30

Attachment 4

Affordable Housing Rounding Calculations
For Rental Development

Project size	5% Very Low	10% Low	Fractional Combine very low and low	Fractional Very low	Fractional Low	Total Very low	Total Low	Total Units	15% of project size
6	0.3	0.6	0.9	1	0	**1**	**0**	1	1
7	0.35	0.7	1.05	1	1	**1**	**1**	2	2
8	0.4	0.8	1.2	1	1	**1**	**1**	2	2
9	0.45	0.9	1.35	1	1	**1**	**1**	2	2
10	0.5	1	0.5	1	0	**1**	**1**	2	2
11	0.55	1.1	0.65	1	0	**1**	**1**	2	2
12	0.6	1.2	0.8	1	0	**1**	**1**	2	2
13	0.65	1.3	0.95	1	0	**1**	**1**	2	2
14	0.7	1.4	1.1	1	1	**1**	**2**	3	3
15	0.75	1.5	1.25	1	1	**1**	**2**	3	3
16	0.8	1.6	1.4	1	1	**1**	**2**	3	3
17	0.85	1.7	1.55	1	1	**1**	**2**	3	3
18	0.9	1.8	1.7	1	1	**1**	**2**	3	3
19	0.95	1.9	1.85	1	1	**1**	**2**	3	3
20	1	2	0	0	0	**1**	**2**	3	3
21	1.05	2.1	0.15	1	0	**2**	**2**	4	4
22	1.1	2.2	0.3	1	0	**2**	**2**	4	4
23	1.15	2.3	0.45	1	0	**2**	**2**	4	4
24	1.2	2.4	0.6	1	0	**2**	**2**	4	4
25	1.25	2.5	0.75	1	0	**2**	**2**	4	4
26	1.3	2.6	0.9	1	0	**2**	**2**	4	4
27	1.35	2.7	1.05	1	1	**2**	**3**	5	5
28	1.4	2.8	1.2	1	1	**2**	**3**	5	5
29	1.45	2.9	1.35	1	1	**2**	**3**	5	5
30	1.5	3	0.5	1	0	**2**	**3**	5	5
31	1.55	3.1	0.65	1	0	**2**	**3**	5	5
32	1.6	3.2	0.8	1	0	**2**	**3**	5	5
33	1.65	3.3	0.95	1	0	**2**	**3**	5	5
34	1.7	3.4	1.1	1	1	**2**	**4**	6	6
35	1.75	3.5	1.25	1	1	**2**	**4**	6	6
36	1.8	3.6	1.4	1	1	**2**	**4**	6	6
37	1.85	3.7	1.55	1	1	**2**	**4**	6	6
38	1.9	3.8	1.7	1	1	**2**	**4**	6	6
39	1.95	3.9	1.85	1	1	**2**	**4**	6	6
40	2	4	0	0	0	**2**	**4**	6	6
41	2.05	4.1	0.15	1	0	**3**	**4**	7	7
42	2.1	4.2	0.3	1	0	**3**	**4**	7	7

Project size	5% Very Low	10% Low	Fractional Combine very low and low	Fractional Very low	Fractional Low	Total Very low	Total Low	Total Units	15% of project size
43	2.15	4.3	0.45	1	0	**3**	**4**	7	7
44	2.2	4.4	0.6	1	0	**3**	**4**	7	7
45	2.25	4.5	0.75	1	0	**3**	**4**	7	7
46	2.3	4.6	0.9	1	0	**3**	**4**	7	7
47	2.35	4.7	1.05	1	1	**3**	**5**	8	8
48	2.4	4.8	1.2	1	1	**3**	**5**	8	8
49	2.45	4.9	1.35	1	1	**3**	**5**	8	8
50	2.5	5	0.5	1	0	**3**	**5**	8	8
51	2.55	5.1	0.65	1	0	**3**	**5**	8	8
52	2.6	5.2	0.8	1	0	**3**	**5**	8	8
53	2.65	5.3	0.95	1	0	**3**	**5**	8	8
54	2.7	5.4	1.1	1	1	**3**	**6**	9	9
55	2.75	5.5	1.25	1	1	**3**	**6**	9	9
56	2.8	5.6	1.4	1	1	**3**	**6**	9	9
57	2.85	5.7	1.55	1	1	**3**	**6**	9	9
58	2.9	5.8	1.7	1	1	**3**	**6**	9	9
59	2.95	5.9	1.85	1	1	**3**	**6**	9	9
60	3	6	0	0	0	**3**	**6**	9	9
61	3.05	6.1	0.15	1	0	**4**	**6**	10	10
62	3.1	6.2	0.3	1	0	**4**	**6**	10	10
63	3.15	6.3	0.45	1	0	**4**	**6**	10	10
64	3.2	6.4	0.6	1	0	**4**	**6**	10	10
65	3.25	6.5	0.75	1	0	**4**	**6**	10	10
66	3.3	6.6	0.9	1	0	**4**	**6**	10	10
67	3.35	6.7	1.05	1	1	**4**	**7**	11	11
68	3.4	6.8	1.2	1	1	**4**	**7**	11	11
69	3.45	6.9	1.35	1	1	**4**	**7**	11	11
70	3.5	7	0.5	1	0	**4**	**7**	11	11
71	3.55	7.1	0.65	1	0	**4**	**7**	11	11
72	3.6	7.2	0.8	1	0	**4**	**7**	11	11
73	3.65	7.3	0.95	1	0	**4**	**7**	11	11
74	3.7	7.4	1.1	1	1	**4**	**8**	12	12
75	3.75	7.5	1.25	1	1	**4**	**8**	12	12
76	3.8	7.6	1.4	1	1	**4**	**8**	12	12
77	3.85	7.7	1.55	1	1	**4**	**8**	12	12
78	3.9	7.8	1.7	1	1	**4**	**8**	12	12
79	3.95	7.9	1.85	1	1	**4**	**8**	12	12
80	4	8	0	0	0	**4**	**8**	12	12
81	4.05	8.1	0.15	1	0	**5**	**8**	13	13
82	4.1	8.2	0.3	1	0	**5**	**8**	13	13
83	4.15	8.3	0.45	1	0	**5**	**8**	13	13
84	4.2	8.4	0.6	1	0	**5**	**8**	13	13
85	4.25	8.5	0.75	1	0	**5**	**8**	13	13

Project size	5% Very Low	10% Low	Fractional Combine very low and low	Fractional Very low	Fractional Low	Total Very low	Total Low	Total Units	15% of project size
86	4.3	8.6	0.9	1	0	**5**	**8**	13	13
87	4.35	8.7	1.05	1	1	**5**	**9**	14	14
88	4.4	8.8	1.2	1	1	**5**	**9**	14	14
89	4.45	8.9	1.35	1	1	**5**	**9**	14	14
90	4.5	9	0.5	1	0	**5**	**9**	14	14
91	4.55	9.1	0.65	1	0	**5**	**9**	14	14
92	4.6	9.2	0.8	1	0	**5**	**9**	14	14
93	4.65	9.3	0.95	1	0	**5**	**9**	14	14
94	4.7	9.4	1.1	1	1	**5**	**10**	15	15
95	4.75	9.5	1.25	1	1	**5**	**10**	15	15
96	4.8	9.6	1.4	1	1	**5**	**10**	15	15
97	4.85	9.7	1.55	1	1	**5**	**10**	15	15
98	4.9	9.8	1.7	1	1	**5**	**10**	15	15
99	4.95	9.9	1.85	1	1	**5**	**10**	15	15
100	5	10	0	0	0	**5**	**10**	15	15
101	5.05	10.1	0.15	1	0	**6**	**10**	16	16
102	5.1	10.2	0.3	1	0	**6**	**10**	16	16
103	5.15	10.3	0.45	1	0	**6**	**10**	16	16
104	5.2	10.4	0.6	1	0	**6**	**10**	16	16
105	5.25	10.5	0.75	1	0	**6**	**10**	16	16
106	5.3	10.6	0.9	1	0	**6**	**10**	16	16
107	5.35	10.7	1.05	1	1	**6**	**11**	17	17
108	5.4	10.8	1.2	1	1	**6**	**11**	17	17
109	5.45	10.9	1.35	1	1	**6**	**11**	17	17
110	5.5	11	0.5	1	0	**6**	**11**	17	17
111	5.55	11.1	0.65	1	0	**6**	**11**	17	17
112	5.6	11.2	0.8	1	0	**6**	**11**	17	17
113	5.65	11.3	0.95	1	0	**6**	**11**	17	17
114	5.7	11.4	1.1	1	1	**6**	**12**	18	18
115	5.75	11.5	1.25	1	1	**6**	**12**	18	18
116	5.8	11.6	1.4	1	1	**6**	**12**	18	18
117	5.85	11.7	1.55	1	1	**6**	**12**	18	18
118	5.9	11.8	1.7	1	1	**6**	**12**	18	18
119	5.95	11.9	1.85	1	1	**6**	**12**	18	18
120	6	12	0	0	0	**6**	**12**	18	18
121	6.05	12.1	0.15	1	0	**7**	**12**	19	19
122	6.1	12.2	0.3	1	0	**7**	**12**	19	19
123	6.15	12.3	0.45	1	0	**7**	**12**	19	19
124	6.2	12.4	0.6	1	0	**7**	**12**	19	19
125	6.25	12.5	0.75	1	0	**7**	**12**	19	19
126	6.3	12.6	0.9	1	0	**7**	**12**	19	19
127	6.35	12.7	1.05	1	1	**7**	**13**	20	20
128	6.4	12.8	1.2	1	1	**7**	**13**	20	20

Project size	5% Very Low	10% Low	Fractional Combine very low and low	Fractional Very low	Fractional Low	Total Very low	Total Low	Total Units	15% of project size
129	6.45	12.9	1.35	1	1	**7**	**13**	20	20
130	6.5	13	0.5	1	0	**7**	**13**	20	20
131	6.55	13.1	0.65	1	0	**7**	**13**	20	20
132	6.6	13.2	0.8	1	0	**7**	**13**	20	20
133	6.65	13.3	0.95	1	0	**7**	**13**	20	20
134	6.7	13.4	1.1	1	1	**7**	**14**	21	21
135	6.75	13.5	1.25	1	1	**7**	**14**	21	21
136	6.8	13.6	1.4	1	1	**7**	**14**	21	21
137	6.85	13.7	1.55	1	1	**7**	**14**	21	21
138	6.9	13.8	1.7	1	1	**7**	**14**	21	21
139	6.95	13.9	1.85	1	1	**7**	**14**	21	21
140	7	14	0	0	0	**7**	**14**	21	21
141	7.05	14.1	0.15	1	0	**8**	**14**	22	22
142	7.1	14.2	0.3	1	0	**8**	**14**	22	22
143	7.15	14.3	0.45	1	0	**8**	**14**	22	22
144	7.2	14.4	0.6	1	0	**8**	**14**	22	22
145	7.25	14.5	0.75	1	0	**8**	**14**	22	22
146	7.3	14.6	0.9	1	0	**8**	**14**	22	22
147	7.35	14.7	1.05	1	1	**8**	**15**	23	23
148	7.4	14.8	1.2	1	1	**8**	**15**	23	23
149	7.45	14.9	1.35	1	1	**8**	**15**	23	23
150	7.5	15	0.5	1	0	**8**	**15**	23	23
151	7.55	15.1	0.65	1	0	**8**	**15**	23	23
152	7.6	15.2	0.8	1	0	**8**	**15**	23	23
153	7.65	15.3	0.95	1	0	**8**	**15**	23	23
154	7.7	15.4	1.1	1	1	**8**	**16**	24	24
155	7.75	15.5	1.25	1	1	**8**	**16**	24	24
156	7.8	15.6	1.4	1	1	**8**	**16**	24	24
157	7.85	15.7	1.55	1	1	**8**	**16**	24	24
158	7.9	15.8	1.7	1	1	**8**	**16**	24	24
159	7.95	15.9	1.85	1	1	**8**	**16**	24	24
160	8	16	0	0	0	**8**	**16**	24	24
161	8.05	16.1	0.15	1	0	**9**	**16**	25	25
162	8.1	16.2	0.3	1	0	**9**	**16**	25	25
163	8.15	16.3	0.45	1	0	**9**	**16**	25	25
164	8.2	16.4	0.6	1	0	**9**	**16**	25	25
165	8.25	16.5	0.75	1	0	**9**	**16**	25	25
166	8.3	16.6	0.9	1	0	**9**	**16**	25	25
167	8.35	16.7	1.05	1	1	**9**	**17**	26	26
168	8.4	16.8	1.2	1	1	**9**	**17**	26	26
169	8.45	16.9	1.35	1	1	**9**	**17**	26	26
170	8.5	17	0.5	1	0	**9**	**17**	26	26
171	8.55	17.1	0.65	1	0	**9**	**17**	26	26

Project size	5% Very Low	10% Low	Fractional Combine very low and low	Fractional Very low	Fractional Low	Total Very low	Total Low	Total Units	15% of project size
172	8.6	17.2	0.8	1	0	**9**	**17**	26	26
173	8.65	17.3	0.95	1	0	**9**	**17**	26	26
174	8.7	17.4	1.1	1	1	**9**	**18**	27	27
175	8.75	17.5	1.25	1	1	**9**	**18**	27	27
176	8.8	17.6	1.4	1	1	**9**	**18**	27	27
177	8.85	17.7	1.55	1	1	**9**	**18**	27	27
178	8.9	17.8	1.7	1	1	**9**	**18**	27	27
179	8.95	17.9	1.85	1	1	**9**	**18**	27	27
180	9	18	0	0	0	**9**	**18**	27	27
181	9.05	18.1	0.15	1	0	**10**	**18**	28	28
182	9.1	18.2	0.3	1	0	**10**	**18**	28	28
183	9.15	18.3	0.45	1	0	**10**	**18**	28	28
184	9.2	18.4	0.6	1	0	**10**	**18**	28	28
185	9.25	18.5	0.75	1	0	**10**	**18**	28	28
186	9.3	18.6	0.9	1	0	**10**	**18**	28	28
187	9.35	18.7	1.05	1	1	**10**	**19**	29	29
188	9.4	18.8	1.2	1	1	**10**	**19**	29	29
189	9.45	18.9	1.35	1	1	**10**	**19**	29	29
190	9.5	19	0.5	1	0	**10**	**19**	29	29
191	9.55	19.1	0.65	1	0	**10**	**19**	29	29
192	9.6	19.2	0.8	1	0	**10**	**19**	29	29
193	9.65	19.3	0.95	1	0	**10**	**19**	29	29
194	9.7	19.4	1.1	1	1	**10**	**20**	30	30
195	9.75	19.5	1.25	1	1	**10**	**20**	30	30
196	9.8	19.6	1.4	1	1	**10**	**20**	30	30
197	9.85	19.7	1.55	1	1	**10**	**20**	30	30
198	9.9	19.8	1.7	1	1	**10**	**20**	30	30
199	9.95	19.9	1.85	1	1	**10**	**20**	30	30
200	10	20	0	0	0	**10**	**20**	30	30

Attachment 5

Minor Revision to the Current Inclusionary Housing Ordinance

The draft Inclusionary Housing Ordinance includes minor revisions for internal consistency, clarification on requirements, consistency with State law, and other minor changes. This attachment provides a brief overview on each of the recommended minor changes.

1. Unit Size and Distribution (16-415.3)

   The City's current Inclusionary Housing Ordinance requires that affordable rental units be distributed proportionately throughout a development by bedroom size. What this means is that a 100 unit development with seventy 2-bedroom apartments and thirty 3-bedroom apartments would have to provide the same proportional number of 2- and 3-bedroom affordable units, and the affordable units would be evenly distributed throughout the development rather than segregated into one area.

   For for-sale development, the existing Inclusionary Housing Ordinance requires that all the affordable units must be three-bedroom units, unless a development includes at least ten 2-bedroom units, in which case 2-bedroom affordable units may be proportional to 2-bedroom units in the development. Although the existing requirement may result in more 3-bedroom affordable units in smaller developments, the requirement is not proportional to the development and does not accommodate 1-bedroom for-sale affordable units for small households or 4+ bedroom for-sale affordable units for large families. The existing for-sale requirement also does not discuss distribution of for-sale affordable units within a development.

   The proposed revision applies the proportional distribution requirements to both the rental and for-sale affordable units.

2. Architectural Consistency (Section 16-415.6)

   The current Inclusionary Housing Ordinance requires that affordable units shall be designed and constructed to be architecturally consistent with and qualitatively similar to other units in the projects. The proposed revision clarifies that all affordable units must be designed and constructed to be architecturally consistent and similar "in size, shape, quality and appearance (including all interior and exterior finishes) to the units not reserved to be affordable."

3. Allow Future City List of Qualified Applicants (Section 16-415.8)

   The draft Inclusionary Housing Ordinance adds an option for the City to maintain a written list of qualified applicants at some point in the future for developers to use rather than maintaining separate lists. With a city-wide list, Oxnard residents in need of affordable housing wouldn't need to search, join, and track multiple developer waiting lists for available affordable units. This revision does not change the current requirement for developers to maintain lists of qualified applicants. Rather, it accommodates future City Council action to allow the Housing Department to maintain a city-wide list of qualified applicants without having to amend the Oxnard City Code (OCC).

4. Clarify Affordable Housing Trust Fund Use (Section 16-415.9(G))

The draft Inclusionary Housing Ordinance clarifies the Affordable Housing Trust funds types of uses that will serve to increase and maintain the supply of affordable housing in the City, including site acquisition, construction, development assistance, rehabilitation to preserve existing affordable housing, subsidies, financing, and administration of such affordable housing programs.

5. Consistency with Density Bonus Case law (Section 16-415.11)

   The draft Inclusionary Housing Ordinance corrects a prior discrepancy between the City's Inclusionary Housing Ordinance and State law regarding calculations for Density Bonus that had restricted inclusionary units from counting towards State Density Bonus. This requirement conflicted with a Case law *Latinos Unidos del Valle de Napa y Solano v County of Napa*, which clarified that jurisdictions must count inclusionary units as affordable units under Density Bonus law. The case also confirmed that the Density Bonus is a financial tool available to help developers achieve inclusionary housing requirements. The resulting market rate density bonus units are intended by the State to subsidize the affordable units. Accordingly, the number of affordable units required under the inclusionary ordinance is calculated on the base number of units in a development (total number of units in a development less the density bonus units).

6. Update Appeal Process (Section 16-415.12)

   The appeal process was updated from the current Inclusionary Housing Ordinance to reflect different processes for inclusionary housing approved through administrative or discretionary permits. The appeal text reflects similar language as appeals for Reasonable Accommodation in Chapter 16 (OCC Section 16-502).

Attachment 6

General Plan Consistency Analysis

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
CD-1.5	I	Housing Variety. Promote the development of a variety of housing types throughout the City including apartments, condominiums, lofts, townhouses, and attached and detached single family units.	The Inclusionary Housing Ordinance promotes a variety of housing types and affordability levels in new residential development.
CD-1.10	I	Jobs-Housing Balance. Consider the effects of land use proposals and decisions on efforts to maintain an appropriate jobs-housing balance ratio.	The Inclusionary Housing Ordinance promotes a balance of housing affordable to Oxnard workforce.
CD-2.1	I	Zoning and General Plan Consistency. Amend the zoning code, zoning map, Coastal Land Use Program, and other land use regulations to make them consistent with the adopted and/or subsequently amended 2030 General Plan.	The ZTA amends zoning regulations to ensure consistency with the Adopted Amended 2021-2029 Housing Element Program 10 to update and codify the inclusionary regulations.
CD-7.4	I	Urban Villages Design Guidelines. Develop Urban Village Design Guidelines that incorporate the following features, where appropriate: • Provide a variety of transportation choices and an interconnected multi-modal mobility network. • Offer a variety of housing choices and opportunities, including at least 15 percent affordable housing.	The Inclusionary Housing Ordinance will apply to Urban Villages and require a variety of housing choices and a minimum of 15% affordable housing.

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
		• Encourage compact development in order to free up more private and civic open space. • Preserve open space, historic, cultural, and natural assets. • Use green and sustainable building and planning technologies. • Incorporate methods of measuring vehicle trips as part of the metrics required for a Sustainable Community Strategy (SB 375).	
CD-16.6	I	Provide for a Diversity of Housing Choices Provide for a range of housing choices for current and future residents in compliance with State housing element planning through a variety of land use designations and zoning classifications.	The Inclusionary Housing Ordinance ensures the provision of housing choice in new residential development.
CD-16.7	I	Flexibility in Regulation Implementation Continue to research and amend the zoning code and related regulations in order to allow development to adequately respond to market conditions.	The ZTA amends the zoning code to require development of housing affordable to Oxnard workforce.
MC-4.4	I	Affordable Housing. Promote the availability and development of off-base affordable housing to meet the needs of the military personnel and their dependents.	The Inclusionary Housing Ordinance promotes the development of off-base affordable housing in new residential development.

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
H-2.2	I	Balanced Opportunities. Provide opportunities to the private and public sectors to produce housing that meets the needs of special needs, extremely low-, very low-, low-, moderate-, and above moderate income housing to achieve a balanced community.	The Inclusionary Housing Ordinance provides opportunities for the private sector to produce housing for all income categories, and funding through in-lieu fee for public sectors to provide housing.
H-2.8	I	Local Preference for Affordable Units. Require, when possible, by development agreement or condition of approval, local resident/worker preference for projects that include affordable housing units, density bonus units, and/or units utilizing federal, state, or local funding.	The Inclusionary Housing Ordinance includes a provision for local preference to affirmatively market units to Oxnard residents (Section 16-415.8).
H-3.4	I	Inclusionary Housing Program. Continue the Inclusionary Housing Program that requires new housing developments to reserve a portion of units for lower income households or make a payment into the City's in-lieu fee program.	The ZTA continues the Inclusionary Housing Program and codifies the program consistent with the Adopted Amended 2021-2029 Housing Element Inclusionary Housing Program (Program 10).

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
H-5.9	I	Affirmatively Furthering Fair Housing. Take proactive steps to overcome long standing 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.	The Inclusionary Housing Ordinance includes AFFH consideration for Council to approve an in-lieu fee waiver or off-site housing. (Sections 16-415.7 and 16-415.9)
CD-5.2 CD-5.3 CD-14.1 CD-14.2 CD-14.3 ICS-1.2 SH-6.13 SH-7.9	II	Compatible Land Use Available Services Design Review Process Development Advisory Committee Function Quality of Design Development impacts to existing Infrastructure New Development Noise Compatibility Sensitive Land Use Planning	Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed ZTA and foreseeable subsequent development

Attachment 7

Community Outreach

In early 2022, staff launched a community outreach seeking input on potential changes to the City's existing Inclusionary Housing Ordinance. The outreach included notification to all persons listed on the Housing Element interested parties list, developers of housing projects within the City over the last several years, community partners, and business interest groups and other stakeholders. The City of Oxnard also maintained an Inclusionary Housing update webpage to inform the public on the process and post news on upcoming workshops and hearings and links to videos and presentation material.(HFW!), Inter-Neighborhood Council Organization (INCO), the West Ventura County Business Alliance (WVCBA), and the Ventura County Coastal Association of Realtors

Between March 2022 and July 2022, the Community Development Department and the Housing Department jointly held three public workshops with residents, affordable housing community, and developers, and spoke at outreach meetings with Housing Farm Workers (VCCAR). The intent of the workshops and meetings was to receive community input on the following topics. A summary on community response is provided below:

1. Threshold for requiring inclusionary housing. Most residents and members of the affordable housing community that attended the outreach workshops and meetings generally preferred lowering the threshold to between 1 unit and 5 units. The development community preferred the existing threshold of 10 units, though some indicated they would be agreeable with a lower threshold if the City allowed paying an in- lieu fee for development of less than 10 units. Based on input from developers, if the threshold is lower than 10 units, they would like approval of in-lieu fee payments to be administrative.

2. Percentage of required lower income units. Public responses were varied at the meetings, with the majority requesting that the percentage of units required to be affordable should be increased though not too high as to create a barrier to development. A few members of the affordable housing community supported increasing the inclusionary requirement to 20%, whereas the development community was seeking to keep the city's requirement at 10%.

3. Different affordability for for-sale vs. rental development. Community members generally concurred that the requirements for rental and for-sale should be different. Developers additionally indicated that the for-sale units should have higher income requirements due to higher rising land and construction costs.

4. Allocation of affordability for for-sale and rental development. Community members did not concur on the levels of affordability for for-sale and rental development.

   Regarding for-sale units, several members of the affordable housing community said that they would prefer for-sale requirements to continue to be for lower income units. In contrast, the development community indicated that for-sale lower income development is difficult to pencil, and that the City should limit the restriction to predominantly units affordable to moderate income households.

For rental units, several residents and the affordable housing community at the public workshops and meetings said they would like to see either the same or higher percentages of units affordable to low, very low, and extremely low income households. The market rate and mixed-income developers indicated they were generally willing to work within the City's existing rental inclusionary requirements.

5. Consistency with State law in cost calculations and affordability terms. Community members generally concurred that terms and cost calculations should be consistent with the State.

6. Approval for paying In-lieu fees. The development community preferred administrative approval or no required approval for a developer to pay an in-lieu fee or development of affordable units off-site instead of producing affordable housing units onsite. The developers stated that removing the requirement for City Council approval would create more certainty for them in the development process upfront which equates to a cost savings for developers.

   Residents and the affordable housing community that attended the workshops and meetings expressed mixed opinions regarding this potential revision. Some residents supported allowing a developer to pay the in-lieu fee without Council approval, while other residents disagreed, emphasizing that the goal of the local Ordinance is to produce additional affordable housing, rather than funds.

7. Incentives and credits for Deeper Affordability. Residents and the affordable housing community that attended the City's outreach workshops and meetings were in favor of incentives for providing deeper affordability, predominantly for extremely low and very low income units. Developers were not against the Inclusionary Housing Ordinance providing options for deeper affordability but were skeptical if deeper affordability could pencil for them in market rate developments. Developers indicated that incentives that save developers time or money are preferred, such as quicker processing time, higher density, reduced setbacks, reduced open space, and reduced parking.

8. Credit for creating jobs for low-income persons. Staff vetted with the public a potential incentive for developers to receive an incentive, such as a reduction in inclusionary housing requirements, in exchange for creating jobs for lower-income persons. Neither residents, affordable housing community, nor development community were in favor of developers receiving a credit (such as reduction in required affordable units) for creating jobs.

9. Proportional size of units. Community members were in favor of requiring affordable unit size (bedroom count) to be proportional to the development and distributed evenly throughout the development. The development community indicated that the current requirement for for-sale units should be simplified.

10. Resale restriction vs. Equity Share for for-sale units. Community members gave mixed responses on the Equity Share model. Several residents were in favor of the Equity Share Agreement as a way for people to move up economically through a home investment. Several members of the affordable housing community expressed concern that an Equity Share Agreement does not lock in affordability for a long term, and that

the equity that the City receives may not be sufficient to create a replacement affordable unit.

11. Commercial linkage fee. City staff asked the community for feedback on the potential of requiring a commercial linkage fee to fund affordable housing. Developers were interested in the concept, as such fees could distribute the cost of affordable housing to other businesses. Although residents, the affordable housing community and the development community were interested in the idea, there was a general concern that commercial linkage fees could create a barrier to new businesses and associated new jobs. The community expressed concern that unless surrounding jurisdictions require commercial linkage fees, the requirement could create a disadvantage for Oxnard to attract new businesses, potentially hampering economic development.

Based on community input received at the workshops and meetings, staff did not pursue including deeper affordability, job credits or a commercial linkage fee within the draft Inclusionary Housing Ordinance.

The draft Inclusionary Housing Ordinance was posted on the City's website and notification was sent to the City's Inclusionary Housing interested parties list on January 25, 2023.

On January 31, 2023, staff held a community-wide virtual meeting on the draft Inclusionary Housing Ordinance. Several members of the affordable housing community requested revisions to the proposed threshold to 5 dwelling units rather than 6, increasing the affordable housing production requirement to 20%, including an option for developers to provide deeper affordability, and clarification on reporting. A few attendees also expressed concern with the Equity Share requirement for for-sale units.

Staff received three written comment letters on the draft Ordinance from: 1.) Barbara Macri-Ortiz; 2.) House Farm Worker!; and 3.) the Central Coast Alliance United for A Sustainable Economy (CAUSE). The comments in the letters focused primarily on the four topics. These included a request to increase the Inclusionary Housing Ordinance affordable housing requirement to 20%; a request to include a deeper affordability allowance within the Inclusionary Housing Ordinance; a request to require a Resale Restriction agreement or modified Equity Share Agreement that restricts the sale to a household in the same income category; and a request to calculate the required number of affordable units and the in-lieu fee on the total market rate units, including the market rate units granted under State Density Bonus. A summary response regarding each of these four topics is provided in the staff report. The comment letters and full list of responses can be found in Attachment 8.

Attachment 8
Responses to Written Public Comments

Staff received written public comments on draft Section 16-415 of the Oxnard City Code (OCC), the Updated Inclusionary Housing Ordinance that was published on January 25, 2023. The following is a list of responses based on the question topics. Please refer to the response number identified on the attached letters (Attachments 8a, 8b, and 8c). Note, the ordinance section numbers have been updated since January 25, 2023.

1. *Affordability Requirements: A request to increase the inclusionary housing requirement from the proposed 15% up to 20%. [SEC 16-415.3 (A) & (B)]*

   On November 22, 2022, the Community Service, Public Safety, Housing & Development Committee, based on Staff recommendations, supported increasing the affordable housing requirement in the Inclusionary Housing Ordinance to no more than 15% of units affordable to lower income households.

   Further, under California Assembly Bill (AB) 1505, for jurisdictions such as Oxnard that have not met at least 75 percent of its share of regional housing need (RHNA) for above moderate income housing over at least a five-year period, an inclusionary requirement greater than 15% of rental units as affordable to lower income households would trigger a requirement for the City to submit the ordinance to the California Department of Housing and Community Development (HCD) for review, along with an economic feasibility study prepared by a qualified entity verifying that the ordinance does not unduly constrain the production of housing at all income levels, including moderate and above moderate income units. During the 2014 to 2021 Housing Element Cycle, the City met only 31% of the RHNA for above moderate income housing. Therefore the City would likely not meet the economic feasibility requirement for an increase to 20% lower income inclusionary units. If the study does not meet the statutory requirements, the jurisdiction's inclusionary requirement cannot require more than 15%.

   The applicable text for AB 1505 (2018) is provided with HCD's interpretation of AB 1505 at the following link: HCD Guidance on AB 1505.

   During the community workshops and meetings in 2022, the development community generally preferred retaining the existing 10% inclusionary requirement, specifying that if development does not pencil out, then no units are built, affordable or market rate. The proposed 15% does not trigger the AB 1505 requirements, and is a middle ground between the development community's preference for retaining the existing 10% inclusionary and the affordable housing community's support for increasing the inclusionary requirement to 20%.

1b. *Applicable Development Threshold: A request to decrease the applicable development threshold from the proposed 6 units down to 5 units. [SEC 16-415.3 (A) & (B)]*

   Staff recommended 6 dwelling units as the threshold rather than 5 dwelling units because this number is consistent with the applicability requirements for the Attached Dwelling Unit Development Standards in OCC Section 16-361, and the Development Design Review permit in OCC Section 16-363, that apply to multi-family residential projects of 6 or more units. An inclusionary requirement of 15% for a 6 unit development also calculates more evenly to a whole

number for the required affordable dwelling unit (6 x 15% = 0.9 units, rounding up to 1 unit). We also recommend a review of the April 6, 2023 Planning Commission staff report that includes an analysis of how the City's proposed threshold compares with other jurisdictions.

2. *For-Sale Affordability Requirement: A request to revise the required level of affordability for for-sale units to 10% low and 10% moderate. [SEC 16-415.3(A)]*

   The comment is based on increasing the inclusionary requirement to 20%, which as described above was not supported by the Council Committee, staff, or the development community. With the increase in inclusionary requirements to 15%, the draft Inclusionary Housing Ordinance revises the existing requirement for for-sale units from 10% lower income units to 5% lower income units and 10% moderate for-sale units. On November 22, 2022 the Committee concurred with this split percentage.

   The recommended percentage split is based on the premise that low-income households should have an opportunity to own a home, and recent construction cost data showing that a lower income single family residence costs the developer more in land and construction costs than the restricted sales price, resulting in not just a lower profit for the developer, but an actual cost to the developer to produce the unit. If costs do not pencil out for the developer, the entire project is not constructed, whereby no housing is produced at all - market or affordable housing. Very few for-sale development has been built under the existing 10% lower income requirement. Additionally, no City ordinances presently restrict units as affordable to moderate income households, resulting in omission of new for-sale units in this affordability range. Accordingly, only 5% lower income for-sale units is recommended, along with 10% moderate income for-sale units.

3. *Rental Affordability Requirement: Revise the required affordability for rental units to 10% very low income and 10% low income. [SEC 16-415.3(B)]*

   The comment is based on increasing the inclusionary requirement to 20%, which as described above was not supported by the Council Committee, staff, or the development community. With the increase in inclusionary requirements to 15%,the draft Inclusionary Housing Ordinance increases the existing requirement for rental units from 5% very low units and 5% lower income rental units to 5% very low income units and 10% lower income rental units. On November 22, 2022 the Committee concurred with this split percentage.

   This percentage split maintains the very-low income requirement of the current Ordinance and doubles the required percentage of low-income units.

4. *Deeper Affordability: Allow deeper affordability in exchange for a reduced total number of inclusionary units.*

   On November 22, 2022 the Committee requested that deeper affordability come before the full City Council for consideration with more information on recommended deeper affordability options. Due to the extent of the added analysis, and new and emerging State laws surrounding this topic, this matter will be evaluated by the Committee with additional analysis and a recommendation to the City Council at a later date. Therefore deeper affordability has not been included in the draft Inclusionary Housing Ordinance.

5. *Deed Restriction on For-sale Development: A request to require a deed restriction for 45 or 55 years on a Resale Restriction Agreement or as a provision on an Equity Share Agreement. Under an*

Equity Share Agreement, request for a requirement that for those who sell before the end of the deed restricted period, calculate the seller's equity share on the affordable price at the time of the sale rather than the unrestricted full market value (FMV). Restrict the sale to a household in the same income category. Allow sale at the full market value after the 45 or 55 year affordability period.

The draft Inclusionary Housing Ordinance revises the type of affordability restriction for for-sale development from "Resale Restriction" to "Equity Share" agreement. Equity Share is the standard affordable housing restriction model utilized for for-sale housing under State Density Bonus law. State Density Bonus law does not require these agreements to include a minimum number of years for deed restriction. In this case, being consistent with the State, simplifies handling of the transfer of property across various affordability requirements.

The Equity Share model is recommended because it allows the owner to gain equity over time, which is recognized as a key benefit of homeownership. Upon sale, the owner can use this equity towards the down payment of a new home, helping to secure long term financial stability for that family. The City's portion of the Equity Share funds can be used towards developing or subsidizing new affordable housing development, which can result in more affordable units or deeper affordability than the original unit under the Equity Share Agreement.

The draft Inclusionary Housing Ordinance includes a maximum 45-year term on the Equity Share Agreement, after which time the owner could sell the home and retain the full equity. The intent of the term on the for-sale restriction is for the initial owner to stay in the home for 45 years, or to sell the home and receive a share of the equity gained while living in the home.

5b. *City's option to purchase: Why does the City have an option to purchase the property if the price is the unrestricted FMV (fair market value)?*

Under the proposed text, the City retains the option to purchase the property at the unrestricted FMV. In the event that the market drops below the initial sales price, this option allows the City to retain the unit with the associated initial subsidy until the market improves and/or retain the property as affordable housing. The provisions in this section also protects the City's interest in the property (the initial subsidy, which is the difference between the FMV and the initial restricted sales price, and the City's portion of the gained equity) and for an accurate appraisal.

6. *Exceptions to occupancy requirement: A request to revise the exceptions listed for owner occupancy to include reassignment due to military service or temporary job relocation. [SEC 16-415.5(B)(1)(b)]*

The intent of the for-sale Equity Share restriction is for the initial owner to stay in the home for 45 years, or to sell the home and receive half of the equity gained from living in the home. The owner occupancy provision prevents the unit from being initially purchased at the subsidized rate and renting out the unit for 45 years while waiting for the affordability restriction to expire, after which time the seller would retain the entire equity and the initial subsidy. An exception to allow rental of the unit if the owner is reassigned or takes another job somewhere else defeats the purpose of the owner occupancy requirement, as such exceptions would be an easy threshold to meet.

7. *Transfer of Ownership: A request to bind permitted transfers for the 45 to 55 year period of affordability. [SEC 16-415.5(B)(1)(h)]*

See the draft Inclusionary Housing Ordinance text, Section 16-415.5(B)(1)(h) "No permission from

the City is required for the following transfers, but all owners of the inclusionary housing unit remain bound by the Equity share agreement."

8. *City Council In-Lieu Fee Considerations: A request to include the City's affordable housing goals in City's current certified Housing Element as a factor. [SEC 16-415.9]*

   The fourth factor in the draft Inclusionary Housing Ordinance Section 16-415.9(C) for in-lieu fees requires the City Council to consider "the extent to which the City is meeting the affordable housing goals of its 2030 General Plan, and the City's current certified Housing Element" before granting an applicant's request to pay the in-lieu fee rather than building the required affordable units.

9. *In-lieu Fee Calculation: A request to revise the text to show the In-lieu fee as calculated on all market rate units, including density bonus units. [SEC 16-415.9(D)]*

   Section 16-415.9(D) of the ordinance pertaining to in-lieu fees has been updated to exclude from the in-lieu fee calculation the affordable units used to calculate State Density Bonus, consistent with Government Code Section 65915.1. The in-lieu fee study will evaluate the fee calculation and methodology, including housing production trends.

10. *Land Donation Consideration: A request to add a requirement that any land donated should be vacant land. [SEC 16-415.9 (F)]*

    Based on the State's definition of vacant land, this requirement could preempt donation of underutilized property, including land presently developed with a small building, a parking lot, or land presently used for agriculture. Due to the lack of remaining vacant parcels (as defined by the State) within the City of Oxnard, the addition of this requirement could hinder the production of affordable housing.

11. *Annual Reporting: A request to add time parameters for accountability on when Housing Department will report annually to the City Council on use of the Affordable Housing Trust Fund. [SEC 16-415.9 (G)]*

    The Affordable Housing Trust Fund is presently reported annually with the annual Housing Element report that is reviewed by City Council and HCD. Specifying the timeframe on the City's annual Housing Element report would not increase existing accountability.

12. *Affordable Unit Calculation. A request to revise the text to show the number of inclusionary units as calculated on all market rate units, including density bonus units.* [SEC 16-415.11]

    The number of affordable units required under the inclusionary ordinance is calculated on the "base" number of units in a development (total number of units less the Density Bonus units). This is consistent with how the Density Bonus units are calculated under Density Bonus law, which is on the "base" number of units. Additionally, an inclusionary housing calculation for required affordable units based on total units would result in an ever-increasing equation of granted Density Bonus units, which would in turn increase the required number of affordable units, until the maximum 50% Density Bonus is reached. For this reason, basing an affordable unit calculation on the total units, including the earned Density Bonus units, is not advised.

--------- Forwarded message ---------
From: <b.macriortiz@verizon.net>
Date: Sat, Jan 28, 2023 at 4:34 PM
Subject: Draft Inclusionary Housing Ordinance

I just reviewed the draft inclusionary Ordinance. I think we are getting there but we still have a ways to go.

Here are my comments in a nutshell

See Responses 1 & 1b

1. The inclusionary requirement should be 20%, and the applicable development threshold should be decreased to 5 units for both rental and for sale units [SEC 16-415C (A) & (B)].

See Response 2

2. The required level of affordability for for-sale units should be 10% low and 10% moderate [SEC 16-415C(A)]

See Response 3

3. The required affordability for rental units should be 10% very low income and 10% low income. [SEC 16-415(B)]

See Response 4

4. There should be a little flexibility to allow a shifting of the percentages, i.e. in exchange for deeper affordability, total number of inclusionary units could be adjusted.

See Responses 5 & 5b

5. My biggest problem is with the Equity Share. SEC 16-415E. All the units should be deed restricted for 45 or 55 years. You can also have an equity share provision. However, for those who sell before the end of the deed restricted period, their "equity share" should be calculated based on the affordable price at the time of the sale, NOT the "unrestricted FMV". Those who sell relatively soon, would get smaller equity, those selling later would get more. The home would have to be sold to a household in the same income category. Those selling after the 45 or 55 year affordability period, would be able to pocket the market value of their home at the time of the sale. It makes no sense for the City to have an option to purchase the property, if the price is the unrestricted FMV. What is up with that?

See Response 6

6. Under SEC 16-415E(B)(1)(b) – the exceptions listed for occupancy should include reassignment due to military service, or temporary job relocation. The rental would have to be to someone in the income category designated for the affordable unit.

See Response 7

7. Under SEC 16-415E(B)(1)(h) -- Permitted transfers should be bound by the Equity share agreement and also the deed restriction for the 45 to 55 year period of affordability.

See Response 8

8. Regarding the in Lieu Fee – SEC 16-415I -- The factors to be considered should be weighted according to the City's affordable housing goals of the 2030 General Plan AND more importantly, the City's current certified Housing Element. If the City is not making significant progress on its housing element goals for very low,

low and moderate income households, in lieu should NOT be allowed. That should be the policy that is written into the ordinance.

See Response 9

9. I don't understand SEC 16-415I(D). It says if the request is granted, the payment "is based on the total number of units, not including density bonus units, multiplied by the adopted in-lieu fee for the type of development." That should not be the case because the density bonus units are the extra units that are added to the development, based on the number of affordable units that are provided. The in lieu fee should not be calculated for the affordable units that are actually provided –i.e. the affordable units they will have to provide to get the extra density. However, the ordinance should apply to all the market rate units in the development, including the extra density bonus units, whether that is for inclusionary units that are actually provided or for units that are subject to the in lieu fee. Remember that the law requires you to count the affordable units provided under DBL toward the inclusionary requirements. But that is not to say that the extra units get a pass. It doesn't work that way. [You need to rethink this, especially in light of your definition of Density Bonus Unit under SEC .16-415B(D).

See Response 10

10. SEC 16-415I (F): Any land donation should specifically require that the land be VACANT land. You don't want land that is occupied or will require demolition costs.

See Response 11

11. . SEC 16-415I (G). Regarding the requirement that the Housing Dept. will report annually to the City Council. The Ordinance should specify when that report is due.... i.e. ... will report annually, no later than the end of the month of _____. Need a time for the report for accountability purposes.

See Response 12

12. SEC 16-415K. RELATION TO DENSITY BONUS. This needs to be changed, consistent with my comment in point 9 above.

I will be available on Monday to discuss or answer questions.

I hope to attend the zoom call on Tuesday, but I will have my grandkids with me that evening so we'll have to see how that goes.

Have a great weekend and thank you Emilio and Kathleen for your efforts.

Barbara

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February 8, 2023

City of Oxnard
300 W 3rd. St,
Oxnard, CA 93030

Via Email

Re: Comments on Draft Inclusionary Housing Ordinance

As affordable housing activists and Oxnard community members who advocate in support of affordable housing developments and programs, we appreciate Oxnard staff for updating the Oxnard Inclusionary Housing Ordinance (IHO) and for including us in open and frank discussions of ordinance drafts- outside the narrow structure of three-minute comment periods in formal public meetings. There is no one-size-fits-all IHO. Emilio's wide-ranging research among IHOs in the state to examine policy options adopted in other cities is impressive.

As a policy intended to leverage the rising value of land and development potential in the city, the IHO proves to be a crucial tool to increase the city's affordable housing stock. We offer the following recommendations which would greatly strengthen the IHO's intent and future outcomes outlined in Sec.16-415A of the draft ordinance.

Increasing the inclusionary requirement from 15% to 20% for both for-sale and rental units.

See Response 1

Oxnard's median household income falls well below that of Ventura County. As such, a large percentage of Oxnard's households qualify for affordable housing, and more families are in need of affordable housing. Since the primary objective of the Inclusionary Housing Ordinance is to increase the stock of affordable housing, we request that the affordability threshold be increased to at least 20%. The required level of affordability should be 10% low and 10% moderate for for-sale developments and 10% very low and 10% low income for rental developments. *The Inclusionary requirement should be lowered if a development includes deeper levels of affordability.* For example, if a developer were to include 15% very low income units instead of 10% low and 10% very low income; then the City may consider waiving the remaining low income requirement. We suggest that the IHO include an exchange table for the recommended percentage requirements (i.e. 10% low income can be exchanged to 7% very low income).

See Response 1b

Finally, the applicable development threshold for the IHO should be decreased from six units to five units. This is consistent with multifamily housing definitions and ease of calculating the number of IHO required units with a 20% affordability requirement**.**

See Response 5

The inclusionary units should be made affordable through a resale restriction and not an equity share.

We believe that the equity share would undermine the objective of the IHO - which is to increase

the stock of affordable housing. Although equity share may increase revenue for the homeowner at the time of sale (assuming the property increases in value), it would come at the cost of permanently removing many units of affordable housing from the housing stock over the long run, which can never be recovered. This policy will harm the affordability of Oxnard for future generations of homebuyers by prioritizing housing as an investment rather than a human right. Thank you for the consideration provided, but we feel it best serves the public interest to maintain the long-term affordability of the unit for lower income households.

Density bonus units should be counted towards in-lieu and inclusionary requirements. All units, including density bonus units, in a proposed development should be counted towards the inclusionary requirement. Affordable housing units built to meet the density bonus laws count towards meeting the IHO requirements.

See Responses 9 & 12

For example, if a 100 unit development sought a 50% density bonus by designating 24 units as low-income, then the development would have a total 150 market-rate units and 24 low-income units [per density bonus law, § 65915(f)(1)]. Based on the 150 unit project, and a 20% inclusionary requirement, the developer must provide 30 units of affordable housing (150 unit project x .20 Inclusionary requirement = 30 affordable units) 25.2 units of affordable housing. This would mean that they would have to provide an additional six (6) low-income units or pay for the in-lieu fee.

In addition to the above, VCHC fully supports Barbara Macri-Ortiz's comments regarding:

See Response 6

- Exceptions from occupancy requirements for military service or temporary job relocation, under SEC 16-415E(B)(1)(b). The affordable unit should be rented to tenants in the designated income bracket, not market rate.

See Response 8

- SEC 16-415I- Including the City's progress on the development of extremely low, very low and low income requirements as a factor for granting an in-lieu fee request. "If the City is not making significant progress on its housing element goals for very low, low and moderate income households, in lieu should NOT be allowed. That should be the policy that is written into the ordinance."

See Response 10

- SEC 16-415I (F). Specify land donation to be "vacant land."

In community,
The *House Farm Workers!* Oxnard City Committee
The Central Coast Alliance United for A Sustainable Economy

Update to Inclusionary Housing Ordinance Planning & Zoning (PZ) Permit No. 23-580-01

Kathleen Mallory, AICP, Planning & Sustainability Manager
Heather Davis, Contract Planner
Community Development Department

Planning Commission
April 6, 2023

CITY OF OXNARD CALIFORNIA

Summary of Inclusionary Housing Ordinance

If approved, the City's Inclusionary Housing Ordinance will:

- Increases required affordable housing from 10% to 15%;
- Establish threshold of 6 residential units or more as required to: 1.) provide affordable housing unit(s); 2.) pay an in-lieu fee; or 3.) donate land in-lieu of building housing units;
- Increase the term of restriction for an affordable rental units from 20 years to 55 years;
- Change the current "resale restriction" on for-sale units to an "Equity Share" arrangement with 45 year term restriction;
- Create guidelines which will be utilized by Council for future consideration of proposed off site Inclusionary Housing Units; and
- Address numerous minor changes regarding document language, consistency, and clarifications.

City's Current Inclusionary Housing Ordinance

What's Inclusionary Housing?

- Mandates inclusion of affordable housing (households earning less than 80% of Area Median Income) when units are constructed or with City Council approval payment of an in-lieu fee
- Ord. in effect since 1999
- For projects with 10 or more units, requires:
    - For-sale: 10% of all units must be affordable to low-income households (80% of area median income).
    - Rental: 5% of all units affordable to very low income households (50% of the area median income) <u>and</u> 5% of all units must affordable for low-income households (80% of the area median income).
- In-lieu fee updated with fee study in 2020
- Inclusionary Housing Ord. update is a Program in the Amended Adopted Housing Element

Nov. 2022 Committee Input

Committee Recommendations:

- Increase required affordable housing from 10% to 15%:
  - Revise requirement <u>for new for-sale</u> from 10% affordable to lower income to 5% affordable to lower income <u>and</u> 10% affordable to moderate
  - Revise requirement <u>for new rental</u> from 5% very low & 5% lower income to 5% affordable to very low income <u>and</u> 10% affordable to lower income;
- Reduce threshold from 10 units to 6 units;
- Revise affordable housing cost calculator to be consistent with State Density Bonus law;
- Continue to require City Council approval for paying in-lieu fee;
- Continue to require City Council approval to donate land or to produce affordable units off-site; and
- Consider deeper affordability at a later time

Background: Additional Staff Efforts since Committee

Incorporation of policy feedback, additional Ord. changes:

- Downtown Code (Section 16-145.2 (L)):
  - Allows additional building height with Development Agreement; production of affordable housing at 10% is a qualifying community benefit
  - If approved by City Council within 6 months prepare a Director's Interpretation aligning minimum unit percentage with minimum in approved Updated Inclusionary Housing Ordinance;
- Update in-lieu fee calculation in Section 16-415.9(D) to exclude affordable units, consistent with 2022 update to State Density Bonus law;
- Identified Specific Plans and Development Agreements which need to be reviewed for applicability of updated Inclusionary Housing Ordinance on a case by case basis; and
- Amended mandatory elements of local preference from Section 16-415.8; but include local preference marketing allowance in ord. and with City/developer waiting list

Overview of Changes to Ordinance

- Updated ord. will be incorporated into Oxnard City Code, Chapter 16, Article V, Division 7B
- Applies to current and future residential development applications, with limitations:
  - Applications which have not been deemed complete prior to the updated inclusionary housing ord. effective date;
  - Applications currently on-file with the Planning Division (not yet been deemed complete)
  - City will evaluate projects for which a Specific Plan and Development Agreement is proposed on a case by case basis with regarding to updated ord. applicability
- Larger changes (9 items) and minor revisions for internal consistency, clarification on requirements,consistency with laws, and other minor changes

Larger Ordinance Changes, Item 1

- **Increase Required Affordable Housing:**

  Existing Requirement: 10% required to be affordable

  Proposed Requirement: 15% required to be affordable

Summary:

- Applies to new development applications
- Not existing development
- Not approved projects that haven't been constructed yet.
- Not applications that have been deemed complete.
- City may negotiate greater or deeper affordability in specific plans and development agreements.

Larger Ordinance Changes, Item 2

- **For-Sale Development:**

  Existing: 10% lower income

  Proposed: 5% lower income and 10% moderate income

Summary:

- Supports ownership opportunity for lower income households;
- No City ordinances presently restrict for moderate income housing;
- Construction cost data indicates Developer often builds lower income ownership units at loss. If construction doesn't pencil, no units are built.
- For fractional unit calculations, round up to 1 low income unit and then 1 moderate income unit.

Larger Ordinance Changes, Item 3

- **Rental Development:**

  Existing: 5% very low income and 5% lower income

  Proposed: 5% very low income and 10% Lower income

Summary:

- Continues 5% requirement for Very Low income housing
- Doubles requirement for Low income housing
- For fractional unit calculations, round up to 1 very low income unit and then 1 low income unit.

Larger Ordinance Changes, Item 4

- **Reduce Affordability Threshold:**

  Existing: 10 units

  Proposed: 6 units

  Summary:

  - Encompass more projects without discouraging small scale infill,
  - Closer to threshold used by other jurisdictions - LA County, Ventura, Goleta, Fillmore, Santa Monica.
  - 6 dwelling units consistent with applicability of OCC Sections 16-361 Attached Dwelling Unit Standards and 16-363 Development Design Review.

Larger Ordinance Changes, Item 5

- **Increase Years of Affordability Restriction for Rental:**

  Existing: Rental 20 years

  Proposed: Rental 55 years

Summary:

- Consistent with State Density Bonus law, AB 2011 Affordable Housing and High Roads Jobs Act, which saves time and simplifies implementation when developers requesting approvals under these laws.

Larger Ordinance Changes, Item 6

- **Revise For-Sale Terms:**

  Existing: Resale Restriction with 20-year minimum term

  Proposed: Equity Share with 45-year maximum term

Summary:

- **Resale Restriction** = Preserving the long-term affordability of for-sale unit. Buyers minimally benefits from home price appreciation, thereby preserving ongoing affordability for next buyer.
- **Equity Share** = Buyer and City share home appreciation when affordable for-sale unit is sold. Owner recognizes key benefit of home ownership. City uses funds towards developing or subsidizing new affordable housing.

Larger Ordinance Changes, Item 7

- **Revise Housing Cost Calculations:**

  Existing: Requires rent and for-sale housing costs for lower-income household not exceed 30% of 80% of Ventura County area median Income (AMI).

  Proposed: Consistent with State definitions* of "affordable housing costs" (30% of 70% of AMI) and "rent" (30% of 60% AMI) for lower income households.

Summary:

- Consistency with State, simplifies implementation.
- This revision will not impact the renter or buyer household income eligibility.
- It would reduce rent and cost of the affordable unit.

*Cal. Health & Safety Codes 50052.5 and 50053.

Larger Ordinance Changes, Item 8

- **Add a Council Review Factor for In-lieu Fee Payment:**

Existing: Council considers 4 factors in determining to allow developer to pay In-lieu fee rather than building affordable units, including: 1) project size and type, 2) market price or rent, 3) potential to redesign to accommodate unit, and 4) if City is meeting affordable housing goals

Proposed: Add 5th factor

Summary:

- If development on site will implement Affirmatively Furthering Fair Housing (AFFH) objectives to increase housing mobility opportunities in higher resource areas.

Larger Ordinance Changes, Item 9

- **Add Council Review Guidelines for Allowing Off-Site Units:**

Existing: No guidelines listed for Council to consider in determining to allow building affordable units off-site

Proposed: Add 5 factors:

Summary:

- Off-site property location
- Compatibility with surrounding uses - Noise, odor, truck traffic, hazardous material, etc.
- Potential to redesign to accommodate unit
- If City is meeting affordable housing goals
- If development off-site will implement AFFH objectives to increase housing mobility opportunities in higher resource areas.

Minor Revisions to Current Inclusionary Housing Ord.

- **Minor Revisions:**
  - Section 16-415.3 - Internal consistency on unit size and distribution;
  - Section 16-415.6 - Architectural consistency with market rate units;
  - Section 16-415.7 - Clarification on Affordable Housing Trust Fund;
  - Section 16-415.8 - Future City list of Qualified Applicants;
  - Section 16-415.11 - Consistency with Density Bonus Case Law; and
  - Section 16-415.12 - Update to the appeal process for administrative and discretionary approval.

2030 General Plan / Housing Element Consistency

Zoning Text Amendments:

- **Consistent with 2030 General Plan Goals and Policies**
  - CD-1.5 & CD 16.7 Diversity of Housing
  - CD-1.10 Jobs Housing Balance
  - H-2.2 Balanced Opportunities
  - H-2.8 Local Preference
  - H-3.4 & MC-4.4 Affordable Housing
- **Amended Adopted 2021-2029 Housing Element**
  - Lists existing 10% affordability and 10 unit threshold
  - Program 10 Calls for update to Inclusionary Housing Ord.
  - If approved by City Council, will initiate General Plan Amendment/Housing Element to reflect percentage

Community Outreach

- Throughout 2022 - workshops and outreach meetings seeking input from public for potential changes to existing Inclusionary Housing Ordinance
- Inclusionary Housing Ordinance Webpage; notices/updates posted
- Draft Inclusionary Housing Ordinance posted January 25, 2023
- January 31, 2023 - Community-wide virtual meeting on Draft Inclusionary Housing Ordinance
- Three Comment Letter on Draft, focused on 4 topics:
  - Increase Affordable Requirement to 20%;
  - Deeper Affordability;
  - Resale Restriction rather than Equity Share; and
  - Calculation of In-lieu fee.

Environmental Determination

- Project exempt from environmental review under California Environmental Quality Act (CEQA), Sections 15060(c)(2) and (3) and 15061(b)(3).
- Proposed Zoning Text Amendment is a regulatory action that does not increase quantity or size of future development.

Next Steps

- Commission's recommendation will be forwarded to the City Council for consideration
- Proposed Inclusionary Housing Ordinance to be presented to City Council in Spring 2023; tentatively June 20, 2023
- Following City Council Adoption of Inclusionary Housing Ordinance:
  - Initiate a General Plan Amendment to the Amended Adopted 2021-2029 Housing Element to reflect City Council action on percentage;
  - Housing Element workshop will evaluate success of the updated ordinance;
  - In-lieu fee will need to be updated; study will evaluate the fee calculation and methodology, including housing production trends; and
  - Interim the existing in-lieu fees will continue to apply.

Recommendation

The Planning Commission:

a) Open the public hearing and receive public testimony;

b) Review and provide comment on the proposed amendments to Chapter 16 of the Oxnard City Code (OCC) to codify the Updated Inclusionary Housing Ordinance; and

c) Adopt Resolution recommending that the City Council repeal Ordinance Nos. 2506, 2545, 2615, 2688, 2721 and 2980 and approve zoning text amendments to Chapter 16 of the OCC to require affordable housing in future residential development of a specific size.

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End of Presentation