



CITY OF DEL REY OAKS

Staff Report

DATE: October 24, 2023

TO: Honorable Mayor and Council Members

FROM: John Guertin, City Manager

SUBJECT: Waive Second Reading and Adopt an Ordinance Amending the Del Rey Oaks Municipal Code to Add an Affordable Housing Overlay Zone to Defined Areas Within Former Fort Ord Within the City in Order to Meet the City's Regional Housing Needs Allocation Requirements Under the 5th Cycle Housing Element Update

Consideration

Waive second reading and adopt an Ordinance amending the Del Rey Oaks Municipal Code to add an affordable housing overlay zone to defined areas within former Fort Ord within the City in order to meet the City's Regional Housing Needs Allocation requirements under the 5th Cycle Housing Element Update.

Summary & Discussion

The Planning Commission held a public hearing on October 11, 2023. The Commission took testimony on the Housing Element Update, General Plan and Zoning Amendments, and also considered public testimony on the Final EIR. The Commission considered all information related to the project, including public testimony received in writing and presented orally. The Planning Commission voted to recommend approval to the Council of the 5th Cycle Housing Element Update, General Plan and Zoning Amendments that would amend the City's Municipal Code (Chapter 17), Zoning, to add a new Affordable Housing Overlay zoning district and establish land use and development standards to guide the future development of the overlay zone designated sites. The Commission also recommended certification of the EIR.

The City Council held a public hearing on October 18, 2023. The Council took testimony on the Housing Element Update, General Plan and Zoning Amendments, and also considered public testimony on the Final EIR. The Council also considered all information related to the project, including public testimony received in writing and presented orally.

The Council approved a Resolution adopting the City's 2015-2023 General Plan 5th Cycle Housing Element Update, approving the General Plan Amendments, and certifying the 5th Cycle 2015-2023 Housing Element Update EIR, with approval of the Mitigation Monitoring and Reporting Program.

The Council also introduced the ordinance to amend the Del Rey Oaks Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone.

The action before the Council tonight is to hold a second reading and consider adoption of the ordinance amending the Zoning Code.

Environmental Documentation

The City of Del Rey Oaks (the City), as Lead Agency, prepared a Draft Environmental Impact Report (Draft EIR) under the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq. The Draft EIR was prepared to provide the public and responsible and trustee agencies with information on the potential environmental effects of implementation of the City of Del Rey Oaks' 2023 5th Cycle Draft Housing Element Update (Proposed Project). The Draft EIR was circulated for a 45-day public review period, between August 14, 2023, and September 27, 2023. The Draft EIR recommended mitigation measures which would reduce potential environmental impacts to a less than significant level.

The City Council by Resolution 2023-19 on October 18, 2023, certified that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines and that the mitigation monitoring and reporting program has been prepared to meet the requirements of Public Resources Code Section 21081.6.

The City Council found that all significant effects on the environment due to approval and implementation of the proposed project have been eliminated or substantially lessened and that the Mitigation Monitoring and Reporting Program is designed to ensure compliance with project mitigation measures imposed to avoid or substantially lessen the potential significant effects identified in the EIR for the project.

Fiscal Impacts

None.

ATTACHMENTS:

- Resolution
- Affordable Housing Overlay Zoning Ordinance with Exhibit of Zoning Map

Respectfully submitted,

John Guertin
City Manager

CITY COUNCIL RESOLUTION NO. 2023-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS TO AMEND THE CITY'S MUNICIPAL CODE CHAPTER 17.90 PERTAINING TO AFFORDABLE HOUSING

WHEREAS, the California Legislature has determined that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals; and

WHEREAS, the City of Del Rey Oaks prepared the Draft 2023 5th Cycle Housing Element Update in accordance with California Housing Element Law (Government Code section 65580 et seq.); and

WHEREAS, the City's share of the regional housing need was established in the Regional Housing Needs Allocation (RHNA) prepared and adopted by the Association of Monterey Bay Area Governments (AMBAG) for 5th Cycle. The allocation establishes the number of new units needed, by income category, to accommodate expected population growth over the planning period of the Housing Element; and

WHEREAS, Housing Element Law requires the Housing Element to identify adequate sites to that are appropriate zoned to accommodate the City's Regional Housing Needs Allocation (RHNA) for all income categories, and the Housing Element Update identifies sites that can accommodate housing exceeding the City's RHNA; and

WHEREAS, the City desires to achieve certification from the State Department of Housing and Community Development (HCD) for the 5th Cycle Housing Element and correspondence from HCD required the City to revise Program A.1 to commit to rezone Sites 1 and 1a, as shown on Exhibit A, attached hereto; and

WHEREAS, on April 21, 2023, the City submitted the 2023 5th Cycle Housing Element Update to HCD, Division of Housing Policy and Development, for the required 60-day review period, with a cover letter specifying how the City revised the document as required per the HCD Letter of March 2020. The City also posted the 2023 5th Cycle Housing Element Update on the City's website; and

WHEREAS, in June 2023, HCD found that April 21, 2023 draft element, incorporating the revisions submitted, met most of the statutory requirements of State Housing Element Law. This finding was based on, among other reasons, Program A.1 (Accommodate the City's Regional Housing Needs Allocation (RHNA)), which commits to rezoning a portion of two City-Owned sites known as the Former Fort Ord properties; and

WHEREAS, HCD stated the housing element will comply with State Housing Element Law (Gov. Code, § 65580 et seq) when the element is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585 along with evidence of required zoning

adoption, and pursuant to Government Code section 65584.09, the element cannot be found in compliance with housing element law until the required rezoning is adopted; and

WHEREAS, the City conducted substantial and broad public engagement including outreach, on-line meetings, live presentations, and public workshops, as documented in the 2023 5th Cycle Housing Element Update submitted to HCD and City's website; and

WHEREAS, the City, as Lead Agency, prepared a Draft EIR in accordance with CEQA Guidelines and Public Resources Code §21000 et seq., to provide the public and responsible and trustee agencies with information on the potential environmental effects of implementation of the 2023 Draft Housing Element Update. The Draft EIR addressed the environmental consequences of the proposed project, including revisions to specific adopted programs in the 2019 document related to general plan amendment and rezoning of former Fort Ord, and an analysis of cumulative impacts and alternatives; and

WHEREAS, the EIR evaluates the proposed project actions, which involve implementing the 2023 5th Cycle Housing Element Update, including amending land use designations in the General Plan and adding a zoning designation that would allow residential uses to meet affordable housing requirements of RHNA and State Law; and

WHEREAS, the Planning Commission held a public hearing on October 11, 2023. The Commission took testimony on the Housing Element Update, General Plan and Zoning Amendments, Zoning Ordinance Overlay Zone and also considered public testimony on the Final EIR; and

WHEREAS, the Planning Commission hearing considered the 2023 5th Cycle Housing Element Update consistency requirements and addressed desire to amend the City's Municipal Code (Chapter 17), to add a new Affordable Housing Overlay zoning district and establish land use and development standards to guide the future development of the overlay zone designated sites, using objective design standards; and

WHEREAS, the Commission considered all information related to the project, including public testimony received in writing and presented orally; and

WHEREAS, the Planning Commission voted to recommend approval to the Council of the 5th Cycle Housing Element Update, General Plan and including amending City's Municipal Code (Chapter 17), to add a new Affordable Housing Overlay zoning district. The Commission also recommended certification of the EIR; and

WHEREAS, the City Council held a public hearing on October 18, 2023. The Council took testimony on the Housing Element Update and the requirements to achieve HCD consistency for the Housing Element. The Council also took testimony and received presentation from Planning Consultants as to the Zoning Ordinance Overlay Zone, General Plan and Zoning Amendments, and also considered public testimony on the Final EIR; and

WHEREAS, notification regarding the City Council public hearing was published in a newspaper of general circulation, posted on the City website and public kiosks, and emailed to the City's email list; and

WHEREAS, at the City Council held a duly noticed public hearing on October 18, 2023, as prescribed by law, the Council also introduced the ordinance to amend the Del Rey Oaks Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone; and

WHEREAS, the City Council considered all information specifically related to the Zoning Ordinance including comments related to the implementation of the ordinance; and

WHEREAS, the City Council by Resolution 2023-19 on October 18, 2023, certified that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines and that the mitigation monitoring and reporting program had been prepared to meet the requirements of Public Resources Code Section 21081.6.; and

WHEREAS, the City Council by Resolution 2023-19 on October 18, 2023, adopted the Housing Element Update, and General Plan Amendments; and

WHEREAS, based on the totality of the record and evidence described and referenced in this Resolution, the City Council found that the proposed 2023 5th Cycle Housing Element Update and Zoning Ordinance Amendments will provide adequate sites with corresponding density to meet the City's RHNA allocation; and

WHEREAS, adopting the Zoning Ordinance Overlay implements State mandated and locally desired programs necessary to implement the Housing Element effectively; and

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DEL REY OAKS, STATE OF CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. That the above recitals are true and correct; and
2. The City Council was presented with, and has independently reviewed and analyzed, the Final EIR and other information in the record and has considered the information contained therein prior to acting upon or approving the project, and has found that the Final EIR represents the independent judgment of the City of Del Rey Oaks as lead agency under CEQA for the project; and
3. The City Council finds all findings included in Resolution 2023-19 are true and correct and incorporated herein; and

SECTION 1. That the City Council introduced the ordinance to amend the Del Rey Oaks Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone and Council held a

hearing to consider a second reading and consider adoption of the ordinance amending the Zoning Code.

SECTION 2. That the public interest and that the public health, safety and welfare will be served by the adoption of the Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone, attached hereto.

SECTION 3. That the City Council hereby approves the second reading of the attached zoning ordinance referenced as Municipal Code Chapter 17.90 Pertaining to Affordable Housing Overlay Zone and directs publication of the ordinance as required by law.

PASSED AND ADOPTED at a special meeting of the Del Rey Oaks City Council duly held on October 24, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED:

Scott Donaldson, Mayor

ATTEST:

Karen Minami, City Clerk

Attachment: Affordable Housing Overlay Zoning Ordinance with Exhibit of Zoning Map

ATTACHMENT B to Staff Report

Affordable Housing Overlay Zoning Ordinance with Exhibit of Zoning Map

October 24, 2023: Updated links in the attached specify the detailed code provision referenced within City Municipal Code under Design Review 17.56 and General Provisions 17.04, consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5). Changes are minor and do not constitute substantive changes to the Planning Commission recommended Ordinance or to the Ordinance 1st Reading at City Council October 18, 2023.

DRAFT
ORDINANCE NO.

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS,
CALIFORNIA, TO ADD PROVISIONS TO THE DEL REY OAKS MUNICIPAL CODE
RELATED TO AFFORDABLE HOUSING

WHEREAS, California State law requires that all local governments adopt a Housing Element as one of the seven mandated elements of its General Plan; and

WHEREAS, the State of California requires that all local governments adequately plan to meet the housing needs of their residents. The state mandate for doing so is called a Regional Housing Needs Allocation (RHNA). The RHNA plan is prepared by the Association of Monterey Bay Area Governments (AMBAG) and establishes the total number of housing units the City must plan for within an eight-year planning period. The amount of housing units is determined by the California Housing and Community Development Department's (HCD) housing need assessment; and

WHEREAS, the City has evaluated land use and zoning opportunities and constraints to determine ways to best implement the goals and policies of the general plan housing element and provide the opportunity and means for Del Rey Oaks to accommodate its regional fair share allotment of affordable units, while at the same time balancing community safety, needs and resources.

WHEREAS, the City Housing Element ("Housing Element") includes an opportunity sites inventory that designates specific parcels needing rezoning to meet the City's RHNA and further establishes policies and programs necessary to implement requirements of State housing law; and

WHEREAS, amendments to the Zoning Ordinance and Zoning Map are necessary to permit housing in the areas identified in the Housing Element as opportunity sites and to implement requirements contained in HCD guidance letters, including committing to rezoning to meet RHNA.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Del Rey Oaks, California as follows:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The City of Del Rey Oaks adopts the text set forth below, which shall be added as Chapter 17.90 to the City of Del Rey Oaks Municipal Code as follows:

“Chapter 17. 90 – Affordable Housing Overlay Zone ”

Section 17.90.010: Purpose and Intent

The purpose and intent of the Housing Element Implementation Overlay Zone is to facilitate housing opportunities within the community via implementation of required rezone programs pursuant to the City's adopted Housing Element where required for compliance with State Housing Element Law. This chapter contains requirements for overlay zones applicable to residential uses and affordable housing for residential areas. The purpose of this chapter is to establish standards and regulations and define specific areas appropriate for an affordable housing overlay zone to accommodate the City's RHNA.

Section 17.90.020: Definition of Overlay Zone

“Overlay zone” means an additional zoning district as shown on the zoning map that prescribes special regulations to a parcel in combination with the base zoning district.

Section 17.90.030: Affordable Housing Overlay Zone (AH-OZ)

- A. Purpose. The purpose of the Affordable Housing Overlay Zone (AH-OZ) is to facilitate the provision of affordable housing units through the construction of new affordable units within land not currently zoned for residential uses. The AH-OZ overlay zone is intended to:
1. Implement the goals and policies of the General Plan Housing Element and provide the opportunity and means for Del Rey Oaks to meet its regional fair share allotment of affordable units as established by State of California and Association of Monterey Bay Area Governments.
 2. Encourage the provision of affordable housing to meet the Regional Housing Needs Assessment through the AH-OZ overlay within an area that is deemed to be appropriate for such uses and is determined to be consistent with the City’s Housing Element.
- B. Applicability. The AH-OZ overlay zone is applied to a specific area. The overlay zone is applied to the parcels in the area of South Boundary Road, north and south of South Boundary Road and east of General Jim Moore Boulevard, specifically to the City owned properties identified as Sites 1 and 1a of the former Fort Ord area, as depicted on Exhibit A.
- C. Definitions.
1. “Affordable housing” means housing capable of being purchased or rented by a household with “very low,” “low,” or “moderate” income levels at an “affordable housing cost” or “affordable rent,” as those terms are defined by the state of California.
 2. “Affordable housing overlay district” means a zoning district that applies in addition to existing zoning designations in areas where the City seeks to encourage the provision of affordable housing units as described in this Chapter.
 3. The “very low,” “low,” and “moderate” income levels are defined by the state of California in Sections [50105](#), [50079.5](#), and [50093](#), respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900. These income levels are:
 - a. Very Low Income. Up to and including fifty percent of the Monterey County median income, adjusted for family size, as defined by the state law;
 - b. Lower Income. Fifty-one percent to eighty percent of Monterey County median income, adjusted for family size, as defined by the state law;
 - c. Moderate Income. Eighty-one percent to one hundred twenty percent of Monterey County median income, adjusted for family size, as defined by state law.
 4. “Affordable housing cost” and “affordable rent” are defined in Sections 50052.5 and 50053, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900.
- D. Permits and Approvals Required.

1. Affordable housing developments proposed under this chapter require the execution of a development agreement by the City and the developer. The development agreement shall be prepared in accordance with the provisions of California Government Code Section [65864](#) et seq.
2. Affordable housing developments proposed under this chapter require approval of a design permit. All requirements in Chapter [17.56.020](#) (Design Review) related to approving body apply, except that the Planning Commission shall recommend design permit approval to the City Council. The City Council may take action on the design permit application concurrently with or subsequent to action on the development agreement.
3. All approvals, procedures, conditions of approval, and decisions shall be made in a manner consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5). Should requirements in Chapter 17.56 (Design Review) be inconsistent or contrary to the Housing Accountability Act, state law shall prevail.

F. Permitted Residential Density and Designation.

1. Affordable housing developments with minimum density of twenty units per acre are permitted in the AH-OZ overlay zone per the requirements of HCD.
2. Designation. Sites 1 and 1a within the Affordable Housing Overlay Zoning District shall be indicated by the AH-OZ designation.

G. Income Restrictions.

1. The following categories shall be allowed under the required income restrictions:
 - a. Moderate-income households;
 - b. Low-income households;
 - c. Very low-income households; or
 - d. Extremely low-income households.
2. At minimum, fifty percent of income-restricted affordable units (twenty-five percent of the total project units) shall be affordable to low, very low, and extremely low-income households. A greater level of affordability will not allow a greater level of density.

H. Design Review and Development Standards.

1. Design review shall be required for any residential development proposed pursuant to this chapter and shall be conducted as specified in Chapter [Chapter 17.56.030](#) (Design Review), provided, however, that all procedures, conditions of approval, and decisions shall be made in a manner consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5).
2. The following development standards are intended to govern residential development within the AH-OZ overlay zone:

<u>Subject</u>	<u>Standard</u>
Dwelling units/acre	20 units/acres minimum to 25 units/acre maximum

Building Lot Coverage	50%
Lot area (minimum)	Minimum 2 acres (43,560 square feet per acre)
Usable open space (minimum)	150 square feet per unit
Structure height (maximum)	35 feet
Setbacks (min. in feet)	Setbacks required consistent with R-2 zoning
Front 20 ft; Side 7 ft., except add 2 ft. for each story beyond the first story. Multi-dwellings require additional side yard (9 ft.) when grouped homes use rear entryways. Rear 15 ft.	

3. Building Height. Maximum building height shall be 35 feet with a maximum of three stories.
4. Common Open Space.
 - a. Common open space shall comprise the greater of:
 - i. Ten percent of the total area of the site; or
 - ii. One hundred fifty square feet for each dwelling unit.
 - b. Areas occupied by buildings, streets, driveways, parking spaces, utility units, mailboxes, and trash enclosures may not be counted in satisfying the open space requirement.
 - c. The following areas may be counted in satisfying the open space requirement:
 - i. Landscaping and areas for passive and active recreation/open space with a minimum depth and width of eight feet.
 - ii. Land occupied by natural open space areas.
5. Streets.
 - a. All public streets within or abutting the proposed development shall be improved to City specifications for the particular classification of street.
 - b. All private streets shall meet fire code and access standards.
6. Building Coverage. The maximum building coverage is 50%.
7. Distance Between Buildings on Same Lot. The following requirements for distance between buildings, excerpted from City Zoning Code requirements for R-2 Districts, as identified in 17.12.090, are established:
 - a. No main building shall be closer than 15 feet to any other main building on the same lot, except as hereinafter specified for dwelling groups, below.
 - b. Dwelling groups shall conform to the following regulations as to their location upon the lot and distances between buildings:
 - i. In any such front to back series of buildings, at least 15 feet between buildings and at least eight feet for the side yard providing access;

ii. In any single row side to side series of buildings, at least eight feet between buildings, at least five feet for the side yard to the rear thereof and at least 16 feet for the side yard in front thereof;

iii. In any multiple row side to side series of buildings, at least eight feet between buildings, at least five feet for the side yard to the rear thereof and at least 20 feet for the court between the rows;

iv. No building or group of buildings to encroach on the front yard required for adjacent lots.

8. Design Standards for Open Space. The intent of Design Standards related to distance between structures and open space requirement is to provide adequate distance and placement of buildings in the development to promote privacy for residents and neighbors and security.
9. Massing Articulation. Multifamily and mixed-use projects shall be designed to reduce the perceived mass, scale, and form of the overall development through use of varying roof heights, setbacks, and wall plane. Methods to achieve this include recessed facades, offsets and articulations in the building mass; varied roof height, massing, color and/or materials to create variations between individual buildings. Buildings shall be designed to ensure placement of buildings are not aligned along a single plane that results in a large "wall" on any single side of the building. The following standards apply:
 - a. No wall along a single plane shall extend beyond 40 feet without breaking up building mass. Specific standards are identified below:
 - i. A minimum of two features such as balconies, cantilevers, dormers, bay windows, patios, individualized entries, and accent materials shall be incorporated into each project building.
 - ii. A minimum one-foot offset is required for any wall plane that exceeds 40 feet in length.
 - b. Three-story buildings shall have massing breaks along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries.

J. Assurance of Affordability.

1. Affordable housing units developed under this section shall remain available to persons and families of very low, low, and moderate income, at an affordable housing cost or affordable rental cost, at those income and affordability levels as defined in subsection C of this section (Definitions), for fifty-five years or the natural life of the unit, whichever is greater, unless a longer period is required by a construction or mortgage financing program, mortgage insurance program, state law, or housing grant, loan or subsidy program.
2. The required period of affordability shall run concurrently with any period of affordability required by any other agency; provided, however, that the affordability period shall not be less than fifty-five years or the natural life of the unit, whichever is greater.
3. The project developer shall be required to enter into an appropriate agreement with the City to ensure affordability is maintained for the required period.

K. Pre-Application Consultation.

1. Prior to submitting an application for an affordable housing development within the AH-OZ overlay zone, the applicant or prospective developer should request preliminary consultation meetings with the City to obtain information and guidance before incurring substantial expense in the preparation of plans, surveys and other data.
 2. Preliminary consultations with City staff should address potential local, state, and federal affordable housing funding availability, and program requirements in guaranteeing project consistency with the objectives and requirements of the AH-OZ overlay zone.
- L. Additional Application Requirements. An application for an affordable housing development within the affordable housing overlay zone shall be filed and reviewed in compliance with Chapter [17.04.040](#) (General Provisions, Administration and Enforcement) and shall also include the following materials and information:
1. Breakdown of affordable and market rate units including unit number, unit size, affordable designation of each unit (very low, low, or moderate), and rental rate or sale price.
 2. The proposed means for assuring the continuing existence, maintenance and operation of the project as an affordable housing project.
 3. Site plan requirements as detailed in Chapter [17.56.040, A and B](#) (Design Review Procedures).
- LI. Development Incentives. Development standards shall apply to all projects governed under this Chapter. In certain cases, where the City Council determines that incentives may be applied as further described below, specified design standards may be relaxed if the findings can be made that the proposed development qualifies for development incentives.
1. Purpose. In order to reduce costs associated with the development and construction of affordable housing, affordable housing developments within the AH-OZ overlay zone shall be eligible for specified development incentives. The City incentives may include reduced fees or fee waivers or incentives related to development regulations to facilitate and promote the development of affordable housing in the City. Incentives shall be targeted to address funding and affordability, so as to permit the City to meet its regional fair share allotment of affordable housing and the goals of the housing element of the general plan, or to address project design features to aid in development of affordable housing in the City.
 2. Fee Waivers. The City may reduce or waive fees, as an incentive for projects that comply with the affordability required in subsection G of this section (Income Restrictions).
 3. Relaxed Development Standards. The City may consider the following relaxed development standards for projects that comply with the affordability required in subsection G of this section (Income Restrictions):
 - a. Density Averaging. Project density within the AH-OZ overlay zone may be calculated by averaging the density on a project-wide basis so as to permit higher density levels in certain project portions in exchange for advantageous project design features as determined by the City through the design permit review process.
 - b. Setbacks. The minimum setbacks from property lines and distance between buildings may be reduced, but in no case more than ten percent reduction from the standard and only as part of an overall project plan approved by the City Council through the design permit process.

- c. **Building Coverage.** The maximum building coverage is 50% unless the City determines a lower maximum building coverage for the proposed project through the design review process as part of a development incentive. At no time should the maximum building coverage be less than 45%.
 - d. **Minimum Building Site Area and Lot Area per Unit.** There may be a reduced size of 1.5-acre minimum building area as development incentive. The building site area shall be designated on a site plan as approved by the City through the design permit review process.
3. **Additional Development Incentives.** The City may choose to extend one or more additional development incentives depending on the quality, size, nature, and scope of the project being proposed.
- N. **Zoning Map Amendment.** The City of Del Rey Oaks Zoning Map shall be amended to apply the additional of the Affordable Housing Overlay Zoning District (designated as AF-OZ), as described in this Section 17.90.030, above, and depicted in Exhibit A.
- O. **Findings.** To approve or recommend approval of an affordable housing development, the review authority shall make the following findings, in addition to findings as required by Chapter in Chapter [17.56](#) (Design Review) and consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5):
- 1. The developer has agreed to enter into an agreement to maintain the affordability of the project specific to the requirements of the City and any funding sources with greater or longer affordability requirements.
 - 2. The affordable housing development project would not have a specific, adverse impact upon the public health or safety. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

SECTION 3. Environmental Determination. The City prepared an Environmental Impact Report (EIR) for the project pursuant to and in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., “CEQA”) and the Guidelines for Implementation of CEQA (Title 14, Cal. Code of Regs., Section 15000 et seq., the CEQA Guidelines).

SECTION 4. This ordinance shall take effect thirty (30) days following its final adoption.

SECTION 5. The City Manager and City Clerk are directed to perform all tasks necessary to implement this ordinance.

SECTION 6. Severability. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 7. Publication. The City Clerk of the City of Del Rey Oaks, California, is hereby directed to publish a summary of the ordinance in a newspaper of general circulation in accordance with State Law.

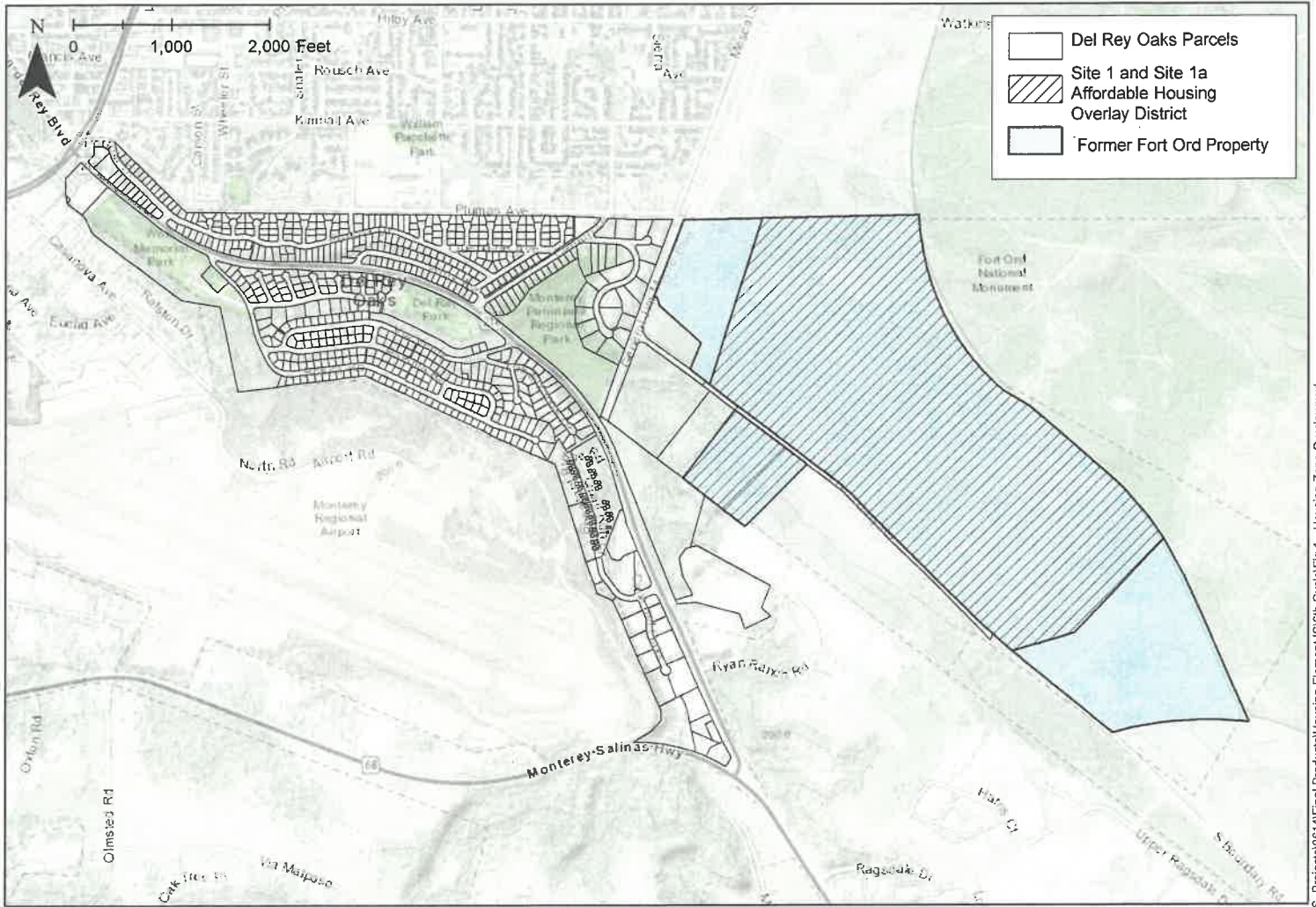
INTRODUCED by the City Council of the City of Del Rey Oaks, California, at its regular meeting held on the **24th** day of **October**, 2023, by the following vote:

AYES: Councilmembers

ABSENT:

ABSTAIN:

Exhibit A – Zoning Map



Zoning Amendment Map

EXHIBIT A

Date
9/19/2023
Scale
1 in = 1,000 ft

**Affordable Housing
Overlay Zone**

