



## **PLANNING COMMISSION STAFF REPORT**

**TO:** Planning Commission

**FROM:** Kathleen Mallory, AICP, Planning & Sustainability Manager  
Heather Davis, Contract Planner

**DATE:** September 16, 2021

**SUBJECT:** Planning & Zoning (PZ) Permit No. 20-620-03, General Plan Amendment replacing in its entirety the current Chapter 8 (2013-2021 Housing Element) with the 2021-2029 Housing Element; 2.) PZ No. 21-620-02, update General Plan Land Use Element (Chapter 3) text by amending the General Commercial and Business Research Park land use descriptions to allow up to 30 dwelling units with 20% lower income units per acre when identified by a zoning suffix of “-AHP” (Affordable Housing Permitted) or “-AHD” (Affordable Housing Discretionary); 3.) PZ No. 21-620-03, amending the 2030 General Plan Land Use map to re-designate 13 parcels from Limited Manufacturing or Public/Semi Public to Business Research Park or General Commercial; 4.) PZ No. 21-580-03, amending Chapter 16 of the Oxnard City Code (OCC) to repeal the All-Affordable Housing Opportunity Program (AAHOP) and replace these regulations with newly created Affordable Housing, Permitted (-AHP) and Affordable Housing, Discretionary (-AHD) additive zone definitions, designations and regulations; amending the text in the Business and Research Park (BRP) and General Commercial (C-2) zones to allow up to 30 dwelling units per acre with 20% lower income units on parcels with the “-AHP” or “-AHD” additive zone suffix; amending the Density Bonus ordinance approval authority; and creating a ministerial Site Plan Review process; and 5.) PZ No. 21-580-04, making Zoning Map Amendments to change zoning designations on approximately 106 parcels consistent with Supplement 1 of the Final Housing Element.

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

- a) Receive a presentation on the 2021-2029 Final Housing Element (6th Cycle Housing Element; Attachment 1); and
- b) Open the public hearing and receive public input; and
- c) Review the Draft Initial Study and Mitigated Negative Declaration (IS/MND) and recommend City Council approval of the environmental document (Attachment 2); and

- d) Adopt Resolution 2021-XX recommending City Council adopt the 2021-2029 Final Housing Element (“Housing Element”) update to replace in its entirety the current 2013-2021 Housing Element as Chapter 8 within the 2030 General Plan, and text and map changes to the General Plan Land Use Element (Attachment 3); and
- e) Adopt Resolution 2021-XX recommending City Council approval of text amendments to Chapter 16 of the Oxnard City Code to facilitate construction of housing units as stipulated in the City’s Final Housing Element (see Attachment 4); and
- f) Adopt Resolution 2021-XX recommending City Council approval of zoning map amendments (see Attachment 5) to facilitate construction of housing units as stipulated in the Final Housing Element.

**2) Background:** On September 2, 2021, the Planning Commission conducted a public hearing on the aforementioned Housing Element actions (see Attachment 6), excluding prior draft ordinances; Attachments 5a-f have been removed as attachments since they are recommended for adoption by the Planning Commission within this staff report).

At the September 2, 2021 Planning Commission meeting, the Planning Commission considered the Final Housing Element, including the General Plan Land Use Element text and map amendments; and five Housing Element implementing ordinances. Input from the Planning Commission and participants (oral and written) are summarized below. Indicated topics are discussed further under the analysis portion of this staff report:

- Just Cause & Rent Stabilization - Question: A Planning Commissioner asked “Why Rent Stabilization and Just Cause ordinances weren’t included in the Final Housing Element?” Answer: The Community Services, Public Safety, Housing & Development (Committee) will be discussing these concepts at their September 14, 2021 meeting with further direction and feedback to be provided by the City Council. Ultimately, the Housing Department will continue to work with advocacy groups to implement City Council directives on these two topics.
- Farmworker Housing Study - Question: A Planning Commissioner asked “What are best practices utilized by other communities to address farmworker housing?” Additionally, a comment was made that the City should be a leader in this area and do more than provide a brochure (Program 9). Answer: A number of actions within Programs 9 and 41 in addition to Program 43 (annual workshop) will help ensure that the City has an active role in housing farmworkers. As Attachment 7 identifies, timing for completion of this study is intended to parallel County of Ventura work efforts, for completion by Dec. 2024. Timing for completion of this study was clarified in the Sept. 2, 2021 County of Ventura Housing Element staff report/Exhibit 3; Errata No. 1 to the Final Housing Element reflects the updated County timing.
- Timing for updates to the City’s Oxnard City Code (OCC), Chapter 16/Zoning Ordinance/Code updates - Question: A Planning Commissioner expressed interest

in moving the efficiency housing ordinance regulations up in timing for completion. Answer: Program 6 (Zoning Code Amendment) was updated in the Final Housing Element (August 2021) to reflect a time frame of ‘end of fiscal year 2022-2023’ for a zoning code update to comply with several housing element state laws, including density bonus, supportive housing, low-barrier navigation center, studying where single room occupancy can be accommodated, and other housing accommodations. This timing was modified to take into consideration departmental work plans, and budget needed for these updates.

- High Quality Transit Corridor Study (HQTC) - Question: A Planning Commissioner asked about the timing to complete the study in Program 33. Answer: Program 33 (US 101, down Oxnard Boulevard Corridor, HQTC) reflects a time frame of ‘end of fiscal year 2023-2024.’ The timing to complete the work cannot be moved up due to work and contracts currently under way. The definition of HQTC was also clarified: HQTC is a street with a route that has 15 minute headways from mass transit providers.
- Site Plan Review public notice - Question: A Commissioner asked about adding a public notice provision for the proposed ministerial Site Plan Review process. Answer: A public hearing will not be held for qualified projects within the “Affordable Housing Permitted” overlay, and will not require a public notice. This topic is discussed further below under Analysis.
- Integration, Segregation, Displacement, Affirmative Furthering of Fair Housing (AFFH) - Question: How did the City address the AFFH issues, specifically integration and segregation and other items identified in the HCD Findings letter? Answer: Chapter B (Existing Housing Needs) of the Draft Housing Element was updated substantially in the current Final Housing Element (August 2021) to address state guidance on AFFH that was published in May 2021, including analysis on patterns of segregation and integration. Following HCD’s review of the draft Housing Element, City staff also presented program recommendations to the Committee (July 27, 2021) to incorporate additional action items into Program 19 (AFFH) to address the May 2021 state guidance. The Commission also received a comment from the public requesting additional language in Program 19. This topic is discussed further below under Analysis.
- Inclusionary Ordinance timing - Question: Why was the timing to update the inclusionary ordinance moved up? Answer: Program 10 (Inclusionary Housing Program) was updated in the current Final Housing Element (August 2021) to reflect a time frame of ‘end of fiscal year 2022-2023’ to update and codify the City’s Inclusionary Housing Ordinance.
- Additive Zone Design Standards - Question: The Commission received a comment from the public that design standards would increase costs and that some requirements are arbitrary. Answer: This topic is discussed further below under Analysis.
- Accessory Dwelling Unit pre-approved plans - Question: How will this program work and how will the template ADU plans work for Oxnard. Answer: Program 36 (Pre-Approved ADU) was updated in the current Final Housing Element (August 2021) to reflect a time frame of ‘end of fiscal year 2023-2024’ to align with

Ventura County Association of Governments (VCOG's) timing on development of their "Regional ADU Program" which will include design plans for a less expensive prefabricated, stand-alone ADUs and several free templates for ADU garage conversion to be made available to homeowners. Program 36 in the City's Final Housing Element includes evaluation of ADU provisions developed by the VCOG to determine how they can be utilized in the permitting of ADUs in the City.

- **Site Location - Question:** The Commission received a comment from the public that the Supplement 1 sites and the Transit Corridor are located in areas with higher crime rates. **Answer:** The HQTC is located where the greatest population need for access to High Quality Transit is located. Program 33 (Oxnard Boulevard Corridor, HQTC) is intended to provide funding for street improvements and identify multifamily housing opportunity sites. Through implementation of the program, housing sites located within the corridor will benefit by having greater access to high quality transit, major transit stops (in which proximity of housing developments within ½ mile of a major transit stop is encouraged substantially under state Density Bonus law), and will benefit from a future corridor specific plan or inclusionary zoning overlay that incorporates the information secured through a City initiated infrastructure study, adds incentive zoning, and is consistent with Gold Coast Transit Districts mass transit and circulation planning and the Southern California Association of Governments (SCAG) 2045 Regional Transportation Plan.
- **Increasing density - Question:** The Commission received a comment from the public regarding concern for costs to the City to support the proposed density on sites identified in the Housing Element. **Answer:** The default density of 30 dwelling units per acre is mandated by the HCD for our location and for sites identified to meet the Regional Housing Needs Assessment (RHNA) allocated to the City by SCAG for housing for lower income households. Therefore neither density or RHNA may be reduced. Further, the City Council supported this base density for lower income in late Fall 2020.

Additional background on the Housing Element process is provided in the Planning Commission staff report for the September 2, 2021 hearing, and on the City's Housing Element Update webpage at <https://www.oxnard.org/housing-element-update/>.

- 3) Analysis:** As discussed in the Planning Commission staff report for the hearing on September 2, 2021, amendments to the General Plan Land Use Element and Zoning text and map changes are being processed concurrently with the 6<sup>th</sup> Cycle Housing Element so that at the time of 6th Cycle Housing Element adoption, the appropriate zones are in place to accommodate and implement the sites identified in Supplement 1 of the Housing Element, including the City's lower income RHNA allocation. The lower income RHNA sites must accommodate at least 30 dwelling units per acre, which is the default density defined by the State Department of Housing and Community Development (HCD) for jurisdictions in metropolitan counties. This density is intended to accommodate the economies of scale needed to produce

affordable housing. The City will update the General Plan land use designation and rezone with the corresponding zoning designation on 11 parcels, and the City will update just the zoning on approximately 63 parcels, predominately by adding an affordable housing additive zone (-AHP or -AHD) on top of the existing zoning that will allow the development of 30 dwelling units per acre. The City will also remove the -AH suffix associated with the retiring AAHOP program from approximately 36 parcels.

Since publication of the September 2nd and 16th Planning Commission staff reports, City staff have received comments from a few affordable housing advocates and developers regarding the draft ordinances (see Attachment 7). The larger and more substantial comments and suggested edits were provided for two of the five following new ordinances which are needed to implement the Final Housing Element: 1) Site Plan Review process; and 2) Affordable Housing, Permitted (AHP) and Discretionary (AHD) additive zone provisions. As a result of discussions with these interested parties, staff has updated the aforementioned ordinances in specific areas; new language is in bold with revisions struck through (see Attachments 4, a-e). However, as staff did not agree with all of the requested edits, not all requested changes were made to the two ordinances. Information on why these edits were not made is found below.

Recommended Ordinance Changes:

- Replace the word “Project” in the Site Plan Review and Additive Zone ordinances.  
- A “project” as defined under the California Environmental Quality Act (CEQA) is an activity that (1) is a discretionary action by a governmental agency and (2) will either have a direct or reasonably foreseeable indirect impact on the environment (Pub. Res. Code, § 21065). The multifamily development applications that will be reviewed on the AHP zoned sites under the Site Plan Review process will be ministerial in nature, meaning that they are not considered a ‘project’ under CEQA. To avoid misinterpretation of the ordinances as requiring CEQA review as a project, the term “project” has been replaced with “development” where appropriate in the aforementioned ordinances. The revisions are marked in bold in the draft ordinances in Attachments 4a-e. Edits were made to address the written input that was provided to staff.
- Additive Zone Mixed-use Development Standard in General Commercial, C-2 zone. A public comment indicated that the requirement under proposed OCC Section 16-420G (B) for mixed-use commercial and residential development is unclear on how to apply the standard. The text for this requirement mirrors existing OCC Section 16-142 for dwellings in the C-2 zone, which states “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.” The City has successfully used this provision for mixed-use development in the

C-2 zone, and the provision would be consistent with application outside of the Downtown. For example, the C-2 zone requires a 10-foot front yard setback, while the R-4 zone requires a 20-foot setback; therefore an office or commercial business on the first floor of a development could be located 10-feet from the front property line, while the 2nd floor would be set back 20-feet from the front property. This space can be used to create a second floor patio or other outdoor space above the ground floor commercial use; this intent is to avoid a monotonous flat street facing elevation, through second floor setbacks/design, and to provide some additional privacy for those that live in the residential units above ground floor commercial uses outside the Downtown area. A clarification has been added to Section 16-420G (B) clarifying that this section applies only to C-2 zoned sites. The revisions are marked in bold in the draft ordinances in Attachment 4a. Edits were made to clarify processes and to address the written input that was provided to staff.

- Additive Zone Adjustment to Development Standards. The State Housing Element law that requires accommodating appropriate zoning (30 du/ac) for lower income RHNA and ‘by-right’ processing of development on prior Housing Element sites (Government Code Section 65583.2) does not require that the City allow any adjustments to development standards beyond those permitted under Density Bonus legislation. However, during workshops on the Housing Element, several advocates expressed concern over the loss of this feature for 100% affordable housing projects when the AAHOP program is repealed. The current AAHOP ordinance allows a 10% adjustment to development standards, “as necessary, to ensure requested densities and ensure quality development is achieved for projects which are 100% affordable” This feature helps to reduce project costs for affordable housing developers, as minor revisions can be made to development standards while reserving Density Bonus Concessions for larger development standards. Therefore this feature was carried forward from the AAHOP ordinance to provide an incentive for 100% affordable projects. The AAHOP ordinance was adopted prior to current updates to the state Density Bonus legislation that are more generous for Concessions for 100% affordable projects (currently four concessions, parking reductions, and height increase of 3-stories and parking waiver for development located within ½ mile of a major transit stop). Therefore, inclusion of this provision for 100% affordable projects, which can be layered with the current Density Bonus, allows more modification or Concessions from the OCC than was available at the time that AAHOP was adopted. However, the provision still represents a reasonable incentive to encourage affordable housing with 100% lower income units and staff recommends that this provision be retained as written in the additive zone standards.

A public comment indicated that the 10% adjustment is too low and requested the adjustment be increased from 10% to 25% to align with the OCC Planned Development (PD) permit provisions (OCC Section 16-271). The PD provisions are discretionary and associated with a Special Use Permit (SUP); meaning the 25% modification is not an automatic provision, but should Findings be made, the

decision makers (Planning Commission and City Council) may choose to grant the requested modification. The modification can be denied, reduced and/or require conditions of approval to minimize impact. Therefore, the PD discretionary provisions are not comparable to the 10% adjustment allowed for the new Site Plan Review ministerial process. Implementation of the Council supported 10% deviation for ministerial developments instead of a 25% PD discretionary process cannot be argued as discriminatory and a violation of the Fair Housing Act because the 25% provision is discretionary and not automatic. Further, coupled with Density Bonus law, extensive concessions and reduction in development standards coupled with the 10% modification provides significant development flexibility. Therefore, further modification of the adjustment to development standards from 10% to 25% is not recommended.

- Additive Zone Design Standards. Under the proposed (OCC Section 16-420) Additive Zone ordinance, affordable and predominantly market rate multifamily development (20% affordable) in both the AHP and AHD additive zones would be subject to the objective design standards. HCD guidance on review of by-right development specifies that the by-right provision does not preclude a jurisdiction from imposing objective design review standards. As an example given by HCD, the Director can review the design merits of a development and call for design-related modifications based on those standards, but can not exercise subjective discretionary judgment to reject, deny or modify the development. Therefore the proposed design standards are intended to be objective, and are pulled from sources such as HUD, SB35 provisions, the Downtown Code, and objective design standards adopted by other California jurisdictions such as Santa Rosa and Irvine.
- 16-420H (B)(7) Material Change. A public comment indicated that the proposed requirement is expensive and could also be addressed with a color change, or the requirement could be reduced to 30% to 40% of the facade. The requirement to provide a material change between the 1st and upper floors on 75% of the building for buildings that are 3-stories or taller was aimed at being consistent with the language in the City's Downtown Code which calls for "a distinct base, middle and top" and a "heavier" material should go below the "lighter" material." The percentage came from the adopted regulations of another jurisdiction to provide a number for the objective standard. Recognizing that the concern is predominately with the cost of material, staff recommends a revision to also allow a color change, provided the color change occurs with a change in architectural fenestration or facade articulation so the change of material or color is architecturally purposeful. The revisions are marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.
- 16-420H (B)(8) Parking Setback. A public comment indicated that the provision would be difficult to implement with 30 dwelling units per acre. The intent of the requirement is to avoid the front of the parcel being developed

with a parking lot rather than placing parking behind, under or wrapped by the building. Both market rate and affordable developers within the Downtown area have been able to meet these standards. Parking requirements may be further reduced by the Density Bonus. Staff recommends that the text be retained as written.

- 16-420H (C)(4)&(5) Massing/Articulation. A public comment indicated that the number standard for minor massing and roofline articulation ‘every 50 feet’ is arbitrary and should be removed. The 50-foot dimension was included in design standards to avoid subjective interpretation. Given the historic lot pattern in Oxnard, 50 feet is not arbitrary. Although there are many architects with good judgement, that is not true of all architects. Without the numeric design standards, the requirement would only require minor massing breaks such as a varying setback, building entry or recesses, which could be limited to only one place on a building and result in a monotonous facade. Staff recommends that the text be retained as written.
- 16-420H (C)(6) Maximum Height adjacent to the Single Family, R-1 district boundary. A public comment indicated that the requirement would be difficult to implement for a 40-50 foot tall building. The intent of this provision is to be sensitive to the edge condition between the R-1 zone and higher density development. Since the zone designation is on the parcel, and not the street or alley, this provision is predominately applicable to parcels that are located immediately adjacent to an R-1 zone. As written, the maximum building height within 20 feet of the adjacent R-1 property line would be 25 feet, and a one-for-one setback would be required for each additional foot in height. However, the maximum building height in the R-1 zone is 35 feet. To match the maximum height in the R-1 zone, the 25 foot maximum height in the design standard has been increased to 35 feet. The rest of the standard was revised to repeat a provision from the Oxnard Downtown code (OCC Section 16-145) that would accommodate podium parking and additional stories up to 56 feet. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.
- 16-420H (D) Site Design. A public comment requests that open space areas be replaced with common open space, and that ‘direct interaction’ be clarified. The intent of the open space requirement was to reference common open space areas and areas that may be used as common open space, such as parks. Staff has recommended language to clarify the requirement for direct interaction. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.
- 16-420H (E)(6) Refuse enclosures. A public comment requests removal of refuse enclosure design standards because they indicated that the standards are already part of code (in reference to subsections a through d) or overreaching (subsection e). Inclusion of City required design guidelines helps to ensure that



they are included within the initial site design. The intent of the requirement for trash enclosures to not be located within 20 feet of a residence, or more than 100 feet from a residential unit is reasonable as it provides adequate access for residents to utilize waste stream facilities. However, staff recommends this standard be modified slightly to allow enclosures to be located up to 150 feet from a building, instead of 100 feet, to be consistent with the City Material Management and Enclosure Design Guidelines. The Police Department also requested that an additional standard be included to require landscaping around refuse enclosures to prevent graffiti, as it is required as a standard condition on discretionary projects. This condition will be added in the future to the City Material Management and Enclosure Design Guidelines, which are required under 16-420H (E)(6)(a). The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

- Additive Zone Special Development Requirements. Under the proposed (OCC Section 16-420I) Special Development Requirements, standards are intended to ensure compatible uses with adjacent industrial or commercial zoned property. A public comment expressed concern that the sites identified as -AHP or -AHD should have already taken into consideration site limitations and surrounding use to determine adequate sites for the Housing Element. The City's Housing Element anticipates potential land use conflicts with residential and non-residential uses and sets implementation standards to reduce those conflicts. The referenced issue areas (i.e. air quality, hazards, noise, and etcetera) are regulated by either agencies (i.e. Ventura County, Air Pollution Control District and Certified Unified Program Agency (CUPA)) and / or the Oxnard City Code. Additionally, it is possible that the AHD additive zone may be added to other parcels in the future; therefore, these requirements are needed to ensure land use compatibility. The requirement helps to ensure that future multifamily or mixed-use developments are not subject to noise, odor, air emissions, contamination or other incompatible conditions while also allowing other non-residential uses to be allowed within areas which currently allow non-residential uses. Staff recommends that the text be retained as written.

In discussions with the Police Department regarding the proposed Special Development Requirements, they requested the addition of the following additional requirements:

- 16.420I(A) The Oxnard Police requested the addition of Complete sidewalk circulation systems and bus stops. These requirements, in collaboration with Community Development, Public Works, Gold Coast Transit, and the Police, are currently imposed on all new residential development projects. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.
- 16-420I (B)& (E) A public comment pointed out that residential disclosures and health risk assessments should not only be required for discretionary

applications. The word ‘discretionary’ has been removed. Revisions were also made to address Fire Department comments. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

- 16-420I (I)(2) A public comment requested that the comprehensive tenant screening process be removed, as it conflicts with housing first requirements; the word “screening” was not intended to be discriminatory, but screening for safety and security. The language was refined to address the Police Department’s intended concern. The addition of access control systems and secure postal and parcel delivery was added, as these are required as standard conditions on all new multi-family residential development projects. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.
- Additive Zone Findings. A public comment questioned the inclusion of Findings (proposed ordinance Section 16-420K) within the Additive zone ordinance. Findings can and should be required, as they provide a way for the City to justify a decision or justify an opponent's challenge of an action on a project. Findings for ministerial projects are to be objective and are intended to be answered with "yes" or "no", whereas discretionary findings can be subjective. SB 35 provides a solid example of a ministerial permit process. The legislature adopted Findings for the SB 35 ministerial permits and inserted them into Government Code Section 65913.4(a). Findings in the Additive zone Ordinance Amendments Section 16-420K(K) are largely based on SB 35's Findings for ministerial review of affordable housing development. The Findings in Section 16-420K(A) through 16-420K(E) of the Additive Zone mirror the State’s California Environmental Quality Act guidelines Section 15192 threshold requirement for exemptions for affordable housing and infill projects. Those project sites that meet the definition of exemption from the State CEQA Guidelines, are less than 5 acres, and would not require environmental review. These are generally the parcels which will have the AHP additive zone. Staff recommends that the text be retained as written.
- Site Plan Review Application Requirements. A public comment requested revision to Section 16-523.2 text that state submittal requirements may be increased or waived on a project-specific basis. This sentence was replaced with text stating that the City may ask for additional material to address questions or concerns during the review process. The revision is marked in bold in the draft ordinances in Attachments 4e. Edits were made to address the written input that was provided to staff.
- Site Plan Review (SPR) Public Notice. To comply with the State definition of By-Right (65583), the Site Plan Review process is non-discretionary, which means the public agency is required to act on a development using fixed standards and the agency cannot use discretionary judgement. Development is allowed by-right. Therefore, the Site Plan Review process does not include public meetings, hearings

or public notification. However, for transparency, the Site Plan Review permits will be identified on the City's Development Project List (see Section 16-523.5) that is posted on the City's website and updated quarterly. The revision is marked in bold in the draft ordinances in Attachments 4e. Edits were made to address the written input that was provided to staff.

- Appeal Provisions. A public comment requested the addition or revision of the appeal provisions identified in the Density Bonus Ordinance Section 16-410F(E) and Site Plan Review Ordinance Sections 16-523.9 and 16-523.10(F). The City Attorney's office reviewed the requested revision to the appeal language and has accepted the requested changes. Edits were made to address the written input that was provided to staff. The revision is marked in bold in the draft ordinances in Attachments 4d and 4e.

General Comments Regarding Final Housing Element Program Language:

- Affordable Furthering Fair Housing (Program 19) - Program 19 in the Draft Housing Element was updated substantially in the current Final Housing Element (August 2021) to address state guidance on Affirmative Furthering of Fair Housing (AFFH) that was published in May 2021. City staff presented program recommendations to the Committee (July 27, 2021) to incorporate additional action items into Program 19 (AFFH) to address the May 2021 state guidance.

A public comment requested that that Program 19 be revised to include the following action item: "The City will meet with developers to encourage construction of housing that will be affordable on a teacher's salary and partner with organizations such as United Way to address disparities in access to strong educational opportunities. In addition, the City will facilitate partnerships with the school district and organizations such as People's Self-Help Housing to provide onsite educational programming for affordable multifamily housing developments." Staff does not object to the addition of this action item, though it should include a broader collection of developers and advocates. The City does promote affordable housing programs through the City's affordable housing planning page.

Staff recommends that Program 19 be updated to include a bullet item which reflects the City's affordable housing page. Suggested language:

"The City will continue to promote affordable housing programs and opportunities in collaboration with the Housing Department and economic development organizations and affordable housing advocates. See [https://www.oxnard.org/city-department/community-development/oxnard\\_affordable\\_housing/](https://www.oxnard.org/city-department/community-development/oxnard_affordable_housing/). These organizations will also be consulted during the City's Annual Housing Element Workshop (Program 43)." With City Council's concurrence on October 5th this program revision would be made prior to submittal of the Final Housing Element to HCD for certification.

A public comment requested that the Final Housing Element included recognition of the importance of furthering affordable homeownership housing production as well as affordable rental opportunities in response to racial disparities in homeownership rates. The City is addressing these needs through existing Programs 11, 12, and 19. Staff recommends that the text be retained as written.

- Prohousing. A public comment requested that the Final Housing Element include adopted language from the Ventura County Planning Commission Housing Element to “apply for and strive to receive and maintain the State’s Prohousing Designation by demonstrating a sufficient number of policies that contribute to accelerating housing production.” The City continues to evaluate the prohousing designation program and will consider the formal HCD prohousing designation with further actions to implement housing, development, and transit/mobility studies and recommendations. As discussed in the September 2nd Planning Commission staff report and presentation, the City has developed a number of programs which demonstrate prohousing without securing the HCD formal prohousing designation. City staff believes there are opportunities to take advantage of the HCD prohousing/grant program, but staff will be waiting for information to inform the designation boundary and full scope/program elements. Programs 33 and 35, in addition to the AHP/ADH/additive program, BRP housing (Program 35), High Quality Transit Corridor (HQTC) (Program 33) study and Vehicle Miles Traveled (VMT) analysis, and Program 6 OCC modifications, all will facilitate prohousing). Staff recommends that the text be retained as written and no program additions are needed at this time.

#### Next Steps and Process:

The Draft OCC ordinances were made available with the September 2nd Planning Commission staff report, on August 26th. Staff has implemented many of the requested proposed ordinance revisions, and will continue to work with the affordable housing advocates and developers throughout the Housing Element update process. The draft ordinances will be presented to City Council on October 5th. Staff acknowledges that additional ordinance refinement may be needed over time. State Housing Element law has changed substantially within the last few years and has placed new requirements on jurisdictions with only minimal guidance on how agencies should implement them. Because the requirements are new, no jurisdiction could be exemplified as having ‘tried and true’ codes that successfully resulted in more affordable housing. Therefore some revisions to the two new ordinances and changes to existing codes are envisioned as the City moves forward to implement the Final Housing Element and is able to evaluate the text amendment’s success in accommodating and encouraging multifamily housing. Program 43 (Annual Housing Element Workshop) provides an opportunity to evaluate the success of all of the Final Housing Element Programs, including zoning code amendments to accommodate RHNA, default density and by-right development.

**4) General Plan Land Use Element and Oxnard City Code (OCC) Actions:** A detailed discussion on the proposed General Plan text and map Amendment, each zoning text and map amendment is provided in the September 2, 2021 Planning Commission staff report. The following zoning text amendments must be adopted concurrently with the Housing Element to allow 30 dwelling units per acre on sites identified in Supplement 1 of the Final Housing Element, including updating permitted uses in the General Commercial (C-2) and Business and Research Park (BRP) zones, creating Affordable Housing additive zones and regulations (AHP and AHD) that allow 30 dwelling units per acre, creating a new ministerial Site Plan Review (SPR) processes and objective development standards for by-right projects. For clarity these are listed below and described in detail in this September 2nd staff report:

- A. Draft - 2030 General Plan Land Use Element, Section 3.5 and Table 3.2 amendments
- B. Draft - OCC Section 16-135 & 16-136 (C-2 - General Commercial Zone) amendments
- C. Draft - OCC Section 16-162 & 16-163 (Business Research Park) amendments
- D. Draft - OCC Section 16-420 (Affordable Housing -AHP & -AHD Additive Zones) amendments - New Provisions
- E. Draft - OCC Section 16-410 (Density Bonus) - revise approval authority
- F. Draft - OCC Section 16-523 (Site Plan Review) - New Process

**5) Final Housing Element Program Changes:** An Errata memo has been provided in Attachment 7 that summarizes written comments on the Final Housing Element. Minor typographical and non substantive edits are summarized in this document with changes made prior to submittal of the amended Final Housing Element to HCD for certification.

**6) General Plan Conformity:** An analysis of General Plan conformity is contained in Attachment 8. Both the General Plan Land Use and the Housing Elements (complete repealing and readoption) are proposed actions to occur by the City Council on October 5, 2021. As outlined in the September 2nd and this staff report, these Elements will be internally consistent to ensure the Land Use Element supports actions and development densities allowed within the Housing Element. The City's 2030 General Plan also contains other Elements: Community Development, Sustainable Community, Infrastructure and Community Service (aka "Circulation Element"), Environmental Resources, Safety & Hazards, and Military Compatibility.

The 2030 General Plan and Program Level Environmental Impact Report (PEIR) analyzed traffic impacts based on level of service (LOS). The General Plan establishes a desired LOS for roadways of LOS C at most intersections within the City. There are exceptions to this standard approved by Council at five intersections (see page 4-7 of <https://www.oxnard.org/wp-content/uploads/2017/06/Oxnard-2030-General-Plan-Amend-06.2017-SM.pdf>). LOS is a measuring tool to compare capacity and delay of motorists (or other users) of the street system and is graded between free flow conditions (LOS A) and failure (LOS F) where significant congestion could occur.

LOS is not meant to be an all encompassing tool for multi-modal traffic analysis or how people travel from place to place, rather it reflects how intersections and road segments may operate under certain conditions. For this reason the State passed Senate Bill (SB) 743 which requires the use of Vehicle Miles Traveled (VMT) as the tool to identify environmental impacts; this same tool is not, however, used in our 2030 General Plan Conformity analysis since the City still utilizes LOS.

In order to consider General Plan conformity, a summary review was conducted using LOS. The study evaluated LOS for the Housing Element using traffic forecasts from the Ventura County Transportation Commission (VCTC) model and identifying twenty (20) intersections which could have the potential to change as a result of the Housing Element Update. It is important to note that due to the pandemic, new traffic counts were not available and instead historical data was used. This scenario has changed traffic volumes and patterns and may not reflect current conditions.

Based upon the results of the analysis we identified that some of the intersections may potentially exceed the LOS C established in the 2030 General Plan for the 2029 timeline. This is somewhat caused by the acceleration of delivery of all housing by 2029. When comparing the same list to the full General Plan buildout and mitigations that were analyzed in the General Plan PEIR, most intersections continue to operate at an acceptable LOS. Additionally, the Housing Element LOS analysis is not able to consider additional traffic reduction strategies that are consistent with the Housing Element update such as increased mixed use development, higher density housing sites or infill development that may have reduced traffic volume characteristics. One focus of the upcoming 2045 General Plan update, which will kick off in mid-2022, will be to reevaluate the Circulation Element and traffic forecasts for a future horizon year that exceeds the year we are studying here (2021-2029). Any deficiency will be looked at in more detail and will be addressed through that process.

Currently the City is undertaking a number of transportation related studies that will improve the transportation, pedestrian, and environment including:

- Update to the Local Roadway Safety Plan;
- Update to the Bicycle Safety Master Plan;
- Execution of a Sustainable Transportation Planning grant;
- (Mid 2022) Begin Comprehensive update to the City's General Plan, including updates to the Circulation Element and revisiting the LOS "C" standard;
- Development of CEQA VMT thresholds which will encourage transportation demand management mitigation measures and mobility options for development; and
- Develop Standards for all modes of Transportation for operational purposes, design and safety.

**7) California Environmental Quality Act (CEQA) Review:** The Housing Element is subject to review in accordance with CEQA. With the passage of Senate Bill (SB) 743, environmental analysis and environmental documents no longer use LOS but instead utilize VMT. The VMT analysis is intended to support the State's goals in reducing



greenhouse gas (GHG) emissions, encouraging infill development, and improving public health via increased active transportation. The switch from LOS to VMT in environmental documents is intended to ensure that the multi-modal environmental impacts are addressed in a holistic fashion, considering the interrelationship of climate, transportation, and land use patterns in environmental documents and land use decisions.

The City prepared an Initial Study - Mitigated Negative Declaration (IS/MND - No. 2021-01) for the proposed 2021-2029 Housing Element and related actions in accordance with CEQA Guidelines, Section 15070; see <https://www.oxnard.org/housing-element-update/>. Mitigation measures were minor and pertained to standard mitigations to address biological and paleontological resources. The public comment period ended on September 3, 2021. Comments on the IS/MND were minor in nature, and did not raise any new significant impacts, need for mitigation, or changes to any conclusions. Written response will be provided to these organizations ten days prior to City Council approval of the IS/MND. Comments were received from the following organizations (see Attachment 9):

- Ventura County, Air Pollution Control District - No revisions necessary; comment supports Site Plan Review provisions in Section 16-420I (Special Development Requirements)
- Ventura County, Watershed Protection District - No revisions necessary; reply will clarify City process and Housing Element sites
- Ventura County, Agricultural Commissioner's office - No revisions necessary; reply will clarify City process and Housing Element sites
- CalTrans District 6 - No revisions necessary; reply will clarify the City's parking requirements and Housing Element Programs
- Santa Ynez Band of Chumash Indians, Tribal Elders - No revisions necessary; state required consultation due to General Plan Amendment acknowledged and City's legal compliance met
- State of California – Natural Resources Agency, Department of Fish and Wildlife – revisions to MND mitigation measures required and new conditions of approval recommended; as part of City Council certification of the IS/MND mitigation measures will be added

**8) Community Outreach:** A notice of public hearing was posted in the Ventura County Vida newspaper, and mailed to all property owners of parcels subject to General Plan land use and zoning map changes. The City also set up a website for owners to verify the General Plan map and zone map changes to their property at <https://arcgis/HmSS1>. Staff received public inquiries from two property owners requesting clarification on the zone changes for their specific properties. Other than the summary of discussions with the affordable housing advocates and developers summarized above under background and/or analysis, no additional discussion has been received from members of the public since the September 2, 2021 Planning Commission meeting and preparation of this staff report.

**Attachments:**

1. 2021-2029 Final Housing Element (6th Cycle Housing Element - see [https://www.oxnard.org/wp-content/uploads/2021/08/Adoption-Final\\_8-13-21\\_tracked.pdf](https://www.oxnard.org/wp-content/uploads/2021/08/Adoption-Final_8-13-21_tracked.pdf) )
2. Draft Initial Study and Mitigated Negative Declaration (IS/MND - see <https://www.oxnard.org/wp-content/uploads/2021/08/Oxnard-HEU-IS-MND-Public-Review-Draft.pdf> )
3. Resolutions for General Plan Amendments:
  - a. 2021-2029 Housing Element and related text changes (PZ 20-620-03)
  - b. 2030 General Plan Land Use Element, Section 3.5 and Table 3.2 (PZ 21-620-02)
  - c. 2030 General Plan Land Use Map amendments (PZ 21-620-03)
4. Resolutions for Zoning Code Text Amendments (PZ 21-580-03):
  - a. Draft City Council Ordinance - OCC Section 16-420 (Affordable Housing -AHP & -AHD Additive Zones) amendments - New Provisions
  - b. Draft City Council Ordinance - OCC Section 16-135 & 16-136 (C-2 - General Commercial Zone) amendments
  - c. Draft City Council Ordinance - OCC Section 16-162 & 16-163 (Business Research Park) amendments
  - d. Draft City Council Ordinance - OCC Section 16-410 (Density Bonus) amendments
  - e. Draft City Council Ordinance - OCC Section 16-523 (Site Plan Review) - New Provisions
5. Resolution for Zoning Map Amendments (PZ 21-580-04)
6. September 2, 2021 Planning Commission Staff Report on the Final Housing Element - (see <https://oxnardca.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=3334>)
7. Written comments on the Final Housing Element and associated OCC actions, including Housing Element Errata (Levy letter (undated); Email to Maria Navarrete, Evangelistic Center Church September 2, 2020; Veronica Garcia/People's Self-Help Housing Sept. 2, 2021; Debbie Mitchell, September 2, 2021 letter; and Barbara Marci-Ortiz email dated September 1, 2021)
8. 2030 General Plan Conformity Determination
9. Written comments received on the IS/MND
10. Staff Presentation



# Oxnard 2021-2029 Housing Element

**PZ No. 20-620-03: GP Amendment to adopt 2021-2029 Housing Element and related text changes**

**PZ No. 21-620-02: GP Text Amendment to the Land Use Element**

**PZ No. 21-620-03: GP Map Amendment to the Land Use Element**

**PZ No. 21-580-03: Zoning Ordinance Text Amendment for Affordable Housing**

**PZ No. 21-580-04: Zoning Map Amendment for Affordable Housing**

Kathleen Mallory, Planning & Sustainability Manager

City's Consultant Team:

Heather Davis, Consultant Planner

Amy Sinsheimer, Placeworks, Housing Consultant

Planning Commission

September 16, 2021

# BACKGROUND

Tonight is Part 2 of a two-step process:

- Part 1 (Completed) - September 2nd presented the Final Housing Element along with a number of General Plan map, and text; and Zoning map and Zoning ordinance changes
  - For ease, not going over all of those items in detail; PowerPoint attached to this presentation;  
<https://youtu.be/QqXb60PEXzA>
  - Staff's verbal presentation also available for re-review if needed <https://www.youtube.com/watch?v=Jr4Af76vwN8>
- Part 2 (Focus Tonight) - Review of questions received from the Commission/public; suggested revisions to Draft Ordinances presented on Sept. 2nd to respond to input received

## **BACKGROUND, on Sept. 2nd we reviewed:**

**Land Use Element, text and map amendments; and Oxnard City Code ordinance changes to implement the Final Housing Element. Including GP Amendment, and adoption of 5 ordinances, as follows:**

### **General Plan Land Use Element, Text and Map Amendments:**

- 2030 General Plan Land Use Element, Section 3.5 and Table 3.2
- Revise Map - Land Use Designation on 13 Parcels

### **Zoning Text and Map Amendment:**

- Amend Oxnard City Code (OCC) Sections 16-135 & 16-136 (C-2 - General Commercial Zone)
- Amend OCC Section 16-162 & 16-163 (Business Research Park)
- New OCC Section 16-420 (Affordable Housing -AHP & -AHD Additive Zones). Repeal & Replace AAHOP
- Amend OCC Section 16-410 (Density Bonus)
- New OCC Section 16-523 (Site Plan Review)

# PUBLIC INPUT ON NEW AND REVISED ORDINANCES

- Public input on Draft Ordinances; most ordinance revisions pertain to the NEW Additive Zone and Site Plan Review Ordinances
- Presentation focuses on edits NOT made to Ordinances and why.
- Additive Zone Development Standards:
  - Section 16-420G - Retain the percent modification for 100% affordable projects as 10% (per AAHOP Ord.). - Recent updates to Density Bonus law, extensive concessions and reduction in development standards coupled with the 10% modification provides significant development flexibility.
- Additive Zone Design Standards:
  - Section 16-420H (B)(8) Parking Setback - Not place parking in primary and side frontage. Parking behind, under or wrapped by building.
  - Section 16-420H (C)(4)&(5) Massing/Articulation - Retain objective numeric design standard.
- Additive Zone Special Development Requirements:
  - Section 16-420I - Retain implementation standards to reduce conflicts between residential and non-residential uses. Help ensure future multifamily are not subject to noise, odor, air emissions, contamination or other incompatible conditions.
- Additive Zone Findings:
  - Section 16-420k - Findings largely based on SB35 Findings for ministerial review of affordable housing, and CEQA guidelines for affordable housing exemption.

# PUBLIC INPUT ON NEW AND REVISED ORDINANCES

## Edits We DID make:

- Replace “Project” in SPR and Additive Zone ordinances
- Additive Zone Mixed-use Development Standard in C-2 zone
- Additive Zone Design Standards
  - 16-420H (B)(7) Material Change
  - 16-420H (C)(6) Maximum Height adjacent to R-1 district boundary
  - 16-420H (D) Site Design
  - 16-420H (E)(6) Refuse enclosures
- Additive Zone Special Development Requirements
  - 16.420I (A) Complete sidewalk circulation systems and bus stops.
  - 16-420I (B)&(E) residential disclosures and health risk assessments
  - 16-420I (I)(2) comprehensive tenant screening
- SPR Application Requirements
- SPR Public Notice, through project list
- SPR and Density Bonus Appeals provisions

## PUBLIC INPUT ON HOUSING ELEMENT, Program 19

- To address input from People's Self Help, add a new bullet to Program 19:
  - “The City will continue to promote affordable housing programs and opportunities in collaboration with the Housing Department and economic development organizations and affordable housing advocates. See [https://www.oxnard.org/city-department/community-development/oxnard\\_affordable\\_housing/](https://www.oxnard.org/city-department/community-development/oxnard_affordable_housing/). These organizations will also be consulted during the City's Annual Housing Element Workshop (Program 43).”
- With City Council's concurrence on October 5th this program revision would be made prior to submittal of the Final Housing Element to HCD for certification.
- Prohousing program and added language not needed due to existing Programs - 33, 35, and revisions to Program 6 (Zoning Ord.) supports prohousing

## NEXT STEPS AND SCHEDULE

- October 5th - City Council considers these documents, and certifies the environmental document, conducts a first reading on the ordinances, adopts a resolution approving the General Plan Land Use Element Amendments, and adopts the Final Housing Element
- Prior to October 14th - City submits the Final Housing Element to HCD for certification, with errata changes incorporated
- October 19th - City Council second reading of Ordinances
- November 20th - The Zoning Text Amendments will be effective

# ENVIRONMENTAL REVIEW

- Initial Study - Mitigated Negative Declaration (IS/MND - No. 2021-01)  
<https://www.oxnard.org/housing-element-update/>
- Standard mitigations to address biological and paleontological resources
- Public Review August 5, 2021 to September 3, 2021
- Comments on the IS/MND were minor in nature, and did not raise any new significant impacts or changes to any conclusions.
  - Ventura County, Air Pollution Control District - No revisions necessary
  - Ventura County, Watershed Protection District - No revisions necessary
  - Ventura County, Agricultural Commissioner's office - No revisions necessary;
  - CalTrans District 6 - No revisions necessary
  - Santa Ynez Band of Chumash Indians, Tribal Elders - No revisions necessary
  - State of California – Natural Resources Agency, Department of Fish and Wildlife – revisions to MND mitigation measures required and new conditions of approval recommended; as part of City Council certification of the IS/MND mitigation measures will be added



# RECOMMENDATION

That the Planning Commission:

1. Receive a presentation on the 2021-2029 Final Housing Element (6th Cycle Housing Element; Attachment 1); and
2. Open the public hearing and receive public input; and
3. Review the Draft Initial Study and Mitigated Negative Declaration (IS/MND) and recommend City Council approval of the environmental document (Attachment 2); and
4. Adopt Resolution 2021-XX recommending City Council adopt the 2021-2029 Final Housing Element (“Housing Element”) update to replace in its entirety the current 2013-2021 Housing Element as Chapter 8 within the 2030 General Plan, and text and map changes to the General Plan Land Use Element (Attachment 3); and
5. Adopt Resolution 2021-XX recommending City Council approval of text amendments to Chapter 16 of the Oxnard City Code to facilitate construction of housing units as stipulated in the City’s Final Housing Element (see Attachment 4); and
6. Adopt Resolution 2021-XX recommending City Council approval of zoning map amendments (see Attachment 5) to facilitate construction of housing units as stipulated in the Final Housing Element.



## MEMORANDUM

**Agenda Item No.: F.2**

**Date: September 15, 2021**

**To: Planning Commission**

**From: Kathleen Mallory, Planning & Sustainability Manager**

**Subject: Modification Memo No. 1 – Affordable Housing Additive Zone Draft Ordinance - Planning and Zoning Permit Nos. 21-580-03 (Zoning Text Amendment).**

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Three Sections of the Draft Ordinance (“Additive Zone” - Attachment 4a of the Planning Commission Packet) are recommended to be modified. Edits to the Draft Ordinance are first described and then are shown below in legislative format (text to be removed is shown in strikethrough and new text is underlined).

Modification 1: On July 27, 2021, the Community Services, Public Safety, Housing & Development Committee authorized the waiver of Parcel Assemblage/Lot Consolidation fee (Program 5 “Parcel Assemblage/Lot Consolidation.” in the Housing Element) for sites identified in Supplement 1 of the Final Housing Element. This was not reflected in Attachment 4a (“Additive Zone”) of the Planning Commission Packet. As described below in proposed Modification 1, staff recommends that proposed Oxnard City Code (OCC) Section 16-420 (Draft Ordinance) be amended to reflect this direction for targeted parcels (less than 0.5 acres) on contiguous lots identified in Supplement 1 of the Housing Element.

Modification 2: In response to development community comments, an edit to Section 16-420C (Permitted Uses) of the Draft Ordinance was requested to clarify the permitting process for mixed use developments in the -AHP and -AHD additive zones. As described below in proposed Modification 2, objective standards indicate how much floor area can be dedicated to commercial and / or office uses by-right and allows for a voluntary permit process for applicants to exceed the by-right commercial and / or office floor area.

Modification 3: Finally, an edit to Section 16-420D (Plan Review and Processing) of the Draft Ordinance is recommended to incorporate text on how the Planned Development (PD) will be addressed on sites designated with both the PD zone and the -AHP or -AHD Additive Zones. The OCC requires a Special Use Permit (SUP) for a PD; this is not considered a ministerial or

by-right process and therefore, is in conflict with the by-right process. The PD zone has been retained on sites for non-residential development or development that does not fall under the Additive Zone provisions. Information on how the existing PD would be applied to sites was included in Table 4 of the September 2, 2021 Planning Commission staff report. It specified that “A PD on a site is applicable to non-residential development on the site and residential development with less than 20% lower income,” but this clarification was not included within the Draft Ordinance. The intent of this provision was to avoid internal inconsistency that would require by-right development to obtain a discretionary SUP for development in a PD zone. Non-residential projects and projects that do not fall under the Additive Zone provisions would still utilize the City’s PD regulations (OCC 16-270) and be required to obtain a SUP.

## **Modification 1**

### **SEC. 16-420F. ASSISTANCE FOR AFFORDABLE PROJECTS.**

(A) Housing developments that comply with this Division and contain multiple parcels with at least one parcel less than 0.5 acres which will be merged to facilitate affordable housing may request that lot merger fees be waived. Unless the lot merger involves unique situations that involve an agency or easement party other than the city or a utility company, the city shall grant the lot merger fee waiver request.

The Sections that followed this new section will be renumbered accordingly.

## **Modification 2**

### **SEC. 16-420C. PERMITTED USES.**

(A) Multifamily - Multifamily residential uses are allowed in -AHP and -AHD zones, subject to compliance with all applicable requirements of this Division 7C. ~~Multi-family residential uses may include space for commercial or office uses that do not exceed 15 percent of the total floor area of the development project, where commercial or office uses are allowed in the underlying zoning designation. Approval of a Special Use Permit for the commercial or office use shall still be required for related uses in accordance with the underlying zoning designation.~~

~~(B) Mixed use permissible - Multifamily residential uses which contain commercial or office space of greater than 15 percent of the total floor area of the development are also permissible if they are constructed in addition to other permitted or conditional uses that are permitted in accordance with the underlying zoning designation.~~

(B) Mixed use permissible - Mixed use multifamily residential uses are allowed in -AHP and AHD zones, subject to compliance with all applicable requirements of this Division 7C, as follows:

1. Mixed use multifamily residential uses within the -AHP or -AHD additive zone may include space for commercial or office uses that do not exceed 15 percent of the total floor area of the development, where commercial or office uses are allowed as a permitted use in the underlying zoning designation, as part of the

-AHP or -AHD associated permit. Commercial or office uses, which require a Special Use Permit in accordance with the underlying zoning designation, shall require approval of a Special Use Permit, in both the -AHP or -AHD additive zone.

2. Mixed use multifamily residential uses within the -AHP additive zone which contain commercial or office space of greater than 15 percent of the total floor area of the development may request that the mixed use multifamily residential use application be removed from the by-right Site Plan Review permit process and submit an application for a Development Design Review planning permit pursuant to section 16-525 under which the mixed use multifamily residential use application is not considered ministerial. The commercial or office space of greater than 15 percent of the total floor area of the development are also permissible, if they are constructed in addition to other permitted or related uses that are permitted in accordance with the underlying zoning designation. The commercial or office space shall still require Development Design Review Permit or Special Use Permit in accordance with the underlying zoning designation in the -AHP additive zone.
3. Mixed use multifamily residential uses within the -AHD additive zone which contain commercial or office space of greater than 15 percent of the total floor area of the development are also permissible, if they are constructed in addition to other permitted or related uses that are permitted in accordance with the underlying zoning designation. The commercial or office space shall still require Development Design Review Permit or Special Use Permit in accordance with the underlying zoning designation in the -AHD additive zone.

(C) Underlying zoning permissible - As the -AHP and -AHD Additive zone designations do not replace the 2030 general plan land use or underlying zone designations, any proposed use or development other than housing, or in addition to housing, shall be governed by the 2030 General Plan and zone designations and applicable standards and guidelines.

### **Modification 3**

#### **SEC. 16-420D. PLAN REVIEW AND PROCESSING.**

(A) Application - ~~Housing~~ Residential or mixed use developments proposed on -AHP or -AHD Additive Zone sites and permitted under this Division shall be identified by the applicant at the time of permit application. The permit application fee and applicable supplemental development and environmental analysis and impact fees are required.

1. Residential or mixed use development applications are to identify that the development will provide a minimum of 20% of all units as affordable to extremely-low income, very-low income, or low income households and comply with this entire Division.

2. The Planned Development designation on a site is only applicable to non-residential development or development that does not fall under the -AHP or -AHD additive zone provisions.
3. An application cannot utilize both the Planned Development Additive Zone provisions found in Chapter 16, Division 17 and the -AHP or -AHD Additive Zone provisions found in Section 16-420H(E).

(B) Site Plan Review Permit - A ministerial site plan review (SPR) permit process (City Code section 16-523) is required for all Multi-Family Residential development as defined under Section 16-420C(A) within the -AHP zone that meets the affordability requirements as defined in Section 16-420E(A), and complies with the applicable development and design standards of this chapter.

(C) Special Use Permit - A Special Use Permit (SUP) permit process (City Code Sections 16-530 to 16-553) is required for all Multi-Family Residential uses permitted under this Division that are not eligible under Subsection (B) of this section and are located in the -AHD zone.

(D) Impact fees - applicants shall pay all applicable impact fees, provide appropriate design and engineering studies, and otherwise follow the applicable entitlement process for development of comparable size and use.

## MEMORANDUM

Agenda Item No.: F.2

Date: September 16, 2021

**To:** Planning Commission

**From:** Kathleen Mallory, Planning and Sustainability Manager

**Subject:** Transmittal Memo No. 1 – City of Oxnard 2021-2029 Final Housing Element - PLANNING AND ZONING PERMIT No. 20-620-03, General Plan Amendment replacing in its entirety the current Chapter 8 (2013-2021 Housing Element) with the 2021-2029 Housing Element; 2.) PZ No. 21-620-02, update General Plan Land Use Element (Chapter 3) text by amending the General Commercial and Business Research Park land use descriptions to allow up to 30 dwelling units with 20% lower income units per acre when identified by a zoning suffix of “-AHP” (Affordable Housing Permitted) or “-AHD” (Affordable Housing Discretionary); 3.) PZ No. 21-620-03, amending the 2030 General Plan Land Use map to re-designate 13 parcels from Limited Manufacturing or Public/Semi Public to Business Research Park or General Commercial; 4.) PZ No. 21-580-03, amending Chapter 16 of the Oxnard City Code (OCC) to repeal the All-Affordable Housing Opportunity Program (AAHOP) and replace these regulations with newly created Affordable Housing, Permitted (-AHP) and Affordable Housing, Discretionary (-AHD) additive zone definitions, designations and regulations; amending the text in the Business and Research Park (BRP) and General Commercial (C-2) zones to allow up to 30 dwelling units per acre with 20% lower income units on parcels with the “-AHP” or “-AHD” additive zone suffix; amending the Density Bonus ordinance approval authority; and creating a ministerial Site Plan Review process; and 5.) PZ No. 21-580-04, making Zoning Map Amendments to change zoning designations on approximately 106 parcels consistent with Supplement 1 of the Final Housing Element.

Subsequent to the release of the Staff Report, staff has received public correspondence regarding the subject project (attached).

### Attachment

- A. Email dated September 16, 2021, sent by Ranjodh Singh
- B. Email dated September 15, 2021, sent by Kristi Turner
- C. Email dated September 15, 2021, sent by Ranjodh Sukhi Sandhu

**From:** Heather Davis <hdavis@rinconconsultants.com>

**Sent:** Thursday, September 16, 2021 10:46 AM

**To:** Ranjodh Singh <ranny08@yahoo.com>

**Cc:** Lai, Dee <dee.lai@oxnard.org>; Mallory, Kathleen <kathleen.mallory@oxnard.org>

**Subject:** Re: [Ask Planning Action] 2021-2029 Housing Element

Good morning Ranjodh,

I looked up the address you mentioned, 4574 Saviers Road, and it appears to be a 540 square foot parcel (Parcel number 222015139) within a larger parcel that is subdivided for condominiums. The site is already developed with residential condominiums. Please let me know if this is the correct property.

The current zoning for the referenced parcel is R-4PD High Rise Residential Planned Development, which already is zoned to allow residential development at 30 dwelling units per acre.

**Heather Davis, Senior Environmental Planner**

Rincon Consultants, Inc.

Environmental Scientists | Planners | Engineers

805-214-8352

[rinconconsultants.com](http://rinconconsultants.com)



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**From:** Lai, Dee <dee.lai@oxnard.org>

**Sent:** Thursday, September 16, 2021 9:47 AM

**To:** Ranjodh Singh <ranny08@yahoo.com>

**Subject:** Re: [Ask Planning Action] 2021-2029 Housing Element

Hi Ranjodh,

Thank you for your email. We will get this to the Planning Commissioners.

Regards,

**Dee Lai | Administrative Secretary III  
Community Development Department**

214 S C Street | Oxnard, CA 93030

O: 805.385.7878

[www.oxnard.org](http://www.oxnard.org)



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- General inquiries should be sent via email to [Planning@oxnard.org](mailto:Planning@oxnard.org).
- For [new applications](#), email us at [planning@oxnard.org](mailto:planning@oxnard.org). Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.



- For existing applications, contact your assigned Case Planner by direct email.

When visiting the Service Center, please wear a mask and observe social distancing guidelines until further notice.

On Thu, Sep 16, 2021 at 9:41 AM 'Ranjodh Singh' via Planning <[planning@oxnard.org](mailto:planning@oxnard.org)> wrote:  
Dear planning commissioner,

I welcome the 2021-2029 Housing element. I would like to change the zoning of parcels listed below to a high density where developer can build up to 30 units per acre to accommodate the growing housing needs in the city.

4574 Saviers Road, Oxnard, CA 93033

Thanks  
Ranjodh Singh

---

**From:** Heather Davis <[hdavis@rinconconsultants.com](mailto:hdavis@rinconconsultants.com)>  
**Sent:** Thursday, September 16, 2021 11:28 AM  
**To:** Kristi Turner <[kturner4re@gmail.com](mailto:kturner4re@gmail.com)>  
**Cc:** Lai, Dee <[dee.lai@oxnard.org](mailto:dee.lai@oxnard.org)>  
**Subject:** Re: [Ask Planning Action] 2021-2029 Housing element

Hi Kristi -

Thank you for your inquiry on rezoning the two parcels at 1227 and 1239 S. C Street as part of the City's Housing Element update to allow development of 30 dwelling units per acre for affordable housing. The City has received a similar inquiry from the property owner. At this time the City has already completed selection of the parcels that will be rezoned to accommodate the City's Regional Housing Needs Allocation (RHNA) for lower income housing in the Final Housing Element. Therefore these parcels will not be added at this time.

However, the City may need to add additional sites over the next eight years under the City's "No Net Loss" requirement if a substantial number of the properties on the City's affordable housing list are developed with projects that do not include affordable housing. At that time the City would need to rezone additional sites to meet the City's RHNA for lower income housing. The City has informed the property owner of 1227 and 1239 S. C Street that their name can be added to a list to contact for future rezoning. You are also welcome to recommend sites to the City in the future if you are aware of property owners that are interested in development of affordable housing.

**Heather Davis, Senior Environmental Planner**  
Rincon Consultants, Inc.  
Environmental Scientists | Planners | Engineers  
805-214-8352  
[rinconconsultants.com](http://rinconconsultants.com)



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 Please consider the environment before printing this email.

**From:** Lai, Dee <dee.lai@oxnard.org>  
**Sent:** Thursday, September 16, 2021 8:33 AM  
**To:** Kristi Turner <kturner4re@gmail.com>  
**Subject:** Re: [Ask Planning Action] 2021-2029 Housing element

Hi Kristi,

Thank you for your email. I will forward this to the Planning Commissioners.

Regards,

Dee Lai | Administrative Secretary III  
Community Development Department  
214 S C Street | Oxnard, CA 93030  
O: 805.385.7878  
[www.oxnard.org](http://www.oxnard.org)



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- For existing applications, contact your assigned Case Planner by direct email.

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On Wed, Sep 15, 2021 at 6:41 PM Kristi Turner <[kturner4re@gmail.com](mailto:kturner4re@gmail.com)> wrote:

Dear Planning commissioner,

I've been a resident of Ventura County for 30 years and a Realtor for 18 years. I grew up in Oxnard and I welcome the parcels listed below to a high density where developers can build up to 30 units per acre to accommodate the community and can accommodate all units.

1239 South C Street APN 203-0-062-020- Is currently high density

1227 South C Street, APN 203-0-062-010- Request to change to high density, adjacent lot

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**From:** Heather Davis <hdavis@rinconconsultants.com>  
**Sent:** Wednesday, September 15, 2021 6:31 PM  
**To:** SUKHI SANDHU <sukhissandhu@yahoo.com>  
**Cc:** Lai, Dee <dee.lai@oxnard.org>; Mallory, Kathleen <kathleen.mallory@oxnard.org>  
**Subject:** Re: [Ask Planning Action] City of Oxnard 2021-2029 Housing Element

Hi Sukhi,

Thank you for your inquiry on rezoning your two parcels at 1227 and 1239 S. C Street as part of the City's Housing Element update to allow development of 30 dwelling units per acre for affordable housing. At this time the City has already completed selection of the parcels that will be rezoned to accommodate the City's Regional Housing Needs Allocation (RHNA) for lower income housing in the Final Housing Element. Therefore we will not be able to add your properties at this time.

However, the City may need to add additional sites over the next eight years under the City's "No Net Loss" requirement if a substantial number of the properties on the City's affordable housing list are developed with projects that do not include affordable housing. At that time the City would need to rezone additional sites to meet the City's RHNA for lower income housing. This may be several years out or may not happen during the 8-year Housing Element period, as the City included a buffer of sites to accommodate this occurrence. If you are interested in your properties being rezoned in the future for affordable housing, we can include your name on a list to contact when the City needs to add parcels.

**Heather Davis, Senior Environmental Planner**

Rincon Consultants, Inc.  
Environmental Scientists | Planners | Engineers  
805-214-8352  
[rinconconsultants.com](http://rinconconsultants.com)



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Please consider the environment before printing this email.

**From:** Lai, Dee <dee.lai@oxnard.org>  
**Sent:** Wednesday, September 15, 2021 8:33 AM  
**To:** SUKHI SANDHU <sukhissandhu@yahoo.com>  
**Subject:** Re: [Ask Planning Action] City of Oxnard 2021-2029 Housing Element

Hi SUKHI,

Thank you for your email. I have forwarded it to Heather Davis to respond to you as soon as possible.

Regards,

Dee Lai | Administrative Secretary III



**We welcome you back to the Service Center!**

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On Tue, Sep 14, 2021 at 11:42 PM 'SUKHI SANDHU' via Planning <[planning@oxnard.org](mailto:planning@oxnard.org)> wrote:  
Dear planning commissioner

I welcome the 2021-2029 Housing element. I would like to change the zoning of parcels listed below to a high density where developer can build upto 30 units per acre to accomodate the growing housing needs in the city.

1239 South C Street AND 1227 South C Street, APN Number 203-0-062-020 and 203-0-062-010.

Sincerely,

😊 Thank you

Sukhi Sandhu  
3490 Trego Court, Simi Valley, CA 93065  
805-402-5050