



Meeting Date: 7/17/2012

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
X Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	X Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Stephanie Diaz, Contract Planner *SD* Agenda Item No. L-1
 Reviewed By: City Manager *JPB* City Attorney *SMT* Finance *JC* Other (Specify) _____

DATE: July 9, 2012
TO: City Council
FROM: Susan L. Martin, AICP, Planning Manager *SLM*
 Development Services Department
SUBJECT: **Zone Text Amendment (PZ 10-580-01), Pertaining to Emergency Shelters, Transitional Housing, Supportive Housing and Farmworker Housing.**

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance amending Chapter 16 of the City of Oxnard Code pertaining to homeless shelters, transitional housing, supportive housing and farmworker housing pursuant to Senate Bill 2.

SUMMARY

Pursuant to State requirements set forth in Senate Bill 2 (SB-2), the City must include homeless housing issues in the General Plan Housing Element and provide an implementation program through the zone code. This proposed zone text amendment (ZTA) will carry out the provisions of SB-2 and the Housing Element Implementation Plan. The text changes address definitions and zoning for homeless shelters, transitional housing, supportive housing and farmworker housing. According to SB-2, emergency shelters must be allowed by right in at least one zone. Supportive and transitional housing are to be addressed as residential uses and subject only to the restrictions that apply to other residential uses in the same zone. Full definitions of these uses are contained in the draft ordinance, see Attachment 3, Exhibit A.

DISCUSSION

- 1) On October 20, 2011 the Planning Commission held a public hearing on the proposed ordinance to address the ZTA which includes definitions plus the zones and permits that accommodate the land uses. They reviewed information compiled during study sessions and meetings with the interested parties and planning staff. The Planning Commission recommended approval to the City Council of the ZTA. The October 20, 2011 Planning Commission staff report is provided in Attachment 1. Subsequent to the Planning Commission's recommendation in 2011, issues related to the Commission's recommended draft ordinance were raised by members of the public, city staff, and the City's Commission on Homelessness. Due to the questions and new information collected, the

Planning Commission conducted a study session on June 7, 2012 to consider the new issues and provide some direction to planning staff for addressing the issues. The Commission then held a second public hearing on June 21, 2012 to address the new issues, including the wording of some definitions, as well as permits and restrictions for certain SB-2 land uses. The staff report for the June 21, 2012 hearing is provided in Attachment 2. The Planning Commission discussed the zones where several types of emergency shelters were to be located, associated permits, the proposed restriction of two parolees/probationers in unlicensed facilities and the definition of "family." The Planning Commission recommended changes to the draft ordinance that would broaden the zones and reduce the permitting requirements for temporary shelters and emergency shelters for families. The Commission also recommended removing the proposed parolee/probationer limitation until the Re-Entry Task Force that is considering these issues provides information or a recommendation to the City Council. The Planning Commission's recommendation is in Resolution No. 2012-13, Attachment 3. The following is an outline of the SB-2 land uses, the proposed zones and permit requirements as recommended by the Planning Commission:

- a) Permanent Emergency Shelters for a six month or less stay: Permitted use in the Limited Manufacturing (M-L/M-LPD) zone; Allowed with a special use permit (SUP) in the Commercial-Light Manufacturing (C-M) and General Commercial (C-2) zones with operational standards.
- b) Temporary Emergency Shelters for no more than four months (primarily winter warming): Permitted in M-L/M-L PD, C-M and C-2 zones.
- c) Emergency Shelters for Families for homeless single parents with children and families for a six month stay or less: Permitted in M-L/M-L PD, C-M and C-2 zones with operational standards.
- d) Transitional Housing, a multi-family (five units or more) land use providing housing for the homeless for up to two years. Permitted use in the Garden Apartment (R-3) and High Rise (R-4) zones pursuant to respective zone standards; Allowed with SUP in C-M and C-2 zones; On-site services for residents by administrative permit.
- e) Supportive Housing for disabled and homeless residents. Permitted use with no on-site services in the Single-Family (R-1), Multiple-Family (R-2) and Mobile Home (MH-PD) zones pursuant to respective zone standards. May have on-site services for residents in Garden Apartment (R-3) and High Rise (R-4) zones with an administrative permit. Allowed upon approval of an SUP with on-site services in the C-2 and C-M zones. Subsequent to staff's preparation of the ordinance, the Legislature amended terms referenced in the statutory definition of "supportive housing." Accordingly, the ordinance has been modified to incorporate the statutory definition of "supportive housing," which was previously considered by the Planning Commission.
- f) Farmworker Housing for low-income farmworkers. Permitted use in all residential zones; Allowed with an SUP in commercial zones.

During the Commission's June 21, 2012 meeting, the definition of "family" including the terms "single lease" and "group membership" were discussed as presented in the draft ordinance. The purpose of those terms was to assist in separating residential uses from commercial housing. The Commission removed language referring to the requirement for a "single lease" and "group membership" which had been proposed by staff to create a differentiation between "family" residential use and group living such as a boarding house. The definition of "family" as recommended, meets state law standards.

The resulting effects of the adoption of the ZTA were discussed by the Planning Commission. There are an unknown number of existing shelters in the city that fit the Emergency, Supportive and Transitional Housing definitions and could become out of compliance with zoning standards due to adoption of the SB-2 ordinance. Some facilities may have proper permits while others may not. Some facilities are located in zones that are compatible with the SB-2 ordinance. Others would not be allowed in their current zones or would require a Special Use Permit to operate. Other facilities may be non-conforming as they were developed prior to adoption of the current zone code. The Planning Commission supported the continuing operation of facilities in compliance with the SB-2 ordinance and the City's nonconforming use ordinance. Issues for existing facilities will be assessed on a case-by-case basis by staff to assist facilities to come into compliance with the SB-2 ordinance.

The intent of the proposed ZTA is to provide housing opportunities for homeless persons or those who are considered disabled, pursuant to State law (SB-2). As proposed, the ZTA will ensure that housing opportunities provide an environment which addresses support and/or recovery for homeless and disabled persons, while regulating housing-related businesses in order to provide consistency in commercial zones and to preserve the residential characteristics of residential neighborhoods.

FINANCIAL IMPACT

Those SB-2 housing facilities that require a permit will be charged the appropriate permit fee as adopted by the City Council for full recovery of the costs associated with permit processing. Policing and Code Compliance costs may be reduced as the housing facilities addressed in this zone text amendment will provide clear descriptions of the use, the proper zone and any permit requirements.

SLD/sld

Attachment #1- Planning Commission Staff Report, October, 20, 2011

#2 -Planning Commission Staff Report, June 21, 2012

#3 - Planning Commission Resolution No. 2012-13

#4 - Draft City Council Ordinance



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission
FROM: Stephanie Diaz, Contract Planner
DATE: October 20, 2011
SUBJECT: Planning and Zoning Permit No.10-580-01, (Zone Text Amendment), Amending Chapter 16 (Zoning) of the City Code Concerning Emergency Shelters, Transitional Housing, Supportive Housing and Farmworker Housing.

- 1) **Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning and Zoning Permit No.10-580-01 for a zone text amendment, subject to certain findings.
- 2) **Project Description and Applicant:** Planning and Zoning Permit No.10-580-01 (zone text amendment) amending Chapter 16 (zoning) of the City Code to update the Zoning Ordinance to definitions and zoning related to homeless shelters, transitional housing, and supportive housing for low-income and disabled persons as well as farmworker housing, as required by State law (Senate Bill 2). The Planning Commission's action on this request is a recommendation to the City Council. Filed by the City of Oxnard, 214 South C Street, Oxnard CA, 93030
- 3) **Background Information:** On October 13, 2007, the State adopted Senate Bill 2 (SB-2) that became effective January 1, 2008. This bill strengthened statewide planning requirements for emergency shelters, transitional housing, supportive housing and farmworker housing. The bill provides that cities and counties implement the following:
 - a) Emergency Shelters:
 - 1) Permanent Shelter. Provide a zone or zones where emergency shelters are allowed as a permitted use and which may include objective development standards.
 - 2) Temporary Shelter. The City has added temporary emergency shelters for winter warming shelters under the emergency shelter requirement.

- b) Transitional Housing. This multi-family land use is to be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone. Provides housing for the disabled.
- c) Supportive Housing. These land uses are to be considered residential uses of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone. Provides housing for the disabled.
- d) Farmworker Housing. Provide zone district(s) that permit housing for low-income farmworkers by right.

The City's Draft 2006-2012 Housing Element, currently being finalized, indicates that two to four percent of the City's population is in need of special housing accommodations to address homelessness or disabilities. The number of homeless persons in Oxnard changes seasonally and yearly. The latest count identified 638 homeless persons. According to recent information from the City's Housing Department inventory, there are facilities within the City serving approximately 223 persons in permanent emergency shelters, transitional housing, and supportive housing. A winter warming shelter serving 100 persons is operated during cold and wet winter weather. The City and Ventura County usually trade-off each year to provide a winter warming shelter depending on the availability of accommodations in each jurisdiction.

- 4) **Environmental Determination:** The California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) regarding emergency shelter and the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, under Section 15061(b)(3) of the State CEQA Guidelines. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment B.)

5) **Analysis:**

General Discussion: Pursuant to State requirements, the City must include homeless housing issues in the General Plan Housing Element and provide an implementation program through the zone code. The proposed zone text amendment will carry out the provisions of Senate Bill No. 2 and related programs of both the adopted and the draft Housing Elements. In addition to the SB-2 land use terms, this zone text amendment adds definitions including "family" "probationer," "parolee" and "on-site services" while deleting the term "boarding house" to clarify the SB-2 and other housing types permitted in various zone districts. Definitions to be added, as well as the SB-2 land uses are contained in Attachment C.

- 6) **General Plan Consistency:** The proposed zone text amendment implements the City's current General Plan and Housing Element and carries out implementing programs for the Draft 2006-2014 Housing Element. The adoption of this zone code amendment is not dependent on the

adoption of the Draft Housing Element and therefore can go forward at this time. Consistency with the current General Plan and Housing Element as well as the Draft 2006-2012 Housing Element are outlined below:

GP Objective B2 (pg V-22) "Provide a variety of housing types throughout the City."	The zone text amendment provides for four different housing types to be provided in residential, commercial and light industrial zones. Therefore, consistency with this policy may be found.
HE Goal 2, Policy 2.2 (pg V-8) "Encourage the production of housing that meets all economic segments of the population. . ."	The zone text amendment addresses types of housing that are not conventional and serve a portion of the City's population at the lowest economic level. Therefore, consistency with this policy may be found.
HE Goal 3, Policy 3.5 (pg V-9) "Encourage a County-wide fairshare approach for addressing the housing needs of homeless, farmworkers, low income households and special needs."	This project increases the City's contribution to these special need housing needs. Therefore, consistency with this policy may be found.
HE Program 8 (pg V-14) "Amend the Zoning Code to allow for emergency shelters and transitional housing."	This project addresses zoning for emergency shelters and provides the ML zone to allow shelters by right. Transitional housing would be permitted in both residential and commercial zones. Therefore, consistency with this policy may be found.
HE Program 17 (pg V-18) "Continue to implement [Homeless Assistance] Program"	This project encourages the provision of permanent and temporary emergency shelters through zoning and permitting. Therefore, consistency with this policy may be found.
Draft HE Policy G-3.7 "Examine and change zoning and related development standards to implement the Oxnard Homeless Assistance Program."	This project addresses zoning for emergency shelters and provides the ML zone to allow shelters by right. Therefore, consistency with this policy may be found.
Draft HE Policy G-5.4 "Support . . . programs for the homeless . . ."	This project addresses zoning for emergency shelters and provides the ML zone to allow shelters by right. Therefore, consistency with this policy may be found.
Draft HE Program 9 "Farmworker Housing."	This project addresses zoning deed restricted farmworker housing consistent with the underlying zone district. Therefore, consistency with this policy may be found.
Draft HE Program 14 "Shelter Development Program."	This project addresses zoning for emergency shelters and provides the ML zone to allow shelters by right. Therefore, consistency with this policy may be found.

7) Proposed Zone Districts and Permits for SB-2 Housing

a) Emergency Shelters:

(1) Permanent Emergency Shelters – *Proposed permitted use in the Limited Manufacturing (M-L/M-L PD) zone; Allowed with a special use permit (SUP) in the General Commercial (C-2), and Commercial-Light Manufacturing (C-M) zones.*

Pursuant to State law, the City must provide a zone or zones where permanent emergency shelters are allowed as a permitted use. This zone text amendment provides for permanent emergency shelters to locate in the Limited Manufacturing (M-L and M-L PD) zones by right. This zone is suitable for permanent emergency shelters as land and buildings within the district are generally located near public transportation, medical services and commercial services. The commercial/industrial uses in the M-L zone are required to be located in enclosed buildings and much of the district contains newer buildings in a campus setting. The zone text amendment for emergency shelters is consistent with the M-L zone as residential uses are currently permitted in the zone, with an SUP.

Attachment D illustrates maps that show the location of the M-L/M-L PD zones that would permit permanent emergency shelters. Staff and several members from the Commission on Homelessness and a community advocate conducted a “drive-around” through the large M-L zone districts located between Wooley Road/Rose Avenue/Oxnard Boulevard, as well as south of Oxnard Boulevard at Norton and Albany Roads. A large number of existing buildings and six large vacant lots displayed “For Lease” or “For Sale” signs. A list provided to staff of places for sale or lease in the M-L zone included approximately 50 listings. In addition to the M-L zone, permanent emergency shelters would be allowed with a special use permit (SUP) in the General Commercial (C-2), and Commercial-Light Manufacturing (C-M) zones. These zones also provide access to transit and services. Due to the high commercial activity in these zones, a special use permit would be required for a permanent shelter. Pursuant to SB-2, objective standards may be adopted for permanent emergency shelters. Attachment E outlines the standards proposed in the zone text amendment.

2) Temporary Emergency Shelters – *Proposed permitted use with an administratively-approved Temporary Use Permit in the C-2, C-M and M-L zones.* Temporary shelters (primarily winter warming) are not addressed directly by the SB-2 legislation. However, after discussions regarding the need with City Housing staff and the Commission on Homelessness, the use was added to the zone text amendment. An administrative temporary use permit that is issued by the Planning Division would be required to locate this use in the proposed zones. Standards are not included in the zone text amendment for this use as operations could be addressed with the issuance of the temporary use permit.

b) Transitional Housing for Homeless Persons – *Proposed permitted use in the in Garden Apartment (R-3), & High Rise (R-4) zones. On-site services for residents by*

administrative permit; allowed upon approval of an SUP with on-site services in the C-2 and C-M zones. SB-2 requires that transitional housing (five or more dwellings used as rental housing under a program of recirculation every two years to qualified recipients) be considered a residential use and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Support services are provided to facilitate the movement of homeless persons and their families to permanent housing. The zone text amendment includes a definition for transitional housing that restricts the number of paroles and probationers in unlicensed facilities. This is intended to address potential crime and policing issues due to the State plan for early release of prisoners. Other cities have adopted such restrictions as well. Land uses similar to this type of housing has been problematic for City Code Compliance staff as some facilities operate as boardinghouses not multi-family residential uses. Therefore the zone text amendment removes the term “boardinghouse” so that use is no longer allowed in the City and will not be confused with transitional housing.

c) Supportive Housing for Low-Income Disabled – *Proposed permitted use with no on-site services in the Single-Family (R-1), Multiple-Family (R-2) and Mobile Home (MH-PD) zones. May have on-site services for residents in Garden Apartment (R-3) and High Rise (R-4) zones with an administrative permit. Allowed upon approval of an SUP with on-site services in the C-2 and C-M zones.* SB-2 requires supportive housing (no restriction on the type of dwelling) for low-income disabled persons to be considered a residential use and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. On-site or off-site services associated with this use improve residents’ health and to maximize their ability to live and work in the community. The law does not provide a restriction on the length of stay. The term “disabled” means low-income persons with special needs including mental disabilities, substance abuse or chronic health issues. The zone text amendment for this use also restricts the number of parolees and/or probationers that may live in an unlicensed supportive housing facility to two. As this housing is not intended to operate or be configured as a “boardinghouse,” this term is proposed to be deleted from the zone code. As is the case with transitional housing, “supportive-type” housing has been problematic for City Code Compliance staff if it operates as a boardinghouse not single-family or multi-family residential uses. “Boardinghouse” will no longer be a permitted residential use. Supportive housing will need to operate subject to the restriction applied to residential uses in the subject zone.

d) Farmworker Housing (Deed Restricted) – *Permitted use in all residential zones, pursuant to respective zone standards; Allowed with an SUP in commercial zones where housing uses require an SUP.* Farmworker housing is addressed by SB-2 as a component need for low, very-low, and extremely-low income housing. Housing in any zone can be rented or owned by farmworkers. The zone text amendment addresses housing that is deed-restricted for farmworkers.

8) Summary: The intent of the proposed zone text amendment is to provide housing opportunities for homeless persons or those who are considered disabled while complying with State law. As proposed the code amendment will ensure that housing opportunities provide an environment which addresses support and/or recovery for homeless and disabled persons, while regulating housing-related businesses in order to preserve the residential characteristics of residential neighborhoods.

9) Community Input: Over the last two years Planning staff has conducted outreach on the SB-2 housing issues. Planning staff held a workshop attended by advocates for farmworkers, the homeless, the disabled and low income persons. Additionally, five presentations and discussions were held with the Commission on Homelessness, some in conjunction with the Draft Housing Element. Persons in these groups provided helpful information on these housing types and stated a great need for shelters, low-income housing, as well as housing for the disabled and farmworkers. They requested that the SB-2 housing types be permitted by right in all zones. The Planning staff drafted the proposed zone text amendment with restrictions on zone district locations for some of the SB 2 uses in order to preserve consistency with the underlying uses permitted in the zone district and to maintain the characteristics of residential zones. The Planning Commission held two study sessions to become acquainted with the SB-2 legislation and staff's proposal to address the issues. Planning staff also conducted a "drive-around" with members of the Commission on Homelessness and community advocates. This group noted many vacant lots and buildings as well as transit lines and felt that the M-L zone could successfully provide shelter sites.

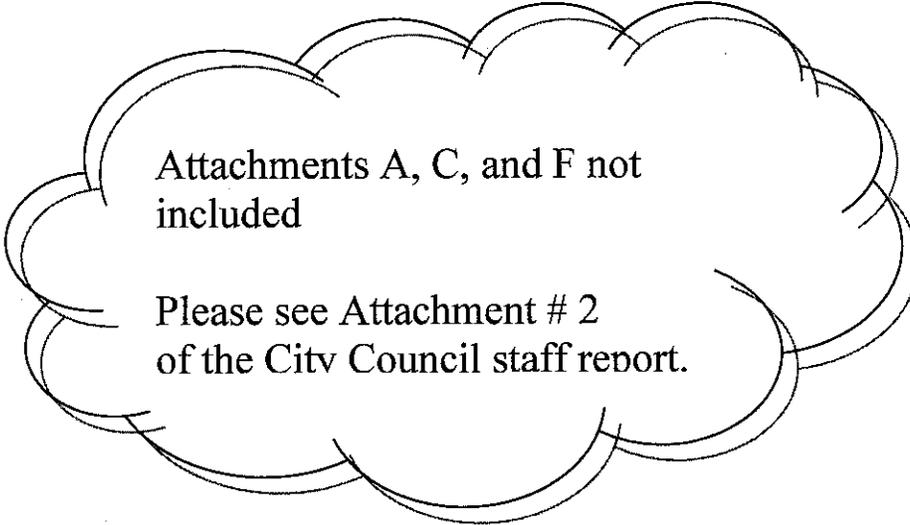
10) Appeal Procedure: The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

Attachments:

- A. Draft City Council Ordinance
- B. CEQA Exemption
- C. Summary of Definitions
- D. Map of M-L and M-L PD Zones for Permanent Emergency Shelters
- E. Emergency Shelter Standards
- F. Planning Commission Resolution

ATTACHMENT
PAGE 6 OF 16

Prepared by: <u>SLD</u> SLD
Approved by: <u>SM</u> SM



Attachments A, C, and F not
included

Please see Attachment # 2
of the City Council staff report.

ATTACHMENT # 1

ATTACHMENT 1
PAGE 7 OF 16

ATTACHMENT B

CEQA Exemption



NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit No.10-580-01 (zone text amendment) amending Chapter 16 (zoning) of the City Code. The text amendment to the Zoning Ordinance will update and add definitions and zoning related to homeless shelters, transitional housing, and supportive housing for low-income and disabled persons as well as farmworker housing, as required by State law (Senate Bill 2). The Planning Commission's action on this request is a recommendation to the City Council. Filed by the City of Oxnard, 214 South C Street, Oxnard CA, 93030

Finding:

The Planning Division of the Development Services Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: The California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) regarding emergency shelters and the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, under Section 15061(B)(3). Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption.

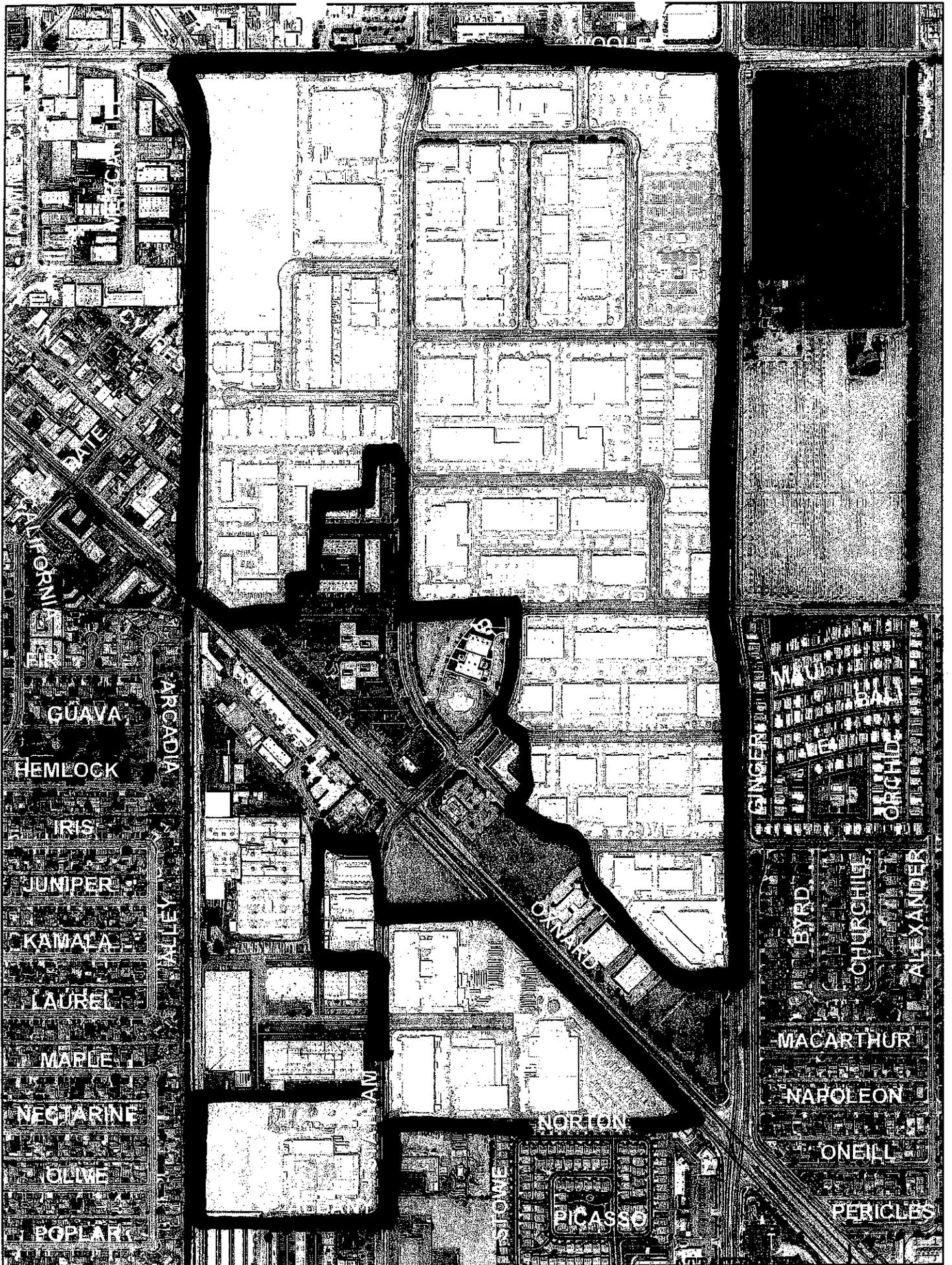
(Date)

Susan L. Martin, AICP
Planning Division Manager

ATTACHMENT D

**Maps of M-L and M-L PD zones for
Emergency Shelters
Permitted By Right**

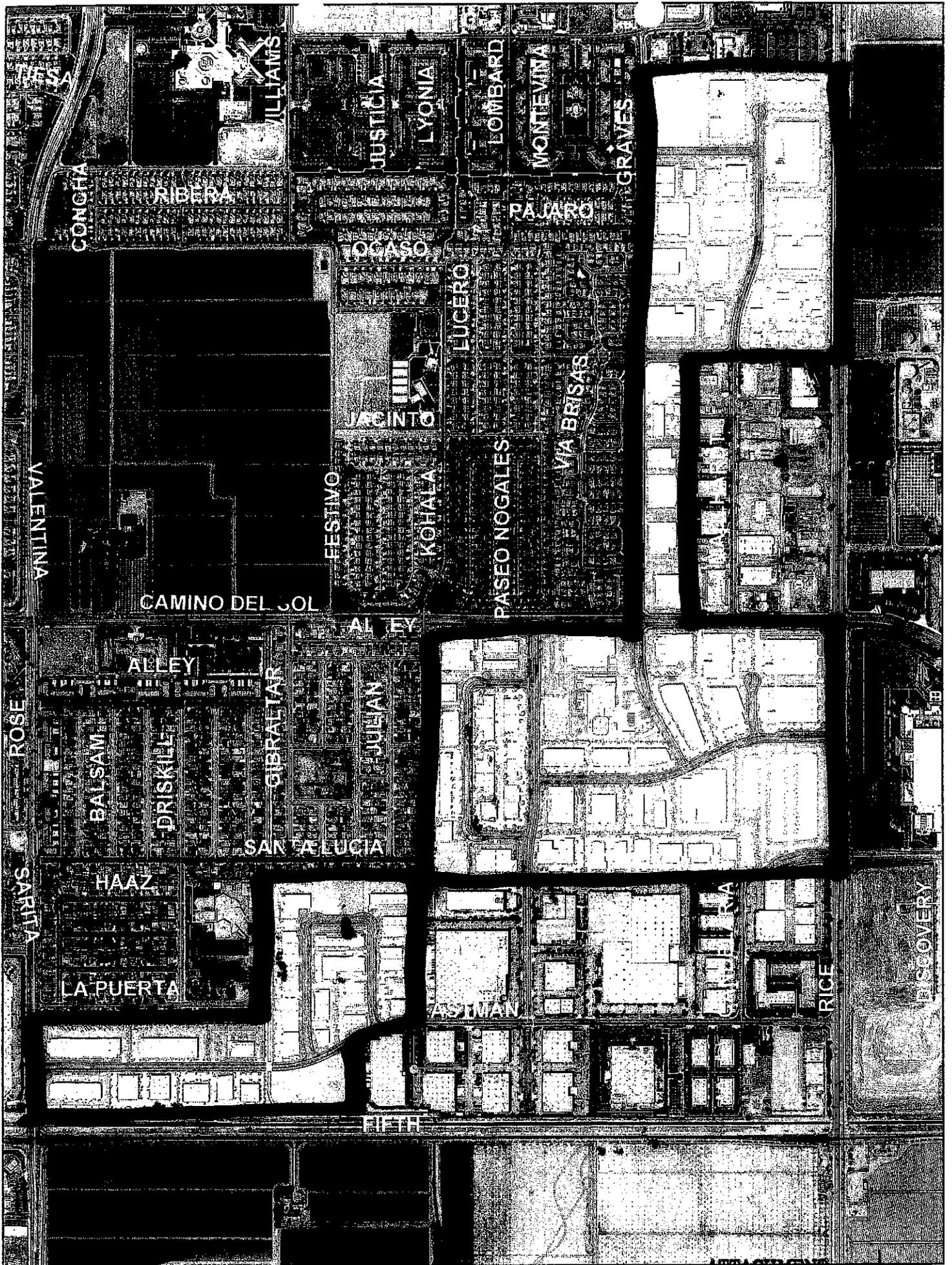
**M-L and M-L PD Zones Outlined in Back
On Maps**

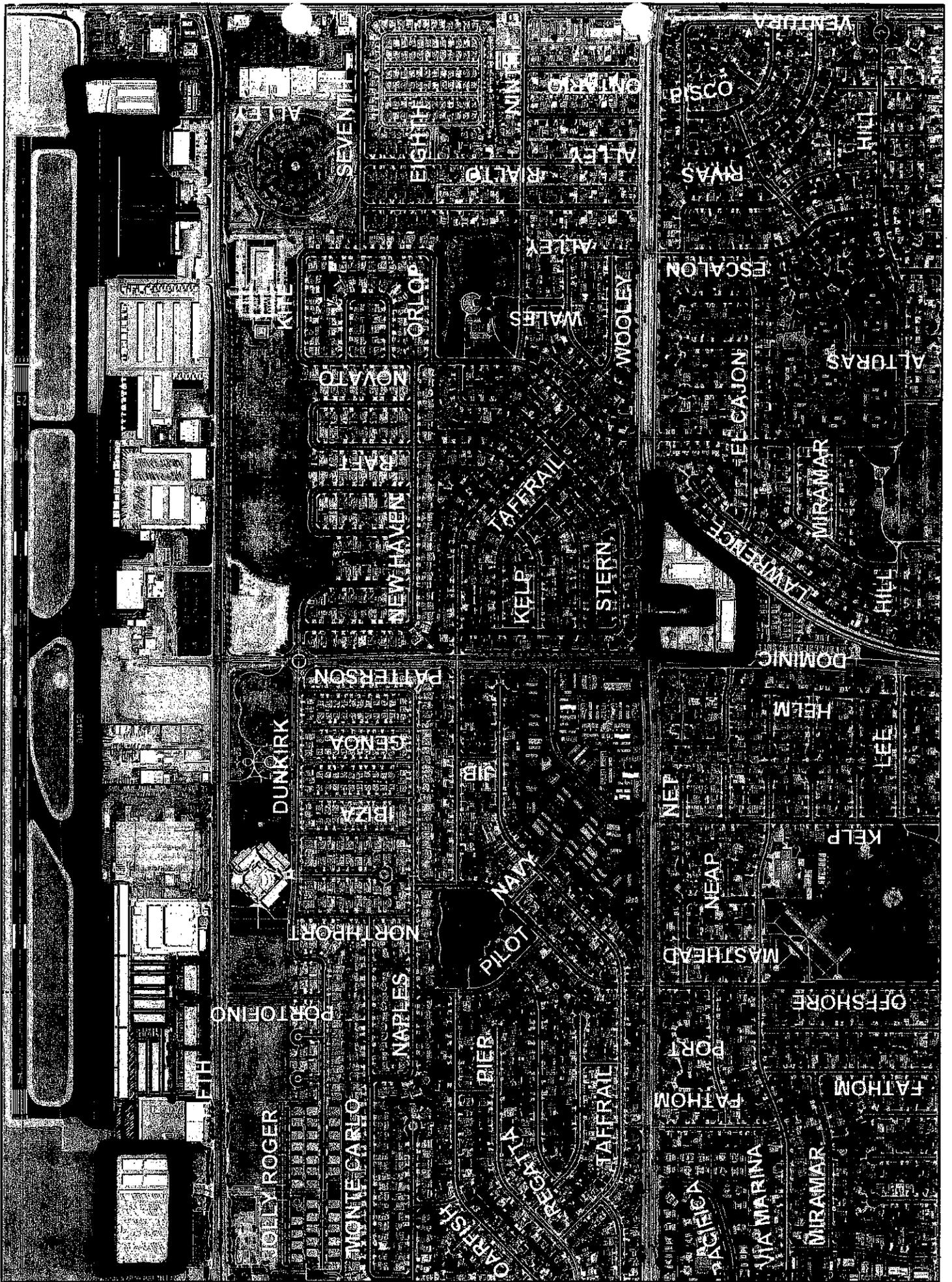


ST. MARY'S
MERCANTILE
NEW YORK
CALIFORNIA
GUAVA
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ARCADIA
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NORTON
PESLOWE
OAKLAND

GINGER
BYRD
CHURCHILL
ALEXANDER
MACARTHUR
NAPOLEON
ONEILL
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ATTACHMENT E

PERMANENT EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

(A) Permanent Emergency Shelters shall meet the following standards:

(1) No shelter patron shall be re-admitted to the same emergency shelter within five days of being discharged after a stay of six months.

(2) If the intake of shelter patrons occurs on-site, an enclosed or screened waiting area shall be provided between the intake area and the public right-of-way. There shall be no queuing within any public right-of-way or within any parking lot.

(3) Each shelter shall establish and maintain set hours of operation for patron intake and discharge. Hours shall be clearly displayed at the entrance to the shelter at all times.

(4) Rules regarding the discharge of shelter patrons that are socially disruptive, a threat to the safety of others or in violation of the emergency shelter regulations, shall be posted.

(5) On-site manager/shelter personnel shall be provided during all hours of operation when patrons are present. A designated area for on-site personnel shall be located near the main entry to the shelter for the purpose of controlling admittance and providing security.

(6) The emergency shelter operator shall not intake any person as a patron of the shelter if the operator determines the person is wanted by the police or has been convicted of committing any serious or violent felony, as those terms are defined in Cal. Penal Code sections 667.5, 1192.7 and 1192.8. The emergency shelter operator shall also conduct a background check on all prospective patrons using Megan's Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions.

(7) Beds shall be provided for men, women, and families with children in separate and secured areas.

(8) A private storage area or closet shall be provided for each on-site bed. At no time shall any patron of an emergency shelter be allowed to keep on-site any alcoholic beverages, or store any type of illegal substances, drugs or weapons of any kind. The manager shall conduct routine inspections of each on-site patron's personal space to verify compliance and report to the Police

Department any patron found in possession of illegal substances, drugs and/or weapons of any kind.

(9) A minimum of 50 square feet of personal space shall be allocated for each patron bed and private storage area, or as may be required by Building and Fire Code requirements.

(10) A communal restroom facility with at least two toilets, one shower and one sink shall be provided for every twenty patrons residing at an emergency shelter. Separate and secure restroom and shower facilities shall be provided for men and women if the facility serves both genders.

(11) A shelter shall be limited to serving no more than allowed by fire or building occupancy.

(11) Off-street parking shall be provided at the ratio of one on-site parking space for every 8 adult beds plus one additional space for the on-site manager.

(12) Each emergency shelter shall provide exterior security lighting on the property. Lighting shall be shielded from all adjacent residential areas. On-site lighting shall be subject to the review and approval of the Police Department.

(13) The emergency shelter operator shall be required to submit an on-site security plan to the Police Department for review and approval. The emergency shelter operator shall be responsible for ensuring that the approved security plan is implemented at all times.”

(14) All outdoor storage areas shall be screened from the view of all public rights-of-way.

(15) An emergency shelter shall not be located within 300 feet of another parcel or lot with an emergency shelter.

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Stephanie Diaz, Contract Planner

DATE: June 21, 2012

SUBJECT: Planning and Zoning Permit No.10-580-01, (Zone Text Amendment), Amending Chapter 16 (Zoning) of the City Code Concerning Emergency Shelters, Transitional Housing, Supportive Housing and Farmworker Housing.

- 1) **Recommendation:** That the Planning Commission hold a public hearing and adopt a resolution recommending that the City Council approve Planning and Zoning Permit No.10-580-01 for a zone text amendment, subject to certain findings.
- 2) **Project Description and Applicant:** This is a zone code text amendment to Articles I, II, III, and V of Chapter 16 of the City Code. The text changes address definitions and zoning for homeless shelters, transitional housing, supportive housing and farmworker housing as required by State law (Senate Bill 2). The Planning Commission's action on this request is a recommendation to the City Council. Filed by the City of Oxnard, Planning Division, 214 South C Street, Oxnard CA, 93030.
- 3) **Background Information:** On October 20, 2011, the Planning Commission considered a draft ordinance proposing definitions and development standards for land uses associated with SB-2. Other definitions were proposed by Planning staff to clarify "family," delete "boardinghouse" and add "parolee/probationer" as these terms were proposed to be associated with the SB-2 housing uses. The Planning Commission held a public hearing and recommended to the City Council that the draft SB-2 ordinance be adopted with an additional development standard for emergency shelters related to schools. The October 20, 2011 Staff Report is provided in Attachment A.

Subsequent to the Planning Commission's meeting in 2011, housing issues related to the Commission's recommended draft ordinance were raised by members of the public and the City's Commission on Homelessness. Due to the questions and new information collected, the Planning Commission conducted a Study Session on June 7, 2012 to identify issues, receive input from the public and provide guidance to planning staff on several issues.

- 4) **Environmental Determination:** The California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code section

65583(a)(4)(B) regarding emergency shelters and the general rule in Section 15061(b)(3) of the State CEQA Guidelines that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment B.)

5) General Plan Consistency: The proposed ordinance amendment has been determined to be consistent with the Housing Element of the General Plan. Consistency with the 2030 General Plan and Housing Element is defined by the relationship between 2030 General Plan policies, Housing Element programs and the proposed project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
Program 9	I	Farmworker Housing Program	Ordinance provides zoning for farmworker housing
Program 14	I	Shelter Development Program	Ordinance provides zoning for shelter development by right in the M-L zone
Program 15	I	Homeless and At-Risk Household Assistance	Ordinance provides zoning for shelter, supportive and transitional housing development
Program 16	I	Fostering Self-Sufficiency	Ordinance provides zoning for shelter, supportive and transitional housing development with assistance for homeless persons
All Others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

6) Analysis: On June 7, 2012, the Planning Commission considered new issues raised by the public and the Commission on Homelessness. The topics listed below provide a summary of the Planning Commission’s input on the new issues and the changes included in a revision to the draft SB-2 ordinance.

- a) Definition of Family:** The draft SB-2 ordinance, presented in October 2011, defined “family” as “ *A group of residents whose members jointly occupy a dwelling unit, excluding group quarters or hotels, in which all members have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance and expenses; and occupy the dwelling under a single written lease, if the unit is rented, and where membership of the group is determined by the residents rather than the landlord or property owner.*”¹⁴ The Planning Commission provided input that some text in the definition of “family” should be removed, specifically the text shown above in “strike-out,” as it does not assist in the definition. This phrase was initially provided by staff to assist in the separation of low-density residential uses from commercial operations such as boardinghouses/group housing facilities. With the removal of the phrase regarding a single lease, text should be added to prevent “family” from being associated with commercial residential uses. Therefore, staff recommends that the following sentence be added in place of the stricken text: “but not including commercial group living, dormitories, fraternities and such.” There was a discussion at the Planning Commission Study Session that a federal or state definition of “family” should be used if one already existed. No particular definition was cited. Staff has researched this issue and determined that various HUD definitions of “family” are used for purposes of qualifying persons for public housing assistance, rather than as zoning regulations, and do not take into consideration the right to privacy under the California Constitution, which was the basis for the *Adamson* California Supreme Court that prohibits zoning restrictions on the number of unrelated persons living together. Staff’s definition of “family” as currently proposed, is consistent with the post-*Adamson* recommendations of housing advocates. The revised draft SB-2 ordinance has been written to delete the “lease” and “group membership” phrases and to add the limitation on certain “group living” situations.
- b) Temporary Emergency Shelters:** In the original draft ordinance reviewed by the Planning Commission in October 2011, “permanent shelters” would be a permitted use in the M-L zone, while “temporary shelters” would be required to obtain a Temporary Use Permit (TUP). As a temporary use, (four months or less), the TUP could be deemed appropriate and therefore was included in the draft SB-2 ordinance. The issue has been raised that temporary shelters in the M-L zone should not be treated differently than permanent shelters. Additionally, there were requests that the requirement for a TUP for temporary shelters in the C-2 and C-M zones should be removed to allow more zones for this use. The Planning Commission provided input that a TUP is not necessary in these zones. Building Code compliance would continue to be required for shelters. The revised draft SB-2 ordinance has been re-written to allow temporary emergency shelters in the M-L, C-M and C-2 zones. Proposed emergency shelter operation standards would not be applicable to these temporary uses.
- c) Special Shelters:** Subsequent to the October 2011 hearing, Planning staff received requests that shelters that serve women with children and families (father, mother and related children) should be permitted more broadly and not subject to the operating

standards to be imposed on other emergency shelters to keep families together and provide access to schools, recreation facilities, etc. The draft ordinance provided to the Planning Commission in October 2011 addressed only permanent or temporary shelters with no focus on the resident population. At the Jun 7, 2012 study session, the Planning Commission provided guidance to staff that special shelters should be included in the draft SB-2 ordinance. Staff recommends that “children” in the special shelters be limited to those under the age of 18, which is the age of “majority” when these individuals can legally vote, enter into binding contracts and are generally treated as adults (California Family Code sec 6502). The revised draft SB-2 ordinance has been written to provide a definition of “emergency shelters for families” and to permit the use in the M-L, C-M and C-2 zones. Emergency shelter standards would apply as these facilities are permanent facilities.

- d) Parolees/Probationers:** The draft ordinance recommended by the Planning Commission in October 2011 placed a limit of two parolees/probationers in unlicensed “Transitional” housing and “Supportive” housing that is for low income disabled persons. These housing types address individuals or households that are moving out of homelessness into permanent housing. Supportive and transitional housing are required to be addressed by SB-2, but the number of parolees/probationers is not. (The previously proposed definitions for these housing types are contained in Attachment A.) The Planning Commission provided guidance to staff at the June 7th study session that the parolee/probationer limitation should be removed from the draft SB-2 ordinance at this time. The Re-Entry Task Force in which the city participates is currently dealing with the subject of housing for parolees/probationers. When a task force recommendation is approved by the City Council, the SB-2 ordinance could be revised, if needed. Without the limitation on the number of parolees/probationers, it is conceivable that an unlicensed supportive housing facility could provide housing only for parolees/probationers, if they were disabled and low income. The revised draft SB-2 ordinance has been written with no limitation on the number of parolees/probationers in unlicensed facilities and the definitions of parolees and probationers have been removed.
- e) Effects on Existing Facilities:** There are numerous existing shelters, as well as facilities that fit under the Supportive and Transitional Housing definitions and could become out of compliance with zoning standards due to adoption of the SB-2 ordinance. Some of these facilities have permits while others do not. Some facilities are or will be permitted in the zones where they are located. Others would not be allowed in their current zones or would require a Special Use Permit to operate. Additional facilities may be non-conforming as they were developed prior to development of the current zone code. (Most of these facilities may continue to operate but may not intensify their use.) The Planning Commission supported the continuing operation of facilities in compliance with the SB-2 ordinance and the City’s nonconforming use ordinance. Issues for existing facilities will be assessed on a case-by case basis by staff. Therefore, the draft SB-2 ordinance has not been changed to address this issue.

- 7) **Summary:** The intent of the proposed zone text amendment is to provide housing opportunities for homeless persons and those homeless who are considered low-income disabled while complying with State law. As modified in response to the Planning Commission direction at the July 7, 2012 Study Session, the proposed SB-2 ordinance will ensure that housing opportunities provide an environment which addresses support and/or recovery for homeless and disabled persons, while regulating housing-related businesses in order to preserve the residential characteristics of residential neighborhoods.
- 8) **Appeal Procedure:** The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date

Attachments:

- A. Planning Commission Staff Report, October 20, 2011
- B. CEQA Categorical Exemption
- C. Previous Planning Commission Resolution No. 2011-39 and Original Draft SB-2 Ordinance
- D. New Planning Commission Resolution and Revised Draft SB-2 Ordinance.

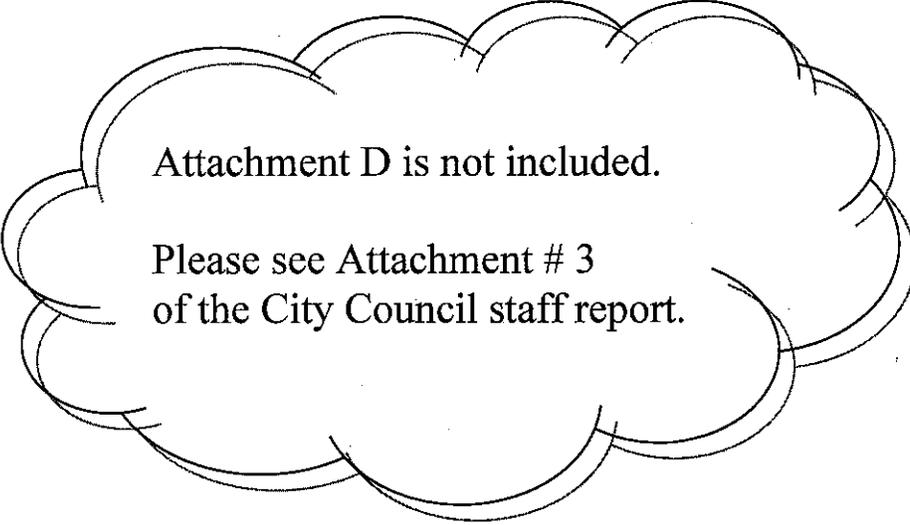
Prepared by: <u>SLD</u> SLD
Approved by: <u>[Signature]</u> SM

Attachments A, B, and C are not included

Please see Attachment # 1 of the City Council staff report.

ATTACHMENT # 2

ATTACHMENT 2
PAGE 6 OF 7



Attachment D is not included.

Please see Attachment # 3
of the City Council staff report.

RESOLUTION NO. 2012-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF PZ 10-580-01, ZONE TEXT AMENDMENT AMENDING CHAPTER 16 OF THE CITY CODE CONCERNING EMERGENCY SHELTERS, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND FARMWORKER HOUSING PURSUANT TO SENATE BILL NO.2. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered PZ-10-580-01, filed by the City of Oxnard, to amend chapter 16 of the City Code concerning special needs housing pursuant to Senate Bill No. 2; and

WHEREAS, on October 20, 2011 and on June 21, 2012 the Planning Commission held noticed public hearings on PZ 10-580-01; and

WHEREAS, the Planning Commission finds that the public interest and general welfare requires such an amendment; and

WHEREAS, the Planning Commission recommends the City Council find that the amendments conform to the General Plan and Housing Element; and

WHEREAS, the Planning Commissions finds that the California Environmental Quality Act (CEQA) does not apply to PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) and the general rule expressed in section 15061(b)(3) of the State CEQA Guidelines that CEQA, which sets forth the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment and there is no possibility that the adoption of this ordinance and resolution may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the ordinance attached hereto as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of June, 2012 by the following vote:

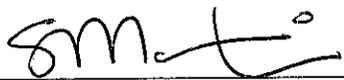
AYES: Commissioners: Guevara, Huber, Medina, Mullin, Nash, Stewart, Murguia

NOES: Commissioners: None

ABSENT: Commissioners: None

Anthony R. Murguia, Chairman

ATTEST:



Susan L. Martin, Secretary

EXHIBIT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 16 (ZONING) OF THE CITY CODE TO ADDRESS EMERGENCY SHELTERS, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND FARMWORKER HOUSING PURSUANT TO SENATE BILL NO. 2.

(PZ 10-580-01).

WHEREAS, the City Council seeks to carry out the provisions of Senate Bill No. 2 and related housing element legislation (“the housing element statutes”) to locate zone districts where emergency shelters, housing for low- and very low income and disabled households including farmworker housing are permitted by right; and

WHEREAS, the housing element statutes require the City’s zoning regulations to permit supportive and transitional housing as residential uses subject only to restrictions applicable to other residential dwellings of the same type in the same zone; and

WHEREAS, the City has inventoried potential sites for emergency shelters and has found the most suitable locations for such facilities are in the City’s “C-2,” “C-M” and “M-L” zones because properties with these zoning designations are generally located near the City center, allow for these structures with minimal setbacks, consist of vacant lots and buildings with adequate space for emergency shelter operations, and are accessible to public transportation, medical and commercial services with the “M-L” zone as appropriate for permanent emergency shelters to be allowed by right; and

WHEREAS, this ordinance defines emergency shelters, supportive, transitional and farmworker housing consistent with Senate Bill No.2 and provides zones for location of these housing types; and

WHEREAS, in enacting this ordinance, the City Council seeks to preserve the residential characteristics of residential neighborhoods from the impacts of housing-related businesses while providing housing opportunities for persons considered disabled under State and federal law, and to ensure that these housing opportunities provide an environment which addresses support and/or recovery for disabled persons; and

WHEREAS, the City Council has determined that the California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) and the general rule that CEQA applies only to

projects which have the potential for causing a significant effect on the environment, under Section 15061(b)(3); and

WHEREAS, on October 20,, 2011 and June 21, 2012 the Planning Commission conducted noticed public hearings on zone text amendment PZ 10-580-01, accepted comments and recommended approval to the City Council; and

WHEREAS, on _____, 2012 the City Council conducted a noticed public hearing on zone text amendment PZ 10-580-01 and accepted comments.

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

Part 1. Subsection (A) of section 16-10 of the City Code is hereby amended by deleting definition (19) ("BOARDINGHOUSE").

Part 2. Subsection (A) of section 16-10 of the City Code is hereby amended by adding the following definitions, which subsection shall be reordered alphabetically and renumbered accordingly:

"EMERGENCY SHELTER FOR FAMILIES – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless families with children under the age of 18 pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No family shall be denied emergency shelter because of an inability to pay."

"EMERGENCY SHELTER, PERMANENT – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless persons pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No individual or household shall be denied emergency shelter because of an inability to pay."

"EMERGENCY SHELTER, TEMPORARY – A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a twelve-month period."

FAMILY – A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit, excluding group quarters or hotels; have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance and expenses, but not including commercial group living, dormitories, fraternities and such.

"FARMWORKER – An employee, also known as an agricultural worker, engaged in agricultural work/farming and any practices performed on a farm in conjunction with farming including cultivating and tillage of soil, the raising of animals and the preparation of agricultural products for market and or to carriers for transportation to market."

“FARMWORKER HOUSING – Deed-restricted housing for agricultural workers that is available to and occupied only by low and very low income farmworker households, and that is subject to standards that apply to other residential dwellings of the same type and in the same zone.”

“ON-SITE SERVICES – Assistance provided on the housing site to residents living in supportive or transitional housing in retaining housing, improving health status and maximizing their ability to live and work in the community.”

“SUPPORTIVE HOUSING – Housing with no length of stay limit, occupied by low income disabled persons, and that is linked to on-or off-site services to assist the residents in retaining housing, improving their health and maximizing their ability to live and work in the community pursuant to Cal. Health and Safety Code section 50675.14(b)(2). For purposes of this definition, “disabled” means low income persons with special needs as specified in Cal. Health and Safety Code section 50675.14(b)(3), including mental disabilities, developmental disabilities, AIDS, substance abuse or chronic health conditions. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

“TRANSITIONAL HOUSING – Five or more dwelling unit(s) used as rental housing but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient. Supportive services are provided to facilitate the movement of homeless individuals and their families to permanent housing. An eligible person(s) may live in the dwelling for up to two years, pursuant to Cal. Health and Safety Code sections 50675.2(h) and 50801(i). Some units may be designated for transition in place, where person(s) may stay in the unit for more than two years. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

Part 3. Subsection (B) of section 16-21 of the City Code is amended by adding the following subsections and reordering the subsections alphabetically:

“Farmworker housing;”

“Supportive housing with no on-site services;”

Part 4. Subsection (B)(1) of section 16-21 of the City Code is amended by deleting the following text from item (B)(1):

“ Boardinghouses are not permitted.”

Part 5. Section 16-55 of the City Code is amended to read as follows:

“This zone shall provide a district of moderate density multiple-family dwellings as well as transitional housing and supportive housing pursuant to statutory requirements, suitable for locations abutting commercial centers and in other locations where moderate density is warranted.”

Part 6. Section 16-56 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Supportive housing. On-site services for residents may be provided pursuant to an administrative permit;”

“Transitional housing. On-site services for residents may be provided pursuant to an administrative permit;”

Part 7 Section 16-64 of the City Code shall be deleted.

Part 8. Section 16-70 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for high density, high rise multi-family dwellings, transitional housing and supportive housing pursuant to statutory requirements, and other uses suitable for location within the city core and in other selected areas.”

Part 9. Section 16-85 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for the development of mobile home parks and to permit mobile home use for single-family, farmworker households, small, licensed residential care facilities, as well as supportive housing pursuant to statutory requirements.”

Part 10. Subsection (B) of section 16-86 of the City Code is hereby amended by adding the following subsections and reordering subsection (B) alphabetically:

“Farmworker housing;”

“Supportive housing with no on-site services;”

Part. 11. Subsection (A) of section 16-135 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters for families, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Emergency shelters, temporary, except that such facilities shall not be permitted in the airport hazard overlay zone.”

Part 12. Subsection (A) of section 16-136 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters, permanent, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Farmworker housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Supportive housing that may have on-site services for residents.”

“Transitional housing that may have on-site services for residents”

Part 13. Section 16-143 of the City Code is hereby deleted.

Part 14. Subsection (F) of section 16-149 of the City Code is hereby deleted and the section is reordered alphabetically.

Part 15. Subsection (I) of section 16-149 of the City Code is hereby amended to read:

“Social services (including soup kitchens, charitable food distribution centers, drug/alcohol treatment and rehab centers that serve more than six persons) and emergency shelters;”

Part 16. Section 16-160 of the City Code is hereby amended to read as follows:

“The purpose of this division is to provide a zone for selected commercial retail sales and services, permanent and temporary emergency shelters and emergency shelters for families to provide housing pursuant to statutory requirements, and light manufacturing, including warehousing, distributing and storage and wholesale activities, with development standards suitable for commercial and industrial districts.”

Part 17. Subsection (B) of section 16-162 of the City Code is hereby amended by adding the following subsections and reordering the subsection (B) alphabetically:

“Emergency shelters for families;”

“Emergency shelters, temporary;”

Part 18. Section 16-163 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Emergency shelters, permanent;”

“Farmworker housing;”

“Supportive housing that may have on-site services for residents;”

“Transitional housing that may have on-site services for residents;”

Part 19. Section 16-164 of the City Code is hereby amended by deleting subsection (A) and reordering the section alphabetically.

Part 20. Subsection (A) of section 16-185 of the City Code is hereby amended to read as follows:

“(A) The M-L Limited Manufacturing zone is intended to provide areas suitable for adult businesses, permanent and temporary emergency shelters and emergency shelters for families to provide housing pursuant to statutory requirements, and for the development and protection of restricted manufacturing uses and activities involving a high level of performance and site development. Uses may include adult businesses, unobtrusive administrative, wholesaling, warehousing and manufacturing activities and scientific research offices and laboratories, including certain accessory facilities necessary to serve the employees of such uses located in the zone. The development and performance standards of this division will enhance views from major transportation routes and assure a high-quality environment compatible with surrounding and abutting residential zones.”

Part 21. Subsection (B) of section 16-188 of the City Code is hereby amended by adding the following subsection after subsection (B)(3) and reordering the subsection numerically:

“Emergency shelters, permanent and temporary, and emergency shelters for families;”

Part 22. Section 16-245 of the City Code is hereby amended by deleting subsection (BB) and reordering the subsequent subsections alphabetically.

Part 23. Subsection (Q) of Section 16-257 of the City Code is hereby amended to read as follows:

“Farmworker housing;”

Part 24. Division 18 of Article V of Chapter 16 of the City Code is hereby adopted to read as follows:

“DIVISION 18. EMERGENCY SHELTERS”

“SEC. 16-504. PERMANENT EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

(A) Permanent Emergency Shelters shall meet the following standards:

(1) No shelter patron shall be re-admitted to the same emergency shelter within five days of being discharged after a stay of six months.

(2) If the intake of shelter patrons occurs on-site, an enclosed or screened waiting area shall be provided between the intake area and the public right-of-way. There shall be no queuing within any public right-of-way or within any parking lot.

(3) Each shelter shall establish and maintain set hours of operation for patron intake and discharge. Hours shall be clearly displayed at the entrance to the shelter at all times.

(4) Rules regarding the discharge of shelter patrons that are socially disruptive, a threat to the safety of others or in violation of the emergency shelter regulations, shall be posted.

(5) On-site manager/shelter personnel shall be provided during all hours of operation when patrons are present. A designated area for on-site personnel shall be located near the main entry to the shelter for the purpose of controlling admittance and providing security.

(6) The emergency shelter operator shall not intake any person as a patron of the shelter if the operator determines the person is wanted by the police or has been convicted of committing any serious or violent felony, as those terms are defined in Cal. Penal Code sections 667.5, 1192.7 and 1192.8. The emergency shelter operator shall also conduct a background check on all prospective patrons using Megan's Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions.

(7) Beds shall be provided for men, women, and families with children in separate and secured areas.

(8) A private storage area or closet shall be provided for each on-site bed. At no time shall any patron of an emergency shelter be allowed to keep on-site any alcoholic beverages, or store any type of illegal substances, drugs or weapons of any kind. The manager shall conduct routine inspections of each on-site patron's personal space to verify compliance and report to the Police Department any patron found in possession of illegal substances, drugs and/or weapons of any kind.

(9) A minimum of 50 square feet of personal space shall be allocated for each patron bed and private storage area, or as may be required by Building and Fire Code requirements.

(10) A communal restroom facility with at least two toilets, one shower and one sink shall be provided for every twenty patrons residing at an emergency shelter. Separate and secure restroom and shower facilities shall be provided for men and women if the facility serves both genders.

(11) A shelter shall be limited to serving no more than patrons than allowed by fire or building code occupancy.

(12) Off-street parking shall be provided at the ratio of one on-site parking space for every 8 adult beds plus one additional space for the on-site manager.

(13) Each emergency shelter shall provide exterior security lighting on the property. Lighting shall be shielded from all adjacent residential areas. On-site lighting shall be subject to the review and approval of the Police Department.

(14) The emergency shelter operator shall be required to submit an on-site security plan to the Police Department for review and approval. The emergency shelter operator shall be responsible for ensuring that the approved security plan is implemented at all times.”

(15) All outdoor storage areas shall be screened from the view of all public rights-of-way.

(16) An emergency shelter shall not be located within 300 feet of another parcel or lot with an emergency shelter.

Part 25. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Part 26. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the ordinance.

Part 27. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on _____, 2011, and finally adopted on _____, 2011, to become effective thirty days thereafter.

AYES:

NOES:

ABSTAIN:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 16 (ZONING) OF THE CITY CODE TO ADDRESS EMERGENCY SHELTERS, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND FARMWORKER HOUSING PURSUANT TO SENATE BILL NO. 2.

(PZ 10-580-01).

WHEREAS, the City Council seeks to carry out the provisions of Senate Bill No. 2 and related housing element legislation (“the housing element statutes”) to locate zone districts where emergency shelters, housing for low- and very low income and disabled households including farmworker housing are permitted by right; and

WHEREAS, the housing element statutes require the City’s zoning regulations to permit supportive and transitional housing as residential uses subject only to restrictions applicable to other residential dwellings of the same type in the same zone; and

WHEREAS, the City has inventoried potential sites for emergency shelters and has found the most suitable locations for such facilities are in the City’s “C-2,” “C-M” and “M-L” zones because properties with these zoning designations are generally located near the City center, allow for these structures with minimal setbacks, consist of vacant lots and buildings with adequate space for emergency shelter operations, and are accessible to public transportation, medical and commercial services with the “M-L” zone as appropriate for permanent emergency shelters to be allowed by right; and

WHEREAS, this ordinance defines emergency shelters, supportive, transitional and farmworker housing consistent with Senate Bill No.2 and provides zones for location of these housing types; and

WHEREAS, in enacting this ordinance, the City Council seeks to preserve the residential characteristics of residential neighborhoods from the impacts of housing-related businesses while providing housing opportunities for persons considered disabled under State and federal law, and to ensure that these housing opportunities provide an environment which addresses support and/or recovery for disabled persons; and

WHEREAS, the City Council has determined that the California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) and the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, under Section 15061(b)(3); and

WHEREAS, on October 20, 2011 and June 21, 2012 the Planning Commission conducted noticed public hearings on zone text amendment PZ 10-580-01, accepted comments and recommended approval to the City Council; and

WHEREAS, on _____, 2012 the City Council conducted a noticed public hearing on zone text amendment PZ 10-580-01 and accepted comments.

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

Part 1. Subsection (A) of section 16-10 of the City Code is hereby amended by deleting definition (19) ("BOARDINGHOUSE").

Part 2. Subsection (A) of section 16-10 of the City Code is hereby amended by adding the following definitions, which subsection shall be reordered alphabetically and renumbered accordingly:

"EMERGENCY SHELTER FOR FAMILIES – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless families with children under the age of 18, or 21 if they are full-time students or disabled, pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No family shall be denied emergency shelter because of an inability to pay. For purposes of this definition, "disabled" means persons with special needs, including mental disabilities, developmental disabilities, AIDS, substance abuse or chronic health conditions."

"EMERGENCY SHELTER, PERMANENT – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless persons pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No individual or household shall be denied emergency shelter because of an inability to pay."

"EMERGENCY SHELTER, TEMPORARY – A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a twelve-month period."

FAMILY – A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit, excluding group quarters or hotels; have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance and expenses, but not including commercial group living such as boardinghouses, dormitories and fraternities.

"FARMWORKER – An employee, also known as an agricultural worker, engaged in agricultural work/farming and any practices performed on a farm in conjunction with farming including cultivating and tillage of soil, the raising of animals and the preparation of agricultural products for market and or to carriers for transportation to market."

“FARMWORKER HOUSING – Deed-restricted housing for agricultural workers that is available to and occupied only by low and very low income farmworker households, and that is subject to standards that apply to other residential dwellings of the same type and in the same zone.”

“ON-SITE SERVICES – Assistance provided on the housing site to residents living in supportive or transitional housing in retaining housing, improving health status and maximizing their ability to live and work in the community.”

“SUPPORTIVE HOUSING – Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

“TRANSITIONAL HOUSING – Five or more dwelling unit(s) used as rental housing but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient. Supportive services are provided to facilitate the movement of homeless individuals and their families to permanent housing. An eligible person(s) may live in the dwelling for up to two years, pursuant to Cal. Health and Safety Code sections 50675.2(h) and 50801(i). Some units may be designated for transition in place, where person(s) may stay in the unit for more than two years. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

Part 3. Subsection (B) of section 16-21 of the City Code is amended by adding the following subsections and reordering the subsections alphabetically:

“Farmworker housing;”

“Supportive housing with no on-site services;”

Part 4. Subsection (B)(1) of section 16-21 of the City Code is amended by deleting the following text from item (B)(1):

“ Boardinghouses are not permitted.”

Part 5. Section 16-55 of the City Code is amended to read as follows:

“This zone shall provide a district of moderate density multiple-family dwellings as well as transitional housing and supportive housing pursuant to statutory requirements, suitable for locations abutting commercial centers and in other locations where moderate density is warranted.”

Part 6. Section 16-56 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Supportive housing. On-site services for residents may be provided pursuant to an administrative permit;”

“Transitional housing. On-site services for residents may be provided pursuant to an administrative permit;”

Part 7 Section 16-64 of the City Code shall be deleted.

Part 8. Section 16-70 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for high density, high rise multi-family dwellings, transitional housing and supportive housing pursuant to statutory requirements, and other uses suitable for location within the city core and in other selected areas.”

Part 9. Section 16-85 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for the development of mobile home parks and to permit mobile home use for single-family, farmworker households, small, licensed residential care facilities, as well as supportive housing pursuant to statutory requirements.”

Part 10. Subsection (B) of section 16-86 of the City Code is hereby amended by adding the following subsections and reordering subsection (B) alphabetically:

“Farmworker housing;”

“Supportive housing with no on-site services;”

Part 11. Subsection (A) of section 16-135 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters for families, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Emergency shelters, temporary, except that such facilities shall not be permitted in the airport hazard overlay zone.”

Part 12. Subsection (A) of section 16-136 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters, permanent, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Farmworker housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Supportive housing that may have on-site services for residents.”

“Transitional housing that may have on-site services for residents”

Part 13. Section 16-143 of the City Code is hereby deleted.

Part 14. Subsection (F) of section 16-149 of the City Code is hereby deleted and the section is reordered alphabetically.

Part 15. Subsection (I) of section 16-149 of the City Code is hereby amended to read:

“Social services (including soup kitchens, charitable food distribution centers, drug/alcohol treatment and rehab centers that serve more than six persons) and emergency shelters;”

Part 16. Section 16-160 of the City Code is hereby amended to read as follows:

“The purpose of this division is to provide a zone for selected commercial retail sales and services, permanent and temporary emergency shelters and emergency shelters for families to provide housing pursuant to statutory requirements, and light manufacturing, including warehousing, distributing and storage and wholesale activities, with development standards suitable for commercial and industrial districts.”

Part 17. Subsection (B) of section 16-162 of the City Code is hereby amended by adding the following subsections and reordering the subsection (B) alphabetically:

“Emergency shelters for families;”

“Emergency shelters, temporary;”

Part 18. Section 16-163 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Emergency shelters, permanent;”

“Farmworker housing;”

“Supportive housing that may have on-site services for residents;”

“Transitional housing that may have on-site services for residents;”

Part 19. Section 16-164 of the City Code is hereby amended by deleting subsection (A) and reordering the section alphabetically.

Part 20. Subsection (A) of section 16-185 of the City Code is hereby amended to read as follows:

“(A) The M-L Limited Manufacturing zone is intended to provide areas suitable for adult businesses, permanent and temporary emergency shelters and emergency shelters for families to provide housing pursuant to statutory requirements, and for the development and protection of restricted manufacturing uses and activities involving a high level of performance and site development. Uses may include adult businesses, unobtrusive administrative, wholesaling, warehousing and manufacturing activities and scientific research offices and laboratories, including certain accessory facilities necessary to serve the employees of such uses located in the zone. The development and performance standards of this division will enhance views from major transportation routes and assure a high-quality environment compatible with surrounding and abutting residential zones.”

Part 21. Subsection (B) of section 16-188 of the City Code is hereby amended by adding the following subsection after subsection (B)(3) and reordering the subsection numerically:

“Emergency shelters, permanent and temporary, and emergency shelters for families;”

Part 22. Section 16-245 of the City Code is hereby amended by deleting subsection (BB) and reordering the subsequent subsections alphabetically.

Part 23. Subsection (Q) of Section 16-257 of the City Code is hereby amended to read as follows:

“Farmworker housing;”

Part 24. Division 18 of Article V of Chapter 16 of the City Code is hereby adopted to read as follows:

“DIVISION 18. EMERGENCY SHELTERS”

“SEC. 16-504. PERMANENT EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

(A) Permanent Emergency Shelters shall meet the following standards:

(1) No shelter patron shall be re-admitted to the same emergency shelter within five days of being discharged after a stay of six months.

(2) If the intake of shelter patrons occurs on-site, an enclosed or screened waiting area shall be provided between the intake area and the public right-of-way. There shall be no queuing within any public right-of-way or within any parking lot.

(3) Each shelter shall establish and maintain set hours of operation for patron intake and discharge. Hours shall be clearly displayed at the entrance to the shelter at all times.

(4) Rules regarding the discharge of shelter patrons that are socially disruptive, a threat to the safety of others or in violation of the emergency shelter regulations, shall be posted.

(5) On-site manager/shelter personnel shall be provided during all hours of operation when patrons are present. A designated area for on-site personnel shall be located near the main entry to the shelter for the purpose of controlling admittance and providing security.

(6) The emergency shelter operator shall not intake any person as a patron of the shelter if the operator determines the person is wanted by the police or has been convicted of committing any serious or violent felony, as those terms are defined in Cal. Penal Code sections 667.5, 1192.7 and 1192.8. The emergency shelter operator shall also conduct a background check on all prospective patrons using Megan's Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions.

(7) Beds shall be provided for men, women, and families with children in separate and secured areas.

(8) A private storage area or closet shall be provided for each on-site bed. At no time shall any patron of an emergency shelter be allowed to keep on-site any alcoholic beverages, or store any type of illegal substances, drugs or weapons of any kind. The manager shall conduct routine inspections of each on-site patron's personal space to verify compliance and report to the Police Department any patron found in possession of illegal substances, drugs and/or weapons of any kind.

(9) A minimum of 50 square feet of personal space shall be allocated for each patron bed and private storage area, or as may be required by Building and Fire Code requirements.

(10) A communal restroom facility with at least two toilets, one shower and one sink shall be provided for every twenty patrons residing at an emergency shelter. Separate and secure restroom and shower facilities shall be provided for men and women if the facility serves both genders.

(11) A shelter shall be limited to serving no more than patrons than allowed by fire or building code occupancy.

(12) Off-street parking shall be provided at the ratio of one on-site parking space for every 8 adult beds plus one additional space for the on-site manager.

(13) Each emergency shelter shall provide exterior security lighting on the property. Lighting shall be shielded from all adjacent residential areas. On-site lighting shall be subject to the review and approval of the Police Department.

(14) The emergency shelter operator shall be required to submit an on-site security plan to the Police Department for review and approval. The emergency shelter operator shall be responsible for ensuring that the approved security plan is implemented at all times.”

(15) All outdoor storage areas shall be screened from the view of all public rights-of-way.

(16) An emergency shelter shall not be located within 300 feet of another parcel or lot with an emergency shelter.

Part 25. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Part 26. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the ordinance.

Part 27. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on _____, 2012, and finally adopted on _____, 2012, to become effective thirty days thereafter.

AYES:

NOES:

ABSTAIN:

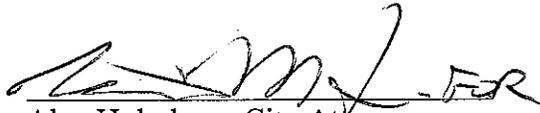
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

