

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2999

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD 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 IN DIVISION 7C OF ARTICLE V OF CHAPTER 16 OF THE OXNARD CITY CODE (OCC) SECTIONS 16-420A THROUGH 16-420K, RELATED TO THE AMENDMENT AND ADOPTION 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. 21-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) repealing the All-Affordable Housing Opportunity Program (AAHOP) in its entirety from Chapter 16, Article VII, Section sections 16-523A through 16-523H, and replacing it with the “Affordable Housing -AHP and -AHD Additive Zones” to implement the 2021-2029 Housing Element. The proposed ordinance provides zoning designations and standards for the development of affordable multifamily housing at 30 dwelling units with 20% lower income units per acre in OCC Chapter 16, Article VII, Section sections 16-420A through 16-420K; and

WHEREAS, in 2013 the City Council adopted the first AAHOP ordinance to provide opportunity for developers and the non-profit sector to develop all-affordable residential development to help reach the City’s Regional Housing Need Allocation (RHNA); and

WHEREAS, due to changes in state Housing Element law, on October 6, 2020, the City Council held a public meeting on preparation of the 2021-2029 Housing Element and directed staff to discontinue the AAHOP program and instead rezone select housing element sites to the State default density of 30 dwelling units per acre to reach the total 2021-2029 RHNA lower income allocation; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff’s recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element; and

WHEREAS, City staff prepared Modification Memo No. 1 to the Planning Commission that recommended modifications to three sections of the Affordable Housing Additive Zone Draft Ordinance; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update as revised in Errata No. 1 and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

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

WHEREAS, 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; and

WHEREAS, the Planning Commission adopt Resolution 2021-26 recommending that the City Council approve Planning & Zoning Permit No. 21-580-03 (Zone Text Amendment) as revised by Modification Memo No. 1 for implementation of the City's housing element; and

WHEREAS, on October 5, 2021, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the Applicant's request to approve Planning and Zoning Permit No. 21-580-03 (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 reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed ZTA does not involve any direct physical changes to the environment. There are no changes in landforms 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, as amended under 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 and PZ No. 21-620-02, update to 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); and

WHEREAS, the adoption of ZTA to City’s General Commercial zone would facilitate development in the Affordable Housing Permitted (AHP) and Affordable Housing Discretionary (AHD) Additive Zones at the default density of 30 du/acre, provided that a minimum of 20% of units are affordable to lower income households to help the City reach its regional housing needs allocation (RHNA), per State requirements; 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, to establish reasonable standards relating to the provision of affordable housing in specific zones in the City.

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

Section 1. Oxnard City Code Chapter 16, Article V, Division 7C entitled “Affordable Housing - AHP and -AHD Additive Zones”, sections 16-420A through 16-420K are hereby amended to read as follows:

**“DIVISION 7C. AFFORDABLE HOUSING -AHP AND -AHD ADDITIVE ZONES**

16-420A. Intent

16-420B. Creation and selection of additive zones (-AHP and -AHD)

16-420C. Permitted uses

16-420D. Plan Review and Processing

16-420E. Affordability requirements

16-420F. Density of units

16-420G. Development Standards

16-420H. Design Standards

16-420I. Special Development Requirements

16-420J. Interpretation of this Division 7C

16-420K. Findings

## **DIVISION 7C. AFFORDABLE HOUSING -AHP AND -AHD ADDITIVE ZONES**

### **SEC. 16-420A. INTENT.**

The affordable housing additive zones are zoning designations to provide opportunities for the development of affordable residential housing to help the City reach its regional housing needs allocation (RHNA) to implement the Housing Element's "Affordable Housing Permitted" and "Affordable Housing Discretionary" site-specific designations. The Affordable Housing additive zones are separate, and in addition to, the "State" Density Bonus authorized by Division 7A (commencing with section 16-410A).

### **SEC. 16-420B. CREATION AND SELECTION OF ADDITIVE ZONES (-AHP AND -AHD).**

(A) Additive zone - Additive zone designations act as a suffix to the underlying zone designation. The additive designations are "Affordable Housing Permitted" (-AHP), and "Affordable Housing Discretionary" (-AHD). The -AHP and -AHD designations do not change the allowable uses and/or density of the underlying zone but add the right to develop housing at a density of up to 30 dwelling units per acre, in a manner consistent with this Division 7C.

(B) Selection of Affordable Housing Additive zone sites - The parcels and aggregations of parcels with the -AHP and -AHD additive zone designations are shown in the Housing Element (2030 General Plan, Chapter 8) Supplement 1. These sites are not required to be available for sale or require owner permission to be designated -AHP or -AHD, although both conditions are preferred.

(C) No Net Loss - If an Affordable Housing Additive zone site is approved for non-residential development or with a residential unit count less than realistic/net lower income units listed for the site in Supplement 1 of the Housing Element, the City shall designate a replacement Additive Zone site (or combination of sites) if needed and required to maintain a "rolling" potential unit inventory that meets the then-remaining RHNA allocation for extremely low, very low and low income housing for the current RHNA planning period, as calculated by the Director. The city shall be responsible for the designation of replacement site(s) within 12-months from the date of the approved entitlements, unless the rolling inventory for extremely low, very low, and low income housing meets the remaining RHNA need as determined in the Annual Report. The determination on if a replacement site is needed and required will be based on results of the City's Annual Report which will be submitted to the California Department of Housing and Community Development (HCD) on a yearly basis. Private parties may propose Affordable Housing Additive zone sites through the rezoning process in combination with an housing development application process.

(D) Evaluation of sites for Affordable Housing Additive zone - In determining additional parcels or groups of parcels that may be suitable for the -AHP or -AHD



additive zoning, potential sites shall be evaluated for their potential compatibility with adjacent land uses, availability of public services and is not located on land in any of the categories listed in Section 16.420K(F) of this Division, and the site is found to either be suitable or have the potential to be suitable with appropriate design that transitions to adjoining neighborhoods.

(E) The -AHP additive zone may only be applied to a non-vacant site that was included in a prior housing element planning period, or a vacant site that was included in two or more consecutive housing elements planning periods.

#### **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.

(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.

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

(A) Application - 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.

#### **SEC. 16-420E. AFFORDABILITY REQUIREMENTS.**

(A) All housing units built pursuant to this Division shall provide a minimum of 20% of all units as affordable to extremely-low income, very-low income, or low income households as defined and periodically updated by the U.S. Department of Housing and Urban Development for Ventura County. Developers of housing under this Division are not eligible to request to make in-lieu Affordable Housing Payment instead of providing affordable housing units.



(B) All residential developments built pursuant to this Division 7C are subject to the City of Oxnard Inclusionary Housing Ordinance.

(C) The developer shall establish and at all times maintain a written list of Oxnard residents qualified to purchase or rent each of the affordable units. The developer shall offer the affordable units to qualified Oxnard resident buyers or renters on the waiting list first and give preference to them until there are no qualified Oxnard residents on the waiting list. At such time, the developer may make units available to all other prospective buyers or renters meeting the income limitations for such units.

(D) Affordability restrictions - Each affordable unit must be restricted for a minimum of 55 years for rental units and 45 years for owner-occupied units. The deed restriction or affordable housing agreement shall be recorded 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 Director is hereby authorized to enter into the agreements authorized by this section on behalf of the city upon approval of the agreements by city attorney for legal form and sufficiency.

(E) Manager's unit - For developments which are 100 percent affordable the following shall apply. For a development with between 10 and 40 units, one manager's unit is exempt from the affordability requirement. For a development between 41 and 80 units, up to two manager's units are exempt from the affordability requirement. For development of 81 or more units, up to three manager's units are exempt from the affordability requirement. Developments that provide 9 or less affordable units do not obtain an exemption for a manager unit.

#### **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.

#### **SEC. 16-420G. DENSITY OF UNITS.**

(A) Maximum density - The allowable density of units per acre for the -AHP and -AHD additive zones is up to 30 units per acre.

(B) Density bonus applications - Affordable Housing Additive zone sites are eligible for the State density bonus if the developer files a density bonus permit request under Division 7A of Article V of Chapter 16 (commencing with section 16-410A).

(C) Accessory dwelling unit application - Affordable Housing Additive zone sites are eligible for the accessory dwelling units if the developer files an accessory dwelling unit permit request under Division 13 of Article V of Chapter 16 (commencing with section 16-465).



(D) Subdivisions – Affordable Housing developments permitted under this Division may be subdivided in a manner that portions of the development may exceed the designated housing density or have a different compatible use, so long as the overall applicable density is achieved.

#### **SEC. 16-420H. DEVELOPMENT STANDARDS**

(A) Residential development in the -AHP and -AHD additive zones are subject to the R-4 High Rise Residential development standards (City Code Sections 16-70 to 16-79), the attached dwelling unit development standards (City Code sections 16-360 to 16-363), the off-street parking requirements (Article X of Chapter 16 of the City Code), and standards for all zones (Article IV of Chapter 16 of the City Code) except as otherwise provided under this Division 7C and Division 7A Density Bonus.

(B) Maximum building heights for residential development in the -AHP and -AHD additive zones of five stories shall be permitted but shall not exceed 56 feet. Ground floors shall have a minimum plate height of 12 feet and shall not exceed 16 feet.

(C) Buildings within the C-2 zone having commercial and or office 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 underlying zone for commercial and or office floors and the R-4 zone for the residential floors.

(D) Buildings within the BRP zone shall comply with the front, side, rear, and street side yard setbacks of the BRP zone.

(E) Adjustment to development standards – housing developments that include one-hundred percent of units affordable to extremely-low income, very-low income, or low income households, exclusive of managers units, are eligible for adjustment to numerical development standards by plus or minus 10%, as determined necessary by the Review Authority, to ensure requested densities up to the maximum allowed for the subject site, and to ensure quality development is achieved for one-hundred percent affordable housing developments. The 10% modification is to be applied to the underlying three-dimensional development standards (and not density) and is in addition to requested Density Bonus provisions. The City may deny the requested adjustment if the adjustment would cause the development to 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, or would be contrary to State or Federal law.

#### **SEC. 16-420I. DESIGN STANDARDS**

Housing developments permitted under this Division shall incorporate the following objective design standards and include on-site amenities appropriate for the resident population to be served:



(A) Neighborhood compatibility.

(1) Residential developments located abutting or across the street from a single-family neighborhood shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas, garages and carports shall be located behind residential structures unless it is technically infeasible based on other City or State required standards.

(2) Duplexes, triplexes, and fourplexes abutting or across the street from a single-family neighborhood shall include individual front doors and interior stairs (when stairs are needed).

(3) When determined necessary by a noise assessment, sound walls shall include an earth berm and landscaping. Walls between buildings shall be extended to create pockets of protected common space avoiding long continuous walls for the entire length of a development site.

(B) Building Design.

(1) Buildings shall orient towards the street or internal courtyard.

(2) Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.

(3) Architectural articulation shall be provided on all four sides of a building. Architectural articulation rhythms shall be followed based upon dimensions found in existing developments immediately adjacent to the site being developed.

(4) Exterior siding shall be made of nonreflective and nonmetallic materials. Acceptable siding material includes wood, stucco, ceramic tile, brick, stone, or other masonry materials, or any combination of these materials.

(5) Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.

(6) Blank walls (façades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.

(7) Buildings over three stories must provide a ground floor elevation that is distinctive from the upper stories by providing a material change or color change between the first floor and upper floors when in alignment with a change in architectural fenestration or facade articulation. The change in material or color shall occur along at least 75% of the building façade with frontage upon a street, adjacent public park or public open space.

(8) The Primary Street and the Side Street frontages, up to 75 feet from the primary street front property line, of on-grade parking podiums and parking structures shall be lined with occupiable, usable space with a minimum depth of 18 feet. Non-lined portions of above-grade garages (rear of lots along side streets) must be set back at

least five feet. The setback area should contain landscaping of the same quality as elsewhere on the property.

(9) Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from the wall plane by a minimum of three inches.

(10) At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage.

(11) Building facades shall be multi-colored. Each facade must contain not less than two but not more than five distinct colors. Extremely bright colors are only allowed on doors, window trim, or other building components that represent a small portion of the overall building façade. Materials, finishes, fixtures, and colors visible from the street shall be designed in a manner that is consistent with the architectural style of the building

(C) Massing/articulation.

(1) A minimum of two features such as balconies, cantilevers, dormers, bay windows, patios, individualized entries, and accent materials shall be incorporated into each proposed building.

(2) A minimum one-foot offset is required for any wall plane that exceeds 30 feet in length.

(3) Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.

(4) Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12 inches deep and four feet wide and extend the full height of the building.

(5) Rooflines shall be vertically articulated at least every 50 feet along the street frontage, through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.

(6) Within 20 feet of an R-1 District boundary, the maximum building height is 25 35 feet. From this point, the building height may be increased to a ground level of up to 16 feet to allow for podium parking and four additional stories of 10 feet each with a combined maximum height of 56 feet.

(D) Site design.

(1) When dwelling units are abutting common open space areas and parks, a minimum of one window from each dwelling shall be located to overlook common area and parks.

(2) Garages and carports shall be designed to include a minimum of two of the following from the main building(s): materials, detailing, roof materials, and colors.

(3) Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum of 18 feet from the back of sidewalk, in order to accommodate one vehicle entering the facility.

(4) Where bicycle parking is not visible from the street, directional signage to bicycle parking shall be included at the main building entrance. The signage shall be in the form of either a directory not exceeding six (6) square feet and or up to ten (10) individual directional signs not exceeding 1 square-foot each.

(5) Within commercial zones parking shall not be allowed within the front setback areas and direct pedestrian access to the building(s) must be provided from the public right-of-way. Direct pedestrian access between the public right-of-way and the building shall not require crossing parking, drive aisles, or other spaces used for vehicular circulation.

(6) Within commercial zones all housing developments must have direct interaction with the public right-of-way. When ground floor residential units are proposed, the residential units which front the public right-of-way shall locate kitchens and other living spaces (but not bedrooms) to front on the public right-of-way. These residential units may have covered patios and decks which can be constructed within the front yard setback within 5 feet of the property line provided the patios or decks have steps and or gates which lead directly to the public right-of-way. Second and third floor residential units are encouraged to place kitchens and other living spaces (but not bedrooms) to overlook the public right-of-way. These residential units may have decks and or balconies which encroach up to 10 feet into the front yard back.

(7) Surface parking spaces may be open or covered. All surface parking shall be screened from street views by buildings, walls (36 to 48 inches tall), landscaping, a planted earth berm, planted fencing, topography, or some combination of the above. Landscaping used for screening purposes must be no less than five feet wide (from the back of sidewalk or street curb to the parking lot paving, whichever is greater).

(8) Frontage improvements consistent with Public Works plates. The frontage improvements shall be designed to connect with and transition into adjacent existing frontage improvements.

(9) Common use site areas shall include refuse collection, mail distribution, laundry, recreation, and congregation. All such areas shall be connected with an accessible route.

(10) A secured mail and parcel distribution areas shall be well lit, secure, and shall remain open to the tenants at all times.

(E) Accessory elements.

- (1) Perimeter fencing utilized along a public street shall be constructed of decorative iron, pre-painted welded steel, CMU block, or wood picket material.
- (2) The height of solid fencing between private yards and common open spaces shall be limited to four and one-half feet in height. If a six-foot fence is desired, the top 18 inches shall allow for vision in and out of the yard.
- (3) All roof top, wall mounted or ground mounted equipment must be screened. Roof top screening must use the materials and colors from the building and be architecturally integrated.
- (4) All exterior storage facilities shall be screened from the public right-of-way within an enclosure with walls at least six (6) feet in height
- (5) All wood service poles, electric and gas meters, fire sprinkler valves and backflow preventers and transformers shall be located in the least prominent locations onsite as allowed by the utilities, and all equipment shall be camouflaged using building materials and colors and or landscaping included within the project design.
- (6) Refuse enclosures.
  - (a) All refuse enclosures shall be designed to comply with the City Material Management and Enclosure Design Guidelines.
  - (b) Shield all dumpsters within an enclosure a minimum of six (6) feet tall with a solid roof. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures and gates shall be detailed to withstand heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.
  - (c) Provide an opening so that pedestrians can access the dumpsters without opening the large gates.
  - (d) Provide lighting at trash enclosures for night time security and use.
  - (e) Locate dumpster enclosures so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 150 feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

**SEC. 16-420J. SPECIAL DEVELOPMENT REQUIREMENTS.**

For developments located within or adjacent to any industrial or commercial zoned property the following Compatibility standards shall apply to ensure the compatibility of uses within a residential or mixed-use development :

(A) Compatibility with surrounding uses. The overlay environment is an urbanized area, therefore land use compatibility issues are expected to occur. Therefore, applicants for Multifamily or Mixed-use development shall submit data as determined by the Director to evaluate compatibility with surrounding uses with respect to issues including, but limited to the following:



- (1) Noise.
- (2) Odors.
- (3) Truck traffic and deliveries.
- (4) Hazardous materials handling/storage.
- (5) Air emissions.
- (6) Soil/groundwater contamination.
- (7) Complete sidewalk circulation systems and bus stops.

(B) Residential disclosures: All applications for Multifamily or Mixed-use shall include a condition of approval for disclosure to residents clearly outlining the issues associated with living in a mixed-use environment. The language for this disclosure shall be as specified by the Director. Copies of each signed disclosure shall be made available for review upon written request by the City.

(C) Applicants for new Multifamily or Mixed-use developments within 500 feet of US 101 or industrially zoned property shall be required to install high efficiency Minimum Efficiency Reporting Value (MERV) filters of MERV 14 or better in the intake of residential ventilation systems. Heating, air conditioning and ventilation (HVAC) systems shall be installed with a fan unit power designed to force air through the MERV 14 filter. To ensure long-term maintenance and replacement of the MERV 14 filters in the individual units, the following shall occur:

(1) The developer, sale, and/or rental representative shall provide notification to all affected tenants/residents of the potential health risk from US 101 and industrial zones for all affected units, per Item 3 of this section.

(2) For rental units within 500 feet of the US 101 or any industrially zoned property, the owner/property manager shall maintain and replace MERV 14 filters in accordance with the manufacturer's recommendations. The property owner shall inform renters of increased risk of exposure to diesel particulates from US 101 and industrially zoned properties when windows are open.

(3) For residential owned units within 500 feet of US 101 or an industrially zoned property, the homeowners' association (HOA) shall incorporate requirements for long-term maintenance in the covenant conditions and restrictions and inform homeowners of their responsibility to maintain the MERV 14 filter in accordance with the manufacturer's recommendations. The HOA shall inform homeowners' of increased risk of exposure to diesel particulates from US 101 when windows are open.

(D) For all Multifamily or Mixed-use developments located within the distances to industrial uses as outlined below the applicant shall submit a health risk assessment (HRA) prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA), California Office of Emergency

Services (OES), Certified Unified Program Agency (CUPA) and Ventura County, Air Pollution Control District (APCD) to the Director. The HRA shall be reviewed and approved by the City and qualified experts approved by the City following APCD or California Air Pollution Control Officers Association (CAPCOA) guidelines prior to approval of any future residential or residential mixed use development, and HRA recommendations shall be incorporated into the development.

- 1,000 feet from the truck bays of an existing distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units, or where transport refrigeration unit operations exceed 300 hours per week.
- 1000 feet from industrial facility which emits toxic air contaminants (TACs) identified by the following sources:
  - CARB Toxic Emission Inventory
  - EPA Toxic Release Inventory
  - CARB Toxic Air Contaminant Identification List
  - EPA List of Air Toxics
  - Ventura County APCD Air Toxic Annual Report or Similar APCD List

(E) For all Multifamily or Mixed-use developments located within 1,000 feet of an industrial facility that emits substantial odors, which includes, but is not limited to:

- Wastewater treatment plants.
- Composting, greenwaste, or recycling facilities.
- Fiberglass manufacturing facilities.
- Painting/coating operations.
- Coffee roasters.
- Food processing facilities.

The applicant shall submit an odor assessment to the Director prior to approval of any future discretionary action that verifies that the Ventura County Air Pollution Control District has not received three or more verified odor complaints. If the odor assessment identifies that the facility has received three such complaints, the applicant will be required to identify and demonstrate the Best Available Control Technologies for Toxics (T-BACTs) which are capable of reducing potential odors to an acceptable level,

including appropriate enforcement mechanisms. T-BACTs may include, but are not limited to, installation of Minimum Efficiency Reporting Value (MERV) filters rated at 14 or better at all residential units. All T-BACTs shall be incorporated into the development.

(F) Noise standards.

(1) Individual developments that involve vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, occurring near sensitive-receptors shall be evaluated for potential vibration impacts. Developments are required to implement construction techniques which result in construction-related vibration that is less than the Federal Transit Administration vibration-annoyance criteria of 78 VdB during the daytime (7:00am-10:00pm) and not allowed during the nighttime (10:01pm-6:59am).

(2) The applicant shall submit evidence to the satisfaction of the Director that all units with patios and/or balconies meet the 65 dBA CNEL.

(G) Hazardous materials standards. Individual development sites may have existing facilities, such as transformers or clarifiers, to be demolished as part of a proposed development. To mitigate hazardous materials-related impacts during the removal of such facilities, the Director, in conjunction with the Oxnard Fire Department, shall include specific development conditions of approval as part of the discretionary review process for the proposed development.

(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:

- i. Management contact for public safety issues available 24-hours a day;
- ii. Cameras for monitoring and recording vehicles and persons entering the site;
- iii. Access control systems to control passage into common areas; and
- iv. Secure postal and parcel delivery
- v. Quick removal of graffiti; and
- vi. 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 security of residents 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. 16-420K. INTERPRETATION OF THIS DIVISION 7C.**

(A) No effect on other sites - Nothing in this Division 7C prevents all or partially affordable housing developments being developed on non-AHP and -AHD zoned sites pursuant to the applicable 2030 general plan and zoning designations, density bonus permit process, development standards, CEQA review, and applicable permitting procedures.

(B) Development standards - Nothing in this Division 7C shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined by Cal. Gov't Code, Section 65589.5(d)(2), upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(C) Design - Nothing in this Division 7C shall be interpreted as authorizing or encouraging the development of affordable housing with lower quality design compared with market-rate projects. Affordable developments are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments.



**SEC. 16-420L. FINDINGS.**

In addition to the findings required by the Site Plan Review Permit or Special Use Permit, and any other applicable findings required under this chapter, the Review Authority must make the following findings for any developments approved pursuant to this Division:

(A) Community-level environmental review as defined in the California Public Resources Code, Section 21159.20, has been adopted or certified, and the development consistent with the project evaluated in the environmental document, or the development is otherwise exempt from the California Environmental Quality Act.

(B) The development and other projects approved prior to the approval of the development can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.

(C) The development does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.

(D) The development site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.

(E) The development site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.

(F) The development is not located on a site that is any of the following:

(1) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(2) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(3) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(4) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control

pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(5) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(6) Within a floodplain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(7) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(8) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(9) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(10) Lands under conservation easement

(G) The development is not located on a site where any of the following apply:

(1) The development would require the demolition of the following types of housing:

(a) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(b) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power."

**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. 2999 was first read on October 5, 2021, and finally adopted on October 19, 2021, to become effective thirty (30) days thereafter.

**SIGNATURES ON FOLLOWING PAGE**

PASSED AND ADOPTED this 19th day of October 2021 by the following vote:


AYES: Councilmembers Basua, Lopez, MacDonald, Madrigal, Perello,  
Teran and Zaragoza.

NOES: None.

ABSENT: None.

ABSTAIN: None.

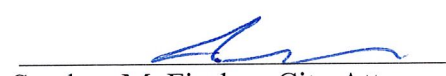
RECUSED: None.

  
John Zaragoza, Mayor

ATTEST:

  
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

 10/18/2021  
Stephen M. Fischer, City Attorney