

## **ITEM 11.A.**

### **ORDINANCE NO. 376**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2009-02, AMENDING IN ITS ENTIRETY, CHAPTER 17.64, DENSITY BONUS PROVISIONS OF TITLE 17, ZONING, OF THE MOORPARK MUNICIPAL CODE**

WHEREAS, at its meeting of May 26, 2009, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment 2009-02, amending Chapter 17.64 of the Moorpark Municipal Code in its entirety, received public testimony on the proposed amendment, and after receiving oral and written public testimony, closed the public hearing and recommended approval of Zoning Ordinance Amendment No. 2009-02 to the City Council; and

WHEREAS, at its meeting of June 17, 2009, the City Council conducted a duly-noticed public hearing on Zoning Ordinance Amendment 2009-02, amending Chapter 17.64 of the Moorpark Municipal Code in its entirety, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision; and

WHEREAS, the City Council concurs with the Planning Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK, DOES ORDAIN AS FOLLOWS:

**SECTION 1.** GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds the proposed amendments under Zoning Ordinance Amendment No. 2009-02 Amending Chapter 17.64 of the Moorpark Municipal Code in its entirety consistent with the City of Moorpark General Plan and all adopted Specific Plans.

**SECTION 2.** Chapter 17.64 of the Moorpark Municipal Code is amended in its entirety as shown in Exhibit A attached.

**SECTION 3.** If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by 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, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 1st day of July, 2009.

\_\_\_\_\_  
Janice A. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk

Attachment:

Exhibit A, Chapter 17.64

**EXHIBIT A**

**ZONING ORDINANCE AMENDMENT NO. 2009-02**

**“CHAPTER 17.64 DENSITY BONUS PROVISIONS**

- 17.64.010 Purpose and intent.**
- 17.64.020 Definitions.**
- 17.64.030 Density bonus, concession and incentives.**
- 17.64.040 Housing agreement.**
- 17.64.050 Compatibility with market-rate housing.**

**17.64.010 Purpose and intent.**

This chapter sets forth the requirements under which density bonuses and other incentives may be offered by the city to developers of housing development projects pursuant to State Government Code Section 65915 et seq. The city’s intent is to encourage the provision of housing affordable to very low, low, and moderate income households and to encourage the provision of housing for senior citizens consistent with the latest adopted Moorpark General Plan, the requirements of Government Code 65915 et seq. and this chapter.

**17.64.020 Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, the definitions of Government Code 65915 et seq. shall apply. In addition, the following definition is provided:

“Housing agreement” means an agreement between the developer and the city guaranteeing the affordability of rental or ownership units to very low or lower income households or to senior citizens in accordance with the provisions of this chapter.

**17.64.030 Density bonus, concessions and incentives.**

A. The city council shall grant a density bonus and/or concessions and/or incentives for eligible residential development projects in accordance with state density bonus law (Government Code Section 65915 et seq.) and this chapter through the approval of a residential planned development permit, development agreement in accordance with chapter 15.40 of the Moorpark Municipal Code, and/or disposition and development agreement in accordance with California Health and Safety Code 33000 et seq., and a housing agreement.

**B. Density.**

1. The increase in the allowable housing units under a density bonus is based on the percentage density increase above that permitted under the existing zoning per state density bonus law (Government Code Section 65915 et seq.) and this chapter.

2. When one hundred percent (100%) of the units in a housing development project are restricted to be affordable to low or very low income households for the life of the project, a density bonus up to a maximum of one hundred percent (100%) greater

density than allowed by the existing zone may be granted by the city council when considering project entitlements. The one hundred percent (100%) maximum density bonus is inclusive of all density bonuses allowed under Government Code Section 65915 et seq. and this chapter.

3. When at least sixty percent (60%) of the units in a housing development project are restricted to be affordable to low or very low income households for the life of the project, a density bonus up to a maximum of seventy-five percent (75%) greater density than allowed by the existing zone may be granted by the city council when considering project entitlements. The seventy-five percent (75%) maximum density bonus is inclusive of all density bonuses allowed under Government Code Section 65915 et seq. and this chapter.

4. For density bonuses higher than required by State law, the city council must find that a) the project will help to meet a local housing need for family housing as identified by the housing element of the general plan and b) the project will be compatible with surrounding development. Density bonuses higher than required by State law may not be granted for an age-restricted for senior housing project.

C. Concessions and/or incentives.

1. Concessions and/or incentives determined by the city council necessary in order to develop affordable units in lieu of or in addition to density bonuses may include but are not limited to the following:

a. A reduction in development standards by an amount not to exceed twenty percent (20%), or a reduction in architectural design requirements beyond the minimum building standards adopted by the city; and

b. Other regulatory incentives or concessions proposed by the developer or the city, which result in identifiable cost reductions.

2. The City Council, in granting higher density bonuses under Sections 17.64.030(B)(2) and 17.64.030(B)(3), is not obligated to grant any additional incentives or concessions.

**17.64.040 Housing agreement.** A housing agreement in a form acceptable to the city council is required as part of the granting of a density bonus. This agreement must meet the minimum requirements of Government Code Section 65915 for continued affordability and those projects granted a density bonus under Sections 17.64.030(B)(2) or Section 17.64.030(B)(3) shall remain affordable to low and very low income households for the life of the project.

**17.64.050 Compatibility with market-rate housing.** Affordable housing units provided by a density bonus and developed in conjunction with a market-rate housing development must be of similar design and quality as the market-rate units. Exterior colors and materials and interior floor plans and materials of affordable units must be comparable with the market-rate units. Interior window treatments (i.e. blinds, shutters, and/or curtains), must be provided on all windows of affordable units. Other interior features, such as luxury flooring, upgraded appliances and custom lighting fixtures, need not be the same as market-rate units as determined by the city in the housing agreement.”