

ORDINANCE NO. 1141

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CAMARILLO, CALIFORNIA, AMENDING AND RESTATING
CHAPTER 19.49 OF THE CAMARILLO MUNICIPAL CODE
REGARDING DENSITY BONUSES AND OTHER HOUSING
DEVELOPMENT INCENTIVES**

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

SECTION 1. Findings. The City Council finds as follows:

A. The purpose of this ordinance is to revise Chapter 19.49 (Density Bonus and Other Incentives) of the Camarillo Municipal Code (CMC) to be consistent with recent amendments to California Government Code section 65915, which statute requires local agencies to provide incentives or concessions to developers in order to promote the production of housing for very low, low and moderate income households and senior citizens.

B. On March 14, 2017, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to Chapter 19.49 of the CMC and voted to recommend to the City Council that they adopt the proposed zoning text change.

C. On April 12, 2017, the City Council conducted a duly noticed public hearing to consider the proposed amendments to Chapter 19.49 of the CMC.

D. After reviewing the evidence presented, the City Council finds that the proposed ordinance is consistent with the City's General Plan.

SECTION 2. Environmental Finding. The City Council exercises its independent judgment and finds that the enactment of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under the State CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically: Section 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; and Section 15061(b)(3), because the proposed 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 proposed ordinance consists of state-mandated updates to land use regulations for projects that, where applicable, receive individualized CEQA review. Any future development that has the potential to cause a significant effect on the environment will be evaluated through a separate environmental review process in accordance with CEQA. As such, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA.

SECTION 3. Amendment to Chapter 19.49 of Title 19 of the Municipal Code. Chapter 19.49 of Title 19 of the Camarillo Municipal Code is amended and restated as set forth in the attached Exhibit A.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional

by the 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 adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Publication. The city clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED April 26, 2017.

Juanette L. McDonald
Mayor

Attested to on 4/27/17.
Jeffrie Madland
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1141 was introduced by the City Council at a meeting held April 12, 2017, and subsequently passed and adopted by the City Council at a regular meeting held April 26, 2017, by the following vote:

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

Jeffrie Madland
City Clerk

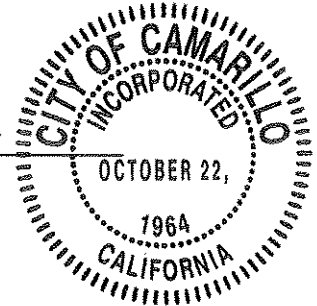


EXHIBIT A

Chapter 19.49 - DENSITY BONUS AND OTHER INCENTIVES

Sections:

19.49.005 - Definitions.

For purposes of this chapter, the following definitions apply:

"Affordable housing cost" has the definition set forth in California Health & Safety Code section 50052.5.

"Affordable rent" has the definition set forth in California Health & Safety Code section 50053.

"Child care facility" means a facility other than a family day care home, including but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

"Common interest development" has the definition set forth in California Civil Code section 1351.

"Concession" or "Incentive" means any of the following:

1. A reduction in site development standards or 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 (the State Building Code commencing with Health & Safety Code section 18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable and actual cost reductions.
2. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable and actual cost reductions.

This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements.

"Disabled veteran" has the definition set forth in California Government Code section 18541.

"Density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the general plan as of the date of application by the applicant to the city.

"Development standard" means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy, resolution or regulation.

"Director" means the director of community development or the director's designee.

"Homeless person" has the definition set forth in 42 U.S.C. section 11301 and following.

"Housing development" means a development project for five or more residential units, including mixed-use developments. "Housing development" also includes a subdivision or common interest development, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

"Lower income households" has the definition set forth in California Health & Safety Code section 50079.5.

"Major transit stop" has the definition set forth in Public Resources Code section 21155.

"Maximum allowable residential density" means the density allowed under the zoning code, or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project.

"Moderate income households" has the definition for "persons or families of moderate income" set forth in California Health & Safety Code section 50093(b).

"Multifamily dwelling" has the definition set forth in California Government Code section 65863.4(d).

"Property containing existing affordable housing" means any property that includes any parcel on which rental dwelling units are or have been: (1) subject to any other form of rent or price control through a public entity's valid exercise of its police power; (2) occupied by lower or very low income households; or (3) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and households of lower or very low income. Such rental dwelling units include rental dwelling units that have been vacated or demolished in the five-year period preceding the application seeking the density bonus.

"Replace" has the definition set forth in California Government Code section 65915(c)(3)(B).

"Senior citizen housing development" has the definition set forth in California Civil Code section 51.3.

"Specific, adverse impact" has the definition set forth in California Government Code section 65589.5(d)(2).

"Special needs housing development" has the definition set forth in California Health and Safety Code section 51312.

"Transitional foster youth" has the definition set forth in California Education Code section 66025.9.

"Unobstructed access" means access where a resident is able to travel without encountering natural or constructed impediments, as outlined in California Government Code section 65915(p)(2).

"Very low income households" has the definition set forth in California Health & Safety Code section 50105.

19.49.010 - General density bonus provisions.

A. Application. Any person that desires a density bonus must make an application on a form approved by the director at the time of submitting an entitlement application for the

housing development for which a density bonus is requested. The density bonus provided by this chapter only applies to housing developments consisting of five or more dwelling units.

- B. Incentives and concessions. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the city, the city must provide the applicant incentives or concessions for the production of housing units and child care facilities as provided in this chapter.
- C. Available density bonus options. The planning commission or city council will grant one density bonus, the amount of which will be as specified in Section 19.49.030, and incentives or concessions as described in Section 19.49.020, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:
 - 1. Ten percent of the total units of a housing development for lower income households.
 - 2. Five percent of the total units of a housing development for very low income households.
 - 3. Ten percent of the total dwelling units in a common interest development for moderate income households, provided that all units in the housing development are offered to the public for purchase.
 - 4. A senior citizen housing development.
 - 5. Ten percent of the total units of a housing development for transitional foster youth, to be provided at the same affordability level as very low-income units.
 - 6. Ten percent of the total units of a housing development for disabled veterans, to be provided at the same affordability level as very low-income units.
 - 7. Ten percent of the total units of a housing development for homeless persons, to be provided at the same affordability level as very low-income units. As used in this subsection, "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this chapter.
- D. Applicant's election of basis for bonus. For purposes of calculating the amount of the density bonus pursuant to Section 19.49.030, the applicant who requests a density bonus pursuant to this section must elect whether the bonus will be awarded on the basis of paragraphs (1), (2), (3) or (4) of Section 19.49.010(C).
- E. Continued affordability.
 - 1. Qualified Households. An applicant must agree that the occupants of the low, very low, and moderate income units that are directly related to the receipt of the density bonus in a housing development or common interest development must be low, very low, or moderate income households, as applicable.
 - 2. Term.
 - (a) An applicant must agree to set rents at affordable rent levels and to the continued affordability of all rental units that qualified the applicant for the

award of the density bonus for a period of 55 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

- (b) All for-sale units must initially be sold at an affordable housing cost and will remain subject to a resale affordable housing cost restriction for a period of 55 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or other subsidy program. The applicable resale affordable housing cost restriction period will reset upon each sale of an affordable unit.

- 3. Equity Sharing. The city will require an equity-sharing agreement for all for-sale units, unless such an agreement would be in conflict with the requirements of another public funding source or law.

F. Housing development involving property containing existing affordable housing.

An applicant is not eligible for a density bonus, or any other incentives or concessions under this chapter, for a proposed housing development involving a property containing existing affordable housing, unless:

- 1. The proposed housing development replaces the existing affordable housing units; and
- 2. Either:
 - (a) The proposed housing development, inclusive of the units replaced, contains affordable units at the percentages set forth in Section 19.49.010(C); or
 - (b) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

19.49.015 - Requirements for equity-sharing agreement.

The following provisions must be included in any equity-sharing agreement required under this chapter:

- A. Upon resale, the seller of the unit may retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city will recapture any initial subsidy and its proportionate share of appreciation, which amount must then be used within five years for any of the purposes that promote home ownership, as described in California Health & Safety Code section 33334.2(e).
- B. For purposes of this section, the city's initial subsidy will be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the very low, low, or moderate income household, as applicable, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale will be used as the initial market value.
- C. For purposes of this section, the city's proportionate share of appreciation will be equal to the ratio of the initial subsidy to the fair market value of the unit at the time of initial sale.

19.49.020 - Incentives and concessions.

- A. An applicant for a density bonus pursuant to Section 19.49.010 may submit a proposal for the specific incentives or concessions that the applicant requests pursuant to this chapter, and may request a meeting with the director.
- B. Subject to subsection (C) below, the applicant will receive the following number of incentives or concessions:
 - 1. One incentive or concession for projects that include at least ten percent of the total units for lower income households, at least five percent for very low income households, or at least ten percent for moderate income households in a common interest development.
 - 2. Two incentives or concessions for projects that include at least twenty percent of the total units for lower income households, at least ten percent for very low income households, or at least twenty percent for moderate income households in a common development.
 - 3. Three incentives or concessions for projects that include at least thirty percent of the total units for lower income households, at least fifteen percent for very low income households, or at least thirty percent for moderate income households in a common interest development.
- C. The planning commission or city council must grant the concession or incentive requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:
 - 1. The concession or incentive is not required in order to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section 19.49.010(E);
 - 2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
 - 3. The concession or improvement would be contrary to state or federal law.

19.49.025 - Waiver or reduction of development standards.

- A. An applicant may submit to the city a proposal for the waiver or reduction of development standards that the applicant believes will have the effect of physically precluding the construction of a housing development that meets the criteria of Section 19.49.010(C) at the densities or with the concessions or incentives permitted by this chapter, and may request a meeting with the director. Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under Section 19.49.020.
- B. The planning commission or city council must waive or reduce the development standard requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:
 - 1. The waiver or reduction would have a specific, adverse impact upon public health

and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or

2. The waiver or reduction would be contrary to state or federal law.

19.49.030 - Calculation of density bonus.

- A. The applicant may elect to accept a lesser percentage of density bonus.
- B. The amount of density bonus to which the applicant is entitled will vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 19.49.010(C).
- C. For housing developments meeting the criteria of Section 19.49.010(C)(1), the density bonus will be calculated as follows:

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

- D. For housing developments meeting the criteria of Section 19.49.010(C)(2), the density bonus will be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- E. For housing developments meeting the criteria of Sections 19.49.010(C)(4), 19.49.010(C)(5), 19.49.010(C)(6), and 19.49.010(C)(7), the density bonus will be 20 percent.

F. For housing developments meeting the criteria of Section 19.49.010(C)(3), the density bonus will be calculated as follows:

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

G. All density calculations resulting in fractional units will be rounded up to the next whole number. The granting of a density bonus will not be interpreted, in and of itself, to require

a general plan amendment, zoning change, study other than those provided under Government Code section 65915(j)(1), or other discretionary approval.

- H. Granting a density bonus will not be interpreted to require the waiver of a city ordinance or provisions of a city ordinance unrelated to development standards, except as provided for in Sections 19.49.20 and 19.49.25.

19.49.035 - Additional density bonus through donation of land.

When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city, as provided for in this section, the applicant will be entitled to a fifteen percent increase above the otherwise maximum allowable residential density under the applicable zoning and the land use element of the general plan for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

- A. This increase will be in addition to any increase in density mandated by Section 19.49.010(C), up to a maximum combined density increase of thirty-five percent, if an applicant seeks increases required pursuant to both this section and Section 19.49.010(C).

1. All density calculations resulting in fractional units will be rounded up to the next whole number.
 2. Nothing in this section will be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.
- B. An applicant will be eligible for the increased density bonus described in this section if all of the following conditions are met:
1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map or parcel map or residential development application.
 2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households, in an amount not less than ten percent of the number of residential units of the proposed development.
 3. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.
 - (a) The land must have appropriate zoning and development standards to make the development of the affordable units feasible.
 - (b) No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land must have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review, to the extent authorized by California Government Code section 65583.2(i), if the design is not reviewed by the city prior to the time of transfer.
 4. The transferred land and the affordable units will be subject to a deed restriction ensuring continued affordability of the units consistent with Section 19.49.010(E)(1) and (2), which restriction will be recorded on the property at the time of the transfer.
 5. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to such housing developer.
 6. The transferred land must be within the boundary of the proposed development or, if the city agrees, within one-quarter mile of the boundary of the proposed development.

19.49.040 - Additional density bonus or concession or incentive through provision of child care facility.

- A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 19.49.010(C) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the planning commission or city council must grant either of the following:

1. 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
 2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. The planning commission or city council will require, as a condition of approving the housing development, that the following occur:
1. The child care facility must remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 19.49.010(E).
 2. Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or moderate income households pursuant to Section 19.49.010(C).
- C. Notwithstanding any requirement of this section, the planning commission or city council is not required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.
- D. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus is permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.
- E. The granting of a concession or incentive will not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

19.49.045 - City's discretion in granting density bonus.

Nothing in this chapter will be construed to prohibit the planning commission or city council from granting a density bonus greater than what is described in this chapter for a development that meets the requirements of this chapter, or from granting a proportionately lower density bonus than what is required by this chapter for developments that do not meet the requirements of this chapter.

19.49.050 - Parking requirements.

- A. Upon the request of the applicant, the city will not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 19.49.010(C), that exceeds the following ratios:
1. Zero to one bedrooms: one onsite parking space.
 2. Two to three bedrooms: two onsite parking spaces.
 3. Four and more bedrooms: two and one-half parking spaces.
- B. The applicant may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed .5 onsite parking spaces per bedroom, for a development meeting the criteria of Section 19.49.010(C), that is located within .5 miles of a major transit stop, and has unobstructed access to the major transit stop.

- C. The applicant may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed .5 onsite parking spaces per unit for a development that consists solely of rental units (exclusive of a manager's unit) with an affordable housing cost to lower income households, and is either:
 - 1. Located within .5 miles of a major transit stop, and has unobstructed access to the major transit stop; or
 - 2. A for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, and has either paratransit service, or unobstructed access to a fixed bus route service that is within .5 miles and operates at least eight times per day.
- D. The applicant may apply for a vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed .3 onsite parking spaces per unit, for a development that consists solely of rental units (exclusive of a manager's unit) with an affordable housing cost to lower income households, and is a special needs housing development, and has either paratransit service, or unobstructed access to a fixed bus route service that is within .5 miles and operates at least eight times per day.
- E. If the total number of parking spaces required for a development is other than a whole number, the number will be rounded up to the next whole number. For purposes of this section, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.
- F. This section applies to a development that meets the requirements of Section 19.49.010(C), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this chapter, subject to Section 19.49.020.
- G. Notwithstanding Sections 19.49.050(B) and (C), if the city or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the city may impose a higher vehicular parking ratio, not to exceed the ratio described in Section 19.49.050(A), based upon substantial evidence found in the parking study that includes an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low income individuals, including seniors and special needs individuals. The city will pay the costs of any new study. The city may make findings, based on a parking study completed in conformity with this section, supporting the need for the higher parking ratio.

19.49.060 – Commercial developer partnerships provisions.

- A. Eligibility. When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city will grant the commercial developer a development bonus as described in Section 19.48.060(E).
- B. Agreement for partnered housing. The commercial developer must enter into an agreement for partnered housing between a commercial developer and a housing developer that is approved by the city, and identifies how the commercial developer will contribute affordable housing within the city. The commercial developer must partner

with a housing developer partner that provides no less than either 30% of the total units for low-income households or 15% of the total units for very low-income households.

- C. Contribution of affordable housing. The commercial developer may contribute affordable housing by directly building the affordable housing units, donating property to the affordable housing developer as a site for affordable housing, making a cash payment to the affordable housing developer for use towards the cost of constructing the affordable housing project.
- D. Affordable housing site requirement. Housing must be constructed on the site of the commercial development or on a site that meets all of the following:
 - 1. Within the boundaries of the city;
 - 2. Within close proximity to public amenities, including schools and employment centers; and
 - 3. Within ½ mile of a major transit stop.
- E. Development bonus. The development bonus granted to the commercial developer means incentives, mutually agreed upon by the developer and the city, including any of the following:
 - 1. Up to a 20-percent increase in maximum allowable intensity in the General Plan.
 - 2. Up to a 20-percent increase in maximum allowable floor area ratio.
 - 3. Up to a 20-percent increase in maximum height requirements.
 - 4. Up to a 20-percent reduction in minimum parking requirements.
 - 5. Use of a limited-use/limited-application elevator for upper floor accessibility.
 - 6. An exception to a zoning ordinance or other land use regulation.
- F. Withholding of certificate of occupancy. If construction of the affordable units do not commence within the timelines specified by the agreement for partnered housing, then the city may withhold certificates of occupancy for the commercial development until the construction of the affordable housing units are complete.