ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RESCINDING RESOLUTION 2006-057 TO AMEND DIVISION 24R AND ADOPTING A NEW CHAPTER 24.508, "RESIDENTIAL ALLOCATION PROGRAM" OF DIVISION 24 PART 5 OF THE SAN BUENAVENTURA MUNICIPAL CODE ESTABLISHING A RESIDENTIAL PROJECT ALLOCATION PROGRAM

PROJECT NO. 10072
CASE NO. OA-15-30881
EIR-10-15-30943

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Findings.

A. On April 13, 2015, the City Council directed City staff to develop a residential allocation program ("RAP") in order to accomplish the following three objectives:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development.

2. Thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas.

3. Ensure the City's growth includes a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

B. On June 30, 2015, the City conducted a Community Engagement Meeting for the purpose of soliciting input from all stakeholders, including residents, businesses and developers, on the RAP, including the criteria upon which the allocation of residential units should be based and the process by which the allocations would be granted.

C. On September 10, 2015, the City conducted a second Community Engagement Meeting to review the draft RAP ordinance with all stakeholders and solicit further comment and suggestions for consideration in the preparation of the final RAP ordinance.

D. The RAP Ordinance set forth herein incorporates many of the suggestions presented at the Community Engagement Meetings and provides an

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orderly process for the allocation of residential units in a manner that achieves the City Council's three objectives.

E. The RAP furthers the objectives of the City's General Plan and is consistent with the City's Housing Element in that it ensures that the City will be able to meet its Regional Housing Needs Assessment ("RHNA") allocation plan established by the California Department of Housing and Community Development while still providing for thoughtful and measured residential development. Specifically,

1. Because projects in which all housing units are affordable to low income households will be exempt from the program, the RAP is not anticipated to be a constraint on the City's ability to provide affordable units. In addition, projects that provide more affordable units than required by City ordinance will receive a higher rating than projects which just meet the standard. Therefore, the program may be an incentive to develop affordable units;

2. The number of units allowed in the three-year cycle is adequate to accommodate the City's RHNA for the current planning period. The City Council may allocate more than 350 units in any given year if a substantial need can be shown to do so. The extra dwelling units would reduce the number that can be allocated in future years of the three-year cycle. In addition, residential development within adopted Specific Plan areas and any future Specific Plans adopted by the City Council will be exempt from the RAP. Therefore, the RAP is not expected to constrain the City's ability to meet its RHNA;

3. The allocation evaluation criteria give preference to infill projects, based on the City's Infill First strategy; and

4. The allocation evaluation criteria will be processed concurrently with discretionary permits (tentative maps, conditional use permits, etc.) and should not extend the processing time for development permits, though the schedule will be established by the RAP.

Section 2. Rescind Prior Resolution.

Based on the foregoing and for the reasons and purposes stated further herein, the City Council hereby rescinds Resolution 2006-057, the Housing Approval Program (HAP), codified in San Buenaventura Municipal Code Chapter 24R.115 in its entirety.

Section 3. Amendment to Code

Chapter 24.508, "Residential Allocation Program", is hereby added to the

San Buenaventura Municipal Code: to read as follows:

CHAPTER 24.508

Residential Allocation Program

Sections:

24.508.010. – Chapter Description.
24.508.020. – Applicability of RAP.
24.508.030. – Residential Project Allocation; Time Limit to Commence Construction
24.508.040. – Establishment of Annual Maximum Number of Residential Project Allocations.
24.508.050. – Residential Project Allocation Evaluation.
24.508.060. – Residential Project Allocations.
24.508.070. – Applications for Residential Project Allocation.
24.508.080. – Annual Report of Residential Development Statistics.
24.508.090. – Amendment of Residential Project After Allocations Granted
24.508.100. – Expiration of Discretionary Approvals, Allocations for Residential Project.
24.508.110. – Judicial Review.
24.508.120. – Conditions of Approval.

24.508.010 Chapter Description. This Chapter which shall be known as the Residential Allocation Program or 'RAP' establishes a residential development allocation system for residential development projects (hereinafter 'Residential Projects') within the City in accordance with the growth rates in the City's General Plan and the needs of the City as determined through implementation of this Chapter, in order to achieve a steady, sustainable rate of growth rather than a fluctuating or overly rapid rate of growth and to better preserve the character of the City and the quality of life within the City.

24.508.020 Applicability of RAP. The Residential Allocation Program set forth in this Chapter applies to all Residential Projects, including mobile home developments in the City, with the exception of the following:

A. Residential Projects of not more than two residential dwelling units on a single parcel, limited to only one such project per developer per calendar year;

B. Second dwelling units added to existing single-family residential units as defined in Section 24.430, Residential Second Unit Regulations, of the San Buenaventura Municipal Code;

C. Rehabilitation or remodeling of an existing dwelling, or conversion of apartments to condominiums, so long as no additional dwelling units are created;

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D. Residential Projects in which 100% of the residential units are formally dedicated or restricted through recorded covenants for occupancy by low-income households as defined by federal, state or local laws;

E. Residential Projects subject to a fully executed Development Agreement entered into by and between the City and the property owner/developer seeking to develop such residential units;

F. Residential Projects which are located within the geographic boundaries of adopted Specific Plans; and

G. Residential Projects which have been fully entitled as of the effective date of this Chapter. For purposes of this Chapter, 'fully entitled' shall mean those Residential Projects for which all discretionary development permits have been granted by the City for such development, including, but not limited to zoning designation, planned development permits, coastal development permits, conditional use permits, variances, design review permits and tentative subdivision or parcel map approval. Such exemption shall no longer be applicable if construction of the project does not commence within the time frames of the permits in existence as of the effective date of this Chapter and any City approved extensions.

24.508.030 Residential Project Allocation; Time Limit to Commence Construction

A. No building permit for any nonexempt Residential Project may be issued, unless an allocation for the Residential Project has been granted pursuant to this Chapter.

B. Prior to obtaining a building permit, the developer of a proposed Residential Project subject to this Chapter shall apply for and obtain a Residential Project allocation for each unit for which a building permit will be sought.

C. Any person who has been granted a Residential Project allocation shall obtain all required grading and building permits and commence construction, pursuant to the first building permit issued, within eighteen (18) months of the date on which the residential development allocation is granted; provided, however, that the Community Development Director may grant any person who has obtained a Residential Project allocation one (1) six-month extension of time in which to obtain all required grading and building permits and commence construction of the Residential Project provided that no less than eighty percent (80%) of construction plans for the project have been submitted for approval. If the allocation is not utilized within the time frames set forth herein, the allocation shall expire.

D. Where a Residential Project for which allocations have been awarded pursuant to this Chapter is a phased development, the issuance of building permits for the first phase of the Residential Project shall be sufficient to meet the time limit to commence construction for the entire Residential Project as set forth in Section C above.

24.508.040 Establishment of Annual Maximum Number of Residential Project Allocations.

A. The maximum number of Residential Project allocations for dwelling units that may be granted shall not exceed 1,050 over a fixed three-year cycle. The City Council may, but need not, issue the maximum number of allocations available in any year. The initial three-year cycle shall be calendar years 2016 through 2018, the next cycle shall be from 2019 through 2021, and so forth.

B. No more than 450 allocations for residential units shall be granted in any one year of a three-year cycle, except as set forth herein. If more than 350 allocations for residential units are granted in any one year, the allocations in subsequent years shall be adjusted to ensure the number of allocations allowed during the fixed three-year cycle does not exceed 1,050, provided that if the allocation in the first year of a three-year allocation cycle was less than 350, that year's unused allocations may be credited towards the overall adjustment needed within the three-year cycle.

C. The City Council may approve more than 450 allocations in one year and may exceed 1,050 in a three-year cycle, if these numbers are exceeded because the Council determined to issue less than 350 allocations in the prior year(s) or during the immediately preceding three year-cycle or the Council is reassigning or granting allocations that have been previously granted but have expired pursuant to this Chapter.

D. Except as otherwise provided in Section 24.205.030, subdivision D above, if building permits are not issued for all of the units for which allocations have been granted and the allocations expire, or if allocations expire for other reasons, the unused, expired allocations may be available to be reassigned to other projects during a subsequent allocation cycle, even if the total number of allocations granted exceeds 450 allocations because of the reassigned allocations.

24.508.050 Residential Project Allocation Evaluation.

A. The City Council will consider and evaluate, annually, all completed RAP applications submitted based on the criteria set forth in this section. The Planning Commission shall consider and provide a recommendation for the RAP allocation criteria during the Residential Project entitlement approval process. The Community Development Director shall compile all eligible RAP applications

as recommended by the Planning Commission and forward such applications to the City Council. The Director may provide advice and recommendations to the City Council

B. RAP- Evaluation Criteria. Residential Project applications shall be evaluated based on the following evaluation criteria. Each project application will be rated as 'meeting', 'not meeting', or 'exceeding' the following criteria attributes.

To support the General Plan Goal: 'Our Well-Planned Community'- *Our goal is to protect our hillsides, farmlands, and open spaces; enhance Ventura's historic and cultural resources; respect our diverse neighborhoods; reinvest in older areas of our community; and make great places by insisting on the highest standards of quality in architecture, landscaping, and urban design; and,*

To implement the City's Housing Element Goal: Facilitate the provision of a range of housing types to meet the diverse needs of the community.

Criteria	**Project does not Meet Criteria**	**Project Meets Criteria**	**Project Exceeds Criteria**
1. The proposed project provides site and architectural design quality that is in harmony in terms of size, height, color, and location with the existing surrounding neighborhood. *Project can achieve a rating of 'exceeds' if it minimizes shadows and impacts to privacy and sunlight on adjoining sites; preserves views that are not otherwise protected; provides appropriate separation between existing and proposed buildings; enhances the aesthetic appeal of the area; reinforces the unique character of a neighborhood; respects historical context, if applicable; and/or enhances existing habitat/open space areas, where applicable*			
2. The project is located in an area adjacent to existing transportation corridors and existing businesses. *Project can achieve a rating of 'exceeds' if it is located in an Infill-First Strategy area (a designated District, Corridor or*			

Neighborhood Center).			
3. The proposed project includes an appropriate mix of units, including units with multiple bedrooms to accommodate families. *Project can achieve a rating of 'exceeds' if it includes a higher percentage of 2 and 3 bedroom units than is typical in an area desirable to families; and/or it provides a significant number of affordable units in a market rate project.*			
4. At least 15% of the units will be affordable to low-income and/or very low-income households, as defined in the Housing Element and Inclusionary Housing Ordinances. *Project can achieve a rating of 'exceeds' if it includes more than the number of affordable units required by Ordinance; and/or the project contributes to the dispersal of affordable units throughout the community.*			
5. The project incorporates appropriate design features to enhance livability, such as space for children to play; private outdoor space; common gathering areas; and space for gardening. *Project can achieve a rating of 'exceeds' if it introduces new public amenities in an existing neighborhood; and/or includes on-site amenities such as child care, community gardens, recreational facilities, or a dog park.* .			

To support the General Plan Goal: 'Our Sustainable Infrastructure'- *Our goal is to safeguard public health, well-being and prosperity by providing and maintaining facilities that enable the community to live in balance with natural systems.*

Criteria	**Project does not Meet**	**Project Meets Criteria**	**Project Exceeds Criteria**

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	Criteria		
1. The project's water use is projected to be consistent with the Ventura Water Department's 'Water Demand Factors'. *Project can achieve a rating of 'exceeds' if it includes water conservation/recycling features that are expected to reduce water consumption below the 'Water Demand Factors'.*			
2. The project will contribute to the implementation of the City's Capital Improvement Program. *Project can achieve a rating of 'exceeds' if it accelerates construction or funding of an improvement included in the City's Capital Improvement Program.*			

To support the General Plan Goal: 'Our Healthy and Safe Community'- *Our goal is to build effective community partnerships that protect and improve the social well-being and security of all our citizens.*

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
1. The project will not cause a deterioration of the current level of services provided by the City, including police, fire, library, recreation, and other governmental services. *Project can achieve a rating of 'exceeds' if it contributes to an enhancement in service levels; and/or to facilities or other improvements envisioned in the General Plan.*			
2. The project is located in an area with convenient access to food, services and active recreational opportunities. *Project can achieve a rating of 'exceeds' if it introduces or expands neighborhood amenities such as food stores, services and/or fitness opportunities, and/or improves pedestrian facilities to allow better access to existing amenities, including the*			

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beach.			

To support the General Plan Goal: 'Our Accessible Community'- *Our goal is to provide residents with more transportation choices by strengthening and balancing bicycle, pedestrian and transit connections in the City and surrounding region.*

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
1. The proposed project contains on-site amenities that support a range of mobility options. *Project can achieve a rating of 'exceeds' if it includes amenities such as charging/fueling stations for alternative fuel vehicles; bicycle storage above city requirements; and/or innovative options like car-share and bike share programs.*			
2. The project promotes walkability through the incorporation of sidewalks along public and private streets and provision of a path(s) of travel that allows residents easy access to neighborhood amenities like parks and shopping *Project can achieve a rating of 'exceeds' if it introduces new pedestrian connections in an existing neighborhood; and/or improves existing pedestrian facilities through installation of highly visible crosswalks, curb extensions, or truncated domes.*			
3. The project is located in close proximity to existing bike trails. *Project can achieve a rating of 'exceeds' if it includes amenities such as enclosed bike storage; incorporates on-site connections to existing trails; funds construction of a trail on adjacent parcels(s); and/or introduces a bicycle connection in an existing neighborhood.*			

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4. The project contributes to public amenities along an existing transit or bike corridor, such as new bus shelters or water fountains. *Project can achieve a rating of 'exceeds' if the amenities exceed the level of contribution required to mitigate project impacts.*			

To support the General Plan Goal: 'Our Natural Community'- *Our goal is to be a model for other communities of environmental responsibility, living in balance with our natural setting of coastline, rivers, and hillside ecosystems.*

Criteria	**Project does not Meet Criteria**	**Project Meets Criteria**	**Project Exceeds Criteria**
1. The project will feature native plants and other techniques, such as no-turf landscapes, that will reduce demand for water on-site. *Project can achieve a rating of 'exceeds' if landscaping only requires temporary irrigation until plants are established; the plant palette incorporates locally endemic native plants; a subterranean watering system will reduce evaporation; and/or the proposed landscaping exceeds standards adopted by appropriate agencies for use of water.*			
2. The project will utilize green building principles supporting environmentally sensitive building design and operation. Examples include house siting and design, solar technologies, cool and green roofs, environmentally preferable building materials, and/or other innovative techniques that provide greater efficiency than compliance with standards set forth in state and local codes. *Project can achieve a rating of 'exceeds' if it is net power neutral or positive; and/or it is designed to achieve the highest rating offered through a third party such as LEED.*			

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To support the General Plan Goal: 'Our Prosperous Community'- *Our goal is to attract and retain enterprises that provide high-value, high wage jobs; to diversity the local economy; to increase the local tax base; and to anticipate our economic future in order to strengthen our economy and help fund vital public services; and*

To implement the City's Housing Element Goal: provide adequate housing sites through appropriate land use and zoning designations to accommodate the City's share of regional housing need.

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
1. The project will contribute to the desired mix of unit types as envisioned in the General Plan, including tenure (ownership/rental) and a range of unit sizes, types and affordability, from entry level housing to executive housing. *Project can achieve a rating of 'exceeds' if it provides a unit type specifically desired in a particular area; if it provides housing that will meet the needs of key economic sectors; and/or it provides housing designed for seniors or other groups with special needs.*			

24.508.060 – Residential Project Allocations.

A. The City Council shall consider, at a public hearing, the evaluation ratings of the Residential Projects. The public hearing may be continued from time to time.

B. At the completion of the public hearing, the City Council shall confirm or modify and confirm the rating of each Residential Project and create a ranking. The City Council shall then proceed to determine which projects shall be granted allocations.

C. The number of residential units for which Residential Project allocations may be issued shall not exceed the allocations established in Section 24.205.040.

D. The City Council is not required to award allocations in specific ranking order. The City Council may determine that one or more Residential Projects

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meet the current priority needs of the City, notwithstanding a lower evaluation rating than other Residential Projects, and may determine to grant allocations to the lower rated project(s) to satisfy that priority.

24.508.070 Applications for Residential Project Allocation

The City Council shall set a 90-day allocation window, annually, upon which it will review, consider and make Residential Project allocations pursuant to this Chapter. Upon the establishment of this date, all applications and filing fees for Residential Project allocations shall be submitted 30 days prior to this date in the form determined by the Community Development Director.

24.508.080 Annual Report of Residential Development Statistics

A. City staff shall compile an annual report including at least the following information:

1. The number of residential units available for allocation during the current three-year cycle;
2. The number of residential units established annually by the City Council for each year in the current three-year cycle;
3. The number of residential units for which allocations have been granted;
4. The number of building permits issued for projects with allocations;
5. The number of building permits issued for units not subject to the allocation program;
6. The number of unit allocations which have expired or been unused and are eligible to be allocated to other projects; and
7. The time required for Residential Projects to receive entitlements under the RAP, from application submittal date to the date building permits are issued.

B. The annual report shall be considered by the City Council when determining the annual allocation within the three-year cycle.

24.508.090 Amendment of Residential Project After Allocations Granted.

After a Residential Project receives allocations pursuant to this Chapter, minor modifications or amendments of the approved Residential Project permits may be considered pursuant to Municipal Code Section 24.570, Permit Amendment, Revocation and Reevaluation Procedure; provided, however, that i) the unit allocation previously awarded to the approved Residential Project shall not be exceeded, and, ii) the amended Residential Project shall be substantially consistent with the criteria under which the allocation was awarded.

24.508.100 Expiration of Discretionary Approvals, Allocations for Residential Projects.

A. Notwithstanding any other provision in the Zoning Code to the contrary, upon request, the Director of Community Development shall grant an extension of the expiration dates for discretionary approvals granted for a Residential Project subject to this Chapter, including but not limited to planned development permits, coastal development permits, conditional use permits; variances, design review approvals, parcel map approvals, tentative maps, and other zoning code approvals until such time as allocations are granted for such Residential Project, provided, however, that such extension shall not exceed three (3) allocation application periods.

B. Where one or more discretionary approvals for a Residential Project expire, so too shall RAP allocations for such Residential Project.

24.508.110 Judicial Review.

Any legal action to challenge any decision or denial of the board or any other governmental body performing a function under this Chapter must be filed in a court of competent jurisdiction within thirty days immediately following the action challenged.

24.508.120 Conditions of Approval.

A. Conditions on development permits for Residential Projects.

All discretionary permits for Residential Projects, including, but not limited to planned development permits, coastal development permits, conditional use permits; variances, design review approvals, parcel map approvals, and other zoning code approvals for projects that require Residential Project Allocation shall be subject to a condition providing that permit approval is complete but no further rights for development will accrue and no grading permit, building permit or other city entitlement will be issued for the land within the permit area until and unless residential development allocation is first obtained.

B. Subdivision maps.

All tentative maps for subdivisions of five or more residential dwelling units which are subject to this Chapter shall be subject to a condition providing that the final map may be approved and the final map may be recorded prior to the awarding of a development allotment, provided that no grading permit, building permit, or other city entitlement will be issued for the land within the subdivision, or phase of the subdivision until and unless an allocation is first obtained for the residential units within the subdivision or phase.

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Section 4. CEQA Compliance.

The City has complied with the California Environmental Quality Act in adopting this Ordinance as evidenced by City Council Resolution No. 2015-_____, adopted on _____ __, 201_.

PASSED and ADOPTED this ___ day of _____ 2015.

_____
Cheryl Heitmann, Mayor

ATTEST:

_____
Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: Gregory G. Diaz 10/29/2015
[Name]
[Assistant] City Attorney

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