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**MUNICIPAL CODE AMENDMENTS
IMPLEMENTING 2009 HOUSING ELEMENT PROGRAM ACTIONS**

NOTE: Code additions are noted in *italics*, deletions in ~~strikeout~~.

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**AMENDMENT 1: ADD NEW HOUSING-RELATED LAND USE DEFINITIONS
TO TITLE 17 OF THE MUNICIPAL CODE (ZONING).**

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Revise Section 17.04 of Zoning Code (Definitions) to add the following definitions:

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- A. *“Agricultural employee housing”. Agricultural employee housing shall mean residential housing whose occupancy is restricted to persons who are employed in, raising or harvesting any agricultural commodities. All occupants of the housing unit(s) must be agricultural employees. The housing shall be provided by someone other than an agricultural employer, as defined in Section 1140.4 of the Labor Code. Agricultural employee housing is not a business run for profit; it does not differ in any way from a traditional dwelling.*
 - B. *“Emergency Shelter”. Emergency shelter shall mean housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.*
 - C. *“Supportive housing”. Supportive housing shall mean housing with no limit on length of stay and 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.*
 - D. *“Transitional housing”. Transitional housing shall mean a building or buildings configured as rental housing, 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.*

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**AMENDMENT 2: AMEND THE R-1 SINGLE-FAMILY RESIDENTIAL ZONING
DISTRICT TO SPECIFICALLY ALLOW AGRICULTURAL
EMPLOYEE HOUSING, SUPPORTIVE HOUSING AND
TRANSITIONAL HOUSING AS PERMITTED USES**

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Revise Section 17.16.020.A of the R-1 Single-Family Residential District (Uses Allowed without Use Permit) to read as follows:

- A. Uses Allowed without Use Permit.

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1. Single-family dwellings;
2. Second dwelling units in accordance with Chapter 17.37 CMC;
3. Home occupations in accordance with Chapter 17.21 CMC;
4. ~~Uses determined by the Planning Commission to be similar in nature, as provided by the procedures in Chapter 17.02 CMC. Agricultural employee housing as defined in Chapter 17.04 CMC;~~
5. *Supportive housing as defined in Chapter 17.04 CMC;*
6. *Transitional housing as defined in Chapter 17.04 CMC;*
7. *Uses determined by the Planning Commission to be similar in nature, as provided by the procedures in Chapter 17.02 CMC.*

AMENDMENT 3: AMEND THE R-2 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT TO SPECIFICALLY ALLOW SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING AS PERMITTED USES

Revise Section 17.18.020.A of the R-2 Multiple-Family Residential District (Uses Allowed without Use Permit) to read as follows:

- A. Uses Allowed without Use Permit.
 1. Single-family dwellings;
 2. Second dwelling units in accordance with Chapter 17.37 CMC;
 3. Duplexes and triplexes;
 4. Home occupations in accordance with Chapter 17.21 CMC;
 5. ~~Uses determined by the Planning Commission to be similar in nature, as provided by the procedures in Chapter 17.02 CMC. Supportive housing as defined in Chapter 17.04 CMC, not to exceed three units in size;~~

- 92 6. *Transitional housing as defined in Chapter 17.04 CMC, not*
- 93 *to exceed three units in size;*
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- 95 7. *Uses determined by the Planning Commission to be similar*
- 96 *in nature, as provided by the procedures in Chapter 17.02*
- 97 *CMC.*
- 98

99 **AMENDMENT 4: AMEND THE R-3 RESIDENTIAL/PROFESSIONAL OFFICE**

100 **ZONING DISTRICT TO SPECIFICALLY ALLOW**

101 **SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING**

102 **AS PERMITTED USES**

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104 Revise Section 17.19.020.A of the R-3 Residential/Professional Office District

105 (Uses Allowed without Use Permit) and Section 17.19.020.B of the R-3

106 Residential/Professional Office District (Uses Requiring Use Permits) to read as

107 follows:

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- 109 A. Uses Allowed without Use Permit.
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- 111 1. One-family dwellings, duplexes, triplexes;
- 112
- 113 2. Home occupations in accordance with Chapter 17.21 CMC;
- 114
- 115 3. Second dwelling units in accordance with Chapter 17.37
- 116 CMC;
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- 118 4. ~~Similar uses determined by the Planning Commission to be~~
- 119 ~~similar in nature, as provided by the procedures in Chapter~~
- 120 ~~17.02 CMC. Supportive housing as defined in Chapter~~
- 121 ~~17.04 CMC, not to exceed three units in size;~~
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- 123 5. *Transitional housing as defined in Chapter 17.04 CMC, not*
- 124 *to exceed three units in size;*
- 125
- 126 6. *Uses determined by the Planning Commission to be similar*
- 127 *in nature, as provided by the procedures in Chapter 17.02*
- 128 *CMC.*
- 129

- 130 B. Uses Requiring Use Permits
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- 132 1. Two separate one-family structures;
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- 134 2. Multiple-family dwelling units;
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- 136 3. Bed and breakfast inns and facilities with greater than two
- 137 units, in accordance with Chapter 17.35 CMC;

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4. Child care services;
5. Churches, public or private schools;
6. Public buildings, public utility substations;
7. Parking lots within 500 feet of a ~~C-DD~~ DC-DD or CC-DD zone;
8. Professional offices, clinics and health care facilities;
9. Geothermal activity (exploration, development and use);
10. ~~Similar uses determined by the Planning Commission to be similar in nature as provided for according to the procedures in Chapter 17.02 CMC. Supportive housing as defined in Chapter 17.04 CMC;~~
11. *Transitional housing as defined in Chapter 17.04 CMC;*
12. *Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in Chapter 17.02 CMC.*

AMENDMENT 5: AMEND CHAPTER 17.22 (COMMERCIAL LAND USE DISTRICTS) TO SPECIFICALLY ALLOW EMERGENCY SHELTERS AS A PERMITTED USE, SUBJECT TO DEVELOPMENT STANDARDS

Revise Section 17.22.060.A of the CC Community Commercial Zoning District (Uses Allowed without Use Permit) to read as follows:

- A. The following uses are allowed in the CC district and shall only require an administrative use permit when located in an entry corridor as defined in the 2003 General Plan Update. When an administrative use permit is required, the administrative use permit shall be processed in the same manner as provided in CMC 17.22.040(A)(9)(b).
 1. Resident-serving retail and service uses including, but not limited to: grocery stores; fruit and vegetable markets; bicycle sales and repair shops; bicycle rentals and tours; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning, not including processing plants; laundromats; tailors; shoe

- 184 repair; retail sales and repair of household goods and
185 appliances; and hobby and craft shops;
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- 187 2. Newsstands and bookstores;
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- 189 3. Personal service establishments, such as spas, beauty
190 salons, and barbershops;
191
- 192 4. Business and professional offices, such as for accountants,
193 lawyers, architects, engineers, realtors, and financial
194 advisors;
195
- 196 5. Medical or dental clinics;
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- 198 6. Banks and financial institutions, without drive-up facilities;
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- 200 7. Veterinary clinics, without boarding facilities;
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- 202 8. Dance studios and schools;
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- 204 9. Art galleries;
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- 206 10. ~~Uses determined by the Planning Commission to be similar~~
207 ~~in nature, as provided for according to the procedures in~~
208 ~~Chapter 17.02 CMC. Emergency Shelters as defined in~~
209 ~~Chapter 17.04 CMC, subject to the following development~~
210 ~~standards:~~
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- 212 a. *No more than 20 beds shall be permitted by right in*
213 *the CC zoning district.*
214
- 215 b. *Temporary shelter may be made available to*
216 *residents for no more than 180 days in any 12 month*
217 *period.*
218
- 219 c. *A client intake/waiting area shall be provided at a*
220 *minimum of 10 square-feet per bed provided at the*
221 *facility, with a minimum of 100 square-feet. Said*
222 *intake/waiting area shall be in a location not adjacent*
223 *to the public right-of-way. If located at the exterior of a*
224 *building, the intake/waiting area shall be visually*
225 *separated from public view by a minimum of six (6)*
226 *foot tall landscape screen or a minimum six (6) foot*
227 *tall decorative wall, and shall provide consideration for*
228 *shade/rain provisions.*
229

- 230 d. *Adequate external lighting shall be provided for*
- 231 *security purposes*
- 232
- 233 e. *Security personnel shall be provided during the hours*
- 234 *that the emergency shelter is in operation.*
- 235
- 236 f. *At least one facility manager shall be on-site at all*
- 237 *hours that the facility is open. Additional support staff*
- 238 *shall be provided, as necessary, to ensure that at*
- 239 *least one staff member is provided in all segregated*
- 240 *sleeping areas, as appropriate.*
- 241
- 242 11. *Uses determined by the Planning Commission to be similar*
- 243 *in nature, as provided for according to the procedures in*
- 244 *Chapter 17.02 CMC.*
- 245

246 **AMENDMENT 6: AMEND CHAPTER 19.02 (GROWTH MANAGEMENT**

247 **SYSTEM) TO EXTEND THE EXPIRATION DATE OF AN**

248 **AWARDED GROWTH MANAGEMENT ALLOCATION**

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250 Revise Sections 19.02.060(H) and 19.02.060(I) of Chapter 19.02 (Growth

251 Management System) to read as follows:

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- 253 H. Once a development has received an allocation, all required
- 254 discretionary and nondiscretionary approvals and permits
- 255 necessary to commence construction *must be obtained within 24*
- 256 *months of the date of allocation.* ~~or in~~ *In the case of a subdivision,*
- 257 *recordation of a final subdivision map or final parcel map must be*
- 258 ~~obtained~~ *completed* ~~within 42~~ *36* months of the date of allocation.
- 259 With respect to subdivisions, the following additional provisions
- 260 shall apply:
- 261
- 262 1. All necessary permits for construction on the lots of record
- 263 shall be obtained and construction commenced on all lots of
- 264 record within three years of the recordation of the final map.
- 265
- 266 2. Thirty percent of the required water and wastewater
- 267 connection fee shall be paid for all of the lots of record within
- 268 18 months of the recordation of the final map.
- 269
- 270 3. If at the end of the three-year period, the processing of
- 271 permits for construction has not been obtained and
- 272 construction commenced, the water and wastewater
- 273 connection fee paid to the City shall be forfeited.
- 274

275 4. Relief from the three-year timeframe set forth in this section
276 may be granted by the City Council.

277
278 I. Failure to receive the necessary permits to commence construction,
279 or in the case of a subdivision to receive approval and recordation
280 of a final subdivision map or final parcel map, shall deem the
281 allocation expired. ~~A one-time extension may be authorized by the~~
282 *The Planning and Building Director may authorize two extensions,*
283 *each for a period of up to 12 months; provided, that the applicant is*
284 *actively seeking permit approval or when warranted by extenuating*
285 *circumstances. No allocation shall extend for a period of over 24*
286 *months without the allocation being deemed expired.*

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288 **AMENDMENT 7: AMEND CHAPTER 19.02 (GROWTH MANAGEMENT**
289 **SYSTEM) TO ALLOW FOR ALLOCATION OF UNUSED**
290 **AND EXPIRED ALLOCATIONS BETWEEN FIVE-YEAR**
291 **GROWTH MANAGEMENT PROGRAM CYCLES**

292
293 Revise Section 19.02.060(F) of Chapter 19.02 (Growth Management System) to
294 allow for increases in annual allocations that include allocations from previous or
295 future five-year cycles.

296
297 F. Annual allocations may be increased *by drawing from unused*
298 *annual allocations in previous, current or future five-year cycles, as*
299 *approved by City Council resolution; provided, that the combined*
300 *average residential allocations do not result in a population growth*
301 *rate of more than 1.35 percent or nonresidential water distribution*
302 *exceeding the percentage specified in Chapter 13.16 CMC as*
303 *calculated over the fixed five-year cycle, commencing on January*
304 *1, 2005. for the five-year cycle(s) from which the allocations are*
305 *drawn from.*

306
307 Revise Subsection 19.02.060(G)(7) of Chapter 19.02 (Growth Management
308 System) to specify that unused or expired allocations may be carried over within
309 and between five-year cycles. The requirement to maintain an overall population
310 growth rate 1.35% would be maintained.

311
312 G(7). Applications for projects exceeding available annual allocations
313 may be awarded allocations from the combined average allocation
314 identified under subsection (F) of this section; provided, that the
315 ~~allocation does not~~ *allocations do not* result in a population growth
316 rate of more than 1.35 percent or a nonresidential water distribution
317 exceeding the percentage specified in Chapter 13.16 CMC ~~as~~
318 ~~calculated over the fixed five-year cycle.~~ *for the five-year cycle(s)*
319 *from which the allocations are being drawn.*

320

321 Revise Section 19.02.080(A) to specify that unused or expired allocations may
322 be carried over within and between five-year cycles. The requirement to
323 maintain an overall population growth rate 1.35% would be maintained.
324

325 A. Any unused allocations, or allocations which expire as provided in
326 CMC 19.02.060(I), shall be carried over ~~to the following annual~~
327 ~~allocation;~~ *for future annual allocations either within or between*
328 *five-year cycles*, provided that the carried-over allocations do not
329 result in a population growth rate of more than 1.35 percent or a
330 nonresidential water distribution exceeding the quantity specified in
331 Chapter 13.16 CMC ~~in any five-year cycle~~ *for the five-year cycle(s)*
332 *from which the allocations are being carried over from.*
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334 **AMENDMENT 8: AMEND CHAPTER 19.02 (GROWTH MANAGEMENT**
335 **SYSTEM) TO GIVE PRIORITY TREATMENT TO LOWER-**
336 **INCOME AND SPECIAL NEEDS HOUSING**
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338 Amend Section 19.02.060(C) of Chapter 19.02 (Growth Management System) to
339 add a provision giving priority to lower income and special needs housing when
340 the availability of resources is constrained.
341

342 C. Within 30 days from receipt of the City Manager's report, and not
343 later than September 15th of each year, the City Council, by
344 resolution, shall confirm the number of residential units and amount
345 of water for nonresidential use available for allocation and establish
346 a list of development objectives for residential and nonresidential
347 development by order of priority for the upcoming year. The list may
348 or may not include the general development objectives identified in
349 CMC 19.02.070(A) and (B), and shall be consistent with goals and
350 policies in the City's General Plan. The list shall be used by the City
351 to evaluate applications for allocations in the event that the number
352 of allocations requested in a given year exceeds the number of
353 allocations that are available for that year. *When the availability of*
354 *annual allocations for residential units is less than what would*
355 *normally be allowed for accommodating a population growth rate of*
356 *1.35%, priority in awarding allocations for residential units shall be*
357 *given to lower income housing projects and to special needs*
358 *housing projects.*
359

360 Amend Section 19.02.070(A) of Chapter 19.02 (Growth Management System) to
361 add special needs housing as a preference category for residential allocations.
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363 A. Preference for residential allocations shall generally be given to
364 projects that include one or more of the following:
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1. Construction of deed restricted residential units that the majority of units go towards the goal of fulfilling the City's remaining regional housing need in the very low-, low- and/or moderate-income housing categories as defined by the General Plan.
2. Construction of residential units that will be available to households of moderate income as defined by the General Plan.
3. Construction of residential units that are proposed as part of a mixed-use development project.
4. Construction of residential units on vacant, underdeveloped or redeveloped land with necessary public infrastructure in place.
5. *Construction of residential units that will be available to special need housing groups or population as defined by the General Plan.*