

**Certified Housing Element Ordinance Amendments
Table of Contents**

- 1. Farmworker Housing Ordinance Amendments
Chapter 16.11 Agricultural Zone**

- 2. Emergency Shelter Ordinance Amendments
Chapter 16.78 to be added to SPMC**

- 3. Reasonable Accommodation Ordinance Amendments
Division 9. Reasonable Accommodation for Disabled or Handicapped Individuals**

- 4. Transitional & Supportive Housing Ordinance Amendments
Chapter 16.05 Definitions**

Farmworker Housing Ordinance Amendments

Chapter 16.11 Agricultural Zone is amended as follows:

16.11.020 – Land Use and Permit Requirements

(A) *Permitted uses.* Permitted uses in the Agriculture zone are as follows:

- (1) Agriculture, floriculture, and horticulture and related uses.
- (2) One single-family dwelling of a permanent character in a permanent location on a lot or building site.
- (3) Day care, small and large family. Large family day cares will also be required to comply with Chapter 16.60.
- (4) Accessory buildings and structures necessary to the agricultural or residential use located on the same lot or parcel of land, including private garages with a capacity not to exceed four automobiles, children's playhouses, covered patios, windmills, silos, tank-houses, barns, coops, provided all uses are of an accessory nature. Accessory uses are not permitted on any property where a permitted primary use does not already exist.
- (5) Storage incidental to permitted uses, provided such storage is contained within an accessory building.
- (6) Home occupations pursuant to Chapter 16.230 (Home Occupation Permits) of this Title 16.
- (7) Farmworker Housing and Migrant Farmworker Housing consisting of not more than 12 units designed for use by a single household or 36 beds in a group quarters in accordance with Health and Safety §§ 17000, et seq.

Chapter 16.46 Off- Street Parking and Loading is amended as follows:

Table 46-1 Off-Street Parking Requirements

Land Use	Required Off-Street Parking Spaces	
	Resident/Guest/Employee Parking	Compact/Business Vehicle Parking
Roominghouses, boarding houses, dormitories, SROs, transitional housing, <u>farmworker housing/ migrant farmworker housing (group quarters)</u>	1 space per each sleeping room (100 sf of floor area will be considered a sleeping room)	Compact: As above

Emergency Shelter Ordinance Amendments

Chapter 16.78 to be added to SPMC

Chapter 16.78 – Emergency Shelters

Chapter 16.78.010 Definitions

Chapter 16.78.020 Development Standards

16.78.010 – Definitions

- A. “Emergency shelter” means housing with minimal supportive services for homeless persons; victims of domestic violence; persons requiring temporary housing; and other individuals and households made temporarily homeless due to natural disasters (e.g., fires and earthquakes) that is limited to occupancy of six months or less by a homeless person and operated by a government agency or private non-profit organization.
- B. “Homeless person” has the same definition as set forth in 42 U.S.C. § 11302.

16.78.020 – Development Standards

In addition to the standards specified in Chapter 16.21, emergency shelters are also subject to the following development standards:

- A. Each resident must be provided a minimum of 50 gross square feet of personal living space, not including space for common areas. In no case can occupancy exceed 30 residents at any one time.
- B. Off-street parking spaces must provided in the ratio of one (1) parking space per ten (10) adult beds, plus one (1) parking space per employee on the largest shift. However, the required number of off-street parking spaces cannot exceed the spaces required for similar uses of the same size in the Commercial/Light Industrial (C/LI) zone.
- C. Outdoor activities such as recreation, drop-off and pick-up of residents, or similar activities may be conducted at the facility. Staging for drop-off, intake, and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard. Emergency shelter plans must show the size and location of any proposed waiting or resident intake areas, interior or exterior.
- D. Before commencing operation, the emergency shelter provider must have a written management plan, which must be approved by the Planning Director. The management plan must at a minimum include: requirements for staff training; resident selection; process for identifying residents; neighborhood outreach; pet policies; scheduling outdoor activities; temporary storage of residents’ personal belongings; safety and security; management of outdoor areas; and counseling and social service programs for residents.
- E. Not more than one emergency shelter is permitted within a radius of three hundred (300) feet from another emergency shelter.

- F. Individual occupancy in an emergency shelter is limited to six months during any 12 consecutive month period.
- G. Exterior lighting must be provided at all building entrances and outdoor activity areas, and must be activated between sunset and sunrise of each day. All exterior lighting must comply with this Code.
- H. Each emergency shelter must have an on-site management office. At least one employee must be present in the on-site management office at all times that the emergency shelter is operating.
- I. Each emergency shelter must have on-site security, with at least one person present at the emergency shelter while it is operating.
- J. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall or fence, which is accessible to collection vehicles on one side. It must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.
- K. The emergency shelter facility may provide one or more of the following specific facilities and services including, without limitation:
 - 1. Commercial kitchen facilities designed and operated in compliance with applicable law;
 - 2. Dining area;
 - 3. Laundry;
 - 4. Recreation room;
 - 5. Support services (e.g., training, counseling); and
 - 6. Child Care Facilities
- L. Applications for emergency shelters must be submitted to the Planning Director for consideration. Within 30 days after finding an application complete, the Director must issue an emergency shelter permit upon finding that the proposal complies with all applicable law including, without limitation, this Code.

Chapter 16.21 Industrial Zones is amended as follows:

16.21.020 – Land Use and Permit Requirements

Table 21-1 is amended as follows:

Use	C/LI	LI	I	M-1
Dwelling – Emergency Shelter, Farmworker Housing, Migrant Farmworker Group Quarters	C	C	X	X
<u>Emergency shelters (see Chapter 16.78)</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>

Reasonable Accommodation Ordinance Amendments

Division 9 is added to SPMC

Division 9. Reasonable Accommodation for Disabled or Handicapped Individuals

16.13.500 Purpose.

This Chapter is adopted in accordance with the City's police powers and as required by the Fair Housing Law. It is intended to provide equal access to residential housing throughout the City's jurisdiction regardless of an individual's physical or mental abilities.

16.13.501 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meanings stated in the Fair Housing Law and any successor statutes or regulations.

- A. "Disabled Person" means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a medical record of having such an impairment. A disabled person does not include individuals currently using controlled substances as defined by federal law.
- B. "Fair Housing Law" means existing law affecting reasonable accommodation in housing including, without limitation, the reasonable accommodation required by 42 U.S.C. § 3604 (f)(3)(B) and reasonable accommodation required by Government Code §§ 12927 (c)(1) and 12955(l).
- C. "Reasonable Accommodation" means any request by, or on behalf of, a disabled person for a reasonable deviation from the City's strict application of its land use or building regulations as set forth in this Code, or as adopted by reference in this Code, in order for such disabled person to use and enjoy a dwelling.

16.13.502 Notice.

The City must post notice in the same manner as it posts meeting agendas advising disabled persons regarding the reasonable accommodation that may be provided in accordance with this Chapter.

16.13.503 Requesting reasonable accommodation.

- A. A disabled person or disabled person's representative may request reasonable accommodation pursuant to this Chapter.
- B. The Director, or designee, must provide reasonable assistance to disabled persons, or their representatives, to seek reasonable accommodation. Such assistance must occur during any part of a request including, without limitation, the initial application and any appeal.
- C. A request for reasonable accommodation must be filed on a form provided by the Director. The application must include the following:
 - 1. Evidence of the property owner's consent, usually in the form of the owner's signature on the application;
 - 2. A description of how the property will be used by the disabled individual(s), e.g., for residential habitation, and the specific reason that reasonable accommodation is desirable;
 - 3. Evidence of the applicant's disability as reasonably determined by the Director including, without limitation, an individual's medical record; correspondence from a currently licensed healthcare professional; or documentation from the California Department of Motor Vehicles demonstrating that the individual qualifies for disabled parking;
 - 4. Verification by the Applicant that the property is the primary residence of the person for whom reasonable accommodation is requested.
- D. The City cannot require a fee for filing an original application. However, the City may establish a fee for appealing decisions pursuant to City Council resolution.

16.13.504 **Proceedings.**

- A. Unless the Director determines otherwise, approving a reasonable accommodation is an administrative determination by the Director without the need for a public hearing.
- B. Upon accepting a reasonable accommodation request application as complete, the Director must review the application for conformance with the provisions of this Title 16. Based on this review, the Director must act to approve, conditionally approve, or deny the application.
- C. Within thirty (30) days of receiving a completed application, the Director must issue a statement of decisions and findings. The statement must recite, among other things, the facts and reasons for granting or denying the application.

16.13.505 Action by the Director.

The Director may take one of the following actions:

- A. Approval. There are no conditions or requirements other than those specified by the application. After the date of final determination, the proposed project may be developed in compliance with the reasonable accommodation approved by the Director.
- B. Disapproval. When a reasonable accommodation application is disapproved, an application for the same project or a similar use on the same property cannot thereafter be accepted for a period of one (1) year from the date of final determination, except that the Director may specify that, if the action is due to details or technical issues, this time limit does not apply.
- C. Conditional Approval. Any application may be approved subject to conditions the Director deems necessary for compliance with city, state and federal regulations related to the protection of general health, welfare, and safety of the surrounding area. After the date of final determination, the proposed project may be developed in compliance with the reasonable accommodation approved by the Director along with applicable conditions of approval.
- D. Withdrawal. With the concurrence of or at the request of the applicant, any a permit application may be withdrawn. When an application is withdrawn, such action is effective immediately and is not subject to appeal. Thereafter, such application is null and void and the property must have the same status as if no application had been filed.

16.13.506 Findings.

The Director must make all the following findings to approve a reasonable accommodation:

- A. CEQA. The application complies with the California Environmental Quality Act.
- B. General Plan. The proposed use or project generally conforms with the General Plan.
- C. Zoning. The proposed use or project generally conforms with the zoning regulations in this Code.
- D. Development Standards. The reasonable accommodation generally complies with Chapter 16.40 of this Code.

16.13.507 Permit appeal and revocation.

A reasonable accommodation request may be appealed or revoked pursuant to Chapter 16.206 of this Code. Disabled persons may request reasonable accommodation in the procedure by which an appeal will be conducted including, without limitation, extension of time periods in order to accommodate the individual's disability

16.13.508 Compliance.

Establishment, maintenance and operation of the use or uses proposed by the application must comply with the information and specifications shown in the Director's approval.

16.13.509 Action in Writing.

The determination on each application, including any required findings and any other reasons that serve to explain the determination, and all conditions of approval, must be in writing. A copy of the written determination must be forwarded to the applicant following the date of final determination and is made available, at cost, to any person desiring a copy of such determination.

16.13.510 Final Determination.

The determination of the Director is effective fifteen (15) days after the date the decision is made and after all appeals, if any, are resolved."

16.13.511 One Stop Permitting.

A reasonable accommodation approved in accordance with this Chapter does not require any separate permit. However, as provided in this section, a reasonable accommodation does not run with the land; it constitutes a permit issued to a specific disabled person and may be revoked or rendered void in accordance with this section.

16.13.512 Conditions – Generally.

A reasonable accommodation granted under this Chapter is subject to the following general conditions:

- A. The reasonable accommodation applies only to the specific disabled person;
- B. Changes in use or circumstances that negates the basis for the reasonable accommodation renders it void;
- C. Except as otherwise specifically accommodated pursuant to this Chapter, the approved reasonable accommodation is subject to all uniform building codes as adopted by this Code.

16.13.513 Conditions – Special.

In addition to the general conditions, the Director may impose the following conditions:

- A. Reasonable accommodations affecting an exterior physical improvement must be designed to be substantially similar to the architectural character, colors, and texture of materials of its surrounding dwelling units; and
- B. Such additional conditions that the Director in good faith believes are required to reconcile the approved reasonable accommodation with other requirements of this Code while still implementing the purpose of this Chapter.

16.13.514 Required findings.

The following findings must be made in order to approve a request for reasonable accommodation:

- A. The parcel and/or housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the Fair Housing Laws.
- B. The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.
- C. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City.
- D. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or other procedures of the City.

Transitional & Supportive Housing Ordinance Amendments

Chapter 16.05 Definitions is amended as follows:

16.05.200 – “S” Definitions.

"Supportive housing" means housing, configured as rental housing developments, with no limit on length of stay, 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. Supportive housing is a residential use permitted subject to the same standards and procedures as apply to other residential uses of the same type in the same zone.

16.05.210 – “T” Definitions.

"Transitional housing" and "transitional housing development" (per California Health and Safety Code 50675.2 (h)) means housing configured as rental housing developments, but operated under 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 months. Transitional housing is a residential use permitted subject to the same standards and procedures as apply to other residential uses of the same type in the same zone. ~~TRANSITIONAL HOUSING~~ is temporary (six months to two years) housing for a homeless individual or family who is transitioning to permanent housing. ~~TRANSITIONAL HOUSING~~ often includes a supportive services component (e.g. job skills training, rehabilitation, counseling, etc.) to allow individuals to gain necessary life skills in support of independent living.

Chapter 16.13 Residential Zones

Table 13-1 is amended as follows:

Use	HR-PD1	HR-PD2	R-A	R-1	R-1(a)	R-2	R-3	R-4	MHP
Transitional Housing	X	X	X	X	X	X	∅	∅	X

Chapter 16.46 Off-Street Parking and Loading

Table 46-1 is amended as follows:

Land Use	Required Off-Street Parking Spaces	
	Resident/Guest/Employee Parking	Compact/Business Vehicle Parking
Roominghouses, boarding houses, dormitories, SROs, transitional housing	1 space per each sleeping room (100 sf of floor area will be considered a sleeping room)	Compact: As above