



Meeting Date: 9 /25 /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 *SW* Agenda Item No. L-2
 Reviewed By: City Manager *RB* City Attorney *SMF* Finance *AL* Other (Specify) _____

DATE: September 12, 2012

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager *SM*
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 emergency shelters, transitional housing, supportive housing and farmworker housing pursuant to Senate Bill 2.

SUMMARY

Senate Bill 2 (SB-2) requires the City to include homeless housing issues in the General Plan Housing Element and to 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 ZTA addresses definitions and zoning for emergency shelters, transitional housing, supportive housing and farmworker housing and related terms. SB-2 requires emergency shelters to be allowed by right in at least one zone. Supportive and transitional housing are considered residential uses subject only to the restrictions that apply to other residential dwellings of the same type in the same zone. Definitions of these uses, the zones in which they are allowed, and permit requirements are contained in the proposed ordinance. (Attachment 1)

At the public hearing on July 17, 2012, City Council first considered proposed zone text amendments relating to SB-2 (see the summary list of uses and related zones in Attachment 2 and the July 17, 2012 staff report in Attachment 3). A number of issues were raised at the meeting including the proposed definition of "family," restrictions on felons in emergency shelters, allowing emergency shelters for families in residential zones, and separation requirements as presented in the draft ordinance. The issues addressed below necessitated additional clarification prior to City Council action.

DISCUSSION

1) **Definition of Family:** The definition of "family" in the proposed ordinance has been revised as presented to the Council by the Assistant City Attorney at the July 17, 2012 hearing:

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

- 2) **Felon Restriction:** The “Emergency Shelter Development and Operation Standards” in the proposed ordinance restrict permanent emergency shelters and emergency shelters for families from admitting persons convicted of a serious or violent felony. At the July 17, 2012 hearing, the Council discussed developing flexible language that was similar to the restrictions used by the City for public housing. Staff researched the Housing Department standards and found that they allow persons convicted of certain types of felonies into public housing if it has been five years from the date of the conviction. Individuals with other types of felony convictions are reviewed on a case-by-case basis. Registered sex offenders are not allowed into housing programs. Staff also met with the Re-Entry Task Force in which the City participates and heard their concerns regarding housing for younger felons with “low-level” convictions. As the Housing Department standards are more restrictive regarding low-level felons than the original ordinance language, staff has left the ordinance as originally presented.
- 3) **Emergency Shelters for Families:** The proposed ordinance allows emergency shelters for families as a permitted use in the M-L, C-M and C-2 (light industry and commercial) zones with operational standards. The Council considered adding the use in the R-2 (Multiple-family) zone to allow children easier access to schools and parks. The ordinance has been revised to allow emergency shelters for families in the R-2 zone upon approval of a Special Use Permit (SUP). This permit will provide for consideration of site and neighborhood compatibility issues. Since the Zoning Ordinance provides that uses allowed in the R-2 zone with an SUP are also allowed in the R-3 and R-4 zones with an SUP, the proposed revision expands the opportunities for the establishment of emergency shelters for families in these zones also.
- 4) **Separation Standards:** The Council discussed adding a provision that limits the number of SB-2 related facilities in residential neighborhoods. The “Emergency Shelter Development and Operation Standards” in the proposed ordinance includes a separation requirement of 300 feet for shelters. This separation would apply to emergency shelters for families if such shelters would be allowed in residential zones. Supportive housing and transitional housing may not have a separation requirement as State law requires these uses to be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.

Additionally, the City Council asked staff to research the number of rentals in residential neighborhoods or zones. Staff found that it would be difficult to provide comprehensive rental information for each residential zone. The rental count would be altered frequently as the number of rental units continually changes due to such factors as the sale of a rental dwelling to a homeowner. According to 2010 census data there are 49,797 occupied housing units in the City with 27,760 owner occupied units and 22,037 rental units. Although the census data cannot be easily translated to City zoning classifications, individual census tract data could be examined for areas of concern regarding specific projects.

As proposed, the ZTA will ensure that housing opportunities provide an environment which addresses support and/or recovery for homeless and disabled persons. Regulations will address housing-related businesses in order to provide consistency in commercial zones and to preserve the 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- Draft City Council Ordinance

#2- Summary of SB-2 Uses and Proposed Zone Districts

#3- City Council Staff Report, July 17, 2012 (without attachments)

#4- CEQA Notice of Exemption

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, the City Council finds that the zone text amendment PZ 10-580-01 is consistent with the 2030 General Plan and the 2006 to 2014 Housing Element; 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 July 17, 2012 the City Council conducted a noticed public hearing on zone text amendment PZ 10-580-01 and accepted comments; and

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

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. No individual or household shall be denied emergency shelter because of an inability to pay."

FAMILY – A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit; have joint use of and responsibility for common areas; share household

activities such as meals, chores, maintenance and expenses; but not including residents of commercial group living such as hotels, 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 16-40 of the City Code is hereby amended to read as follows:

“This zone shall provide a district of low density multi-family dwellings as well as emergency shelters for families that maintains a residential character suitable for locations abutting single-family dwellings.”

Part 6. Section 16-42 is hereby amended by adding the following subsection and reordering the section alphabetically:

“Emergency shelters for families;”

Part 7. Section 16-55 of the City Code is hereby amended to read as follows:

“This zone shall provide a district of moderate density multiple-family dwellings as well as emergency shelters for families, 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 8. 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 9 Section 16-64 of the City Code shall be deleted.

Part 10. 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, emergency shelters for families, 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 11. 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 housing, small, licensed residential care facilities, as well as supportive housing pursuant to statutory requirements.”

Part 12. 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 13. 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 14. 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, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Transitional housing that may have on-site services for residents, except that such facilities shall not be permitted in the airport hazard overlay zone;”

Part 15. Section 16-143 of the City Code is hereby deleted.

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

Part 17. 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 18. 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, for light manufacturing, including warehousing, distributing, storage and wholesale activities, with development standards suitable for commercial and industrial districts as well as permanent and temporary emergency shelters and emergency shelters for families, supportive and transitional housing pursuant to statutory requirements.”

Part 19. 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 20. 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 21. Section 16-164 of the City Code is hereby amended by deleting subsection (A) and reordering the section alphabetically.

Part 22. 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 23. 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 24. Section 16-245 of the City Code is hereby amended by deleting subsection (BB) and reordering the subsequent subsections alphabetically.

Part 25. Subsection (Q) of Section 16-257 of the City Code is hereby amended to read as follows:

“Farmworker housing;”

Part 26. 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. EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

(A) Permanent emergency shelters and emergency shelters for families 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 in a permanent emergency shelter shall be provided for men, women, and families with children in separate and secured areas. Sleeping areas in emergency shelters for families shall be provided for each individual family.

(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 a permanent emergency or family 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 the number of patrons 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.

(17) Should an emergency shelter be proposed within 300 feet of a school, the Development Services Director or designee may request that the developer/sponsor coordinate with the school district to address potential concerns.

Part 27. 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 28. 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 29. 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:

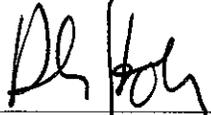
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

Attachment 2

SUMMARY OF SB-2 USES AND PROPOSED ZONE DISTRICTS

- a) Permanent Emergency Shelters, for a stay of six months or less. Permitted use in the Limited Manufacturing (M-L) 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, C-M and C-2 zones.
- c) Emergency Shelters for Families, for single parents with children and families for a stay of six months or less. Permitted in M-L, C-M and C-2 zones (commercial and light manufacturing) with operational standards. Allowed with an SUP in the R-2, R-3 and R-4 zones (residential) 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, on-site services for residents by administrative permit. Allowed with SUP in C-M and C-2 zones;
- 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.
- f) Farmworker Housing, deed restricted for low-income farmworkers. Permitted use in all residential zones; Allowed with an SUP in commercial zones.



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 *YBP* City Attorney *SMP* Finance *JK* 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 (removed)
- #2 -Planning Commission Staff Report, June 21, 2012 (removed)
- #3 - Planning Commission Resolution No. 2012-13
- #4 - Draft City Council Ordinance (removed)

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

NOTICE OF EXEMPTION

Project Description:

PZ 10-580-01 (zone text amendment) amending Chapter 16 (zoning) of the City Code. The text amendment will update and add definitions and zoning related to emergency 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). 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 may be found to be exempt from the requirements of CEQA.

(Date)

Susan L. Martin, AICP
Planning Division Manager