

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared By: Joseph R. Vacca, Principal Planner



DATE: August 18, 2010 (CC Meeting of 9/1/2010)

SUBJECT: Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing and Provide a Recommendation on Amendments to Chapter 17.20 (Uses by Zone) of the Zoning Ordinance to Add Emergency Shelters, Transitional and Supportive Housing to the Allowed Uses

BACKGROUND / DISCUSSION

Moorpark Municipal Code Chapter 17.20 establishes the uses by zone in the City. On January 1, 2008, California Senate Bill No. 2 was enacted, which requires every California city and county to engage in a more detailed analysis of emergency shelters and transitional and supportive housing in Housing Element updates and to regulate zoning for these facilities. SB 2 defines "emergency shelters" as housing for homeless persons intended for occupancy of less than six months, where no person is denied occupancy because of inability to pay. "Transitional housing" is rental housing for stays of at least six months, where the units are provided to another person after a set period. "Supportive housing" has no limit on the length of stay, provides supportive services, and is occupied by low-income persons with disabilities and certain other disabled persons. A state license is usually not required for supportive housing.

SB 2 requires that the City identify the need for emergency shelters in its Housing Element update and designate zoning districts adequate to accommodate the need. In those districts, emergency shelters must be allowed by right without a conditional use permit or any other discretionary permit and are exempt from review under the California Environmental Quality Act. The City may apply objective development and management standards, such as the number of beds and length of stay. If no zoning district exists that meets these standards, SB 2 requires the Housing Element update to include a program to rezone within one year after the adoption of the Housing Element.

The Housing Element update must also analyze the need for transitional and supportive housing and describe a program to reduce constraints on the development of this housing. Supportive and transitional housing must be treated as a residential use of property, subject only to the same restrictions that apply to other housing of the same type in that zone. For instance, supportive housing located in a single-family residence must be treated like any other single family home. SB 2 added emergency shelters and supportive and transitional housing to the types of housing protected by the Housing Accountability Act, (Government Code 65589.5 – formerly the Anti-NIMBY Law), which until now only covered affordable and farmworker housing. This statute strictly limits the grounds under which cities may deny certain types of housing, now including emergency shelters and supportive and transitional housing.

Current city regulations need to be updated for consistency with State law relative to zoning for emergency shelters, transitional and supportive housing. The Municipal Code calls for a resolution of City Council to initiate an amendment to the Zoning Ordinance. The attached draft resolution, if adopted by City Council, would direct staff and the Planning Commission to study and provide a recommendation to the City Council on a Zoning Ordinance Amendment to add Emergency Shelters, Transitional and Supportive Housing to the Allowed Uses of the Zoning Ordinance.

STAFF RECOMMENDATION

Adopt Resolution 2010-_____.

ATTACHMENT:

1. Draft Resolution

RESOLUTION NO. 2010-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING THE PLANNING COMMISSION TO STUDY, HOLD A PUBLIC HEARING AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL ON A ZONING ORDINANCE AMENDMENT THAT WOULD AMEND CHAPTER 17.20 OF THE MOORPARK MUNICIPAL CODE RELATED TO EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL HOUSING

WHEREAS, Section 17.44.050 of the Municipal Code provides that the City Council may initiate proceedings to consider amendments to the Zoning Ordinance by the adoption of a resolution of intent; and

WHEREAS, the City Council wishes to initiate proceedings to consider a Zoning Ordinance Amendment that would amend Chapter 17.20 of the Moorpark Municipal Code related to Emergency Shelters, Supportive and Transitional Housing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. INITIATION OF PROCEEDINGS: The City Council hereby authorizes the initiation of proceedings to consider a Zoning Ordinance Amendment that would amend Chapter 17.20 of the Moorpark Municipal Code to ensure that regulations related to Emergency Shelters, Supportive and Transitional Housing are consistent with State law, the Housing Element of the city's General Plan, and other provisions of the city's Zoning Ordinance.

SECTION 2. DIRECTION TO PLANNING COMMISSION: The Planning Commission is hereby directed to study, hold a public hearing, and provide a recommendation to the City Council on this matter.

SECTION 3. CITY CLERK CERTIFICATION AND FILING: The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 1st day of September, 2010.

Janice Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk

CC ATTACHMENT 1