

ORDINANCE NO. 1137

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CAMARILLO, CALIFORNIA, AMENDING CAMARILLO
MUNICIPAL CODE CHAPTER 20.01, RELATING TO
RESIDENTIAL DEVELOPMENT CONTROL**

The City Council of the City of Camarillo ordains as follows:

SECTION 1. Findings. The City Council of the City of Camarillo finds as follows:

A. In 1981, Measure A was submitted to and approved by the electorate of the city, enacting Chapter 20.01 of the Camarillo Municipal Code (CMC). The measure was intended to provide a steady annual residential growth, rather than a fluctuating, overly rapid, rate of growth, in order to properly manage and provide city, school, park, and other public utility services in a manner that will not overextend existing public utilities and public facilities.

B. CMC Chapter 20.01 was set to expire in 1995 and was subsequently extended in 1995, 2005, and most recently in 2015, which extended the ordinance through December 31, 2025, and continues to allow the granting of 400 allocations for dwelling units each year, with exceptions for certain types of units.

C. The City's Planning Commission reviewed this ordinance, which proposes amendments to CMC Chapter 20.01, at a duly-noticed public hearing on November 8, 2016. After all interested parties were given full opportunity to be heard and to present evidence, the Planning Commission voted to recommend adoption of this ordinance to the City Council.

D. On January 11, 2017, the City Council conducted a duly-noticed public hearing to consider this ordinance, and all interested parties were given full opportunity to be heard and to present evidence.

E. The ordinance is consistent with the City's General Plan, because it proposes to update the criteria in which projects are evaluated for consideration of development allotments based on the consistency with the policies contained in the 2014 General Plan Circulation Element, specifically, provision of complete streets, as well as consistency of the site plan with the policies and design guidelines in the 2012 General Plan Community Design Element. In addition, the amendments address impacts to water supply and stormwater treatment that ensure that public utilities and services can be properly and effectively staged in a manner that will not overextend existing facilities, as planned for in the General Plan.

F. The ordinance does not impede the City's ability to meet its Regional Housing Needs Allocation or affordable housing programs in the Housing Element, as the ordinance exempts residential units that provide affordable housing projects as the amendment creates incentives for providing additional low or very-low income housing units.

G. The ordinance is consistent with the Zoning Code because the criteria used for the evaluation of projects for consideration of development allotments promotes quality residential development that will have the least impact on the City infrastructure, services, natural topography, and the physical environment. The ordinance also encourages a high quality of design and the provision of public facilities consistent with the requirements of the Zoning Code.

H. The ordinance is necessary for the protection of public health, safety, and welfare of the residents of Camarillo, because it ensures that the pace of residential development occurs in a manner that will not overextend existing public utilities and facilities such as transportation, water, sewer, schools, and parks.

I. The ordinance permits the City to continue to control the rate, distribution, quality, and economic level of proposed residential development on a year-to-year basis and continues to allow the City Council to award up to 400 development allotments per year.

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the State CEQA Guidelines, because the ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The ordinance merely updates the existing criteria used to evaluate approved projects for consideration of development allotments. No changes are proposed to the number of allocations that may be granted each year. Any future development would be evaluated through individual environmental review in accordance with the CEQA.

SECTION 3. Amendment to CMC Chapter 20.01 is amended and restated as follows:

"20.01.010 Applicability of the development control system.

The residential development control system set out in this chapter applies to all residential development, including mobile homes, in the city with the exception of the following:

- A. Projects of not more than four (4) residential dwellings, limited to only one (1) such project per developer per calendar year.
- B. Fourplexes or lesser-numbered multiple dwellings on a single existing lot.
- C. Single-family residential units on a single existing lot.
- D. Rehabilitation or remodeling of an existing dwelling, or conversion of apartments to condominiums, so long as no additional dwelling units are created.
- E. Those specific units which are formally dedicated for occupancy by and affordable to low-income households within a project which is funded or subsidized as a low-income project pursuant to applicable federal, state or local laws or programs, or which receives a density bonus or other incentives under Chapter 19.49 of this code. For the purposes of this chapter, a project is funded or subsidized pursuant to applicable federal, state or local laws or programs if it receives a loan, grant or continuing financial subsidy for the purpose of developing low-income housing.
- F. Model Home Complexes. The construction of model home complexes may be authorized by the director when a development allotment has been approved for the project and units within the model home complex will not be occupied, transferred or sold for individual occupancy until a development allocation has been received for such units, or, the units qualify under an exception provision pursuant to this section at the time occupancy is requested. The developer must sign an agreement to be recorded providing for these limitations prior to the issuance of a building permit.

20.01.020 Establishment of residential development evaluation board.

- A. In order to administer the development control system set forth in this chapter, and to make the evaluations set forth in Section 20.01.050, a residential development evaluation board ("board") is established, consisting of the duly appointed members of the planning commission of the city.
- B. The procedures and bylaws of the board will be developed by the board subject to the approval of the city council. The staff of the department of community development will serve as the staff of the board.

20.01.030 Establishment of annual residential development allotments designated.

- A. The maximum number of dwelling units that may be constructed each year in the city (except for dwelling units exempted in accordance with the provisions of Section 20.01.010) is 400 dwelling units (referred to as the "annual allotment," and as allocated to an individual project a "development allotment").

20.01.040 Development allotment application.

No building permit for any nonexempt project may be issued unless a "development allotment" for such project has been granted. At any time prior to obtaining a building permit, the developer of a proposed project not exempted from the development allotment requirement must obtain a development allotment under this chapter.

20.01.050 Development allocation evaluation.

The board will consider annually all applications for development allotments properly submitted and must make recommendations to the city council based on the criteria set forth below:

- A. Availability of Public Facilities and Services. The board will examine each application for its relation to or impact upon local public facilities and services, and will rate each development by the assignment of from 0 to 10 points (with 0 indicating very poor and 10 indicating excellent) on each of the following attributes:
 - 1. The capacity of the water infrastructure to provide for the needs of the proposed development without system extensions beyond those normally installed by the developer and the impact the project will have on water supply.
 - 2. The capacity of the sanitary sewers to dispose of the waste of the proposed development without system extensions beyond those normally installed by the developer.
 - 3. The capacity of the drainage facilities to adequately dispose of and treat surface runoff from the proposed development without system extensions beyond those normally installed by the developer.
 - 4. The ability of the fire department to provide fire protection according to the established response standards of the city without the necessity of establishing a new station or requiring the addition of major equipment or housing facilities to an existing station.

5. The capacity of the applicable public schools to absorb the children expected to inhabit a proposed development without necessitating or adding to double sessions or other unusual scheduling or classroom overcrowding.
 6. The capacity of surface streets to provide for the needs of the proposed development without substantially altering existing traffic patterns or overloading the existing street system, impact to Highway 101, and provision of complete streets.
 7. The availability of parks, playgrounds, and other recreational facilities.
 8. Developments which have received tentative map or other city entitlements for a project will receive 5 points for the first year of approval, 8 points for the second year after approval, and 10 points for the third year after approval.
- B. Quality of Design and Contribution of Public Welfare and Amenity. The board will examine each application which has not been withdrawn by the applicant for failure to meet the requirements of subsection (A), and will rate each development by the assignment of from 0 to 10 points (with 0 indicating very poor and 10 indicating excellent) on each of the following attributes:
1. Architectural design quality of buildings, which may be assessed in terms of consistency with the General Plan Community Design Element in its attention to detail in terms of size, height, scale, massing, building materials, architectural details, and color; and compatibility with existing neighboring development.
 2. The amount and character of open space and slope landscaping.
 3. Site plan design quality, which may be assessed in terms of consistency with the General Plan Community Design Element, incorporation of natural features such as topography and open space, compliance with site development standards, the arrangement of the site for efficiency of circulation, on and off site traffic safety, and privacy.
 4. The provision of public and/or private usable open space.
 5. Contributions to and extensions of existing multi-use trails and facilities and/or greenbelts.
 6. The provision of needed public facilities such as a connecting link in the Circulation Element of an arterial or collector street, stormwater drainage and treatment facilities, parks, or other vital public facilities.
 7. Grading and modification of the topography, including quantity of grading, extent of natural slopes cut and/or filled and impact on ridgelines.
 8. Impact on trees and cultural resources.
 9. The provisions of water conservation features.
 10. The provision of energy generation and conservation features, such as house siting and design and renewable energy generation features.

11. Impacts on the physical and aesthetic environment, including agriculture and other open spaces.
 12. Projects which contain affordable housing units in accordance with the criteria under Section 20.01.010(E) will be entitled to up to 15 additional bonus points. If the project does not include affordable housing units, this criteria will not be subtracted or figured into the total percentage points.
- C. The board will meet to assign evaluation points for each development allotment application. After assigning evaluation points, the board will prepare two lists, one documenting points awarded from subsection (A) and the other from subsection (B) of this section, arranging the developments in each list in order from greatest to lowest number of points. In addition to listing the number of actual points awarded in each subcategory, the total will then be expressed as a percentage of the maximum number of points awardable.
 - D. Following its preliminary evaluation as provided in subsection (C), the rating given to each development will be published and a public hearing will be scheduled on the preliminary point assignments made by the board.
 1. Any applicant may request the board, at the public hearing, to reevaluate the point assignment made on any of the criterion. In order for the board to alter its point assignment on a particular development, the applicant must demonstrate that there exists pertinent information or a project redesign which the board was not aware of at the time of the original evaluation.
 2. Any applicant who is dissatisfied with the board's reevaluation may submit written notification of such dissatisfaction, which will be furnished to the city council prior to its awarding of development allotments.
 - E. After evaluating each development and clarifying all point assignments to the applicants, the board will present its evaluations, along with the decisions reached on any requests for reevaluations, to the city council for the awarding of development allotments.
 - F. The schedule for the submission and consideration of applications will be established by city council resolution.

20.01.060 Development allotment awards.

- A. The city council will make the annual allotment of development allotments by the date established by city council resolution.
- B. At a noticed public hearing, the city council will consider the board's recommendations and rankings of the proposed developments, along with any action taken by the board concerning any requests for reevaluation.
- C. The city council will eliminate from consideration any development which has not been assigned a minimum of 49 points under section 20.01.050(A) or a minimum of 70 points under Section 20.01.050(B).

- D. At the conclusion of the hearing, the council will compile a list ranking each of the proposed developments, and will award the development allotments from that list.
- E. Development allotments awarded to a project will remain in effect as long as the underlying project entitlement is valid. In the event the underlying project approval expires or otherwise terminates, any development allotment that had been granted to such a project will be deemed rescinded.

20.01.065 Modifications and Reallocation of Development Allotments.

- A. The point assignments for any proposed modification to project entitlements will be reviewed and evaluated by staff for compliance with the points previously assigned to the project. If the modification would result in substantial compliance with the number of points assigned or greater, no further action with respect to the development allotment is required.
- B. Where a proposed modification to project entitlements results in a reduction of point assignments from the original development allotment, the developer must submit a new development allotment application for consideration under this chapter. However, if there were no other projects eligible to receive allotments and that were not awarded development allotments for the same year, no change in the development allotment will be required for such modified project.

20.01.070 Additional regulations.

Should the evaluation of projects under Section 20.01.050 produce a situation in which two projects have equal evaluation points scores, but only one project can be permitted within the quota, the city council may offer those applicants a pro rata share of the number of development allotments available within the annual allotment, or may resolve such a tie in any other manner deemed equitable by the city council."

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED January 25, 2017.

Jeanette L. McDonald
Mayor

Attested to on 1/27/17 :
Jamadland
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1137 was introduced by the City Council at a meeting held January 11, 2017, and subsequently passed and adopted by the City Council at a regular meeting held January 25, 2017, by the following vote:

AYES: Councilmembers: Craven, Kildee, Morgan, Trembley, Mayor McDonald
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Jeffrie Madland

City Clerk

