



CITY OF DEL REY OAKS

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Staff Report

DATE: March 16, 2023

TO: Mayor and City Council Members
John Guertin, City Manager

FROM: Denise Duffy, Planning Consultant

SUBJECT: CONSIDERATION BY THE CITY COUNCIL OF RECOMMENDATION FROM THE PLANNING COMMISSION TO THE CITY COUNCIL OF THE CITY OF DEL REY OAKS, CALIFORNIA, TO AMEND THE DEFINITION OF "FAMILY" IN THE DEL REY OAKS MUNICIPAL CODE ("MUNICIPAL CODE") AND TO ALLOW FOR THE USE OF EMERGENCY SHELTERS WITHIN CERTAIN ZONING DISTRICTS OF THE CITY

Recommendation

It is recommended the City Council consider the recommendation by the Planning Commission and approve first reading of the Ordinance.

Background/Overview

The proposed Ordinance includes a revised definition of "Family" in the Municipal Code and adds definition and development standards for emergency shelters within the City to align with current State law. The proposed amendments are consistent with the City's Housing Element Programs No. C.4 (Mitigating Constraints) and No. D.4 (Support Programs to Reduce Homelessness), both of which are to be completed by the end of the current 5th Cycle Housing Element planning and implementation period, which concludes in December 2023. Additionally, the California Department of Housing and Community Development (HCD) has indicated that emergency shelter provisions must be updated in the City's zoning code to achieve compliance with HCD requirements.

The City's Housing Element, adopted in 2019, is a State-mandated policy document that provides guidance in shaping the future physical growth and development of the City. The Housing Element of the General Plan establishes goals, policies, and implementation programs to make adequate provision for the housing needs of all economic segments of the community. To meet the objectives of State law and achieve State certification of the Housing Element, all jurisdictions in the State are required to make zoning code updates to address new requirements affecting the regulation of emergency shelters, as defined in State law (further discussed below). The proposed Ordinance would amend definitions and update regulations as required to maintain consistency with current State Housing Laws.

On December 14, 2022, the Planning Commission voted unanimously to recommend that the City Council adopt the ordinance.

Summary & Discussion

Family Definition. The following is the City's current zoning ordinance definition of "Family":

"Family means a person or persons, related by blood, marriage or adoption, or a group of not more than four persons, excluding necessary employed servants, not related by blood, marriage or adoption, living together as a single housekeeping unit."

This would be revised as noted in the draft Ordinance and be redefined as:

"Family means one or more persons living together in a dwelling unit as a single housekeeping unit."

The current Zoning Ordinance definition is outdated and in need of amendment. Past views of "traditional" definition of family was a housekeeping unit composed of people related by blood, marriage or adoption. This excludes a number of households such as long-term partners who have been living together for decades but are not legally married, single parents raising a foster child and others, such as individuals with disabilities who share housing so they can have the support they need to live in the community.

Emergency Shelters. The City's current zoning ordinance does not have a definition for Emergency Shelters, and does not explicitly allow such use as a principally permitted use. The draft Ordinance provides the following definition of "Emergency Shelter":

"Emergency shelters means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person."

State Requirements. State law pertaining to emergency shelters specifies that emergency shelters should be a permitted use, not subject to any discretionary permits, in at least one of the zoning districts with sufficient capacity to accommodate the need for emergency shelter within the city. As shown in the draft Ordinance, the City has identified zoning category C-1 as an appropriate category for emergency shelters, consistent with State Law and the adopted Housing Element. Additionally, emergency shelters may be subject to certain objective development and management standards that are shown in the draft Ordinance.

Environmental Determination

The Ordinance has been determined to be exempt from CEQA review pursuant to State CEQA Guidelines Section 15061(b)(3). This section of CEQA establishes a statutory exemption where "The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Also, and as a separate and independent basis, pursuant to Government Code section 65583(a)(4)(B) this Ordinance is not a discretionary act subject to CEQA review.

Recommended Action

Staff recommends the Council introduce and hold a first reading of the attached Draft Ordinance.

ATTACHMENTS:

1. Planning Commission Resolution 2022-02 recommending adoption of the Ordinance by the City Council.
2. Draft Ordinance

PLANNING COMMISSION RESOLUTION 2022-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DEL REY OAKS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND THE DEFINITION OF "FAMILY" IN THE DEL REY OAKS MUNICIPAL CODE ("MUNICIPAL CODE") AND TO ALLOW FOR THE USE OF EMERGENCY SHELTERS WITHIN CERTAIN ZONING DISTRICTS

WHEREAS, the Planning Commission of the City of Del Rey Oaks, California, on the 14th day of December, 2022, did hold a duly noticed Public Hearing to consider Zoning Ordinance Amendments to the Del Rey Oaks Municipal Code, as identified by Title of this Resolution; and

WHEREAS, said Zoning Ordinance Amendment has complied with the requirements of the California Environmental Quality Act, and the City has determined that the draft Ordinance is exempt from environmental review under CEQA, pursuant to Section 15061(b)(3), Review for Exemptions – General Rule, in that it can be seen with certainty that there is no possibility for this action to have a significant effect on the environment; and

WHEREAS, the City Clerk published a public hearing notice for this hearing as prescribed by the Municipal Code; and,

WHEREAS, at said Public Hearing, the Planning Commission considered the staff report for the amendments and all public testimony, if any, of interested persons.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Del Rey Oaks, California, as follows:

That the Planning Commission does hereby recommend approval of the Zoning Ordinance Amendment, as set forth in attached draft Ordinance, to the City Council.

PASSED, APPROVED and ADOPTED at a regular meeting of the Del Rey Oaks Planning Commission held this 14th day of December, 2022, by the following vote:

AYES: Commissioners Burger, Wood, Jaksha, Kreeger, Goetzelt, Ragsdale-Cronin and Chair Hayworth

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:


Mike Hayworth, Chair

ATTEST:


John Guertin, City Clerk

ORDINANCE NO. 312

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS, CALIFORNIA, TO AMEND THE DEFINITION OF “FAMILY” IN THE DEL REY OAKS MUNICIPAL CODE (“MUNICIPAL CODE”) AND TO ALLOW FOR THE USE OF EMERGENCY SHELTERS WITHIN CERTAIN ZONING DISTRICTS OF THE CITY

WHEREAS, California State law requires that all local governments adopt a Housing Element as one of the seven mandated elements of the General Plan; and

WHEREAS, in 2007, the State of California passed Senate Bill 2 (“SB2”), the “Emergency Shelter Act,” to clarify and strengthen housing element law to ensure local zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the State’s housing element law (Government Code Sections 65580 - 65589.8); and

WHEREAS, the City’s Planning Staff has evaluated land use and zoning opportunities and constraints to determine ways to best meet the requirements of SB2, while at the same time balancing community safety, needs and resources; and

WHEREAS, additionally, the City desires to amend the definition of “family” in the Municipal Code to align with current State law; and

WHEREAS, the Planning Commission of the City of Del Rey Oaks, California, on the 14th day of December, 2022, held a duly noticed Public Hearing and recommended approval to the City Council of Zoning Ordinance Amendments to the Del Rey Oaks Municipal Code, as identified by Title of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Del Rey Oaks, California as follows:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Section 17.04.150 of the Municipal Code shall be amended as follows with text shown in ~~strikethrough~~ being deleted, and text shown in ***bold italic*** being added:

~~Family means a person or persons, related by blood, marriage or adoption, or a group of not more than four persons, excluding necessary employed servants, not related by blood, marriage or adoption, living together as a single housekeeping unit.~~

“Family means one or more persons living together in a dwelling unit as a single housekeeping unit.”

SECTION 3. Chapter 17.80 is added to the City of Del Rey Oaks Municipal Code as follows:

"Chapter 17. 80 – Emergency Shelters

Section 17.80.010: Purpose and Intent

The purpose of this Chapter is to establish standards for emergency shelters, as defined herein, within the City. This Chapter is intended to address emergency shelters in order to comply with the requirements of State law under California Government Code Section 65580 et seq.

Section 17.80.020: Definition of Emergency Shelters “Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

Section 17.80.030: Standards

Emergency shelters shall be permitted as a principally permitted use in the C-1 Zoning District, subject to the location restrictions identified in this section.

In addition to the development standards in the underlying zoning district, emergency shelters shall comply with the standards set forth in this section. Any application for an emergency shelter facility located the C-1 Zoning District that meets the following performance, development, design, and managerial standards (“Standards”) shall not require a discretionary permit, per Section 65583(a)(4) of the California Government Code:

1. Emergency shelters shall obtain and maintain in good standing all required licenses, permits and approvals from City, county, state and federal agencies or departments and demonstrate compliance with all applicable building and fire codes.
2. The emergency shelter shall conform to all property development standards of the zoning district in which it is located, except as modified by these Standards.
3. The length of stay of an individual client shall not exceed six months within a 12-month period.
4. The maximum number of beds for emergency shelters shall be 16 unless a conditional use permit is approved to permit additional beds.
5. External lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and the public right-of-way.
6. No more than one emergency shelter shall be permitted within a radius of 300 feet from another such shelter when measured from the closest property lines.
7. Parking facilities shall be designed to provide one space per staff member. A secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of four bicycle spaces.
8. A client waiting and intake area shall be provided as interior space and contain a

minimum of 10 square feet per bed provided at the facility, and a minimum size of 100 square feet of floor area.

12. Adequate storage for personal belongings shall be provided.

13. The City may inspect the facilities during business hours for compliance with the management plan and any other applicable regulations and standards.

14. A minimum of one staff person or agent shall be on duty and awake when the facility is in operation. Twenty-four-hour security shall be provided.

15. Management plan. The applicant or operator shall submit a management and operation plan for the emergency shelter review and approval by the City Manager prior to approval of a business license. The plan shall include, but not be limited to, the following:

- a. Security.
- b. Staff training.
- c. Neighborhood relations.
- d. Pet policy.
- e. Client intake process.
- f. List of services provided.
- g. Facility maintenance.
- h. Refuse control.
- i. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies.
- j. Anti-discrimination policies.

The plan may be reviewed as needed by the City with revisions made by the operator.

In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.”

SECTION 4. Section 17.24.020 of the Del Rey Oaks Municipal Code shall be amended as follows, with deletions shown in strikethrough and additions shown in bold, italic:

“17.24.020 Permitted principal uses.

In the C-1 districts, the following principal uses are permitted:

A. Retail Stores:

1. Bakery shops, including baking only when incidental to retail sales from the premises;
2. Bookstore;
3. Children's wearing apparel stores;
4. Cigar or tobacco stores;
5. Confectionery or candy stores;

6. Delicatessens;
7. Dressmaking or millinery only when incidental to retail sales from the premises;
8. Drug stores;
9. Florist shops;
10. Dry goods or notions stores;
11. Food markets;
12. Garden supplies stores;
13. Gift stores;
14. Hardware stores;
15. Hobby supply stores;
16. Ice cream stores;
17. Jewelry stores with incidental repairs;
18. Liquor stores;
19. Newsstands;
20. Photograph shops;
21. Restaurants, cafes, soda fountains (no floor shows, dancing or drive-in car service);
22. Stationery stores;
23. Toy stores;
24. *Emergency shelters.*”

SECTION 5. Environmental Determination. The Ordinance has been determined to be exempt from CEQA review pursuant to State CEQA Guidelines Section 15061(b)(3). This section of CEQA establishes a statutory exemption where “The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Also, and as a separate and independent basis, pursuant to Government Code section 65583(a)(4)(B) this Ordinance is not a discretionary act subject to CEQA review.

SECTION 6. This ordinance shall take effect thirty (30) days following its final adoption.

SECTION 7. The City Manager and City Clerk are directed to perform all tasks necessary to implement this ordinance.

SECTION 8. Severability. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 9. Publication. The City Clerk of the City of Del Rey Oaks, California, is hereby directed to publish a summary of the ordinance in a newspaper of general circulation.

INTRODUCED by the City Council of the City of Del Rey Oaks, California, at its regular meeting held on the **16TH** day of **March**, 2023, by the following vote:

AYES:

ABSENT:

ABSTAIN: