

TO: James L. App, City Manager  
FROM: Ed Gallagher, Community Development Director  
SUBJECT: Code Amendment 14-008: Zoning Code Updates for compliance with the Housing Element  
DATE: November 18, 2014

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Needs: For the City Council to consider adopting amendments to the Zoning Code in order to bring the zoning code into compliance with the recently adopted 2014 Housing Element.

- Facts:
1. The Zoning Code is proposed to be amended to address the following issues:
    - a. SB 745 (2013) amended the definitions of Transitional Housing, Supportive Housing, and Target Population (as it applies to Transitional and Supportive Housing). Therefore the definitions in Chapter 21.08 of the Zoning Code need to be amended.
    - b. In its review of the Draft 2014 Housing Element, the State Department of Housing and Community Development noticed an error in Section 21.21.160.C.3 (Emergency Homeless Shelters) and recommended that the City adopt an action to correct it. The current code provides that emergency homeless shelters must be separated from other such shelters by a minimum of 300 feet. However, State Law states that local jurisdictions cannot require a separation of more than 300 feet.
    - c. Table 21.16.200 needs to be amended to omit the language that indicates that Second Units are only for senior citizens.
  2. At its meeting of October 28, 2014, the Planning Commission conducted a public hearing on this code amendment and unanimously recommended that the Council adopt it as proposed.
  3. The proposed amendments to the Zoning Ordinance collectively would not have a significant effect on the environment and, therefore, are exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the State's Guidelines to Implement CEQA).

**Analysis and Conclusion:**

Each topic is analyzed individually (below) and is provided with a suggested approach on how to address the issue and amend the code.

**Transitional and Supportive Housing:**

SB 745 (2013) amended the definitions of Transitional Housing, Supportive Housing, and Target Population (as it applies to Transitional and Supportive Housing). Therefore, the definitions in Section 21.08 need to be amended as noted below:

Change 21.08.426 Supportive Housing as follows:

"Supportive housing" means housing with no limit on length of stay, that is occupied by the ~~clients of social services, such as persons with medical or mental health conditions,~~ target population, and that is linked to on- 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. ~~(Health and Safety Code 50675.14(b)). (Government Code Section 65582(f)).~~ This definition excludes housing for half-way houses intended for occupancy by parolees or convicted persons and living groups.

Change 21.08.446 Transitional Housing/Transitional Housing Development as follows:

"Transitional housing/transitional housing development" means buildings configured as rental housing developments, but operated under program requirements ~~(per Health and Safety Code 50675.2(h))~~ that ~~call per for~~ require 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 from the beginning of the program. ~~(Health and Safety Code 50675.2(h)) (Government Code Section 65582(h)).~~ This definition excludes housing for half-way houses intended for occupancy by parolees or convicted persons and living groups.

Add new Section 21.08.429 for Target Housing as follows:

"Target Population" means persons with low incomes who have one of 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 with Section 4500) of the Welfare and Institutions Code) and may include among other populations, adults, emancipated minors, families with children, elderly persons, young adult aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people". (Government Code Section 65582(g)).

#### Concentration of Emergency Homeless Shelters:

Subsection (a)(4)(A) of Government Code Section 65583 provides that emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (v) The proximity to other emergency shelters, *provided that emergency shelters are not required to be more than 300 feet apart.*

In drafting the City's Emergency Shelter Ordinance (No. 976 N.S.), staff mis-read subsection "(v)" and wrote subsection C.3 of Section 21.21.160.C.3 to read:

3. Concentration of Use. No emergency homeless shelters shall be established within three hundred feet of another emergency shelter.

In its review of the Draft 2014 Housing Element, the State Department of Housing and Community Development noticed this error and recommended that the City adopt an action to correct it.

Revise 21.21.160.C.3 be amended as follows:

3. Concentration of Use. In accordance with Subsection (a)(4)(A)(v) of California Government Code Section 65583 regarding the standards a city may establish for proximity of one emergency shelter to another, no emergency shelter shall be established within two ~~three~~ hundred feet of another emergency shelter.

### **Second Units**

Table 21.16.200.B.4.a indicates that Second Units are for related senior citizens per Chapter 21.16D of the Zoning Code. This is not correct. Chapter 21.16D indicates that the establishment of second units is to expand housing opportunities for very-low, low and moderate-income and/or elderly households. Table 21.16.200 needs to be amended to omit the language that indicates they are only for related senior citizens.

Change Table 21.16.200.B.4.a as follows:

4. Detached accessory buildings:
  - a. Second units ~~for related senior citizens~~ per Chapter 21.16.D (accessory to single-family only).
  - b. Guest house without kitchen facilities (accessory to single-family only).

**Reference:** Zoning Ordinance Sections 21.16.200 and 21.20.080

**Fiscal Impact:** None.

**Options:** After opening the public hearing and taking public testimony, the City Council take one of the actions listed below:

- a. Introduce Ordinance No. 14-XXX for first reading at its meeting on November 18, 2014 or
- b. Amend, modify, or reject the foregoing option.

### **Attachments:**

1. Draft Ordinance
2. Public Hearing Notice

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE ZONING CODE  
(CODE AMENDMENT 14-008 - CITY INITIATED)

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WHEREAS, SB 745 (2013) amended the definitions of Transitional Housing, Supportive Housing, and Target Population (as it applies to Transitional and Supportive Housing). Therefore the definitions of Transitional and Supportive Housing in Chapter 21.08 of the Zoning Code need to be amended, and a definition of Target Population needs to be added; and

WHEREAS, Section 21.21.160 (Emergency Homeless Shelters) conflicts with State Law and needs to be amended, since it states that emergency homeless shelters must be separated from other such shelters by a minimum of 300 feet, however, State Law states that local jurisdictions cannot require a separation of such shelters by more than 300 feet; and

WHEREAS, Table 21.16.200.B.4.a indicates that Second Units are for related senior citizens per Chapter 21.16D of the Zoning Code, which conflicts with State Law, which provides that occupancy of second units be available to all households regardless of age or relationship to the property owner or occupants of the primary residence; and

WHEREAS, at a meeting held on October 28, 2014, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on information received at its meeting on November 18, 2014 the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Planning Commission's recommendations from its September 23, 2014 public meeting to approve the proposed ordinance;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on December 2, 2014 the City Council held a second reading of said ordinance,

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1: Amend Chapter 21.08 of the Zoning Code, Definitions, as follows:

Change 21.08.426 Supportive Housing as follows:

"Supportive housing" means housing with no limit on length of stay, that is occupied by the ~~clients of social services, such as persons with medical or mental health conditions,~~ target population, and that is linked to on- 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. ~~(Health and Safety Code 50675.14(b)). (Government Code Section 65582(f)).~~ This definition excludes housing for half-way houses intended for occupancy by parolees or convicted persons and living groups.

Change 21.08.446 Transitional Housing/Transitional Housing Development as follows:

"Transitional housing/transitional housing development" means buildings configured as rental housing developments, but operated under program requirements ~~(per Health and Safety Code 50675.2(h))~~ that ~~call per for~~ require 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 from the beginning of the program. ~~(Health and Safety Code 50675.2(h)) (Government Code Section 65582(h)).~~ This definition excludes housing for half-way houses intended for occupancy by parolees or convicted persons and living groups.

Add new Section 21.08.429 for Target Housing as follows:

"Target Population" means persons with low incomes who have one of 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 with Section 4500) of the Welfare and Institutions Code) and may include among other populations, adults, emancipated minors, families with children, elderly persons, young adult aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (Government Code Section 65582(g))."

SECTION 2: Section 21.21.160.C.3 Concentration of Use, add new language as shown with text underlined, and omissions as shown with text ~~strike through~~:

3. Concentration of Use. In accordance with Subsection (a)(4)(A)(v) of California Government Code Section 65583 regarding the standards a city may establish for proximity of one emergency shelter to another, no emergency shelter shall be established within two ~~three~~ hundred feet of another emergency shelter.

SECTION 3: Table 21.16.200, Permitted Land Uses for All Zoning Districts, Section B. Residential is amended as shown in **Exhibit A.**

SECTION 4. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 6. Inconsistency. To the extent that the terms or provisions of this ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on November 18, 2014, and passed and adopted by the City Council of the City of El Paso de Robles on the 2<sup>nd</sup> day of December, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Caryn Jackson, Deputy City Clerk

# EXHIBIT A

TABLE 21.16.200 (Subsection B, Residential)

## PERMITTED LAND USES FOR ALL ZONING DISTRICTS

EXPLANATION OF CODES USED IN THIS CHART

- P (permitted use) denotes a land use which is permitted.
- C (conditional use) denotes a land use which requires approval of a conditional use permit (CUP).
- N (non-permitted use) denotes a land use which is not permitted.
- T (temporary use permit) denotes a land use which requires approval of a temporary use permit per Chapter 21.23C.

NOTES:

1. All uses are subject to compliance with the general regulations and performance standards contained within Chapters 21.20 and 21.21, and specific limits and/or restrictions contained in chapters for specific zoning districts. Additionally, there may be limits and restrictions within overlay zoning districts and specific plan areas.
2. Any use not specifically listed below is not permitted unless the Planning Commission determines a particular land use to be similar to another permitted, conditional or temporary use within a particular zoning district.

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
<b>B. Residential</b>																			
1. Boardinghouse, roominghouse	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N
2. Caretaker residence accessory to a business																			
a. one per business	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P
b. more than one per business	C	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	C	C	C
3. Convalescent care facilities/nursing homes	N	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
4. Detached accessory buildings:																			
a. Second units for related senior citizens per Chapter 21.16D (accessory to single family only)	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	P
b. Guest house without kitchen facilities (accessory to single family only)	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	P

EXHIBIT A

ZONING DISTRICT																			
LAND USE	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
c. Non-dwelling accessory buildings (garages, storage sheds, etc.) as primary uses on a lot. Exception: a common lot with accessory structures may be created for condominium development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
d. Recreational Vehicle Shelters within interior side yard or rear yard setback and/or within building separation per Section 21.20.240	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N
5. Domestic violence center	N	N	N	P	P	N	P	P	N	N	N	N	N	N	N	N	N	N	N
6. Emergency Shelters (as defined by Section 21.08.247) * Only in Commerce Industrial Park (on properties facing Sherwood Road, Commerce Way, Fontana Road, and Linne Road	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N	P*	N	N	N
7. Employee Housing as described, defined, and regulated by the State Employee Housing Act (California Health and Safety Code Sections 17000 et seq. and subject to issuance of an Employee Housing Permit by the California Department of Housing and Community Development, Codes and Standards Division.																			
a. Employee Housing per Section 17021.5 of the California Health and Safety Code for 6 or fewer employees. * Employee Housing is not permitted on properties within the Airport Land Use Plan.	P*	P*	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N	N
b. Employee Housing per Section 17021.5 of the California Health and Safety Code for 6 or fewer employees. * Employee Housing is not	P*	P*	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N	N



EXHIBIT A

		ZONING DISTRICT																
LAND USE	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
permitted on properties within the Airport Land Use Plan.																		
8. Group care homes (as defined by Section 21.08.217)	N	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N
9. Home occupation business per Section 21.23.070	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
10. Living Groups (as defined by Section 21.08.265)	N	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
11. Mobile homes (1 per lot):																		
a. As permanent dwellings	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. As temporary caretaker units during construction of a permanent building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
12. Mobile home parks	N	N	N	N	N	N	C	C	N	N	N	N	N	N	N	N	N	N
13. Multiple family (2 or more residential units per lot as a primary land use)	N	N	N	P	P	P	P	P	C	N	N	N	N	N	N	N	N	N
14. Residential care facilities (for elderly, handicapped, etc.):																		
a. 6 and fewer residents	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	P
b. More than 6 residents	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
15. Single family dwelling (detached, attached, condominium/townhouse unit) * DRC approval required (See Section 21.18.090) ** C if lot less than 1 acre (See Section 21.16F.020)	P	P	P	P	P	P	P	P	P*	N	N	N	N	N	N	N	N	P**
16. Supportive housing (as defined in Section 21.08.426)	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N
17. Transitional housing (as defined in Section 21.08.446)	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N