CITY OF OJAI
ORDINANCE NO. 828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA AMENDING TITLE 10, ARTICLES 9 AND 20 OF CHAPTER 2, AND ARTICLE 4 OF CHAPTER 6 OF THE OJAI MUNICIPAL CODE RELATED TO AFFORDABLE HOUSING SUPPLY, HOUSING IMPEDIMENTS AND CONSERVATION & REHABILITATION COMPONENTS OF THE 2006-2014 HOUSING ELEMENT OF THE OJAI GENERAL PLAN (PROGRAMS 11, 12, 14, 15, 16, 17, 18, 19, and 21)

WHEREAS, the City Council of the City of Ojai (the "City Council") approved and adopted an updated 2006-2014 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 March 20, 2013, the Planning Commission of the City of Ojai (the "Planning Commission") received a draft version of an Implementation Ordinance to carryout Programs 10, 11, 12, 14, 15, 16, 17, 18, 19, 21 of Updated Housing Element (collectively, "Phase 2 – Supportive Housing Programs"). The Planning Commission, following the conduct of a lawfully noticed public hearing on April 17, 2013, completed its review and transmitted its findings in the form of Planning Commission Resolution No. 13-07.

WHEREAS, on May 28, 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 carryout the Phase 2 - Supportive Housing Programs, along with further recommendations by City staff. Prior to rendering a decision on any aspect of the Phase 2 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 May 28, 2013 (the "Public Hearing"), as well as information, including the staff report. The Public Hearing was held as part of a duly-noticed public meeting.

3. All oral, written and visual materials presented by City staff in conjunction with the Public Hearing including, but not limited to, the following documents incorporated herein by this reference.

a. That certain written report submitted to the City Council dated May 28, 2013 (the "Staff Report").

b. The report and recommendation of the Planning Commission set forth in Planning Commission Resolution No. 13-07.

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. 13-07, the Planning Commission has followed all required notice and public hearing requirements requisite to making a report and recommendation to the City Council.

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 Phase 2 Implementation Ordinance will affirmatively further these efforts. The expressed purpose of the Phase 2 Implementation Ordinance is to: (i) establish requirements and incentives for the development and preservation of housing that is affordable to families of low and moderate income, as well for population segments with special housing needs; and (ii) to implement statutory requirements governing affordable housing including, but not limited to, inclusionary zoning (California Health and Safety Code Section 33413(b)), replacement housing (California Health and Safety Code Section 33413(a)), density bonuses (California Government Code 65915), and housing accommodations for special needs and homeless populations (California Government Code Section 65583(a)(6). 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 while upholding the integrity of General Plan policies and Zoning Ordinance standards.

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

a. Finding: The proposed Phase 2 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 proposed Phase 2 Implementation Ordinance encompasses actions that are expressly embodied in the program descriptions contained in the Updated Housing Element. As such, the physical attributes and consequences of the Updated Housing Element and implementing actions are fully evaluated and have been previously considered by the City Council. Therefore, no further environmental review, documentation or recirculation is deemed necessary.

SECTION 2. Title 10, Chapter 2, Article 9 of the Ojai Municipal Code is hereby amended to read as follows:

Sec. 10-2.901. Purpose of article.

The provisions of this article are intended to establish requirements and incentives for the development and preservation of housing that is affordable to families of low and moderate income, as well for population segments with special housing needs, in furtherance of the Housing Element of the General Plan. This article is also intended to implement statutory requirements governing affordable housing including, but not limited to, inclusionary zoning (California Health and Safety Code Section 33413(b)), replacement housing (California Health and Safety Code Section 33413(a)), density bonuses (California Government Code 65915), and housing accommodations for special needs and homeless populations (California Government Code Section 65583(a)(6).

Sec. 10-2.902. Definitions.

Except where otherwise noted, the definitions appearing in this section apply throughout this article. Capitalization is used to identify defined terms used throughout this article and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.

> *"Additional incentives."* Regulatory concessions as specified in California Government Code Sections 65915 (d) and (h) to include, but not be limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with a Residential Project, or any other regulatory incentive which would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus.

"Affordable housing agreement." A legally binding agreement between a Developer and the City to ensure that the requirements of this article are satisfied. The Agreement, among other things, establishes the number and location of Affordable Units, Target Households, production schedule, Retention Period and development standards.

"Affordable rent." The maximum monthly Housing Cost of an Affordable Unit that is reserved for occupancy by a Target Household not exceeding the calculations set forth in Table 4-1.

Table 4-1: Affordable Rent Calculation	
Income Category	**Housing Cost Formula**
Extremely Low	30 percent of the Area Median Income, adjusted for Household size, multiplied by 30 percent and divided by 12
Very Low	50 percent of the Area Median Income, adjusted for Household size, multiplied by 30 percent and divided by 12
Lower	60 percent of the Area Median Income, adjusted for Household size, multiplied by 30 percent and divided by 12.
Moderate	110 percent of the Area Median Income, adjusted for Household size, multiplied by 30 percent and divided by 12.

"Affordable sales price." A sales price at which a Target Household may purchase an Affordable Unit and results in a maximum Housing Cost not exceeding the calculations set forth in Table 4-2.

Table 4-2: Affordable Sales Price Calculation	
Income Category	**Housing Cost Formula**
Extremely Low	30 percent of the Area Median Income, adjusted for Household size, multiplied by 30 percent and divided by 12
Very Low	50 percent of the Area Median Income, adjusted for Household size, multiplied by 30 percent and divided by 12
Lower	70 percent of the Area Median Income, adjusted for Household size, multiplied by 30 percent and divided by 12.
Moderate	110 percent of the Area Median Income, adjusted for Household size, multiplied by 35 percent and divided by 12.

"Affordable unit." Those dwelling units that are required to be rented at an Affordable Rent or sold at an Affordable Sales Price to a Target Household.

"Agency." The Ojai Redevelopment Agency established pursuant to Community Redevelopment Law (California Health and Safety Code Section 33000 et.seq.) and codified in Title 5, Chapter 8 of the Municipal Code of the City of Ojai, and Successor Agencies as such term is defined in Section 34173 of the California Health and Safety Code.

"Agricultural employee housing." Housing occupied by employees of a farm with a maximum of thirty-six (36) beds in a group quarters or twelve (12) units or spaces.

"Area median income." The annual median income for the County of Ventura, adjusted for family size, amended from time to time pursuant to Section 8 of the United States

Housing Act of 1937, and published in Title 25, Section 6932, of the California Code of Regulations.

"Certificate of occupancy." Issuance by the City's Building and Safety Department signifying completion and approval for initial occupancy of a Residential Project.

"Conversion." A change of a residential dwelling to a: (i) condominium, cooperative, or similar form of ownership; or (ii) nonresidential use.

"Demolition." The removal of a residential dwelling or termination of occupancy by destruction, reconstruction, consolidation or rehabilitation.

"Developer." Every person, firm, or corporation (and their successor's and assigns) that undertakes a Residential Project, directly or through the services of any employee, agent, independent contractor or otherwise subject to the provisions of this article, and each and every subsequent owner of property on which a Residential Project is developed to which the obligations of the Developer shall become applicable. A Developer may also be the fee owner of the property on which the Residential Project is proposed.

"Disabled persons." Persons with a disability consisting of: (i) a physical or mental impairment that limits one or more of a person's major life activities; or (ii) a record of having or being perceived as having, a physical or mental impairment. It does not include current illegal use of, or addiction to, a controlled substance (as defined by Section 102 of the Federal Controlled Substance Act. 21 U.S.C. Sec. 802).

"Downtown redevelopment project." The Amended and Restated Redevelopment Plan for commercial revitalization, residential rehabilitation, affordable housing and infrastructure improvements for an area encompassing approximately 135 acres and lawfully established by the City Council pursuant to Ordinance No. 455 adopted on May 30, 1972 (the "Original Project Area") and subsequently amended by Ordinance No. 719 adopted on June 10, 1997, to add 76 acres (the "Fourth Amendment Area").

"Emergency shelters." Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Entitlements." All permits, licenses and approvals required under the Municipal Code of the City of Ojai allowing the permitted use, subdivision or improvement of real property, including, but not limited to land use permits, tentative parcel maps and tentative tract maps.

"Equivalent action." Alternative methods of satisfying inclusionary and replacement housing requirements prescribed in this article including, but not limited to: (i) dedication of vacant land; (ii) construction of Affordable Units on another site; (iii) acquisition and enforcement of rental/sales price restrictions on existing standard dwelling units; or (iv) Substantial Rehabilitation of existing substandard dwellings.

"Equivalent financial incentive." A monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following: (i) a density bonus and an Additional Incentive(s); or (ii) a density bonus, where an Additional Incentive(s) is not requested or is determined to be unnecessary.

"General plan." The continuum of goals, objectives, policies and programs for the long-term physical development of the City adopted pursuant to Section 65300 et. seq. of the California Government Code.

"Gross income." The anticipated income of a person or family for the twelve-month period following the date of determination of income, established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, and published in Title 25, Section 6914, of the California Code of Regulations. The elements of Gross Income include: (i) wages, salaries, tips, commissions, etc.; (ii) self-employment income from owned non-farm business, including proprietorships and partnerships; (iii) farm self-employment income; (iv) interest, dividends, net rental income, or income from estates or trusts; (v) Social Security or railroad retirement; (vi) Supplemental Security Income, Aid to Families with Dependent Children, or other public assistance or public welfare programs; (vii) retirement, survivor, or disability pensions; and (viii) other sources of income received regularly, including Veterans' (VA) payments, unemployment compensation, and alimony.

"Household." An individual, or two or more persons related by blood, marriage, or adoption, or two or more unrelated persons, excluding employed servants or paid live-in companions, residing together as a single housekeeping unit in a dwelling. Within this context: (i) the term "family" means two or more individuals, whether or not they are related by blood, marriage, or adoption, who live together in a dwelling as a single housekeeping unit; and (ii) the term "person" means any individual, family, partnership, corporation, or association.

"Household size adjustments." The maximum Household size on which to determine Household Income and compute Affordable Rent and Sales Price, adjusted for the number of bedrooms in a dwelling. Unless the Residential Project is subject to different assumptions imposed by other governmental regulations, the Household Size Adjustments set forth in Table 4-3 shall be used for purposes of this article. As an example, and for illustrative purposes only, if an Affordable Unit contains two bedrooms, the computation of Affordable Rent and Sales Price shall be based on the Gross Income of a 3-person Household.

Table 4-3: Housing Size Adjustments

Number of Bedrooms	Maximum Number of Persons
0 (Studio)	1
1	2
2	3
3	4
4	5

"Housing costs." The sum of all of the costs associated with the rental, purchase and maintenance of a dwelling unit as defined in Title 25, Section 6920 of the California Code of Regulations. For renter-occupied dwellings, Housing Costs means the total of monthly payments encompassing rent, fees or service charges assessed by the lessor which are required of all tenants (other than security deposits), a reasonable allowance for utilities, and possessory interest, taxes, or other fees or charges assessed for use of the land and facilities by a public or private entity other than the lessor. For owner-occupied dwellings, Housing Costs means the total of monthly payments encompassing principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities.

"Housing trust fund." The City of Ojai Affordable Housing Trust Fund established pursuant to Section 10-2.908.

"Housing in-lieu fee." A fee paid to the City to defray the cost of producing and preserving Affordable Units as an alternative to constructing such housing as part of a Residential Project. The amount and calculation of the Housing In-Lieu Fee shall be established by resolution of the City Council. In the absence of a resolution establishing the Housing In-Lieu Fee, the amount shall be determined by the City Council: (i) on a case-by-case basis in connection with each Residential Project; and (ii) be for an amount not more than the sum necessary to create an Affordable Unit.

"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 City's General Plan pursuant to Section 65580 et. seq. of the California Government Code.

"Inhabited." A dwelling unit that serves as a place of permanent or customary and usual abode of a person or household who, at the time application is filed with the City for a land use permit subject to the provisions of this article, lawfully occupied the premises. A person or household is considered to be in unlawful occupancy if such person or household has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading the requirements of this article.

"Lower income." Households whose Gross Incomes do not exceed the qualifying limits for low-income families, established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, and published in Title 25, Section 6932, of the California Code of Regulations. The qualifying limits for Lower Income is computed as eighty percent (80%) of the Area Median Income, adjusted for family size.

"Maximum residential density." The maximum number of residential units permitted on the basis of the General Plan and the maximum density of the underlying zone district.

"Moderate income." Households whose Gross Incomes do not exceed one-hundred twenty percent (120%) of the Area Median Income, adjusted for family size, and published in Title 25, Section 6932, of the California Code of Regulations.

"Non-restricted unit" All units within a Residential Project excluding the Affordable Units.

"Residential project." One or more groups of projects which entail: (i) constructing or placing any new dwelling unit in a permanent location; (ii) converting a non-residential building to a residential use; (iii) Substantial Rehabilitation of an existing dwelling where the result of the rehabilitation would be a net increase in available residential units; (iv) subdivision of land which is planned, designed, or used for residential purposes; or (v) converting or demolishing an existing residential dwelling.

"Retention period." The duration of time that the Affordable Housing Agreement remains in effect for Affordable Units under this article.

"Senior citizen housing." A Residential Project 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.

"Special needs housing." Emergency shelters, transitional housing, single room occupancy units, farmworker housing, congregate care facilities and similar types of special living arrangements for persons and families who possess extraordinary housing needs by reason of economic, social, mental or physical disability.

"Substantial rehabilitation." Rehabilitation, the value of which constitutes 25 percent of the after rehabilitation value of a dwelling, inclusive of land value.

"Supportive housing." Housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

"Target household." A person or family meeting the income and occupancy criteria set forth in this article.

"Title." Title 10 of the Municipal Code of the City of Ojai (commonly known as the "Zoning Ordinance").

"Transitional housing." Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and

recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

"Unit type." The size and amenities of a particular dwelling relative to number of bedrooms, quantity of baths, total square footage and similar distinguishing factors.

"Very low income." Households whose Gross Incomes do not exceed the qualifying limits for very-low income families, established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937, and published in Title 25, Section 6932, of the California Code of Regulations. The qualifying limits for Very Low Income is computed as fifty percent (50%) of the Area Median Income, adjusted for family size.

Sec. 10-2.903. [Reserved]

Table 4-4: [Reserved]	

Sec. 10-2.904. Replacement housing

(a) *Basic provisions.* Except as provided below, the Conversion or Demolition of existing residential dwelling units Inhabited by persons and families of Very Low, Lower or Moderate Income shall not be authorized unless provisions have been made for the replacement of those dwelling units with Affordable Units under the terms and conditions summarized in Table 4-5. The replacement housing requirements of this section may be satisfied through one or a combination of the following means: (i) on-site construction as part of the Residential Project; (ii) payment of a Housing In-Lieu Fee; or (iii) Equivalent Action, subject to City Council review and approval, which will affirmatively further affordable housing opportunities to an equal or greater extent than on-site construction or payment of in-lieu fees. The following Residential Projects are expressly exempt from the requirements of this section:

(1) The Conversion or Demolition of a single family home located on a single parcel of record; and (ii) is not destroyed or removed as part of a redevelopment project that is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency.

(2) The Demolition of any residential structure which: (i) has been declared to be a public nuisance under the provisions of Division 13 (commencing with Section 17000) of the Health and Safety Code, or any local ordinance enacted pursuant to those provisions; (ii) results from an order to abate or correct substandard conditions issued by a government agency having jurisdiction; and (iii) is not destroyed or removed as part of a redevelopment project that is subject to a

written agreement with the Agency or where financial assistance has been provided by the Agency.

(3) The Demolition of any residential structure which: (i) constitutes a non-conforming use under the provisions of this Title; or (ii) results from fire, flood, earthquake, or other event beyond the control of the Developer.

(b) *Affordable occupancy.* The replacement housing obligations under this section and shall correspond to the same or a Lower Income category (Very Low, Lower, or Moderate), as the persons and families displaced from those destroyed or removed units. The Developer shall bear the burden of proving the status of occupancy at the time application is filed with the City for a land use permit (as defined in Section 10-2.3602) allowing such Conversion or Demolition. Data shall be obtained and verified by such methods as may be necessary and reasonable to ensure full, true and complete information from which to base determinations in accordance with the definitions set forth in Section 10-2.902. In the absence of such data, or where occupancy cannot be established at the time of Conversion or Demolition: (i) all displaced dwellings shall be deemed Inhabited by Target Households; and (ii) all replacement Affordable Units shall be in proportion to the needs identified in the City's Housing Element for Very Low, Lower and Moderate Income.

(c) *[Reserved].*

(d) *Agency involvement.* Where the Conversion or Demolition of a residential structure is part of a redevelopment project that is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, replacement housing requirements shall be governed by Section 33413(a) of the California Health and Safety Code.

(e) *Condition compliance.* Every Entitlement for a Residential Project that is subject to the provisions of this section shall contain a condition detailing the method of compliance with this section, as applicable. Every final and parcel map shall bear a note indicating whether compliance with the requirements of this section must be met prior to issuance of a building permit for each lot created by such map. In addition, an Affordable Housing Agreement (consistent with the provisions of Section 10-2.704(g)(3)) shall be made a condition of zoning clearance and building permit issuance for all Residential Projects pursuant to this section. The Affordable Housing Agreement shall: (i) be prepared and submitted by the Developer of each Residential Project; (ii) be subject to review and approval by the City Council prior to execution; and (iii) be recorded as a restriction on the parcel or parcels on which the Affordable Units will be constructed.

Table 4-5: Replacement Housing Basic Provisions

	Developer	Agency
Project Exemptions	Single Family Units; Public Nuisances; Non-Conforming Uses; Natural Disasters	None
Target Households	Occupancy Known: Same as Displaced Households Occupancy Unknown: Proportionate to Housing Elements Needs*	

Retention Period (For On-Site Construction)	Renter-Occupied Dwellings: 55 Years Owner-Occupied Dwellings: 45 Years
*The distribution between the Lower and Moderate Income categories shall be based on the percentage which these categories represent of total housing needs as identified in the Housing Element as follows: Lower Income Percentage = Lower Income Needs/(Lower Income Needs + Moderate Income Needs) Moderate Income Percentage = Moderate Income Needs/(Lower Income Needs + Moderate Income Needs) Housing needs, for the purpose of computing the distribution of units between income categories, consists of the numeric housing production goals assigned to each income group as determined through the Regional Housing Needs Assessment process embodied in the Housing Element.	

Sec. 10-2.906. Residential development capacity.

(a) *Basic provisions.* Except as otherwise provided in this section, no residentially designated property shall be rezoned which results in a reduction of residential development capacity (i.e., a re-designation of land use from residential to a non-residential, or a decrease in residential density) unless the Developer compensates for the difference between the number of Affordable Units computed pursuant to Section 10-2.906(b) prior to the change compared to the number of Affordable Units computed after the change based on maximum allowable densities (hereinafter referred to as the "Inclusionary Differential"). The provisions of this section do not apply to zone changes and ordinance amendments that are initiated by the City Council.

(b) *[Reserved].*

(c) *Production alternatives.* The Inclusionary Differential requirements of this section may be satisfied through one or a combination of the following means: (i) on-site construction of Affordable Units on the site which is rezoned or otherwise reduced in density; (ii) payment of a Housing In-Lieu Fee; or (iii) Equivalent Action, subject to City Council review and approval, which will affirmatively further affordable housing opportunities to an equal or greater extent than on-site construction of payment of in-lieu fees. For fractions of Affordable Units resulting from the application of inclusionary percentages set forth in Table 4-4, the Developer may elect, at his or her option, to construct the next higher whole number of Affordable Units or pay a Housing In-Lieu Fee for the fractional amount.

Sec. 10-2.907. Density bonus.

(a) *Basic provisions.* The City shall grant a density bonus to a Developer of a Residential Project who agrees to provide at least: (i) 10% of the total units of a Residential Project as Affordable Units for Lower Income Households; (ii) 5% of the total units of a Residential Project as Affordable Units for Very Low Income Households; (iii) 100% of the total dwelling units of a Residential Project as Affordable Units for Qualifying Residents; (iv) 10% of the total units of a common interest Residential Project, as defined in Section 1351 of the California Civil Code, in which the Affordable Units are offered for sale to Moderate Income Households; or (v) one acre of donated land meeting the requirements, criteria and limitations of Government Code Section 65915(h).

(b) *Density bonus calculation.* The density bonus for which a Developer is entitled shall be determined according to the percentage that Affordable Units constitute of the total Residential Project with adjustments according to Target Household as set forth in Table 4-6. When calculating the number of permitted density bonus units: (i) any fraction of units (including fractions resulting from construction of less than five dwellings) shall be rounded up to the next whole integer; (ii) the total Residential Project on which the percentage of Affordable Units is determined shall not include the density bonus units; and (iii) the inclusionary incentives prescribed in Section 10-2.903 shall not be additive, rather, they shall be in place of the basic density bonus calculation. Except at the sole discretion of the Developer, density bonus units shall be Non-Restricted Units.

(c) *Additional incentive(s).* Upon the written request of a Developer, the City shall provide Additional Incentive(s) in accordance with Table 4-6 unless the City makes a written finding that the Additional Incentive(s) is/are not: (i) required to provide Affordable Units; or (ii) would have an specific adverse impact upon public health and safety, the physical environment or historical resource that cannot otherwise be mitigated without rendering the Residential Project infeasible. The need for incentives will vary for different Residential Projects and shall be determined on a case-by-case basis as provided in Section 10-2.907(m). The Additional Incentive(s) may include, but are not limited to, any of the following: (i) a reduction of site development standards including, but not limited to, lot sizes and/or dimensions, setbacks, open space, lot coverage, building height, structural separation, street widths and architectural design; (ii) a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code; (iii) allowing the Residential Project to include non-residential uses and/or allowing the Residential Project within a non-residential zone if the mix of land uses are deemed compatible with the Residential Project and necessary to achieve economic feasibility; (iv) other regulatory incentives or concessions proposed by the Developer or the City which result in identifiable cost reductions or avoidance; (v) waived, reduced, or deferred planning, plan check, construction permit, and/or development impact fees (e.g., capital facilities, park, or traffic fees); and/or (vi) direct financial assistance in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs. In the case of waiver or modification of zoning standards, the written request submitted by a Developer shall be accompanied with supporting evidence showing that: (i) such waivers or modifications are necessary to make the Residential Project economically feasible; and (ii) application of the development standard will have the effect of precluding construction of the Residential Project with the density bonus authorized under this section.

(d) *Off-street parking requirements.* Upon the request of a Developer, off-street parking requirements for a Residential Project shall be reduced to the following maximums: (i) for dwelling units with zero to one bedrooms -- one onsite parking space for each such dwelling; (ii) for dwelling units with two to three bedrooms -- two onsite parking spaces

for each such dwelling; and (iii) for dwelling units with four or more bedrooms -- two and one-half parking spaces for each such dwelling. If the total number of parking spaces required for a Residential Project is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a Residential Project may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking. Furthermore, the reduced parking requirement: (i) shall only apply to Residential Projects which receive a density bonus under this section; (ii) must be specifically requested by a Developer; and (iii) is in addition to, and not in lieu of, the granting of Additional Incentives as provided in Section 10-2.907(c).

Table 4-6: Density Bonus Provisions

Target Households								Density Bonus Factor
Very Low Income		Lower Income		Moderate Income		Qualifying Resident		
A	B	A	B	A	B	A	B	
				10% - 19%	1			5%-14%
				20%-25%	2			15%-19%
5%	1	10%	1	25%	2	100%	0	20%
				26%	2			21%
		11%	1					21.5%
				27%	2			22%
6%	1							22.5%
		12%	1	28%	2			23%
				29%	2			24%
		13%	1					24.5%
7%	1			30%	3			25%
		14%	1	31%	3			26%

Table 4-6: Density Bonus Provisions (Continued)								
Target Households								Density Bonus Factor
Very Low Income		Lower Income		Moderate Income		Qualifying Resident		
A	B	A	B	A	B	A	B	
				32%	3			27%
8%	1	15%	1					27.5%
				33%	3			28%
				34%	3			29%
9%	1			35%	3			30%
		17%	1					30.5%
				36%	3			31%
		18%	1	37%	3			32%
10%	2							32.5%
				38%	3			33%
		19%	1					33.5%
				39%	3			34%
11%	2	20%	2	40%	3			35%

A – Percentage of units as a total of the entire project, exclusive of the density bonus units.
B – Number of Additional Incentives.

NOTES:

1. The actual number of density bonus units for a specific Residential Project is determined according to the following formula:
   Density Bonus Units = Density Bonus Factor x Maximum Allowed Density (According to Underlying Zoning)
2. "Qualifying Resident" means senior citizens or other persons eligible to reside in Senior Citizen Housing as provided in California Civil Code Sections 51.3 and 51.12, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
3. The density bonus provisions of this Table, as it pertains to Moderate Income, applies only to common interest Residential Projects.

(e) *Child care facilities.* Unless the city council finds, based upon substantial evidence, that the community has adequate child care facilities, the City shall grant the following special incentives when a child care facility is proposed as part of a Residential Project for which a density bonus is granted under the provisions of this section, and such facility will be located on the premises of, as part of, or adjacent to, the Residential Project: (i) an additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or (ii) an Additional Incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility. In exchange for these special incentives, the following conditions shall be imposed upon the Residential Project: (i) the child care facility shall remain in operation for a period of time that is as long as or longer than the Retention Period for the density bonus units; and (ii) enrollment at the child care facility shall be allocated among the Target Households in proportion to occupancy and reservation of Affordable Units within the Residential Project.

(f) *Condominium conversions.* Where a Residential Project consists of converting apartments to condominiums, and the Developer agrees to provide at least 33 percent of

the total condominiums as Affordable Units for Lower or Moderate Income Households, or 15 percent of the total condominiums as Affordable Units for Lower Income Households, and agrees to pay for the reasonably necessary administrative costs incurred in processing the request, the City shall: (i) grant a density bonus of 25 percent over the number of existing apartments; or (ii) provide an Equivalent Financial Incentive. A Developer, at its discretion, may submit a preliminary proposal in advance of formal entitlement and subdivision applications. In such event, the City shall process the request as provided in Section 10-2.907(k) within 90 days of receipt of a written proposal. Nothing in this section shall be construed to require the City to approve a proposal to convert apartments to condominiums, provided, further that: (i) the City may place such reasonable conditions on the granting of a density bonus or Equivalent Financial Incentive as it finds appropriate; and (ii) a Developer shall be not be eligible more than one Density Bonus or Additional Incentive under this section.

(g) *Target households.* In determining the number of Affordable Units to be provided pursuant to Section 10-2.907(b), the Maximum Residential Density shall be multiplied by the density bonus percentages appearing in Table 4-6. The density bonus units shall not be included when determining the total number of Affordable Units in the Residential Project. When calculating the required number of Affordable Units, any resulting decimal fraction shall be rounded to the next larger integer.

(h) *Production schedule.* Affordable Units to be provided pursuant to this section shall be constructed concurrently with Non-Restricted Units as part of the Residential Project unless both the City and the Developer agree within the Affordable Housing Agreement to an alternative schedule for development. Circumstances may arise in which the public interest would be served by allowing some or all of the Affordable Units associated with one Residential Project to be produced and operated at an alternative development site. Where the Developer and the City form such an agreement, the resulting linked developments shall be considered a single Residential Project for purposes of this Section. Under these circumstances, the Developer shall be subject to the same requirements of this Section for the Affordable Units to be provided on the alternative site.

(i) *Retention period.* Affordable Units for which a density bonus is granted under the provisions of this section shall remain restricted and affordable to Target Households for the time periods set forth below (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program).

(1) *Basic incentive.* Except as provided in Section 10-2.907(i)(2), all Affordable Units shall remain restricted and affordable to Target Households for a minimum period of 30 years. Owner-occupied units, including Affordable Units within common interest subdivision reserved for Moderate Income Households, shall be: (i) initially occupied at an affordable Housing Cost and thereafter remain restricted for the duration of the Retention Period; and (ii) governed by the terms

and conditions of an Affordable Housing Agreement which includes equity share provisions as stipulated in California Government Code Section 65915(c)(2).

(2) *Inclusionary housing.* Affordable Units shall remain restricted and affordable to Target Households for a period of 45 years for owner-occupied units and 55 years for renter-occupied units in those circumstances where the density bonus: (i) is granted in connection with Residential Projects subject to the provisions of Section 10-2.903; and (ii) the Affordable Units are expressly required to satisfy the requirements of Section 10-2.903.

(j) *Development standards.* The Affordable Units resulting from density bonuses granted under this section: (i) may either be rental or for-sale dwellings; and (ii) shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to Non-Restricted Units. The square footage of Affordable Units and interior features in Affordable Units may not be the same as or equivalent to those in Non-Restricted Units in the same Residential Project, so long as they are of good quality and are consistent with contemporary standards for new housing. Affordable Units shall be dispersed throughout the Residential Project or, subject to the approval of a precise plan of design as provided in Section 10-2.2007, may be clustered within the Residential Project when this furthers affordable housing opportunities.

(k) *Conceptual review.* A Developer proposing a Residential Project pursuant to this section may submit its proposal for conceptual review by the City Council prior to the submittal of any formal request for approval of a Residential Project. The purpose of the conceptual review is to identify issues, concerns and recommendations preparatory to making formal application. The conceptual review process, including form of application and processing fees, if any, shall be determined by the Director.

(l) *Conditions precedent.* The granting of density bonuses under this section are expressly subject to and contingent upon: (i) obtaining all Entitlements applicable to the Residential Project; and (ii) satisfying the California Environmental Quality Act including, as appropriate, the preparation of necessary reviews and documentation in conjunction with Entitlement applications for each Residential Project. In addition, an Affordable Housing Agreement (consistent with the provisions of Section 10-2.704(g)(3)) shall be made a condition of zoning clearance and building permit issuance for all Residential Projects pursuant to this section. The Affordable Housing Agreement shall: (i) be prepared and submitted by the Developer of each Residential Project; (ii) be subject to review and approval by the City Council prior to execution; and (iii) be recorded as a restriction on the parcel or parcels on which the Affordable Units will be constructed.

(m) *Application process.* An application pursuant to this section shall be processed concurrently with any other application(s) required for the Residential Project. Final approval or disapproval of an application (with right of appeal) shall be determined by the decision-making body having jurisdiction over the matter unless the Developer requests: (i) a Financial Equivalent Incentive in lieu of a Density Bonus and/or Additional Incentive; or (ii) a fee waiver or direct financial assistance is requested as part

of an Additional Incentive. In either of these events, the decision-making body with permit jurisdiction shall make a recommendation to the City Council who shall have the authority to make the final decision on the application.

Sec. 10-2.908. Housing trust fund.

(a) *Fund establishment.* All Housing In-Lieu Fees collected under this article shall be deposited into an Affordable Housing Fund ("Housing Fund"). Separate accounts within such Housing Fund may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the Fund.

(b) *Use of funds.* Monies deposited in the Housing Fund along with any interest earnings on such monies shall be used solely to increase and improve the supply of housing affordable to Households of Very Low, Lower and Moderate Income including, but not limited to (i) acquisition of real property, buildings and structures; (ii) completion of on and off-site improvements; (iii) donation of real property to private or public entities; (iv) construction and rehabilitation of buildings and structures; (v) payment of insurance premiums, principal and interest, debt financing and carrying charges; (vi) subsidization of market rate housing; (vii) preservation of mobile homes and subsidized housing "at risk" of Conversion to market rates; and (viii) reasonable planning and administrative expenses.

Sec. 10-2.909. Special housing needs.

(a) *Permitted uses.* The uses listed below shall be allowed as permitted uses within the zone districts as specified and shall only be subject those restrictions that apply to other residential dwellings of the same type in the same zone. The physical attributes of new Residential Projects and modifications of existing developed properties which accommodate Special Needs Housing shall conform to the development standards of the underlying zone district (i.e. building height, lot coverage, setbacks, etc.), design guidelines of the City, if applicable, and the provision of off-street parking at a ratio of one space for each habitable room, two of which must be covered.

(1) Agricultural Employee Housing shall be considered to be a permitted agricultural use with up to 36 beds in a group quarters or 12 units or spaces in the A and OS zone consistent with California Health and Safety Code Section 17021.6. Persons having the right to occupy employee housing shall be restricted to individuals engaged in agricultural occupations consistent with the standards and limitations prescribed in the Employee Housing Act and its implementing regulations

(2) Residential Care Homes, Transitional and Supportive Housing, and Employee Housing accommodating six or fewer persons shall be considered to be a permitted residential use in all residential zone districts. Persons having the right to occupy Residential Care Homes, Transitional and Supportive Housing, and Employee Housing shall be restricted to individuals for whom such housing is

specifically provided as defined and regulated under the California Health and Safety Code.

(3) Emergency Shelters shall be considered to be a permitted commercial use in the BP zone with a cap of 27 emergency shelter beds. Once the cap of 27 emergency shelter beds have been reached within the BP zone, all subsequent Emergency Shelters should require issuance of a conditional use permit. Persons having the right to occupy Emergency Shelters shall be restricted to individuals for whom such housing is specifically provided as defined and regulated under the California Health and Safety Code.

(b) *Conditional uses.* Special Needs Housing, other than permitted pursuant to Section 10-2.909(b), shall be allowed by conditional use permit within the zone districts as specified below. The development standards for projects requiring a conditional use permit shall be those that are specified for the underlying zone district, together with other requirements on use, occupancy and design as may be determined through the discretionary permit process consistent with the provisions of Government Code Section 65583(a)(4).

(1) Emergency Shelters shall be allowed by conditional use permit within all commercial and industrial zone districts. Persons having the right to occupy Emergency Shelters shall be restricted to individuals for whom such housing is specifically provided as defined and regulated under the California Health and Safety Code.

(2) Residential care homes, transitional and supportive housing, and employee housing accommodating seven or more clients shall be allowed by conditional use permit within the R-2 and R-3 zone districts. Persons having the right to occupy residential care homes, transitional and supportive housing, and employee housing shall be restricted to individuals for whom such housing is specifically provided as defined and regulated under the California Health and Safety Code.

(c) *Non-discrimination.* No Special Needs Housing shall be denied nor shall any condition be imposed on a project over which the City has discretionary approval (including, but not limited to shared living arrangements, in-home supported services and licensed community care facilities) with regard to familial status, disability or other population segment stipulated in Fair Housing statutes (e.g., individuals with Alzheimer's, AIDS/HIV, and homeless).

Sec. 10-2.910. Reasonable accommodations.

(a) *Definition of term.* As used in this section, "Disabled Person" means a person with a disability consisting of: (i) a physical or mental impairment that limits one or more of a person's major life activities; or (ii) a record of having, or being perceived as having, a physical or mental impairment. It does not include current illegal use of, or addiction to, a controlled substance (as defined by Section 102 of the Federal Controlled Substance Act, 21 U.S.C. Sec. 802).

(b) *Affordable housing.* The Fair Employment and Housing Act prohibits discrimination in all aspects of housing (rental, lease, terms and conditions, etc.) because of a person's disability. Disabled Persons have the right to use the services of a guide, signal or service dog or other such designated animal and to keep such animals in or around their dwellings. At the request of a Disabled Person (or by someone acting on behalf of such person with his or her written consent), the Developer of each Affordable Unit (and each subsequent owner thereof) must make reasonable accommodations in rules, policies, practices or services when these accommodations may be necessary to afford a Disabled Person equal opportunity to use and enjoy a dwelling. The Developer (and each subsequent owner of an Affordable Unit) must allow a Disabled Person (at the tenant's expense or at the expense of someone acting on behalf of such person with his or her written consent) to reasonably modify existing premises if the modifications are necessary to afford the Disabled Person full enjoyment of the premises. These provisions shall be stipulated in the Affordable Housing Agreement.

(c) *Adaptive retrofit.* At the request of a Disabled Person (or by someone acting on behalf of such person with his or her written consent), a housing provider must make reasonable accommodations in rules, policies, practices or services when these accommodations may be necessary to afford a Disabled Person equal opportunity to use and enjoy a dwelling. The housing provider must allow a Disabled Person (at the tenant's expense or at the expense of someone acting on behalf of such person with his or her written consent) to reasonably modify existing premises if the modifications are necessary to afford the Disabled Person full enjoyment of the premises. Where such modifications require an exception in development standards of the underlying zone district, an adaptive retrofit permit application shall be processed as follows:

(1) *Director determination.* The Director shall have jurisdiction over all adaptive retrofit permits and extensions of time thereof. Upon receipt of the required copies of the permit application, the Director shall consider the requested adaptive retrofit permit at a noticed public hearing and either approve, conditionally approve, or deny the request. Notice of the time and place of the hearing shall be given in accordance with Article 29. Action of the Director shall be final subject to appeal to the Planning Commission and City Council as provided under Sections 10-2.2906 and 10-2.2907.

(2) *General provisions.* A fee for the cost processing adaptive retrofit permits shall be charged in an amount equal to the current fee charged for a zoning clearance.

Adaptive retrofit permits may be granted for such period of time and upon such conditions and limitations as may be required to protect the health, safety, and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts. Any amendments to an adaptive retrofit permit shall be processed in the same manner as specified by this title for approval of the original permit.

(3) *Required Findings.* An adaptive retrofit permit application shall be approved or conditionally approved only if all of the following findings are made:

(i) *Physical accommodation.* The site for the project is adequate in size, shape, location, and physical characteristics to accommodate the adaptive retrofit proposed; (ii) specific modifications in building height limit, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district are necessary and appropriate to accommodate the needs of the Disabled Person; and (iii) the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.

(ii) *Policy accommodation.* The request for reasonable accommodation: (i) is necessary to make housing available to, and used by, a Disabled Person protected under fair housing laws; (ii) will not impose an undue financial or administrative burden on the City; and (iii) will not require a fundamental alteration in the nature of the City's land-use and zoning regulations.

(4) *Time limits.* At the time the Director approves an adaptive retrofit permit, a time limit may be established within which construction must commence or the use must begin. The time limit shall be a reasonable time based on the size and nature of the proposed development or use. If no date is specified, the time limit shall be one year from the date of approval. Such time may be extended by the Director once for good cause shown, provided a written request, including a statement of reasons for the time extension, is filed with the planning department prior to the expiration date.

(5) *Permit revocation.* An adaptive retrofit permit shall become null and void and be automatically revoked if the approved use is discontinued for a period of more than one year. The time limit may be extended by the Director one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the planning department prior to the expiration date. If any of the conditions of the adaptive retrofit permit are not complied with, the Director, after written notice to the permittee and a noticed public hearing, may revoke the permit."

SECTION 3. Title 10, Chapter 2, Article 20, Section 10-2.2006 is hereby amended to read as follows:

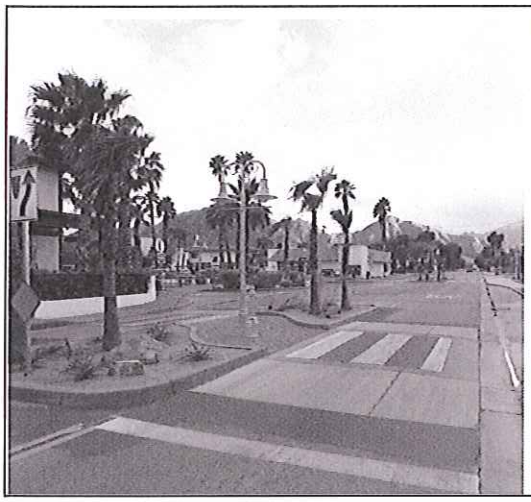
Sec. 10-2.2006. – Public structures and complete streets.

(a) *Public structures.* No public building or structure, fountain, monument, wall, arch or other structure shall be erected, placed on or upon or be removed from, relocated or altered on or upon any public land or be allowed to extend over or upon any street, avenue, square, park, recreation ground or other public property unless plans for the same and the location thereof shall first have been approved by the Commission.

(b) *Complete streets.* Every project subject to design review under this article shall affirmatively further the principles and practices of complete streets, where feasible (as defined in Section 10-2.704). As used herein, the term "complete streets" means the accommodation of all travelers, particularly public transit users, bicyclists, pedestrians (including individuals of all ages and individuals with mobility, sensory, neurological, or hidden disabilities), and motorists, to enable all travelers to use the roadway safely and efficiently.

(c) *Design guidelines.* The Commission shall devise design guidelines relating to the design, planning, construction, reconstruction, rehabilitation, and maintenance of public rights of way in furtherance of the principles and practices of complete streets. In the absence of locally adopted guidelines, the Commission shall employ the following resources to guide its design review: "*Complete Streets Local Policy Workbook*" (published by Smart Growth America and National Complete Streets Coalition, in Association with the Walkable and Livable Communities Institute, August 2012); and "*Complete Streets Best Policy and Implementation Practices*" (published by American Planning Association Planning Advisory Service, 2010).

Figure 1-3
COMPLETE STREETS DESIGN GUIDELINES SCOPE



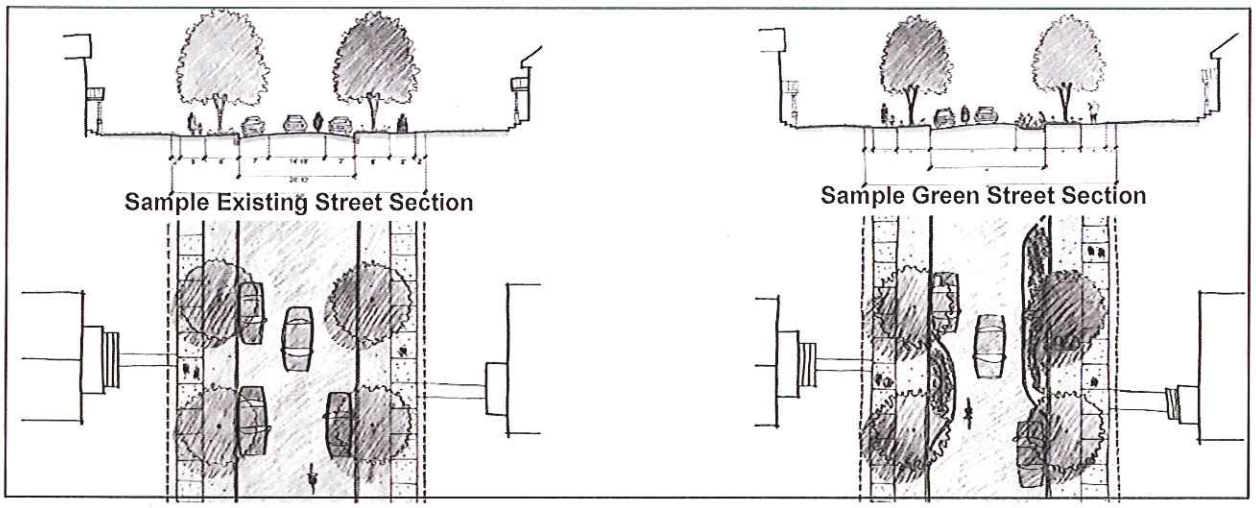
Residential Complete Street Design Considerations and Features

- Pedestrians and Persons with Disabilities
- Bicycles
- Accommodating Emergency, Transit and Service Vehicles
- Landscaping and Street Trees
- Utilities
- Traffic Calming
- Low Impact Development Approaches
- Signage
- Undeveloped Rights-of-Way

Typologies for Complete Street Implementation

- Residential Street with Green Stormwater Features Typology
- Standard Residential Street Typology
- Green Street Typology

Figure 1-4
COMPLETE STREETS ILLUSTRATIVE EXAMPLES



SECTION 4. Title 10, Chapter 6, Article 4, Section 10-6.401 (revising subparts (a), (b) and (e)), Article 5, Section 10-6.501 (adding three new definitions), and Article 6, Sections 10-6.603, 10-6.803, 10-6.804, 10-6.806, 10-6.807, 10-6.808, 10-6.1001 and 10-6.1301 of the Ojai Municipal Code are hereby amended to read as follows:

Sec. 10-6.401. – Applicability.

(a) Affordable Units that are formally dedicated for occupancy by persons and families of Lower Income, Moderate Income or Senior Citizens (at an Affordable Sales Price or Rent as such terms are defined in Section 10-2.902) within a Residential Project which is funded or subsidized pursuant to the provisions of applicable Federal, State or local laws or programs.

(b) Second units, home splits, special needs housing (as defined and in Sections 109-2.1709(a)(3) and 10-2.3602(h), including second units for which an amnesty permit is issued pursuant to Section 10-2.1709(f), single family homes developed on a single parcel of record and small dwellings with a maximum of 640 square feet built in conjunction with mixed use projects within the VMU zone district.

(e) Residential Projects (including Non-Restricted Units) which conform to the minimum requirements set forth in Section 10-2.704(g), including inclusionary percent, target households and retention period. For purposes of this Section 10-6.401, minimum requirements of Section 10-2.704(g) shall apply to apply to all Residential Projects regardless of zone district, including properties without an SPL designation.

Sec. 10-6.501. – Definitions.

"Allotment cycle." The period of time starting January 1 and ending December 31 of each calendar year.

"Allotment threshold." In any given allotment cycle, the difference between: (i) the number of unallocated allotments in the special allocation pool; and (ii) the number of dwellings units for which permits have been granted and are exempt from the allotment provisions of this chapter. As an example, and for illustrative purposes only, if the current unallocated balance of allotments in the special allocation pool is 20 dwellings and the number of dwellings units for which permits have been granted for Residential Projects that are exempt from the allotment provisions of this chapter is 15, the allotment threshold is 5 dwelling units (20 minus 15 = 5 units).

"Residential project." As defined, with related terms, in Section 10-2.902.

"Special allocation pool." Allotments which remain unallocated at the end of each calendar year, plus allotments that are not used within one year of their assignment pursuant to Section 10-6.804, and pledged for subsequent reallocation to special Residential Projects at the discretion of the City Council pursuant to Section 10-6.603(b).

Sec. 10-6.603. – Housing mix.

(a) Allotments shall be made without regard to type of housing (i.e., single family or multifamily).

(b) Beginning January 1, 2014, allotments which remain unallocated at the end of each calendar year (plus allotments that are not used within one year of their assignment pursuant to Section 10-6.804) shall be placed into a special allocation pool (and accumulated from year to year). Allotments within the special allocation pool may be awarded, at the discretion of the City Council, to Residential Projects which affirmatively further goals and objectives of the General Plan and Downtown Redevelopment Project (as such terms are defined at Sections 10-2.902 and 10-6.501), including, but not limited to: (i) fostering mixed use development within the VMU zone district; (ii) revitalizing blighted and underutilized property along Ojai Avenue; (iii) promoting workforce housing and a jobs-housing balance to reduce vehicular trips; and (iv) low-impact development that affirmatively furthers the character and quality of the community.

Sec. 10-6.803. – Assignment of allotments.

No person may receive an allotment for more than one Residential Project per year. For purposes of this section, a Residential Project consists either of: (i) a detached single family home developed on a single parcel of record; or (ii) condominiums, townhomes, multiple family dwellings and other attached housing unites developed as an integrated whole.

Sec. 10-6.804. – Residential development allotments – Maximum number limited.

Except as to the allotments made from the special allocation pool pursuant to Section 10-6.603(b), no allotments shall be assigned in any one (1) year in excess of the maximum permitted by this chapter.

Sec. 10-6.806. – Request for allotments.

The Director shall accept applications for residential allotments for a period beginning and ending with each calendar year. Residential Projects shall be eligible for the assignment of allotments provided that: (i) the application is deemed complete; (ii) the proposed project complies with General Plan and zoning provisions; and (iii) requisite public services and facilities are available pursuant to Section 10-6.805. The Director shall assign allotments in the order in which eligible applications were received. Allotments shall not become effective until requisite Entitlements are first obtained.

Sec. 10-6.807. – Environmental review.

(a) *General provisions.* The assignment of allotments do not constitute a project for purposes of the California Environmental Quality Act of 1970, as amended, or implementing regulations of Title 14, Division 6, Chapter 3 of the California Code of Regulations (collectively, "CEQA"). Such allotments constitute a reservation rights under this chapter and may only be exercised subject to, and contingent upon, satisfying the environmental review and permit requirements specified in Sections 10-6.807(b) and 10-6.808, respectively.

(b) *Discretionary projects.* All Residential Projects receiving an allotment but for which either legislative approval (e.g., zone change, ordinance amendment, etc.) or Entitlements (as defined in Section 10-2.902) are required must also comply with the requirements of CEQA. Furthermore, for Residential Projects that are subject to CEQA and the proposed number of residential dwellings exceed the allotment threshold (as defined in Section 10-6.501), shall be subject to the following additional standards in adjunct to the Ojai Initial Study Assessment Guidelines:

(1) An initial study and requisite environmental documentation shall be prepared to determine the availability of sufficient water resources and roadway capacity to accommodate the project within safe yields and acceptable levels of service.

(2) In the absence of conclusive evidence that adequate water resources and road capacity are available to accommodate the project, a Water and Traffic Management Plan shall be required for each such project that fully mitigates the impacts upon water and roadway capacity.

(3) Where resource impacts cannot be mitigated through reasonable and feasible measures, the resulting impact shall be deemed to be significant and unavoidable. In such cases, the project shall either be denied or the City may override the impact, at its discretion, with overriding considerations.

Sec. 10-6.808. – Permit requirements.

(a) *Discretionary permits.* All Residential Projects for which allotments have been granted are subject to the development standards and design review requirements that apply to the underlying zone district within which such projects are located. If requisite Entitlements are not secured by the end of the calendar year following the date when the allotments were granted, such allotments shall be rescinded and placed into the special allocation pool described in Section 10-6.603(b). Extensions of time may be granted at the discretion of the Director for circumstances beyond the reasonable control of an applicant (e.g., protracted hearing process, environmental review compliance, etc.).

(b) *Building permits.* All Residential Projects for which allotments have been granted and required Entitlements have been procured pursuant to Section 10-6.807, shall be approved subject to and contingent upon obtaining necessary building permits. If building permits are not secured within 12 months following the date when necessary Entitlements were granted (or 12 months following the date when allotments were assigned in the event that Entitlements are not required), such allotments shall be rescinded and placed into the special allocation pool described in Section 10-6.603(b). Extensions of time may be granted at the discretion of the Director for circumstances beyond the reasonable control of an applicant (e.g., protracted building plan review process, natural disasters, etc.).

Sec. 10-6.1001. – Review – Failure of progress.

The Director shall review, on a quarterly basis, each Residential Project which has received an allotment to determine whether satisfactory progress is being made in the processing of Entitlements and building permits. Should an applicant fail to initiate the processing of appropriate plans and permits, the Director shall report such failure to the applicant and the Planning Commission. The Planning Commission, after holding a hearing, may rescind and reassign the allotment to the next the eligible Residential Project (in the order in which application was received) for which the applicant can reasonably evidence is capable of completing the entitlement, design review and building permit process within time frame that applies to the original allotment.

Sec. 10-6.1301. – Expiration date.

The provisions of this chapter shall expire on October 1, 2021.

SECTION 5. 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 6. 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 7. 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 May 28, 2013, and adopted at a regular meeting held on June 11, 2013, by the following vote:

AYES: Blatz, Clapp, Lara, Smith, Strobel

NOES: None

ABSTAIN: None

ABSENT: None

Rhonda K Basore

Rhonda K. Basore
City Clerk for the City of Ojai