

ORDINANCE NO. 428

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 5th day of March, 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.~~

“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.