



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Joe Pearson II, Planning and Environmental Services Manager
Heather Davis, Contract Planner
DATE: August 17, 2023
SUBJECT: **Planning & Zoning Permit No. 23-580-03 (Zoning Text Amendment) Relating to Implementation of the City's Adopted Amended 2021-2029 6th Cycle Housing Element**

- 1) **Recommendation:** That the Planning Commission ("Commission"):
 - a) Review and provide comment on the proposed amendments to Chapter 16 of the Oxnard City Code (OCC) and Downtown Code to comply with California Housing law; and
 - b) Recommend the City Council find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (General Rule); and
 - c) Adopt Resolution 2023-XX recommending that the City Council adopt the zoning text amendment (ZTA) ordinances (PZ No. 23-580-03), subject to certain findings.
- 2) **Project Description and Applicant:** The project implements the City of Oxnard certified and Adopted Amended 2021-2029 Housing Element, Programs 6, 9, 22, 27 and 32 that call for specific updates to the City's zoning code to comply with current state housing laws. The proposed amendments implement these programs. Filed by the City of Oxnard Community Development Department - 214 South C Street, Oxnard, CA 93030.
- 3) **Background Information:** In October 2022, the City of Oxnard's 6th Cycle 2021-2029 Housing Element (Housing Element) was adopted by the City Council and certified by the State of California, Department of Housing and Community Development (HCD). The programs identified in the City's Housing Element establish the City's commitment to strategies to meet housing needs and comply with State housing law. Housing Element Programs 6 (Zoning Code Amendments), 9 (Farmworker Housing), 22 (Special Needs Groups), 27 (Parking Standards) and 32 (Senate Bill 35) identify several zoning code amendments that are necessary to bring the City's OCC into compliance with recently adopted

State housing laws and address identified constraints to residential development. The proposed ZTA will implement the code amendments identified in the City's Housing Element for Fiscal Year 2022-2023.

Executive Summary

The draft ordinances would update the OCC to comply with changes in State housing laws. The following is a list of code revisions identified in the Housing Element:

- a) Program 6 Zoning Code Amendments:
 - i) Compliance with state Accessory Dwelling Unit (ADU) law by revising ADU parking requirements for garage conversion (This update is also identified in Housing Element Program 27 Parking);
 - ii) Compliance with current State Density Bonus law;
 - iii) Compliance with state law related to emergency shelters;
 - iv) Streamline ordinance provisions clarifying permitting requirements and simplifying code requirements;
 - v) Evaluate potential barriers to zoning regulations that impact the construction of affordable housing.
 - vi) Compliance with AB (Assembly Bill) 2162 by allowing supportive housing without discretionary review in areas where multifamily and mixed uses are permitted, including in nonresidential zones permitting multifamily uses;
 - vii) Compliance with AB 101 by allowing low-barrier navigation centers without discretionary review in areas zoned for mixed-use and nonresidential zones permitting multifamily uses;
 - viii) Compliance with AB 2634 by allowing single-room occupancy units in at least one zoning district (This update is also called-out in Housing Element Program 22 Special Needs Groups);
 - ix) Compliance with AB 686 by allowing Residential Care Facilities with seven or more persons as a residential use in zones where multifamily housing units are permitted, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone;
 - x) Compliance with the Fair Housing Amendment Act by only including findings with objective considerations for persons with disabilities seeking a reasonable accommodation in the provision of housing;
- b) Program 9 Farmworker Housing
 - i) Compliance with state Employee Housing Act (Health and Safety Code Sections 17021.5, 17021.6, and 17021.8) by addressing farmworker employee housing;
- c) Program 27 Parking Standards:
 - i) Compliance with the Fair Housing Act by revising parking requirements for residential care facilities;
 - ii) Compliance with state Housing law by removing by revising ADU parking requirements for garage conversion (This update is also identified in Housing Element

Program 6);

d) Program 32 Objective Design Standards:

- i) Compliance with SB (Senate Bill) 330 by creating objective design standards and written policies and/or procedures for streamlining approval process and design standards for eligible projects;

- 4) **Environmental Determination:** Pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, also known as the “general rule” or “common sense exemption,” activities that will not result in direct or reasonably foreseeable indirect physical change in the environment and 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 ZTA are regulatory actions that are necessary to bring the OCC into compliance with state housing laws and the City’s 2021-2029 Housing Element that was adopted in 2022. As discussed in the attached memorandum and Initial Study (Attachment 2), the proposed amendments to the OCC do not propose or approve any physical development, add new residential sites or units, or increase density for housing beyond those analyzed in the Housing Element IS-MND. 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 City Council approval of the ZTA.

- 5) **Analysis:** The proposed ordinances will be incorporated into the OCC, Chapter 16 (Zoning Code), Sections 16-10 Definitions; 16-20 to 16-102 Residential land uses and standards; 16-105 to 16-144 Commercial land uses and standards; 16-300, -303 and -333 Standards for all zones; 16-360 to 16-363 Attached dwelling unit standards; 16-410 Density bonus; 16-420 Affordable housing additive zone; 16-441 Single room occupancy (new); 16-468 ADU parking and general standards; 16-401 Reasonable Accommodation; 16-504 Emergency shelters, 16-525 Development design review; 16-553 Special use permit; 16-560 Major and minor modifications; 16-622 Parking; and the Oxnard Downtown Code Table 16-148.

The proposed project amends the above-listed sections of the City’s OCC to bring the OCC into compliance with state housing law and the City’s adopted 2021-2022 Housing Element. This section discusses changes made to the existing OCC. The proposed ordinances indicate legislative revisions to the existing code with strikethrough and underline.

Applicability

If adopted, the new regulations would apply to all new development unless the development has vested rights, such as a Development Agreement, vesting tentative map or similar provision of law.

Proposed Zoning Code Amendments

The proposed ZTA updates the OCC to comply with current State housing laws, and include minor revisions for internal consistency, clarification on requirements and other minor changes. Because the ZTA are required to comply with State law or involve minor revisions, they are considered minor in nature. The draft ordinances for each proposed Zoning Code Amendment are appended to Attachment 1 and are summarized below. Note, all amendments involving revisions to allowable residential and commercial land uses are included in ordinance in Attachment 1d.:

a) **Accessory Dwelling Units (Attachment 1a).**

Sections 16-468(D) and 16-622: The City fully revised the ADU ordinance in 2020 to comply with state ADU legislation to allow ADUs ministerially. Housing Element Programs 6 and 27 call for an additional update to OCC Sections 16-468(D) and 16-622 to recognize current State law (Government Code 65852.2 subd. (a)(1)(D)(xi)) that replacement of off-street parking spaces cannot be required when ADUs are created through the conversion of a garage, carport or covered parking structure. Accordingly, Subsection D of Section 16-468 has been updated. Consistent with State law provision to allow ADU parking on existing driveways [Government Code Section 65852.2 subd. (a)(1)(D)(x)], a restriction on ADU parking spaces in the required front yard setback has also been removed.

Section 16-467(D)(3): Staff is also proposing a revision to Section 16-467(D)(3) regarding ADU impact fees to be consistent with State ADU guidelines. The state ADU handbook indicates that the impact fees for ADUs that are 750 square feet or larger should be proportional to the existing single family residence, or proportional based on the average square footage of the units within the multifamily structure. The existing code does not distinguish between development on single family and multifamily sites, and is not consistent with State guidelines on proportional impact fees. Note, this revision does not affect ADUs smaller than 750 square feet, which are exempt from utility connection and impact fees.

b) **Density Bonus (Attachment 1b).**

Sections 16-410. In 2018 through 2021, the State adopted substantial new legislation that updated the State Density Bonus law (Government Code 65915 et seq.), including an increase in allowable density bonus up to 50%, an increase in number of incentives, reductions in the affordability requirements for incentives, reduction and waiver of parking requirements under certain circumstances, and removal of the common interest requirement for for-sale development. Pursuant to Housing Element Program 6 staff has prepared an update to the City's Density Bonus ordinance (OCC Section 16-410) to address these updates and bring the City's Density Bonus requirements into compliance with state Density Bonus law. To minimize conflict with future updates to the State Density Bonus, specific percentage requirements for project eligibility have also been replaced with reference to the applicable Sections of the State Density Bonus law (Cal. Gov't Code, Section 65915).

Staff also updated the numbering within Section 16-410 from letters denoting subsections (16.410A, 16.410B, etc.) to numbers (16-410.1, 16-410.2, etc.) to be consistent with the numbering format for most sections in Chapter 16.

c) **Emergency Shelters (Attachment 1c).**

SB 2 requires that Emergency shelters must only be evaluated against the same standards that apply to other residential and commercial developments, with the exception of certain objective standards/requirements specified by the state, such as the maximum number of beds, length of stay, security, etc. Per SB2, emergency shelter standards must be objective, must encourage and facilitate the approval of shelters, and may not be applied in a manner that renders shelter development infeasible.

Section 16-504 Emergency Shelter Development and Operation Standards. As identified in Section E.4 of the Housing Element, some of the standards for emergency shelters are out of compliance with state law (Government Code Section 65583). The proposed ZTA will update OCC to limit the standards to only those that comply with state law. As discussed in the Housing Element, this includes removing the following standards:

- The emergency shelter operator shall conduct a background check on all prospective patrons using Megan's Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions.
- Patrons shall not possess or consume alcoholic beverages or illegal drugs while in the shelter, nor shall they possess weapons of any kind while in the shelter.
- Space shall be allocated for each patron consisting of a bed and storage area.
- At least two toilets, one shower and one sink shall be provided for every twenty patrons.
- All items stored outdoors shall be screened from the view of all public rights-of-way.
- Should an emergency shelter be proposed within 300 feet of a school, the development services director or designee may request that the developer/sponsor coordinate with the school district to address potential concerns.

Section 16-622 Schedule of Vehicle Off-Street Parking. The proposed ZTA will update the parking schedule matrix to include Emergency Shelter parking. The parking requirement will be the same as the existing requirement in Section 16-504, which is "One off-street space for the on-site manager."

d) **Streamline/Simplify/Remove Barriers (Attachment 1d)**

Program 6 calls for updates to Chapter 16 of the OCC to streamline ordinance provisions, clarify permitting requirements, simplify the code requirements, and evaluate barriers to

affordable housing. Staff have proposed various updates to the OCC to meet these objectives.

Section 16-10 Definitions

A few definitions in Section 16-10 have been updated or expanded to provide clarity and consistency throughout the OCC.

Sections 16-20 to 16-102 Residential Land Use and Standards

To simplify and clarify residential zoning requirements, Article III (Zones, Uses and Requirements) has been updated to be consistent with the format used in the Industrial Zones Division (Sections 16-160 et. Seq.). Under this format, a single Residential Zones Division (Division 2) will replace the separate residential zoning divisions for the R-1, R-2, R-3, R-4 and MHP zones (Divisions 2-6). By consolidating into a single division, the various land use sections can be presented a matrix (Section 16-22) that shows at-a-glance where each land use is allowed in the residential zones and the applicable permit. Development standards have also been placed in a matrix (Section 16-23) to simplify viewing requirements for each zone. Where more detail is necessary, special requirements are included in Sections 16-24 and 16-25. The proposed Residential Zones division also includes sections on the purpose for each zone (Section 16-20) and permit requirements for uses in the residential zones (Section 16-21). With the exception of State housing law updates, the code requirements will remain the same as the existing OCC requirements for the residential zones.

Sections 16-105 to 16-144 Commercial Land Use and Standards.

The format for the commercial zoning requirements is also proposed to be replaced with a single Commercial Zones Division for C-O, C-1 and C-2 zones to simplify and improve navigation of requirements. Similar to the Industrial Zones Division and the Residential Zones Division, the proposed Commercial Zones Division includes a section on purpose for each zone (Section 16-105), a section on permit requirements (Section 16-106), and matrices for allowable land uses (Section 16-107) and development standards (Section 16-108) to simplify identifying requirements for each zone. Special requirements for each zone are also provided in Section 16-109. With the exception of updates to comply with state law, the code requirements will remain the same as the existing OCC requirements for the commercial zones.

Section 16-300, 16-303 and 16-333 Standards for All Zones

General Requirements in Division 1 have been updated or expanded to provide clarity and consistency throughout the OCC, and to remove unnecessary barriers to development. Section 16-300 has been expanded to apply to irregular lots and lots with multiple street frontages and modified to allow the Community Development Director to determine the front lot line for irregular lot configurations. This revision provides flexibility based on the individual lot, removing a barrier to construction. Section 16-303 Building Heights has been modified for consistency with definitions throughout the OCC. Section 16-333 has

been modified to provide a way for developers to propose other driveway surfaces, which would be subject to Director approval. This revision provides flexibility for site development, removing a barrier to construction.

e) **Farmworker Housing (Attachment 1d),**

The City amended the OCC in 2018 to comply with the state Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6). To fully comply with the state Employee Housing Act, further amendments are necessary.

Section 16-22 Residential Land Uses, 16-107 Commercial Land Uses and Section 16-148 Downtown Allowed Uses. As outlined in Housing Element Program 9, to comply with the state Employee Housing Act (Health and Safety Code Sections 17021.5, 17021.6, and 17021.8), the OCC must allow farmworker employee housing that serves six or fewer persons as a single family structure in all zoning districts where single-family occupancy is allowed in the same way single-family housing is allowed. The OCC currently defines “Single-family Dwelling” to include farmworker employee housing projects with six or fewer residents as allowed by state law, which is permitted in all residential zones. The OCC also allows farmworker housing with a SUP in the C-2 zone, consistent with requirements for single family housing. The proposed ZTA continues these provisions in the proposed residential and commercial land use matrices in Sections 16-22 and 16-107.

The proposed ZTA also updates Table 16-148 in the Downtown plan to include Farmworker employee housing that serves six or fewer persons as permitted in the DT-E and DT E-O zones where “Dwellings, single family” are permitted, and to permit Farmworker employee housing with less than 12 units or 36 beds as an agricultural use in the DT-E-O, DT-G and DT-C zones.

f) **Supportive housing (Attachment 1d),**

Section 16-22 Residential Land Uses, 16-107 Commercial Land Uses and Section 16-148 Downtown Allowed Uses. Supportive housing is permanent rental housing linked to a range of supportive (social) services designed to enable residents to maintain stable housing and lead fuller lives. The proposed ZTA amends the OCC to allow supportive housing in compliance with AB 2162. This law requires that supportive housing be allowed without discretionary review in areas zoned for residential use where multifamily and mixed uses development are permitted, including in nonresidential zones permitting multifamily uses. The OCC presently allows supportive housing in all residential zones with a Development Design Review (DDR) permit, and in the C-2 zone with a Special Use Permit (SUP). The proposed ZTA includes supportive housing in the proposed matrices in Sections 16-22 and 16-107 as permitted with a Site Plan Review (SPR) non-discretionary permit in all multifamily residential zones and the C-2 zone.

The proposed ZTA also updates Table 16-148 in the Downtown plan to include supportive housing and transitional housing as permitted in all downtown zones.

Section 16-622 Schedule of Vehicle Off-Street Parking. The proposed ZTA will update the parking schedule matrix to include supportive housing and transitional housing parking. The parking requirements will refer to the applicable parking requirement for single-family or multifamily residence.

g) **Low-barrier Navigation Centers (Attachment 1d).**

AB 101 requires jurisdictions to allow low-barrier navigation centers without discretionary review in areas zoned for mixed-use and in nonresidential zones permitting multifamily uses. This requirement is addressed in the following sections:

Section 16-10 Definitions. The proposed ZTA amends the OCC to include a definition for a Low-Barrier Navigation Center (LBNC). In short, a LBNC is a "Housing First," low barrier, temporary, service-enriched shelter that helps homeless individuals and families to quickly obtain permanent housing.

Section 16-22 16-107 Commercial Land Uses and Section 16-148 Downtown Allowed Uses. The proposed ZTA amends the OCC to allow LBNC by-right in compliance with AB 101 in areas zoned for mixed-use and in nonresidential zones permitting multifamily uses. Specifically, the ZTA adds LBNC as permitted with a Site Plan Review (SPR) non-discretionary permit in the C-2 zone.

The proposed ZTA also updates Table 16-148 in the Downtown plan to include LBNC as permitted in all downtown zones.

Section 16-622 Schedule of Vehicle Off-Street Parking. The proposed ZTA will update the parking schedule matrix to include LBNC parking. The parking requirement will be the same as the current requirement for Emergency Shelters in Section 16-504, which is "One off-street space for the on-site manager."

h) **Single Room Occupancy (SRO) (Attachment 1d).**

The OCC does not explicitly list an SRO as permitted or conditionally permitted use in any zone. HCD identified this as a constraint to establishing SRO facilities in the city. Housing Element Programs 6 and 22 call for updating the OCC to allow single-room occupancy units in at least one zoning district. SROs are typically allowed in general commercial and/or high-density multifamily zones.

Section 16-10 Definitions. The proposed ZTA amends the OCC to include a definition for SRO. In short, an SRO is a form of permanent, affordable rental housing made up of small, often furnished single room units, where tenants usually share a kitchen, bathrooms and laundry. SROs provide a valuable form of affordable private housing for individuals

and can serve as an entry point into the housing market for extremely low-income populations, including formerly homeless persons, seniors, and those with disabilities.

Section 16-22 Residential Land Uses, 16-107 Commercial Land Uses and Section 16-148 Downtown Allowed Uses . The proposed ZTA amends the OCC to conditionally allow SROs in the R-4 and C-2 zones. The proposed ZTA also updates Table 16-148 in the Downtown plan to include SRO as a conditionally permitted in the DT G zone.

Section 16-441 SRO Standards. The OCC presently does not have any development standards for SROs. The proposed ZTA amends the OCC to include a new division under Chapter 16 Article V (Specific Use Requirements) specifically for development and operation of SROs. Standards were derived from typical requirements of other California jurisdictions. SRO development will be subject to the density standard of the underlying zone and will allow unit sizes between 150 and 400 square feet (sf)(except for the manager's unit), which is smaller than the minimum 450 sf unit size in multifamily development. The SRO developments will be required to provide cooking, restroom and laundry facilities, common interior area, reduced parking and 24-hour on-site management. All units will be restricted to very low income households, with the exception of the manager's unit. SRO development will be subject to the attached unit objective design standards in Section 16-362; however, to avoid conflicting development standards, they will not be subject to the attached unit development standards in Section 16-361.

Section 16-622 Schedule of Vehicle Off-Street Parking. The proposed ZTA will update the parking schedule matrix to include Single-Room Occupancy parking. The parking requirement will be the same as the requirement in Section 16-441, which is "One off-street space per unit and one easily accessible, long-term bicycle storage space per two units; or one off-street space per two units and one easily accessible long-term bicycle storage space per unit." This parking standard allows projects to provide less than one space per unit if they are providing long-term bicycle parking for each unit.

i) **Residential Care Facilities (Attachment 1d).**

The OCC presently permits residential care facilities for the elderly serving up to six residents in all residential zones and the C-R zone. Residential care facilities for up to 15 persons are permitted with an SUP in all multi family zones (R-2 to R-4). The C-2 (General Commercial) zone allows residential care facilities for up to 15 persons outright. The C-0 and C-2 zones allow residential care facilities of any size with a SUP.

Section 16-22 Residential Land Uses & and Section 16-148 Downtown Allowed Uses. As required under AB 686, the proposed ZTA amends the OCC to allow Residential Care Facilities with seven or more persons as a residential use in zones where multifamily housing are permitted, subject only to those restrictions that apply to other residential

dwellings of the same type in the same zone. The residential land use matrix in Section 16-22 reflects this revision by showing Residential care facilities serving 7 or more persons as permitted in the R-2, R-3 and R-4 zones. The commercial land use requirements were already in compliance.

The proposed ZTA also updates Table 16-148 in the Downtown plan to include “Assisted Living, Residential Care Facility serving six or fewer persons” as permitted in the DT-E and DT-E-Ozones where “Dwellings, single family” are permitted, and “Assisted Living, Residential Care Facility serving seven or more persons” as permitted in all of the Downtown zones in the same manner as multifamily housing.

Section 16-622 Parking for Residential Care Facilities. The OCC 16-622 Schedule of off-street parking currently lists parking for assisted living and nursing homes under health services. Pursuant to Housing Element Program 27, the proposed ZTA will update OCC Section 16-622 to classify parking requirements for the facilities for the elderly – independent living, assisted living, memory care, etc. as residential uses rather than health facilities in compliance with the Fair Housing Act. Parking requirements for assisted living, convalescent homes and nursing homes have been relocated to fall under “Residential” in the off-street parking matrix. Categories have also been updated to include current types of senior housing.

Program 27 also calls for the City to establish fixed parking requirements for congregate living facilities, community care facilities, and small residential care facilities for disabled persons so that parking studies are no longer needed or required for these uses. OCC Section 16-466 presently allows administrative relief for parking requirements for senior and senior assisted living residential facilities with approval of a parking study that demonstrates sufficient parking. This requirement can be viewed as a barrier to development of senior housing facilities. The ZTA proposes fixed parking requirements for four levels of senior housing based on requirements in other jurisdictions:

- Independent living is typically apartment type housing for active seniors, many of which still drive. Proposed parking requirements reflect a reduced parking need of only one space per unit, or half a parking space for each unit for facilities that provide residents with transportation for medical, retail and social purposes. Independent living facilities also have a need for visitor parking and employee parking for peak hour staffing.
- Small residential care facilities and care homes are permitted the same as single-family residential requirements.
- Assisted living and residential care facility residents typically no longer drive vehicles. Parking needs for such facilities are typically for visitor parking (per unit), employee parking for peak hour staffing, and shuttle van parking. Each unit often houses two residents.

- Memory care, nursing homes, skilled nursing facilities, etc. have similar parking requirements as assisted living and residential care facilities, except visitor parking is based on the number of beds rather than the number of units.

j) **Reasonable Accommodation (Attachment 1e).**

Section 16-501.5 Reasonable Accommodation – Findings

Pursuant to Housing Element Program 6, the ZTA will amend OCC Section 16-501.5 (Reasonable Accommodation Findings) to only include objective considerations in compliance with the federal Fair Housing Amendment Act. Specifically, the following subjective finding that is part of the City's Reasonable Accommodation approval process will be removed for consistency with state law:

- Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

k) **Development Design Review Permit, Minor Modification and Major Modification and Special Use Permit (Attachment 1f).**

The proposed ZTA updates OCC to codify the existing process and noticing procedures for DDR permits and Minor and Major Modifications to SUPs, similar to the Site Plan Review and/or Special Use Permit sections. These revisions will reduce barriers and streamline applications, consistent with Housing Element Program 6.

Section 16-525 Development Design Review Permit

OCC Section 15-525 currently only includes three sentences indicating when a DDR is required, who approves the DDR and the timeframe for appeal. Staff currently uses the same findings for DDR as those required for an SUP, which are to ensure conformance with adopted standards, adequate infrastructure and minimum lot requirements. The proposed ZTA will codify the existing DDR process to provide greater certainty and transparency for the development community, thereby reducing a barrier to development. The proposed DDR Division mirrors the format of the Site Plan Review (SPR) Permit Division (16-523 et seq.), including sections for review authority, procedures for review, required findings and appeals. Unlike the SPR, the DDR process additionally includes a public workshop on the application and a public hearing. No changes to the existing procedure are proposed.

Section 16-553 Special Use Permit, Expiration

Staff also recommends updating the SUP expiration provisions to 36 months to remove a potential barrier to construction, as one year is not sufficient for affordable projects to obtain funding. The proposed text mirrors the expiration text for the Site Plan Review permit, which was reviewed and authorized by the City Attorney and adopted in 2021.

Section 16-560 et seq. Modifications to Special Use Permits

The proposed ZTA expands on the limited text within the Division to codify the existing process and findings for Minor and Major Modifications. Minor Modifications are generally reviewed by the Community Development Director unless the application being processed with a discretionary permit, and the Director generally notifies the applicant of approval or conditional approval if the request complies with the OCC and General Plan and will not be detrimental to public health and safety. Major Modifications to an SUP are handled in the same manner as an SUP application and require the same findings as an SUP. No changes to the existing procedure are proposed.

1) **Objective Design/Architectural Standards for multifamily residential (Attachment 1g).**

Section 16-360 et seq. Attached Dwelling Unit Standards.

Program 32 calls for an update to the OCC to provide objective design standards for multifamily residential development to comply with SB 330. Objective standards involve no personal or subjective judgment by a public official. The objective standards are required for streamlined and ministerial review of SB 35 projects and to provide fixed standards for when the law requires by-right approval of development. For example, recently approved AB 2011 (Affordable Housing and High Road Jobs Act; effective July 2023) requires “by-right” ministerial approval for qualified mixed-income and affordable multifamily development along commercial corridors in commercial zoning districts. Objective design standards will also reduce barriers by providing a predictable set of standards that are not subject to subjective interpretation and will streamline review of multifamily development applications, consistent with Program 6.

The proposed objective design standards for attached dwelling units in Section 16-360 repeat many of the same objective design standards required in OCC 16-420I for development under the Affordable Housing Permitted/Affordable Housing Discretionary (-AHP/-AHD) additive zone requirements. However, the proposed attached unit design standards also include requirements for higher density development, such as buildings over seven stories, and specification for entrances, parking structures, lighting, landscaping, and public safety standards. Many of these standards are from the City’s standard conditions of approval that are applied to development as part of the DDR or SUP approval process.

Section 16-363 Development Design Review is proposed to be renamed Permit Review and modified to include approval by a Site Plan Review permit for by-right development.

- 6) **General Plan Consistency:** The proposed ZTA is consistent with several goals and policies included in the 2030 General Plan and will implement the code amendments identified in the City’s 2021-2029 Housing Element. Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project.

Programs 6, 9, 22, 27 and 32 of the Amended Adopted 2021-2029 Housing Element identify code updates that are necessary to bring the OCC into compliance with state housing laws. The ZTA also calls for updates to address internal inconsistencies and constraints to residential development.

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 3.

- 7) **Community Outreach:** A notice for the Planning Commission’s public hearing considering changes to the OCC was posted in the Ventura County Vida newspaper for the ordinance changes, and an email was sent to the City’s Housing Element Implementation interested parties list on August 8, 2023.
- 8) **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 ZTA is tentatively scheduled to be presented to the City Council on October 3, 2023.

Attachments:

1. Planning Commission Resolution for Zoning Code Text Amendments (PZ 23-580-03)
 - a. Draft City Council Ordinance - Accessory Dwelling Units, OCC Section 16-468 & 16-622 amendments
 - b. Draft City Council Ordinance – Density Bonus, OCC Section 16-410 amendments
 - c. Draft City Council Ordinance – Emergency Shelters, OCC Section 16-504 and 16-622 amendments
 - d. Draft City Council Ordinance – Streamline, Farmworker Housing, Supportive Housing, Low-Barrier Navigation Center, Single Room Occupancy and Residential Care facilities, OCC Section 16-10, 16-20 to 16-144, 16-148, 16-300, 16-303, 16-333, 16-441 & 16-622 amendments
 - e. Draft City Council Ordinance – Reasonable Accommodation, OCC Section 16-501.5 amendments
 - f. Draft City Council Ordinance – DDR, SUP Expiration and Major and Minor Modification to SUP, OCC Sections 16-525, 16-553 and 16-560 amendments

- g. Draft City Council Ordinance – Attached Dwelling Unit standards, OCC Section 16-360 amendments
- 2. CEQA Exemption Memorandum and Initial Study
- 3. 2030 General Plan Consistency Analysis
- 4. Staff Presentation

ATTACHMENT

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**PLANNING COMMISSION RESOLUTION FOR ZONING CODE TEXT
AMENDMENTS (PZ 23-580-03)**

RESOLUTION NO. 2023 – XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT SEVEN ORDINANCES AMENDING CHAPTER 16 (ZONING CODE) OF THE OXNARD CITY CODE (ZONING TEXT AMENDMENT) TO COMPLY WITH STATE LAWS ON ADU PARKING, DENSITY BONUS, SUPPORTIVE HOUSING, EMERGENCY SHELTERS, LOW-BARRIER NAVIGATION CENTERS, SINGLE ROOM OCCUPANCY, FARMWORKER HOUSING, RESIDENTIAL CARE FACILITIES, REASONABLE ACCOMMODATION; OBJECTIVE DESIGN STANDARDS AND TO STREAMLINE, CLARIFY AND SIMPLIFY ZONING REQUIREMENTS, RELATED TO IMPLEMENTATION OF PROGRAMS 6, 9, 22, 27 AND 32 OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT 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. 23-580-03, filed by the City of Oxnard Community Development Department Planning & Environmental Services, to amend Chapter 16 of the Oxnard City Code (OCC) to implement the City of Oxnard certified and Adopted Amended 2021-2029 Housing Element, Programs 6, 9, 22, 27 and 32 that call for specific updates to the City's zoning code to comply with current state housing laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; objective design standards and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws. The ordinances will be incorporated into the OCC, Chapter 16 (Zoning Code), Sections 16-10 Definitions; 16-20 to 16-102 Residential land uses and standards; 16-105 to 16-144 Commercial land uses and standards; 16-300, -303 and -333 Standards for all zones; 16-360 to 16-363 Attached dwelling unit standards; 16-410 Density bonus; 16-441 Single room occupancy (new); 16-468 ADU parking; 16-401 Reasonable Accommodation; 16-504 Emergency shelters, 16-525 Development design review; 16-553 Special use permit; 16-560 Major and minor modifications; 16-622 Parking; and the Oxnard Downtown Code Table 16-148; 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 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 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); continue to provide persons with disabilities a procedure to adjust development standards for reasonable accommodation (Policy H-3.6); Provide for streamlined, timely, and coordinated

processing of affordable residential development projects to minimize land acquisition, holding costs, and/or upfront project development costs (Policy H-4.3); and that the City provide or cause the provision of fair housing services to residents and ensure they are aware of their rights and responsibilities with respect to fair housing (Policy H-5.1), 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 General Plan Housing Element is not complied with; and

WHEREAS, on October 25, 2022 the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard 2021-2029 Housing Element. Programs 6, 9, 22, 27 and 32 of the 2021-2029 Housing Element require the City update Chapter 16 of the Oxnard City Code (OCC) by 2023 to comply with state laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws; and

WHEREAS, the seven Zone Code amendment ordinances are incorporated by reference and attached as the following exhibits:

- Attachment “1a” Draft City Council Ordinance amending the Accessory Dwelling Unit parking requirements and general standards; and
- Attachment “1b” Draft City Council Ordinance amending the Density Bonus ordinance to comply with current State Density Bonus law; and
- Attachment “1c” Draft City Council Ordinance amending the Emergency Shelter findings to comply with SB2 and include Emergency Shelter parking within the parking schedule matrix; and
- Attachment “1d” Draft City Council Ordinance amending the OCC to 1) streamline ordinance provisions, clarify permitting requirements, simplify the code requirements by replacing residential and commercial land use requirements and development standards with matrices and updating requirements for irregular lots, driveway surfaces, and internal consistency on how building heights are measured; 2) allow Supportive Housing to comply with AB 2162, 3) allow Low-barrier Navigation Center to comply with AB 101; 4) allow Farmworker Housing to comply with the Employee Housing Act; 5) allow Single Room Occupancy to comply with AB 2634; and 6) allow Residential Care Facilities to comply with AB 686 and the Fair Housing Act; and
- Attachment “1e” Draft City Council Ordinance amending the findings for Reasonable Accommodation to only include objective considerations to comply with the Fair Housing Amendment Act; and
- Attachment “1f” Draft City Council Ordinance amending the DDR, SUP Expiration and Major and Minor Modifications permit requirements to reduce barriers and streamline applications; and
- Attachment “1g” Draft City Council Ordinance amending the OCC to include Objective Design Standards for Multifamily development to comply with SB 330 and

SB 35; and

WHEREAS, the intent of each of the zone code amendments was presented to the Planning Commission at its August 17, 2023 public hearing and the text of each zone code amendment was made available for public review beginning on August 9, 2023; and

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

WHEREAS, The City prepared an Initial Study for the proposed project in accordance with CEQA Guidelines, Section 15070 and determined that the amendments to the OCC do not propose or approve any physical development, add new residential sites or units, or increase density for housing beyond those analyzed in the Housing Element IS-MND; 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. 23-580-03. 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;

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

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

SECTION 2. The Planning Commission finds, for the above stated reasons and the reasons set forth in the staff report, that the proposed ZTA presented as Attachments 1a through 1k 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. 23-580-03 attached hereto as Attachments 1a through 1g 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 17th day of August 2023, by the following vote:

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 17th day of August 2023, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioners:

Joe Pearson II, Secretary

ATTACHMENT 1a – ACCESSORY DWELLING UNIT STANDARDS
DRAFT CITY COUNCIL ORDINANCE

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 16 (ZONING) OF THE OXNARD CITY CODE (OCC) §16-467 ACCESSORY DWELLING UNITS AND §16-622 PARKING SPACE AND LOADING REQUIREMENTS, RELATED TO IMPLEMENTATION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT 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. 23-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC). The proposed modification is to update the Accessory Dwelling Unit (ADU) parking requirements in OCC Sections 16-468 and 16-622 to comply with current State law (Government Code 65852.2 subd. (a)(1)(D)(xi)) that replacement of off-street parking spaces cannot be required when ADUs are created through the conversion of a garage, carport or covered parking structure and Government Code 65852.2 subd. (a)(1)(D)(x)], that allows ADU parking spaces on existing driveways; and update the impact fee requirements in OCC Section 16-467 to be consistent with State ADU guidelines that ADU fees for ADUs 750 square feet should be proportional to existing single family or average square footage of units for multifamily development; and

WHEREAS, on October 25, 2022 the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard 2021-2029 Housing Element. Programs 6, 9, 22, 27 and 32 of the 2021-2029 Housing Element require the City update Chapter 16 of the Oxnard City Code (OCC) by 2023 to comply with state laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws; and

WHEREAS, on August 17, 2023 the Planning Commission held a public hearing on the amendments to Chapter 16 of the OCC to implement Zoning Text Amendments (ZTA) stipulated in the adopted Amended 2021-2029 Housing Element Programs 6, 9, 22, 27 and 32 and adopted a Resolution recommending that the City Council approve Planning & Zoning Permit No. 23-580-03 (Zone Text Amendment); and

WHEREAS, on _____, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 23-580-03 (Zone Text Amendment) in accordance with the OCC, and

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

WHEREAS, the City Council finds the proposed Zoning Text Amendment is in the public interest and general welfare by complying with State law and encouraging the orderly development of small accessory structures and/or buildings on residential lots and providing residents with increased flexibility in providing parking for garage conversions to accommodate ADUs. 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 does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the 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, it is in the public interest, consistent with the 2030 General Plan.

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

Section 1. Oxnard City Code Chapter 16, Article V, Division 13 entitled “Accessory Dwelling Units”, Section 16-468 and Article X, Division 2 “Parking and Loading Space Requirements” are amended to read as follows **(Only underlined portions are to be added)**:

ARTICLE V. SPECIFIC USE REQUIREMENTS

DIVISION 13. ACCESSORY DWELLING UNITS

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

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

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

(B) Foundation - The accessory dwelling unit shall be constructed on a permanent foundation, complying to the California Building Standards Code.

(C) Architecture - An attached or detached accessory dwelling unit shall comply with the architectural standards of section [16-23](#) and shall be of materials, colors and in a style which are each compatible with the primary residence, or as reasonable as determined by the director.

(D) Public utility connection fees, meters, and capacity upgrades - The accessory dwelling unit shall be served by adequate public utility facilities including, but not limited to, electric, sewer, water and streets, as certified by the public works director.

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

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

~~(3) New utility connection or payment of impact fees shall be required for an accessory dwelling unit of 750 gross square feet or larger based on the following formula:~~

- ~~— (a) Calculate full impact and/or connection fees based on the total accessory dwelling unit size;~~
- ~~— (b) Divide accessory dwelling unit size remainder greater than 750 square feet into the total size in (a);~~
- ~~— (c) Multiply (a) times (b).~~

Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. Impact fees for an ADU of 750 square feet or more on a lot with a multifamily dwelling shall be charged at the adopted multi-family rate appropriate for the construction type. For purposes of this paragraph, "impact fee" does not include City of Oxnard water or sewer connection fees or capacity charges.

SEC. 16-468. OFF-STREET PARKING.

(A) Parking requirements - The requirements of city code section [16-622\(F\)](#) (entitled "Schedule of Vehicle-Off-Street Parking Requirements") apply, where not specified in this section.

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

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

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations;

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district;

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

(4) When on-street parking permits are required by the city but not offered to the occupant of the accessory dwelling unit; or

(5) When there is a car share vehicle use located within one block of the accessory dwelling unit.

(D) Demolished or converted required parking spaces - When a required garage, carport, or covered parking structure for the primary dwelling unit is demolished or converted in conjunction with the construction of an accessory dwelling unit, no replacement parking spaces are required. ~~required parking for the primary dwelling unit shall be provided on the property, outside of the front yard setback, and on a city approved pad or structure.~~ (Ord. No. 2914, 2925, 2959, 2984)

ARTICLE X. OFF-STREET PARKING**DIVISION 2. PARKING SPACE AND LOADING REQUIREMENTS****SEC. 16-622. SCHEDULE OF VEHICLE OFF-STREET PARKING REQUIREMENTS.**

(F) The following table lists the minimum off-street parking requirements for the city.

<i>Uses</i>	<i>Minimum Off-Street Parking Requirements</i>	<i>Notes</i>
Residential:		
<i>Detached single-family units:</i>		
Detached single-family dwelling with either (1) detached accessory dwelling unit or (2) the construction of additional square footage to accommodate an attached accessory dwelling unit	Same as above for the single family dwelling. For accessory dwelling units: In addition to the required parking for the single family dwelling, there shall also be a number of vehicle parking spaces equal to the greater of: (a) one; or (b) the number of bedrooms in the accessory dwelling unit, <u>whichever is less</u>. The vehicular access to the parking area for the accessory dwelling unit shall be at least ten feet wide and paved. The required parking space(s) for an accessory dwelling unit are not required to be covered.	Parking for accessory units may be provided either as (1) tandem parking on an existing driveway or in an existing garage; or (2) in a setback area. The accessory dwelling unit parking space(s) may not be located in the required front yard setback. The parking shall be located on the same lot as the primary residential dwelling unit. The director may, however, disapprove such tandem/setback parking if the director finds that the tandem/setback parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. The accessory dwelling unit parking space(s) may not be located in the front yard. The parking shall be located on the same lot as the primary residential dwelling unit.

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. 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.

Section 4. 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 projects 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.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. 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 _____, and finally adopted on _____, to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

John Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

**ATTACHMENT 1b – DENSITY BONUS
DRAFT CITY COUNCIL ORDINANCE**

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 16 (ZONING) OF THE OXNARD CITY CODE (OCC) §16-410 DENSITY BONUS, RELATED TO IMPLEMENTATION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT 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. 23-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC).

WHEREAS, the proposed modification is to update the Density Bonus ordinance in OCC Section 16-410 to comply with current State Density Bonus law (Government Code 65915 et seq.), including an increase in allowable density bonus up to 50%, an increase in number of incentives, reductions in the affordability requirements for incentives, reduction and waiver of parking requirements under certain circumstances, removal of the common interest requirement for for-sale development, and other revisions to the State Density Bonus law. This modification also updates the numbering within Section 16-410 from letters denoting subsections (16.410A, 16-410B, etc.) to numbers (16-410.1, 16-410.2, etc.) to be consistent with the numbering format for most sections in Chapter 16; and

WHEREAS, on October 25, 2022 the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard 2021-2029 Housing Element. Programs 6, 9, 22, 27 and 32 of the 2021-2029 Housing Element require the City update Chapter 16 of the Oxnard City Code (OCC) by 2023 to comply with state laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws; and

WHEREAS, on August 17, 2023 the Planning Commission held a public hearing on the amendments to Chapter 16 of the OCC to implement Zoning Text Amendments (ZTA) stipulated in the adopted Amended 2021-2029 Housing Element Programs 6, 9, 22, 27 and 32 and adopted a Resolution recommending that the City Council approve Planning & Zoning Permit No. 23-580-03 (Zone Text Amendment); and

WHEREAS, on _____, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 23-580-03 (Zone Text Amendment) in accordance with the OCC, and

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

WHEREAS, the City Council finds the proposed Zoning Text Amendment is in the public interest and general welfare by complying with State law and encouraging development of affordable housing in compliance

with current State Density Bonus law. 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 does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the 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, it is in the public interest, consistent with the 2030 General Plan.

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

Section 1. Oxnard City Code Chapter 16, Article IV, Division 7A entitled “Density Bonus and Related Incentives and Concessions Program”, Section 16-410 et seq. is amended to read as follows (**Only underlined portions are to be added**):

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

- 16-410A.1. Purpose
- 16-410B.2. Definitions
- 16-410C.3. Eligibility for density bonuses and incentives
- 16-410D.4. Fees
- 16-410E.5. Application required
- 16-410F.6. Content of application
- 16-410G.7. Effect of proposal for waiver or reduction of development standards
- 16-410H.8. Density bonus allowance for housing development with affordable housing component
- 16-410I.9. Density bonus for housing development with affordable housing component and child care facility
- 16-410J.10. Density bonus for senior citizen housing development
- 16-410K.11. Density bonus for land donation
- 16-410L.12. Affordable housing incentives
- 16-410M.13. Number of incentives granted
- 16-410N.14. Criteria for denial of application for incentives
- 16-410O.15. Waiver or modification of development standards
- 16-410P.16. Parking standard modifications for qualified housing developments
- 16-410Q.17. Density bonus and affordable housing incentive program
- 16-410R.18. Determination on density bonus and affordable housing incentive program requests
- 16-410S.19. Affordable housing agreement and equity sharing agreement
- 16-410T.20. Density bonus or incentive for condominium conversion projects
- 16-410U.21. Enforcement provisions
- 16-410V.22. Burden is on applicant

ARTICLE V. SPECIFIC USE REQUIREMENTS

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

SEC. 16-410A.1. PURPOSE.

The purpose of this Division 7A is to meet the requirements set forth in Cal. Gov't Code, Section 65915 *et seq.* (known as the State Density Bonus Law). If any provision of this Division 7A conflicts with State law, or provides more rights than are legally required by State law, the minimum requirements of State law shall control.

(Ord. No. 2912)

SEC. 16-410B.2. DEFINITIONS.

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

(A) AFFORDABLE HOUSING AGREEMENT - an agreement between the City of Oxnard and the developer pursuant to Section 16-410.19.

(A B) AFFORDABLE HOUSING BENEFITS - One or more of the following:

- (1) A density bonus pursuant to sSection 16-410.8;
- (2) An incentive pursuant to sSection 16-410.12;
- (3) A development standard waiver or modification pursuant to sSection 16-410.15; and
- (4) A parking standard modification pursuant to sSection 16-410.16.

(BC) AFFORDABLE HOUSING COST - The definition set forth in Cal. Health and Safety Code, Section 50052.5. (Cal. Gov't Code, Section 65915(c)(2))

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

(DE) AFFORDABLE RENT - The definition set forth in Cal. Health and Safety Code, Section 50053(b). (Cal. Gov't Code, Section 65915(c)(1))

(EF) AFFORDABLE UNIT - A residential dwelling unit that is guaranteed by the affordable housing developer to be rented or sold in accordance with the requirements of this division to one of the following:

- (1) A very low income household;
- (2) A lower income household (Cal. Health and Safety Code Section 50079.5); or

(3 2) A moderate income household within a ~~common interest~~ for-sale development (Cal. Gov't Code, Section 65915(c)(l)-(c)(2)).

(3) A student housing rental bed for a lower income student, and its pro rata share of associated common area facilities. (Cal. Gov't Code, Section 65915(b)(1)(F)(ii))

(FG) APPROVAL AUTHORITY - The person or body within the eCity who is authorized to provide discretionary approval or ministerial approval of a housing development. If multiple persons or approval bodies are authorized to make one or more such approvals, then the person or body with the highest authority shall be deemed the approval authority.

(GH) CHILDCARE FACILITY - A child day care facility other than a family day care home, including but not limited to infant centers, preschools, extended day care facilities, and school age childcare centers (Cal. Gov't Code, Section 65915(h)(4)).

(HI) CITY - The City of Oxnard or its designee.

(IJ) COMMON INTEREST DEVELOPMENT - Any of the following: a community apartment project, a condominium project, a planned development, or a stock cooperative pursuant to Cal. Civil Code, Section 4100. All common interest development units must be offered to the public for purchase (Cal. Gov't Code, Section 65915(b)(1)(D)).

(JK) CONDOMINIUM CONVERSION PROJECT - A residential project in which the applicant proposes to convert apartment units to condominiums pursuant to Cal. Gov't Code, Section 65915.5(a).

(KL) DENSITY BONUS - Except as used in sSection 16-410.20, Condominium Conversion Projects, a density increase over the otherwise maximum allowable residential density as of the date of application to the eCity for a qualified housing development. (Cal Gov't Code, Section 65915(f)) As used in section 16-410.20, "density bonus" shall be defined as set forth in sSection 16-410.2 (Cal. Gov't Code, Section 65915.5(b))

(LM) DENSITY BONUS UNITS - Dwelling units granted pursuant to section 16-410H Cal. Gov't Code, Section 65915 which exceed the otherwise maximum allowable residential density.

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

(NO) 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)(1-2)).

(P) 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).

(Q) EQUITY SHARE AGREEMENT - An agreement between the City of Oxnard and the initial buyer of an affordable unit offered for sale pursuant to Section 16-410.19.

(NR) HOUSING DEVELOPMENT - A development project of five or more residential units, including mixed-use developments. This also includes a subdivision or common interest development that is approved by the eCity 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. The residential units within a housing development shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. (Cal. Gov't Code, Section 65915(i))

(S) 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 if the housing unit is situated on rented land.

(OT) HOUSEHOLD INCOME CATEGORY DEFINITIONS

(1) ACUTELY LOW INCOME HOUSEHOLDS - Persons and families whose incomes do not exceed fifteen percent (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 thirty percent (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.

~~(1 3)~~ VERY LOW INCOME HOUSEHOLD - ~~A household~~ Persons and families whose income does not exceed fifty percent (50%) of the ~~county's median household income~~ Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50105. (Cal. Gov't Code, Section 65915(b)(1)(B))

~~(2 4)~~ LOW INCOME HOUSEHOLD - A household whose income does not exceed eighty percent (80%) of the ~~county's median household income~~ Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50079.5. (Cal. Gov't Code, Section 65915(b)(1)(A))

(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 eighty percent (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.

~~(3 6)~~ MODERATE INCOME HOUSEHOLD - Persons or families whose income does not exceed 120% of the ~~county's median household income~~ Ventura County Metropolitan Statistical Area, adjusted for family size and revised annually, as defined in Cal. Health and Safety Code, Section 50093. (Cal. Gov't Code, Section 65915(b)(1)(D))

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

(QV) MARKET-RATE UNIT - A dwelling unit that is not an affordable unit.

(RW) MAXIMUM ALLOWABLE RESIDENTIAL DENSITY - The density allowed under the applicable zoning ordinance and the land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. (Cal. Gov't Code, Section 65915~~(d)~~~~(2)~~~~(o)~~~~(5)~~)

(SX) MINIMUM AFFORDABLE HOUSING COMPONENT - A housing development ~~project~~ which includes a minimum of ~~any of the following:~~ affordable housing as identified in Cal. Gov't Code, Section 65915(b)

~~—(1) VERY LOW INCOME MINIMUM AFFORDABLE HOUSING COMPONENT—Provides at least 5% of the total units for to very low income household residents (Cal. Gov't Code, Section 65915(b)(1)(B)); or~~

~~—(2) LOW INCOME MINIMUM AFFORDABLE HOUSING COMPONENT—Provides at least 10% of the total units for low to income households (Cal. Gov't Code, Section 65915(b)(1)(A)); or~~

~~—(3) MODERATE INCOME MINIMUM AFFORDABLE HOUSING COMPONENT—Provides at least 10% of the total dwelling units in a common interest development for moderate income households (Cal. Gov't Code, Section 65915(b)(1)(D)).~~

~~—(4) A SENIOR CITIZEN HOUSING DEVELOPMENT—As that term is defined in section 16-410.2. (Cal. Gov't Code, Section 65915(b)(1)(C))~~

~~—(5) Ten percent of the total units of a housing development for transitional foster youth, as defined in Cal. Education Code, Section 66025.9, or disabled veterans, as defined in Cal. Gov't Code, Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 *et seq.*). The units described in this division (R)(5) shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units. (Cal. Gov't Code, Section 65915(b)(1)(E))~~

(Y) MAJOR TRANSIT STOP - a site containing any of the following: (a) An existing rail or bus rapid transit station; or (b) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, as defined in subdivision (b) of Sections 21155 and 21064.3 of the Public Resources Code. "Located within one-half mile of a major transit stop" means any point on a proposed development is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop. Unobstructed access to the major transit stop means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subparagraph, "natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit. (Cal. Gov't Code, Sections 65915(o)(2), 65915(o)(4) and 65915(p)(2)).

(~~7~~) OTHER INCENTIVES OF EQUIVALENT FINANCIAL VALUE - The reduction or waiver of requirements which the eCity might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the eCity to provide cash transfer payments or other monetary compensation. (Cal. Gov't Code, Section 65915.5(c))

(~~U~~A) QUALIFIED HOUSING DEVELOPMENT - A housing development that meets the requirements of sSection 16-410.3 for density bonus.

(~~V~~B) QUALIFIED LAND - Land offered for donation in accordance with sSection 16-410.11 that meets the criteria set forth in sSection 16-410.11.

(C) 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 does 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.

(~~W~~D) SENIOR CITIZEN HOUSING DEVELOPMENT - A residential development as defined in Cal. Civil Code, Sections 51.3 and 51.12, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Cal. Civil Code, Sections 798.76 or 799.5. (Cal. Gov't Code, Section 65915(b)(1)(C))

(~~X~~E) SENIOR CITIZEN HOUSING DEVELOPMENT UNIT - A residential dwelling unit within a senior citizen housing development that is available to, and occupied by, a senior citizen as defined in Cal. Civil Code, Section 51.3. (Cal. Gov't Code, Section 65915(b)(1)(C))

(~~Y~~F) 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))

(ZGG) TOTAL UNITS AND TOTAL DWELLING UNITS - Consistent with Cal. Gov't Code Section 65915(0)(6), for the purpose of this ordinance only, Dwelling units other than density bonus units awarded pursuant to this division. ~~(Cal. Gov't Code, Section 65915(b)(3))~~

(AAHH) ZONING ORDINANCE - Chapter 16 and 17 of the City of Oxnard Municipal Code.

(Ord. No. 2912; 3002)

SEC. 16-410C.3. ELIGIBILITY FOR DENSITY BONUSES AND INCENTIVES.

Density bonuses are available to affordable housing developers in accordance with this division for a development that will contain at least one of the following:

(A) Housing developments which include a minimum affordable housing component as identified in Cal. Gov't Code, Section 65915(b), pursuant to ~~(sSection 16-410.8 and sSection (A))~~;

~~(B) Housing developments which include a minimum affordable housing component and a childcare facility (section 16-410I);~~

~~—(C) Senior citizen housing developments as identified in Cal. Gov't Code, Section 65915(b)(1)(C) and pursuant to (sSection 16-410.10); and~~

~~—(D) Land donations for very low income housing as identified in Cal. Gov't Code, Section 65915(g) (section 16-410K).~~

~~(C) (E) Ten percent of the total units of a housing development that includes a minimum housing component are for transitional foster youth (as defined in Cal. Education Code, Section 66025.9), disabled veterans (as defined in Cal. Gov't Code, Section 18541), or homeless persons (as defined in the federal McKinney-Vento Homeless Assistance Act; 42 U.S.C. Sec. 11301 et seq.) as identified in Cal. Gov't Code, Section 65915(b)(1)(E). The units described in this subparagraph division (E) shall be subject to a recorded affordability restriction of fifty-five (55) years and shall be provided at the same affordability level as very low income units. (Cal. Gov't Code, Section 65915(b)(1)(E));~~

(D) Student housing developments as identified in Cal. Gov't Code, Section 65915(b)(1)(F) and subject to the requirements therein;

(E) Housing developments that includes 100% of all units in the development, including total units and density bonus units, are for lower income households, exclusive of a manager's unit or units, and up to twenty percent (20%) of the units in the development may be affordable to moderate-income households (Cal. Gov't Code, Section 65915(b)(1)(G));

(F) Housing developments that include a minimum affordable housing component and a childcare facility, pursuant to (Section 16-410.9);

(G) Land donations for very low income housing as identified in Cal. Gov't Code, Section 65915(g), pursuant to (sSection 16-410.11).

(H) For the purpose of calculating a density bonus, the residential units must be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

Notwithstanding any language in this Division 7A to the contrary and consistent with the Second Appellate District case of *Kalnel Gardens v. City of Los Angeles* (2016) 3 Cal. App. 5th 927, within the coastal zone. Density bonuses shall not be

available to affordable housing developers if the eCity finds that the proposed project cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(Ord. No. 2912)

SEC. 16-410D.4. FEES.

An application for a density bonus permit shall be accompanied by the fee set by resolution of the eCity eCouncil.

(Ord. No. 2912)

SEC. 16-410E.5. APPLICATION REQUIRED.

When an applicant seeks a density bonus for a housing development that meets the criteria set out in sSection 16-410.8 (Cal. Gov't Code, Section 65915) the affordable housing developer must comply with all of the following requirements:

(A) The applicant shall file an application for a density bonus permit in accordance with sSections 16-410.5 and 16-410.6 that includes a minimum affordable housing component, whether or not the project also requires or has been granted a special use permit or other permits or approvals. (Cal. Gov't Code, Section 65915(b)(l))

(B) State in the application the specific minimum affordable housing component proposed for the housing development. (Cal. Gov't Code, Section 65915(b)(2))

(C) Enter into an agreement with the eCity or its designee pursuant to sSection 16-410.19 to maintain and enforce the affordable housing component of the housing development. (Cal. Gov't Code, Section 65915(c))

(Ord. No. 2912)

SEC. 16-410F.6. CONTENT OF APPLICATION.

(A) The application for a density bonus permit shall include the following information:

(1) A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, the total number of units in the development by number of bedrooms, and the location of the affordable units;

(2) A description of the density bonus and the incentives or concessions requested, if any, in accordance with sSections 16-410.8 thru 16-410.13 (Cal. Gov't Code, Section 65915(b)(2)(d)(l));

(3) For parking standard modification requests, that the requirements of sSection 16-410.16 ~~16-426~~ are met (Cal. Gov't Code, Section 65915(p));

(4) The location, design, and phasing criteria required by sSection 16-410.17, including any proposed development standard(s) modifications or waivers pursuant to sSection 16-410.15;

(5) Any proposal for the waiver or reduction of development standards which waiver or reduction is required to allow the eCity to avoid physically precluding the construction of a development meeting the criteria of Cal. Gov't Code, Section 65915(b) at the densities or with the concessions or incentives permitted by the statute;

(6) The proposed method of ensuring the continued affordability of all low, very low rental units, or senior units, or childcare facilities, that qualified the applicant for the award of the density bonus for at least fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as required by Cal. Gov't Code, Section 65915(c)(1); and

(7) Other information reasonably requested by city staff needed to establish eligibility for a requested density bonus, incentives or concessions, or to demonstrate that the incentive meets the definition of identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.

(B) For the application for a density bonus permit for the donation of qualified land pursuant to sSection 16-410.11, the application must show the location of the qualified land in addition to including sufficient information to establish that each requirement of that section has been met. (Cal. Gov't Code, 65915(g)(2))

(C) The application for a density bonus permit for a housing development with a childcare facility that conforms to the requirements of sSection 16-410.9 and/or sSection 16-410.12. (Cal. Gov't Code, Section 65915(b)) ~~and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project,~~ shall show the location and square footage of the childcare facility in addition to including sufficient information as on how the applicant proposes to regulate attendance at the childcare facility to conform to the requirements of Cal. Gov't Code, Section 65915(h)(2)(B).

(D) An application for a density bonus permit will not be processed until all of the provisions of this Division 7A are complied with and shall be processed concurrently with other required entitlements for which the affordable housing benefit is sought.

(E) Approval of a density bonus permit, incentives, concessions or waivers shall be made by the approval authority within the eCity that is authorized to approve the associated discretionary approval or ministerial approval for the underlying development permit for the housing development. The approval of the density bonus application is non-discretionary unless the eCity adopts written findings justifying the denial of the density bonus. The approval authority's decision shall only be appealable if the permit is denied. An appeal shall be granted if the approval authority's decision does not include written findings or if the written findings do not justify the denial consistent with state or local law.

(Ord. No. 2912, 3002)

SEC. 16-410G.7. EFFECT OF PROPOSAL FOR WAIVER OR REDUCTION OF DEVELOPMENT STANDARDS.

A proposal for a waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Cal. Gov't Code, Section 65915(e)(2).

(Ord. No. 2912)

SEC. 16-410H.8. DENSITY BONUS ALLOWANCE FOR HOUSING DEVELOPMENT WITH AFFORDABLE HOUSING COMPONENT.

If the requirements of sSection 16-410.3 are met, then the affordable housing developer is entitled to a density bonus pursuant to Cal. Gov't Code, Section 65915(f). The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable units offered by the applicant exceeds the percentage of the minimum affordable housing component; the applicant may also elect to accept a lesser percentage of density bonus or no increase in density (Cal. Gov't Code, Section 65915(f). All density calculations resulting in fractional units shall be rounded up to the next whole number. (Cal. Gov't Code, Section 65915(f)(5). Developers of housing under this division are not eligible to request to make in-lieu affordable housing payment instead of providing affordable housing units.

(Ord. No. 2912)

SEC. 16-410I.9. DENSITY BONUS FOR HOUSING DEVELOPMENT WITH AFFORDABLE HOUSING COMPONENT AND CHILDCARE FACILITY.

(A) Criteria - For a density bonus to be granted pursuant to ~~s~~Section 16-410.9(B) for housing development with a minimum affordable housing component with and a childcare facility in a housing development, all of the following must be satisfied:

(1) Compliance with ~~each one of the minimum eligibility requirements identified in section 16-410C.~~ (Cal. Gov't Code, Section 65915(h)(1)) Cal. Gov't Code, Section 65915(b).

(2) The housing development must include a childcare facility that will be located on the premises of, as part of, or adjacent to, the housing development. (Cal. Gov't Code, Section 65915(h)(1))

(3) Approval of the housing development must be conditioned to ensure that both of the following occur:

(a) The childcare facility must remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to ~~s~~Section 16-410.19 (Cal. Gov't Code, Section 65915(h)(2)(A)).

(b) Of the children who attend the childcare facility, the children of very low income households, low income households, or moderate income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective minimum affordable housing component income category for which the density bonus is sought (Cal. Gov't Code, Section 65915(h)(2)(B)).

(4) The ~~c~~City has not made a finding based upon substantial evidence that the community has adequate childcare facilities. (Cal. Gov't Code, Section 65915(h)(3))

(B) Density bonus allowance - If the requirements of Section 16-410.9(A) are met, then an applicant for a housing development with an affordable housing component and childcare facility is entitled to:

(1) ~~A density bonus pursuant to section 16-410H; and~~

~~—(2)—An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility. (Cal. Gov't Code, Section 65915(h)(1)(A))~~

~~(2) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility. (Cal. Gov't Code, Section 65915(h)(1)(B))~~

(Ord. No. 2912)

SEC. 16-410J.10. DENSITY BONUS FOR SENIOR CITIZEN HOUSING DEVELOPMENT.

An applicant for a senior citizen housing development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Cal. Civil Code, Sections 798.76 or 799.5 is entitled to a density bonus ~~of 20% of~~ for the number of senior citizen housing development units as identified in Cal. Gov't Code, Section 65915(f)(3)(A). (Cal. Gov't Code, Sections 65915(b)(1)(C) and 65915(f)(3)(A))

To qualify as a senior unit, at least thirty-five (35) senior citizen housing development units are maintained and available for rent or sale to senior citizens as defined in Cal. Civil Code, Section 51.3.

SEC. 16-410K.11. DENSITY BONUS FOR LAND DONATION.

For a density bonus for a qualified land donation to be granted, all of the requirements of State law, as it may be amended from time to time, shall be met. See Cal. Gov't Code, Section 65915(g). For qualifying donations, the city shall award a ~~15%~~ density bonus as identified in Cal. Gov't Code, Section 65915(g)(1) in addition to any density bonus earned

pursuant to this Division, but in no event shall the total density bonus from all sources exceed ~~35%~~ fifty percent (50%). (Cal. Gov't Code, Section 65915(g)(2))

SEC. 16-410L.12 AFFORDABLE HOUSING INCENTIVES.

Cal. Gov't Code, Sections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives. Subject to sSection 16-410.14, all of the following applicable requirements must be satisfied to be granted an incentive(s) pursuant to sSections 16-410.12(B) and 16-410.13:

(A) The applicant for an incentive may also be an applicant for a density bonus and must qualify for a density bonus pursuant to sSection 16-410.3 (Cal. Gov't Code, Section 65915(d)(l)).

(B) A specific written proposal for an incentive(s) must be submitted with the application for density bonus in accordance with sSection 16-410.6 (Cal. Gov't Code, Sections 65915(b)(1) and (d)(1)). The applicant's proposal may subsequently be amended or supplemented based on project design or other changes requested by the ~~e~~city; provided, however, that the city shall have additional time to review the requested changes.

(C) If an incentive(s) pursuant to sSections 16-410.12 and 16-410.13 is sought, the applicant must establish that each requested incentive would result in identifiable and actual cost reductions for the qualified housing development or for rents for the qualified affordable dwelling units. (Cal. Gov't Code, Sections 65915(k)(1) and (3)).

(D) If an incentive(s) for mixed-use zoning in conjunction with a housing project is sought, the applicant must establish that requirements of State law are met. (Cal. Gov't Code, Section 65915(k)(2))

(E) If an additional incentive for a childcare facility is sought pursuant to sSection 16-410.13(D), the applicant must establish that requirements of that section are met.

(F) The granting of an incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study or other discretionary approval. (Cal. Gov't Code, Section 65915(j)) An incentive is applicable only to the project for which it is granted. For purposes of this ~~division~~ subsection (F), "study" does not include reasonable documentation to establish eligibility for the incentive or to demonstrate that the incentive meets the definition of identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.

(Ord. No. 2912)

SEC. 16-410M.13 NUMBER OF INCENTIVES GRANTED.

Subject to sSection 16-410.14, the applicant who meets the requirements of sSection 16-410.12(A) shall receive the following number of incentives described below and as shown in Table 16-410.13.

(A) One incentive for qualified housing development projects that include at least ten percent (10%) of the total units for low income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income households in a ~~common-interest~~ development in which the units are for sale. (Cal. Gov't Code, Section 65915(d)(2)(A))

(B) Two incentives for qualified housing development projects that include at least ~~20%~~ seventeen percent (17%) of the total units for low income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income households in a ~~common-interest~~ development in which the units are for sale. (Cal. Gov't Code, Section 65915(d)(2)(B))

(C) Three incentives for qualified housing development projects that include at least ~~30%~~ twenty-four percent (24%) of the total units for low income households, at least fifteen percent (15%) for very low income households, or at least

thirty percent (30%) for persons and families of moderate income households in a common interest development in which the units are for sale. (Cal. Gov't Code, Section 65915(d)(2)(C))

(D) Four incentives or concessions for a project that include 100% of total units and density bonus units, excluding manager's units, that affordable to lower income households, as identified in Government Code Section 65915(b)(1)(G). If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or thirty-three (33) feet. (Cal. Gov't Code, Section 65915(d)(2)(D))

(E) One incentive for projects that include at least twenty percent (20%) of the total units for lower income students in a student housing development. (Cal. Gov't Code, Section 65915(d)(2)(E))

(F) Subject to sSection 16-410.14(D), a qualified housing development proposal that includes a childcare facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility. (Cal. Gov't Code, Section 65915(h)(1)(B))

TABLE 16-410M.13. - INCENTIVE ALLOWANCES FOR QUALIFIED HOUSING DEVELOPMENTS

<i>Income Category</i>	<i>Minimum % of Affordable Units</i>			
Very low income	5%	10%	15%	<u>100%</u>
Low income	10%	20% 17%	30% 24%	<u>100%*</u>
Common interest For-Sale development (moderate income)	10%	20%	30%	<u>NA</u>
Incentives allowed	1	2	3	<u>4</u>
*Per Government Code 65915(b)(G), One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to twenty percent (20%) of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.				

(Ord. No. 2912)

SEC. 16-410N.14. CRITERIA FOR DENIAL OF APPLICATION FOR INCENTIVES.

Outside of the coastal zone and except as otherwise provided in this Division 7A or by State law, if the requirements of sSection 16-410.12(A) are met, the eCity shall grant the incentive(s) that are authorized by sSections 16-410.12(B) and 16-410.13 unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the eCity may refuse to grant the incentive(s):

(A) The incentive does not result in identifiable and actual cost reductions, consistent with Cal. Gov't Code, Section 65915(k), to provide for affordable housing costs or for rents for the targeted units to be set as specified in Cal. Gov't Code, Section 65915(k). (Cal. Gov't Code, Section 65915(d)(1)(A))

(B) The incentive would have a specific, adverse impact, as defined in Cal. Gov't Code, Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse

impact without rendering the development unaffordable to low- and moderate-income households. (Cal. Gov't Code, Sections 65915(d)(1)(B) and 65915(d)(3))

(C) The incentive would be contrary to State or federal law. (Cal. Gov't Code, Section 65915(d)(1)(C))

(D) The eCity finds, based upon substantial evidence, that the community has adequate childcare facilities, in which case the additional incentive for a childcare facility pursuant to sSection 16-410.13(D) may be denied. (Cal. Gov't Code, Section 65915(h)(3))

Within the coastal zone, the eCity shall deny applications for incentives and/or density bonuses if the eCity finds that the proposed project - with the requested incentive(s), density bonus(es) and/or waiver of development standard(s) - cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(Ord. No. 2912)

SEC. 16-410.15. WAIVER OR MODIFICATION OF DEVELOPMENT STANDARDS.

Requirements for waiver or modification of development standards:

(A) Application - To qualify for a waiver or reduction of one or more development standards, the applicant must submit a written application (together with an application for a qualified housing development) that states the specific development standard(s) sought to be modified or waived and the basis of the request. (Cal. Gov't Code, Section 65915(e)(1)) An applicant for a waiver or modification of development standard(s) pursuant to this section may request a meeting with the director to review the proposal. If requested, the director shall meet with the applicant. (Cal. Gov't Code, Section 65915(e)(1)). An application for the waiver or reduction of development standard(s) pursuant to this section shall neither reduce nor increase the number of incentives to which the applicant is entitled pursuant to Section 16-410.12. (Cal. Gov't Code, Section 65915(e)(2))

(B) To deny the requested waiver or reduction of development standard(s) outside of the coastal zone, the eCity shall make a written finding, based upon substantial evidence, of any of the following:

(1) The requested waiver or reduction of development standard(s) would have a specific adverse impact (as defined in Cal. Gov't Code, Section 65589.5(d)(2)) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low-income, and moderate-income households.

(2) The requested waiver or reduction of development standard(s) would be contrary to State or federal law.

(C) Within the coastal zone, the eCity shall deny the requested waiver or reduction of development standard(s) if it finds that the requested waiver or reduction of development standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(D) Granting application for waiver or modification of development standards - If the requirements of sSections 16-410.15(A) and (B) are satisfied, the application for waiver or modification of development standard(s) shall be granted, unless, within the coastal zone, the waiver or modification of development standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(E) If the requirements of sSections 16-410.15(A) and (B) are satisfied, the eCity shall not apply a development standard that will have the effect of physically precluding the construction of a qualified housing development at the densities or with the incentives permitted by this Division 7A (Cal. Gov't Code, Section § 65915(e)(1)) unless, within the coasta

I zone, the waiver or modification of development standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(Ord. No. 2912)

SEC. 16-410P.16. PARKING STANDARD MODIFICATIONS FOR QUALIFIED HOUSING DEVELOPMENTS.

(A) Requirements for parking standard modifications - Modification of parking standard set forth in Section 16-622 are available only for qualified housing developments. An application for parking standard modifications stating the specific modification requested must be submitted with the qualified housing development application. (Cal. Gov't Code, Section 65915(p)(3))

(B) Parking standard modifications - If the requirements of Section 16-410.3 are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following ratios (Cal. Gov't Code, Section 65915(p)(1)):

- (1) Zero to one bedroom: one on-site parking space.
- (2) Two to three bedrooms: ~~two~~ one and one-half on-site parking spaces.
- (3) Four and more bedrooms: two and one-half on-site parking spaces.

(C) Notwithstanding Section 16-410.16(B), if a development includes at least twenty percent (20%) of the total units affordable to low income households, at least 11 percent of the total units affordable to very low income, or at least forty percent (40%) moderate-income units within a for-sale housing developments; the development is located within one-half mile of a major transit stop; and the residents of the development have unobstructed access to the major transit stop from the development then, upon the request of the developer, the City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per bedroom. (Cal. Gov't Code, Section 65915(p)(2))

(D) Notwithstanding Section 16-410.16(B), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families; the development is located within one-half mile of a major transit stop; and the residents of the development have unobstructed access to the major transit stop from the development then, upon the request of the developer, the City shall not impose a vehicular parking ratio, (Cal. Gov't Code, Section 65915(p)(3)(A))

(E) Notwithstanding Section 16-410.16(B), if a development consists solely of rental units for individuals who are sixty-two (62) years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, exclusive of a manager's unit or units, with an affordable housing cost to lower income families; the development has either paratransit service or unobstructed access; and the development is located within one-half mile of a fixed bus route service stop that operates at least eight times per day, then upon the request of the developer, the City shall not impose a vehicular parking ratio, (Cal. Gov't Code, Section 65915(p)(3)(B))

(F) Notwithstanding Section 16-410.16(B), if a development consists solely of rental units for either a special needs housing, as defined in Section 51312 of the Health and Safety Code, or a supportive housing, as defined in Section 50675.14 of the Health and Safety Code, exclusive of a manager's unit or units, with an affordable housing cost to lower income families; the development has either paratransit service or unobstructed access; and the development is located within one-half mile of a fixed bus route service stop that operates at least eight times per day, then upon the request of the developer, the City shall not impose a vehicular parking ratio, (Cal. Gov't Code, Section 65915(p)(4))

(G) If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, "on-site parking" may

be provided through tandem parking or uncovered parking, but not through on-street parking. (Cal. Gov't Code, Section 65915(p)(4 5))

(H) Except as otherwise provided in this section, all other provisions of Chapter 16, Article X (Off-Street Parking Requirements) applicable to residential development apply.

(I) An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to ~~s~~Section 16-410.12. (Cal. Gov't Code, Section 65915(p)(5 6))

~~—(F) Exceptions—Upon request of the applicant, the following maximum parking standards shall apply, inclusive of handicap and guest parking, to the entire housing development subject to this Division 7A, as required by Cal. Gov't Code, Section 65915(p):~~

~~—(1) A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply (Cal. Gov't Code, Section 65915(p)(2)):~~

~~—(a) The development includes the maximum percentage of low- or very low-income units provided for section 16-410H (Density Bonus Allowance for Housing Development with Affordable Housing Component).~~

~~—(b) The development is located within one-half mile of a major transit stop, as defined in Cal. Public Resources Code, Section 21155(b).~~

~~—(c) There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.~~

~~—(2) A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Cal. Gov't Code, Section 65915(p)(3)(A)):~~

~~—(a) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Cal. Health and Safety Code, Section 50052.5.~~

~~—(b) The development is located within one-half mile of a major transit stop, as defined in Cal. Public Resources Code, Section 21155(b).~~

~~—(c) There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.~~

~~—(3) A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Cal. Gov't Code, Section 65915(p)(3)(B)):~~

~~—(a) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Cal. Health and Safety Code, Section 50052.5.~~

~~—(b) The development is for individuals who are 62 years of age or older and which complies with Cal. Civil Code, Sections 51.2 and 51.3.~~

~~—(c) The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.~~

~~—(4) A maximum of 0.3 parking spaces per unit shall apply when all the following conditions apply (Cal. Gov't Code, Section 65915 (p)(3)(C)):~~

~~— (a) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Cal. Health and Safety Code, Section 50052.5.~~

~~— (b) The development is a special needs housing development, as defined in Cal. Health and Safety Code, Section 51312.~~

~~— (c) The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.~~

(J) ~~Notwithstanding allowances in section 16-410P(F) above,~~ If the eCity or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the eCity may impose a higher vehicular parking ratio not to exceed the ratio described in sSection 16-410.16(B) above, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The eCity shall pay the costs of any new study. The eCity shall make findings, based on a parking study completed in conformity with this subsection (J) ~~division (G)~~, supporting the need for the higher parking ratio. (Cal. Gov't Code, Section 65915(p)(7))

(Ord. No. 2912)

SEC. 16-410Q.17. DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVE PROGRAM.

(A) Project design and phasing - Projects seeking an affordable housing benefit pursuant to this Division 7A must comply with the following requirements, unless otherwise specified in writing by the director:

(1) Location/dispersal of units - Affordable units shall be reasonably proportionately dispersed throughout the development by bedroom size ~~where feasible and shall contain on average the same (or greater) number of bedrooms as the market-rate units.~~

(2) Phasing - If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of affordable units and market-rate units. Alternatively, more affordable units may be provided during the initial phase(s).

(3) ~~Exterior appearance~~ Design - ~~The exterior appearance and quality of the affordable units must be similar to the market-rate units. The exterior materials and improvements of the affordable units must be similar to, and architecturally compatible with, the market-rate units. 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.~~

(B) Application requirements - An application for one or more affordable housing benefits must be submitted as follows:

(1) Each affordable housing benefit requested must be specifically stated in writing on the application form provided by the eCity.

(2) The application must include the information and documents necessary to establish that the requirements of this Division 7A are satisfied for each affordable housing benefit requested, including:

(a) For density bonus requests, that the requirements of sSection 16-410.3 are met;

(b) For incentive requests, that the requirements of sSection 16-410.12 are met;

(c) For development standard waiver or modification requests, that the requirements of Section 16-410.15 are met; and/or

(d) For parking standard modification requests, that the requirements of sSection 16-410.3 are met.

(3) The application must be submitted concurrently with a complete application for a qualified housing development.

(4) The application must include a site plan that complies with and includes the following:

(a) For special needs, supportive housing, or senior citizen housing development projects - the number and location of proposed total units and density bonus units.

(b) For all qualified housing development projects other than special needs, supportive housing or senior citizen housing development projects - the number and location of proposed total units, affordable units, and density bonus units. The density bonus units shall be permitted in geographic areas of the qualified housing development other than the areas where the affordable units are located. (Cal. Gov. Code, Section 65915(i))

(c) The location, design, and phasing criteria required by sSection 16-410.17(A), including any proposed development standard(s) modifications or waivers pursuant to sSection 16-410.15.

(5) The application for a qualified housing development must state the level of affordability of the affordable units and include a proposal for compliance with sSection 16-410.19 for ensuring affordability.

(6) If a density bonus is requested for a qualified land donation pursuant to sSection 16-410.11, the application must show the location of the qualified land in addition to including sufficient information to establish that each requirement in sSection 16-410.11 has been met.

(7) If an additional density bonus or incentive is requested for a childcare facility pursuant to sSection 16-410.9 and/or sSection 16-410.13(D), the application shall show the location and square footage of the childcare facility in addition to including sufficient information to establish that each requirement in sSection 16-410.9 and/or sSection 16-410.13(D) has been met.

(C) An application for an affordable housing benefit under this Division 7A will not be processed until all of the provisions of this section are complied with as determined by the director and shall be processed concurrently with the application for the qualified housing development project for which the affordable housing benefit is sought.

Prior to the submittal of an application for a qualified housing development, an applicant may submit to the director a preliminary proposal for affordable housing benefits.

(Ord. No. 2912)

SEC. 16-410R.18. DETERMINATION ON DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVE PROGRAM REQUESTS.

The approval authority on the underlying qualified housing development application is authorized to approve or deny an application for an affordable housing benefit in accordance with this Division 7A.

(A) Affordable housing benefit determinations - An application for an affordable housing benefit shall be granted if the requirements of this Division 7A are satisfied unless:

(1) The application is for an incentive for which a finding is made in accordance with sSection 16-410.14; or

(2) The underlying application for the qualified housing development is not approved independent of and without consideration of the application for the affordable housing benefit; or

(3) The housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(a) The proposed housing development, inclusive of the units replaced pursuant to this division (A)(3), contains affordable units at the percentages set forth under State law; or

(b) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(4) For proposed projects within the coastal zone, the proposed project cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(B) Affordable housing benefit compliance provisions - To ensure compliance with this Division 7A and State law, approval of an application for an affordable housing benefit may be subject to, without limitation:

(1) The imposition of conditions of approval to the qualified housing development, including imposition of fees necessary to monitor and enforce the provisions of this Division 7A;

(2) An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 16-410.19, including the imposition of reasonable fees to prepare the agreements; and

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

(C) Appeals - If the determination of the underlying application for the qualified housing development is appealed along with the decision of the affordable housing benefit, then the entire project shall be controlled by the appeal procedures applicable to the underlying application.

(Ord. No. 2912, 3002)

SEC. 16-410S.19. AFFORDABLE HOUSING AGREEMENT AND EQUITY SHARING AGREEMENT.

(A) General requirements - ~~No density bonus pursuant to section 16-410C shall be effective unless and until the affordable housing developer, or its designee approved in writing by the director, enters into an~~ 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 sharing agreement with the eCity or its designee pursuant to and in compliance with this section. (Cal. Gov't Code, Section 65915(c)). The density bonus affordable housing agreement may be combined with the affordable housing agreement and other documents required by Divisions 7B and 7C. The agreements shall be in the form provided by the eCity 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 eCity. 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 eCity upon approval of the agreements by the eCity aAttorney for legal form and sufficiency.

(B) ~~Low or very low income minimum affordable housing component or senior citizen housing development-~~
Minimum affordable housing component.

~~—(2) (1)~~ Rental units - Rents for the ~~low income and very low~~ lower income affordable units that qualified the housing development for the density bonus pursuant to ~~s~~Section 16-410.3 shall ~~be set and maintained at an affordable rent remain affordable for at least fifty-five (55) years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Cal. Gov't Code, Section 65915(c)(1)).~~

~~—(1) (a)~~ The affordable housing developer of a qualified housing development based upon the inclusion of ~~low income and/or very low income~~ affordable units for rent must enter into an Affordable Housing Agreement with the eCity to maintain the continued affordability of the affordable units ~~for 55 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Cal. Gov't Code, Section 65915(c)(1)).~~ The agreement shall establish specific compliance standards and specific remedies available to the eCity if such compliance standards are not met. The agreement shall among other things, specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria based upon the specific project development; standards for maximum affordable 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.

~~(3-2)~~ For-sale units - Owner-occupied moderate and lower income and ~~very low income~~ affordable units that qualified the housing development for the density bonus pursuant to ~~s~~Section 16-410.3 shall be available at an affordable housing cost (Cal. Gov't Code, Section 65915(c)(1)). For-sale very low, low and moderate units shall ~~not~~ have a term of affordability ~~of forty-five (45) years but~~ and shall be subject to an equity sharing agreement that meets the requirements of Cal. Gov't Code, Section 65915(c)(2) unless the equity sharing agreement is in conflict with the requirements of another public funding source or law (Cal. Gov't Code, Section 65915(c)(2)). 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 forty-five (45) years or the minimum term required by the applicable public funding source or law, whichever is longer.

~~—(4-3)~~ To qualify as a senior unit, at least 35 senior citizen housing development units are maintained and available for rent or sale to senior citizens as defined in Cal. Civil Code, Section 51.3. *(Moved to 16-410.10)*

~~—(C) Moderate income minimum affordable housing component—~~

~~(1a)~~ The affordable housing developer of a qualified housing development based upon the inclusion of moderate income affordable units in a common interest for-sale development must enter into an agreement with the eCity ensuring that:

~~(a)~~ The initial ~~occupants~~ buyers of the moderate income affordable units that are directly related to the receipt of the density bonus required under this Division are persons and families of a moderate income lower or moderate income households, as required.

~~(bii)~~ The units are offered at an affordable housing cost as defined in Section 16-410.2. (Cal. Gov't Code, Section 65915(c)(2))

~~(2b)~~ The affordable housing developer of qualified housing development based upon a moderate income minimum affordable component initial eligible buyer of an affordable unit offered for sale shall enter into an equity sharing agreement for a common interest development with the eCity (Cal. Gov't Code, Section § 65915(c)(2)). 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 eCity shall enforce the equity sharing agreement unless it is in conflict with the requirements of another

public funding source or law. (Cal. Gov't Code, Section 65915(c)(2)) The equity sharing agreement shall include at a minimum the following provisions:

(a i) Upon resale, the seller of the unit shall retain the value of improvements, the down payment, and the seller's proportionate share of appreciation. Any Improvements must be constructed with a building permit. The eCity shall recapture any initial subsidy, as defined in division (C-B)(2)(b)(ii) below, and its proportionate share of appreciation, as defined in division (C-B)(2)(eb)(iii) below, which amount shall be used within five years for any of the purposes described in Cal. Health and Safety Code, Section 33334.2(e) that promotes home ownership (Cal. Gov't Code, Section 65915(c)(2)(A));

(b ii) For purposes of this subdivision, the eCity's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value (Cal. Gov't Code, Section 65915(c)(2)(B));

(c iii) The eCity's proportionate share of appreciation shall be equal to the ratio of the eCity's initial subsidy to the fair market value of the unit at the time of initial sale. (Cal. Gov't Code, Section 65915(c)(2)(C))

~~(D-C)~~ Minimum affordable housing component and childcare facility - If an additional density bonus or incentive is granted because a childcare facility is included in the qualified housing development, the affordable housing agreement shall also include the affordable housing developer's obligations pursuant to sSection 16-410.9(A)(3) for maintaining a childcare facility, if not otherwise addressed through conditions of approval.

(Ord. No. 2912)

SEC. 16-410~~F~~.20. DENSITY BONUS OR INCENTIVE FOR CONDOMINIUM CONVERSION PROJECTS.

(A) The eCity will grant either a density bonus or provide other incentives of equivalent financial value to a condominium conversion project that agrees to pay the reasonably necessary administrative costs incurred by the eCity pursuant to this section if either:

(1) Thirty-three percent (33%) of the total units of the proposed condominium project is affordable to persons and families of moderate income households; or

(2) Fifteen percent (15%) of the total units of the proposed condominium project will be affordable to persons and families of lower income households (Cal. Gov't Code, Section 65915.5(a)).

(B) Definition of density bonus for condominium conversion projects - If the requirements of sSection 16-410.20(A) are met, then the condominium conversion project will be entitled to an increase in units of 25% over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums. (Cal. Gov't Code, Section 65915.5(b))

(C) Pre-submittal preliminary proposals for density bonus or incentive for condominium conversion projects - Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert apartments to a condominium project may submit to the director a preliminary proposal for density bonus or other incentives of equivalent financial value. The director shall, within 90 days of receipt of a written proposal, notify the applicant of the director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the director's preliminary response. (Cal. Gov't Code, Section 65915.5(d))

(D) Application for density bonus or incentives for condominium conversion projects - An applicant must submit a completed application provided by the eCity for a density bonus or for other incentives of equivalent financial value. The

application must be submitted concurrently with the application for the condominium conversion project. The application must include the following:

(1) All information and documentation necessary to establish that the requirements of sSection 16-410.20(A) are met;

(2) The proposal for a density bonus or the proposal for other incentives of equivalent financial value;

(3) Site plans demonstrating the location of the units to be converted, the affordable units, the market-rate units, and the density bonus units in the condominium conversion project; and

(4) Any other information and documentation requested by the eCity to determine if the requirements of sSection 16-410.20(A) are met.

(E) Both the application for a density bonus or other incentives of equivalent financial value and the application for the condominium conversion must be complete before the application for a density bonus or other incentives of equivalent financial value will be considered.

(F) Granting density bonus or incentive for condominium conversion projects -

(1) Approval -

(a) If the requirements of sSection 16-410.20(A) are met, the decision-making body for the condominium conversion project application is authorized to grant an application for a density bonus or other incentives of equivalent financial value, subject to sSection 16-410.20(F)(2).

(b) Reasonable conditions may be placed on the granting of a density bonus or other incentives of equivalent financial value that are found appropriate, including, but not limited to, entering into an affordable housing agreement pursuant to sSection 16-410.19 which ensures continued affordability of units to subsequent purchasers who are persons and families of moderate income households or low income households. (Cal. Gov't Code, Section 65915.5(a))

(2) Ineligibility - An applicant shall be ineligible for a density bonus or other incentives of equivalent financial value if the apartments proposed for conversion constitute a qualified housing development for which a density bonus as defined in sSection 16-410B.1 or other incentives were provided. (Cal. Gov't Code, Section 65915.5(f))

(3) Decision on condominium conversion project - Nothing in this section shall be construed to require the eCity to approve a proposal to convert apartments to condominiums. (Cal. Gov't Code, Section 65915.5(e))

(Ord. No. 2912)

SEC. 16-410U.21. ENFORCEMENT PROVISIONS.

(A) Occupancy - Prior to occupancy of an affordable unit, the household's eligibility for occupancy of the affordable unit must be demonstrated to the eCity. This provision applies throughout the restricted time periods pursuant to sSection 16-410.19 and applies to any change in ownership or tenancy, including subletting, of the affordable unit.

(B) Ongoing compliance - Upon request, the affordable housing developer must show that the affordable units are continually in compliance with this Division 7A and the terms of the affordable housing agreement. Upon 30-day notice, the eCity may perform an audit to determine compliance with this Division 7A and the terms of any agreement or restriction.

(C) Enforcement - The eCity has the authority to enforce the provisions of this Division 7A, the terms of affordable housing agreements and equity sharing agreements, deed restrictions, covenants, resale restrictions, promissory notes,

deed of trust, conditions of approval, permit conditions, and any other requirements placed on the affordable units or the approval of the qualified housing development. In addition to the enforcement powers granted in this Division 7A, the eCity may, at its discretion, take any other enforcement action permitted by law, including those authorized by city ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s). damages for breach of contract, restitution, and injunctive relief. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the eCity from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.

(Ord. No. 2912)

SEC. 16-410V.22. BURDEN IS ON APPLICANT.

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

(Ord. No. 2912)

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. 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.

Section 4. 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 projects 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.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. 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 _____, and finally adopted on _____, to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

John Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

**ATTACHMENT 1c – EMERGENCY SHELTER
DRAFT CITY COUNCIL ORDINANCE**

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 16 (ZONING) OF THE OXNARD CITY CODE (OCC) §16-504 EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS AND §16-622 PARKING SPACE AND LOADING REQUIREMENTS, RELATED TO IMPLEMENTATION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT 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. 23-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC). The proposed modification is to update the emergency shelter standards in OCC Section 16-504 to only those that comply with state law (Government Code Section 65583), and will update the parking schedule matrix in Section 16-622 to include Emergency Shelter parking; and

WHEREAS, on October 25, 2022 the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard 2021-2029 Housing Element. Programs 6, 9, 22, 27 and 32 of the 2021-2029 Housing Element require the City update Chapter 16 of the Oxnard City Code (OCC) by 2023 to comply with state laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws; and

WHEREAS, on August 17, 2023 the Planning Commission held a public hearing on the amendments to Chapter 16 of the OCC to implement Zoning Text Amendments (ZTA) stipulated in the adopted Amended 2021-2029 Housing Element Programs 6, 9, 22, 27 and 32 and adopted a Resolution recommending that the City Council approve Planning & Zoning Permit No. 23-580-03 (Zone Text Amendment); and

WHEREAS, on _____, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 23-580-03 (Zone Text Amendment) in accordance with the OCC, and

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

WHEREAS, the City Council finds the proposed Zoning Text Amendment is in the public interest and general welfare by complying with State law, support continued efforts to implement the Ventura County Continuum of Care program for the homeless and the Oxnard Five-Year Homeless Program and encouraging the private and public sectors to produce housing that meets the needs of special needs, extremely low-, very low- and -low income housing. 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 does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the 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, it is in the public interest, consistent with the 2030 General Plan.

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

Section 1. Oxnard City Code Chapter 16, Article V, Division 18 entitled “Emergency Shelters”, Section 16-504 and Article X, Division 2 “Parking and Loading Space Requirements” are amended to read as follows (**Only underlined portions are to be added**):

ARTICLE V. SPECIFIC USE REQUIREMENTS

DIVISION 18. EMERGENCY SHELTERS

SEC. 16-504. EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

(A) Permanent emergency shelters, ~~and~~ emergency shelters for families and low-barrier navigation centers shall meet the following standards:

(1) No shelter patron shall be re-admitted to the same emergency shelter within five days of being discharged after a stay of six months.

(2) If site characteristics permit, an enclosed or screened waiting area shall be provided between the on-site intake area for shelter patrons and the public right-of-way in order to prevent queuing within any public right-of-way.

(3) Each shelter shall establish hours of operation for patron intake and discharge, patron rules of conduct and procedures for notifying patrons of such hours and rules of conduct.

(4) On-site manager/shelter personnel shall be provided during all hours of operation when patrons are present. A designated area for on-site personnel shall be located near the main entry to the shelter for the purpose of controlling admittance and providing security.

~~—(5) The emergency shelter operator shall conduct a background check on all prospective patrons using Megan's Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions.~~

~~—(6) Patrons shall not possess or consume alcoholic beverages or illegal drugs while in the shelter, nor shall they possess weapons of any kind while in the shelter.~~

~~—(7) Space shall be allocated for each patron consisting of a bed and storage area.~~

~~—(8) At least two toilets, one shower and one sink shall be provided for every twenty patrons.~~

(9) A shelter shall be limited to serving no more than the number of patrons allowed by fire or building code occupancy.

(10) Off-street parking shall be provided pursuant to Section 16-622 of this Chapter ~~for the on-site manager.~~

(11) Each emergency shelter shall be equipped with exterior security lighting in accordance with section ~~16-320~~ of the zoning code. Lighting shall be shielded from all adjacent residential areas.

(12) The emergency shelter operator shall maintain an on-site security plan and emergency preparedness plan.

~~—(13) All items stored outdoors shall be screened from the view of all public rights-of-way.~~

~~—(14) Should an emergency shelter be proposed within 300 feet of a school, the development services director or designee may request that the developer/sponsor coordinate with the school district to address potential concerns.~~

(Ord. No. 2864)

ARTICLE X. OFF-STREET PARKING

DIVISION 2. PARKING SPACE AND LOADING REQUIREMENTS

SEC. 16-622. SCHEDULE OF VEHICLE OFF-STREET PARKING REQUIREMENTS.

(F) The following table lists the minimum off-street parking requirements for the city.

<i>Uses</i>	<i>Minimum Off-Street Parking Requirements</i>	<i>Notes</i>
Residential:		
<u>Special Housing:</u>		
<u>Emergency Shelter, permanent or Low-Barrier Navigation Center</u>	<u>One off-street space for the on-site manager.</u>	<u>See Section 16-504</u>

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. 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.

Section 4. 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 projects 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.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. 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 _____, and finally adopted on _____, to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

John Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

ATTACHMENT 1d –
FARMWORKER HOUSING, SUPPORTIVE HOUSING, LOW-BARRIER NAVIGATION CENTER,
SINGLE ROOM OCCUPANCY, RESIDENTIAL CARE FACILITIES AND STREAMLINE
ORDINANCE PROVISIONS
DRAFT CITY COUNCIL ORDINANCE

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 16 (ZONING) OF THE OXNARD CITY CODE (OCC), BY REPLACING RESIDENTIAL LAND USE AND DEVELOPMENT STANDARDS FOR R-1, R-2, R-3, R-4 AND MH-PD ZONES IN ARTICLE III, DIVISIONS 2 TO 6 (§16-20 TO §16-102) WITH REFORMATTED RESIDENTIAL ZONES, IN ARTICLE III, DIVISIONS 2 (§16-20 TO §16-25); REPLACING COMMERCIAL LAND USE AND DEVELOPMENT STANDARDS FOR C-O, C-1, C-2 ZONES IN ARTICLE III, DIVISIONS 7 TO 9 (§16-105 TO §16-144) WITH REFORMATTED COMMERCIAL ZONES, IN ARTICLE III, DIVISIONS 7 (§16-105 TO §16-109); AMENDING RESIDENTIAL AND COMMERCIAL ZONE PERMITTED USES TO ALLOW SUPPORTIVE HOUSING, LOW-BARRIER NAVIGATION CENTERS, FARMWORKER HOUSING, SINGLE ROOM OCCUPANCY AND RESIDENTIAL CARE FACILITIES CONSISTENT WITH STATE LAW IN §16-22 RESIDENTIAL LAND USES BY ZONE, §16-107 COMMERCIAL LAND USES BY ZONE, §16-148 DOWNTOWN ALLOWED USES AND §16-622 PARKING SPACE AND LOADING REQUIREMENTS; UPDATE DEFINITIONS IN §16-10 DEFINITIONS AND §16-300 STANDARDS FOR ALL ZONES, AND REPLACE ARTICLE V, DIVISIONS 10 WITH NEWLY CREATED STANDARDS IN §16-441 SINGLE ROOM OCCUPANCY; RELATED TO IMPLEMENTATION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT 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. 23-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC).

WHEREAS, the proposed modification will update the residential and commercial zoning requirements in OCC Sections 16-20 through 16-144 to streamline ordinance provisions, clarify permitting requirements, simplify the code requirements per Housing Element Program 6 by consolidating residential and commercial land use and development standards into at-a-glance matrices, consistent with the format used in the Industrial Zones Division (Sections 16-160 et. Seq.), and will update standards for irregular lots in Section 16-300 to allow the Director to determine the front lot line, update how building heights are measured in Section 16-303 for consistency with definitions throughout the OCC, and update allowable driveway surfaces in Section 16-333 to removing a barrier to construction;

WHEREAS, the proposed modification will bring the OCC into compliance with the state Employee Housing Act (Health and Safety Code Sections 17021.5, 17021.6, and 17021.8), by allowing Farmworker

employee housing that serves six or fewer persons as a single family structure in all zoning districts where single-family occupancy is allowed in the same way single-family housing is allowed, and Farmworker employee housing with less than 12 units or 36 beds as an agricultural use. This update will be implemented in the new residential and commercial land use matrices in Sections 16-22 and 16-107, and in the Table 16-148 Downtown Allowed Uses.

WHEREAS, the proposed modification will bring the OCC into compliance with AB 2162, by allowing Supportive Housing be allowed without discretionary review in areas zoned for residential use where multifamily and mixed uses development are permitted, including in nonresidential zones permitting multifamily uses. This update will be implemented in the new residential and commercial land use matrices in Sections 16-22 and 16-107, and in the Table 16-148 Downtown Allowed Uses. The proposed modification will also update the parking schedule matrix in Section 16-622 to include Supportive Housing;

WHEREAS, the proposed modification will bring the OCC into compliance with AB 101, by allowing low-barrier navigation centers (LMNC) without discretionary review in areas zoned for mixed-use and in nonresidential zones permitting multifamily uses. This update will be implemented in the new commercial land use matrix in Section 16-107 and in the Table 16-148 Downtown Allowed Uses. The proposed modification will also update definitions in Section 16-10 and the parking schedule matrix in Section 16-622 to include LBNC

WHEREAS, the proposed modification will bring the OCC into compliance with SB 2, by allowing single room occupancy (SRO) in at least one zone. This update will be implemented in the new residential and commercial land use matrices in Sections 16-22 and 16-107, and in the Table 16-148 Downtown Allowed Uses. The modification will also create specific standards for development of SRO in Section 16-441, and will update definitions in Section 16-10 and the parking schedule matrix in Section 16-622 to include SRO;

WHEREAS, the proposed modification will bring the OCC into compliance with AB 686, by allowing Residential Care Facilities with seven or more persons as a residential use in zones where multifamily housing are permitted, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. This update will be implemented in the new residential and commercial land use matrices in Sections 16-22 and in the Table 16-148 Downtown Allowed Uses. The proposed modification will also update the parking schedule matrix in Section 16-622 to classify parking requirements for the facilities for the elderly – independent living, assisted living, memory care, etc. as residential uses rather than health facilities in compliance with the Fair Housing Act. Parking requirements for assisted living, convalescent home and nursing homes have been relocated to fall under “Residential” in the off-street parking matrix, and categories have also been undated to include the current types of senior housing;

WHEREAS, on October 25, 2022 the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard 2021-2029 Housing Element. Programs 6, 9, 22, 27 and 32 of the 2021-2029 Housing Element require the City update Chapter 16 of the Oxnard City Code (OCC) by 2023 to comply with state laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws; and

WHEREAS, on August 17, 2023 the Planning Commission held a public hearing on the amendments to Chapter 16 of the OCC to implement Zoning Text Amendments (ZTA) stipulated in the adopted Amended 2021-2029 Housing Element Programs 6, 9, 22, 27 and 32 and adopted a Resolution recommending that the City Council approve Planning & Zoning Permit No. 23-580-03 (Zone Text Amendment); and

WHEREAS, on _____, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 23-580-03 (Zone Text Amendment) in accordance with the OCC, and

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

WHEREAS, the City Council finds the proposed Zoning Text Amendment is in the public interest and general welfare by complying with State law, and encouraging the private and public sectors to produce affordable housing, supportive housing, low-barrier navigation centers, farmworker housing, single room occupancy and residential care facilities that meets the needs of special needs, extremely low-, very low- and - low income persons. 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 does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the 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, it is in the public interest, consistent with the 2030 General Plan.

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

Section 1. Oxnard City Code Chapter 16, Article III, Divisions 2 through 9 entitled “Zones, Uses and Requirement”; Division 10, Section 16-148 entitled “Allowed Uses”; Article V, Division 10, Section 16-441 entitled “Single Room Occupancy”; and Article X, Division 2 “Parking and Loading Space Requirements” are amended to read as follows **(Only underlined portions are to be added)**:

ARTICLE II. DEFINITIONS

SEC. 16-10. DEFINITIONS.

(A) For the purposes of this chapter, the following words shall have the following meanings:

(22) BUILDING HEIGHT – Total vertical height of a building measured from the average finished grade within five feet of at the base of the building to the highest point of the building, and as further defined in Section 16-303.

(XX) DENSITY, RESIDENTIAL (NET) – the number of dwelling units in an acre of land, excluding land for public dedication such as public right-of-way. Residential Density is usually indicated as dwelling units per acre (du/ac).

(61) FRONT LOT LINE - The line dividing a lot or parcel from an officially designated street; provided, however, that if the street is without frontage, the ~~commission~~ Community Development Director shall designate the front lot line.

(XX) LOW-BARRIER NAVIGATION CENTER - a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” means best practices to reduce barriers to entry, and may include, without limitation, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth;
2. Pets;
3. The storage of possessions; and
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two (2) beds, or private rooms.

(California Government Code Section 65660)

(83) LOT AREA (NET) - The number of square feet enclosed by the lot lines of a lot, excluding land for public dedication such as public right-of-way.

(120) REAR LOT LINE - The lot line most nearly distant and parallel to the front lot line and dividing the lot from an alley or adjoining lot; provided, however, that the ~~planning commission~~ Community Development Director shall designate the rear lot line for through lots, triangular-shaped lot and other irregular lots.

(XX) SINGLE-ROOM OCCUPANCY (SRO) - a residential facility containing six or more housing units where each housing unit is made up exclusively of a single room. The housing units are often furnished and may have individual or shared kitchen and/or bathroom facilities. Each housing unit is offered on a monthly rental basis or longer. Regulations for Single-Room Occupancy set forth in sections 16-441 to 16-441.3 of this code.

ARTICLE III. ZONES, USES AND REQUIREMENTS

DIVISION 2. R-1 SINGLE-FAMILY RESIDENTIAL ZONES

SEC. 16-20. PURPOSE.

~~—This zone shall provide a district of low density, single-family dwellings, with selected related uses by special use permit, and second dwelling units subject to certain conditions.~~

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

(A) R-1 (Single Family Zone). The purpose of the R-1 zone is to provide a district for low density, single-family dwellings, selected related uses by special use permit, and second dwelling units subject to certain conditions. This zone district also allows for manufactured homes on permanent foundations, and farmworker housing serving six or fewer persons pursuant to statutory requirements.

(B) R-2 (Multi-Family Zone). The purpose of the R-2 zone is to provide a district of low-density, multi-family dwellings, as well as emergency shelters for families, and supportive housing pursuant to statutory requirements that maintain a residential character suitable for locations abutting single-family dwellings.

(C) R-3 (Garden Apartment Zone). The purpose of the R-3 zone is to provide a district of moderate-density, multiple-family dwellings, as well as emergency shelters for families, transitional housing, and supportive housing pursuant to

statutory requirements, suitable for locations abutting commercial centers and in other locations where moderate density is warranted.

(D) R-4 (High Rise Zone). The purpose of the R-4 zone is to provide a district for high-density, multi-family dwellings, emergency shelters for families, transitional housing, and supportive housing pursuant to statutory requirements, and other uses suitable for location within the city core and in other selected areas.

(E) MH-PD (Mobile Home Planned Development Zone). The purpose of the R-4 zone is to provide a district for the development of mobile home parks and to permit mobile home use for single-family, farmworker housing, small, licensed residential care facilities, as well as supportive housing pursuant to statutory requirements.

SEC. 16-21. PERMIT REQUIREMENTS FOR RESIDENTIAL USES.

The required permit for a respective residential land use is indicated in section 16-22, residential land use matrix. The permit requirements are as provided for in this chapter and as further provided for below.

(A) Zoning Clearance. Permitted uses are subject to the requirement for approval of a zone clearance in accordance with this chapter. The permit application requirements and process for a zoning clearance are set forth in Article VII, Division 1, of this chapter.

(B) Site Plan Review (SPR) permit. A SPR permit may be used for developments where the state has mandated that the City's approval must be ministerial. The permit application requirements and process for SPR permit are set forth in Article VII, Division 1A, of this chapter.

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

(1) A DDR permit is required for all new construction unless a Special Use Permit, Site Plan Review or other zoning permit is required under this Chapter. A DDR permit is also required for the review and approval of a use which requires administrative review to ensure compliance with the provisions of this chapter and other regulatory requirements.

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

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

(E) Minor modifications. Where a planning permit such as a special use permit, planned development permit, development design review permit or site plan review has been previously approved, the Director may elect to modify that existing permit in lieu of requiring the application and approval of a new special use or development design review permit for a proposed physical modification or use clearance, provided such physical modification is within the parameters for minor modifications provided for in this chapter or by administrative policy. The requirements and process for Modifications to a Special Use Permit are set forth in Article VII, Division 4, of this chapter. Modifications to a Site Plan Review permit are set forth in Article VII, Division 1A, of this chapter. Modifications to a Development Design Review permit are processed in the same manner as the original development design review permit as set forth in Article VII, Division 2.

(F) Specific plan permit requirements. For development in areas within a designated specific plan, the specific plan will identify the processing requirements for uses. Where the specific plan is silent on a use or process, or where state law allows for a use (e.g. accessory dwelling units), the following table identifies the permit processing requirements.

SEC. 16-22. RESIDENTIAL LAND USES BY ZONE: RESIDENTIAL LAND USE MATRIX.

The allowable land uses in the residential zoning districts are identified in the following table.

Residential Land Use Matrix						
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review SUP: Special Use Permit DDR: Development Design Review Permit **						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
Accessory buildings, including other uses customarily incidental to the permitted residential use	P	P	P	P		See Sections 16-300 and 16-301
Accessory dwelling units	P	P	P	P	P	Refer to Article V, Division 13
Accessory uses normally incidental to mobile home parks					P	
Adult day care facilities serving no more than 6 adults	P	P	P	P	P	
Adult day care facilities serving 7 to 15 adults		SUP	SUP	SUP		
Adult day care facilities serving more than 15 adults			SUP	SUP		
Assisted living residential facility, State-licensed, serving 7 or more persons		SUP	SUP	SUP		
Babysitting, Accessory	P	P	P	P	P	
Bed and breakfast inn			SUP	SUP		Refer to Article V, Division 3
Childcare centers serving no more than 6 children	P	P	P	P	P	
Childcare centers serving no more than 15 children		SUP	SUP	SUP		
Childcare centers serving more than 15 children			SUP	SUP		
Churches	SUP	SUP	SUP	SUP		
Common recreation facilities and structures					P	
Condominiums	<u>SUP</u>	SUP	SUP	SUP		See Section 16-395
Congregate living health facilities no more than 6 beds	P	P	P	P	P	
Congregate living health facilities of 7 to 15 beds	SUP	SUP	SUP	SUP	SUP	

Residential Land Use Matrix						
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review SUP: Special Use Permit DDR: Development Design Review Permit **						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
Congregate living health facilities more than 15 beds		SUP	SUP	SUP		
Convents serving no more than 15 persons		SUP	SUP	SUP		
Emergency shelters for families		SUP	SUP	SUP		Refer to Section 16-504
Farmworker employee housing serving six or fewer persons	DDR	DDR	DDR	DDR	DDR	
Grounds, landscaping, flower and vegetable gardens and fruit trees, not grown expressly for profit	P	P	P	P		
Grounds, private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees, not grown expressly for profit	P	P	P	P		
High-density apartments				DDR		
Home Occupations with a home occupation permit	P	P	P	P	P	Refer to Article V, Division 6
Hospitals and convalescent hospitals			SUP	SUP		
Large family day care homes that the Planning Manager finds to comply with the standards	P	P	P	P	P	See Section 16-440
Manufactured housing consisting of single-family dwellings constructed by modular manufactured methods or mobile homes certified under the National Mobile Homes Construction and Safety Standards Act of 1974, provided such homes are of a permanent character secured to a permanent foundation	DDR	DDR	DDR	DDR	SUP	

Residential Land Use Matrix						
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review SUP: Special Use Permit DDR: Development Design Review Permit **						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
Mobile home and mobile home accessory equipment sales					SUP	See Section 16-25
Mobile home parks					SUP	See Section 16-25
Multiple-family residential development		DDR	DDR	DDR		
Multifamily residential uses up to 30 dwelling units per acre on parcels in the AHP additive zone		SPR	SPR	SPR		
Multifamily residential uses up to 30 dwelling units per acre on parcels in the AHD additive zone		SUP	SUP	SUP		
Off-street parking	P	P	P	P	P	Refer to Article X
Office for mobile home space rental in a mobile home or in a recreation building only					SUP	
Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business			SUP	SUP		
Private or parochial schools, except those of a correctional nature or those intended for the mentally handicapped		SUP	SUP	SUP		
Public or private parks and playgrounds	<u>SUP</u>	SUP	SUP	SUP	<u>SUP</u>	
Public parking on R-3 lots adjacent to or across from the alley from C-2 lots			P			
Public schools, elementary, junior high, high school, colleges	<u>SUP</u>	SUP	SUP	SUP	<u>SUP</u>	
Public utility structure	SUP	SUP	SUP	SUP	<u>SUP</u>	
Residential care facilities serving no more than 6 persons	P	P	P	P	P	
<u>Residential care facilities serving 7 or more persons</u>		<u>DDR</u>	<u>DDR</u>	<u>DDR</u>		

Residential Land Use Matrix						
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review SUP: Special Use Permit DDR: Development Design Review Permit **						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
Residential stock cooperatives and community apartments		SUP	SUP	SUP		See Section 16-395
Short-term rentals with short term rental permit	P	P	P	P		Refer to Article XI
Single Room Occupancy (SRO)				<u>SUP</u>		See Section 16-441
Signs	P	P	P	P		Refer to Article IX
Single-family dwelling conventionally built and of a permanent character. (Separate servants' quarters may be established in connection with single-family dwellings of nine rooms or larger, exclusive of bathrooms, when such dwellings are located on lots of not less than 10,000 sq. ft.)	DDR	DDR	DDR	DDR		
Small residential health or care facilities, state-licensed, serving no more than six persons, or small family daycare home, state-certified or licensed, serving no more than eight children.	P	P	P	P	P	
Storage, incidental to permitted uses, contained within an accessory building	P	P	P	P		
Supportive housing	DDR	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>		
Swim clubs, tennis clubs, golf courses, and similar uses incidental to a residential tract or development	SUP	SUP	SUP	SUP		
Temporary uses with temporary use permit, including temporary sales or rental office, caretaker unit on construction site, model home, and similar uses	P	P	P	P	P	Refer to Article V, Division 15

Residential Land Use Matrix						
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review SUP: Special Use Permit DDR: Development Design Review Permit **						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
determined by the Director to be compatible with the zone and surround land uses						
Timeshares		X	SUP	X		
Townhouse condominiums or other Community Ownership Unit, including condominium conversion	SUP	SUP	SUP	SUP		Refer to Article V, Divisions 5 & 6
Traditional bed and breakfast (Homestay), only in the Wilson Neighborhood	DDR	DDR	DDR	DDR		Refer to Article V, Division 3
Traditional bed and breakfast (Homestay)	SUP	SUP	SUP	SUP		Refer to Article V, Division 3
Transitional housing			DDR	DDR		
Wireless Communications Facilities, stealth	SUP	SUP	SUP	SUP	SUP	Refer to Article V, Division 16
* A Development Design Review Permit is required for all new construction unless a Special Use Permit, Site Plan Review or other zoning permit is required under this Chapter.						

SEC. 16-23. RELATED USES- DEVELOPMENT STANDARDS.

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

Development Standards					
Standard	Zone District				
	R-1	R-2	R-3	R-4	MH-PD
Minimum dwelling size	1,000 sq. ft., exclusive of garages, carports, or any	1 Bdrm unit: 450 sq. ft. 2+ Bdrm unit: 800 sq. ft	1 Bdrm unit: 450 sq. ft. 2+ Bdrm unit: 800 sq. ft	1 Bdrm unit: 450 sq. ft. 2+ Bdrm unit: 800 sq. ft	NA

Development Standards					
Standard	Zone District				
	R-1	R-2	R-3	R-4	MH-PD
	accessory building.				
Height permitted	Two Stories up to 25 ft.	Two Stories up to 25 ft.	Three Stories up to 35 ft.	Four Stories up to 45 ft.* See Section 16-24 for additional requirements.	
Minimum lot area/Density	6,000 sq. ft.	3,500 sq. ft. of lot area for each dwelling unit. See Section 16-24 for additional requirements.	2,400 sq. ft. of lot area for each dwelling unit. See Section 16-24 for additional requirements.	1,500 sq. ft. of lot area for each dwelling unit. See Section 16-24 for additional requirements.	3,000 sq. ft. minimum lot area; 6 ½ mobile home lots per gross acre. See Section 16-25 for additional requirements.
Front yard setback	20 ft.; or the average for 60% of block, but not less than 15 ft. min. See Section 16-24 for additional requirements.	25% of the depth of the lot, not less than 25 ft. or more than 60 ft. See Section 16-24 for additional requirements.	20 ft.; 15 ft. if access to all parking is from an alley.	20 ft.; 15 ft. if access to all parking is from an alley.	10 ft. 20 ft from public way or other residential or commercial zone or use. See Section 16-25 for additional requirements.
Interior yard side yard setback	10% of the width of the lot, but not less than 3 ft., and need not exceed 5 ft.	10% of the width of the lot, but not less than 3 ft., and need not exceed 5 ft.	5 ft. for 1-2 story buildings, 7.5 ft. for 2 ½ story buildings.	5 ft. for 1-2 story buildings, increased by 2.5 ft. for each additional story.	10 ft.
Corner lot side yard setback	50% of front yard setback for lot See Section 16-24 for additional requirements.	Same as interior lots, except for reverse corner lot.	One-half the required front yard.	10 ft.	10ft. 20 ft from public way or other residential or

Development Standards					
Standard	Zone District				
	R-1	R-2	R-3	R-4	MH-PD
		Reverse corner lot side yard setback on the street side shall be 50% of the front yard in the rear of the corner lot. See Section 16-24 for additional requirements			commercial zone or use. See Section 16-25 for additional requirements.
Rear yard setback	25% of depth of lot and need not exceed 25 ft.; Additions and detached structures to maintain a 15 ft. setback. See Section 16-24 for additional requirements.	25% of depth of lot not to exceed 25 ft.	25 ft.	5 ft. for 1-2 story buildings, increased by 2 ½ ft. for each additional story.	10 ft. 20 ft from public way or other residential or commercial zone or use. See Section 16-25 for additional requirements.
Interior yard space	15% minimum or 900 sq. ft., whichever is less and be completely open from ground to sky. ** See Section 16-24 for additional requirements.	30% of lot area, minimum 15 ft. by 15 ft. area, and completely open from ground to sky. ** See Section 16-24 for additional requirements.	30% of lot area, minimum 15 ft. by 15 ft. area, and completely open from ground to sky. ** See Section 16-24 for additional requirements.	30% of lot area, minimum 15 ft. by 15 ft. area, and completely open from ground to sky. ** See Section 16-24 for additional requirements.	450 sq. ft., minimum 15 ft. by 15 ft., completely open from ground to sky. See Section 16-25 for additional requirements.
Space for Accessory Buildings	If 1 story in height with same required front, rear, and side yard setbacks as main building.	May occupy rear yard setback if 1 story and located 6 ft. from nearest part of main building.	May occupy rear yard setback if 1 story and located 6 ft. from nearest part of main building.	May occupy rear yard setback if 1 story and located 6 ft. from nearest part of main building.	Covered patios and covered parking spaces may project into the required 10 ft. setback a maximum of 5 ft.

Development Standards					
Standard	Zone District				
	R-1	R-2	R-3	R-4	MH-PD
					See Section 16-25 for additional requirements.
* Additional height may be allowed with approval of a SUP.					
** except for a patio, pergola, or a roof or balcony overhang not exceeding 30 in.					

SEC. 16-24. SPECIAL REQUIREMENTS SPECIFIC TO R-1, R-2, R-3 AND R-4.

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

(A) R-1 Zone.

(1) Architectural Standards. The following exterior architectural standards shall apply to all single-family dwellings including mobile homes located in an R-1 zone:

- (a) Exterior siding shall be made of nonreflective and nonmetallic materials. Acceptable siding material includes wood, stucco, ceramic tile, brick, stone, or other masonry materials, or any combination of these materials.
- (b) Color/texture of exterior materials shall be compatible with the adjacent single-family structures.
- (c) Roof structures, except for authorized deck areas, shall be sloped and provide an eave projection of no less than 6 inches and no greater than 30 inches.
- (d) Roofing material shall consist of one of the following: wood shingle, wood shake, synthetic, composite shingle, ceramic tile, or concrete tile, ~~except standing seam metallic or copper~~ roofing surfaces shall not be permitted on the residential structure or on any garage or carport.

(2) A finding that a proposed residential structure complies with the foregoing architectural standards shall be made as part of the special use permit or planned development permit.

(3) If the proposed structure does not entail a special use permit or planned development permit, the director shall make a finding of compliance.

(`64 Code, Sec. 34-36.3) (Ord. No. 1373)

(2) R-1 Lot Requirements

- (a) Minimum Lot Area. Every newly created lot shall have a lot area of not less than 6,000 square feet.
- (b) Minimum Lot Frontage. The frontage measured at the front lot line shall be at least 50 feet. Frontage for this purpose shall be defined as the linear measurement between the two side property lines at their point of tangency with the curb.
- (c) Minimum Lot Dimensions.
 - I. Interior lots shall be no less than 60 feet in width.

- II. Corner lots shall be no less than 75 feet in width.
- III. The depth of a lot shall be at least 100 feet.

(3) R-1 Front Yard

- (a) There shall be a front yard setback of not less than 20 feet; except that houses constructed with garages having a swing driveway, with the entrance facing the side property line, may have a minimum 15-foot setback. Where standard dwellings within any block vary from the required setback, the average setback of such standard dwellings shall determine the required setback within that block if the standard dwellings comprise at least 60% of the block.
- (b) In calculating the average setback, houses on reverse corner lots and houses wholly on the rear half of the lot shall not be counted. In no case shall setbacks of less than 15 feet be allowed, or setbacks of more than 60 feet be required.
- (c) There shall be a distance of not less than 20 feet, measured at the center line of the driveway, between the garage door and the front property line.

('64 Code, Sec. 34-40) (Ord. No. 893, 946, 1019, 1409, 1611)

(4) R-1 Side Yard

- (a) On interior lots there shall be a side yard on each side of a building of not less than 10% of the width of the lot; provided that such side yard shall not be less than three feet and need not exceed five feet in width.
- (b) On corner lots the side yard regulation shall be the same as for the interior lots except in the case of a reversed corner lot. In the case of a reversed corner lot, there shall be a side yard on the street side of the corner lot of not less than 50% of the front yard required on the lots in the rear of such corner lot, and no accessory building on the corner lot shall project beyond the front yard line on the lots in the rear; provided further that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record on March 29, 1945, to less than 28 feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

('64 Code, Sec. 34-41) (Ord. No. 893, 1019)

(5) R-1 Rear Yard

- (a) There shall be a rear yard of not less than 25% of the depth of the lot; provided, such rear yard need not exceed 25 feet.
- (b) Single-story and two-story additions projecting into the required rear yard may be made if attached to existing single-family dwellings provided such additions maintain a minimum 15-foot setback from the rear property line for those lots not abutting an alley; and for those lots having rear property lines that abut a street, alley or parking space maintained by the public and more than 20 feet wide, the addition shall maintain a 15-foot setback from the center line of the street, alley or open space and in no case less than five feet from the rear property line.

('64 Code, Sec. 34-42) (Ord. No. 893, 1409, 1611)

- (6) R-1 Interior Yard Space. Interior yard space shall be provided on each lot equal to at least 15% of the lot area, or 900 square feet, whichever is less, and shall be completely open from ground to sky except for a patio, pergola, or a roof or balcony overhang not exceeding 30 inches. Interior yard space may include all of that open area from the required front yard setback line to the rear property line which has a minimum dimension of 10 feet by 15 feet.

('64 Code, Sec. 34-42.1) (Ord. No. 893, 1019, 1777, 1611)

(7) R-1 Space Accessory Buildings May Occupy. An accessory building is permitted if the accessory building is not more than one story in height and maintains the same required front, rear and side yard setback as the main building.

(`64 Code, Sec. 34-42.2) (Ord. No. 1409, 1611)

(B) R-2 Zone.

(1) R-2 Density. There shall be at least 3,500 square feet of lot area for each dwelling unit. ~~There shall be no more than six dwelling units in any one building.~~ No more than one dwelling unit may be constructed on any lot with an average width of less than 50 feet or with an area less than 7,000 square feet. Any lot of record on May 21, 1981, which is 6,000 or more square feet may contain two dwelling units, provided the lot meets the minimum width required by this section.

(`64 Code, Sec. 34-53) (Ord. No. 904, 1019, 1333, 1862, 1866)

(2) R-2 Front Yard

(a) There shall be a front yard of not less than 25% of the depth of the lot, provided such front yard need not exceed 25 feet. Where standard dwellings within any block vary from the required setback, the average of such standard dwellings shall determine the required setback for that block if such standard dwellings comprise at least 60% of the block. In calculating such average setback, houses on reversed corner lots and houses wholly on the rear half of a lot shall not be counted.

(b) In no case shall setbacks of less than 25 feet be allowed, or more than 60 feet be required. Where six or more dwellings are to be built concurrently within a given block, front yards of that block may average a minimum of 20 feet, provided houses within each block are staggered between 15 to 25 feet, and provided further that there shall be a distance of not less than 20 feet measured at the center line of the driveway between the garage door and the front property line.

(`64 Code, Sec. 34-54) (Ord. No. 904, 1611)

(3) R-2 Side Yard

(a) On interior lots there shall be a side yard on each side of a building of not less than 10% of the width of the lot, provided that such side yard shall not be less than three feet and need not exceed five feet in width.

(b) On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than 50% of the front yard required on the lots in the rear of such corner lot, and no accessory building on the corner lot shall project beyond the front yard line on the lots in the rear. This regulation shall not be interpreted to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record on March 29, 1945, to less than 25 feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

(`64 Code, Sec. 34-55) (Ord. No. 904, 1611)

(4) R-2 Interior Yard Space

(a) Each lot shall provide for interior yard space in an area equal to at least 30% of the lot area. This interior yard space shall be completely open from ground to sky except for a patio or pergola or the projections of those items referred to in sections [16-304](#), [16-305](#), [16-306](#), and [16-307](#).

- (b) Each interior yard space area shall have a minimum dimension of 15 by 15 feet.
- (c) The interior yard space shall be completely separate from any area required for automobile circulation.

('64 Code, Sec. 34-57) (Ord. No. 904, 1237, 1409, 1862, 1866, 2152)

(C) R-3 Zone.

(1) R-3 Density.

- (a) Except as provided in this section, there shall be at least 2,400 square feet of lot area for each dwelling unit. No more than two dwelling units shall be constructed on any lot with an average width between 50 and 60 feet.
- (b) No more than one dwelling unit shall be constructed on any lot with an average width less than 40 feet.
- (c) Any lot of record on May 21, 1981, which has more than 4,800 square feet may contain three dwelling units, provided the lot meets the minimum width requirement herein.

('64 Code, Sec. 34-60) (Ord. No. 970, 1019, 1862, 1866)

(2) R-3 Interior Yard. Each lot shall provide for interior yard space in an area equal to at least 30 % of the lot area. This interior yard space shall be completely open from ground to sky except for a patio or pergola or the projections of those items referred to in sections [16-304](#) through [16-307](#). The interior yard space shall be located in an area between the required front yard setback and the rear property line. Each interior yard space area shall have a minimum dimension of 15 by 15 feet. The interior yard space shall be completely separate from any area required for automobile circulation. Twenty-five percent of the required interior yard space may be on decks if such decks have a minimum dimension of ten feet and a minimum of 200 square feet, and are directly accessible from the units served. All decks shall be open to the sky except for allowed roof projections and shall be provided with flooring and railings suitable for outdoor activity.

('64 Code, Sec. 34-63.1) (Ord. No. 970, 1019, 1237, 1409, 1862, 1866, 2152)

(D) R-4 Zone.

(1) R-4 Building Height. Four stories shall be permitted but shall not exceed 45 feet except as otherwise provided in this chapter. However, buildings not exceeding 11 stories or 100 feet maximum may be approved by special use permit as provided in sections [16-530](#) to [16-553](#).

('64 Code, Sec. 34-66) (Ord. No. 1037, 1409, 1574)

(2) R-4 Density. There shall be at least 1,500 square feet of lot area for each dwelling unit. No more than two dwelling units shall be constructed on any lot with an average width between 40 and 50 feet or with an area between 4,000 and 5,000 square feet. No more than one single-family dwelling unit shall be constructed on any lot with an average width less than 40 feet or an area less than 4,000 square feet. Any lot with an average width between 65 and 50 feet shall comply with the R-3 zone standards.

('64 Code, Sec. 34-67) (Ord. No. 1037, 1862, 1866)

(3) R-4 Interior Yard. Each lot shall provide for interior yard space in an area equal to at least 30 % of the lot area. This interior yard space shall be completely open from ground to sky except for a patio or pergola or the

projections of those items referred to in sections 16-304 through 16-307. The interior yard space shall be located in an area between the required front yard setback and the rear property line. Each interior yard space area shall have a minimum dimension of 15 by 15 feet. The interior yard space shall be completely separate from any area required for automobile circulation. Twenty-five percent of the required interior yard space may be on decks if such decks have a minimum dimension of ten feet and a minimum of 200 square feet, and are directly accessible from the units served. All decks shall be open to the sky except for allowed roof projections and shall be provided with flooring and railings suitable for outdoor activity.

('64 Code, Sec. 34-63.1) (Ord. No. 970, 1019, 1237, 1409, 1862, 1866, 2152)

SEC. 16-25. SPECIAL REQUIREMENTS SPECIFIC TO MH-PD.

The purpose of this section is to provide regulations specific to the Mobile Home Planned Development zoning district as follows.

(A) Mobile Home Park Site Plan Required. The developer of a mobile home park shall submit a detailed site plan, drawn to a 1-inch equals 40 feet scale with each special use permit application.

('64 Code, Sec. 34-57.5) (Ord. No. 1477)

(B) Design Criteria. An application for special use permit to develop a mobile home park, supported by a detailed site plan, may be approved if the proposed development meets the following design criteria:

(1) Density - The maximum permitted density shall be 6½ mobile home lots per gross acre.

(2) Lot dimensions - Minimum lot widths and areas shall be required to meet lot coverage and yard, mobile home spacing, and other requirements as set forth in this division. If these requirements are met, and the resulting lot pattern is functional and efficiently provides for utilities and for convenient pedestrian and vehicular access, lot lines shall not be required to be perpendicular to streets or radial to curves, and lot shapes may take any form.

(3) Lot location - Lots intended for placement of mobile homes shall be so located with respect to streets and driveways as to optimize the placement of such mobile homes for occupancy. Considering size, required yards and manner of support, the lot shall be suitable for the type of mobile home unit proposed.

(4) Yards and open spaces - Yards and other open spaces required by this division shall be designed to perform a variety of functions including assuring adequate privacy, usable outdoor living space, desirable views, natural light and ventilation, access to and around the units, off-street parking space and spacing between mobile homes and other buildings to reduce potential adverse effects of noise, odor, glare and fire hazards.

(5) Data required - Upon the request of the director of community development, the developer shall furnish data to show that storm waters and other drainage can adequately be carried on the proposed mobile home park streets.

('64 Code, Sec. 34-57.6) (Ord. No. 1477)

(C) Subdivision Prohibited; Lot Area; Marking; Anchorage.

(1) Subdivision of a mobile home park is prohibited.

(2) The minimum lot area for each mobile home shall be 3,000 square feet. Each lot in a mobile home park shall be marked clearly on the ground by permanent flush stakes, markers or other suitable means.

(3) Any improvements necessary on the lot for the support or anchoring of the type of mobile home unit proposed shall be provided and the mobile home unit so supported or anchored before occupancy.

('64 Code, Sec. 34-57.7) (Ord. No. 1477)

(D) Yard Setbacks; Maximum Lot Coverage.

(1) The front yard setback shall be a minimum of ten feet.

(2) The side yard setback shall be a minimum of ten feet.

(3) The rear yard setback shall be a minimum of ten feet.

(4) Mobile homes adjacent to a public way or other residential or commercial zone or use shall be set back an additional ten feet from the mobile home lot lines or required perimeter wall, except when the commission determines that special circumstances justify modification of this standard.

(5) Covered patios and covered parking spaces may project into the required ten-foot setback a maximum of five feet and shall maintain a minimum of five feet from the established lot line in a side yard but shall maintain the required ten-foot front yard setback.

(6) The maximum lot coverage by the mobile home and its accessory structures shall be 75 percent.

('64 Code, Sec. 34-57.8) (Ord. No. 1477)

(E) Interior Yard Space Required. Interior yard space of not less than 450 square feet shall be provided on each lot. The space shall be completely open from ground to sky and may include only area from the required front yard setback line to the rear property line which has a minimum dimension of 15 feet by 15 feet.

('64 Code, Sec. 34-57.9) (Ord. No. 1477)

(F) Open Space; Recreation Area.

(1) Common landscaped open space and recreation areas shall be provided in the park in accordance with this section.

(2) Common open space shall comprise 16 percent of the gross mobile home park acreage, if the park provides a common recreation center with a total floor area of not less than 25 square feet per mobile home lot for the first 150 lots, and 15 square feet per lot thereafter, but in no case less than 4,000 square feet.

(3) Common open space shall be 20 percent of the gross mobile home park acreage, if the park does not provide a common recreation center as described above.

(4) Common open spaces shall have a minimum dimension of ten feet by ten feet. Park walkways at least ten feet wide and leading to open space and recreation facilities may count as part of this area.

(5) Recreation areas shall be provided at central locations convenient to park residents and the park service centers.

(6) Recreation areas may include space for common buildings and common use facilities, such as indoor recreation areas, swimming pools, outdoor courts for games and similar recreation facilities.

('64 Code, Sec. 34-57.10) (Ord. No. 1477)

(G) Landscaping; Fences And Screening.

(1) The common open areas of each mobile home park shall be landscaped in accordance with a landscape plan approved by the director.

(2) The director shall approve a mobile home park landscape plan that meets the following criteria:

(a) All setbacks, buffer zones and open spaces shall be landscaped. Trees, shrubs, vines and ground cover are required in landscaping in varying proportions and must harmonize.

(b) A permanent irrigation system comprised of bubblers, sprinklers and hose bibs shall be installed for all common open space and common recreation areas.

(c) Rock shall be utilized as ground cover only in a balanced landscaping design, and shall not predominate.

(d) Substantial numbers of specimen trees of not less than 15 gallon container size shall be planted throughout the park and in the common open areas. Specimen trees shall also be required at least every 30 feet along any setback adjacent to public streets.

(e) Adjacent to public ways or other residential or commercial zones or uses, transitional screening shall be provided by landscaping the ten-foot wide buffer zones required by Subsection L. Landscaping which will grow to not less than 20 feet in height shall be planted therein in order to screen the mobile homes from external land uses.

(f) All open areas except driveways, parking areas, walkways, utility areas, improved decks, patios and porches shall be landscaped and maintained adequately.

(g) At least one tree of 15 gallon stock, eight feet high shall be planted on each mobile home lot.

(h) Fence and landscaping material shall be limited in height at intersections of streets, driveways and pedestrian walkways to that deemed compatible with pedestrian and traffic safety as described in Subsection H.

(i) All landscaping required in this section shall be installed prior to occupancy and maintained properly by the park management or owners, or both, in accordance with the landscaping plan approved by the director.

(`64 Code, Sec. 34-57.11) (Ord. No. 1477)

(H) Vehicular Access And Circulation; Loading Areas; Driveways.

(1) Main entrance - The main vehicular entrance to a mobile home park shall consist of 2 ten-foot travel lanes for ingress and an additional 2 ten-foot travel lanes for egress, separated by a landscaped median a minimum ten feet in width to a depth of the intersection with the first cross street that connects with the general park circulation network.

(2) Secondary entrance.

(a) A secondary entrance for access by mobile homes and emergency vehicles is required and shall consist of one 18-foot travel lane for ingress and one 18-foot travel lane for egress with no parking allowed to the first cross street. This entrance may be permitted only on an abutting thoroughfare or collector street and shall provide solid gating the same height as the adjoining wall.

(b) No fencing, landscaping or other material impediment to visibility more than 2½ feet above curb level shall be created or maintained at the intersection of any street in a mobile home park, and any street providing access to a mobile home park within right triangles constructed as follows: the apex of the right angle being the intersection of the edge of the private drive and the public right-of-way, one leg extending into the mobile home park 25 feet, the second leg extending 50 feet along the public right-of-way toward the oncoming traffic, the end of these legs being connected by the peripheral wall. Where there is pedestrian or bicycle access from within the mobile home park to a street at its edges by paths or across yards or other open space without a barrier to access to the street, no material impediment to visibility more than 2½ feet above curb level shall be created or maintained except as appropriate to the circumstances of the particular case.

(3) Vehicular circulation.

(a) All other streets shall be 36 feet in width, curb to curb, if guest parking is allowed on one side of the street; or shall be 28 feet in width, curb to curb, if no parking is allowed on the street.

(b) Cul-de-sacs with a minimum 50-foot turning radius shall be provided where necessary for access or public safety.

(4) Internal park roadways - Internal park roadways and areas used for access or parking shall be designed, constructed and paved in accordance with city standards.

(5) Loading areas - Loading areas shall be provided where necessary for convenient access to delivery vehicles, which shall not obstruct the main traveled way.

(6) Driveways - A driveway designed to serve the mobile home lots shall be a minimum of 15 feet in width.

(`64 Code, Sec. 34-57.12) (Ord. No. 1477, 1498)

(I) Street Names And Space Numbers.

(1) The street names and house numbers of the mobile home park shall be subject to approval of the city's street naming committee, and shall be integrated with those of the surrounding area according to the city's street naming policy.

(2) Each mobile home space shall be uniformly addressed with numbers that are visible from the park street or service road.

('64 Code, Sec. 34-57.13) (Ord. No. 1477)

(J) Parking.

(1) Residential off-street parking shall be provided at a ratio of two spaces in tandem for each mobile home pad and shall be contiguous to each pad. One space shall be covered.

(2) Additional parking spaces shall be provided at a ratio of one parking space to five mobile home spaces, and shall be located within centralized bays not more than 150 feet from the mobile homes served. This condition may be modified by the commission to enhance the design of the park.

(3) Residential parking spaces shall be designed to assure that a parked vehicle will not encroach into the street or walkway area. Where the parking access is from the front of the mobile home, the required parking area shall not project closer to the access street than the front of the mobile home.

(4) Parking shall be provided adjacent to common recreational facilities and the common administrative offices at a ratio of at least one space for each 15 mobile home lots contained in the park.

('64 Code, Sec. 34-57.14) (Ord. No. 1477, 1498, 2336)

(K) Walkways.

(1) Pedestrian circulation shall be provided by a system of walkways. A walkway shall originate near an individual mobile home lot, service area, parking bay or storage area and shall lead to a common recreation area or service facility.

(2) Walkways shall be a minimum width of four feet.

(3) Walkways shall not in all cases be adjacent to interior streets.

('64 Code, Sec. 34-57.15) (Ord. No. 1477)

(L) Boundary Wall; Buffer Zones. A six-foot high solid masonry or brick wall shall be constructed along all boundaries abutting other properties. Adjacent to any public street there shall be a ten-foot wide buffer zone located back of the property line in front of the above required wall. The buffer zone shall be located adjacent to the exterior boundaries, between the property line and the required perimeter wall. The buffer zone shall be landscaped as provided in Subsection G.

('64 Code, Sec. 34-57.16) (Ord. No. 1477)

(M) Recreation Vehicle Storage; General Storage Lockers.

(1) In addition to other required parking within a park, centralized storage areas for recreation vehicles of all types shall be provided with a minimum of one storage space for each four mobile home spaces.

(2) Storage areas shall have a drained surface usable under normal seasonal weather conditions.

(3) Storage areas shall be screened from view by permanent masonry walls eight feet in height.

(4) A general storage locker with a minimum of 90 cubic feet capacity shall be provided on each occupied mobile home lot.

('64 Code, Sec. 34-57.17) (Ord. No. 1477)

(N) COMMON LAUNDRY SERVICE FACILITIES.

(1) Laundry facilities equipped with washing machines and dryers shall be provided in a permanent building which is centrally located and accessible to all tenants.

(2) The laundry facilities shall include at least one lavatory and water closet for each sex located in distinctly marked rooms.

(3) Outside drying yards, if provided with the laundry facility, shall be screened with a six-foot high decorative wall constructed with materials of the same type as other walls or fences within the park.

(4) The laundry facility building shall be constructed of materials that carry out the general theme of other permanent buildings in the park.

('64 Code, Sec. 34-57.18) (Ord. No. 1477)

(O) Management Office.

(1) Each mobile home park shall maintain a management office. The office shall be an integral part of the main recreation facility or manager's mobile home and shall not be in a separate building. The management office shall have access to a lavatory and water closet.

(2) The person to whom a city business license for a mobile home park is issued shall provide resident, full-time supervision at all times to maintain the park in compliance with this division and to keep its facilities in good repair and in a clean and sanitary condition.

('64 Code, Sec. 34-57.19) (Ord. No. 1477)

DIVISION 3. R-2 MULTIPLE-FAMILY ZONE RESERVED

DIVISION 4. R-3 GARDEN APARTMENT ZONE RESERVED

DIVISION 5. R-4 HIGH-RISE RESIDENTIAL ZONE RESERVED

DIVISION 6. MH-PD MOBILE HOME PLANNED-DEVELOPMENT ZONE RESERVED

DIVISION 7. C-O COMMERCIAL OFFICE ZONES

SEC. 16-105. PURPOSE.

~~This zone shall provide a district for low-profile professional uses suitable for location abutting residential uses and for high-rise offices and related uses in selected locations.~~

~~('64 Code, Sec. 34-57.68) (Ord. No. 1036)~~

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

(A) C-O (Commercial Office Zone). The purpose of the C-O zone is to provide a district for low-profile professional uses suitable for location abutting residential uses and for offices and related uses in selected locations.

(B) C-1 (Neighborhood Shopping Center Zone). The purpose of the C-1 zone is to provide a district of convenience shopping and personal services located primarily to serve the neighborhood within which the district is located and having development standards and performance standards suitable for location abutting residential uses.

(C) C-2 (General Commercial Zone). The purpose of the C-2 zone is to provide a district for retail centers and free-standing commercial along arterial roads. This zoning district also accommodates offices, live/work and mixed-use commercial and residential development.

SEC. 16-106. PERMIT REQUIREMENTS FOR COMMERCIAL USES.

The required permit for a respective commercial land use is indicated in section 16-107, commercial land use matrix. The permit requirements are as provided for in this chapter and as further provided for below.

(A) Zoning Clearance. Permitted uses are subject to the requirement for approval of a zone clearance in accordance with this chapter. The permit application requirements and process for a zoning clearance are set forth in Article VII, Division 1, of this chapter.

(B) Site Plan Review (SPR) permit. A SPR permit may be used for developments where the state has mandated that the City's approval must be ministerial. The permit application requirements and process for site plan review permit are set forth in Article VII, Division 1A, of this chapter.

(C) Development Design Review (DDR) permit. The permit application requirements and process for development design review permit are set forth in Article VII, Division 2, of this chapter.

(1) A DDR permit is required for all new construction unless a Special Use Permit, SPR or other zoning permit is required under this Chapter. A DDR permit is also required for the review and approval of a use which requires administrative review to ensure compliance with the provisions of this chapter and other regulatory requirements.

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

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

(E) Minor modifications. Where a planning permit such as a special use permit, planned development permit, development design review permit or site plan review has been previously approved, the Director may elect to modify that existing permit in lieu of requiring the application and approval of a new permit for a proposed physical modification or use clearance, provided such physical modification is within the parameters for minor modifications provided for in this chapter or by administrative policy. The requirements and process for Modifications to a Special use permit are set forth in Article VII, Division 4, of this chapter. Modifications to a Site Plan Review permit are set forth in Article VII, Division 1A, of this chapter. Modifications to a Development Design Review permit are processed in the same manner as the original development Design Review permit as set forth in Article VII, Division 2.

(F) Specific plan permit requirements. For development in areas within a designated specific plan, the specific plan will identify the processing requirements for uses. Where the specific plan is silent on a use or process, the following table identifies the permit processing requirements.

SEC. 16-107. COMMERCIAL LAND USES BY ZONE: COMMERCIAL LAND USE MATRIX

The allowable land uses in the commercial zoning districts are identified in the following table.

Commercial Land Use Matrix				
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review** SUP: Special Use Permit DDR: Development Design Review Permit **				
Land Use	Zone District			
	C-O	C-1¹	C-2²	Notes
Accessory buildings and uses customarily incidental to any of the primary commercial use when located on the same lot, subject to the approval of the director	P	P*	P	
Accessory Dwelling Unit with Accessory Dwelling Unit clearance on lot developed with one or more legal primary dwelling structures			P	Refer to Article V, Division 13
Accessory signs as permitted herein. No freestanding sign shall be permitted	<u>P</u>	P*	P	
Adult day care facilities serving no more than 15 adults	SUP	SUP	DDR	
Adult day care facilities serving more than 15 adults		SUP	SUP	
Adult motels	DDR		DDR	Refer to Article V, Division 1
Antique store			P	
Assisted living residential facility	SUP		SUP	
Bakery or doughnut shop employing not more than 5 persons on premises		P*	P	
Bank			P	
Bar or cocktail lounge or restaurant serving alcoholic beverages			SUP	
Beauty shops and barber shops	P	P*	P	
Bed and Breakfast Inn			SUP	Refer to Article V, Division 3
Bicycle repair shop, employing not more than 5 persons on premises		P*	P	
Billiard or pool hall			P	
Bird store or pet shop			P	
Blueprinting, photostating, and printing			P	
Candy, nut, confectionary store		P*	P	
Cannabis retail, provided that the owner has first obtained a commercial cannabis business permit	X	SUP	SUP	Refer to Article XVII, Chapter 11

Commercial Land Use Matrix				
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review** SUP: Special Use Permit DDR: Development Design Review Permit **				
Land Use	Zone District			
	C-O	C-1¹	C-2²	Notes
Car wash (nonmechanical or self-service)		P*	P	
Children's day care facility serving no more than 15 children	P	<u>P</u>	P	
Children's day care facility serving more than 15 children		SUP	SUP	
Churches	SUP		SUP	Refer to section 16-162(B)
Cleaning and pressing establishment using noninflammable and nonexplosive cleaning fluid			P	
Commercial condominiums			SUP	See Section 16-395
Commercial recreational uses, including but not limited to a skating rink, bowling alley, miniature golf, kiddie ride, amusement center, driving range, and sports auditorium			SUP	
Commercial school, including business college			P	
Community care facilities serving more than 6 persons ³			SUP	
Congregate living health facilities no more than 15 beds ³			DDR	
Congregate living health facilities more than 15 beds ³			SUP	
Conservatory of music			P	
Convenience market		P*	P	
Convenience market, including incidental sales of alcoholic beverages for consumption off the premises		SUP	SUP	
Convenience stores or mini-markets which may both serve packaged alcoholic beverages and dispense gasoline			SUP	
Convents serving no more than 15 persons			SUP	
Department store			P	
Drive-in and drive-through establishments, including drive-in restaurant, drive-through			SUP	

Commercial Land Use Matrix				
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review** SUP: Special Use Permit DDR: Development Design Review Permit **				
Land Use	Zone District			
	C-O	C-1¹	C-2²	Notes
or mechanical car wash and film processing booth				
Electric distribution substation		SUP	P	
Embroidery, sewing notions shop		P*	P	
Emergency shelters ³ for families or temporary			P	Refer to Section 16-504
Emergency shelters ³ permanent			SUP	Refer to Section 16-504
Employment agency			P	
Farmwork employee housing ³			SUP	
Fire and police stations			P	
Firearm and ammunition sales			SUP	Refer to Article V, Division 19
Furniture store			P	
Gift shop		P*	P	
Grocery, fruit, or vegetable store		P*	P	
Health spa or massage parlor, excluding an adult massage parlor			P	See Section 16-336
Home-finding agency	P		P	
Home Occupations incidental to a primary residential use with a home occupation permit	<u>P</u>	<u>P</u>	P	Refer to Article V, Division 6
Hospitals and convalescent hospitals	SUP		SUP	
Hotels and motor hotels	SUP		SUP	
Ice cream shop		P*	P	
Ice storage house of no more than 5 ton capacity			P	
Interior decorating store			P	
Laboratories, when incidental to medical, dental, and similar uses	P		P	
Large family day care homes incidental to a primary residential use that the Planning Manager finds to comply with the standards	<u>P</u>	<u>P</u>	P	See Section 16-440
Laundry and dry cleaning establishments		P*	P	
Library			P	

Commercial Land Use Matrix				
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review** SUP: Special Use Permit DDR: Development Design Review Permit **				
Land Use	Zone District			
	C-O	C-1¹	C-2²	Notes
Lodge, fraternal organization not to include sale of alcoholic beverages			P	
Low-barrier Navigation Center ³			SPR	Refer to Section 16-504
Meat markets or delicatessen store		P*	P	
Medical laboratory			P	
Mixed Use Multifamily Residential, Live/Work and Work/Live housing, up to 18 dwelling units per acre ³			SUP	See Section 16-109
Mixed Use Multifamily Residential up to 30 dwelling units per acre with greater than 15% floor area commercial or office space in AHP additive zone ³			DDR	See Section 16-420
Mobile home sales area provided that no repair or reconditioning is permitted			SUP	
Mortuary	SUP		P	
Motor vehicle repair including tune-up, carburetor shop, transmission and radiator repair, electrical specialty, front end alignment, top and upholstery shop, wheel balancing and the installation of brakes, mufflers and tires, provided that all repair activity and storage of materials takes place within an enclosed building			SUP	
Multifamily residential uses subject to R-3 zone development standards ³			SUP	See Section 16-109
Multifamily Residential uses up to 30 dwelling units per acre on parcels in the AHD additive zone ³			SUP	See Section 16-420
Multifamily Residential uses up to 30 dwelling units per acre on parcels in the AHP additive zone ³			SPR	See Section 16-420
Music or vocal instruction			P	
Music store			P	
Newsstand, newspaper office			P	
Nursery, flower or plants			P	

Commercial Land Use Matrix				
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review** SUP: Special Use Permit DDR: Development Design Review Permit **				
Land Use	Zone District			
	C-O	C-1¹	C-2²	Notes
Off-street parking	P		P	
Office condominiums	SUP		SUP	See Section 16-395
Other uses similar in nature or operation to permitted or related uses in the C-1 zone		SUP		
Pawnshops			SUP	
Pharmacies engaged primarily in selling pharmaceuticals and medical supplies	SUP	P*	P	
Private clubs, fraternities, sororities, and lodges, except those the chief activity of which is a service customarily carried on as a business	SUP		SUP	
Private or parochial schools, except those of a correctional nature or those intended for the mentally handicapped			SUP	
Professional and business offices, including medical, dental, legal, engineering, architectural, insurance, real estate, and other offices not engaged in selling goods or products	P		P	
Public or Private parks and playgrounds	<u>SUP</u>	<u>SUP</u>	SUP	
Public parking area			P	
Public schools, elementary, junior high, high school, colleges	<u>SUP</u>	<u>SUP</u>	SUP	
Public utility structure			SUP	
R-3 zone permitted and related uses			SUP	
Radio and television store and repair shop incidental to retail sales			P	
Recreational vehicle park not including vehicle storage or trailers over 30 feet in length			SUP	
Residential care facilities serving no more than 15 persons ³			DDR	
Residential care facility ³	SUP		SUP	
Residential stock cooperatives and community apartments			SUP	See Section 16-395

Commercial Land Use Matrix				
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review** SUP: Special Use Permit DDR: Development Design Review Permit **				
Land Use	Zone District			
	C-O	C-1¹	C-2²	Notes
Resort-vacation timeshares subject to R-3 zone development standards	SUP		SUP	See Sections 16-58 through 16-63
Restaurant, general or fast food, not serving alcoholic beverages			P	
Restaurant, general purpose, provided that: Establishment does not serve alcoholic beverages or offer entertainment; and Establishment does not serve food to patrons in their automobiles or permit take-out or delivery of food other than as a clearly incidental or minor part of the operation.		SUP	SUP	
Retail stores or businesses not involving any kind of manufacture, processing, or treatment of products other than as is clearly incidental to the retail business conducted on the premises; and provided that: not more than 5 persons are employed in the manufacture, processing, or treatment of products; and such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes			P	
Sale of alcoholic beverages for consumption off-site			SUP	
Service stations		SUP*	SUP	See Section 16-109
Shoe repair store		P*	P	
Single Room Occupancy ³			SUP	See Section 16-441
Signs	P		P	Refer to Article IX
Signs, non-accessory			SUP	
Small residential health or care facilities that conform to city ordinances restricting building heights, setbacks, lot dimensions, placement of signs and other matters			P	

Commercial Land Use Matrix				
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review** SUP: Special Use Permit DDR: Development Design Review Permit **				
Land Use	Zone District			
	C-O	C-1¹	C-2²	Notes
applicable to dwellings of the same type in the same zone, and that provide services to no more than 6 persons, or to no more than 8 children in the case of a small family day care home				
Soft drink fountain		P*	P	
Stationery store		P*	P	
Storage garage			P	
Studios (except motion picture)			P	
Supportive housing ³			SPR	
Swap meet, provided that: the use is carried out in a building of at least 10,000 sq. ft.; there is no outdoor display of merchandise unless allowed by a temporary use permit; and there are no signs on the exterior of the building identifying individual vendors			SUP	See Section 16-476
Swim clubs, tennis clubs, golf courses, and similar uses incidental to a residential tract or development			SUP	
Taxidermist			P	
Telephone exchange			P	
Theater			P	See Section 16-331
Trade school that is not objectionable due to noise, odor, or vibration			P	
Transitional housing ³			SUP	
Vehicle sales, new and used, including truck sales and incidental automotive service and repair			SUP	
Veterinary hospitals for small animals, serving common household pets, provided that no outdoor kennels are permitted			SUP	
Wedding chapel			P	

Commercial Land Use Matrix				
Key: Blank: Not Allowed X: Prohibited Use P: Permitted Use SPR: Site Plan Review** SUP: Special Use Permit DDR: Development Design Review Permit **				
Land Use	Zone District			
	C-O	C-1¹	C-2²	Notes
Wireless Communications Facilities, stealth	P	P	P	Refer to Article V, Division 16
¹ : All stores, shops or businesses in a C-1 zone shall be retail establishments selling new merchandise only. All shops secondary to the convenience market shall be no larger than 1,500 square feet of gross floor area unless a special use permit grants additional gross floor area. All sales or storage shall be conducted within a totally enclosed building, except for service stations. ² No other uses shall be permitted in the C-2 zone without the approval of the City Council. ³ : Except that such facilities shall not be permitted in the airport hazard overlay zone. *: Permitted in the C-1 zone provided such uses do not sell alcoholic beverages for consumption on or off the premises. ** A Development Design Review Permit is required for all new construction unless a Special Use Permit, Site Plan Review or other zoning permit is required under this Chapter.				

SEC. 16-108. DEVELOPMENT STANDARDS.

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

Development Standards			
Standard	Zone District		
	C-O	C-1	C-2
Height permitted	15 ft.*	20 ft.	35 ft.*
Front yard setback	10 ft.	10 ft.; 20 ft. if abuts a residential zone.	10 ft.**
Interior lot side yard setback	5 ft.; 1 ft. increase for each additional story.	10 ft.	5 ft.; no setback if abuts another C-2 zoned lot.**
Corner lot side yard setback	10 ft.; 1 ft. increase for each additional story.	50% of the front yard setback.	5 ft.; no setback if abuts another C-2 zoned lot.**
Reverse corner lot street side: side yard setback rearing residential zone	Same as Front yard setback	50% of the front yard required on the lots in the rear of such lot.	Same as Front yard setback
Rear yard setback	10 ft.; 1 ft. increase for each additional story.	15 ft.	No setback required for buildings less than 16 ft.; 15 ft. for buildings over 16 ft.;

<i>Development Standards</i>			
<i>Standard</i>	<i>Zone District</i>		
	<i>C-O</i>	<i>C-1</i>	<i>C-2</i>
			10 ft. if abuts a public alley.**
* Additional height may be allowed with approval of a SUP. ** Buildings used exclusively for dwelling purposes shall comply with the front, side, and rear yard regulations of the R-3 zone. Buildings having commercial uses on the lower floor and residential uses on the upper floor or floors shall comply with the front, side and rear yard regulations of the C-2 zone for commercial floors and the R-3 zone for the residential floors.			

SEC. 16-109. SPECIAL REQUIREMENTS SPECIFIC TO C-O, C-1 AND C-2.

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

(A) C-O Zone.

(1) Residential Uses Prohibited, except as allowed per State Law.

(a) Residential uses shall not be permitted in this zone, except as allowed per State Law or except that any existing dwelling may be maintained and any necessary structural alterations that are required by law may be made to perpetuate such a nonconforming use.

(b) A special use permit for a multi-story structure may approve penthouses or one or more floors of living units in addition to the professional uses or other uses permitted by this division.

(`64 Code, Sec. 34-70.3) (Ord. No. 1036)

(2) Conversion Of Existing Structures Prohibited. Existing dwellings and other residential structures shall not be converted to professional use. Existing hotels and motels shall not be converted to timeshare use.

(`64 Code, Sec. 34-70.4) (Ord. No. 1036, 1959)

(3) Incidental Retail and Professional Services. Retail commercial uses shall not be permitted except that where a special use permit application has been filed for a multi-story structure, the special use permit approval body may approve retail uses, such as restaurants and coffee shops, and personal services, such as barbershops, intended primarily to serve the occupants of the building.

(`64 Code, Sec. 34-70.5) (Ord. No. 1036)

(4) Cannabis Uses Prohibited. All cannabis-related uses are prohibited in the C-O Commercial Office Zone.

(Ord. No. 2929)

(B) C-1 Zone.

(1) C-1 Basic Provisions. Only one neighborhood shopping center may be so zoned for each neighborhood specified in the general plan. Property may be zoned as a neighborhood shopping center only when all of the following standards are met:

- (a) The property is located at the intersection of thoroughfares or at the intersection of a thoroughfare and a collector street.
 - (b) The neighborhood within which the property is situated contains a minimum of 600 residents or is shown on adopted city maps to contain that number of dwelling units after development.
 - (c) The property, when developed as a neighborhood shopping center, shall:
 - (i) Have as a major tenant, a convenience market or similar outlet for daily shopping needs;
 - (ii) Feature architecture of residential character in conformance with the neighborhood; and
 - (iii) Be in conformance with the traffic and circulation requirements of this code.
- (`64 Code, Sec. 34-72) (Ord. No. 1565)

(2) C-1 Lot Area. Each neighborhood shopping center shall normally be rectangular in shape with an area of approximately one acre and a depth of approximately 150 feet. In no case shall a neighborhood shopping center have less than 21,780 square feet (one-half acre) or more than 65,340 square feet (one and one-half acre) including the area, if any, devoted to service station use. Such centers shall have a minimum width of 100 feet and a minimum average depth of 135 feet.

(`64 Code, Sec. 34-77) (Ord. No. 1565)

(3) C-1 Prohibited Uses. The following uses shall not be permitted in the C-1 zone:

- (a) New residential uses, except as allowed per State Law. Existing residential uses shall be subject to the provisions herein;
- (b) Conversion of dwellings to commercial uses unless a special use permit is approved as provided in sections 16-530 through 16-553;
- (c) Drive-in or take-out cafe or restaurant;
- (d) Food delivery, catering or food pickup or take-out establishments;
- (e) Bars, cocktail lounges and the like;
- (f) Liquor stores;
- (g) Advertising structures other than those permitted in article IX of this chapter.

(`64 Code, Sec. 34-75) (Ord. No. 1565, 2929, 2972)

(4) Service Station Use. Service stations are permitted on approval of a Special Use Permit, provided the service station is limited to the retail sale of gasoline, oil, tires and automobile accessories, lubrication services, minor automotive repairs and the replacement or installation of automotive accessories provided that:

- (a) No service station shall have more than two pump islands or more than six pumps;
- (b) No service station shall have more than two lubrication hoists and all such hoists shall be located within an enclosed structure; and
- (c) No sales or rentals of trucks, trailers, cars, equipment, etc., shall be permitted.

(5) Neighborhood shopping center Development Standards.

- (a) A neighborhood shopping center shall have a zone wall, landscaping and on-site lighting as required by this chapter.
- (b) Each neighborhood shopping center shall normally be rectangular in shape with an area of approximately one acre and a depth of approximately 150 feet. In no case shall a neighborhood shopping center have less than 21,780 square

feet (one-half acre) or more than 65,340 square feet (one and one-half acre) including the area, if any, devoted to service station use. Such centers shall have a minimum width of 100 feet and a minimum average depth of 135 feet.

('64 Code, Sec. 34-78.3) (Ord. No. 1565, 2336)

(C) C-2 Zone.

(1) Yard Requirements For Dwellings.

(a) Buildings used exclusively for dwelling purposes shall comply with the front, side and rear yard regulations of the R-3 zone.

(b) Buildings having commercial uses on the lower floor and residential uses on the upper floor or floors shall comply with the front, side and rear yard regulations of the C-2 zone for commercial floors and the R-3 zone for the residential floors.

('64 Code, Sec. 34-85) (Ord. No. 1409)

(2) Operating Standard For Sale Or Storage Of Used Fabric Items. Operators of retail stores that sell previously owned, secondhand or used merchandise, shall thoroughly launder or dry-clean such merchandise that is made of fabric (such as curtains, slipcovers and bed linens) before offering such merchandise for sale or storing such merchandise on the premises. On request of police department or code enforcement division personnel, the operator of such a store who has complied with this operating standard shall sign a statement under penalty of perjury providing the facts as to how and when such compliance occurred.

(Ord. No. 2626)

DIVISION 8. C-1 NEIGHBORHOOD SHOPPING CENTER ZONE RESERVED

DIVISION 9. C-2 GENERAL COMMERCIAL ZONE RESERVED

DIVISION 10. DOWNTOWN ZONES

SEC. 16-148. Downtown Allowed Uses.

Allowed Uses

Table 16-148

Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Residential				
<u>Assisted Living, Residential Care Facility < 6 persons</u>	<u>P</u>	<u>P</u>	---	---
<u>Assisted Living, Residential Care Facility ≥ 6 persons</u>	<u>P</u>	<u>P</u>	<u>P</u> ⁷	<u>P</u> ⁷
Accessory Dwelling Unit (ADU)	P	---	---	---
Dwelling, multifamily	P	P	<u>P</u> ⁷	<u>P</u> ⁷

Dwelling, single-family attached	P	P	---	---
Dwelling, single-family detached	P	P	---	---
Home-based business ⁴	P	P	P	P
<u>Farmworker employee housing < 6 persons</u>	<u>P</u>	<u>P</u>	---	---
<u>Low-Barrier Navigation Center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Single Room Occupancy</u>	---	---	<u>C</u>	---
<u>Supportive Housing and Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u> ⁷	<u>P</u> ⁷
Work/live, Live-Work	---	P	P	P ⁷
Agriculture-Related				
Commercial Garden/Greenhouse(s) < 3,000 sq ft	---	P	P	P
Commercial Garden/Greenhouse(s) > 3,000 sq ft	---	P	P	P ³
<u>Farmworker employee housing < 12 units or 36 beds</u>	---	<u>P</u>	<u>P</u>	<u>P</u>
Farmer's Market	---	---	P	P

ARTICLE IV. STANDARDS FOR ALL ZONES

DIVISION 1. GENERAL REQUIREMENTS

SEC. 16-300. ACCESSORY BUILDINGS ON FRONT YARD ON THROUGH LOTS, IRREGULAR LOTS, AND LOTS WITH MULTIPLE STREET FRONTAGE.

(A) The Community Development Director ("Director") shall have the authority to determine the front lot line on through lots, irregular lots, lots with multiple street frontage, and lots without a street frontage.

In any case where a through lot has a depth of not more than 150 feet, accessory buildings not exceeding one story and 15 feet in height may be located in one of the required front yards, provided that every portion of such buildings is at least five feet from the nearest front lot line.

SEC. 16-303. BUILDING HEIGHTS.

(A) Zone height maximums and measurement – Except as provided in this section, no building shall be erected, reconstructed, or structurally altered to exceed the height limit established for the zone in which such building is located. The building height shall be measured from the top of the average curb elevation of the adjacent principal public street. average finished grade within five feet of the building.

(B) Public or semi-public buildings - Publicly or semi-publicly owned or leased buildings, schools, hospitals, churches, or institutions may exceed the height limit of the individual zones and erect such buildings to a height not to exceed the

lesser of six stories or 75 feet, provided a special use permit is obtained. In granting special use permit, the required front, side and rear yards shall be increased an additional one foot for each four feet of height over the permitted 35 feet for the proposed building height limit of the underlying zone.

~~(C) Through lots—A through lot is a noncorner lot which is adjacent to two public streets and located between two separate lots. On through lots, the height of a building may be measured from the average curb elevation of either street.~~

~~—(D)—Top structures and freestanding structures - Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, or similar structures related to buildings and uses in commercial or industrial zones the underlying zone may be erected above the height limits prescribed in this code, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.~~

SEC. 16-333. PARKING ON RESIDENTIAL PROPERTY VISIBLE FROM PUBLIC STREETS.

(A) No person shall park or store a vehicle on any portion of residential property visible from a public street unless the vehicle is parked on a driveway.

(B) For purposes of this section, the following words and phrases shall mean:

(1) DRIVEWAY - A solid or continuous slab of concrete or asphalt a minimum of three inches thick; or other surfaces, subject to approval by the Community Development Director, with and of dimensions capable of encompassing the exterior outline of any vehicle parked thereon; provided that access to such driveway is provided from a public right-of-way by an authorized curb cut or other approved means.

ARTICLE V. SPECIFIC USE REQUIREMENTS

DIVISION 10. OIL DRILLING DISTRICTS SINGLE ROOM OCCUPANCY

SEC. 16-441. INTENT AND PURPOSE

Single-room occupancy (SRO) units can provide a valuable form of affordable private housing for individuals and can serve as an entry point into the housing market for extremely low-income populations, including formerly homeless persons, seniors, and those with disabilities. The purpose of this section is to establish development and operational standards for single-room occupancy units.

SEC. 16-441.1 APPLICABILITY

The standards contained in this section shall apply to all SRO units where allowed by the zoning classification for a property. Development that is made up of all SRO units, with exception of a manager's unit, is not subject to the Attached Dwelling Unit Development Standards in Section 16-361 of this Chapter but shall be subject to the Attached Dwelling Unit Design Standards in Section 16-362.

SEC. 16-441.2 DEFINITIONS

(A) 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.

(B) LOWER INCOME HOUSEHOLDS - Includes acutely low-income households, extremely lower 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.

(C) SINGLE-ROOM OCCUPANCY (SRO) - a residential facility containing six or more housing units where each housing unit is made up of a single room that may have individual or shared kitchen and/or bathroom facilities and are often furnished. Each housing unit is offered on a monthly rental basis or longer.

SEC. 16-441.3 DEVELOPMENT AND OPERATION STANDARDS

(A) Occupancy. An SRO unit shall be occupied by not more than 2 people. Occupancy of single-room occupancy units may be restricted to seniors or be available to persons of all ages.

(B) Tenancy. Tenancy of SRO units shall be offered for a minimum of 30 days or longer.

(C) On-site Management. On-site management shall be provided 24 hours a day. The manager shall be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. The manager also shall have the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that adversely impact surrounding properties. Cleaning services shall be provided for common areas, common bathrooms, community kitchen, laundry facilities, and common hallways.

(D) Management Plan. A Management Plan shall be submitted with the required special use permit application for an SRO facility and shall be approved by the Planning Commission, or City Council upon appeal. The Management Plan must address management and operation of the facility, rental procedures, safety and security of residents and building maintenance.

(E) Minimum Size. An SRO unit shall be at least 150 square feet in floor area, excluding closet and restroom areas. No individual unit may exceed 400 square feet, except for the manager's unit(s).

(F) Density - SRO residential density shall be subject to the density standards permitted in the underlying zone.

(G) Entrances. All single-room occupancy units shall be independently accessible from a single main entry, excluding emergency and other service support exits.

(H) Cooking Facilities. Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual single-room occupancy units, each unit shall have a sink with hot and cold water, a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements, and a refrigerator.

(I) Restroom Facilities. An SRO unit may contain partial or full restroom facilities. A partial restroom facility shall have at least a toilet and sink. A full restroom facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided in each SRO unit, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor and one full bathroom per four units.

(J) Closet. Each SRO unit shall have a separate enclosed all-weather closet. The closet shall be at least 120 cubic feet with a minimum four-foot horizontal dimension along one plane.

(K) Common Interior Area. Four square feet of usable common interior space per housing unit shall be provided, excluding janitorial storage, laundry facilities, common hallways and storage (including bicycle storage). At least 200

square feet of common interior space shall be provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.

(L) Laundry Facilities. When laundry facilities are not provided within the units, laundry facilities shall be provided in a separate room at the ratio of one washer and one dryer for every ten (10) units, with at least one washer and one dryer per floor.

(M) Parking. Except for projects that allow only senior citizens as defined in Cal. Civil Code, Section 51.3, Off-street parking shall be provided pursuant to the SRO parking requirement identified under Section 16-622 of this Chapter.

(N) Affordability. All housing units shall be rented at an affordable rent to very low-income households, except for a manager's unit.

(O) Existing Structures: An existing structure may be converted to an SRO facility, consistent with the provisions of this Section and California building code for congregate residences.

ARTICLE X. OFF-STREET PARKING

DIVISION 2. PARKING SPACE AND LOADING REQUIREMENTS

SEC. 16-622. SCHEDULE OF VEHICLE OFF-STREET PARKING REQUIREMENTS.

(F) The following table lists the minimum off-street parking requirements for the city.

<i>Uses</i>	<i>Minimum Off-Street Parking Requirements</i>	<i>Notes</i>
Residential:		
<u>Senior Citizen Housing Development:</u>		
<u>Independent Living for senior citizens as defined in Cal. Civil Code 51.11</u>	<u>One space per unit,</u> <u>One visitor space per 5 units, and</u> <u>One space for each employee on-site at peak staffing</u>	
<u>Independent Living for senior citizens as defined in Cal. Civil Code 51.11, where facility provides residents with transportation for medical, retail and social purposes or is located within ½ mile of a major transit stop</u>	<u>0.5 space for each unit,</u> <u>One visitor space per 5 units,</u> <u>One space for each employee on-site at peak staffing, and</u> <u>One shuttle van parking space</u>	
<u>Small residential health or care facility, board and care home with serving up to six persons</u>	<u>See applicable parking requirement for single-family or multifamily residence</u>	
<u>Residential Care facility or Assisted living residential facility where units do not include individual kitchens, and facility provides residents with transportation for medical, retail and social purposes</u>	<u>One space for every two units plus one shuttle van parking space.</u> <u>One visitor space per 5 units,</u> <u>One space for each employee on-site at peak staffing, and</u> <u>One shuttle van parking space</u>	

<u>Congregate living health facility, Convalescent home, Nursing homes, Memory Care, or skilled nursing facilities</u>	One <u>visitor</u> space per three <u>ten</u> beds for nursing and convalescent homes which do not contain separate living quarters containing individual kitchens, plus one space for every two employees required on largest shift. <u>One space for each employee on-site at peak staffing, and One shuttle van parking space</u>	
<i>Special Housing:</i>		
<u>Emergency Shelter, permanent or Low-Barrier Navigation Center</u>	One off-street space for the on-site manager	<u>See Section 16-504</u>
Group quarters style facility	One off-street space for every four farm workers. One space for every four facility employees, up to four maximum.	The official building occupancy load shall be used to determine the number of farm workers permitted.
Single and multi-family housing units	The same as required elsewhere in this table	
<u>Single-Room Occupancy</u>	<u>One off-street space per unit and one easily accessible, long-term bicycle storage space per two units; or</u> <u>One off-street space per two units and one easily accessible long-term bicycle storage space per unit.</u> <u>See Senior Citizen Housing Development parking requirements for projects that allow only senior citizens as defined in Cal. Civil Code Section 51.3.</u>	<u>See Section 16-441</u> <u>Refer to Oxnard Bicycle & Pedestrian Facilities Master Plan for long-term bicycle storage</u>
<u>Supportive Housing or Transitional Housing</u>	<u>See applicable parking requirement for single-family or multifamily residence</u>	

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. 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.

Section 4. 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 projects 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.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the Ordinance.

Section 6. 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 _____, and finally adopted on _____, to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

John Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

ATTACHMENT 1e – REASONABLE ACCOMMODATION
DRAFT CITY COUNCIL ORDINANCE

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 16 (ZONING) OF THE OXNARD CITY CODE (OCC) §16-501 REASONABLE ACCOMMODATION, RELATED TO IMPLEMENTATION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT 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. 23-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC). The proposed modification is to update the Reasonable Accommodation findings in OCC Section 16-501 to only include objective standards comply with the Fair Housing Act; and

WHEREAS, on October 25, 2022 the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard 2021-2029 Housing Element. Programs 6, 9, 22, 27 and 32 of the 2021-2029 Housing Element require the City update Chapter 16 of the Oxnard City Code (OCC) by 2023 to comply with state laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws; and

WHEREAS, on August 17, 2023 the Planning Commission held a public hearing on the amendments to Chapter 16 of the OCC to implement Zoning Text Amendments (ZTA) stipulated in the adopted Amended 2021-2029 Housing Element Programs 6, 9, 22, 27 and 32 and adopted a Resolution recommending that the City Council approve Planning & Zoning Permit No. 23-580-03 (Zone Text Amendment); and

WHEREAS, on _____, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 23-580-03 (Zone Text Amendment) in accordance with the OCC, and

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

WHEREAS, the City Council finds the proposed Zoning Text Amendment is in the public interest and general welfare by complying with State law, and encouraging the private and public sectors to produce affordable housing that meets the needs of special needs, extremely low-, very low- and -low income persons.. 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 does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the 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, it is in the public interest, consistent with the 2030 General Plan.

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

Section 1. Oxnard City Code Chapter 16, Article V, Division 17 entitled “Reasonable Accommodation”, Section 16-501 is amended to read as follows **(Only underlined portions are to be added)**:

ARTICLE V. SPECIFIC USE REQUIREMENTS

DIVISION 17. REASONABLE ACCOMMODATION

SEC. 16-501.5. FINDINGS AND DECISION.

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

(1) The accommodation is requested by or on the behalf of one or more persons with a disability protected under the Acts.

(2) The accommodation is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling unit.

(3) The accommodation will not impose an undue financial or administrative burden on the city.

(4) The accommodation will not result in a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.

(5) The accommodation will not result in a direct threat to the health and safety of other persons or physical damage to the property of others.

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

(1) Whether the reasonable accommodation is being provided primarily to benefit one or more persons with a disability.

(2) Whether the reasonable accommodation is necessary for therapeutic benefit to the person(s) with a disability.

~~—(3) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.~~

(4) Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.

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

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

(C) Conditions of approval - In granting a request for reasonable accommodation, the director or planning commission may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection (A). Conditions of approval for a reasonable accommodation request may, where appropriate, provide for any or all of the following:

(1) Inspection of the affected premises by the city to verify compliance with this division and any conditions of approval;

(2) Removal of the permitted improvements by the applicant where removal would not constitute an unreasonable financial burden, if the need for which the accommodation was granted no longer exists; and

(3) Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.

(Ord. No. 2848, 2926)

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. 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.

Section 4. 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 projects 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.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. 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

Draft Ordinance No. ____ [Reasonable Accommodation Amendment]

Page 4 of 5

36933. Ordinance No. _____ was first read on _____, and finally adopted on _____, to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

John Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

**ATTACHMENT 1f –
DEVELOPMENT DESIGN REVIEW, SPECIAL USE PERMIT EXPIRATIONS, MAJOR AND
MINOR MODIFICATIONS
DRAFT CITY COUNCIL ORDINANCE**

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 16 (ZONING) OF THE OXNARD CITY CODE (OCC), §16-525 DEVELOPMENT DESIGN REVIEW PERMIT, 16-553 SPECIAL USE PERMIT EXPIRATION, 16-560 MINOR MODIFICATION TO SPECIAL USE PERMITS AND §16-561 MAJOR MODIFICATIONS TO SPECIAL USE PERMITS; RELATED TO IMPLEMENTATION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT 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. 23-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC); and

WHEREAS, the proposed amendment will update the Development Design Review permit procedures in OCC Section 16-525 to codify the existing DDR process and provide greater certainty and transparency for the development community, thereby reducing a barrier to development. No changes to the existing procedure are proposed; and

WHEREAS, the proposed amendment will update the Special Use Permit expiration provisions from one year to 36 months to remove a potential barrier to construction, as one year is not sufficient for affordable projects to obtain funding. The proposed text mirrors the expiration text for the Site Plan Review permit; and

WHEREAS, the proposed amendment will expand upon the limited existing text in Sections 16-560 and 16-561 to codify the existing process and findings for Minor and Major Modifications. This revision will provide greater clarity, certainty and transparency for the development community, thereby reducing a barrier to development;

WHEREAS, on October 25, 2022 the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard 2021-2029 Housing Element. Programs 6, 9, 22, 27 and 32 of the 2021-2029 Housing Element require the City update Chapter 16 of the Oxnard City Code (OCC) by 2023 to comply with state laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws; and

WHEREAS, on August 17, 2023 the Planning Commission held a public hearing on the amendments to Chapter 16 of the OCC to implement Zoning Text Amendments (ZTA) stipulated in the adopted Amended 2021-

2029 Housing Element Programs 6, 9, 22, 27 and 32 and adopted a Resolution recommending that the City Council approve Planning & Zoning Permit No. 23-580-03 (Zone Text Amendment); and

WHEREAS, on _____, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 23-580-03 (Zone Text Amendment) in accordance with the OCC, and

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

WHEREAS, the City Council finds the proposed Zoning Text Amendment is in the public interest and general welfare by complying with State law, and encouraging the private and public sectors to produce special needs, extremely low-, very low- and -low, moderate and -above moderate income persons. 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 does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the 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, it is in the public interest, consistent with the 2030 General Plan.

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

Section 1. Oxnard City Code Chapter 16, Article IV, Divisions 2 through 4 entitled “Development Design Review Permit”, “Special Use Permit” and “Modifications to Special Use Permits” are amended to read as follows (**Only underlined portions are to be added**):

ARTICLE VII. PERMIT PROCEDURES

DIVISION 2. DEVELOPMENT DESIGN REVIEW PERMIT

SEC. 16-525. ~~WHEN REQUIRED; PROCEDURES.~~ PURPOSE AND APPLICABILITY.

(A) This division establishes the procedures for conducting an administrative-level discretionary review of certain development applications, as identified in this chapter. This process requires the Director to verify that certain new or expanded uses, activities, structures, or development of land complies with all applicable policies, ordinances, and/or regulations of the City.

(B) Prior to the issuance of building permits for buildings or structures for uses for which this chapter does not require a Special Use Permit or other zoning permit, an application for an administrative Development Design Review permit shall be filed with the Director.

Upon review of the application, the director shall approve, conditionally approve or deny the application within the time period and in accordance with any procedures prescribed by State law.

~~—(B) The decision of the director may be appealed to the commission within ten days after the date of the director's decision.~~

~~(64 Code, Sec. 34-105.7) (Ord. No. 2101)~~

SEC. 16-525.1. REVIEW AUTHORITY.

(A) The Community Development Director ("Director") is the review authority for an application that requires a Development Design Review permit. The Director may approve, conditionally approve, or deny the application. The Director may refer an application to another review authority for a decision on the Development Design Review permit.

(B) Where a Development Design Review permit is processed concurrently with a discretionary permit that requires approval by the Planning Commission or City Council, the review authority with jurisdiction over such discretionary permit shall also have review authority over the Development Design Review permit.

SEC. 16-525.2. PROCEDURE FOR DEVELOPMENT DESIGN REVIEW.

(A) Whenever this chapter provides that a particular use or development may be permitted by Development Design Review permit, an application for a Development Design Review permit shall be determined as provided in this article.

(B) An application for a Development Design Review permit may be filed by:

- (1) The owner(s) of the subject property;
- (2) An authorized agent representing the property owner(s); or
- (3) The City.

(C) Each application for a Development Design Review permit or modification to a Development Design Review permit must be filed with the Director on a city application form, together with required fees and/or deposits, and all other information and materials as identified in the city's submittal checklist. The city may ask an applicant to clarify, or provide additional materials to address questions or concerns during the review process. The Director shall not accept an application unless it is accompanied by the application fee set by resolution of the City Council.

(D) The Director or designee shall review each application for completeness and accuracy before it is accepted as being complete for processing. In addition to the requirements of this chapter, each application is required to be in compliance with the requirement of the FAA Airport Hazard Overlay and the requirements of the Ventura County Cultural Heritage Board.

(E) The application shall be reviewed by the Development Advisory Committee (DAC) for consistency with applicable regulations and standards. For qualifying housing developments identified under SB330 and until January 1, 2030, The DAC shall review developments and provide their findings within the 60, 90, or 120-day timeline identified under SB330 (or as otherwise amended by the State of California).

(F) The applicant shall be informed in writing within 30 calendar days of application submittal or as required by the Government Code, that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in writing, shall be provided before it can be accepted for processing.

(G) If the applicant does not complete their application within 90 days after notification that the application is incomplete, the application shall be deemed withdrawn, unless a written request for extension is filed by the applicant and granted for good cause by the Director for a period not to exceed an additional 90 days. If an extension is not granted, or if the extension expires, the application shall be considered withdrawn. A courtesy letter from the city should be sent to the applicant documenting the withdrawal. A new application, including fees, plans, exhibits, and other materials that will be required to commence processing of any development project on the same property.

SEC. 16-525.3. PUBLIC WORKSHOP ON APPLICATION.

(A) The application for a Development Design Review permit on parcels located in or adjacent to established Neighborhood Planning Areas shall be presented to the general public at a community workshop conducted by the Planning Division prior to a public hearing on the proposed project. The workshop is intended to provide the applicant with the opportunity to present the proposed development to nearby property owners and to allow residents the opportunity to ask questions and provide input directly to the applicant.

SEC. 16-525.4. HEARING ON APPLICATION.

(A) All applications for Development Design Review permit shall be heard by the Director during a public hearing. Notice of the hearing shall be given by the Director or designee pursuant to Cal. Gov't Code, Section 65091. The date of the hearing on the application shall be set within the time provided by State law.

(B) If for any reason, any hearing cannot be completed on the day set thereof, the Director may continue the hearing by publicly announcing the time and place to which the hearing is continued. No other form of notice of such continuance shall be required.

SEC. 16-525.5. REQUIRED FINDINGS.

The Review Authority must make the following findings:

(A) The development is consistent with the applicable general plan policies and is in conformance with applicable zoning regulations contained in this chapter and other adopted standards.

(B) There are adequate infrastructure and public services available to serve the proposed development, including sewage, water, fire and police protection, storm drainage facilities, roadway, sidewalks and legal access to the lot.

(C) The proposed development is on a legally created lot.

(D) The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and items which may be required by Section 16-525.6.

SEC. 16-525.6. CONDITIONS.

The conditions imposed on a Development Design Review permit may involve any factors affecting the establishment, operation or maintenance of the requested use, including, but not limited to:

(A) Special yards, open spaces and buffer areas;

(B) Fences and walls;

(C) Traffic circulation and parking facilities, including vehicular ingress and egress and the surfacing and lighting of parking areas to specified standards;

- (D) Street and alley dedications and improvements, including sidewalks, curbs and gutters;
- (E) Water supply, fire protection, sewerage service and storm drainage facilities;
- (F) Landscaping and maintenance of grounds;
- (G) Regulation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances and radiation;
- (H) Regulation of operating hours for activities affecting normal neighborhood schedules and functions;
- (I) Regulation of signs and outdoor advertising;
- (J) A specified period limiting the time in which development may begin;
- (K) Provision for a bond or other surety that the proposed special use will be removed on or before a special date;
- (L) Height limitations to protect the character and integrity of abutting parcels or the general welfare, provided the maximum density allowed for residential developments can still be achieved; and
- (N) Such other conditions as will make possible the development of the proposed development in an orderly and efficient manner and in general accordance with the intent of this chapter and in compliance with State Law.

SEC. 16-525.7. NOTICE TO APPLICANT.

- (A) Not later than 10 days following the day a resolution of decision is adopted or denied, the Director or designee shall send notification of the decision to the applicant at the address appearing on the application or such other address as is designated in writing by the applicant. Notification shall include a copy of the resolution of approval or denial, and any conditions imposed on the permit, if granted.
- (B) With such notification the Director shall provide a copy of Section 16-525.9, setting forth the procedure for an applicant to appeal the decision.

SEC. 16-525.8. EFFECTIVE DATE OF RESOLUTION.

- (A) A resolution granting or denying an application for a Development Design Review permit or modifying or revoking a Development Design Review permit or denying an application for modification or revocation of a Development Design Review permit is effective after the appeal period identified in this Division has passed.

SEC. 16-525.9 EXPIRATION DATE AND EXTENSION.

- (A) A Development Design Review permit shall expire 36 months from the date of issuance if the use, building, structure, or other improvements for which the permit has been issued has not been established or commenced in compliance with the issued permit or unless a time extension is approved. If the approved application is not used within the time limit, the approval becomes null and void.
- (B) Notwithstanding Subsection (A), above, where an application, including required fees, requesting an extension is timely filed prior to such expiration date, the Director may approve a one-time extension of the time limit in Subsection (A), above, for a period of not to exceed one year. In considering a time extension, the review authority must make the following findings:
 - (1) The granting of the extension must be based upon a finding of good cause.

(2) All original findings for approval can still be made.

SEC. 16-525.10. FINALITY OF DECISION.

A decision of the Director shall become final and conclusive at the time of expiration of the appeal period 10 calendar days after the date of the decision unless prior to the expiration of such period a timely appeal or notice requesting review in proper form is filed with the Planning Commission. In the event an appeal period ends on a day when the City is closed for business, the appeal period shall be extended to the next business day. The filing of such an appeal or notice requesting review shall automatically stay the execution of the decision of the Director pending rendition of a decision by the Planning Commission.

SEC. 16-525.10. APPEAL OF DECISION TO DIRECTOR; WHO MAY APPEAL; FILING PROCEDURES; FEE.

(A) A person may file an appeal on a decision of the Director approving or denying an application for a Development Design Review permit not later than 10 days after the date of the decision.

A review of a decision of the Director may be commenced by the City Manager or designee or a member of the City Council by filing with the City Clerk an original and two copies of a notice requesting review.

(C) An appeal may be commenced by any person or entity aggrieved or directly affected by a decision of the Director by filing with the Secretary of the Planning Commission an original and two copies of a notice of appeal that specifies the grounds for appeal and the relief requested. The Secretary of the Planning Commission shall set the date of hearing on the appeal within a reasonable period of time after receipt of the appeal, and shall give notice of a public hearing on the appeal pursuant to Cal. Gov't Code, Section 65091.

DIVISION 3. SPECIAL USE PERMIT

SEC. 16-553. EXPIRATION DATE AND EXTENSION.

~~—If a time limitation is specified in a special use permit, the special use permit shall expire as so specified. If no date is specified, a special use permit shall expire within one year from the date of issuance unless the use has been substantially developed or diligently pursued; provided, however, that if there be an express waiver in any such special use permit of the condition of such one-year time limitation, such one-year time limitation shall not apply. After expiration of a special use permit, the property affected thereby shall be subject to the regulations of the applicable zone classification.~~

~~(‘64 Code, Sec. 34-157.1) (Ord. No. 917)~~

(A) A Special Use Permit shall expire 36 months from the date of issuance if the use, building, structure, or other improvements for which the permit has been issued has not been established or commenced in compliance with the issued permit or unless a time extension is approved. If the approved application is not used within the time limit, the approval becomes null and void.

(B) Notwithstanding Subsection (A), above, where an application, including required fees, requesting an extension is timely filed prior to such expiration date, the Director may approve a one-time extension of the time limit in Subsection (A), above, for a period of not to exceed one year. In considering a time extension, the review authority must make the following findings:

(1) The granting of the extension must be based upon a finding of good cause.

____ (2) All original findings for approval can still be made.

DIVISION 4. MODIFICATIONS TO SPECIAL USE PERMITS

SEC. 16-560. MINOR MODIFICATIONS; WHEN REQUIRED; PROCEDURES.

(A) Modifications to special use permits that substantially conform to the approved or issued permit and do not have any additional adverse effect on abutting parcels or the general health, safety, or welfare are eligible for review as minor modifications. A minor modification may allow for an increase or decrease of the following elements of the approved development, by no more than ten percent (10%):

____ (1) Approved building height;

____ (2) Approved setback distances;

____ (3) Landscape coverage;

____ (4) Building floor area;

____ (5) Site building coverage;

____ (6) Dimensional standards for parking, loading and circulation that do not result in a reduction in the required parking and loading spaces;

____ (7) Outdoor open space requirements;

____ (8) Other approved numerical development standards.

____ (9) Exclusions: Minor Modifications to Special Use Permits shall not be granted for the following standards:

____ (a) Minimum number of required parking spaces;

____ (b) Floor Area Ratio or Residential Density.

In no case may the increase or decrease be below the minimum or exceed maximum standards established by the City Code. In no case shall a minor modification be granted pursuant to this Chapter to permit a use or activity that is not otherwise permitted in the Zone where the property is located.

____ (B) Modifications to building elevations may be considered under a minor modification, provided that modified elevations comply with applicable objective design standards and applicable zoning regulations contained in this Chapter and other adopted standards.

(B-C) An application for a minor modification shall be filed with the Director. Three copies of the site plan, elevation and landscape plan, if applicable, shall be submitted with a letter outlining the requested modification. The application shall state in writing the nature of the modification requested and explain why the findings necessary to grant the modifications identified in SEC. 16-560.1 can be satisfied.

(C D) Fees for filing an application for a minor modification to a Special Use Permit shall be set by resolution of the City Council.

(D E) Upon review of the application, the Director shall issue a written decision approving, conditionally approving or denying the application within the time period prescribed by State law.

(E F) The Director's decision of the manager to approve, conditionally approve a Minor Modification to a Special Use Permit may be appealed to the Planning Commission within ten days of the date of issuance, in accordance with the

procedure for hearing an application for a special use permit as provided in this chapter. The decision of the Planning Commission shall be final. Appeals of a denial by the Director may be made by filing a major modification application for consideration by the Planning Commission.

(G) If a Minor Modification application is processed concurrently with a required discretionary permit, the review authority with jurisdiction over the discretionary permit shall also have review authority over the Minor Modification.

SEC. 16-560.1. Required Findings for Minor Modifications

In order to grant a Minor Modification to a Special Use Permit, the Review Authority must make the following findings:

(A) All provisions of this article are met;

(B) The proposed Minor Modification is consistent with the applicable general plan policies and is in conformance with applicable zoning regulations contained in this chapter and other adopted standards;

(C) The approval or conditional approval of the Minor Modification will not be detrimental to public health, safety, or general welfare.

SEC. 16-561. MAJOR MODIFICATIONS.

(A) ~~Major modifications to a~~ Changes to an approved Special Use Permit ~~that do not qualify as Minor Modifications under Section 16-560~~ shall be handled in a manner similar to the initial application ~~for the Special Use Permit~~. Major Modifications are those that involve substantial increases in coverage, major additions to the buildings or structures, creation of extra parking needs, traffic or other site problems and shall be heard by the Planning Commission.

(B) ~~Applications describing shall include the same as required submittal material required for a Special Use Permit under Section 16-533 of this Chapter and shall be submitted to the Planning Division, the requested modification. The application shall state in writing the nature of the modification(s) requested.~~

(C) Fees for filing an application for a Major Modification to a Special Use Permit shall be set by resolution of the City Council.

(D) An application for a Major Modification to a Special Use Permit shall be heard and notice shall be provided in the manner required under Division 3 of this Article for a Special Use Permits.

('64 Code, Sec. 34-110.2) (Ord. No. 916, 1409)

SEC. 16-561.1. Required Findings for Major Modifications

In order to grant a Major Modification to a Special Use Permit, the Review Authority must make the findings for granting a Special Use Permit in Section 16-531 of this Chapter.

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. 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.

Section 4. 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 projects 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.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. 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 _____, and finally adopted on _____, to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

John Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

**ATTACHMENT 1g –
OBJECTIVE DESIGN STANDARDS FOR MULTIFAMILY
DRAFT CITY COUNCIL ORDINANCE**

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 16 (ZONING) OF THE OXNARD CITY CODE (OCC), §16-360 TO §16-362 ATTACHED DWELLING UNIT STANDARDS; RELATED TO IMPLEMENTATION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT 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. 23-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC); and

WHEREAS, the proposed amendment will update the OCC to provide objective design standards for multifamily residential development to comply with SB 330. Objective standards involve no personal or subjective judgment by a public official. The objective standards are required for streamlined and ministerial review of SB 35 projects and provide fixed standards for when the law requires by-right approval of development. Objective design standards will also reduce barriers by providing a predictable set of standards that are not subject to subjective interpretation and will streamline review of multifamily development applications, consistent with Housing Element Program 6; and

WHEREAS, the proposed amendment will update the Special Use Permit expiration provisions from one year to 36 months to remove a potential barrier to construction, as one year is not sufficient for affordable projects to obtain funding. The proposed text mirrors the expiration text for the Site Plan Review permit; and.

WHEREAS, the proposed amendment will expand upon the limited existing text in Sections 16-560 and 16-561 to codify the existing process and findings for Minor and Major Modifications. This revision will provide greater clarity, certainty and transparency for the development community, thereby reducing a barrier to development;

WHEREAS, on October 25, 2022 the State of California Department of Housing and Community Development (HCD) certified the City of Oxnard 2021-2029 Housing Element. Programs 6, 9, 22, 27 and 32 of the 2021-2029 Housing Element require the City update Chapter 16 of the Oxnard City Code (OCC) by 2023 to comply with state laws on ADU parking, Density Bonus, Supportive Housing, Emergency Shelters, Low-Barrier Navigation Centers, Single Room Occupancy, Farmworker Housing, Residential Care Facilities, Reasonable Accommodation; and other ordinance modifications to streamline, clarify and simplify permitting requirements to comply with State regulatory requirements and laws; and

WHEREAS, on August 17, 2023 the Planning Commission held a public hearing on the amendments to Chapter 16 of the OCC to implement Zoning Text Amendments (ZTA) stipulated in the adopted Amended 2021-

2029 Housing Element Programs 6, 9, 22, 27 and 32 and adopted a Resolution recommending that the City Council approve Planning & Zoning Permit No. 23-580-03 (Zone Text Amendment); and

WHEREAS, on _____, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 23-580-03 (Zone Text Amendment) in accordance with the OCC, and

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

WHEREAS, the City Council finds the proposed Zoning Text Amendment is in the public interest and general welfare by complying with State law, and encouraging the private and public sectors to produce special needs, extremely low-, very low- and -low, moderate and -above moderate income persons. 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 does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the 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, it is in the public interest, consistent with the 2030 General Plan.

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

Section 1. Oxnard City Code Chapter 16, Article IV, Divisions 2 entitled “Attached Dwelling Unit Development Standards”; is amended to read as follows (**Only underlined portions are to be added**):

ARTICLE IV. STANDARDS FOR ALL ZONES

DIVISION 2. ATTACHED DWELLING UNIT DEVELOPMENT STANDARDS

SEC. 16-360. PURPOSE AND INTENT.

The purpose and intent of this division is to implement the goals and objectives of the general plan to provide quality multiple-family housing. The objective development and design standards provide mandatory standards for specified residential development. Under State Law, objective standards involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark. The objective standards are requirements for residential development, as well as mixed use development that includes residential uses.

('64 Code, Sec. 36-7.9.1) (Ord. No. 2152)

SEC. 16-361. ~~APPLICABILITY.~~ DEVELOPMENT STANDARDS.

The provisions of this ~~division~~ Section shall apply to the development of any new attached multi-family residential project of six or more units. Projects of five units or less shall be subject only to the development standards of the zone in which such projects are located, Section 16-361 (A), and such other provisions of this code as may apply.

~~SEC. 16-362. DEVELOPMENT STANDARDS.~~

- (A) ~~Minimum dwelling size—One bedroom: 450 square feet; two or more bedrooms: 800 square feet.~~
- ~~—(B)—~~Building separation - Minimum separation between any two buildings shall be a distance equal to half of the height of the taller structure unless ~~otherwise determined by health and safety requirements~~ a greater amount is required by the California Building Code. The required separation may be reduced during the Development Advisory Committee review process.
- (C) Recreation facilities - Multiple-family attached dwelling units of 12 units or more shall provide common recreational facilities with interior yard space areas to include, but not be limited to, ~~one~~ two or more of the following:
- (1) Swimming pools;
 - (2) Spa;
 - (3) Tennis and/or basketball or volleyball courts;
 - (4) Barbecues and outdoor picnic facilities;
 - (5) Recreation buildings;
 - (6) Exercise courses and stations;
 - (7) Children's play equipment; and
 - (8) Such other facilities as are approved by the Review Authority ~~planning commission.~~
- (D) Open area - Projects having 12 or more units shall provide at least one lawn area of not less than 2,500 square feet and having a minimum dimension of not less than 35 feet in any direction.
- ~~—(E)—~~Distance to garage from dwelling unit ~~—The maximum distance to a garage from any dwelling unit entry shall be 75 feet.~~
- (E)-(F) Balconies and patios - All second story dwelling units shall have at least one patio or balcony, having a minimum dimension of ten feet by ten feet (100 square feet minimum). All ground floor dwelling units shall have a patio concrete slab of at least 100 square feet.
- (F) ~~(G)~~ Balcony enclosures - All balconies and patios shall have railings or walls which provide at least 50 % enclosure.

~~(G)(H)~~ Storage areas - Each dwelling unit shall have a storage area of at least 225 cubic feet. The storage area may be included in the garage area but may not intrude into the minimum garage dimensions.

~~(H)(I)~~ Garages - All garages shall have automatic garage door openers. All garage doors shall have architectural treatment or detail.

~~(I)(J)~~ Utility meters - ~~Wall-mounted utility meters shall be screened or integrated into the building design.~~
Each dwelling unit shall be constructed with a separate utility system and meter.

~~(J) (K) Refuse enclosures - Refuse enclosures shall be designed to reflect the major design elements or details of the residential units and shall provide access for persons separate from the refuse vehicle access. Buildings that include four stories or more shall provide elevators, except where the third story consists entirely of upper levels of residence that have entrances at the first or second story.~~

(K) Laundry Facilities. Each dwelling unit shall have a laundry area to accommodate a washer and dryer. When laundry facilities are not provided within the units, common laundry facilities shall be provided in a separate room with a minimum of two washers and two dryers. Additional washers and dryers must be provided for any development that has more than twenty units at a minimum ratio of one washer and one dryer for every additional twenty units. Any fractional calculations shall be rounded up.

('64 Code, Sec. 36-7.9.3) (Ord. No. 2152, 2923)

SEC. 16-362. DESIGN STANDARDS.

The provisions of this Section shall apply to the housing development of any new attached multi-family residential project of two or more units, not including Accessory Dwelling Units. The development shall incorporate the following objective design standards:

(A) Neighborhood compatibility.

(1) Residential developments located abutting or across the street from a single-family neighborhood shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas, garages and carports shall be located behind residential structures unless it is technically infeasible based on other City or State required standards.

(2) Duplexes, triplexes, and fourplexes abutting or across the street from a single-family neighborhood shall include individual front doors and interior stairs (when stairs are needed and when allowed for ADA accessibility).

(3) When determined necessary by a noise assessment, sound walls shall include an earth berm and landscaping. Walls shall not exceed ten linear feet without openings along primary street frontages and 25 linear feet along side and rear street frontages.

(B) Building design.

(1) Buildings shall orient towards the primary street frontage or internal courtyard. Direct pedestrian access shall be provided between the public sidewalk and the primary building entry.

(2) Buildings shall carry the same theme on all elevations. For this standard's purposes, a theme includes primary (non-accent) materials and colors.

(3) Exterior siding shall be made of nonreflective and nonmetallic materials. Acceptable siding material includes wood, stucco, ceramic tile, brick, stone, or other masonry materials, or any combination of these materials.

(4) Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.

(5) Blank walls (facades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.

(6) Buildings over three stories must provide a ground floor elevation that is distinctive from the upper stories by providing a material change or color change between the first floor and upper floors when in alignment with a change in architectural fenestration or facade articulation. The change in material or color shall occur along at least 75% of the building facade with frontage upon a street, adjacent public park, or public open space.

(7) Buildings over seven stories must provide a taller ground floor elevation or a base encompassing the second floor that is distinctive from the upper stories by providing a material change between the first two floors and the upper floors when in alignment with a change in architectural fenestration or facade articulation. The change in material shall occur along at least 75% of the building facade with frontage upon a street, adjacent public park, or public open space.

(8) Rain gutters and downspouts shall integrate as closely as possible with building design elements, including matching adjacent building colors as closely as possible.

(9) The primary street and the side street frontages, up to 75 feet from the primary street front property line, of on-grade parking podiums and parking structures shall be lined with occupiable, usable space with a minimum depth of 18 feet. Non-lined portions of above-grade garages (rear of lots along side streets, or where zero-lot line condition is not utilized) must be set back at least five feet. The setback area shall contain landscaping of the same quality as elsewhere on the property. In cases where garages are exposed to the street, the garage should be designed as a continuation of the building it serves, with the same level of detail and pattern of openings.

(10) Windows facing public streets or public open spaces shall incorporate one of the following:

- a. 4" minimum headers, sills, or inset material;
- b. 2" wide trim surrounds;
- c. 2" inset or recess.

(11) At least two materials shall be used on any building façade with frontage upon a street, adjacent to a public park or public open space, in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage.

(12) Building facades shall be multi-colored. Each facade must contain not less than two but not more than five distinct colors. Extremely bright colors are only allowed on doors, window trim, or other building components that represent a small portion of the overall building facade. Materials, finishes, fixtures, and colors visible from street frontages, public or private parks, or public or private open space shall be designed in a manner that is consistent with the architectural style of the building.

(C) Entrances

(1) For all residential and nonresidential uses, at least one primary entrance to a ground-floor use shall face the primary street right-of-way. Individual residential unit entries may face a secondary/side street or be

accessed through the building's interior. On corner parcels, the primary entrance may face the street corner of the primary street and a secondary street.

(2) Entrances for Mixed-Use Developments. Separate entrances shall be provided for the nonresidential and residential portions of a mixed-use building.

(3) Nonresidential Entrances shall incorporate at least one of the following entry features:

(a) Shopfront – Characterized by a frontage where the main façade of the building is at or near the right-of-way/property line, with the building entrance at sidewalk grade. Typical elements include substantial glazing on the sidewalk level and a canopy or awning element above most of the frontage.

(b) Gallery, minimum width of 10 feet – A frontage where the main façade of the building is alighted at or close to the right-of-way/property line and an attached cantilevered shed roof or lightweight colonnade overlaps the sidewalk.

(c) Forecourt – A frontage where a portion of the main façade of the building is at or near the right-of-way/property line and a (generally central) portion is set back to create a small courtyard.

(d) Commercial Terrace - A frontage where a terrace or patio extends along the building's frontage providing outdoor uses typically associated with the non-residential use, such as outdoor cafes.

(4) Residential Entrances. Exterior entrances serving residential units or buildings shall incorporate one of the following entry features:

(a) Stoop – with a minimum size of four feet by four feet and no higher than five feet in height (above the adjacent sidewalk);

(b) Porch – with a minimum size six feet by eight feet for common entries and at least five feet by eight feet for individual entries

(c) Overhang (if building has a shared lobby) with a recessed depth of at least three feet.

(D) Massing and Articulation.

(1) Architectural articulation shall be provided on all four sides of a building. The building façade design must incorporate at least two (2) details: window trim, window recesses, cornices, belt courses, a variety of finishes matching front facades, balconies, porches, and trellises.

(2) At least two features such as balconies, cantilevers, dormers, bay windows, patios, porches, stoops, individualized entries, and accent materials shall be incorporated into each proposed building.

(3) Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, using varying setbacks and/or building entries. Major breaks shall be at least 30 inches deep and four feet wide and extend the building's full height.

(4) Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through varying setbacks, building entries and recesses, building step-backs or structural bays. Minor breaks shall be at least 12 inches deep and four feet wide.

(5) Rooflines shall be vertically articulated at least every 50 feet along the street frontage using one of the following techniques:

(a) A change in height of a minimum of four (4) feet

(b) A change in roof pitch, plane, or form

(c) The addition of architectural elements such as parapets, dormers, varying cornices, reveals, and clerestory windows

(E) Site design.

(1) When dwelling units are abutting common open space areas and parks, a minimum of one window from each dwelling shall be located to overlook common areas and parks.

(2) Garages and carports shall be designed to include a minimum of two of the following from the main building(s): materials, detailing, roof materials, or colors.

(3) Controlled entrances to parking facilities (gates, doors, etc.) shall be at least 20 feet setback from the back of sidewalk to accommodate one vehicle entering the facility, or 40 at least 40 feet setback when more than 40 parking spaces are required.

(4) Where bicycle parking is not visible from the street, directional signage to bicycle parking shall be included at the main building entrance. The signage shall be in the form of either a directory not exceeding six square feet and or up to ten individual directional signs not exceeding one square foot each.

(5) Within commercial zones parking shall not be allowed within the front setback areas and direct pedestrian access to the building(s) must be provided from the public right-of-way. Direct pedestrian access between the public right-of-way and the building shall not require crossing parking, drive aisles, or other spaces used for vehicular circulation.

(6) Within commercial zones all housing developments must have direct interaction with the public right-of-way. These residential units may have covered patios and decks which can be constructed within the front yard setback within five feet of the property line provided the patios or decks have steps and or gates which lead directly to the public right-of-way. Second and third floor residential units may have decks and or balconies which encroach up to ten feet into the front yard setback.

(7) Surface parking lots. In addition to the Parking Area Landscape Requirements in Section 16-641 of this Chapter, the following requirements shall apply to surface parking lots for residential development. Where the requirements conflict with Section 16-641, the requirements in this Subsection shall take precedent:

(a) All surface parking lots shall be screened from street views by at least one of the following:

(i) Buildings

(ii) Decorative Walls (36 to 48 inches tall)

(iii) Planted earth berm (36-48 inches tall) no less than five feet wide,

(iv) Planted fencing

(b) Landscaping within or around the parking area shall cover a minimum ratio of 10% of the net area of the parking lot. For uncovered parking areas a minimum of two shade trees shall be provided for every ten parking spaces or shade trees shall be provided to achieve 30% canopy coverage of paved area at maturity.

(c) At least two types of driveway finishes, or decorative designs, shall be provided.

(8) Parking Structures

(a) Vehicular Access shall be located in the rear or on the side of a lot and accessed by an alley, lane, or drive aisle.

(b) Any exposed elevations of the parking structure shall be designed to reflect architectural compatibility with existing or proposed structure(s). The exterior elevations of the parking structure shall be designed to minimize the use of blank facades through the combined use of architectural treatment such as heavy textured concrete, planters, openings, indentations, and projections of exterior walls.

(c) Garage doors closer than 23 feet to the front property line shall have sectional roll-up garage doors.

(9) Frontage improvements shall be designed to be consistent with public works plates. The frontage improvements shall be designed to connect with and transition into adjacent existing frontage improvements.

(10) Common use site areas shall include refuse collection, mail distribution, laundry, recreation, and congregation. All such areas shall be connected with an accessible route.

(11) Utility meters, mailboxes and address directories shall be placed in decorative cabinets and clustered for efficient access for residents and service persons. Utility meter panels shall be painted to match structures upon which they are located. Such panels shall be located to take advantage of screening (e.g., landscaping, or other building elements) from any public right-of-way to the maximum extent feasible.

(12) Secured mail and parcel distribution areas shall be provided and shall be well lit, secure, and shall remain open to the tenants.

(13) Graphic site directories shall be provided at principal access walkway points.

(14) Lighting

(a) 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.

(b) Lighting elements shall be shielded so as not to be directly visible from a public street. 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 skyward or on any adjacent property or roadway.

(c) To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected.

(d) The bottom of a lamp along a sidewalk or other path being lighted should not be more than 20 feet above the ground.

(e) Site lighting features shall be consistent with the building architecture where located in public view.

(f) Light standards illuminating interior walkways shall be no more than eight feet tall. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet tall. Light shall be directed away from dwelling units.

(g) All drive lanes (alleys) shall be provided with independently metered lighting with automatic daylight sensors for dusk to dawn lighting within drive lanes.

(F) Landscaping.

(1) All trees planted or placed on the property shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size.

(2) Landscape plant materials shall comply with the City of Oxnard Landscape Standards, and the City's Landscape Conservation measures/Emergency Drought Declaration as applicable.

(3) Permanent and automatic irrigation systems shall be provided for all landscaped areas per the city's design criteria and specifications. The irrigation system shall include a water sensor shut off device as a water conservation measure.

(G) Accessory elements.

(1) All accessory buildings (e.g., garages, sheds, recreation facilities) must incorporate the same design, materials, and colors as the primary building. Additions and patio covers shall conform to the requirements of the zone for setbacks.

(2) Perimeter fencing utilized along a public street shall be constructed of decorative iron, pre-painted welded steel, CMU block, wood picket material or plant walls (green walls). Street side yard walls shall be set back 10 feet from any public sidewalk.

(3) Walls separating the patio areas of different units shall be of solid construction, such as masonry, stucco, or wood over wood. Ground level patios shall be enclosed by walls not less than five feet high. If a six-

foot fence is desired, the top 12 inches shall allow for vision in and out of the yard, unless a higher height is required for noise mitigation.

(4) All roof top, wall mounted or ground mounted equipment must be fully screened. Utility meters shall be screened or integrated into the building design. Rooftop screening must use the materials and colors from the building and be architecturally integrated.

(5) All exterior storage facilities shall be screened from the public view, within an enclosure with walls at least six feet in height.

(6) All wood service poles, electric and gas meters, fire sprinkler valves and backflow preventers and transformers shall be located in the least prominent locations onsite as allowed by the utilities, and all equipment shall be screened from public view either with landscaping, fencing or integrated into the design of the primarily or accessory structure.

(7) Refuse and Recycling.

(a) All refuse enclosures shall be designed to comply with the city material management and approved City Standard Plan on file with the Community Development Department. The enclosures shall include a concrete apron along the length of the trash enclosure opening that extends at least 15 feet from the enclosure's face.

(b) All refuse bins shall be shielded within a refuse enclosure with a solid wall and roof. The enclosure shall be an adequate size to accommodate the required containers. The enclosure shall match the major design elements and color of the main structure. All enclosures and gates shall be detailed to withstand heavy use. Wheel stops or curbs shall also be provided to prevent dumpsters from banging into the walls of enclosures.

(c) An opening in the enclosure shall be provided so that pedestrians can access the dumpsters without opening the large gates.

(d) Lighting shall be provided at trash enclosures for nighttime security and use.

(e) The refuse enclosures shall not be located closer than 20 feet from a residential unit (including those on abutting properties), or more than 150 feet from a residential unit. No minimum distance from dwellings is required if the dumpsters are in a fully enclosed room.

(f) Recycling containers shall be provided in common areas for residents to dispose of their recyclable waste (examples: indoors for newspapers and beverage containers; outdoors for beverage containers). Containers used exclusively for recycling shall be clearly identified as "recycling only" with clear icons or other graphics on each container appropriate to the container's content.

(H) Public safety standards.

(1) Plans submitted for review of residential development shall include the following safety features:

(a) Recreation areas shall be located adjacent to residential uses whenever possible. These areas shall be visible to residents from within their dwellings to allow for "eyes on the street" proper visual surveillance. Placement of windows, landscaping, lighting, and recreation uses shall be coordinated to enhance resident surveillance opportunity, but not to detract from the recreational use.

(b) General utilization of the concepts of crime prevention through environmental design (CPTED) in the planning and development stages.

(2) The inclusion of the following items shall be verified by the public safety department prior to issuance of the first building permit for a residential unit.

(a) Development of a security plan for multifamily or mixed-use developments that includes:

1. Management contact for public safety issues available 24-hours a day;
 2. Cameras for monitoring and recording vehicles and persons entering the site;
 3. Access control systems to control passage into common areas;
 4. Secure postal and parcel delivery;
 5. Quick removal of graffiti; and
 6. Enforcement of restricted parking spaces.
- (b) Preparation of a standardized, high density, "wayfinding" sign program to aid emergency responders in finding individual residential units quickly and easily.
- (c) A Click2Enter radio frequency access system shall be installed at any vehicle and pedestrian access point controlled by privacy gates.
- (d) Security. Residential units shall be designed to ensure the residents' security through the provision of secured entrances and exits that are separate from the nonresidential uses. Nonresidential and residential uses shall not have common entrance hallways or common balconies. These separations shall be shown on the development plan and the separations shall be permanently maintained.
- (e) Windows. Residential windows of buildings directly adjacent to industrial uses shall generally be directed away from loading areas and docks unless view-restricting architectural elements are utilized.

SEC. 16-363. DEVELOPMENT DESIGN PERMIT REVIEW.

Attached multi-family developments ~~of six or more units which are~~ that is proposed ~~for a~~ on property not located in a Planned Development zone, or which do not otherwise require a Special Use Permit, may be approved by issuance of a Development Design Review permit or a Site Plan Review permit where the State has mandated that the City approval must be ministerial.

('64 Code, Sec. 36-7.9.4) (Ord. No. 2152)

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. 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.

Section 4. 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 projects 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.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. 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 _____, and finally adopted on _____, to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

John Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

ATTACHMENT

2

CEQA EXEMPTION MEMORANDUM AND INITIAL STUDY



Rincon Consultants, Inc.

180 North Ashwood Avenue
Ventura, California 93003
805-644-4455

August 1, 2023
Project No: 21-10898

Joe Pearson II, AICP, Planning and Environmental Services Manager
City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
Via email: Joe.Pearson@oxnard.org

Subject: Oxnard Zoning Code and Downtown Code Updates CEQA Exemption Memorandum for 2021-2029 Housing Element Zoning Code and Downtown Code Amendments City of Oxnard, Ventura County, California

Dear Mr. Pearson:

This memorandum provides an analysis to support the determination by the City of Oxnard (the lead agency) that the proposed Oxnard 2021-2029 Housing Element Zoning Code and Downtown Code Amendments (project) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) ("general rule" or "common sense") and of Title 14, Article 18, 15620 of the California Code of Regulations (statutory). The proposed project falls within the sphere of the general rule or common sense 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 project is not subject to CEQA.

Project Background

The City of Oxnard prepared and adopted Initial Study/Mitigated Negative Declaration No. 2021-01 in 2021 (IS/MND - No. 2021-01) for the City of Oxnard's Amended 2021-2029 Housing Element that evaluated the environmental impacts for potential full build-out of 823 dwelling units on 14 new candidate housing sites (totaling an approximately 34.25 acres) to support meeting the City's Regional Housing Needs Assessment (RHNA) allocation of 2,911 lower income dwelling units.

As part of the 6th cycle Housing Element update, cities are required to identify housing sites that provide the development capacity to accommodate build out of the City's RHNA allocation at all income levels. Oxnard has limited opportunities to provide affordable housing due to historic land use patterns, high land and housing costs, and scarcity of vacant land. To accommodate the City's RHNA need for all income levels, future housing development would occur through a variety of methods, including development on vacant parcels, infill development in existing residential and commercial areas, development of accessory dwelling units (ADU), and development on City-owned parcels. Housing elements are also required to consider ways to promote access to housing that is attainable for residents at all income levels, beyond focusing solely on opportunities for production of new units.

The City of Oxnard's Amended 2021-2029 Housing Element was adopted by the Oxnard City Council on October 4, 2022 and certified by the State of California, Department of Housing and Community Development (HCD) on October 25, 2022. The 2021-2029 Housing Element Zoning Code and Downtown Code Amendments would implement the Housing Element programs to promote housing on a citywide level. It would also involve revisions to the Codes to allow future staff, designers,



developers, architects, and the general public to clearly communicate and interpret these provisions. Objective Design Standards would include topics such as site planning, building massing, frontages, entrances, building material, architectural styles, landscape, lighting, and open space.

Based on a review of the City's adopted and certified 6th Cycle Housing Element, the following Zoning Code and Downtown Code amendments would be implemented:

- **Program 6 Zoning Code and Downtown Code Amendments**
 - Compliance with state Accessory Dwelling Unit (ADU) law by revising parking requirements
 - Compliance with state Employee Housing Act related to farmworker employee housing
 - Compliance with state density bonus law
 - Streamlining ordinance provisions by clarifying permitting requirements and simplifying code requirements
 - Compliance with AB 2162 by allowing supportive housing without discretionary review in areas zoned for residential use in zones where multifamily and mixed uses are permitted, including in nonresidential zones permitting multifamily uses
 - Compliance with state law related to emergency shelters
 - Compliance with AB 101 by allowing low-barrier navigation centers without discretionary review in areas zoned for mixed-use and nonresidential zones permitting multifamily uses
 - Compliance with AB 2634 by allowing single-room occupancy units in at least one zoning district
 - Compliance with AB 686 by allowing Residential Care Facilities with seven or more persons as a residential use in zones where multifamily housing units are permitted, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone
 - Compliance with state Housing law by allowing manufactured homes on permanent foundations in all zones that allow single family residential development
 - Compliance with the Fair Housing Amendment Act by only including findings with objective considerations for persons with disabilities seeking a reasonable accommodation in the provision of housing
 - Evaluation of zoning text amendments to evaluate potential barriers to zoning regulations that impact the construction of affordable housing
- **Program 27 Parking Standards**
 - Compliance with the Fair Housing Act by revising parking requirements for residential care facilities
 - Compliance with state Housing law by removing replacement parking requirements for garage conversion to accommodate Accessory Dwelling Units
- **Program 32 Objective Design Standards**
 - Compliance with SB 330 by creating objective design standards and written policies and/or procedures to specify the SB 35 streamlining approval process and standards for eligible projects
- **Additional Housing Element-related Revisions**
 - Update Affordable Housing Overlays requirements to clarify affordable housing calculation in relation to density bonus



Future projects would be required to adhere to the mitigation measures in the adopted IS/MND - No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting.

After review of the proposed project, under the purview of the adopted IS/MND - No. 2021-01 it was determined the IS/MND - No. 2021-01 adequately addresses any potential environmental impacts resulting from amendments to the Zoning Code and Downtown Code. The proposed amendments to the Oxnard zoning code in Chapter 16 and the Downtown Code implement state law and add no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted City of Oxnard Housing Element IS/MND - No. 2021-01. Therefore, the project as a whole is covered by the general rule /common sense exemption. Additionally, the ADU portion is also covered by a statutory exemption.

Exemption Analysis

In order to determine if the proposed project is exempt, we reviewed potential CEQA exemptions that may apply to the proposed project. The following analysis reviews if the proposed project can be considered categorically exempt.

Categorical Exemption

Pursuant to CEQA Guidelines Section 15354, “Categorical Exemption” means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

CEQA Guidelines Sections 15300.2(a) through (f) list specific exceptions for which a CE may not be used. These exceptions are as follows:

- 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 in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

There are no environmental resources of hazardous or critical concern that are designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies on the potential project sites (that were not previously identified and mitigated in the adopted IS/MND - No. 2021-01, such as critical habitat for listed threatened or endangered species (United States Fish and Wildlife 2023a) or hazardous materials release sites. As such, the Zoning Code and Downtown Code updates do not trigger these exemption exceptions.

- 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.

Construction activities associated with implementation of the Zoning Code and Downtown Code update could have environmental effects in the long-term. The proposed project is a list of amendments to the existing Oxnard Zoning Code and Downtown Code to reconcile the adopted 2021 Housing Element, the amendments are related to reconciling City policy and as such does not propose specific development projects. Implementation of the Housing Element was analyzed in the adopted IS/MND - No. 2021-01, future projects would be required to adhere to the mitigation measures to



avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to discretionary review and permitting and potentially additional environmental review. Because the Zoning Code and Downtown Code only reconciles text with the adopted 2021 Housing Element, no new additional development projects are proposed beyond those contemplated in the Housing Element IS-MND. Therefore, implementation of the Oxnard Zoning Code and Downtown Code updates, would not contribute to significant cumulative impacts and would not trigger these exemption exceptions.

- 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 project is consistent with the Housing Element Update uses and no unusual circumstances are present or proposed. Due to the absence of unusual circumstances related to the project or on the project site, the project would not have a reasonable possibility for a significant effect on the environment due to unusual circumstances and this exception does not apply.

- 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.

According to the California Department of Transportation (2023), there are no state designated scenic highway sections within or near the City of Oxnard. The nearest designated scenic highway is Route 33 located near Ojai, approximately 18 miles north of the project site. The nearest eligible scenic highways are the Pacific Coast Highway between Los Angeles to Ventura along Highway 1 and U.S. Highway 101 between Los Angeles to San Luis Obispo. the Zoning Code and Downtown Code updates do not trigger these exemption exceptions.

- 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 project is a Zoning Code and Downtown Code Updates to the 2021-2029 Housing Element, which is a policy document and as such does not propose specific development projects, but facilitates density needed to accommodate the 6th cycle RHNA. Because specific projects are not known at this time, the City cannot assess the specific impacts of development in qualitative terms. All housing development proposals on the AHD Rezone Sites would be subject to the policies listed in the 2030 General Plan Safety and Hazards chapter, the standard conditions of approval, and project-specific environmental review. Furthermore, proposals are subject to development standards and conditions of approval as part of the permitting process, including environmental review. The Zoning Code and Downtown Code updates do not trigger these exemption exceptions

- 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 2030 General Plan Environmental Resources chapter includes a goal and the following policies to protect cultural resources, including requiring avoidance where feasible. The project is consistent with the Housing Element Update uses and no historical resource is present or proposed. Due to the absence of historical resources related to the project or on the project site, the project would not have



a reasonable possibility for a significant effect on the environment due to historical resources and this exception does not apply.

Common Sense Applicability

Pursuant to CEQA Guidelines Section 15061(b)(3), also known as the “general rule” or “common sense” exemption, CEQA exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The CEQA Guidelines state in that section that “A project is exempt from CEQA if... [T]he activity is covered by common sense that CEQA applies only to projects 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.”

Whether a particular activity qualifies for the common sense exemption is a question of fact that is supported by substantial evidence submitted in connection with the project. (*CREED-21 v. City of San Diego* (2015) 234 Cal.App.4th 488, 510). The analysis must identify reasonably foreseeable physical changes and consider any environmental impacts that may result from those changes. (*Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273, 291; *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 386).

The Oxnard Zoning Code and Downtown Updates reconcile the language of the zoning codes with the 2021-2029 Housing Element language already adopted in 2021. It is a policy document and does not propose or approve any physical development. The proposed amendments to the Oxnard zoning code in Chapter 16 and the Downtown Code implement state law and add no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted City of Oxnard Housing Element IS/MND - No. 2021-01 and are not anticipated to result in any new changes to the physical environment.

The proposed project would not result in changes to the physical environment, nor would it result in potential environmental impacts beyond those addressed in IS/MND - No. 2021-01. Furthermore, to ensure adequate factual support for the common sense exemption, an Initial Study (IS) has been completed analyzing each area of potential impact. The IS determined that there would be no environmental impacts that would result from approval of the proposed project. As such, as shown in Attachment 1, Initial Study – Common Sense Exemption, the proposed project meets the criteria for the common sense exemption as identified above.

Statutory Exemption Applicability

Title 14, Article 18 of the **CEQA Guidelines** describes exemptions from CEQA granted by the Legislature, which are referred to as Statutory Exemptions. Pursuant to CEQA Guidelines Section 15260, Program 6 of the Zoning Code and Downtown Code Amendments of this project is exempt from CEQA by the Accessory Dwelling Units Law.



Determination

Based on this analysis documented in this memorandum, the proposed Oxnard Zoning Code and Downtown Code Updates Project meets the criteria for a common sense exemption pursuant to Sections 15061(b)(3) of the **CEQA Guidelines** and a Statutory Exemption pursuant to Title 14, Article 18, 15620 of the California Code of Regulations. Furthermore, exceptions to the applicability of a CE, as specified in section 15300.2(a) through (f) of the **CEQA Guidelines**, do not apply to the project. Therefore, it is concluded that the project is exempt from CEQA pursuant to the common sense exemption CEQA Guidelines Section 15061(b)(3)/

Sincerely,
Rincon Consultants, Inc.

A handwritten signature in blue ink, appearing to read "Lilly Rudolph", written in a cursive style.

Lilly Rudolph, MPA, AICP
Senior Program Manager
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lrudolph@rinconconsultants.com

A handwritten signature in blue ink, appearing to read "Danielle Griffith", written in a cursive style.

Danielle Griffith, JD
Director
213-986-9904
dgriffith@rinconconsultants.com

Attachments

Attachment 1 Initial Study – Common Sense Exemption

Attachment 1

Initial Study – Common Sense Exemption



2021-2029 Housing Element Zoning Code and Downtown Code Amendments

Initial Study – Common Sense Exemption

prepared by

City of Oxnard

Planning Division

214 South C Street

Oxnard, California 93030

Contact: Joe Pearson II, Planning and Environmental Services Manager

prepared with the assistance of

Rincon Consultants, Inc.

180 North Ashwood Avenue

Ventura, California 93003

August 2023

2021-2029 Housing Element Zoning Code and Downtown Code Amendments

Initial Study – Common Sense Exemption

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August 2023



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

rinconconsultants.com

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Initial Study

1. Project Title

City of Oxnard 2021-2029 Housing Element Zoning Code and Downtown Code Amendments

2. Lead Agency Name and Address

City of Oxnard
Planning Division
214 South C Street
Oxnard, California 93030

3. Contact Person and Phone Number

Joe Pearson II, Planning and Environmental Services Manager
805-385-8272

4. Project Location

Oxnard is a coastal community in Ventura County that lies approximately 60 miles northwest of Los Angeles and 35 miles south of Santa Barbara (Figure 1). Oxnard's Mediterranean climate, fertile topsoil, adequate water supply, and long harvest season provide ideal growing conditions in the surrounding Oxnard plain, where agricultural production thrives as a regional industry. As of January 1, 2021, the city's population was 204,675 and it contained 56,334 housing units (California Department of Finance [DOF] 2021a). Oxnard is the largest city in Ventura County with approximately 24.5 percent of the total county population.

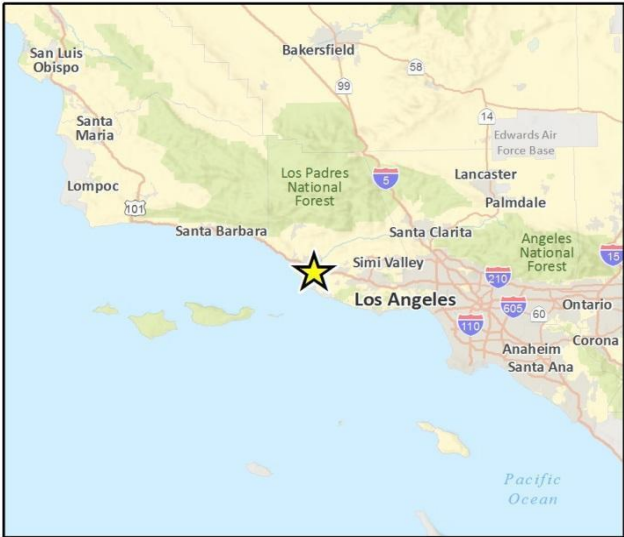
With the Pacific Ocean shoreline forming the city's entire western and southwestern boundaries, the city has coastal views of the Pacific Ocean and Channel Islands from beaches, the marina, and nearby properties. Inland areas include agricultural fields, residential and commercial development, and a cluster of high-rise office buildings near U.S. Highway 101 (US 101), also known as the Ventura Highway.

Figure 1 Regional Location



Imagery provided by Esri and its licensors © 2019.

★ Project Location



Source: City of Oxnard

5. Description of Project

Project Components

The 2021-2029 Housing Element Zoning Code and Downtown Code Amendments (proposed project) includes an amendment of the City's Zoning Code and Downtown Code that serve to meet the housing objectives identified in the Regional Housing Needs Assessment (RHNA). On March 22, 2021, SCAG issued its final 6th-cycle RHNA Allocation Plan, which determined that the City of Oxnard needed to accommodate 8,549 total units. In accordance with State Housing law, local governments must be accountable for ensuring that projected housing needs can be fully accommodated at all times during the Housing Element planning period. The 2021-2029 Housing Element provides a framework for evaluating the adequacy of local zoning and regulatory actions to ensure each local government is providing sufficient appropriately designated land throughout the planning period. The City of Oxnard can count as credit toward meeting the 6th cycle RHNA any new dwelling units approved, permitted, and/or built during the current RHNA planning period (October 15, 2021 to October 15, 2029). There are 32 candidate sites totaling 81.45 acres that will be used to meet the remaining RHNA allocation for moderate and lower income households after the accessory dwelling units (ADU), existing projects, and specific plan and area plan development. These include 18 candidate sites comprising 41 parcels and totaling 47.2 acres, for which the Affordable Housing Permitted (AHP) overlay zone associated with the former Affordable Housing Opportunity Program (AAHOP) program will be removed and an AHP overlay added and 14 candidate sites comprising 26 parcels and totaling 34.25 acres, currently zoned as R-3, C-2, M-L, and BRP to which the AHD overlay will be added to facilitate affordable housing development (AHD Rezone Sites). The proposed project will implement the Housing Element programs to promote housing on a citywide level. It will also involve revisions to the Codes to allow future staff, designers, developers, architects, and the general public to clearly communicate and interpret these provisions. Objective Design Standards will include topics such as site planning, building massing, frontages, entrances, building material, architectural styles, landscape, lighting, and open space.

Summary of Proposed Zoning Code and Downtown Code Amendments

The City of Oxnard's Amended 2021-2029 Housing Element was adopted by the Oxnard City Council on October 4, 2022, and certified by the State of California, Department of Housing and Community Development (HCD) on October 25, 2022. The 2021-2029 Housing Element Zoning Code and Downtown Code Amendments will implement the Housing Element programs to promote housing on a citywide level. It will also involve revisions to the Codes to allow future staff, designers, developers, architects, and the general public to clearly communicate and interpret these provisions. Objective Design Standards will include topics such as site planning, building massing, frontages, entrances, building material, architectural styles, landscape, lighting, and open space.

Based on a review of the City's adopted and certified 6th Cycle Housing Element, the following Zoning Code and Downtown Code amendments will be implemented.

- **Program 6 Zoning Code and Downtown Code Amendments**
 - Compliance with state Accessory Dwelling Unit (ADU) law by revising parking requirements
 - Compliance with state Employee Housing Act related to farmworker employee housing
 - Compliance with state density bonus law

- Streamlining ordinance provisions by clarifying permitting requirements and simplifying code requirements
- Compliance with AB 2162 by allowing supportive housing without discretionary review in areas zoned for residential use in zones where multifamily and mixed uses are permitted, including in nonresidential zones permitting multifamily uses
- Compliance with state law related to emergency shelters
- Compliance with AB 101 by allowing low-barrier navigation centers without discretionary review in areas zoned for mixed-use and nonresidential zones permitting multifamily uses
- Compliance with AB 2634 by allowing single-room occupancy units in at least one zoning district
- Compliance with AB 686 by allowing Residential Care Facilities with seven or more persons as a residential use in zones where multifamily housing units are permitted, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone
- Compliance with state Housing law by allowing manufactured homes on permanent foundations in all zones that allow single family residential development
- Compliance with the Fair Housing Amendment Act by only including findings with objective considerations for persons with disabilities seeking a reasonable accommodation in the provision of housing
- Evaluation of zoning text amendments to evaluate potential barriers to zoning regulations that impact the construction of affordable housing
- **Program 27 Parking Standards**
 - Compliance with the Fair Housing Act by revising parking requirements for residential care facilities
 - Compliance with state Housing law by removing replacement parking requirements for garage conversion to accommodate Accessory Dwelling Units
- **Program 32 Objective Design Standards**
 - Compliance with SB 330 by creating objective design standards and written policies and/or procedures to specify the SB 35 streamlining approval process and standards for eligible projects
 - Additional Housing Element-related revisions
 - Update Affordable Housing Overlays requirements to clarify affordable housing calculation in relation to density bonus

Future projects would be required to adhere to the mitigation measures in the adopted City of Oxnard Housing Element 2021 IS-MND (IS/MND - No. 2021-01) for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting.

6. Location of Prior Environmental Document(s)

The Community Development Director for the City of Oxnard, 214 South C Street, Oxnard, California, 93030 serves as the custodian of the General Plan, the 2030 General Plan, including the 2021-2029 Housing Element, and the associated environmental documents. A copy of the 2009 PEIR and supporting documents are available online at the City of Oxnard, Planning Department webpage and by request: <https://www.oxnard.org/city-department/community-development/planning/2030-general-plan/>

7. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

The City initiated the tribal consultation process, as required under Public Resources Code (PRC) Section 21080.3.1 and consistent with Assembly Bill (AB) 52 and Senate Bill (SB) 18. The City mailed consultation letters on March 16, 2021 according to SB 18, and on March 16, 2021 according to AB 52, to contacts identified by the Native American Heritage Commission that requested that the City of Oxnard notify them of projects subject to AB 52 or SB 18. Under AB 52, Native American tribes have 30 days to respond and request further project information and formal consultation, and under SB 18 Native American tribes have 90 days to respond requesting consultation. On March 23, 2021 Fred Collins for the Northern Chumash Tribal Council responded that it supports the local tribal government's recommendations.

Between June 24 and June 29, 2021 the City's consultant attempted on three occasions to contact each of the six tribal representatives by telephone and leave messages when possible. There was no request for consultation. The City considers this effort a satisfactory attempt to contact the tribes for consultation for this project and its related CEQA process. The tribal contacts will continue to receive CEQA notices related to this project.

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Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology and Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards and Hazardous Materials |
| ☐ Hydrology and Water Quality | ☐ Land Use and Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population and Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities and Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

Determination

Based on this initial evaluation, I find that the proposed project will not result in a physical change to the environment that would have a significant effect on the environment and is therefore subject to the common sense exemption. In addition, under CEQA Guidelines Section 15260, Program 6 of the Zoning Code and Downtown Amendment of this project is exempt from CEQA by the Accessory Dwelling Units Law.

_____ Signature	_____ Date
_____ Joe Pearson II, AICP	_____ Planning and Environmental Services Manager
_____ Printed Name	_____ Title

Environmental Checklist

1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	☐	☐	☐	☒

Environmental Setting

Oxnard is a coastal community mostly built-out with single-family and multi-family homes, retail areas that include strip mall development with large parking lots, and light industrial development that include two and three-story campuses that support agriculture businesses and other industries. Oxnard's beaches and coastline are recognized as the City's primary natural scenic resource, with McGrath State Beach located within the Planning Area. City, County, and State beaches provide views of the Pacific Ocean and the offshore Channel Islands on clear days. Other visual resources in the Coastal Zone include tall sand dunes near Mandalay Beach and the wetlands in the Ormond Beach area. In order to preserve the aesthetic quality of the Planning Area's coastline, the City's Coastal Land Use Plan guides development along the Coastal Zone.

The Santa Clara River forms part of the northern boundary of the city with smaller waterways and drainage channels providing natural scenery and wildlife habitat. Many of these local waterways are

visible from viewpoints along local roadways, such as South Victoria Avenue and North Ventura Road. The city's northern, eastern, and western boundaries are defined by agricultural greenbelts, and are preserved formally for long-term agricultural use. The land preserved for agricultural use cannot convert to urban development without voter approval.

Urban landscape areas are also considered an important visual resource; particularly where neighborhoods have retained many of their original buildings and architectural features and where park or plaza features provide open space. The study area for aesthetics includes the areas in which the AHD Rezone Sites are situated and not the entire city. The AHD Rezone Sites are situated in areas currently zoned for commercial, business research, and light industrial uses outside the Coastal planning area. Site 33 is the nearest to the Santa Clara River 2.9 miles south.

a. Would the project have a substantial adverse effect on a scenic vista?

A scenic vista can generally be defined as a public viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. In Oxnard, these include waterways, agricultural greenbelts, beaches, and coastline, as listed above. The 2021-2029 Housing Element prioritizes the development of new housing on infill sites in areas with existing public transit infrastructure. The AHD Rezone Sites would allow for the development of new housing on sites currently zoned C1, C-2, ML, and BRP, where non-residential development is allowed. The proposed project would have the potential to affect scenic views if new or intensified development blocked these coastal recreation areas.

Implementation of the proposed project would not result in any substantial physical effects as the City is fully developed with commercial, residential, utility, and open space, and institutional uses. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01.

Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting.

Therefore, the proposed project would not have a substantial adverse effect on a scenic vista. No impact would occur.

NO IMPACT

b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There are no officially designated State Scenic Highways in Oxnard (California Department of Transportation [Caltrans] 2019). U.S. 101 is officially designated for a 21.4-mile stretch in Santa Barbara County, nearly 40 miles north of Oxnard. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element

and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. The proposed project would not damage scenic resources of any kind within a state scenic highway. There would be no impact.

NO IMPACT

- c. *Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Furthermore, the proposed project does not include any impacts to the City's Zoning Ordinance governing scenic quality. Therefore, there would be no impacts related to conflict with applicable zoning or other regulations governing scenic quality would occur.

NO IMPACT

- d. *Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting.

As determined in the City of Oxnard's Amended 2021-2029 Housing Element (adopted on October 4, 2022), the proposed project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the city. For those future projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts. Therefore, similarly, the proposed project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the city. No impact would occur.

NO IMPACT

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2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Environmental Setting

Ventura County is recognized as one of the principal agricultural counties in the state, with annual gross revenue from the sales of agricultural commodities of approximately 2.2 billion dollars (City of Oxnard 2006). Ventura County consistently ranks among the highest agricultural revenues of the 58 counties in the state. Agriculture generates a substantial number of jobs ranging from crop production to processing, shipping and other related industries.

The seasonal row crop production pattern throughout west Ventura County is divided into two general categories: cool season and warm season crops. The cool season crops are generally harvested from fall through spring or early summer. The warm season crops are harvested from mid-summer through fall. There are also a few year-round crops. Fruit and nut crops and vegetable crops comprise the most valuable crop groups. Strawberries are consistently among the leading crops in revenue. Other high value crops include citrus fruits, raspberries, and nursery stock. Based on information in the 2030 General Plan Background Report, over 24,500 acres in the Oxnard

Planning Area were designated for Agricultural use, which is just over half of the entire Oxnard Planning Area.

The California Department of Conservation prepares maps of important farmland throughout the state, based on categories of agricultural land defined by the U.S. Department of Agriculture land inventory and monitoring criteria, and regularly reports on the conversion of farmland to other uses (pursuant to Government Code Section 65570). The categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance designations are often referred to collectively as “Important Farmlands.”

The study area for agricultural resources includes the areas in which the AHD Rezone Sites are situated and not the entire city. The AHD Rezone Sites (sites not included in prior Housing Elements) are situated in developed areas outside the Coastal Zone planning area. No AHD Rezone Sites are currently under agricultural production; however, Housing Element site 35 and the Teal Club and Maulhardt specific plan application project sites are currently used for agricultural production. Both specific plan applications are under independent environmental review, and site 35 was evaluated in a prior housing element (not new sites resulting from the 2021-2029 Housing Element).

- a. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b. *Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Furthermore, there is no active Farmland or Williamson Act contract lands in or adjacent to Oxnard. Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), or conflict with existing zoning and existing Williamson Act contracts, and no impact would occur.

NO IMPACT

- c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to

be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, or timberland zoned Timberland Production, and no impact would occur.

NO IMPACT

- e. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

As discussed under responses “2.a” through “2.d,” there would be no impacts associated with agricultural or forest lands. The proposed project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. Therefore, no impact would occur.

NO IMPACT

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3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☐	☒
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

Environmental Setting

The federal and State Clean Air Acts (CAA) mandate the control and reduction of certain air pollutants. Under these laws, the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have established the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS) for “criteria pollutants” and other pollutants. Some pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere, including carbon monoxide, volatile organic compounds (VOC)/reactive organic gases (ROG), nitrogen oxides (NOX), particulate matter with diameters of ten microns or less (PM10) and 2.5 microns or less (PM2.5), sulfur dioxide, and lead. Other pollutants are created indirectly through chemical reactions in the atmosphere, such as ozone, which is created by atmospheric chemical and photochemical reactions primarily between VOC and NOX. Secondary pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog).

Air pollutant emissions are generated primarily by stationary and mobile sources. Stationary sources can be divided into two major subcategories:

- Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat.
- Area sources are widely distributed and include such sources as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products.

Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and can also be divided into two major subcategories:

- On-road sources that may be legally operated on roadways and highways
- Off-road sources include aircraft, ships, trains, and self-propelled construction equipment

Air pollutants can also be generated by the natural environment, such as when high winds suspend fine dust particles.

Air Quality Standards and Attainment

The Ventura County Air Pollution Control District (VCAPCD) is required to monitor air pollutant levels to ensure that the NAAQS and CAAQS are met and, if they are not met, to develop strategies to meet the standards. Table 1 lists nationally recognized criteria pollutants and provides a brief description of their health effects. Ventura County’s strategy for attaining the federal 0.075 ppm ozone standard also relies on CARB’s 2007 State Implementation Plan (VCAPCD 2017). CARB’s Ambient Air Quality Standards Designation Tools shows Ventura County, including Oxnard as in non-attainment for federal ozone standards but in attainment for PM_{2.5}, and PM₁₀ standards, and in nonattainment for ozone and PM₁₀, but in attainment for PM_{2.5} (CARB 2021).

Table 1 Health Effects Associated with Non-Attainment Criteria Pollutants

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Suspended particulate matter (PM ₁₀)	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma). ^a
Suspended particulate matter (PM _{2.5})	(1) Excess deaths from short- and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes, including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children, such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease, including asthma. ^a

^a Detailed discussions on the health effects associated with exposure to suspended particulate matter can be found in U.S. Environmental Protection Agency (USEPA) 2004.

Source: USEPA 2021

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Future development requiring discretionary approval accommodated under the Housing

Element Update would undergo project-specific developmental review to address potential impacts related to air quality. There are no impacts to the applicable air quality plan such as the VCAPCD AQMP associated with the Housing Element Update.

NO IMPACT

- b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*
- c. Would the project expose sensitive receptors to substantial pollutant concentrations?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. As projects are proposed under the 2002 IS-MND, any short-term air quality impacts resulting from construction of the existing sites, such as dust generated by clearing and grading activities, exhaust emissions from gas- and diesel-powered construction equipment, and vehicular emissions associated with the commuting of construction workers will be subject to VCAPCD rules and protocols and have been addressed in the adopted 2022 General Plan. Similarly, operational impacts would be addressed by provisions in the adopted 2022 General Plan and other regulations and standards that govern air quality in Oxnard. Any impacts identified for an individual project would be addressed through the project approval process specific to concerns for that project.

Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. For those future projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with a cumulatively considerable net increase of any criteria pollutant. Therefore, no impacts would occur.

NO IMPACT

- d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The occurrence and severity of potential odor impacts depends on a number of factors, including the nature, frequency, and intensity of the source; the wind speeds and direction; and the sensitivity of the receiving location, each contribute to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Because it is a regulatory document that does not involve or approve physical development, the proposed project would not result in impacts related to odors or other potential emissions. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element

programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, implementation of the proposed project would not result in objectionable odors. No impact would occur.

NO IMPACT

4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Environmental Setting

Oxnard contains a variety of biological communities that provide habitat for both rare and common species. These are mostly human-modified habitats, with the vast majority of the city including mostly urban, industrial, or agricultural production areas. In some areas, a series of industrial oil fields within agricultural lands exists. Native habitats exist mostly on the edges of the city and within the Coastal Zone.

For the purposes of these guidelines, a sensitive biological resource is defined as follows:

- A plant or animal that is currently listed by a state or federal agency(ies) as endangered, threatened, rare, protected, sensitive or a Species of Special Concern or federally listed critical habitat
- A plant or animal that is currently listed by a state or federal agency(ies) as a candidate species or proposed for state or federal listing
- A habitat that is under the jurisdiction of a state or federal resource agency that is responsible for resource protection (e.g., California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, National Marine Fisheries Service)
- A locally designated or recognized species or habitat

The study area for biological resources includes the areas in which the AHD Rezone Sites are situated and not the entire city. The AHD Rezone Sites are situated in developed areas outside the Coastal Zone planning area and other sensitive habitats, such as the Santa Clara River.

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- b. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- c. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The city of Oxnard is located within the Oxnard Plain that also covers areas of unincorporated County land and consists of agricultural and urban land uses. Valley Foothill Riparian habitat can be found adjacent to the Santa Clara River and Marine, Coastal Scrub, and Saline Emergent Wetland habitats can be found along the western (or coastal) portion of the Planning Area (City of Oxnard 2006). These habitats also provide important foraging, dispersal, and migratory corridors for common and special-status species in Oxnard and the surrounding region.

Special-status species are those plants and animals listed, proposed for listing, or candidates for listing as Threatened or Endangered by the United States Fish and Wildlife Service (USFWS) under the Federal Endangered Species Act. A number of sensitive plant species are known to occur or have the potential to occur in the habitats described above, including Ventura Marsh milk-vetch, Salt

Marsh's birdsbeak, and slender-horned spineflower. Similarly, numerous special-status bird, mammal, invertebrate, fish, and reptile species are found in these habitats, including western yellow-billed cuckoo, western snowy plover, California least tern, and tidewater goby (City of Oxnard 2009).

The proposed project is a regulatory document and as such does not propose specific development projects, but facilitates density needed to accommodate the additional housing in the City. Because it is a regulatory document that does not involve or approve physical development, the proposed project would not result in impacts to biological resources. In addition, future development requiring discretionary approval will be subject to project-level CEQA review would identify and require mitigation for any potential site-specific impacts. Any future short-term impacts resulting from construction of the sites would be subject to State and City regulations. Therefore, potential impacts to biological resources will be determined under the design review process. The proposed project will have no impact on biological resources.

NO IMPACT

- e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources. No impact would occur.

NO IMPACT

- f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. The proposed project would have no impact on an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan.

NO IMPACT

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5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Environmental Setting

The earliest residents of the region were the Chumash Indians, known for their well-constructed canoes, fine basket work, and one of the most complex hunter-gatherer cultures. The Ventureño Chumash occupied the area from Topanga Canyon northwest to San Luis Obispo. European presence began in 1542 when Portuguese explorer Juan Rodriguez Cabrillo sailed into Point Mugu lagoon and described the area as “the land of everlasting summers.” After a number of Spanish explorations, Mission San Buenaventura was established in 1782 as a midway point between the San Diego and Monterey Missions. By the late 19th century, the agriculture potential of the Oxnard Plain became more and more evident. More crops were rotated in with lima beans, including sugar beets, barley and citrus. In addition, this success in the sugar beet industry led to the construction of the America Sugar Beet Factory in La Colonia. The local farming industry quickly reoriented to focus on the sugar beet industry, which created unprecedented economic growth.

A town quickly developed close to the beet factory to provide services for the factory and its workers. The Oxnard Improvement Company was created in 1898 to design the town site, focused around a town square called “the Plaza” (presently Plaza Park). Businesses and residences were constructed around the town square, followed by schools and churches. Incorporated in 1903, the City of Oxnard took its name from the Oxnard Brothers who founded the local sugar beet factory.

The study area for cultural resources and tribal cultural resources includes the areas in which the proposed project is situated and not the entire city. The proposed project is in developed areas of the city.

- a. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?*
- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting.

The proposed project not create adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5 or cause a substantial adverse change in the significance of an archaeological resource. In addition, future development would be required to comply with federal, State, and local regulations and policies to preserve historical and archeological resources. Therefore, the proposed project would have no impact on historical and archaeological resources.

NO IMPACT

- c. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts to ground disturbances. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. The proposed project would have no impact pertaining to human remains disturbance.

NO IMPACT

6 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Environmental Setting

California is one of the lowest per capita energy users in the United States, ranked 48th in among states, due to its energy efficiency programs and mild climate. In 2019, California consumed 662 million barrels of petroleum, 2,144 billion cubic feet of natural gas, and one million short tons of coal in 2018 (United States Energy Information Administration [EIA] 2021a). The single largest end-use sector for energy consumption in California is transportation (39.4 percent), followed by industrial (23.1 percent), commercial (18.8 percent), and residential (18.7 percent) (EIA 2021b).

Most of California's electricity is generated in state with approximately 28 percent imported from the Northwest and Southwest in 2019; however, the state relies on out-of-state natural gas imports for nearly 90 percent of its supply (California Energy Commission [CEC] 2021a and 2021b). In addition, approximately 32 percent of California's electricity supply comes from renewable energy sources, such as wind, solar photovoltaic, geothermal, and biomass (CEC 2021a). In 2018, Senate Bill 100 accelerated the state's Renewable Portfolio Standards Program, codified in the Public Utilities Act, by requiring electricity providers to increase procurement from eligible renewable energy and zero-carbon resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

To reduce statewide vehicle emissions, California requires all motorists to use California Reformulated Gasoline, which is sourced almost exclusively from in-state refineries. Gasoline is the most used transportation fuel in California with 14.0 billion gallons sold in 2020 and is used by light-duty cars, pickup trucks, sport utility vehicles, and aviation (California Department of Tax and Fee Administration 2021). Diesel is the second most used fuel in California with 4.2 billion gallons sold in 2015 and is used primarily by heavy duty-trucks, delivery vehicles, buses, trains, ships, boats and barges, farm equipment, and heavy-duty construction and military vehicles (California Energy Commission 2016).

Energy consumption is directly related to environmental quality in that the consumption of nonrenewable energy resources releases criteria air pollutant and greenhouse gas (GHG) emissions into the atmosphere. The environmental impacts of air pollutant and GHG emissions associated with

the project's energy consumption are discussed in detail in Section 3, Air Quality, and Section 8, Greenhouse Gas Emissions, respectively.

- a. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

The proposed project is a regulatory document that does not involve or approve physical development and therefore would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting.

Future development would also be required to adhere to requirements regarding energy reduction measures pursuant to the most updated Title 24 standards. Adherence to these requirements would minimize the potential for future development to result in the wasteful or unnecessary consumption of vehicle fuels. Therefore, there would be no impact.

NO IMPACT

- b. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

The population projection associated with potential build-out of the 2021-2029 Housing Element falls within the SCAG projections for the 2035 planning horizon, including the development of up to 823 units on the AHD Rezone Sites. These potential future development projects would be served by the existing energy providers and would not require the construction of new facilities.

The proposed project is a regulatory document and as such does not propose specific development projects, but only facilitates density needed to accommodate the 6th cycle RHNA. Because specific projects are not known at this time and energy production, transmission, and distribution are not under the City's jurisdiction, the City cannot assess the specific impacts of development on the AHD Rezone Sites, which are largely situated in areas currently zoned for commercial, light industrial, mixed use, and residential uses. VCAPCD thresholds for the 2021-21029 Housing Element evaluation were used and review of potential population growth determined there was no impact associated with the 2022 HE, therefore, as no new projects are associated with the development of the proposed project, similarly no impact would occur here.

NO IMPACT

7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☒
2. Strong seismic ground shaking?	☐	☐	☐	☒
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
4. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Environmental Setting

Regional Geologic and Seismic Setting

California is divided geologically into several physiographic or geomorphic provinces, including the Sierra Nevada range, the Central (Great) Valley, the Transverse Ranges, the Coast Ranges, and others. The Transverse Range includes Ventura County and portions of Los Angeles, San Bernardino, and Riverside counties. Locally, the Transverse Ranges are characterized by east-west trending mountains and faults. Major basins and ranges in the Transverse Ranges include the Ventura basin and the San Gabriel and San Bernardino Mountains.

Oxnard is in a highly active earthquake region of southern California and thus is subject to various seismic and geologic hazards, including ground shaking, surface rupture, and landslides. The study area for geology and soils includes the areas in which the AHD Rezone Sites are situated and not the entire city. The AHD Rezone Sites are situated in developed areas outside the Coastal planning area and are largely developed. Each potential geological hazard is described below.

Faulting

A fault is a plane or surface in the earth along which failure has occurred and materials on opposite sides have moved relative to one another in response to the accumulation and release of stress. The U.S. Geological Survey defines active faults as those that have had surface displacement within Holocene time (about the last 11,000 years). Potentially active faults are those that have had surface displacement during Quaternary time, within the last 1.6 million years. Inactive faults have not had surface displacement within the last 1.6 million years. Ground surface displacement along a fault, although more limited in area than the ground shaking associated with it, can have disastrous consequences when structures are located across or near the fault zone.

Seismically Induced Ground Shaking

Seismically induced ground acceleration is the shaking motion that is produced by an earthquake. Seismically induced ground shaking covers a wide area and is greatly influenced by the distance from the site to the seismic source, soil conditions, and depth to groundwater.

Based on DOC geology maps, there are no known earthquake faults in Oxnard (DOC 2021b). Several active or potentially active faults may affect Oxnard, including the San Andreas Fault, northeast of the project area, and onshore and offshore segments of the Oak Ridge Fault, which is the nearest potentially active fault. The most likely active faults to seismically affect the city and the plan area are the Oak Ridge, Ventura, Simi, and San Andreas faults.

Landslides

A landslide is a perceptible downslope movement of earth mass. It is part of the continuous, natural, gravity-induced movement of soil, rock and debris. Landslides can range from downslope creep of soil and rock material to sudden failure of entire hillsides. Landslides include rockfalls, slumps, block slides, mudslides, debris flows, and mud flows. Landslides or slope instability may be caused by natural factors such as fractured or weak bedrock, heavy rainfall, erosion, earthquake activity, and fire, as well as by human alteration of topography and water content in the soil.

Liquefaction

Liquefaction is a temporary, but substantial, loss of shear strength in granular solids, such as sand, silt, and gravel, usually occurring during or after a major earthquake. This occurs when the seismic waves from an earthquake of sufficient magnitude and duration shear a soil deposit that has a tendency to decrease in volume. If drainage cannot occur, this reduction in soil volume will increase the pressure exerted on the water contained in the soil. Liquefaction can result in slope and/or foundation failure, and also post-liquefaction settlement.

Liquefaction may occur in water-saturated sediment during moderate to great earthquakes. A moderate potential for liquefaction occurs throughout the city, including where the AHD Rezone Sites are located, because underlying sections of thick alluvial deposits, high groundwater levels (0 feet near the coastline to approximately 40 feet at the northeastern corner of the city), and the potential for strong regional ground shaking (City of Oxnard 2009). The combination of these factors constitutes a significant seismic hazard in Oxnard.

Settlement, Lateral Spreading, and Subsidence

Extreme settling or ground subsidence may result from post-liquefaction reconsolidation. Ground settlement often occurs differentially because liquefiable deposits and groundwater elevations are seldom distributed evenly over broad areas. If the ground surface slopes even gently, liquefaction may lead to lateral spreading or low angle landsliding of soft saturated soils. This can result in the rapid or gradual loss of strength in the foundation materials, so that structures built upon them settle or break up as the foundation soil flows out from beneath them.

Expansive Soils

Expansive soils are generally clayey and swell when wetted and shrink when dried. Wetting can occur naturally in a number of ways, (e.g., absorption from the air, rainfall, groundwater fluctuations, lawn watering and broken water or sewer lines). In hillside areas, as expansive soils expand and contract, gradual downslope creep may occur, eventually causing landsliding. Clay soils also retain water and may act as lubricated slippage planes between other soil/rock strata, producing landslides during earthquakes or unusually moist conditions.

Tsunami

A tsunami is an ocean wave produced by offshore seismic activity.

- a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

As with most of southern California, the planning area is within an area that is seismically active and has experienced historic earthquakes from various regional faults. The planning area is located approximately three miles south of the Ventura Fault, and one mile west of the Camarillo Fault, both of which are considered to have been active within the last 11,000 years. According to the California Geologic Survey probabilistic seismic hazard map for California, Oxnard could experience ground shaking from earthquake activity most likely associated with the historically active faults in the surrounding area. Ground shaking could be severe in the event of a rupture of a nearby fault. The proposed project involves amendments to the Zoning Code and Downtown Code to implement

state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. The proposed project includes design guidelines and other standards by reference only and does not include physical development. Rather, specific projects developed would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with earthquake faults. Therefore, the proposed project would not directly or indirectly cause or exacerbate potential substantial adverse effects involving the rupture of a known earthquake fault. No impact would occur.

NO IMPACT

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

As discussed under response “7.a.1,” the project site is situated in the seismically active Southern California Region and is therefore susceptible to ground shaking during a seismic event. Although the nearest mapped fault (i.e., the Camarillo Fault) is located approximately one mile east of the Plan Area, strong ground shaking within the Plan Area may occur in the event of a sufficiently large earthquake on this or other nearby faults. However, implementation of the proposed project described in the *Description of Project* section would not result in any substantial physical effects as the Plan Area is fully developed. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not increase the risk of loss, injury, or death involving ground shaking. No impact would occur.

NO IMPACT

a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Liquefaction is a process whereby soil is temporarily transformed to fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. The Rezoned Sites are not at risk for landslide, but as liquefaction is a possibility throughout the city, there is a risk for unstable soils to occur due to subsidence that could result due to withdrawal of groundwater, oil, or natural gas. Development projects proposed on the AHD Rezone Sites as implementation of the 2021-2029 Housing Element would be subject to the provisions in OCC, which include California Building Code requirements to reduce seismic impacts.

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to

adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring a discretionary action would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with liquefaction. Therefore, the proposed project would not directly or indirectly cause substantial adverse effects from liquefaction risk. No impact would occur.

NO IMPACT

a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with landslides. Therefore, the proposed project would not directly or indirectly cause impacts related to landslides. No impact would occur.

NO IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

Soil erosion or the loss of topsoil may occur when soils are disturbed but not secured or restored, such that wind or rain events may mobilize disturbed soils, resulting in their transport off-site. and mobility objectives identified in the Housing Element. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts.. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with loss of topsoil. Therefore, the proposed project would not result in substantial soil erosion or the loss of topsoil. No impact would occur.

NO IMPACT

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Lateral spreading is the horizontal movement or spreading of soil toward an open face. Lateral spreading may occur when soils liquefy during an earthquake event, and the liquefied soils with overlying soils move laterally to unconfined spaces. Subsidence is the sudden sinking or gradual

downward settling of the earth's surface with little or no horizontal movement. Subsidence is caused by a variety of activities that include, but are not limited to, withdrawal of groundwater, pumping of oil and gas from underground, the collapse of underground mines, liquefaction, and hydrocompaction.

As examined under impact response "7.a.1" of this section, although the proposed project is in a seismically active area, the Plan Area is not located on unstable soils or a geologic unit at risk for liquefaction or landslides. The Plan Area consists of compact, relatively flat land that is surrounded by developed land. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. For those projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with unstable geologic units or soils. Therefore, the proposed project would not create or exacerbate conditions related to unstable geologic units or soils. No impact would occur.

NO IMPACT

- d. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Soils that volumetrically increase (swell) or expand when exposed to water and contract when dry (shrink) are considered expansive soils. A soil's potential to shrink and swell depends on the amount and types of clay in the soil. Highly expansive soils can cause structural damage to foundations and roads without proper structural engineering and are generally less suitable or desirable for development than non-expansive soils because of the necessity for detailed geologic investigations and costlier grading applications.

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with expansive soils. Therefore, the proposed project would not expose people or structures to risks associated with expansive soils. No impact would occur.

NO IMPACT

- e. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The project is in a developed area that has existing sewer systems and other infrastructure capable of accommodating development. Additionally, the proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with septic tanks. Moreover, no septic tanks are proposed under the project. Therefore, there is no potential for adverse effects due to soil incompatibility with septic tanks. No impact would occur.

NO IMPACT

- f. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with paleontological resources. Therefore, the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. No impact would occur.

NO IMPACT

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8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Environmental Setting

Gases that absorb and re-emit infrared radiation in the atmosphere are called greenhouse gases (GHGs). The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), fluorinated gases such as hydrofluorocarbons and perfluorocarbons, and sulfur hexafluoride. Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation. GHGs are emitted by both natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely by-products of fossil fuel combustion, and CH₄ results from off-gassing associated with agricultural practices and landfills. Different types of GHGs have varying global warming potentials (GWP), which are the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO₂) is used to relate the amount of heat absorbed to the amount of the GHG emissions, referred to as carbon dioxide equivalent (CO₂e), and is the amount of a GHG emitted multiplied by its GWP. CO₂ has a 100-year GWP of one. By contrast, CH₄ has a GWP of 28, meaning its global warming effect is 28 times greater than that of CO₂ on a molecule per molecule basis (Intergovernmental Panel on Climate Change [IPCC] 2014a).¹

The accumulation of GHGs in the atmosphere regulates Earth's temperature. Without the natural heat-trapping effect of GHGs, the Earth's surface would be about 33 degrees Celsius cooler. However, emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of GHGs in the atmosphere beyond the level of naturally occurring concentrations.

¹ The IPCC's Fifth Assessment Report determined that methane has a GWP of 28 (IPCC 2014a). However, modeling of GHG emissions was completed using the California Emissions Estimator Model version 2016.3.2, which uses a GWP of 25 for methane, consistent with the IPCC's (2007) Fourth Assessment Report.

As of 2015, the City of Oxnard adopted the 2030 General Plan, which includes a Sustainable Community chapter. The 2030 General Plan contains numerous statements of goals, policies, and implementation measures that relate to complying with the State direction to respond to the issue of GHG emissions and climate change. The policies are directed at improving energy conservation, and at reducing the consumption of energy for vehicle travel and other common urban purposes (the provision of water service, management of solid waste). In addition, the 2030 General Plan includes several policies to address the need for updated coastal planning in response to anticipated sea level rise (SLR).

The 2030 General Plan PEIR concluded that development of the Oxnard Planning Area consistent with the land uses and policies in the 2030 General Plan would have a significant and unavoidable impact for GHG emissions and climate change, because at that time, specific criteria was not available upon which to judge the effects of GHG emissions and at that time, plans and programs were evolving locally and to address the issue (City of Oxnard 2009). Thus, the PEIR found that the 2030 General Plan would potentially conflict with implementation of State goals for reducing greenhouse emissions.

For land use and transportation related projects, the degree of compliance with policies intended to minimize GHG emissions will remain an important element of assessing their impacts. The City is in the process of developing a climate action plan that will have extensive programs to support the policies in the 2030 General Plan designed to reduce GHG emissions.

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with GHG emissions and confliction with applicable plans or policies to reduce GHG emissions. Therefore, the proposed project would not generate GHG emissions that may have a significant environmental impact nor conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. No impact would occur.

NO IMPACT

9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

Environmental Setting

Definition of Hazardous Materials

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in Title 22 of the California Code of Regulations as follows:

A substance or combination of substances which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed (California Code of Regulations, Title 22, Section 66261.10).

Chemical and physical properties cause a substance to be considered hazardous. Such properties include toxicity, ignitability, corrosiveness, and reactivity. California Code of Regulations, Title 22, Sections 66261.20 through 66261.24 defines the aforementioned properties. The release of hazardous materials into the environment can contaminate soils, surface water, and groundwater supplies.

Land Use Patterns

Small quantities of hazardous materials are routinely used, stored, and transported in Oxnard in support of commercial and retail businesses as well as in educational facilities, hospitals, and households. Hazardous materials users and waste generators in the city include businesses, public and private institutions, and households. Federal, State, and local agency databases maintain comprehensive information on the locations of facilities using large quantities of hazardous materials, as well as facilities generating hazardous waste. Some of these facilities use certain classes of hazardous materials that require accidental release scenario modeling and risk management plans to protect surrounding land uses. Residential occupancies generally do not product significant environmental impacts

Past and present land use patterns are good predictors of the potential for past contamination by hazardous materials and the current use and storage of hazardous materials. Industrial sites and certain commercial land uses, such as dry cleaners, are more likely to use and store large quantities of hazardous materials than residential land uses. Land use patterns are also useful for identifying the location of sensitive receptors, such as schools, day-care facilities, hospitals, and nursing homes. In Oxnard, industrial and commercial land uses are concentrated along major transportation corridors, such as U.S. 101, the Downtown area, and the rail corridor. Schools are distributed fairly evenly throughout the city and may occur within 0.25 mile of an AHD Rezone Site.

Hazardous wastes generated by both residents and businesses in Oxnard contribute to environmental and human health hazards of increasing public concern. However, proper waste management and disposal practices can minimize public concern over toxicity and the contamination of soils, water, and the air. Locations known to contain hazardous materials or conditions include those facilities with operations that incorporate the use of underground or aboveground storage tanks. Additional facilities in the city include landfills, transfer stations, material recovery facilities, transformation facilities, waste tire sites, and closed disposal facilities.

The City of Oxnard Fire Department administers the Certified Unified Program Agency/Hazardous Materials Ordinance and has regulatory authority over the local Underground Storage Tank Program. The Leaking Underground Storage Tank (LUST) Incident Report contains an inventory of reported leaking underground tank incidents and is compiled from data provided by the SWRCB Leaking Underground Storage Tank Information System. LUST sites are predominately clustered around the City's primary transportation corridors, including Oxnard Boulevard and Hueneme Road and are associated with retail and commercial uses (e.g., gas stations, convenience stores, car washes). Additional sites are associated with local industrial and agricultural uses.

Other potential hazards affecting the city include earthquake, geologic, flooding, tsunami, coastal waves, noise, hazardous materials and potential terrorist acts. These hazards require an emergency response to inform the public and often generally redirect or evacuate residents to safer locations. City policies for safety and the evacuation of residents during a large-scale incident are managed through the Oxnard Fire Department. Transportation hazards involving interstate highways or State-maintained facilities, such as State Routes, are managed through Caltrans District 7 located in Los Angeles with the California Highway Patrol (CHP) usually the first to respond to the location of the hazard.

The study area for hazards and hazardous materials includes the areas in which the AHD Rezone Sites are situated and not the entire city. The AHD Rezone Sites are situated in areas currently zoned for commercial, business research, and light industrial uses that are already developed. Hazardous materials transport can occur on roadways and highways near or adjacent to the AHD Rezone Sites.

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. For those projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with the routine transport, use, or disposal of hazardous materials. Therefore, no impact would occur.

NO IMPACT

- b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element

programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts. Therefore, no impacts to the public or the environment resulting from the accidental release or exposure to hazardous materials as a result of project implementation would occur.

NO IMPACT

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within a quarter mile of an existing or proposed school. Therefore, no impact would occur.

NO IMPACT

- d. *Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop an updated Cortese List, which includes information on hazardous material sites collected from the California Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and the USEPA. The analysis for this section included a review of the following resources on March 7, 2022, to provide hazardous material release information:

- SWRCB GeoTracker database (SWRCB 2022) 4
- DTSC EnviroStor database (DTSC 2022)
- USEPA Superfund Enterprise Management System (SEMS) (USEPA 2022)

The AHD Rezone Sites may be near or include hazardous land uses, including dry cleaner commercial uses and light industrial uses. If contamination were identified, as part of the development process, project proponents would be required to satisfy the remediation standards required by State and federal agencies, depending on the type of site.

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant

environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with hazardous material sites compiled pursuant to Government Code Section 65962.5. Therefore, no impact would occur.

NO IMPACT

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The Oxnard Airport lies 1.5 miles east of the Pacific Ocean coastline on approximately 216 acres of land in northwestern Oxnard (Ventura County Airport Land Use Commission 2000). It is classified as a non-hub commercial airport because it enplanes less than 0.05 percent of U.S. domestic passengers. Furthermore, there are no private airstrips in the vicinity of the proposed project. Therefore, no impacts would occur.

NO IMPACT

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The AHD Rezone Sites involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with impairing implementation of or physically interfering with an adopted emergency response or evacuation plan. Therefore, no impact would.

NO IMPACT

- g. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

The proposed project is within an urban area of Oxnard. Undeveloped wildland areas are not located in proximity to the proposed project area. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project

would not expose people or structures to a significant risk of loss injury or death involving wildland fires. No impact would occur.

NO IMPACT

10 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
(iv) Impede or redirect flood flows?	☐	☐	☐	☒
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Environmental Setting

Water Supply and Quality

The City of Oxnard participates with other local governments in the Ventura Countywide Stormwater Quality Management Plan. This is a comprehensive regional effort to implement federal and state requirements for reducing water pollution from uncontrolled stormwater runoff. This program defines the best management practices applicable to management of stormwater runoff, and the prevention of dry weather runoff. It also establishes the design requirements for Low Impact Development to minimize the volume of stormwater discharge and pollutant levels that originate from newly developed areas. Compliance with these principles by construction and land development projects that may affect stormwater quality in the City stormwater drainage system is a requirement of the National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004002, issued in 2010 by the California Regional Water Quality Control Board (RWQCB), Los Angeles Region.

Surface Water

The Santa Clara River is the primary surface water feature in Oxnard and the longest free-flowing river in southern California. The river is also one of the few remaining in the area still in a relatively natural state. The total river length is approximately 70 miles, extending from its headwaters at Mount Pinos to the Santa Clara River Estuary adjacent to McGrath State Beach.

Groundwater

The Oxnard Plain groundwater hydrographic sub-unit includes the Oxnard and Pleasant Valley Hydrographic Sub areas, each of which receives natural recharge from a system of nine groundwater basins along the Santa Clara River Basin. The Oxnard Hydrographic Subarea is located in the southwest corner of the Santa Clara River Basin and consists of the Montalvo, Mound, and Oxnard Plain Basins. The Oxnard Plain Basin is the most important to Oxnard and comprises two aquifer systems known as the Upper Aquifer System (UAS) and the Lower Aquifer System (LAS). The UAS consists of the Oxnard Aquifer and the Mugu Aquifer. The LAS comprises the Hueneme, Fox Canyon, and Grimes Canyon aquifers.

Flooding

Due to its low land profile, Oxnard became a member of the National Flood Insurance Program (NFIP). The City adopted a Master Plan of Drainage (2003) and a Floodplain Management Ordinance (Chapter 35 of the Oxnard City Code) to protect its residents and businesses. Oxnard falls within the Santa Clara River's 1,600 square-mile watershed. Flooding in Oxnard caused by rainfall occurs mostly in the winter months when Ventura County receives most of its precipitation. In general, most of Oxnard's rain falls in the period between late January and mid-March. Rainfall in the Oxnard area increases sharply in early November and decreases in mid- to late-March. High winds or tides can cause seawater surges that result in coastal flooding beyond the high tide line. Wave action can directly impact seaside homes and infrastructure, and wave action can indirectly cause beach and bluff erosion, resulting in damage to seaside homes and infrastructure.

Several dams are located at least 35 miles to the east and northeast of Oxnard in Ventura and Los Angeles counties. These include the Santa Felicia Dam at Lake Piru, the Castaic Lake Dam, and the Pyramid Lake Dam. The biggest threat to Oxnard is upstream along the Santa Clara River corridor. Although the potential for a dam failure is low, should one or more of these dams fail, the entire city

is within the Dam Inundation Zone, also called the Dam Failure Hazard Area. Damage to the city could be in the form of a wall of fast-moving water, mud, and debris. Residential and commercial buildings as well as critical facilities could be impacted by a dam failure.

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The City's Stormwater Quality Management ordinance (OCC Chapter 22, Article XII) specifies various prohibitions intended to implement the Clean Water Act and prohibit non-storm water discharges into the storm drain system. BMP requirements are enforced through the City's plan approval and permit process and plans for all new development projects are subject to City inspection. Compliance with the LAMC would ensure that project development under the 2021-2029 Housing Element does not violate any water quality standards or discharge requirements or otherwise substantially degrade water quality.

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Specific projects would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with the violation of water quality standards or waste discharge requirements or the substantial degradation of surface or ground water quality. Therefore, implementation of the proposed project would not violate any water quality standards or waste discharge requirements. No impact would occur.

NO IMPACT

- b. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The Ventura County Watershed Protection District, County of Ventura, and the cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks have joined together to form the Ventura Countywide Stormwater Quality Management Program and are named as co-permittees under a revised countywide municipal NPDES permit for stormwater discharges issued by RWQCB in 2010 (Order R4-2010-0108). Under Order R4-2010-0108, the co-permittees are required to administer, implement, and enforce a Stormwater Quality Management Program to reduce pollutants in urban runoff to the maximum extent practicable. Accordingly, the proposed project would be required by uniformly applied regulations and conditions of approval to comply with NPDES requirements. Compliance with the Oxnard building permit would require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and associated best management practices (BMP). BMPs would include measures that would be implemented to prevent discharge of eroded soils from the construction site and sedimentation of surface waters offsite. BMPs would also include measures to quickly contain and clean up any minor spills or leaks of fluids from construction equipment.

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be

developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting.

Therefore, implementation of the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. No impact would occur.

NO IMPACT

- c.(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?*
- c.(ii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- c.(iii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, implementation of the proposed project would not generate a substantial increase in runoff that would result in substantial erosion, siltation, flooding on- or off-site, or increased polluted runoff. No impact would occur.

NO IMPACT

- c.(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element

programs would be subject to subsequent environmental and other discretionary review and permitting. For those projects requiring discretionary actions, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with flood flows. Therefore, the proposed project would not substantially alter drainage patterns to an extent that would redirect or impede flood flows. No impact would occur.

NO IMPACT

- d. *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

The proposed project area is located in developed areas and none of the AHD rezone sites are within a 100-year flood hazard area (FEMA 2021). The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. No impact would occur.

NO IMPACT

- e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. For those projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts related to conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. Therefore, no impact would occur.

NO IMPACT

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11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Environmental Setting

With the exception of several high-rise buildings in northern Oxnard, the City is characterized by low-rise development, low-density residential, and a large industrial base adjacent to agricultural and natural resources. Higher intensity development can be found adjacent to Oxnard Boulevard, U.S. 101, Saviers Road, and Hueneme Road. While residential land use is predominant within the urban center of the city, open space land is the predominant land use designation within the city, accounting for nearly 60 percent of all land.

a. *Would the project physically divide an established community?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not involve the construction of new roads, railroads, or other features that may physically divide established communities in the city. Consequently, there would be no impact associated with the physical division of an established community.

NO IMPACT

- b. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not result in an increase in development and there would be no impacts related to conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

NO IMPACT

12 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Environmental Setting

Important mineral, sand, and gravel deposits are “primarily located along the Santa Clara River channel, along the U.S. 101 corridor, and along the eastern edge of the city, extending as far west as Oxnard Boulevard in several areas” (City of Oxnard 2006).

Significant mineral deposits, such as sand and gravel resources, can be found within the MRZ-2 and MRZ-3 areas of the city. As seen in Figure 5-15 in the 2030 General Plan Background Report, the MRZ-2 areas are located along the Santa Clara River and adjacent to the U.S. 101. The MRZ-3 areas are located south of the Santa Clara River and along State Route 1. The City of Oxnard currently has four active oil and gas fields with 30 active wells (DOC 2021c).

- Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The California Surface Mining and Reclamation Act of 1975 (SMARA) was enacted to promote conservation and protection of significant mineral deposits. SMARA requires the State to identify and classify mineral deposits within the State as either: (1) containing little or no mineral deposits (Mineral Resource Zone [MRZ]-1), (2) significant deposits (MRZ-2) or (3) deposits identified but further evaluation needed (MRZ-3 and MRZ-4). According to the California DOC Mineral Land Classification Maps, the proposed project area is designated MRZ-2 and MRZ-3, indicating that the area may contain mineral deposits; however, the significance cannot be evaluated using available data. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant

environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. For those projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with mineral resources. Therefore, the proposed project would not result in a loss of availability of a known mineral resource or further the loss of available mineral resources. No impact would occur.

NO IMPACT

13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Environmental Setting

Noise

The unit of measurement used to describe a noise level is the decibel (dB). However, the human ear is not equally sensitive to all frequencies within the sound spectrum. Therefore, a method called “A-weighting” is used to adjust actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz (Hz) and less sensitive to frequencies around and below 100 Hz, thus filtering out noise frequencies that are not audible to the human ear. A-weighting approximates the frequency response of the average young ear when listening to most ordinary everyday sounds. When people make relative judgments of the loudness or annoyance of a sound, their judgments correlate well with the “A-weighted” levels of those sounds. Therefore, the A-weighted noise scale is used for measurements and standards involving the human perception of noise. In this analysis, all noise levels are A-weighted, and “dBA” is understood to identify the A-weighted decibel.

Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used for earthquake magnitudes. A doubling of the energy of a noise source, such as a doubling of traffic volume, would increase the noise level by 3 dB; similarly, dividing the energy in half would result in a decrease of 3 dB (Crocker 2007).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive an increase (or decrease) of up to 3 dBA in noise levels (i.e., twice [or half] the sound energy); that an increase (or decrease) of 5 dBA (8 times [or one eighth] the sound energy) is readily perceptible; and that an increase (or decrease) of 10 dBA (10.5 times [or approximately one tenth] the sound energy) sounds twice (or half) as loud (Crocker 2007).

Vibration Overview

Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration may also damage infrastructure when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Descriptors

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or Root Mean Square (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in./sec.). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020).

- a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with ambient noise levels. Therefore, the proposed project would not result in significant increases in permanent ambient noise levels or exceedance of City standards. No impact would occur.

NO IMPACT

- b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. For those projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with groundborne vibration and noise levels. Therefore, the proposed project would not result in the excessive generation of groundborne vibration or groundborne noise levels. No impact would occur.

NO IMPACT

- c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The Oxnard Municipal Airport is in the city of Oxnard and some AHD Rezone Sites are within 2.0 miles. At the time a specific project is proposed for development on those sites, environmental evaluation would determine if they were within the noise contours for the Oxnard Municipal Airport and appropriate mitigation would be applied as part of the standard conditions of project approval. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted IS/MND No. 2021-01. Future projects would be required to adhere to the mitigation measures in the adopted IS/MND No. 2021-01 for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, no impacts would occur.

NO IMPACT

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14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Setting

Population

As shown in Table 2, Oxnard's estimated January 1, 2021 population was 204,675, making up 24.5 percent of the total population in Ventura County (DOF 2021). Table 2 also shows population growth in the city since census year 2000. Oxnard had the fourth highest growth rate of cities in Ventura County at four percent, but the city population growth was still lower than the state as a whole at seven percent. As evident from the percentage change depicted in Table 2, the population growth has been fairly flat since 2010, with an average increase of only 0.36 percent between 2010 and 2020 (DOF 2021). This falls below SCAGs anticipated growth, which estimated a growth of about 3,347 persons per year over the 20-year planning horizon.

Table 2 Oxnard Population Trends and Forecast

Year	Population	Numerical Change	Percentage Change
2000	170,358	—	—
2001	174,243	3,885	2.3%
2002	175,673	1,430	0.8%
2003	180,655	4,982	2.8%
2004	184,572	3,917	2.2%
2005	185,994	1,422	10%
2006	187,275	1,281	0.7%
2007	189,844	2,609	1.4%
2008	191,877	2,033	1.1%
2009	197,764	5,887	3.0%
2010	197,899	135	0.1%
2011	199,773	1,874	1.0%
2012	200,750	977	0.5%
2013	201,455	705	0.4%
2014	203,418	1,963	1.0%
2015	205,475	2,057	1.0%
2016	205,933	458	0.2%
2017	205,725	-208	-0.1%
2018	205,883	158	0.1%
2019	205,777	-106	-0.1%
2020	205,950	173	0.1%
2021	204,675	-1,275	-0.6%
2030 (projection)	238,126	33,451	14%

Note: percentages are rounded
Source: DOF 2021, SCAG 2016

As shown in Table 2, SCAG's 2016 Growth Forecast projected the 2030 population in Oxnard to be 238,126 (SCAG 2016). The 2021-2029 Housing Element projects that the population in Oxnard could reach 238,126 by 2029, an increase of approximately 14 percent over existing conditions, a number that is in line with the SCAG projections. Finally, current growth trends do not suggest that population would reach either projection over the next eight years.

Housing Stock

Between 2010 and 2020, Oxnard added 3,468 housing units, representing a growth rate greater than Ventura County overall and higher than most other cities in the county (City of Oxnard 2021a). Multi-family homes with five units or more (i.e., apartments or condominiums) increased at a high rate (25 percent), but single-family detached homes made up most of the housing stock (55 percent). Table 3 provides a summary of housing unit types and shows changes from 2000 to 2020.

Table 3 Oxnard Housing Stock Characteristics and Changes

Unit Type	2000 Number of Units	Percentage of Stock	2020 Number of Units	Percentage of Stock	Number of Units Change	Percentage Change
Single-family detached	30,226	57%	30,743	55%	517	2%
Single-family attached	5,632	11%	5,802	10%	170	3%
2 to 4 units	3,670	7%	3,842	7%	172	5%
5+ units	10,629	20%	13,238	24%	2,609	25%
Mobile home and other	2,615	5%	2,615	5%	0	0%
Total	52,772	100%	56,240	100%	3,468	7%

Source: City of Oxnard 2021a

Households

A household is defined as a group of people who occupy a housing unit (U.S. Census Bureau 2015). A household differs from a dwelling unit because the number of dwelling units includes both occupied and vacant dwelling units. Not all of the population lives in households. Some live in group quarters, such as board and care facilities, while others are unhoused. The 2020 Homeless Count and Survey identified 1,743 persons without permanent housing of which 567 were in Oxnard (VC Star 2020).

In Oxnard, there were an estimated 43,576 households in 2000 and 51,460 in 2018, including property owners and renters (City of Oxnard 2021a). SCAGs 2020 RTP/SCS projected an estimated 20 percent growth from 2016 to 2045, for a total of 61,600 households. This would require an increase in housing stock of up to 823 units. The population growth trend in Oxnard, however, does not support this projected increase.

The study area for population and housing includes the entire city, but the IS/MND No. 2021-01 only analyzes the impacts that development on the AHD Rezone Sites would have if full build-out were achieved (823 units over eight years). The analysis does not consider development of other projects approved or under development. The AHD Rezone Sites are predominantly situated in areas currently zoned for commercial, business research, and light industrial uses that are already developed.

- a. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

According to the California Department of Finance (DOF), the City of Oxnard has an estimated population of 204,675 with an average household size of 3.64 persons (DOF 2023). SCAG estimates that the city's population will increase to 238,126 by 2030, an increase of approximately 14 percent or 33,451 persons (SCAG 2016). The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. The changes to the Zoning Ordinance do not directly result in new growth or substantial new development. For those projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with substantial unplanned population growth. Therefore, the proposed project would not induce substantial unplanned population growth in an area, either directly or indirectly. No impact would occur.

NO IMPACT

- b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with displacement. Therefore, the proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. No impact would occur.

NO IMPACT

15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1 Fire protection?	☐	☐	☐	☒
2 Police protection?	☐	☐	☐	☒
3 Schools?	☐	☐	☐	☒
4 Parks?	☐	☐	☐	☒
5 Other public facilities?	☐	☐	☐	☒

Environmental Setting

Fire Protection

Fire prevention, fire suppression, and emergency medical services are provided throughout Oxnard by the Oxnard Fire Department (OFD). There are eight fire stations in Oxnard as of April 2020. The OFD is staffed by 124 uniformed members, with 36 on duty per shift. Based on the current population, Oxnard's ratio at the time this report was written is one firefighter per approximately 1,661 residents, and the eight fire stations serve approximately 26,000 residents per station. These numbers are below national standards, which state one firefighter for every 1,000 residents is the desired ratio (National Fire Protection Association 2020). Emergency calls per service unit are approximately 30,000 annually, distributed across 10 units. More than 70 percent of these originate from residential uses, which have the highest impact on fire protection services (OFD 2021). OFD can access additional manpower and equipment through an automatic aid agreement with Ventura County and mutual aid agreements with the City of Ventura and Point Mugu Naval Air Station. OFD maintains an emergency fire call response time of 80 seconds (1 minute, 20 seconds) and based on data from June 23 to Jul 23, 2021, the average response time for emergency fire calls was 60.1 seconds (OFD). Response time is only one factor contributing to fire protection services and all standards that affect the ability of the OFD to provide services to the residents of Oxnard need to be assessed when considering potential impacts.

Police Protection

The Oxnard Police Department (OPD) is the local law enforcement agency responsible for providing police services to the city. The OPD operates several police storefronts and drop-in centers, but major operations are based in the Public Safety Building at 251 South C Street in Oxnard. The Patrol Division is part of OPD's Field Services Bureau and has four districts. In 2010, the OPD had 238 sworn officers and 152 civilian personnel. The 2021 population of Oxnard was 204,675 (DOF 2021), making the ratio 1.2 officers per 1,000 people. The OPD states its target service ratio is 1.3 officers per 1,000 residents, which is slightly more than current conditions. The OPD has 249 sworn officers and 126 civilian personnel.

Police units are usually mobile, making the actual distance between a headquarters facility and the project site less relevant. Instead, the number of officers on the street relates more directly to the realized response time. OPD has no official goal for emergency calls but strives to respond within five minutes or less. The OPD uses a metric of 0.5 police calls per year per resident. In 2007, OPD handled an average of 1,176 calls for service per year per patrol officer. In 2019, OPD handled an average of 1,134 calls for service per year per patrol officer. The optimum number is no more than 550 calls for service per person per patrol officer. Service response times average 5.8 minutes.

Libraries and Community Facilities

The Oxnard Public Library (OPL) provides library services throughout the city at three locations: Downtown Main Library, South Oxnard Center Library, and the Colonia Branch Library. The OPL has nearly 400,000 items in its collection. The State of California library standards are a goal of 0.5 square-foot of library facility per resident. The 1996 American Library Association minimum standard for public library space was 0.6 square-foot per person residing in the library's service area.

- a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*
- a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*
- a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*
- a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*

- a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. No impact would occur.

NO IMPACT

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16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Environmental Setting

Park Facilities

The City of Oxnard Public Works Park Division manages all municipally owned and operated recreation and park facilities in the city. The Park Division operates and maintains 370 park acres, 81 miles of medians, and 129 acres of open space (City of Oxnard 2021b). With a 2021 population of approximately 204,675 residents (DOF 2021), the department had a ratio of 1.5 acres per 1,000 residents. As identified in the City of Oxnard 2030 General Plan, approximately 759 acres of developed or planned parks are in Oxnard (2030 General Plan page 1-21). When these are completed there will be about 2.76 acres of park facilities per 1,000 residents. If regional parks, beaches, and other accessible open space are all considered, then the parkland available to Oxnard residents is higher. The 2030 General Plan encourages the following standards for parks within the city (Table 4).

Table 4 City Park Standards

Type of Park	Net acres/1,000 Residents	Minimum Net Acres/Park	Service Radius
Mini/Pocket Park	no standard	no standard	0.33 mile
Neighborhood Park	1.5	5	0.5-1 mile
Community Park	1.5	20	1 to 1.5 miles
Total	3.0	N/A	N/A

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. For those future projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with the deterioration of existing neighborhood and regional parks or other recreational facilities. Therefore, the proposed project would not result in substantial deterioration of existing recreation facilities. No impact would occur.

NO IMPACT

- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. For those future projects requiring a discretionary action, project-level CEQA review would identify and require mitigation for any potential site-specific impacts associated with the construction or expansion of recreational facilities. Therefore, no impact would occur.

NO IMPACT

17 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☐	☒
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☐	☐	☐	☒
d. Result in inadequate emergency access?	☐	☐	☐	☒

Environmental Setting

Oxnard is an urban/suburban city characterized by major arterial roadways that traverse the city north to south and east to west, described in detail in the 2030 General Plan Background Report (City of Oxnard 2006). U.S. 101 forms a northeasterly boundary and State Route 1 traverses the city from its intersection with U.S. 101 in the north to NAS Point Mugu in the southwest. SR 34 joins SR 1 at the eastern edge of the city and provides connectivity with Camarillo to the east. SR 232 connects U.S. 101 in the El Rio area and joins SR 118 just beyond the eastern city limits.

These roadways form a network for people traveling within and beyond the city and for the transport of goods within, from, and to the city. Other modes of transportation include walking and bicycling, passenger rail facilities, and other ride-share methods. Oxnard residents continue to rely on private automobiles for transportation in and out of the city, while the City continues to focus on reducing this dependency by providing opportunities for residential development in and near transportation corridors.

- a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The City has also adopted the Bicycle and Pedestrian Facilities Master Plan (City of Oxnard 2011), which provides a broad vision, strategies, and actions for the improvement of bicycling and walking in Oxnard. The 2011 Bicycle Master Plan updates the 2002 Bicycle and Pedestrian Facilities Master Plan and was developed to build upon and enhance that plan. The purpose of this Plan is to expand the existing networks, close gaps, address constrained areas, provide greater connectivity, educate, encourage, and maximize funding sources.

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. The City of Oxnard is in the process of developing a city-wide climate action and adaptation plan (CAAP) that will provide a robust and innovative approach to addressing future climate goals and develop a vision for how sustainability should be implemented in the city (City of Oxnard 2021c). Therefore, the proposed project would not conflict with a program, plan, ordinance or policy addressing the circulation system. No impact would occur.

NO IMPACT

- b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) and no impacts would occur.

NO IMPACT

- c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not substantially increase hazards due to a geometric design feature or incompatible use and no impacts would occur.

NO IMPACT

d. Would the project result in inadequate emergency access?

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not result in inadequate emergency access and no impacts would occur.

NO IMPACT

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18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☐	☒
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
- b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expanded CEQA by defining a new resource category, "tribal cultural resources (TCR)." AB 52 establishes that "[A] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (Public

Resources Code Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (Public Resources Code Section 21084.3).

Effects on tribal cultural resources are only knowable once a specific project has been proposed because the effects depend highly on the individual project site conditions and the characteristics of the proposed activity. New TCRs may be identified or established over the course of the phased implementation of the 2021-2029 Housing Element, which is expected to occur over the course of eight years. Therefore, as specific projects are proposed, consultation with tribes under AB 52 may occur to determine if any TCRs may be impacted by project specific elements.

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not result in substantial adverse change in the significance of a tribal cultural resource. No impact would occur.

NO IMPACT

19 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Environmental Setting

Water Supply

The City of Oxnard uses a combination of local groundwater and imported surface water to serve its customers. Generally, the City's water supply is provided by City-owned groundwater wells, groundwater purchased through the United Water Conservation District (UWCD) and imported surface water purchased through the Calleguas Municipal Water District. Currently all customers in the city receive a 1:1 ratio blend of imported water and local water (City of Oxnard 2006).

Wastewater

The Wastewater Division of the City Public Works Department owns, operates, and maintains wastewater collection and treatment infrastructure, including over 400 miles of sewer pipelines and 15 wastewater pumping stations. The collection system conveys flow to the Oxnard Wastewater Treatment Plant (OWTP). Most of the flow in the system is conveyed through the Ventura Road, Rose Avenue, Redwood, Western, Central, and Eastern trunk sewers (City of Oxnard 2006). The OWTP has an average dry weather treatment capacity of 31.7 million gallons per day (City of Oxnard 2017b).

Solid Waste Disposal

The City of Oxnard provides solid waste collection and recycling service to residences and businesses in Oxnard (City of Oxnard 2006). Solid waste collected in Oxnard is taken to the City-owned and operated Del Norte Regional Recycling and Transfer Station, a material recovery and waste transfer facility (MRF), located at the corner of Sturgis Road and Del Norte Road. Recoverable materials are removed from the waste stream at the MRF for recycling. The permitted capacity of the MRF is 2,779 tons per day (CalRecycle 2021a).

Solid waste that cannot be recycled is taken to either the Toland Road Landfill east of Santa Paula or the Simi Valley Landfill. The Toland Road Landfill has a permitted capacity of 1,500 tons of solid waste per day and has a projected closure date of May 31, 2027 (CalRecycle 2021b). The Ventura Regional Sanitation District operates the Toland Road Landfill, and recently adopted a Certified Use Permit (CUP) to replace the permitted disposal maximum of 15 million tons to a height maximum of 1,435 feet above mean sea level, which would be managed by various techniques that would allow for more capacity without increasing the landfill footprint (Ventura Regional Sanitation District 2020). The Simi Valley Landfill & Recycling Center is a private facility operated by Waste Management, Inc. with a daily capacity of 9,250 tons of solid waste. The projected closure date for the Simi Valley Landfill is May 31, 2063 (CalRecycle 2021c).

Stormwater

Oxnard has a relatively flat topography, reaching a maximum of 80 feet above sea level. While much of the city is urbanized, a significant portion of Oxnard is undeveloped. These open areas allow for percolation and minimize runoff. Alternatively, developed areas with impervious surfaces generate increased surface runoff (City of Oxnard 2006). Storm drain facilities are maintained by the Public Works Department and the County of Ventura. This drainage system is used to handle stormwater runoff. Agricultural operations often use private underground tile lines to drain water into the city's storm drains or natural drainage courses.

- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*
- b. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*
- c. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific future projects would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with water supply, wastewater generation and treatment, stormwater, electricity, natural gas, and telecommunications. Therefore, no impact would occur.

NO IMPACT

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not generate excess solid waste or conflict with any statutes or regulations pertaining to solid waste. No impact would occur.

NO IMPACT

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20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Environmental Setting

Oxnard is a densely built, mostly flat urban area, with the City of Ventura to the north, agricultural land to the east, Port Hueneme to the south, and the Pacific Ocean to the west. Nonetheless, recent years have shown wildfire risk in urban areas to be increasing, particularly where they abut open space areas. The California Department of Forestry and Fire (CAL FIRE) prepared revised fire hazard severity maps in the wake of recent catastrophic wildfires that burned wildland and urban areas alike, including the 2017 Thomas Fire in Ventura, the seventh-largest wildfire in modern California history (CAL FIRE 2021a).

According to CAL FIRE, even though surrounding communities are in high or very high fire hazard severity zones, Oxnard is not in a State Responsibility Area, meaning that wildfire risk is the responsibility of local agencies (CAL FIRE 2021b). This, in turn, indicates that CAL FIRE does not consider Oxnard to be at high risk for wildfire due to the buffers provided by continuous urban

development between the city limits and the nearest wildland spaces. Furthermore, the City of Oxnard does not have any lands classified by the State as very high fire hazard severity zones.

- a. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

The proposed project site is not in or near a designated very high fire hazard severity zone of local, state, or federal responsibility according to the CAL FIRE (CAL FIRE 22021b). Additionally, Oxnard is not a Wildland Urban Interface, which means development in the City is not located in areas prone to wildfire. Specific projects would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts associated with emergency plans. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. No impact would occur.

NO IMPACT

- b. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- d. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

As discussed above, under response “20.a,” the proposed project area is not located near a state responsibility area or classified as having a high fire hazard. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts. associated with exacerbating wildfire risks and exposing people or structures to significant risks. No impact would occur.

NO IMPACT

- c. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

As discussed above, under response “20.a,” the Plan Area is not located near a state responsibility area or classified as having a high fire hazard. The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not require additional roads, fuel breaks, emergency water sources, power lines or other utilities that would exacerbate fire risk. No impact would occur.

NO IMPACT

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21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

- a. *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to

subsequent environmental and other discretionary review and permitting. Therefore, the proposed project would not result in any impacts associated with eliminating important examples of the major periods of California history or prehistory. No impact would occur.

NO IMPACT

- b. *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

As discussed in Sections 1 through 20, the proposed project involves amendments to the Zoning Code and Downtown Code to implement state law and Housing Element programs to promote housing on a citywide level. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts. The proposed project would not directly result in any impacts to the above-discussed areas and therefore, project impacts would not be cumulatively considerable. No impact would occur.

NO IMPACT

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, and noise. As discussed in Section 3, *Air Quality*, Section 9, *Hazards and Hazardous Materials*, and Section 13, *Noise*, the proposed project would not directly result in a specific development project or a substantial amount of new development. Rather, the purpose of the project is to promote housing on a citywide level through the Zoning Code and Downtown Code amendments to implement state law and Housing Element programs. The proposed project adds no new residential sites, no additional units, and no increase in density for housing beyond those analyzed in the adopted 2021 IS-MND. Future projects would be required to adhere to the mitigation measures in the adopted 2021 IS-MND for the sites to be developed consistent with the Housing Element and to avoid or lessen any potentially significant environmental impacts. Future development facilitated by the 2021 – 2029 Housing Element programs would be subject to subsequent environmental and other discretionary review and permitting. Specific projects requiring discretion would require project-level CEQA review and identify and potentially require mitigation for any site-specific impacts. Therefore, the proposed project would not cause substantial adverse effects on human beings. No impact would occur.

NO IMPACT

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ATTACHMENT

3

2030 GENERAL PLAN CONSISTENCY ANALYSIS

Attachment 3
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 ZTA promotes development of a variety of housing types and affordability levels throughout the City, including multi-family housing, Supportive Housing, Low-barrier Navigation Centers and Farmworker housing in more locations.
CD-1.7	I	Compact Development. Promote the use of development patterns that are more compactly built and use space in an efficient aesthetic manner as part of the community vision.	The ZTA allows low-barrier navigation centers, single room occupancy units and other types of compact 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 ZTA promotes a balance of housing affordable to Oxnard workforce, including Farmworker housing.
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 Programs 6, 9, 22, 27 and 32 to update the OCC to comply with State housing laws.
CD-3.6	I	Barrier-Free Housing and Reasonable Accommodation. Support development of barrier-	Pursuant to Housing Element Program 6, the ZTA allow low-barrier navigation centers,

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
		free housing and reasonable accommodation Zone Code provisions so that existing neighborhoods are user-friendly for people of all ages and supportive for those with disabilities and children.	single room occupancy units, residential care facilities and other types of housing for the disabled and special needs population. The ZTA also updates the Reasonable Accommodation findings within the OCC to comply with the Fair Housing Amendment Act.
CD-14.1		Design Review Process. In the evaluation of development proposals, continue to ensure that public and private development projects comply with City design policies, plans and guidelines.	Pursuant to Housing Element Program 6, the ZTA updates the OCC to codify the existing process and noticing procedures for DDR permits and Minor and Major Modifications to SUPs.
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.	Pursuant to Housing Element Program 6 and 9, the ZTA promotes the provision of housing choice, including accessory dwelling units, emergency shelters, Low-barrier navigation centers, supportive housing, single room occupancy and farmworker housing.
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.	Pursuant to Housing Element Program 6, the ZTA amends the zoning code to streamline ordinance provisions, clarify permitting requirements and simplify code requirements. The ZTA also allows development of types of affordable housing in more locations, including supportive housing, single room

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
			occupancy and farmworker housing.
ICS-8.5	1	Public Sidewalks and Pedestrian Orientation. Consider and require where appropriate and feasible the enhancement of the pedestrian environment as part of private development and public works projects, especially for public sidewalks.	The ZTA includes objective design standards for multifamily that requires direct pedestrian access between the public sidewalk and the primary building entry, and frontage improvements designed to connect with existing frontage improvements and to be consistent with public works plates.
ICS-9.4	I	Monitoring of Parking Conditions and Revise Regulations. Periodically evaluate the adequacy of parking standards in light of actual parking patterns and vehicle sizes; evaluate existing parking conditions, re-evaluate parking and loading demands, and develop and revise regulations as appropriate.	Pursuant to Housing Element Program 27, the ZTA updates ADU parking requirements to comply with state law, and establish fixed parking requirements for congregate living facilities, community care facilities, small residential care facilities and types of senior housing types so that parking studies are not needed or required for these uses.
MC-1.1	I	Review of Development Constraints. Periodically review the zoning ordinance, subdivision ordinance, and other infrastructure plans and programs to ensure they do not conflict with the continued viability of NBVC.	Pursuant to Housing Element Program 6, the ZTA amends the zoning code to streamline ordinance provisions, clarify permitting requirements and simplify code requirements. None of the provisions of the ZTA conflict with continued viability of the NBVC.

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
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 ZTA promotes the development of various types of affordable housing city-wide, including accessory dwelling units, emergency shelters, Low-barrier navigation centers, supportive housing, single room occupancy and farmworker housing.
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.	Pursuant to Housing Element Program 6, the ZTA allows low-barrier navigation centers, single room occupancy units, residential care facilities and other types of housing for the private sector to produce that meets the needs of special needs, extremely low-, very low-, low-income persons.
H-2.7	I	Encourage Accessory Dwelling Units. Allow and encourage development of accessory dwelling units while protecting the character of the surrounding neighborhoods.	Pursuant to Housing Element Programs 6 and 27, the ZTA removes the ADU replacement parking for garage conversions, consistent with state law.
H-3.6	I	Reasonable Accommodation Procedure. Continue to provide persons with disabilities a procedure to adjust development standards for reasonable accommodation.	Pursuant to Housing Element Program 6, the ZTA updates the Reasonable Accommodation findings within the OCC to comply with the Fair Housing Amendment Act.

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
H-4.2	I	Affordable Housing Incentives. Offer regulatory incentives and design flexibility for affordable housing, such as relief from residential development standards, and/or fee waivers as appropriate and consistent with state housing laws.	Pursuant to Housing Element Program 6, the ZTA updates the Density Bonus ordinance to provide increased development incentives, consistent with state Density Bonus law.
H-4.3	I	Processing. Provide for streamlined, timely, and coordinated processing of affordable residential development projects to minimize land acquisition, holding costs, and/or upfront project development costs.	Pursuant to Housing Element Programs 6 and 32, and in compliance with SB 330, the ZTA creates objective design standards for eligible projects. The ZTA also codifies the existing process for DDRs and Modifications to SUPs to provide greater certainty and transparency for the development community, thereby reducing a barrier to development.
H-5.4	I	Continuum of Care and Homeless Plan. Support continued efforts to implement the Ventura County Continuum of Care program for the homeless and the Oxnard Five-Year Homeless Program.	Pursuant to Housing Element Program 6, The ZTA reduces OCC requirements for emergency shelters and adds Low-barrier Navigation Centers by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses.
H-5.8	I	Promote Infill Development. Promote quality residential infill development through the creation/adoption of flexible development standards and other programs as funding resources allow.	Pursuant to Housing Element Programs 6 and 32, and in compliance with SB 330, the ZTA creates objective design standards for eligible multi-family projects.
CD-5.2	II	Compatible Land Use	Policies listed as Level II are related to the City's entitlement,

POLICY	LEVEL	GENERAL PLAN POLICY OR TITLE	EXPLANATION
CD-5.3 CD-14.1 CD-14.2 CD-14.3 ICS-1.2 SH-6.13 SH-7.9		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	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 4

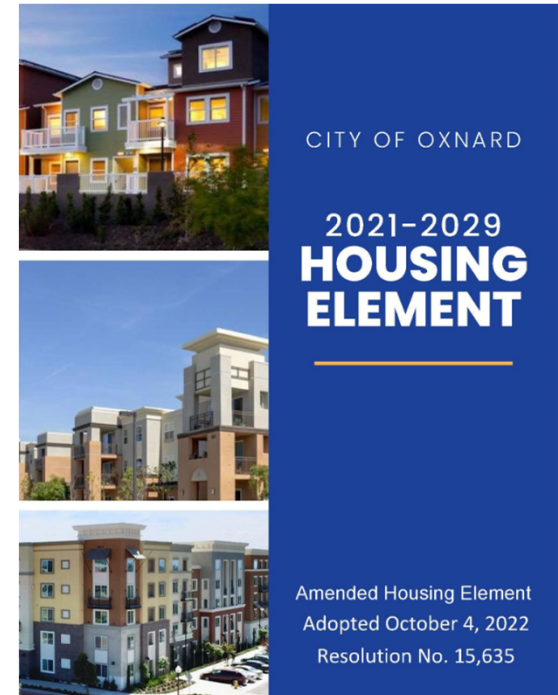
STAFF PRESENTATION

Zoning Text Amendments to Implement Adopted 2021-2029 Housing Element Planning & Zoning (PZ) Permit No. 23-580-03

Joe Pearson II, AICP, Planning & Environmental Services Manager
Heather Davis, Contract Planner
Community Development Department

Planning Commission
August 17, 2023

- City adopted 6th Cycle 2021-2029 Housing Element (October 2022) and it was Certified by HCD
- Housing Element Programs identified zoning text amendments (ZTA) for Fiscal Year 2022-2023 to bring the Oxnard City Code (OCC) into compliance with State Housing laws:
 - Program 6 (Zoning Code Amendments),
 - Program 9 (Farmworker Housing),
 - Program 22 (Special Needs Groups),
 - Program 27 (Parking Standards), and
 - Program 32 (Senate Bill 35)



If approved, the draft Ordinances will update the OCC to comply with changes in State housing law:

- Program 6 Zoning Code Amendments:
 - ADU law - parking requirements for garage conversion (also in Program 27);
 - State Density Bonus law;
 - State law related to Emergency Shelters;
 - Streamline ordinance provisions - clarify permitting requirements and simplify code requirements; Evaluate potential barriers in zoning regulations that impact the construction of affordable housing.
 - AB 2162 – Allow Supportive Housing by-right in areas where multifamily and mixed uses are permitted, including in nonresidential zones that permit multifamily uses;
 - AB 101 – Allow Low-Barrier Navigation Centers by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses;
 - AB 2634 – Allow Single-Room Occupancy in at least one zoning district (also Program 22);
 - AB 686 – Allow Residential Care Facilities with 7+ persons as residential use where multifamily is permitted, subject only to restrictions for multifamily;
 - Fair Housing Amendment Act – limit Reasonable Accommodation findings to objective considerations.

If approved, the draft Ordinances will update the OCC to comply with changes in State housing law:

- Program 9 Farmworker Housing:
 - Employee Housing Act - farmworker employee housing;
- Program 27 Parking Standards:
 - Fair Housing Act - parking requirements for residential care facilities;
 - ADU parking (also in Program 6);
- Program 32 Objective design standards:
 - SB 35 – Streamlined ministerial review against objective standards
 - SB 330 – Requires new housing development to be reviewed against objective design standards.

- **Accessory Dwelling Units**

- ADU Parking (OCC Sections 16-468 & 16-622):
 - Government Code 65852.2 subd. (a)(1)(D)(xi) - replacement off-street parking cannot be required when ADUs are created through conversion of a garage, carport or covered parking structure.
 - Government Code Section 65852.2 subd. (a)(1)(D)(x) - ADU parking allowed on existing driveways.
- ADU Impact Fees (OCC Section 16-467):
 - State ADU Guidelines – Impact fees for ADUs > 750 sf.
Single Family lot – fee proportional to primary dwelling
Multi-Family – fee at multi-family rate



- **Density Bonus (OCC Section 16-410)**

- State Density Bonus law updates (Govt. Code 65915):
 - Definitions – “acutely”, etc.
 - Increase density bonus to 50%
 - Increase number of incentives
 - Reduction in affordability requirements for incentives
 - Reduction & waiver of parking
 - Removal of “common interest” specification for moderate for-sale development

- Renumbering:

<i>Income Category</i>	<i>Minimum % of Affordable Units</i>			
Very low income	5%	10%	15%	<u>100%</u>
Low income	10%	20% <u>17%</u>	30% <u>24%</u>	<u>100%*</u>
Common interest For-Sale development (moderate income)	10%	20%	30%	<u>NA</u>
Incentives allowed	1	2	3	<u>4</u>

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

16-410A.1. Purpose

16-410B.2. Definitions

16-410C.3. Eligibility for density bonuses and incentives

- **Emergency Shelters (OCC Section 16-504)**

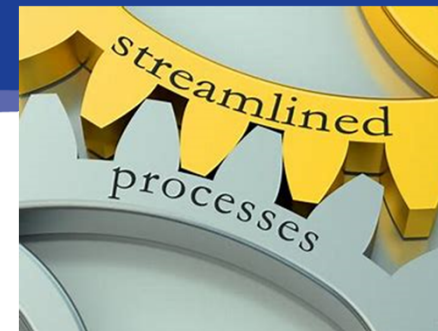
- Development and Operation Standards (OCC Section 16-504):
 - SB 2 – Emergency shelters may only be evaluated against residential and commercial standards and standards specified by the state. Standards must be objective.
 - Housing Element Section E.4 - Remove list of emergency shelters standards that do not comply with state law.
- Parking (OCC Section 16-622):



- Update off-street parking matrix to include Emergency Shelter

Uses	Minimum Off-Street Parking Requirements	Notes
Residential:		
<i>Special Housing:</i>		
<u>Emergency Shelter, permanent or Low-Barrier Navigation Center</u>	<u>One off-street space for the on-site manager.</u>	<u>See Section 16-504</u>

Zoning Text Amendments (continued)



- **Streamline/Simplify/Remove Barriers to Development**

- Definitions (OCC Section 16-10)
- Residential Land Use and Standards (OCC Section 16-20 to 16-102)

Residential Land Use Matrix						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
Multiple-family residential development		DDR	DDR	DDR		

Development Standards					
Standard	Zone District				
	R-1	R-2	R-3	R-4	MH-PD
Minimum lot area/Density	6,000 sq. ft.	3,500 sq. ft. of lot area for each dwelling unit.	2,400 sq. ft. of lot area for each dwelling unit.	1,500 sq. ft. of lot area for each dwelling unit.	3,000 sq. ft. minimum lot area; 6 ½ mobile home lots per gross acre.
		See Section 16-24 for additional requirements.	See Section 16-24 for additional requirements.	See Section 16-24 for additional requirements.	See Section 16-25 for additional requirements.

- Commercial Land Use and Standards (OCC Section 16-105 to 16-144)

Commercial Land Use Matrix				
Land Use	Zone District			
	C-O	C-1 ¹	C-2 ²	Notes
R-3 zone permitted and related uses			SUP	

- Standards for All Land Uses (OCC Section 16-300, 16-303 & 16-333)

● Farmworker Housing

Employee Housing Act (Health & Safety Code 17021.5, 17021.6, and 17021.8)

- Residential Land Use (OCC Section 16-22):

Residential Land Use Matrix						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
Farmworker employee housing serving six or fewer persons	DDR	DDR	DDR	DDR	DDR	

- Commercial Land Use (OCC Section 16-107):

Commercial Land Use Matrix				
Land Use	Zone District			
	C-O	C-1 ¹	C-2 ²	Notes
Farmwork employee housing ³			SUP	



- Downtown Land Use (OCC Section 16-148):

Allowed Uses, Table 16-148				
Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Residential				
Dwelling, single-family	P	P	---	---
<u>Farmworker employee housing < 6 persons</u>	<u>P</u>	<u>P</u>	---	---
Agriculture-Related				
<u>Farmworker employee housing < 12 units or 36 beds</u>	---	<u>P</u>	<u>P</u>	<u>P</u>

● Supportive Housing

AB 2162 – Allowed by-right where multifamily & mixed use are permitted.

○ Residential Land Use (OCC Section 16-22):

Residential Land Use Matrix						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
Supportive housing	DDR	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>		

○ Commercial Land Use (OCC Section 16-107):

Commercial Land Use Matrix				
Land Use	Zone District			
	C-O	C-1 ¹	C-2 ²	Notes
Supportive housing ³			<u>SPR</u>	



○ Downtown I Land Use (OCC Section 16-148):

Allowed Uses, Table 16-148				
Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Residential				
Supportive Housing and Transitional Housing	<u>P</u>	<u>P</u>	<u>P⁷</u>	<u>P⁷</u>

○ Parking (OCC Section 16-622):

- Refer to applicable parking requirement for single-family and multifamily residential.

- **Low-Barrier Navigation Center**

AB 101 – Allowed by-right where mixed use & nonresidential zones where residential is permitted.

- Commercial Land Use (OCC Section 16-107):

Commercial Land Use Matrix				
Land Use	Zone District			
	C-O	C-1 ¹	C-2 ²	Notes
<u>Low-barrier Navigation Center</u> ³			<u>SPR</u>	Refer to Section 16-504



- Downtown Land Use (OCC Section 16-148):

Allowed Uses, Table 16-148				
Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Residential				
<u>Low-barrier Navigation Center</u> ³	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

- Parking (OCC Section 16-622):

Uses	Minimum Off-Street Parking Requirements	Notes
Residential:		
<u>Special Housing:</u>		
<u>Emergency Shelter, permanent or Low-Barrier Navigation Center</u>	<u>One off-street space for the on-site manager.</u>	<u>See Section 16-504</u>

- **Single Room Occupancy (SRO)**

AB 2634 - Allow Single-Room Occupancy in at least one zoning district.

- Definitions (OCC Section 16-10)
- Residential Land Use (OCC Section 16-22):

Residential Land Use Matrix						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
<u>Single Room Occupancy</u>				<u>SUP</u>		See Section 16-441

- Commercial Land Use (OCC Section 16-107):

Commercial Land Use Matrix				
Land Use	Zone District			
	C-O	C-1 ¹	C-2 ²	Notes
<u>Single Room Occupancy</u>			<u>SUP</u>	See Section 16-441

- Downtown Land Use (OCC Section 16-148):

Allowed Uses, Table 16-148				
Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Residential				
<u>Single Room Occupancy</u>	---	---	<u>C</u>	---



- **Single Room Occupancy (SRO)**

AB 2634 - Allow Single-Room Occupancy in at least one zoning district.

- SRO Standards (OCC Section 16-441) - **NEW**

- Size parameters: 150 to 400 sf
- Individual or shared cooking facilities, restrooms, laundry
- Common usable interior space
- Multifamily objective design standards,
- On-site management, Management plan
- Affordable to very-low income households

- Parking (OCC Section 16-622)

Uses	Minimum Off-Street Parking Requirements	Notes
Residential:		
<i>Special Housing:</i>		
<u>Single-Room Occupancy</u>	One off-street space per unit and one easily accessible, long-term bicycle storage space per two units; or One off-street space per two units and one easily accessible long-term bicycle storage space per unit. See Senior Citizen Housing Development parking requirements for projects that allow only senior citizens as defined in Cal. Civil Code Section 51.3. See Section 16-441 Refer to Oxnard Bicycle & Pedestrian Facilities Master Plan for long-term bicycle storage	<u>Single-Room Occupancy</u>

● Residential Care Facilities

AB 686 - Allow Residential Care Facilities with seven or more persons as a residential use in zones where multifamily housing are permitted

- Residential Land Use (OCC Section 16-22):

Residential Land Use Matrix						
Land Use	Zone District					
	R-1	R-2	R-3	R-4	MH-PD	Notes
<u>Residential care facilities serving 7 or more persons</u>		<u>DDR</u>	<u>DDR</u>	<u>DDR</u>		

- Downtown Land Use (OCC Section 16-148):

Allowed Uses, Table 16-148				
Uses ¹	Downtown Zones			
	DT E	DT E-O	DT G	DT C
Residential				
<u>Assisted Living, Residential Care Facility < 6 persons</u>	<u>P</u>	<u>P</u>	---	---
<u>Assisted Living, Residential Care Facility > 6 persons</u>	<u>P</u>	<u>P</u>	<u>P⁷</u>	<u>P⁷</u>



● Residential Care Facilities

Fair Housing Act - classify parking requirements for the facilities for the elderly – independent living, assisted living, memory care, etc. as residential uses rather than medical facilities.

○ Parking (OCC Section 16-622):

Uses	Minimum Off-Street Parking Requirements
Residential:	
<u>Senior Citizen Housing Development:</u>	
<u>Independent Living for senior citizens as defined in Cal. Civil Code 51.11</u>	<u>One space per unit,</u> <u>One visitor space per 5 units, and</u> <u>One space for each employee on-site at peak staffing</u>
<u>Independent Living for senior citizens as defined in Cal. Civil Code 51.11, where facility provides residents with transportation for medical, retail and social purposes or is located within ½ mile of a major transit stop</u>	<u>0.5 space for each unit,</u> <u>One visitor space per 5 units,</u> <u>One space for each employee on-site at peak staffing, and</u> <u>One shuttle van parking space</u>
<u>Small residential health or care facility, board and care home with serving up to six persons</u>	<u>See applicable parking requirement for single-family or multifamily residence</u>
<u>Residential Care facility or Assisted living residential facility where units do not include individual kitchens, and facility provides residents with transportation for medical, retail and social purposes</u>	<u>One space for every two units plus one shuttle van parking space.</u> <u>One visitor space per 5 units,</u> <u>One space for each employee on-site at peak staffing, and</u> <u>One shuttle van parking space</u>
<u>Congregate living health facility, Convalescent home, Nursing homes, Memory Care, or skilled nursing facilities</u>	<u>One visitor space per three ten beds for nursing and convalescent homes which do not contain separate living quarters containing individual kitchens, plus one space for every two employees required on largest shift., One space for each employee on-site at peak staffing, and One shuttle van parking space</u>

- **Reasonable Accommodations (OCC Section 16-501.5)**

Federal Fair Housing Amendment Act – only objective findings may be considered for Reasonable Accommodations

- Remove existing subjective findings:

“Whether the accommodation would result in a substantial increase in traffic or insufficient parking.”





- **Permit Procedures**

- Development Design Review (OCC Section 16-525):
 - Codify existing procedures
 - Mirrors SPR procedure, except includes public workshop & public hearing
 - Same findings as SUP
- Special Use Permit (SUP), Expiration (OCC Section 16-553):
 - 3 years instead of 1 year
- Modifications to SUP:
 - Minor Modifications to SUP (OCC Section 16-560)
 - Major Modifications to SUP (OCC Section 16-561)

- **Objective Standards for Multifamily**

- Attached Dwelling Unit - Purpose and Intent (OCC Section 16-360)
- Development Standards (OCC Section 16-361):
 - Move design standards to 16-361
 - Updates: recreation elements, elevator, laundry, garage distance
- Objective Design Standards (OCC Section 16-361) - **NEW**:
 - Existing Design Standards from Additive Zone (16-420) and the City's standard conditions of approval.
 - Neighborhood compatibility
 - Building design
 - Entrances
 - Massing & articulation
 - Site Design
 - Landscaping
 - Accessory elements
 - Refuse and recycling
 - Public safety



Zoning Text Amendments:

- **Consistent with 2030 General Plan Goals and Policies**
 - CD-1.5 & CD 16.6 Diversity of Housing
 - CD-1.7 Compact Development
 - CD-1.10 Jobs Housing Balance
 - CD-2.1 Zoning and General Plan Consistency
 - CD-3.6 & H-3.6 Barrier-Free Housing & Reasonable Accommodation
 - ICS-9.4 Monitoring Parking and Revise Regulations
 - MC-1.1 Review Development Constraints
 - MC-4.4 & H-3.4 Affordable Housing
 - H-2.2 Balanced Opportunities
 - H-4.3 Processing
 - H-5.4 Continuum of Care and Homeless Plan

- Project exempt from environmental review under California Environmental Quality Act (CEQA), Sections 15060(c)(2) and (3) and 15061(b)(3).
- Proposed Zoning Text Amendments are regulatory action that are necessary to bring the OCC into compliance with state housing laws and the City's adopted 2021-2029 Housing Element. The ZTA do not propose or approve any physical development, add new residential sites or units, or increase density for housing beyond those analyzed in the Housing Element IS-MND.



- Commission's recommendation is advisory to the City Council and will be forwarded to the City Council for consideration
- Proposed ZTA to be presented to City Council; tentatively October 3, 2023

The Planning Commission:

- a) Review and provide comment on the proposed amendments to Chapter 16 of the Oxnard City Code (OCC) and Downtown Code to comply with California Housing law; and
- b) Recommend the City Council find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (General Rule); and
- c) Adopt Resolution recommending that the City Council adopt the zoning text amendment (ZTA) ordinances (PZ No. 23-580-03), subject to certain findings.



End of Presentation