CITY OF OJAI
ORDINANCE NO. 827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA AMENDING ARTICLES 2, 7, AND 20 OF CHAPTER 2 OF TITLE 10 OF THE OJAI MUNICIPAL CODE RELATED TO CREATION OF THE SPL OVERLAY ZONE FOR IMPLEMENTATION OF THE 2006-2014 HOUSING ELEMENT OF THE OJAI GENERAL PLAN

WHEREAS, the City Council of the City of Ojai (the "City Council") approved and adopted an updated Housing Element on October 9, 2012, by Resolution No. 12-53 (the "Updated Housing Element"). The Updated Housing Element calls for a variety of implementing actions to affirmatively further the production, improvement and preservation of affordable housing. Specifically, 15 programs of the Updated Housing Element entail amendment of Title 10 of the Ojai Municipal Code (the "Zoning Ordinance").

WHEREAS, at its regularly scheduled meeting of December 5, 2012, the Planning Commission of the City of Ojai (the "Planning Commission") received a draft version of an Implementation Ordinance to carryout Updated Housing Element Programs 2 through 9 (collectively, "Phase 1 - Housing Production Programs"). The Planning Commission, following the conduct of a lawfully noticed public hearing on March 6, 2013, completed its review and transmitted its findings in the form of Resolution No. 13-04.

WHEREAS, on April 9, 2013, the City Council conducted a lawfully noticed public hearing and received the report and recommendation of the Planning Commission regarding the Implementation Ordinance to carry out the Phase 1 - Housing Production Programs, along with further recommendations by City staff. Prior to rendering a decision on any aspect of the Phase I Implementation Ordinance, the City Council considered the following:

1. The Updated Housing Element and companion Final Environmental Impact Report that were approved and certified by the City Council on October 9, 2012, by Resolution No. 12-53.

2. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on April 9, 2013 (the "Public Hearing"), as well in information, including staff reports and public comment, received at its workshops conducted on January 22, 2013 and February 20, 2013 (the "CC Workshops"). The CC Workshops were held as parts of duly noticed public meetings.

3. All oral, written and visual materials presented by City staff in conjunction with the CC Workshops and Public Hearing incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings. Based on (i) the evidence presented in the Staff Report, (ii) testimony and comments received in connection with the Public Hearing, and (iii) recommendations of the Planning Commission, the City Council does hereby declare as follows:

1. Procedural Compliance.

a. Finding. All administrative procedures and public participation requirements concerning the proposed Housing Element Implementation Ordinance have been lawfully satisfied.

b. Rationale. On the basis of evidence presented in Planning Commission Resolution No. 13-04, the Planning Commission has followed all required notice and public hearing requirements requisite to making a report and recommendation to the City Council. Notice of the City Council's Public Hearing conducted on April 9, 2013, was published as an one-eighth page display advertisement in a newspaper of general circulation on March 27, 2013, a minimum of ten (10) days in advance of the Public Hearing.

2. General Plan and Zoning Ordinance Findings.

a. Finding. The Housing Element Implementation Ordinance is: (i) in the interest of the general community welfare; (ii) consistent with the Ojai General Plan, the requirements of state planning and zoning laws, and Title 10 of the Ojai Municipal Code; and (iii) consistent with good zoning and planning practices.

b. Rationale: There is a well-documented need for affordable housing and the Housing Element Implementation Ordinance will affirmatively further these efforts. The expressed purpose of the Ordinance is to implement relevant statutory provisions governing the production of affordable housing as embodied in Programs 6 and 7 of the Updated Housing Element. The proposed Ordinance specifically: (i) dovetails with the goals and programs set forth in the City's Updated Housing Element; (ii) balances the economic and social interests expressed by the public in the course of the public hearing process; and (iii) fosters affordable housing production while upholding the integrity of General Plan policies and Zoning Ordinance standards.

3. California Environmental Quality Act ("CEQA") Compliance.

a. Finding: The proposed Phase 1 Implementation Ordinance is a "project" within the meaning of CEQA and appropriate environmental reviews have been completed before action was taken on this matter.

b. Rationale: A Final Environmental Impact Report ("FEIR") has been prepared and certified by the City Council in connection with the Updated Housing Element, along with supporting findings and a Statement of Overriding Consideration as set forth and adopted in City Council Resolution No. 12-53. The Phase 1 Implementation Ordinance executes programs that are expressly embodied in the Project Description for the Updated

Housing Element FEIR. In addition, environmental protection measures are expressly incorporated into Section 10-2.704(f) of the Phase 1 Implementation Ordinance to ensure that "by-right" zoning does not compromise public health, safety or welfare. As such, the physical attributes and consequences of the Updated Housing Element and Phase 1 Implementation Ordinance have been addressed in the FEIR, relevant mitigation measures have been incorporated into the Phase 1 Implementation Ordinance, and no further environmental review is required.

SECTION 2. Title 10, Chapter 2, Article 2, Table 2-1 is hereby amended to re-designate the S-R zone as SPL zone and revise the General Plan Land Use designation implemented by the SPL zoning district from All Residential to All as follows:

Table 2-1
ZONING DISTRICTS

Zoning District Symbol	Zoning District Name	General Plan Land Use Designation Implemented by Zoning District
Residential Districts		
SPL	Special Housing Overlay	All

SECTION 3. Title 10, Chapter 2, Article 7, Section 10-2.701 of the Ojai Municipal Code is hereby amended to read as follows:

Sec. 10-2.701. - Purpose of Article.

This article provides land use and development regulations for the overlay zoning districts established by Articles 2 through 7 of this chapter. Except as otherwise stipulated, the requirements of this article apply in addition to the standards and regulations of the primary zoning districts, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

SECTION 4. Title 10, Chapter 2, Article 7 of the Ojai Municipal is hereby amended by adding a new Section 10-2.704 to read as follows:

Sec. 10-2.704. – Special Housing Overlay (SPL) District.

(a) *Purpose.* The SPL overlay district is to implement policies of the Land Use and Housing Elements of the Ojai General Plan that promote the development of Affordable Housing.

(b) *Applicability.* The SPL overlay district applies to all property identified on the Zoning Map with the SPL suffix subject to the standards set forth in Table 2-10 below.

(c) *Definitions.* As used in this Section, the following terms and phrases shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.

(1) *Affordable housing.* Dwelling units that are expressly reserved for persons and families of low and moderate income at a housing cost that is made available at an affordable rent or affordable purchase price. Unless a different meaning is apparent from the context or is specified elsewhere in this article, the following words and terms shall have the same meaning given or attributed to them in the California Health and Safety Code and in Title 25 of the California Code of Administrative Regulations: (a) adjusted income; (b) annual income; (c) housing cost; (d) family; (e) household; (f) persons and families of low and moderate income; (g) household size adjustments; (h) monthly adjusted income; (i) monthly income; (j) operating expenses; (k) affordable rent; and (l) affordable owner-occupied housing cost.

(2) *Affordable housing agreement.* A legally binding agreement between an applicant and the City, recorded as a covenant on the SPL site, to ensure that the requirements of this article are satisfied. The agreement, among other things, establishes the number, type, location and demographic distribution of affordable housing on the SPL site, along with reporting, monitoring and management responsibilities. The agreement and associated obligations shall be for a minimum duration of fifty-five (55) years.

(3) *Senior housing.* Affordable Housing consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the Federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations (24 CFR, part 100, subpart E), and as that phrase is used in California Civil Code Section 51.2 and 51.3.

(4) *Housing element.* The continuum of housing needs, goals, policies, quantified objectives, financial resources and scheduled programs for the preservation, improvement and development of housing adopted as part of the Ojai General Plan pursuant to Section 65580 et. seq. of the California Government Code.

(5) *Feasible.* Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(d) *Permitted land uses.* In addition to the uses permitted pursuant to the underlying Zoning District of the properties with the SPL suffix on the Zoning Map, each such property may be developed with Affordable Housing, notwithstanding the underlying zoning subject instead to the provisions of Sections 10-2.704(e), 10-2.704(f) and 10-2.704(g) and Tables 2-10 and 2-11.

(e) *Permit requirements.* Development of property with an SPL designation for other than Affordable Housing shall require approval of the appropriate permit for the land uses in the underlying Zoning District. Approval of Affordable Housing on any property with the SPL suffix shall be exempt from the applicable approval process for the underlying zoning and instead shall be governed by the following permit requirements:

(1) *Overlay density.* SPL sites may be developed with Affordable Housing up to a maximum of 20 units per acre pursuant to a zoning clearance issued in accordance with Article 19 of this Chapter.

(2) *Enhanced density.* Development of Affordable Housing on SPL sites in excess of 20 units per acre may be only be permitted at the City's discretion under the Planned Development Permit process set forth in Article 23 of this Chapter.

Table 2-10: SPL Site Designations

SPL Sites		Net Acres	Allowed SPL Uses	Design Parameters
Map	APN			
6	0220140010	4.00	Affordable Housing and Senior Housing	Building Mass and Scale Must be Integrated with Surrounding Predominately One- and Two-Story Construction
7	0220140480	0.69 (Only Applies to the Rear of the Property)	Affordable Housing and Senior Housing	Frontage of Ojai Avenue Must be Commercial or Vertical Mixed Use with Commercial at Street Level; Balance of Site May Be Mixed Use or Stand-Alone Residential
9	0230072010 0230072070	0.77	Affordable Housing and Senior Housing	Building Mass and Scale Must be Integrate with Surrounding Predominately One and Two Story Construction
10	0230090010	4.40	Affordable Housing and Senior Housing	Clustered Development, Taking Into Account Site Constraints and Environmental Setting; Building Mass and Scale Must be Integrate with Surrounding Predominately One and Two Story Construction; Access Shall be Provided to Santa Ana Street and Ventura Street
11	0230120020	0.87	Affordable Housing and Senior Housing	Clustered Development, Taking Into Account Site Constraints and Environmental Setting; Building Mass and Scale Must be Integrate with Surrounding Predominately One and Two Story Construction; Access Shall be Provided to South Signal Street, South Montgomery Street, and South Ventura Street
17	0230172065	2.00	Affordable Housing and Senior Housing	Primary Access Should be Provided from Whispering Oaks With Emergency Exiting at Bryant Street

Table 2-10: SPL Site Designations (Continued)				
SPL Sites		Net Acres	Allowed SPL Uses	Design Parameters
Map	APN			
21	0280073010	1.30 (Only Applies to the Rear of the Property)	Affordable Housing and Senior Housing	Frontage of Ojai Avenue Must be Commercial or Vertical Mixed Use with Commercial at Street Level; Balance of Site May Be Mixed Use or Stand-Alone Residential
23	0210092010	0.20	Affordable Housing and Senior Housing	Building Mass and Scale Must be Integrate with Surrounding Predominately One and Two Story Construction

Table 2-11: SPL Development Standards						
Development Feature	Site #6, 9, 10 & 11		Sites #7 & 21		Site #17	
	Underlying Zoning District P-L	Overriding SPL Development Standards	Underlying Zoning District C-1	Overriding SPL Development Standards	Underlying Zoning District M-1	Overriding SPL Development Standards
Maximum density	Determined Through Design Review Process	20+ du/acre (2)	Not Applicable	20+ du/acre (2)	Not Applicable	20+ du/acre (2)
Setbacks		Determined Through Design Review Process	Front – 10' Sides – 10' Rear – 15'	Front – 10' Sides – 10' Rear – 15'	Front – 10' Sides – 0'-10' Rear – 0'-10'	Front – 10' Sides – 0'-10' Rear – 0'-10'
Site coverage (Maximum %)	None (1)	None	50%	None	35% - 45%	None
Floor area ratio (FAR)	None (1)	None	0.50	None	0.35	None
Height limit	30 ft, 2 stories (1)	35 ft, 3 stories maximum	35 ft	35 ft, 3 stories maximum	35 ft	35 ft, 3 stories maximum
Parking	As required by Article 14 (1)	Variable (4)	As required by Article 14	Variable (4)	As required by Article 14	Variable (4)

Table 2-11: SPL Development Standards (Continued)			
Development Feature	**Site #23**		
	Underlying Zoning District R-2	**Overriding SPL Development Standards**	
Maximum density	5,000 sf/du (1)	20+ du/acre (2)	
Setbacks	Front – 20' Sides – 5'-12' Rear – 25'	Front – 10' Sides – 5' Rear – 15'	
Site coverage (Maximum %)	None	None	
Floor area ratio (FAR)	None	None	
Height limit	30 ft, 2 stories	35 ft, 3 stories maximum	
Parking	As required by Article 14	Variable (4)	

(1) See Table 2-3 for additional footnotes.
(2) See Section 10-2.701 on permit requirements linked to density.
(3) Open space for the purposes of this section include parks, recreational facilities, common gardens, greenbelts at least ten feet wide, bikeways, pedestrian paths not associated with individual dwelling access and street frontage landscaping. The following areas may *not* be used to fulfill the common open space requirement: (i) streets and street rights-of-way; (ii) parking areas and driveways, and parking area landscaping; (iii) drainage or retention facilities that are not specifically designed for common recreational uses; or (iv) private outdoor open space (e.g., balconies, patios, etc.).
(4) A reduction in underlying parking requirements may be allowed commensurate with projects that include off-setting considerations such as restrictions on the number of vehicles that occupants may own, senior projects with alternative transportation options, etc.

(f) *Development standards.* When Affordable Housing is developed pursuant to SPL designation, such development and its associated approval shall conform to the following standards as a prerequisite of issuance of a zoning clearance.

(1) *Design review.* All Affordable Housing projects shall subject to Design Review as specified in Article 20 of this Chapter. In addition to the overarching guidelines set forth in Section 10-2.2004, Affordable Housing project shall also be reviewed for compliance with site-specific design parameters set forth in Table 2-10.

(2) *Environmental compliance.* All Affordable Housing projects shall be subject to and conditioned upon adherence to mitigation measures prescribed in the Ojai Housing Element and companion Environmental Impact Report as set forth in City Council Resolution No. 12-53. Furthermore, as a mandatory component of the application process specified in Section 10-2.701(e), the following matters shall be addressed to the reasonable satisfaction of the Director:

(A) *Water and sewer availability.* The applicant must demonstrate that there is sufficient water supply and sewer treatment capacity to serve the proposed Affordable Housing project consisting of: (i) "will serve" letters from the municipal water and sewer purveyors; and (ii) an "acknowledgement letter" from each entity that supplies or manages water used by the municipal purveyor that the project will not have an adverse impact on the source from which water is purchased or drawn. In the absence of will serve letters, the Affordable Housing shall not be granted a zoning clearance. In the event that an acknowledgement letter cannot be obtained or indicates that adverse impacts may result, the Director shall make a determination on whether to issue a zoning clearance based on substantial evidence of record including, but not limited to, information and sources documented in the Housing Element and Final Environmental Impact Report certified in connection therewith.

(B) *Acoustic attenuation.* The applicant must demonstrate that the proposed Affordable Housing project is (or can be) designed to ensure that outdoor noise levels in outdoor living and recreation areas do not exceed a CNEL of 60 dB or an Leq (1h) of 65dBA during any hour.

(C) *Stormwater control.* The applicant must demonstrate that that the proposed Affordable Housing project is (or can be) designed in conformance with all applicable regulations and performance criteria set forth in NPDES Permit No. CAS004002, Order No. 09-0057.

(D) *Biological resource protection.* The applicant must demonstrate that the proposed Affordable Housing project will not adversely impact (or can be made to mitigate) significant biological resources including, but not limited to, submittal of a Biological Resources Assessment. The Biological Resources Assessment shall consist of an on-site survey, literature review and written report prepared by a qualified individual that identifies all significant biological features of the development site along with mitigation measures, as appropriate. Significant biological features include endangered, threatened or rare plant and animal species and their habitats, wetland habitats, wildlife migration corridors and locally important species/communities.

(E) *Archeological resource protection.* The applicant must demonstrate that the proposed Affordable Housing project will not adversely impact (or can be made to mitigate) significant archeological resources including, but not limited to, submittal of an Archeological Resources Assessment. The Archeological Resources Assessment shall consist of an on-site survey, literature review and written report prepared by a qualified individual that identifies all significant archeological features of the development site along with mitigation measures, as appropriate. Significant archeological

features include prehistoric districts, sites, structures, artifacts and other evidence of human use considered to be of importance to a culture, subculture, or a community for traditional, religious, scientific or other reasons.

(F) *Historic resource protection.* The applicant must demonstrate that the proposed Affordable Housing project: (i) is (or can be) designed in conformance with all applicable provisions of Title 4, Chapter 8 of this Code; and (ii) will not adversely impact (or can be made to mitigate) significant historic resources. Significant historical features include any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(G) *Traffic control measures.* The applicant must demonstrate that the proposed Affordable Housing project will not adversely impact (or can be made to mitigate) significant traffic impacts on local streets within the vicinity of the site including, but not limited to, submittal of a Traffic Impact Study. The requirement to mitigate impacts shall be limited to the direct consequences of the proposed project and not as to cumulative impacts which, by operation of General Plan policies and Zoning Ordinance regulations, do not apply to Affordable Housing Projects. The Traffic Impact Study shall assess current traffic conditions on affected streets (measured in terms of average daily and peak hour vehicle trips), the capacity of affected streets to maintain minimum roadway and intersection standards set forth in the Ojai General Plan, roadway geometrics that affect the safe movement of vehicles and pedestrians, and mitigation measures necessary to protect public health and safety.

(H) *Viewshed protection and community context.* The applicant must demonstrate that the proposed Affordable Housing project conforms (or can be made to comply) with the design standards and policies set forth in Article 20 of this Code. The applicant shall provide, if determined as necessary by the Director, a Visual Simulation that assesses potential impacts on important vistas as viewed from public areas.

(I) *Sustainable building construction.* The applicant must demonstrate that the proposed Affordable Housing project conforms (or can be made to comply) with sustainable building design guidelines now or hereinafter adopted pursuant to Article 20 of this Code. In the absence of locally-adopted guidelines, the principles outlined in the State HCD publication entitled "*A Guide to the California Green Building Standards Code Low-Rise Residential*" dated June 2012, Third Edition effective July 1, 2012, shall govern the determination of compliance.

(3) *Regulatory compliance.* All Affordable Housing projects shall be subject to and conditioned upon adherence to all applicable land use policies and implementing regulations of the City. A policy and ordinance consistency analysis shall be performed by the Director in conjunction with design review pursuant to Section 10-2.701(f)(1). Furthermore, as a mandatory component of the application process specified in Section 10-2.701(e), the following matters shall be addressed to the reasonable satisfaction of the Director:

(A) *General Plan policies.* The applicant must demonstrate that the Affordable Housing project complies (or can be made to comply) with all applicable policies of the Ojai General Plan as set forth in the Final Environmental Impact Report adopted in conjunction with City Council Resolution No. 12-53.

(B) *Zoning Ordinance requirements.* The applicant must demonstrate that the Affordable Housing project is (or can be) designed to ensure consistency with all applicable regulations of this Title including, without limitation, standards pertaining to lighting, signs, parking, trees and landscaping.

(C) *SPL design-development standards.* The applicant must demonstrate that the Affordable Housing project is (or can be) designed to ensure consistency with the design parameters and development standards set forth in Tables 2-10 and 2-11, respectively, along with the design review standards set forth in Article 20 of this Code.

(D) *Standard development conditions.* The applicant must demonstrate that the Affordable Housing project is (or can be made to comply) with standard development conditions of approval that may adopted or amended from time to time by resolution of the Planning Commission.

(g) *Affordable housing standards.* All development undertaken pursuant to this section shall include Affordable Housing subject to the requirements, exceptions and regulatory parameters set forth below.

(1) *Occupancy standards.* The number and distribution of Affordable Housing (as a percentage of the total residential dwellings developed on each SPL site) shall comply with the following occupancy standards.

(A) *Income distribution.* As at a minimum: (i) 15% of the total number of dwellings shall be developed as Affordable Housing for extremely low income households; (ii) 15% of the total number of dwellings shall be developed as Affordable Housing for very low income households; (iii) 15% of the total number of dwellings shall be developed as Affordable Housing for low income households; and (iv) 20% of the total number of dwellings shall be developer as Affordable Housing for moderate income

households. Exceptions may be granted at the sole discretion of the City Council.

(B) *Household mix.* Not less than 30%, but not more than 50%, of the total number of the affordable dwellings required pursuant to Section 10-2.704(g)(1)(A) shall be developed as Senior Housing (as this term is defined in Section 10-2.704(c)(3)). Exceptions may be granted at the sole discretion of the City Council.

(2) *Density bonus provisions.* The density bonus provisions of Article 9 shall not apply to this section; rather, the SPL overlay district already includes exceptions in zoning requirements including allowable densities and modified development standards that effectively implement applicable provisions of the California Government Code.

(3) *Affordable housing production.* The Affordable Housing required under this section: (i) may either be rental or for-sale dwellings; (ii) shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to non-restricted units developed on the same SPL site; and (iii) need not have the same square footage or interior features of non-restricted units developed on the same SPL site so long as they are of good quality and are consistent with contemporary standards for new housing.

(4) *Affordable housing agreement.* All Affordable Housing projects approved under this article shall be subject to and contingent upon execution and recordation of an Affordable Housing Agreement as a condition of the zoning clearance which, at a minimum, shall encompass the following elements:

(A) *Occupancy preferences.* Occupancy preferences shall be given to: (1) persons who have full time gainful employment in the City but currently reside elsewhere; and (2) target income households who currently reside in the City but whose housing costs exceed those deemed affordable. The project developer shall maintain a waiting list of all persons who apply to become tenants, with information sufficient to rank such persons.

(B) *Property maintenance.* Property maintenance standards shall ensure that the project developer (for itself, its successors, its assigns, and every successor in interest to the Affordable Housing or any part thereof or any interest therein) shall maintain, repair and operate the site and all other improvements constructed or to be constructed thereon (including landscaping, lighting and signage) in a first-quality condition, free of debris, waste and graffiti.

(C) *Project management.* Project management standards shall ensure that the project developer (for itself, its successors, its assigns, and every successor in interest to the Affordable Housing or any part thereof or any interest

therein) shall manage and operate the site in accordance with a management plan prepared by project developer and submitted to and approved in writing by the Director.

(h) *Exceptions.* The standards and thresholds set forth in Tables 2-10 and 2-11 define minimum requirements and may, at the discretion of the decision making body, be modified under the Planned Development Permit provisions of Article 23 subject to, and contingent upon, making the requisite findings set forth in Section 10-2.2307.

(i) *Standards of review.* All Affordable Projects proposed on property with an SPL designation (as listed in Table 2-10) shall be processed and approved by means of a zoning clearance as provided Article 19 of this Chapter. As part of this process, a Design Review Permit must first be obtained by operation of Section 10-2.704(f)(1).

(1) *By right requirement.* A zoning clearance shall be issued for all Affordable Projects unless the project developer: (i) fails to provide the requisite information necessary to determine compliance under this Section; (ii) is unable to evidence that the Affordable Project complies (or can be made to comply) with the requirements of Sections 10-2.704(f)(2), 10-2.704(f)(3) and 10-2.704(g); or (iii) fails to obtain a Design Review Permit in compliance with Section 10-2.704(f)(1).

(2) *Authority to deny.* The authority to deny issuance of a zoning clearance or Design Review Permit, or the imposition of conditions which would have the same effect, shall be governed by the provisions of California Government Code Section 65589.5. Both the Director and Planning Commission may defer their respective determination to the next highest decision making body. Decisions of both the Director and Planning Commission are appealable to the City Council pursuant to Section 10-2.3002.

(3) *Findings.* Approval, conditional approval or denial of a zoning clearance (including appeals filed pursuant to Section 10-2.3002) shall be accompanied with findings, supported by substantial evidence, that the action: (i) is justified on the basis of the standards, policies and conditions embodied in Sections 10-2.704(f) and 10-2.704(g); and (ii) is consistent with the provisions of California Government Code Section 65589.5.

(j) *Effectiveness.* The provisions of this Section shall apply to all Affordable Housing projects on SPL sites for which application is filed with the City on or after the effective date of the Ordinance by which this Section is adopted and shall continue thereafter until the sooner of: (i) approval of Affordable Housing on SPL sites reaches a total of 177 total dwellings inclusive of density bonuses; or (ii) subsequent amendment of this section by the City Council.

SECTION 5. Title 10, Chapter 2, Article 20, Section 10-2.2002 of the Ojai Municipal Code is hereby amended by revising subpart (d) to read as follows:

(d) The Commission may grant or deny the application, in whole or in part, and with such conditions, modifications and limitations as it deems appropriate to carry out the purposes and standards of this article subject to the following limitations:

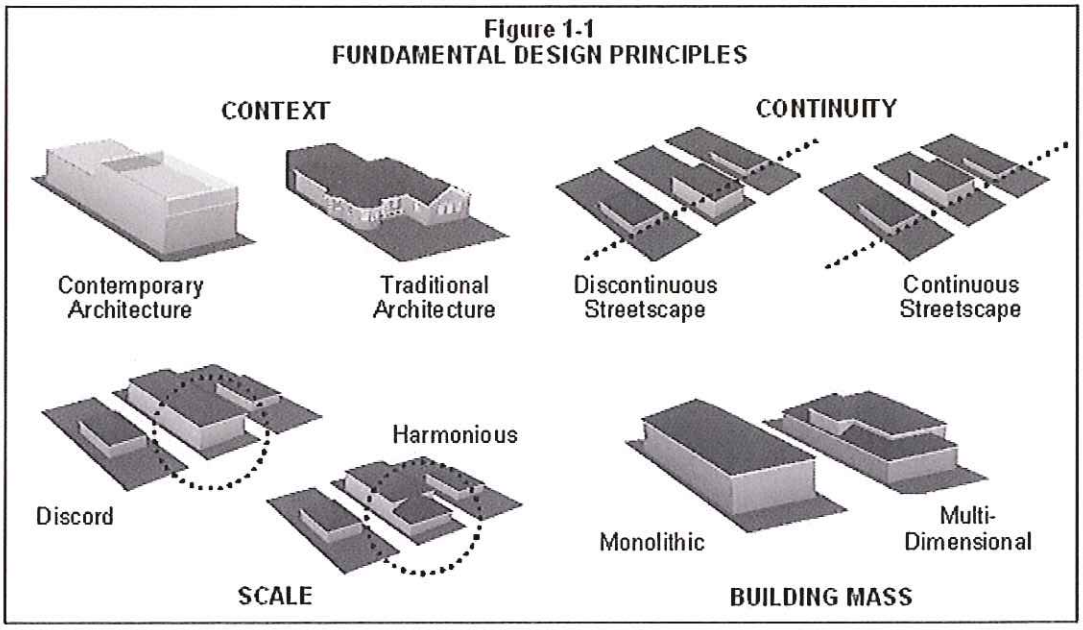
(1) The basis for approving, conditionally approving or denying a design review permit is expressly limited to physical attributes of a project as opposed to use, occupancy or considerations other than compliance with the standards set forth in Section 10-2.2004 and 10-2.2009.

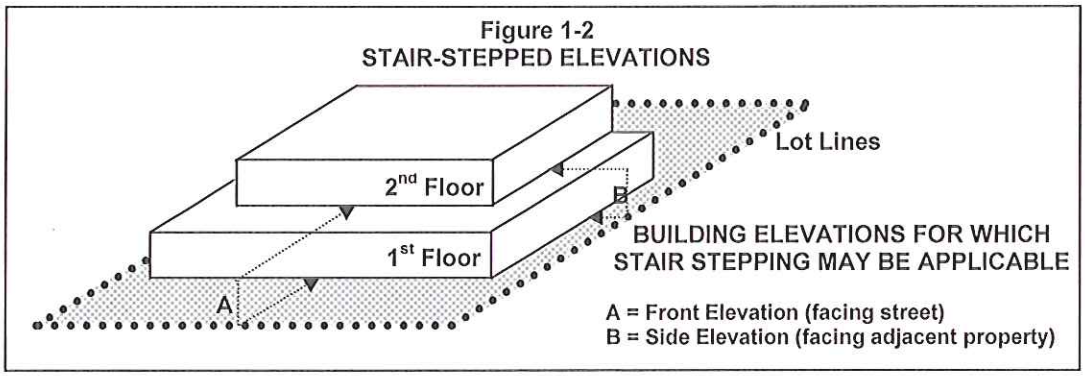
(2) Approval, conditional approval or denial of a design review permit (including appeals filed pursuant to Article 30) shall be accompanied with findings, supported by substantial evidence, that the action is justified on the basis of the findings set forth in Section 10-2.2004 and 10-2.2009.

SECTION 6. Title 10, Chapter 2, Article 20, Section 10-2.2004 of the Ojai Municipal Code is hereby amended to read as follows:

In reviewing project applications subject to the provisions of Section 10-2.2003, the Director, Commission and the Council shall be guided by the purposes of this article, the general standards set forth in this section and such written policies as the Commission from time to time may adopt consistent with such purposes and standards.

(a) All projects shall be evaluated for adherence to the following design principles (illustrated in Figures 1-1 and 1-2):





(1) Context – new structures should employ materials, colors, textures, styles, building mass, and scale that are compatible with the architectural character and form of surrounding buildings, as appropriate;

(2) Continuity – buildings should be setback from the street consistent with the pattern of existing development located in the vicinity of the property;

(3) Scale – building forms should maintain a human scale at the street and an appropriate height transition to adjacent properties; and

(4) Architectural Design – high quality architecture should be employed to avoid monotonous building elevations and create architectural interest.

(b) All projects shall be evaluated for compliance with applicable general plan policies, in particular, the following:

(1) LU-2 – Preserve the following physical components of Ojai's small town character, along with the desirable features of individual neighborhoods, and incorporate them into the design of new development wherever feasible.

(A) Retention of a feeling of openness and preservation of views of the hills and mountains which form the Ojai Valley, defining the extent of urban development, as well as preservation of the natural character of these hillside areas.

(B) Preservation of significant community monuments such as Libbey Park, the arcade, and the post office, as well as the visual prominence of these features within the downtown area.

(C) An emphasis on the retention of natural landforms and the natural environment over its conversion to urban forms; and an emphasis on ease of pedestrian and bicycle access and transportation.

(D) A generally low profile form of development.

(2) LU-10 - Require that new developments be at an appropriate density or intensity based upon compatibility with the majority of existing surrounding uses. As part

of the development review process, treat the densities and intensities outlined in the Land Use Element for specific designations as the maximum allowable, and do not approve the maximum allowable density or intensity unless the proposed project is consistent with provisions of each of the elements of the Ojai General Plan.

(A) Require that adequate buffering and transitions be provided between dissimilar uses. Where a question of compatibility exists, require the new use to conform to the lower intensity.

(B) As part of the development review process, new development or the alteration of existing development is to be viewed not only as a freestanding object, but also as part of a street, neighborhood, and as part of the entire community.

(C) Require that the bulk and massing of new structures relate to the prevailing or planned scale of adjacent development. Require that setbacks from sweets relate to existing setbacks along the street, the scale of the structure, and the desired character of the development.

(D) Require that new development respect the views of existing developments; provide view corridors which are oriented toward existing or proposed community amenities, such as parks, open spaces, and natural features.

(c) All Affordable Housing projects developed on property with an SPL designation shall be evaluated for adherence to the following design parameters:

(1) Building Height – Building heights allowed under the SPL zone designation shall be treated as the maximum allowable and projects shall not be approved to the maximum allowable unless all of the requirements of Sections 10-2.2004 and 10-2.2009 are met; and

(2) Site-Specific Considerations – All Affordable Housing projects proposed on property with an SPL zone designation shall adhere to the site-specific design parameters listed in Section 10-2.704, Table 2-10.

(d) All projects shall be evaluated for adherence to the following general standards:

(1) All buildings shall be designed in accordance with recognized principles of architectural design and shall harmonize with or complement adjacent or nearby principal structures. Nearby structures which are obsolete or of no architectural importance may be disregarded.

(2) The overbuilding of a site shall be discouraged. The provision of open areas that will permit suitable landscaping complementary to the proposed design, such as front setbacks, walls, courts, patios, planters, window boxes and the like are

elements that will contribute substantial economic benefits to the owner and enhance the beauty of the neighborhood.

(3) The Commission recognizes the requirements of contemporary, business and society and that modern methods of construction and new materials make possible many solutions of a design consistent with these standards and the purposes of this article, and the Commission does not intend to restrict ingenuity provided the design is compatible with adjacent or nearby principal structures. "False-front" designs shall be discouraged.

(4) The choice of materials, such as stucco or masonry walls in light tones and irregular textures with roofs of tile or other coarse material, should reflect the inherent character of the building. Harsh, boxlike forms, the extensive use of glossy surfaces, bright metals or strong and glaring colors are not generally consistent with the purposes of this article and will not be favorably considered.

(5) The design of signs and other advertising media should harmonize with and be subordinate to the building served.

(6) The color of the building and trim is of utmost importance in relating a building to its surroundings. Proper study of the color scheme will result in improved aesthetic values that will reflect true value in the property to the owner and to the community. Soft, muted colors will receive most favorable consideration.

(7) Buildings and structures proposed to be erected in manufacturing zones shall reflect compliance with the policies set forth in this section consistent with the limitations of the structure, with due consideration of screen planting and other similar devices to improve the appearance of the property.

(8) The area surrounding the central business district, through the original construction of the Arcade and adjacent buildings, has established an architectural character which is known far and wide, and its perpetuation is important to the people of the City. Therefore, design guidelines have been established where special emphasis has been placed on maintaining a harmonious design in keeping with, and complementing, the existing patterns of the central business district. This does not mean the literal copying of existing styles, but rather the maintenance of appropriateness and harmony in relation to the existing buildings of traditional significance in the area. Such buildings can still be functionally planned and be appropriate to the needs of changing times, but with emphasis on the selection of materials and colors as suggested in this section. Adherence to these principles will be of major influence in determining the acceptability of a proposed design.

(9) To the maximum extent feasible (as defined in Section 10-2.704), the profile of buildings in excess of two stories shall be moderated through a combination of means including, but not limited to:

(A) a graduated stair stepping of stories with increased setbacks from the story below;

(B) construction of subterranean parking so as to expose only the upper two stories as viewed by the public; and

(C) contouring of the building site through grading techniques that effectively accomplish the same objectives.

(e) All projects shall be evaluated for compliance with the standards of review set forth in Section 10-2.2009, in particular, the following:

(1) Existing open space which can be viewed from State highways shall be protected to the extent feasible and consistent with the proposed land use. Existing scenic vistas shall be protected to the extent feasible and consistent with the proposed land use.

(2) The following are so designed and arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are provided and no adverse effect of any type on surrounding property will result: (i) buildings, structures and improvements, (ii) vehicular ingress, egress and internal circulation; (iii) setbacks; (iv) height of buildings; (v) location of services; (vi) walls and fences; and (vii) landscaping.

SECTION 6. The Zoning Map of the City of Ojai adopted pursuant to Section 10-2.202 of the Ojai Municipal Code is hereby amended by applying the SPL designation to the following candidate sites identified in the 2006-2014 Housing Element Update: Site Nos. 6, 7, 9, 10, 11, 17, 21, and 23. The corresponding Assessor Parcel Nos. are: 220140010, 220140480, 230072010 & 230072070, 230090010, 230120020, 230142100, 230172065, 280073010, and 210092010.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 9. This Ordinance shall become effective on the thirty-first (31st) day after its adoption.

CITY OF OJAI, CALIFORNIA

Paul Blatz, Mayor

ATTEST:

Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:

Joseph W. Fletcher, City Attorney

STATE OF CALIFORNIA)
)
COUNTY OF VENTURA)
)
CITY OF OJAI)

I, Rhonda K. Basore, City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on April 9, 2013, and adopted at a regular meeting held on May 28, 2013, by the following vote:

AYES: Blatz, Smith, Strobel
NOES: Clapp, Lara
ABSTAIN: None
ABSENT: None

Rhonda K. Basore
City Clerk for the City of Ojai