

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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



DATE: January 29, 2014 (Meeting of 2/19/2014)

SUBJECT: Consider an Ordinance Approving Zoning Ordinance Amendment No. 2014-01, to Amend Chapter 17.08 (Definitions), of the Zoning Ordinance to Update Definitions of Supportive Housing and Transitional Housing, and Add a Definition for Target Population, and Recommending the City Council Make a Determination of Exemption Under CEQA in Connection Therewith

BACKGROUND/DISCUSSION

The 2014-2021 Housing Element update adopted by City Council on January 15, 2014, included Program 7, a commitment to process a Zoning Ordinance Amendment to revise the City's definitions of "supportive housing", "target population" and "transitional housing" consistent with recently adopted state law (SB 745 of 2013) as part of the Housing Element update process. On December 18, 2013, the City Council adopted Resolution No. 2013-3252, to initiate a Zoning Ordinance Amendment to make the changes in definitions, based on comments made by the California Department of Housing and Community Development on the draft Housing Element update.

On January 28, 2014, the Planning Commission considered and recommended to the City Council approval of Zoning Ordinance Amendment No. 2014-01. The attached Planning Commission staff report contains a more detailed description of the proposed amendments and changes. Upon consideration and review of the application, the Planning Commission opened the public hearing, but there was no testimony. Commissioner Landis asked staff where the definitions derived from. Staff's response was that the definitions were from the State of California Health and Safety Code. Staff clarified for Commissioner Hamous that supportive or transitional housing is an allowed use in all residential zones, similar to a small family day care facility, when in compliance with all standards of that zone. After closing the public hearing, the Planning Commission unanimously recommended approval of the application to the City Council. The City Attorney has reviewed and approved the form of the ordinance.

ENVIRONMENTAL DETERMINATION

The Community Development Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061(b)(3) of California Code of Regulations (CEQA Guidelines). The proposed ordinance would amend the Municipal Code provisions related to definitions. The updates to the definitions should not have any effect on the physical environment. There is no possibility the changes may result in a significant environmental impact. Thus, it can be seen with certainty there is no possibility the zone text amendment may have a significant impact on the environment. No further environmental documentation is required.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony, and close the public hearing.
2. Introduce Ordinance No. _____, approving Zoning Ordinance Amendment 2014-01, for first reading, waive full reading, and place this ordinance on the agenda for March 5, 2014, for purposes of providing second reading and adoption of the ordinance.

ATTACHMENTS

1. January 28, 2014 Planning Commission Agenda Report (Without Attachments)
2. Ordinance No. _____, Approving Zoning Ordinance Amendment No. 2014-01

CC ATTACHMENT 1

MOORPARK PLANNING COMMISSION AGENDA REPORT

TO: Honorable Planning Commission

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

DATE: January 8, 2014 (Meeting of 01/28/14)

SUBJECT: Consider Resolution Recommending to the City Council the Adoption of Zoning Ordinance Amendment No. 2014-01, to Amend Chapter 17.08 (Definitions), of the Zoning Ordinance to Update Definitions of Supportive Housing and Transitional Housing, and Add a Definition for Target Population, and Recommending the City Council Make a Determination of Exemption Under CEQA in Connection Therewith

BACKGROUND

The 2014-2021 Housing Element update adopted by City Council on January 15, 2014, included Program 7, a commitment to process a Zoning Ordinance Amendment to revise the City's definitions of "supportive housing", "target population" and "transitional housing" consistent with recently adopted state law (SB 745 of 2013) as part of the Housing Element update process. On December 18, 2013, the City Council adopted Resolution No. 2013-3252, to initiate a Zoning Ordinance Amendment to make the changes in definitions, based on comments made by the California Department of Housing and Community Development on the draft Housing Element update.

DISCUSSION

❖ Definitions Chapter 17.08

This Zoning Code Amendment No. 2014-01 includes amendments to Title 17 (Zoning) of the Moorpark Municipal Code amending Section 17.08.010, to amend the following definitions of "Supportive housing" and "Transitional housing"; and, add the following definition of "Target population", as follows, with all other definitions to remain unchanged:

17.08.010 Application of definitions.

—“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population as defined in Health and Safety Code Section 50675.14, and that is linked to on-site or off-site 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.~~

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists 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.

“Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

~~—“Transitional housing” means rental housing operated under the funding program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.~~

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms, such as single family or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living. *Supportive housing* has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

State Law requires that transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In other words, transitional housing and supportive housing are to be permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family home, apartments) in the same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone and supportive housing located in a single family home in a single family zone is permitted in the same manner as a single family home in the same zone.

In 2013, the City updated its zoning to treat transitional and supportive housing as a residential uses, subject only to those restrictions on residential uses contained in the same type of structure, to be consistent with requirements of State Law. Therefore, in the City's permitted use table, Section 17.20.050.B. Permitted Residential Uses; under subsection 2, Family day care homes and home schooling and transitional and supportive housing: Transitional and supportive housing is allowed by right in all residential zones, (O-S, A-E, R-A, R-E, R-O, R-1, R-2 and RPD zones) when conducted in an existing housing unit (*subject to same zoning requirements and procedures as other residential uses of the same type in the same zoning district).

The City Attorney's office has reviewed and approved as to form the draft PC Resolution for Zoning Ordinance Amendment No. 2014-01 (Attachment 1).

PROCESSING TIME LIMITS

Although processing time limits under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3) are not applicable, it is important that these definitions be amended in a reasonable timeframe to be consistent with changes in State law.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

The Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061(b)(3) of California Code of Regulations (CEQA Guidelines). The proposed ordinance would amend the Municipal Code provisions related to definitions. The updates to the definitions should not have any effect on the physical environment. There is no possibility that the changes may result in a significant environmental impact. Thus, it can be seen with certainty that there is no possibility that the zone text amendment may have a significant impact on the environment. No further environmental documentation is required.

STAFF RECOMMENDATION

1. Open the public hearing, accept public testimony, and close the public hearing.
2. Adopt Resolution No. PC-2014-____, recommending to the City Council the adoption of Zoning Ordinance Amendment 2014-01.

ATTACHMENTS

1. Draft PC Resolution which contains the following:
Exhibit A - Section 17.08.010 Application of definitions

CC ATTACHMENT 2

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2014-01, TO AMEND CHAPTER 17.08 (DEFINITIONS) OF THE ZONING ORDINANCE TO UPDATE DEFINITIONS OF "SUPPORTIVE HOUSING" AND "TRANSITIONAL HOUSING" AND ADD A DEFINITION FOR "TARGET POPULATION" AND RECOMMENDING THAT THE CITY COUNCIL MAKE A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH

WHEREAS, at its meeting of December 18, 2013, the City Council adopted Resolution No. 2013-3252 directing the Planning Commission to consider a zoning ordinance amendment that would amend Chapter 17.08 (Definitions), to update definitions of supportive housing, target population, and transitional housing to be consistent with recent amendments to State law, to ensure compliance with the adopted Housing Element, and ensure consistency with the City's General Plan, and other provisions of the City's Zoning Ordinance; and

WHEREAS, at its meeting of January 15, 2014, the City Council adopted Resolution No. 2014-3259 approving the 2014-2021 Housing Element update to the General Plan, which includes Program 7, a commitment to process a Zoning Ordinance Amendment to revise the City's definitions of "supportive housing", "target population" and "transitional housing" consistent with recently adopted state law (SB 745 of 2013) as part of the implementation of the Housing Element update, to ensure compliance with the adopted Housing Element, and ensure consistency with the City's General Plan, and other provisions of the City's Zoning Ordinance; and

WHEREAS, at a duly noticed public hearing on January 28, 2014, the Planning Commission considered Zoning Ordinance Amendment No. 2014-01, to amend Chapter 17.08 (Definitions) to update definitions of supportive housing and transitional housing, and to add a definition for target population, to be consistent with recent amendments to State law, and considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; closed the hearing; and the Planning Commission adopted Resolution No. PC-2014-593 recommending approval to the City Council of Zoning Ordinance Amendment No. 2014-01; and

WHEREAS, at a duly noticed public hearing on February 19, 2014, the City Council considered Zoning Ordinance Amendment No. 2014-01, to amend Chapter 17.08 (Definitions) to update definitions of supportive housing and transitional housing, and to add a definition for target population, to be consistent with recent amendments to State law; and considered the agenda report and any supplements thereto and written

public comments; opened the public hearing and took and considered public testimony both for and against the proposal; closed the public hearing, and reached a decision on this matter; and

WHEREAS, the Community Development Director has determined that the proposed Ordinance is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to "projects" that may have a significant effect on the environment. The proposed Ordinance would amend definitions in the Municipal Code. The Municipal Code amendments merely make the definitions in the Municipal Code consistent with State law. As such, there is no possibility that the changes may result in a significant environmental impact. In this case, it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant impact on the environment, and therefore, the proposed Ordinance is exempt under CEQA Guidelines Section 15061(b)(3).

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

SECTION 1. ENVIRONMENTAL DETERMINATION: The City Council concurs with the Community Development Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to "projects" that may have a significant effect on the environment. Zoning Ordinance Amendment No. 2014-01 would amend the Municipal Code definitions for "supportive housing", "target population" and "transitional housing" consistent with recently adopted state law (SB 745 of 2013) as part of the implementation of the 2014-2021 Housing Element update, to ensure compliance with the adopted 2014-2021 Housing Element. Based on its independent analysis and judgment of the City Council, it can be seen with certainty that there is no possibility that the Zoning Ordinance Amendment No. 2014-01 may have a significant impact on the physical environment. No further environmental documentation is required.

SECTION 2. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds Zoning Ordinance Amendment No. 2014-01 to be consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 3. The City Council hereby approves Zoning Ordinance Amendment No. 2014-01, which amends Chapter 17.08 (Definitions) of the Moorpark Municipal Code, as shown in Exhibit A attached.

SECTION 4. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this ____ day of _____, 2014.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Amendments to Section 17.08.010 Application of Definitions

EXHIBIT A

**AMENDMENTS TO SECTION 17.08.010 (APPLICATION OF DEFINITIONS) OF
CHAPTER 17.08 (DEFINITIONS) OF TITLE 17 (ZONING)
OF THE MOORPARK MUNICIPAL CODE**

Section 17.08.010 is amended to revise the definitions of “Supportive housing” and “Transitional housing” and add a definition of “Target population”, as shown herein below, with all other definitions in this section to remain unchanged:

17.08.010 Application of definitions.

~~—“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population as defined in Health and Safety Code Section 50675.14, and that is linked to on-site or off-site 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.~~

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