

ORDINANCE NO. 1209

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY APPROVING SIMI VALLEY MUNICIPAL CODE TEXT AMENDMENT Z-S-702 TO ADOPT A REPLACEMENT IMPLEMENTATION ORDINANCE FOR THE MANAGED-GROWTH PLAN (MEASURE N)

WHEREAS, the City of Simi Valley has initiated a Citywide amendment to the Municipal Code (Z-S-702) for the purpose of providing an implementation ordinance for the City's Managed-Growth Plan (Measure N); and,

WHEREAS, based upon evidence presented at the public hearing on January 9, 2013, and the findings contained in the Planning Commission staff report dated January 9, 2013, the Planning Commission recommended the proposed Municipal Code Text Amendment Z-S-702 to replace the implementation ordinance for the Managed-Growth Plan (Measure N), codified in Chapter 36 of Title 9 of the Simi Valley Municipal Code, to the City Council for approval.

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

SECTION 1. The City previously adopted a Negative Declaration for the Managed-Growth Plan, and there is no basis to prepare a supplemental or subsequent Negative Declaration. The findings to support this determination, contained in the Planning Commission staff report dated January 9, 2013, and incorporated herein by reference, are hereby adopted.

SECTION 2. The findings, for approval, for Simi Valley Municipal Code text amendment Z-S-702, contained in the Planning Commission staff report dated January 9, 2013 and incorporated herein by reference, are hereby adopted.

SECTION 3. Based upon the evidence and testimony presented at the public hearing of February 25, 2013, the findings contained in the Planning Commission staff report dated January 9, 2013, and the City Council staff report dated February 25, 2013, incorporated herein by reference, the City Council finds, for approval, for Municipal Code Text Amendment Z-S-702, to replace the implementation ordinance for the Managed-Growth Plan (Measure N).

SECTION 4. Simi Valley Municipal Code Text Amendment Z-S-702, as specified in Exhibit A attached hereto, is hereby adopted.

SECTION 5. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 6. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 18th day of March 2013.

Attest:

/s/
Ky Spangler, Assistant City Clerk

/s/
Robert O. Huber, Mayor of the City of
Simi Valley, California

Approved as to Form:

/s/
Marjorie Baxter, City Attorney

Approved as to Content:

/s/
Laura Behjan, City Manager

/s/
Peter Lyons, Director
Department of Environmental Services

SIMI VALLEY MUNICIPAL CODE TEXT AMENDMENT

Simi Valley Municipal Code Chapter 9-36 is amended as follows:

9-36.010 – Purpose

The purpose of this Chapter is to set forth the process and procedures for issuance of residential building permits under the City's adopted Managed-Growth Plan (Measure N) consistent with the Policies and Goals of the General Plan.

9-36.020 - Applicability of the Residential Building Permit Allocation System

The following classes of projects are exempt from the provisions of the Residential Building Permit Allocation System:

- A. **Class 1 Exemption.** The following projects shall not subtract from available allocation grants under the provisions of Section 2 of Measure N and Section 9-36.030 and are immediately eligible and able to be awarded residential building permits.
 - 1. Rehabilitation or remodeling of an existing dwelling, or conversion of apartments to condominiums in compliance with Government Code Section 66427.1 and Simi Valley Municipal Code Section 9-24.070, so long as no additional dwelling units are created.
 - 2. Construction of a second dwelling unit in compliance with Government Code Section 65852.2(a)(1)(C), and Simi Valley Municipal Code Sections 9-44.160 and 9-44.170 (Second Dwelling Units).
 - 3. Replacement of existing single-family or multiple-family structures on a one-for-one basis on the same site.

- B. **Class 2 Exemption.** Residential development of one residence on a lot that is not part of an approved but unbuilt Planned Development or Cluster Development Permit is immediately eligible to be awarded an allocation grant. This Class 2 exemption shall apply only to two such projects per developer, or his or her agent, per calendar year, provided such developments are not on adjacent sites. When allocation grants from Class 2 exemptions are awarded, their number shall be subtracted from the available grants before grants are awarded to any residential projects in the allocation system.

9-36.030 – Awarding Allocation Grants

Allocation grants shall be awarded as follows:

- A. **Availability.** At the beginning of each calendar year, 292 allocation grants shall enter the Residential Building Permit Allocation System. Allocation grants not awarded from the prior year shall be added to the following year.

- B. **Allocation grant issuance.** Upon final approval of a Planned Development or Cluster Development Permit, all residential projects shall be automatically placed into the allocation system. Allocation grants will be awarded on a first-come, first-served basis. A list of projects remaining within the allocation system shall be maintained, in order of placement.
- C. **Maximum number of allocation grants per project.** Projects that have been placed into the allocation system may receive up to one-half of the available grants during that calendar year. If a project requires more allocation grants, the project will maintain its place in the allocation system and will be eligible to receive up to one-half of the available grants for each subsequent calendar year until all allocation grants required for the project have been issued.
- D. **Allocation grant expiration.** All allocation grants are valid for four years. The four-year period will commence when a project, or phase of a project, receives its last grant. If a developer fails to establish vested rights within four years, the allocation grants shall be returned to the allocation system for distribution. If the project's Planned Development or Cluster Development Permit has not expired, the project will be placed at the end of the list of projects awaiting allocation grants.
- E. **Expired Planned Development or Cluster Development Permit.** When a residential project's Planned Development or Cluster Development Permit has expired, the grants for that project shall automatically be returned to the allocation system for distribution.
- F. **Nontransferability.** All allocation grants shall be project specific and nontransferable.
- G. **Mobile Homes.** Mobile home parks shall receive grants in the same manner as all other nonexempt projects.
- H. **Model Homes.** Model home complexes consisting of a maximum of four dwelling units per project may be awarded building permits for construction if there are existing, previously approved, certified building pads. The allocation grants for the model homes shall be counted from the first allocation grant that the project receives. No model home shall be occupied as a residence until it has been awarded its allocation grant.

9-36.040 - Allocation Grant Required for Building or Grading Permits

Except as expressly provided herein, no residential building or grading permit of nonexempt projects may be issued unless an allocation grant for such a project has been obtained. This requirement shall be incorporated into residential project approvals as follows:

- A. **Condition of Development Permits.** All approvals for residential development subject to this Chapter, including Planned Development Permits, Cluster Development Permits, and Modification Permits, shall be subject to a condition providing that no grading

permit, building permit, or other City approval that permits any type of physical dirt movement, construction, or development, with the exception of model home complexes as provided in Section 9-36.030(H), shall be issued for the land within the permit area unless and until an allocation grant is awarded and building permits are authorized.

- B. Condition of Subdivision Maps.** All Tentative Maps and Vesting Tentative Maps for subdivision of land to construct residential dwelling units shall be subject to a condition that provides that final maps may be approved, and final maps may be recorded, prior to the awarding of an allocation grant, provided that no grading permit, building permit, or other City approval that permits physical dirt movement, construction, or development will be issued for the land within the subdivision unless and until an allocation grant is awarded and building permits are authorized.

9-80.020 V. Definitions, “V.”

Vested Right. Vested right means that the applicant has pulled all of the necessary building permits for the project and has completed substantial construction on the project in reliance on those building permit.