



**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Stephanie Diaz, Contract Planner

**DATE:** June 7, 2012

**SUBJECT:** Study Session on 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 pursuant to Senate Bill 2 (SB-2).

**1) Recommendation:** That the Planning Commission:

- a) Hold a study session and take public comments concerning the draft SB-2 ordinance.
- b) Provide guidance to planning staff regarding the need for further public hearing on the draft SB-2 ordinance.

**2) Project Description and Applicant:** This zone text amendment to Chapter 16 (zoning) addresses Senate Bill 2 (SB-2) and the city's Housing Element. The draft SB-2 ordinance includes definitions and zoning related to homeless shelters, transitional housing, and supportive housing for low-income and disabled persons as well as farmworker housing. Issues related to the draft ordinance on SB-2 housing as recommend by the Planning Commission are also addressed in this report. The applicant is the City of Oxnard, 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. These land uses include permanent emergency shelters, temporary emergency shelters, supportive housing, transitional housing and farmworker housing. 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 in the first presentation to the Planning Commission. 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 Planning Commission Staff Report and original draft SB-2 ordinance as recommended by the Planning Commission, are include in Attachment A to this report.

Subsequently, housing issues related to SB-2 and the recommended draft ordinance have

been raised by members of the public and the City's Commission on Homelessness. In researching the issues related to the proposed draft ordinance, Planning staff have met with other City departments including Police, Code Compliance, Tax/Licensing, the City Attorney and the City Manager's office. In addition, members of the Commission on Homelessness, Ventura County Probation Department, the County Mental Health Services and Sober Living Coalition have provided information on various issues. Planning staff have also consulted with outside agencies. Due to the subsequent questions and new information collected it was determined that a Planning Commission study session would be appropriate to review the new information.

Planning staff have scheduled this study session to receive input from the public and guidance from the Planning Commission on several new issues. After this study session, a subsequent Planning Commission hearing may be held to consider a new resolution to the City Council if the Planning Commission determines that further consideration of the issues is warranted. In anticipation of the potential need for a Planning Commission public hearing, Planning staff have set the date of June 21, 2012 and provided notice in the newspaper. This hearing can be cancelled if it is not necessary.

- 4) New Issues:** Below is a summary of new issues identified since the Planning Commission's October 2011 recommendation on the draft SB-2 ordinance. Other SB-2 issues may be discussed by the Commission when raised by members of the public. The topics discussed below address the possibility of certain changes to the current draft ordinance as well as the option to maintain the ordinance as recommended.

**A. Definition of Family:** The draft SB-2 ordinance defines "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.*"

The portion of the definition that states, "occupy the dwelling under a single written lease, if the unit is rented" (see underlined text above) was included in the draft SB-2 ordinance when considered by the Planning Commission, to assist in distinguishing a "family" living situation from group living. Members of the public have noted that this restriction could create a conflict for home owners such as "empty-nesters" that wish to rent rooms to college student or students from abroad staying with a family. Operators and advocates for sober living homes have explained that occupants in a sober living home live together as a family in a dwelling unit and that their use has not been addressed by the draft SB-2 ordinance. The issue of "families" in sober living homes as well as boarding houses and other group living situations will be addressed comprehensively at a later date due to their complexities and as they are not included in SB-2 land uses. Based on the input discussed above, Planning staff suggests the Planning Commission consider the following regarding the definition of "family."

**Considerations:**

- For the definition of “family” in the SB-2 draft ordinance, remove the text that states: *“occupy the dwelling under a single written lease, if the unit is rented.”*
  - Leave the definition of “family” in the current zone code, Chapter 16, that reads as follows: *“An individual or group of persons who are living together as a bona fide permanent single house keeping unit that commonly shares all facilities of a dwelling unit, excluding a fraternity, sorority, club, or other groups of persons living together on a temporary commercial basis, as in a hotel, boardinghouse, or lodging house arrangements.”*
- B. Temporary Emergency Shelters:** In the proposed draft SB-2 ordinance, which is required by the state, emergency shelters must be a “Permitted Use” in at least one zone. In the draft SB-2 ordinance previously recommended by the Planning Commission, permanent shelters are a permitted use in the M-L zone and serve homeless persons for up to six months time with sleeping quarters, meals, bathrooms and laundry facilities. Temporary shelters are addressed separately as they are intended to be used for sleeping purposes such as winter warming for not more than a four month period. In the draft ordinance reviewed by the Planning Commission, “permanent” shelters do not require a permit while “temporary shelters” are required to obtain a Temporary Use Permit (TUP). As a temporary land use, such permit could be deemed appropriate and therefore was included in the draft SB-2 ordinance recommended to the Planning Commission. The issue has been raised that temporary shelters in the M-L zone should not be treated differently than permanent shelters. Additionally, the Planning Commission’s draft SB-2 ordinance requires a TUP for temporary shelters in the C-2 and C-M zones. Requests from the public have been made that no TUP be required for temporary shelters in these zones. Accordingly, Planning staff suggests the Planning Commission consider the following regarding temporary emergency shelters.

**Considerations:**

- Designate “temporary shelters” as a Permitted Use in the M-L zone.
  - Designate “temporary shelters” as a Permitted Use in the M-L zone, as well as the C-2 and C-M zones.
  - Consider adding development/operational standards to the temporary shelters as are currently proposed for permanent shelters.
- B. Special Shelters:** In the proposed draft ordinance recommended by the Planning Commission, permanent emergency shelters serving any and all patrons are a Permitted Use in the M-L zone and are allowed with approval of an SUP in the C-2 and C-M zones. Planning staff has received requests that shelters that serve woman with children (under a

certain age) and families (father, mother and related children) should be treated more leniently than other emergency shelters to keep families together and provide access to schools, recreation facilities, etc. Currently, the draft ordinance recommended by the Planning Commission addressed only permanent or temporary shelters with no focus on the resident population. The following are some options the Commission may consider regarding temporary or permanent emergency shelters for women with children and families:

**Considerations:**

- Designate shelters for women with children (under a certain age) and families as a Permitted Use in the M-L, C-2 and C-M zones.
- Designate shelters for women with children (under a certain age) and families as a Permitted Use in the R-3, R-4, C-2, C-M and M-L zones.
- Consider specific development/operational standards to apply to the special shelter facilities.

C. **Parolees/Probationers**: Currently the draft ordinance recommended by the Planning Commission placed a limit of two parolees/probationers in unlicensed “Supportive” and “Transitional” housing for low income disabled persons who 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. (Definitions for these housing types are contained in Attachment A.)

The limitation issue has been discussed by members of the Commission on Homelessness, sober living home advocates and various city departments due to the city’s need to manage this population. The city is involved with a Re-Entry Task Force to address this issue which includes city and county law enforcement, city administration, as well as county probation and mental health staff. Members of the Task Force are studying concerns for public safety, available housing and possible unintended consequences of the limitation such as overcrowding in substandard housing and homelessness for parolees and probationers released the state realignment program. Problems with proper living spaces are being considered along with quality of life in residential neighborhoods. This issue will be brought back to the Planning Commission when appropriate information is available from the Re-Entry Task Force and the Police Department. Until then, the Planning Commission may consider and discuss the following options regarding limitations on parolees and probationers in unlicensed supportive and transitional housing.

- Retain the limitation of two parolees/probationers in the draft ordinance and the Planning Commission recommendation will be sent to the City Council.

- Remove the limitation on the number of parolees/probationers from the draft ordinance. This issue would be brought back to the Planning Commission when appropriate information is available from the Task Force and the Police Department.

**E. Effects on Existing Facilities:**

There are numerous existing shelters, as well as facilities that fit under the Supportive and Transitional Housing definitions. Some of these facilities have permits while others do not. Additionally, some facilities would not be allowed or would require a Special Use Permit as recommended in the draft SB-2 ordinance. Other facilities are legal non-conforming as they were developed prior to development of the current zone code. These facilities may continue to operate but may not intensify their use. With the adoption of the proposed SB-2 ordinance, some facilities are or will be permitted in the zone where they are located; others will become legal non-conforming and will not be able to intensify their use.

Members of the Commission on Homelessness have expressed particular interest in the parcel located at Rose Ave and Fifth Street (1700 E. Fifth Street). This property is located in the M-3 zone, a zone that no longer exists. The labor camp on this parcel is considered legal non-conforming; therefore it can exist but could not be intensified. The newly adopted General Plan recommends that this property be re-zoned to M-2 (Heavy Industry) consistent with surrounding uses. As proposed in the draft ordinance, this use would not be permitted in the M-2 zone. The labor camp would continue to be legal non-conforming and therefore could not be intensified with the adoption of the recommended draft SB-2 ordinance.

**Attachments:**

- A. Planning Commission Staff Report Dated October 20, 2011, with relevant attachments

Prepared by: _____ SD
Approved by: _____ SM



## ATTACHMENT A

*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:

POLICY	DISCUSSION
<b>GP Objective B2</b> (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.
<b>HE Goal 2, Policy 2.2</b> (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.
<b>HE Goal 3, Policy 3.5</b> (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.
<b>HE Program 8</b> (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.
<b>HE Program 17</b> (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.
<b>Draft HE Policy G-3.7</b> "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.
<b>Draft HE Policy G-5.4</b> "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.
<b>Draft HE Program 9 "Farmworker Housing."</b>	This project addresses zoning deed restricted farmworker housing consistent with the underlying zone district. Therefore, consistency with this policy may be found.
<b>Draft HE Program 14 "Shelter Development Program."</b>	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 suitable 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

Prepared by: _____ SLD
Approved by: _____ SM

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 \_\_\_\_\_, 2011 the Planning Commission conducted a noticed public hearing on zone text amendment PZ 10-580-01, accepted comments and recommended approval to the City Council; and

WHEREAS, on \_\_\_\_\_, 2011 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, 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 17. 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.”

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; occupy the dwelling under a single written lease, if the unit is rented; where the membership of the group is determined by the residents rather than the landlord or property manager.

“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.”

“PAROLEE – A person who has been convicted of a federal or State crime, sentenced to a federal or State prison or to a term in the California Youth Authority, and received conditional and revocable release in the community under the supervision of a federal, State or Youth Authority probation/parole officer.”

“PROBATIONER – A person who has been convicted of a crime and who has received a suspension in the imposition or execution of their sentence and has received conditional and revocable release in the community under the supervision of a probation officer, as provided under Cal. Penal Code section 1203 or its successor.”

“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, with a limit of no more than two probationers or parolees in unlicensed facilities, 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, with a limit of no more than two probationers or parolees in unlicensed facilities. 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 housings. 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 16-136 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelter, 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 12. Section 16-143 of the City Code is hereby deleted.

Part 13. Subsection (F) of section 16-149 of the City Code is hereby deleted and the section is reordered alphabetically.

Part 14. 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 permanent emergency shelters;”

Part 15. 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 emergency shelters 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 16. Section 16-163 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Emergency shelter, permanent;”

“Farmworker housing;”

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

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

Part 17. Section 16-164 of the City Code is hereby amended by deleting subsection (A) and reordering the section alphabetically.

Part 18. 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 emergency shelters 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 19. 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 shelter, permanent;”

Part 20. Section 16-245 of the City Code is hereby amended by deleting subsection (BB) and reordering the subsequent subsections alphabetically.

Part 21. Subsection (Q) of Section 16-257 of the City Code is hereby amended to read as follows:

“Farmworker housing;”

Part 22. Subsection (B)(3) of Section 16-476 of the City Code is hereby amended by adding the following subsection after subsection (B)(3)(b) and reordering the subsections within (B)(3) alphabetically:

“Emergency shelter, temporary, except in the CBD zone.”

Part 23. Subsection (B)(4) of section 16-476 of the City Code is hereby amended by adding the following subsection after subsection (B)(4)(b) and reordering the subsections within (B)(4) alphabetically:

“Emergency shelter, temporary, in the C-M and M-L zones;”

Part 24. Subsection (A)(5) of section 16-479 of the City Code is hereby amended by adding the following subsection and reordering subsection (A)(5) alphabetically:

“Emergency shelter, temporary;”

Part 25. 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 26. 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 27. 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 28. 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

# **ATTACHMENT C**

## **Summary of Definitions**

## ATTACHMENT C

### **SB-2 Uses:**

**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 17. 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.

**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.

**SUPPORTIVE HOUSING** – Housing with no length of stay limit, occupied by low income disabled persons with a limit of no more than two probationers or parolees in unlicensed facilities and that is linked to on-or offsite 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 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 with a limit of no more than two probationers or parolees in unlicensed facilities. 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.

### **Other Definitions:**

**FAMILY** – A group of residents whose members jointly occupy a dwelling unit, excluding group quarters or hotel, 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 manager.

**FARMWORKER** – An employee, also known as an agricultural worker, whose household income qualifies under State law as low, very low, or extremely low and is 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.

**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.

**PAROLEE** – A person who has been convicted of a federal or State crime, sentenced to a federal or State prison or to a term in the California Youth Authority, and received conditional and revocable release in the community under the supervision of a federal, State or Youth Authority probation/parole officer.

**PROBATIONER** – A person who has been convicted of a crime and who has received a suspension in the imposition or execution of their sentence and has received conditional and revocable release in the community under the supervision of a probation officer, as provided under Cal. Penal Code section 1203 or its successor



Santa Clara River

101 FRWY

Oxnard Bl

Vineyard Av

Santa Clara Av

Gonzales Rd

Victoria Av

Oxnard Bl

Gonzales Rd

Camino del Sol

Oxnard Airport

Fifth St

Fifth St

Harbor Bl

Patterson Rd

Ventura Rd

H St

W Wooley Rd

C St

Rose Av

Rice Av

Channel Islands Bl

S Saviers Rd

Oxnard Bl

Bard Rd

Pleasant Valley Rd

Pleasant Valley Rd

Huene Rd

**ATTACHMENT E**

**Emergency Shelter Standards**

## ATTACHMENT E

### PERMANENT EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

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(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.

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(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.

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