

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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# Th15a

**DATE:** August 23, 2012

**TO:** Commissioners and Interested Persons

**FROM:** Jack Ainsworth, Senior Deputy Director  
Steve Hudson, District Manager  
Amber Geraghty, Coastal Program Analyst

**SUBJECT:** City of Port Hueneme Local Coastal Program Amendment No. MAJ-1-12 (Reasonable Accommodation, Density Bonus, and Housing) for Public Hearing and Commission Action at the California Coastal Commission hearing of September 13, 2012 in Caspar.

## **DESCRIPTION OF THE SUBMITTAL**

The City of Port Hueneme is requesting an amendment to the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of its certified Local Coastal Program (LCP) to add provisions related to reasonable accommodation measures, update density bonus provisions for affordable housing, and update provisions related to emergency shelters, transitional, supportive, group, and single-occupancy housing, and family day care homes. On May 8, 2012, the Executive Director determined that the City's Amendment was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510(b). At the June 14, 2012 Commission hearing, the Commission extended the 60 day time limit to act on the City of Port Hueneme LCP Amendment No. CPH-MAJ-1-12 for one year.

## **SUMMARY OF STAFF RECOMMENDATION**

**Staff recommends approval of the Implementation Program/Zoning Ordinance Amendment as submitted.** The City of Port Hueneme proposes to amend the Coastal Zoning Ordinance portion of its certified Local Coastal Program (Article X) to: 1) add procedures related to reasonable accommodation for disabled or handicapped individuals, 2) update density bonus provisions for affordable housing to comply with state density bonus law, and 3) update housing-related zoning ordinance provisions including those related to development standards and permitted and conditional uses for emergency shelters, transitional housing, supportive housing, group quarters, single-room occupancies, small and large family day care homes, and update and add housing-related definitions.

The Commission can only reject such amendments where it can be shown that the amendment would be inconsistent with the certified Land Use Plan (LUP) and/or render the Implementation Program (IP) inadequate to carry out the LUP. The primary purpose of this amendment is to incorporate new or update existing provisions in the certified LCP that would allow for relatively minor exceptions to the City's permit requirements for new development when necessary to

provide reasonable accommodations for disabled or handicapped persons and to encourage incentives for increased density in appropriate areas of the city. As originally proposed, this amendment would have allowed exceptions to the provisions of the certified LCP that could have resulted in potential conflicts with the provisions of the LUP. However, in cooperation with Commission staff, the City has since revised their originally proposed amendment in order to specifically add additional requirements that all density bonus requests and reasonable accommodation requests in the Coastal Zone must fundamentally comply with LCP and Coastal Development Permit requirements and that the proposed density bonus incentives and concessions must avoid adverse impacts to coastal resources to the extent feasible. Thus, as discussed in the findings set forth in this report, the proposed amendment to the Implementation Program/Zoning Ordinance, as submitted, will conform with, and be adequate to carry out, the relevant provisions of the City’s certified Land Use Plan. Therefore, staff recommends that the Commission decline to reject this IP amendment. The motion and resolution for Commission action can be found on page 4 of this report.

**Substantive File Documents:** City of Port Hueneme Local Coastal Plan; City of Port Hueneme Ordinance No. 706, adopted by the City of Port Hueneme City Council on April 18, 2011 (Case Number PH-815); City of Port Hueneme City Council Meeting Minutes, dated April 2, 2012; City Council Agenda Staff Report, dated April 2, 2012, Draft Ordinance (to repeal and replace Ordinance 706) Amendment Article II, Chapter 10, and Article X, Chapters 1, 2, 3, 4, 5, and 6 of the Port Hueneme Municipal Code (Case Number PH-815)

## **TABLE OF CONTENTS**

<b>I. PROCEDURAL ISSUES.....</b>	<b>3</b>
A. STANDARD OF REVIEW .....	3
B. PUBLIC PARTICIPATION.....	3
C. PROCEDURAL REQUIREMENTS .....	3
<b>II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO) .....</b>	<b>4</b>
<b>III. FINDINGS AND DECLARATIONS FOR THE IMPLEMENTATION PROGRAM AMENDMENT APPROVAL AS SUBMITTED .....</b>	<b>4</b>
A. AMENDMENT DESCRIPTION AND BACKGROUND.....	5
B. ISSUE ANALYSIS .....	8
<b>IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT .....</b>	<b>9</b>

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## **EXHIBITS**

Exhibit 1. Map of City of Port Hueneme Coastal Zone

Exhibit 2. City of Port Hueneme Ordinance for Case Number PH-815, dated April 2, 2012

## **I. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

Section 30513 of the Coastal Act provides:

*The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...*

*The Commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken.*

The standard of review used by the Commission for the proposed amendment to the Implementation Plan (Coastal Zoning Ordinance) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified City of Port Hueneme Local Coastal Program. Chapter 3 policies of the Coastal Act have been incorporated in the certified City LUP as guiding policies.

### **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires that maximum opportunities for public input be provided in preparation, approval, certification and amendment of any LCP. The LCP Notice of Availability and Draft Documents were available to the public on January 27, 2011. The City held public hearings for this amendment on April 18, 2011, May 2, 2011, and April 2, 2012 and no verbal or written comments regarding the project were received from the public. The hearings were noticed to the public consistent with Sections 13552 and 13551 of the Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

### **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations (“14 CCR”), the City, by resolution, may submit a Local Coastal Program Amendment that will either require formal local government adoption after the Commission approval, or an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, the City has submitted this amendment as one that will require formal government adoption. Following review by the Commission, the City Council will have six months from the date of the Commission's action to decide whether or not to accept the Commission's action in order for the Amendment to become effective (14 CCR Sections 13544 and 13542(b)). Pursuant to 14 CCR Section 13544, the Executive Director shall

determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission.

## **II. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS ON THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE (IP/CZO)**

Following public hearing, staff recommends that the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and the staff recommendation is provided prior to each resolution.

### **APPROVAL OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED**

**MOTION:** I move that the Commission reject the Implementation Program Amendment (CPH-MAJ-1-12) for the City of Port Hueneme as submitted.

### **STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Following this staff recommendation with result in failure of this motion and certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment (CPH-MAJ-1-12) for the City of Port Hueneme as submitted and adopts the findings set forth below on grounds that the Implementation Program, as amended, conforms with and is adequate to carry out the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

## **III. FINDINGS AND DECLARATIONS FOR THE IMPLEMENTATION PROGRAM AMENDMENT APPROVAL AS SUBMITTED**

The following findings support the Commission's approval of the LCP Amendment as submitted. The Commission hereby finds and declares as follows:

## **A. AMENDMENT DESCRIPTION AND BACKGROUND**

### **1. Amendment Description**

The City of Port Hueneme proposes to amend the Coastal Zoning Ordinance portion of its certified Local Coastal Program to: 1) add procedures related to reasonable accommodation for disabled or handicapped individuals, 2) update density bonus provisions for affordable housing to comply with state density bonus law, and 3) update housing-related zoning ordinance provisions including those related to development standards and permitted and conditional uses for emergency shelters, transitional housing, supportive housing, group quarters, single-room occupancies, small and large family day care homes, and update and add housing-related definitions. (**Exhibit 2**)

#### Reasonable Accommodation

The City proposes to add the municipal code section regarding reasonable accommodation procedures, currently located in Article II, Chapter 10 (Administration) of the City's code to Article X, Chapter 5 (Enforcement) of the City's code into the Coastal Zoning Ordinance portion of its certified Local Coastal Program. The City proposes to add clarifications within that section to assure that, if the requested accommodation is granted, other required approvals of the Local Coastal Plan, such as Coastal Development Permit requirements, will still apply. The changes also include removing the distinction of minor reasonable accommodation measures versus major reasonable accommodation measures to create one category for reasonable accommodation. Further, the reasonable accommodation section is revised to contain more specific language. Instead of generally referring to the City's laws, rules, policies, and/or procedures related to land use and zoning regulations, the proposed reasonable accommodation section includes more detail about which laws rules, and policies/procedures a request may be granted for, such as requirements for special yards, open spaces, buffers fences, walls, and screening; vehicular ingress, etc. The section also changes the authority to grant reasonable accommodations from the City Council to the Director. Additionally, in consultation with Commission staff, the City has revised their originally proposed amendment in order to specifically add the requirement that reasonable accommodations in the Coastal Zone may only be granted if they do not fundamentally alter or conflict with any provision of the certified LCP.

#### Density Bonus

The City proposes to amend the density bonus section of Article X, Chapter 6 (Affordable Housing), Section 10803 to update qualifications, bonus calculations, affordability covenants, and specific incentives and regulatory concessions offered by the City for affordable housing consistent with current State Density Bonus law (California Government Code Section 65915). New sections are added regarding senior citizen housing requirements, land donation requirements, and child care facility requirements. Additionally, in consultation with Commission staff, the City has revised their originally proposed amendment in order to specifically add the requirement that all density bonus requests in the Coastal Zone must comply with LCP and Coastal Development Permit requirements and that the proposed density bonus incentives and concessions must avoid adverse impacts to coastal resources to the extent feasible. Further, definitions are updated and added within Article X, Chapter 6 (Affordable

Housing) for the following terms: Affordable Housing Agreement, Affordable Housing Costs, Affordable Units, Childcare Facility, Common Interest Development, Density Bonus, Density Bonus Units, Director, Low Income Households, Low Income Units, Lower Income Households, Moderate Income Households, Moderate Income Units, Senior Housing, Ventura County Area Median Income (AMI), Very Low Income Households, and Very Low Income Units.

Group, Transitional, and Supportive Housing, Single Room Occupancy Housing, Emergency Shelters, and Family Day Care Homes

The City is required to amend and update its zoning regulations in the City with regard to housing programs and options pursuant to Senate Bill 2 (Chapter 633, Statutes of 2007). Senate Bill 2 requires zoning laws to encourage and facilitate emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act (Government Code Section 65583 et seq.). Additionally, consistent with the current State Child Family Day Care Home Program (California Health and Safety Code Section 1597.30 et seq.), the City proposes to amend the permitted uses and conditional uses in residential zones related to small and large family day care homes, consistent with the current State Child Family Day Care Home Program (California Health and Safety Code Section 1597.30 et seq.).

Specifically, the City of Port Hueneme proposes to amend the zoning code as follows:

- 1.) Add definitions in Article X, Chapter 1, Part B (Definitions) for emergency shelter, supportive housing, transitional housing, group quarter supportive housing, group quarter transitional housing, and single room occupancy housing and update definitions for family, large family day care home, and small family day care home.
- 2.) Add a ministerial permit process in Article X, Chapter 2 (Land Use Provisions), Part E. to allow large family day care homes (7-12 children) in R-1 Single-Family Zones subject to minimum performance standards for state licensing, development standards, noise, parking, passenger loading, lighting, concentration of uses, and safety provisions related to swimming pools and spas.
- 3.) Add off-street parking requirements to Article X, Chapter 3, Part A (Development Standards) to include standards for emergency shelters and single-room occupancy housing.
- 4.) Add provisions to Article X, Chapter 4, Part A (R-1 Single Family Zone), Section 10401 (Permitted Uses) to allow large family day care, supportive housing, and transitional housing as permitted uses in the R-1 Single-Family Zone and distinguishes small family day care homes from other small community care facilities.
- 5.) Add provisions to Article X, Chapter 4, Part A (R-1 Single Family Zone), Part B (R-2 Limited Multifamily Zone), and Part C (R-3 Multiple Family zone) to clarify that large community care facilities (7 or more persons) proposed in an R-1 Single-Family Zone, R-2 Limited Multifamily Zone, or R-3 Multiple Family Zone are subject to issuance of City conditional use permit and minimum development standards.

- 6.) Add provisions to Article X, Chapter 4, Part B (R-2 Limited Multi-Family Zone), Part C (R-3 Multiple Family Zone), Part D (R-4 Mixed Use Residential Zone), and Part D-1 (R-5 Transitional Residential/Coastal-Related Industry Zone) to allow supportive housing and transitional housing as permitted uses in the R-2 Limited Multifamily Zone, R-3 Multiple Family Zone, R-4 Mixed Use Residential Zone, and R-5 Transitional Residential/Coastal Related Industry Zone, and to distinguish small family day care homes from other small community care facilities.
- 7.) Add provisions to Article X, Chapter 4, Part C (R-3 Multiple Family Zone) to allow single room occupancy housing in R-3 zones by conditional use permit with minimum development standards regarding 24-hour management, off-street parking, common areas, and refuse disposal.
- 8.) Add provisions to Article X, Chapter 4, Part H (M-1 Light Industrial Zone) to allow emergency shelters as a permitted use, rather than a conditional use, in the M-1 Light Industrial Zone subject to minimum development standards for size, off-street parking, outdoor activities, management, concentration of uses, occupancy, lighting, security, refuse disposal, support services, and add a ministerial application process for emergency shelters.

The Port Hueneme City Council's Ordinance (Case Number PH-815) for the proposed amendment, approved on April 2, 2012, is included as **Exhibit 2**.

## **2. Background**

The City of Port Hueneme ("City") is located at the southwest portion of Ventura County between the Pacific Ocean and the Oxnard Plain. The City is surrounded by the City of Oxnard on the north and east, while the Oxnard Harbor District, Port of Hueneme and U.S. Naval Construction Battalion Center are located on the west with the ocean to the south. A small portion of the City is within the coastal zone. A large portion of the City within the Coastal Zone boundary, the 815 acre U.S. Naval Construction Battalion Center, is excluded from the City's LCP jurisdiction. (**Exhibit 1**)

Initially, a version of the present LCP amendment was submitted to the Commission on May 6, 2011 as CPH-MAJ-1-11. After working with Commission staff to resolve issues related to that submittal, that LCPA was withdrawn and a new LCPA was submitted as CPH-MAJ-1-12 on April 5, 2012. More specifically, as originally proposed, this amendment would have allowed exceptions to the provisions of the certified LCP that could have resulted in potential conflicts with the provisions of the LUP. However, in cooperation with Commission staff, the City has since revised their originally proposed amendment in order to specifically add additional requirements that all density bonus requests and reasonable accommodation requests in the Coastal Zone must fundamentally comply with LCP and Coastal Development Permit requirements and that the proposed density bonus incentives and concessions must avoid adverse impacts to coastal resources to the extent feasible. On May 8, 2012, the Executive Director determined that the City's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510(b). The time limit to act

upon this LCP Amendment was 60 days, unless extended pursuant to Section 30517 of the Coastal Act and California Code of Regulations, Title 14, Section 13535(c). Pursuant to those sections, the time limit for this amendment was extended for an additional year by the Commission at the June 14, 2012 Commission hearing.

## **B. ISSUE ANALYSIS**

The standard of review used by the Commission for the proposed amendment to an Implementation Plan (IP) is whether or not the proposed amendment would render the IP not in conformance with, or inadequate to carry out the provisions of, the Land Use Plan (LUP). As noted in Section I.A., above, Coastal Act Section 30513 states in relevant part:

*The Commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan.*

Given the limited nature of the Commission's review, the merits of the proposed change is not before this Commission for its consideration. Similarly, the question before this Commission is not whether the proposed change is required by, or even within the scope of issues addressed by, the Coastal Act. The only question is whether the change would render the existing IP out of conformity with the LUP or inadequate to carry it out. The currently proposed amendment will not conflict with the policies certified as part of the City of Port Hueneme Land Use Plan (LUP).

The City's LUP incorporates the Chapter 3 policies of the Coastal Act (Public Resources Code 30210 through 30263) by reference as the guiding policies of the land use plan, which includes Article 2, Public Access and Article 6, Development. Section 30210 of the Coastal Act states that "...maximum access...and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." Additionally, Section 30250 of the Coastal Act states, in part, "new development...shall be located within, contiguous with, or in close proximity to, existing development areas able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively on coastal resources..." Further, Objective 4 of the City's LCP requires "[d]evelopment of a larger housing stock with a broader range of choice for residents of the City." Additionally, the Housing Policy for Area D within the City's Coastal Zone, states: "Low and moderate income housing opportunities within Ventura East shall, where feasible, be protected, maintained, and provided for in furtherance of neighborhood revitalization."

The proposed amendment, which incorporates and updates provisions regarding reasonable accommodation measures for disabled or handicapped individuals, density bonus provisions for affordable housing, and other housing-related and family day care home provisions, is consistent with the goals and objectives of the City's LUP and Coastal Act. The proposed amendment will carry out the public access and resource protection goals of the LUP and the Coastal Act and housing objectives of the LUP to provide a broad range of housing options. The proposed zoning code changes will facilitate maximum public access by providing procedures to allow a disabled person, or his or her representative, to request an accommodation from any of the city's land use,



zoning, or building laws, rules, policies, practices, and/or procedures when accommodation is reasonable and necessary to afford such persons equal access to publicly funded buildings, facilities, and programs. Further, the density bonus provisions will expand opportunities for affordable housing within the City and the additional provisions related to group, transitional, supportive, and single-room occupancy housing, emergency shelters, and day care homes will assure maximum access and housing opportunities for all people within the City's Coastal Zone consistent with the City's needs.

The proposed zoning code changes not supersede other necessary approvals for development within the Coastal Zone of the City, such as the need for a Coastal Development Permit. All required provisions of the Local Coastal Program will still apply, including Coastal Development Permit requirements and the requirement to avoid adverse impacts to coastal resources to the maximum extent feasible. Proposed revisions to Article X, Chapter 5 (Enforcement), Section 10702 (Reasonable Accommodation for Disabled or Handicapped Individuals) E.8. and F.4., as well as proposed revisions Article X, Chapter 6 (Affordable Housing), Section 10803 (Density Bonus)) assure that all required provisions of the LCP will still apply. **(Exhibit 1)**

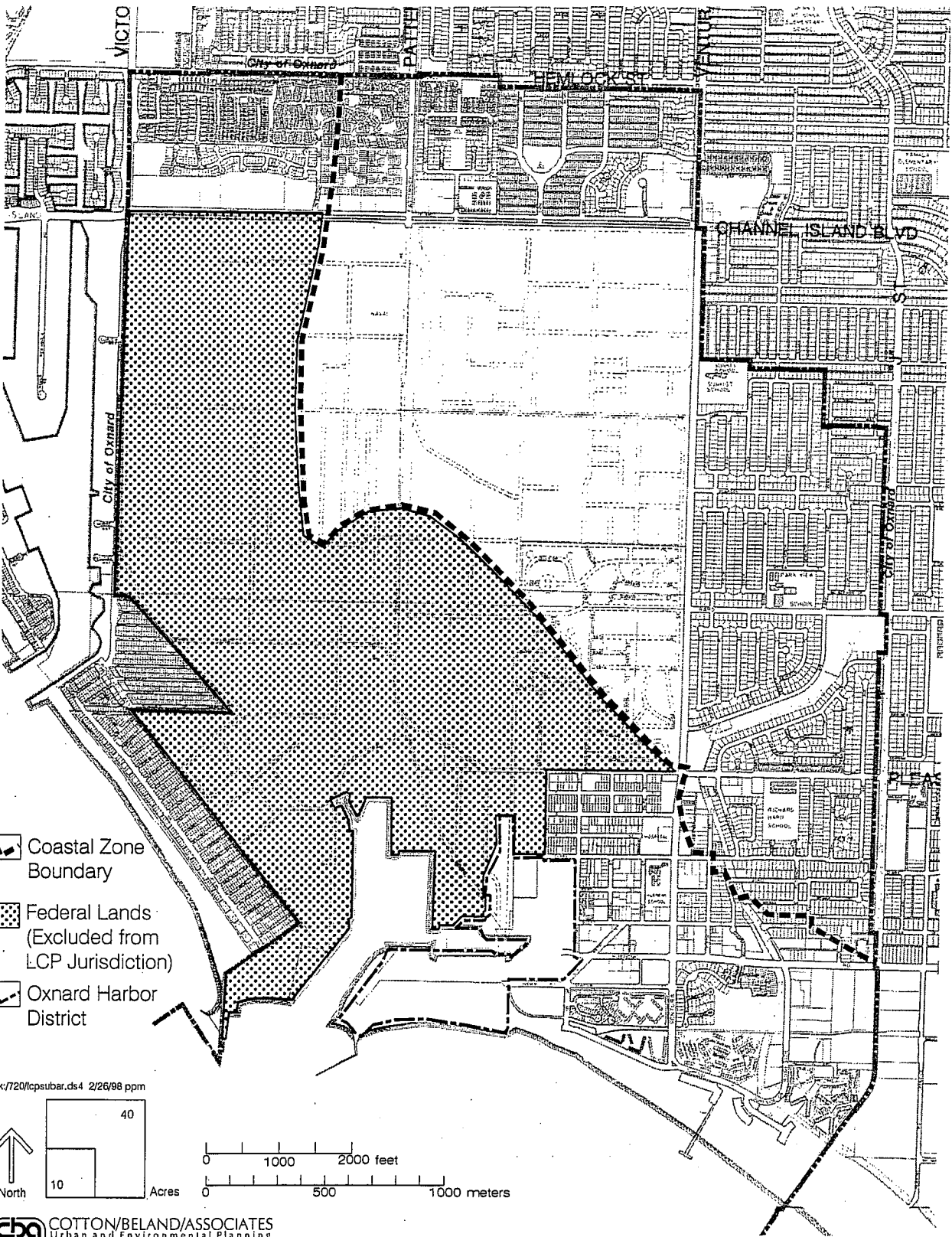
Further, the addition of procedures regarding reasonable accommodation measures for disabled or handicapped individuals, density bonus provisions, and other housing-related and family day care home provisions does not in any way reduce the adequacy of the IP in carrying out the provisions of the LUP, which include Chapter 3 Policies of the Coastal Act. The proposed zoning code changes do not conflict with the provision of priority land uses identified in the LUP, nor do the proposed changes raise issue with regard to the public access or coastal resource policies of the LUP. Therefore, the Commission finds that the proposed amendment, as submitted, does not raise any issues justifying its rejection pursuant to Coastal Act Section 30513.




#### **IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

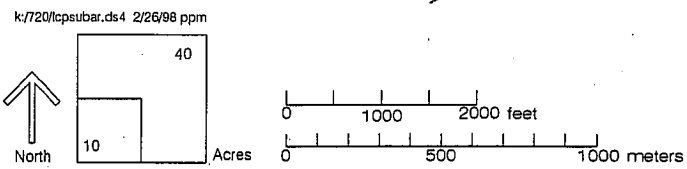
Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an LCP submittal, to find that the LCP does conform with the relevant provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b).

The proposed amendment is to the City of Port Hueneme's certified Local Coastal Program Implementation Ordinance. The Commission originally certified the City of Port Hueneme's Local Coastal Program Land Use Plan and Implementation Ordinance in 1983 and 1984,

respectively. For the reasons discussed in this report, the LCP amendment as submitted is consistent with the applicable policies of the certified Land Use Plan and no feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. Therefore, the Commission finds that the LCP amendment, as modified, is consistent with CEQA and the Land Use Plan.



-  Coastal Zone Boundary
-  Federal Lands (Excluded from LCP Jurisdiction)
-  Oxnard Harbor District



**CBA** COTTON/BELAND/ASSOCIATES  
Urban and Environmental Planning



CITY OF PORT HUENEME  
LOCAL COASTAL PLAN

**EXHIBIT 1**  
**CPH-MAJ-1-12**  
**Coastal Zone Boundary**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING ORDINANCE NO. 706 AND REPLACING IT TO AMEND ARTICLE II, CHAPTER 10, AND ARTICLE X, CHAPTERS 1, 2, 3, 4, 5, AND 6 OF THE PORT HUENEME MUNICIPAL CODE FOR THE PURPOSE OF COMPLIANCE WITH THE 2008-2014 HOUSING ELEMENT OF THE PORT HUENEME GENERAL PLAN

Received  
APR 24 2012  
California Coastal Commission

The city council of the City of Port Hueneme does ordain as follows:

SECTION 1: The City Council finds and declares as follows:

- A. In accordance with its police powers as set forth in the California Constitution, the City can enact laws that protect public health, safety, and welfare;
- B. The City regulates land use in the City through the portion of its Municipal Code commonly known as the Port Hueneme Zoning Regulations;
- C. The City has prepared, and the California Department of Housing and Community Development has certified, a 2008-2014 update of the Housing Element of the Port Hueneme General Plan (the "Housing Element Update");
- D. As part of the 2008-2014 Housing Element Update and Senate Bill 2 (2007), the City is required to amend its Zoning Regulations with regard to housing programs and options in the City;
- E. On April 18, 2011, the City Council concluded a public hearing to amend its Zoning Regulations with regard to housing programs and options. Based on the evidence submitted during the City Council public hearing, staff recommendations, and Council deliberations, it was in the public interest and adopted Ordinance No. 706;
- F. Port Hueneme Municipal Code Section 10006 provides that any amendment to adopted development and use standards or boundary change to land situated within the California Coastal Zone constitutes an amendment of the City's Local Coastal Plan (LCP) and cannot become final until approval or certification is granted by the California Coastal Commission;
- G. Port Hueneme Local Coastal Program Amendment Application No. 1-11 regarding City Ordinance No. 706 was received by the South Central Coast Office on May 6, 2011, for review and consideration by the California Coastal Commission as a Local Coastal Program Amendment;
- H. City staff received comment letters from Coastal staff and subsequently met with Coastal staff whereby City staff agreed to withdraw Local

Exhibit 2  
CPH-MAJ-1-12  
Ordinance Approved April 2, 2012

Coastal Program Amendment Application No. 1-11 to allow time to prepare additional information and propose revised amendment language as suggested by Coastal staff to obtain a positive recommendation for the desired Local Coastal Program Amendment;

I. On October 25, 2011, City staff provided Coastal staff a revised amendment as suggested by Coastal staff for review. On March 1, 2012, Coastal staff provided additional suggested changes that included legal division comments. This Ordinance incorporates Coastal staff's suggested changes.

J. In accordance with California Government Code 65853, the City Council is hereby acting as Planning Commission and on its own behalf;

K. On April 2, 2012, the City Council concluded a public hearing regarding the revised Ordinance. Based upon the evidence submitted during the City Council public hearing, staff recommendations, and Council deliberations, it is in the public interest to repeal Ordinance No. 706 and replace it by adopting this Ordinance.

SECTION 2: Move Article II, Chapter 10 (Reasonable Accommodations for Disabled or Handicapped Individuals) to Article X, Chapter 5 (Enforcement), and modify to read as follows: (Note: For ease of administration, section renumbering has occurred, but is not shown in underlined/strikeout format).

10702 – Reasonable Accommodation for Disabled of Handicapped Individuals)

A. Purpose. It is the purpose of this Section Chapter, pursuant to Fair Housing Laws, to provide individuals with disabilities reasonable accommodation in the application of the City's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose of this Section Chapter is to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted based upon sufficient evidence, from the various City laws, rules, policies, practices and/or procedures of the City, including land use and zoning regulations.

B. Definitions.

1. Applicant. A person, business, or organization making a written request to the City for reasonable accommodation in the strict application of land use or zoning provisions of this Title.
2. City. The City of Port Hueneme.
3. Code. The Port Hueneme Municipal Code.
4. Department. The City's Community Development Department.
5. Director. The City's Director of Community Development.

6. Disabled or Handicapped Person. 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 record of having such an impairment; but not including an individual's current, illegal use of a controlled substance.
  7. Fair Housing Laws. The "Fair Housing Amendments Act of 1988" (42 U.S.C. § 3601, et seq.), including reasonable accommodation required by 42 U.S.C. § 3604 (f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927 (c)(1) and 12955 (1), as any of these statutory provisions now exist or may be amended from time to time.
  8. ~~Minor~~ Reasonable Accommodation. Any deviation requested and/or granted from the strict application of various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City, in order to afford disabled persons an equal opportunity to use and enjoy a dwelling. Deviations may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; requirements for periodical review by the director; and such other conditions as the director may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare. ~~the City's laws, rules, policies, practices and/or procedures, including land use and zoning regulations of this Code, and which can be removed or terminated in ninety (90) calendar days or less after the need for the reasonable accommodation ends.~~
  9. ~~Major~~ Reasonable Accommodation. Any deviation requested and/or granted from the strict application of the City's laws, rules, policies, practices and/or procedures, including land use and zoning regulations of this Title, resulting in a physical modification to the property which cannot be restored or terminated within ninety (90) calendar days or less after the reasonable accommodation is terminated.
- C. Notice to the public of availability of accommodation process. The Department shall prominently display in the public areas of the Community Development Department at City Hall a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Section Chapter. City employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals

with disabilities or their representatives may be entitled to a reasonable accommodation.

D. Requesting reasonable accommodation.

1. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation, pursuant to this Section Chapter, relating to the application of various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City.
2. If an individual or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the Applicant or representative. The Applicant may be represented at all stages of the proceeding by a person designated by the Applicant as his or her representative.
3. A request for reasonable accommodation in laws, rules, policies, practices and/or procedures must be filed on an application form provided by the Department, shall be signed by the owner of the property, and shall include the following information:
  - a. A description of how the property will be used by the disabled individual(s);
  - b. The basis for the claim that the Fair Housing Laws apply to the individual(s) and evidence satisfactory to the Director supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a handicapped vehicle license plate, or other appropriate evidence which establishes that the individual(s) needing the reasonable accommodation is disabled/handicapped pursuant to the Fair Housing Laws;
  - c. The specific reason the requested accommodation is necessary to make particular housing available to the disabled individual(s); and
  - d. Verification by the Applicant that the property is the primary residence of the person for whom reasonable accommodation is requested.
  - e. No filing fee for an original application is required. For appeals, an Administrative Appeal filing fee must be paid to process the appeal.

E. Decision on application.

1. The Director shall have the authority to consider and act on any application for a Minor-Reasonable Accommodation. The Director shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may (1) grant the accommodation request (provided the Director can reasonably make the findings listed in section F of this section 10702), (2) grant the accommodation request subject to specified nondiscriminatory conditions (provided the Director can reasonably make the findings listed in section F of this section 10702), (3) deny the request, or (4) may refer the matter to the City Council, which shall render a decision on the application in the manner set forth for appeals herein. Notice of the Director's hearing on the application shall be made in writing ten (10) days prior to the Director's action on the application. Notice of the Director's meeting to review and act on the application shall be made in writing, ten (10) calendar days prior to the meeting and shall be mailed first class and postage pre-paid to the Applicant and the abutting property owners.
2. ~~The City Council shall have the authority to consider and act on any application for a Major Reasonable Accommodation, or any Minor Reasonable Accommodation request referred to it by the Director. The City Council shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation, after the submission of any additional information required pursuant to this section or after referral from the Director, and shall issue a written determination within thirty (30) days after such public meeting. The City Council may (1) grant the accommodation request, (2) grant the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request. Notice of the City Council meeting to review and act on the application shall be made in writing, ten (10) calendar days prior to the meeting and shall be mailed first class and postage pre-paid to the Applicant and all property owners within a three hundred foot radius of the parcel for which the reasonable accommodation request is being made.~~
3. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of determination shall be sent to the Applicant by first class mail.
4. If necessary to reach a determination on any request for reasonable accommodation, the Director may request further information from the Applicant consistent with this Section Chapter, specifying in detail what information is required. In the event a request for further information is made, the thirty-day period to issue a written determination shall be stayed until the Applicant responds to the satisfaction of the Director to the request.
5. If, based upon all of the evidence presented to the Director ~~or the City Council~~, the findings required in this Section Chapter may reasonably be made, the Director ~~or the City Council~~, as applicable, shall grant the requested reasonable accommodation.
6. A reasonable accommodation that is granted pursuant to this Section Chapter shall not require the approval of any variance as to the reasonable accommodation.



7. The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this Section Chapter to further fair housing. Such conditions may generally include, but are not limited to the following restrictions:
  - a. That the reasonable accommodation shall only be applicable to particular individual(s); and
  - b. That the reasonable accommodation shall only be applicable to the specific use for which application is made; and
  - c. That any change in use or circumstances which negates the basis for the granting of the approval shall render the reasonable accommodation null and void and/or revocable by the City; and
  - d. That the reasonable accommodation involving an exterior physical improvement or structure shall be designed to be substantially similar to the architectural character, colors, and texture of materials in the neighborhood or Planned Unit Development in which it is situated; and
  - e. That the reasonable accommodation is subject to any and all Building Code permit and inspection requirements of the City.
8. If the requested accommodation is granted, other required approvals of the Local Coastal Plan, such as Coastal Development Permit requirements of Section 10356, still apply.

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

1. 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.
2. The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.
3. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City.
4. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or other procedures of the City including those implementing the City's Local Coastal Program.

G. Appeals.

1. Within ten (10) days of the date the Director issues a written determination, any person aggrieved or affected by a decision on an application requesting the accommodation may appeal such determination in writing to the City Council.
2. All appeals shall contain a statement of the grounds for the appeal.
3. No such appeal shall be accepted unless there is, paid contemporaneously with the filing of such letter, an Administrative Permit Appeal processing fee in a sum to be set by resolution of the City Council. Upon receipt of a timely filed appeal, together with the filing and processing fee, the City Clerk shall set the matter for a de novo hearing before the City Council at its next reasonably available public meeting.
4. The City Council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed, or after an application has been referred to it by the Director. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
5. An Applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

H. Waiver of time periods. Notwithstanding any provisions in this Section Chapter regarding the occurrence of any action within a specified period of time, the Applicant may request additional time beyond that provided for in this Section Chapter or may request a continuance regarding any decision or consideration by the City of the pending appeal. Extensions of time sought by Applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications, and shall not be a violation of any required time period set forth in this Section Chapter.

**SECTION 3:** Edit Article X, Chapter 1, Part B (Definitions) to read:

**10056.2 – Emergency shelter.**

“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, earthquakes, etc.), 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.

**10056.3– Dwelling, supportive housing.**

“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.

#### **10056.4 – Dwelling, transitional housing.**

“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.

#### **10058 - Family.**

“Family” means a reasonable number of persons who constitute a bona fide single housekeeping unit who (1) reside in one dwelling unit; (2) share use of the entire dwelling unit; (3) equitably share expenses for food; (4) equitably share rent or ownership costs; and (5) share meals and recreational space. Family does not include boarding house or rooming house uses. Licensed care facilities with six (6) or fewer residents shall be considered a family one or more persons, related or unrelated, living together as a single housekeeping unit.

#### **10059 - Family day care home.**

“Family day care home” means a home which regularly provides care, protection, and supervision of twelve (12) or fewer children in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes the following: (1) “Large family day care home” which means a home which provides family day care to seven (7) to twelve (12) children, inclusive, including children who reside at the home; (2) “small family day care home” which means a home which provides family day care to six (6) or fewer children, including children who reside at the home.

“Small family day care home” means a day care facility located in a single-family dwelling where a full-time resident provides care and supervision for six or fewer children (plus two additional children after school). Children under the age of ten years who reside in the home count as children served by the day care facility.

“Large family day care home” means a day care facility located in a residence and licensed by the State as a family child care home, where a full-time resident provides care and supervision for seven to twelve children (plus two additional children after school). Children under the age of ten years who reside in the home count as children served by the day care facility.

#### **10102.1 – Group quarter supportive housing.**

“Group quarter supportive housing” means housing, configured as group care facilities or similar residential care facilities, 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.

**10102.2 - Group quarter transitional housing.**

“Group quarter transitional housing” means housing configured as group care facilities or similar residential care facilities and 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.

**10105.1 – Single room occupancy (SRO) housing.**

“Single Room Occupancy (SRO) Housing” means a dwelling unit consisting of no more than one occupied room with a maximum gross floor area of 350 square feet which may have kitchen and/or bathroom facilities. Each dwelling unit is restricted to occupancy by no more than two persons and is offered on a monthly rental basis or longer.

SECTION 4: Add to Article X, Chapter 2 (Land Use Provisions) to read:

**Part E. – Large Family Day Care Homes**

**10280 – Purpose.**

The purpose of this part is to ensure that large family day care homes providing child care in residential districts do not adversely impact the adjacent neighborhood. While large family day care homes are needed by residents in this City, especially in close proximity to their homes in residential neighborhoods, the potential traffic, noise and safety impacts of this use should be regulated in the interest of nearby residents and the children in the day care facility. It is also the intent of this Section to allow family day care homes in residential surroundings to give children a home environment which is conducive to healthy and safe development.

**10281 – Permitted uses.**

Large family day care homes are permitted uses in the City’s R-1 district, subject to the permit requirements (Section 10282) and performance standards (Section 10283) established below.

**10282 – Permits required.**

Any person wishing to conduct a large family day care home as defined in Section 10059 shall apply for a Ministerial Permit pursuant to Section 10354. A large family day care home meeting the performance standards for operation specified in Section 10283, shall, after application therefore, be issued a Business License pursuant to Article V of this Code.

**10283 – Performance standards.**

- A. State Licensing Required. These standards apply in addition to the requirements of the California Department of Social Services and its facility licensing procedures. Licensing by the Department of Social Services is required for all child day care facilities.
- B. Structures. A large family day care home shall conform to all property development standards of the zoning district in which it is located unless otherwise provided in this Section.
- C. Noise. The operation of a large family day care home shall comply with noise standards contained in the Port Hueneme Municipal Code, Article III, Chapter 5 (Noise Control).
- D. On-Site Parking. On-site parking for large family day care homes shall not be required except for that required for the residential building.
- E. Passenger Loading. Curbside loading shall be presumed adequate for drop-off and pick-up of children. However, where the Parking and Traffic Engineer, in evaluating a particular large family day care home, determines that curbside loading is not adequate, the Parking and Traffic Engineer shall approve a passenger loading plan.
- F. Lighting. Passenger loading areas may be illuminated. If a passenger loading area is illuminated, the lighting shall be directed away from adjacent properties and of an intensity compatible with the residential neighborhood.
- G. Concentration of Uses. A residential parcel shall not be bordered on more than one side by a care facility.
- H. Swimming Pools or Spas. No swimming pools or spas shall be installed on the site due to high risk and safety considerations. An existing pool or spa for a separate use on the parcel may be allowed if determined by the Director that adequate, secure separation exists between the pool or spa and the facilities used by the children.

SECTION 5: Edit Article X, Chapter 3, Part A (Development Standards) to add after "hotels, motels, boatels, and the like" the residential types below:

**10301 - Off-street parking.**

B. Parking Required.

Use	Parking Space Required
a. Residential Types	
<u>Emergency shelters:</u>	<u>One (1) parking space per ten (10) adult beds, plus one (1) parking space per employee on the largest shift.</u>
<u>Single room occupancy (SRO) housing:</u>	<u>One (1) parking space per two (2) units.</u>

SECTION 6: Edit Article X, Chapter 4, Part A (R-1 Single Family Zone) to read:

**10401 - Permitted uses.**

E. Community Care Facilities as defined in Section 1502 of the State Health and Safety Code which include but are not limited to: group quarter supportive housing, group quarter transitional housing, residential facility, adult day care facility, day treatment facility, foster family home, small family home, social rehabilitation facility, community treatment facility, residential care facility for the elderly, child day care facility, and day care center, ~~and small family day care home~~; provided, however, that the aforementioned uses serve six (6) or fewer persons;-

F. Small family day care homes;

G. Supportive housing; and

H. Transitional housing.

**10402 - Conditional uses.**

A. Community care facility serving seven (7) or more persons which include, but are not limited to group quarter supportive housing, group quarter transitional housing, residential facility, adult day care facility, day care treatment facility, foster family home, social rehabilitation facility, community treatment facility, residential care facility for the elderly, child day care facility, and day care center, ~~and large family day care home~~; shall conform to the following standards:

SECTION 7: Edit Article X, Chapter 4, Part B (R-2 Limited Multifamily Zone) to read:

**10421 - Permitted uses.**

F. Community Care Facilities as defined in Section 1502 of the California Health and Safety Code which include but are not limited to: group quarter supportive housing, group quarter transitional housing, residential facility, adult day care facility, day treatment facility, foster family home, small family home, social rehabilitation facility, community treatment facility, residential care facility for the elderly, child day care facility, and day care center ~~and small family day care home~~; provided, however, that the aforementioned uses serve six (6) or fewer persons;-

G. Small family day care homes;

H. Supportive housing; and

I. Transitional housing.

**10422 - Conditional uses.**

A. Community care facilities serving seven (7) or more persons which include, but are not limited to: group quarter supportive housing, group quarter transitional housing, residential facility, adult day care facility, day treatment facility, foster family home, social rehabilitation facility, community treatment facility, residential care facility for the elderly, child day care facility, and day care center, ~~and large family day care home;~~ shall conform to the following standards:

SECTION 8: Edit Article X, Chapter 4, Part C (R-3 Multiple Family Zone) to read:

**10441 - Permitted uses.**

F. Community care facilities as defined in Section 1502 of the California Health and Safety Code which include, but are not limited to: group quarter supportive housing, group quarter transitional housing, residential facility, adult day care facility, day treatment facility, foster family home, small family home, social rehabilitation facility, community treatment facility, residential care facility for the elderly, child day care facility, and day care center, ~~and small family day care home;~~ provided, however, that the aforementioned uses serve six (6) or fewer persons;:-

G. Small family day care homes;

H. Supportive housing; and

I. Transitional housing.

**10442 - Conditional uses.**

B. Community care facilities serving seven (7) or more persons which include but are not limited: group quarter supportive housing, group quarter transitional housing, residential facility, adult day care facility, day treatment facility, foster family home, social rehabilitation facility, community treatment facility, residential care facility for the elderly, child day care facility, and day care center, ~~and large family day care home~~ shall conform to the following standards:

J. Government and public utility facilities; and-

K. Single room occupancy (SRO) housing. SRO Housing shall conform to the following standards:

1. Twenty-four-hour on-site management must be provided at an SRO. The applicant will provide a copy of the proposed rules and residency requirements governing the SRO. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the City Council as part of a conditional use permit.

2. A Management Plan to address operations, safety and security and building maintenance must be submitted to the Development Review Committee for review.
3. Off-street parking must be provided at a rate of one parking space per two units, inclusive of guest parking.
4. The building shall contain a minimum of 250 square feet of common space such as recreation areas, lounges, and living spaces. An additional 10 square feet of common space is required per rooming unit over 11. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space.
5. Garbage disposal and receptacles are to be provided by the property owner. Garbage receptacles must be located on the lot or property in a manner that does not hinder access to any required off-street parking or loading spaces.

**SECTION 9:** Edit Article X, Chapter 4, Part D (R-4 Mixed Use Residential Zone) to read:

**10461 - Permitted uses.**

- D. Community care facilities as defined in Section 1502 of the State Health and Safety Code which include, but are not limited to: group quarter supportive housing, group quarter transitional housing, residential facility, adult day care facility, day treatment facility, foster family home, small family home, social rehabilitation facility, community treatment facility, residential care facility for the elderly, and child day care center, ~~and small family day care home~~; provided, however, that the aforementioned uses serve six (6) or fewer than persons;
- E. Small family day care homes;
- F. Supportive housing; and
- G. Transitional housing.

**SECTION 10:** Edit Article X, Chapter 4, Part D-1 (R-5 Transitional Residential/Coastal-Related Industry Zone) to read:

**10471 - Permitted uses.**

- D. Community Care Facilities as defined in Section 1502 of the State Health and Safety Code which include but are not limited: group quarter supportive housing, group quarter transitional housing, residential facility, adult day care facility, day treatment facility, foster family home, small family home, social rehabilitation facility, community treatment facility, residential care facility for the elderly, child day care



facility, and day care center, and small family day care home; provided, however, that the aforementioned uses serve six (6) or fewer persons;

- E. Small family day care homes;
- F. Supportive housing; and
- G. Transitional housing.

**SECTION 11:** Edit and renumber Article X, Chapter 4, Part H (M-1 Light Industrial Zone) to read:

**Section 10541 Permitted Uses.**

E. Miscellaneous. In addition, the following specified uses are allowed:

- 7. Emergency shelters.

**Section 10542 Conditional Uses.**

~~G. Emergency housing shelters.~~

**Section 10543 Development Standards.**

C. Emergency Shelters. In addition to the standards specified in Subsections A and B of this Section 10543, emergency shelters shall also be subject to the following development standards:

1. Each resident shall be provided a minimum of 50 gross square feet of personal living space per person, not including space for common areas. In no case shall occupancy exceed 60 residents at any one time. Bathing facilities shall be provided in quantity and location as required in the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).
2. Off-street parking shall be provided as set forth in Section 10301, except that the number off-street parking spaces provided shall be one (1) parking space per ten (10) adult beds, plus one (1) parking space per employee on the largest shift. Notwithstanding this requirement, the required number of off-street parking spaces shall not exceed the spaces required for similar uses of the same size in the M-1 zone.
3. 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.

4. Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be approved by the Director of Community Development. The management plan must include, but is not limited to, provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, temporary storage of residents' personal belongings, safety and security, loitering control, management of outdoor areas, screening of residents to ensure compatibility with services provided at the facility, and training, counseling and social service programs for residents, as applicable.
5. No more than one emergency shelter is permitted within a radius of three hundred (300) feet from another emergency shelter.
6. Individual occupancy in an emergency shelter is limited to six months in any 12 month period.
7. Exterior lighting shall be provided at all building entrances and outdoor activity areas, and shall be activated between sunset and sunrise of each day. All exterior lighting shall comply with Section 10304.
8. Each emergency shelter shall have an on-site management office, with at least one employee present at all times the emergency shelter is in operation or is occupied by at least one resident.
9. Each emergency shelter shall have on-site security employees, with at least one security employee present at all times the emergency shelter is in operation or is occupied by at least one resident.
10. 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.
11. The emergency shelter facility may provide one or more of the following specific facilities and services, including but not limited to:
  - a. Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;
  - b. Dining area;
  - c. Laundry;
  - d. Recreation room;
  - e. Support services (e.g., training, counseling); and
  - f. Child Care Facilities

12. Applications for emergency shelters shall be submitted to the Community Development Director, and if the application meets all applicable standards, including design, development, and any other state or local requirement, the application shall be approved ministerially by the Director.

SECTION 12: Edit and renumber Article X, Chapter 6 (Affordable Housing) to read:

(Note: For ease of administration, section renumbering has occurred, but is not shown in underlined/strikeout format).

**10800 - Purpose.**

The purpose of this Chapter is to promote the maintenance, improvement and expansion of housing affordable to persons of low and moderate income in furtherance of State law and Housing Element policies of the Port Hueneme General Plan.

**Section 10801 - Definitions.**

For the purpose of this Chapter, the following terms shall be defined as follows:

"Affordable Housing Agreement" means a legally binding, written agreement between the City and a developer, in form satisfactory to the City Attorney, ensuring the compliance of the requirements of this article.

"Affordable Housing Costs" shall be defined as in Health and Safety Code Section 50052.5, or any successor statute or regulation.

"Affordable Units" mean the units reserved for lower, low or moderate income households or senior households in order for the project to be eligible for the density bonus and incentives.

"Childcare Facility" means a facility other than a small or large family day care home, including but not limited to, infant centers.

"Common Interest Development" means any of the following as defined in Civil Code Section 1351 such as but not limited to: condominiums, planned developments, and stock cooperative.

"Density bonus" means a density increase in the amount specified in California Government Code, Section 65915(b)(1) and any other applicable federal and State laws that is over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan as of the date of application to the City. The density bonus shall not be included when determining the number of housing units equal to the percentage of the total specified in the statute. The applicant may elect to accept a lesser percentage of density bonus than required by the statute. an

~~increase of up to twenty five (25) percent in the number of residential units permitted over the otherwise maximum allowable density established for the R-1, R-2, R-3 and R-4 Zone districts.~~

"Density Bonus Units" mean the residential units granted pursuant to the provisions of this Article, which exceed the maximum residential density for the development site.

"Developer" means the project applicant for a development or coastal development, as such terms are defined elsewhere in this section.

"Development" and "coastal development" shall have the meaning assigned to these terms in Section 10356(B)(4) and (B)(5), in Article X of this Code.

"Director" means the Community Development Director of the City of Port Hueneme or his/her designee.

"Feasible" shall have the meaning assigned to this term in Section 65590(g)(3) of the California Government Code; that is, capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental and technical factors.

"Low Income Households" mean households whose income does not exceed the lower income limits applicable to Ventura County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Low Income Units" mean housing units restricted to occupancy by low income households at affordable housing cost.

"Lower Income Households" mean the inclusion of both low income and very low income households.

"Moderate Income Households" mean households whose income does not exceed the moderate income limits applicable to Ventura County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code or any successor statute or regulation.

"Moderate Income Units" mean housing units restricted to occupancy by moderate income households at affordable housing cost.

"Primary housing unit" means the main residential structure containing one dwelling unit located on a single-family lot.

"Qualifying household," for the purpose of Section 10803, means persons and families whose total income qualifies as being very low income or low income, and senior citizens, as defined in Section 51.2 of the California Civil Code. "Qualifying Household,"

for the purpose of Section 10804, means persons and families whose total income qualifies as being low or moderate income as defined in Section 50093 of the California Health and Safety Code.

"Secondary housing unit" means a second attached dwelling unit which provides complete, independent living facilities for up to two (2) persons on a lot zoned R-1 (Single Family), and shall include permanent provisions for living encompassing sleeping quarters, a bathroom and a kitchen constructed within or added onto an existing primary residence. A second unit is subordinate to and smaller than the primary residence.

"Senior Housing" means a residential development that has been "designed to meet the physical and social needs of senior citizens", and which otherwise qualifies as "housing for older persons", as that phrase is used in the Federal Fair Housing Amendments Act of 1988 and its implementing regulations, and as that phrase is used in California Civil Code Section 51.3 and the California Fair Employment and Housing Act.

"Ventura County Area Median Income (AMI)" means the annual median income for Ventura County, adjusted for household size, as published in the California Code of Regulations, Title 25, Section 6932, or its successor provision.

"Very Low Income Households" mean households whose income does not exceed the very low income limits applicable to Ventura County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

"Very Low Income Units" mean housing units restricted to occupancy by very low income households at affordable housing cost.

~~"Very low income," "lower income" and "low or moderate income" shall have the meanings assigned to these terms in Sections 50105, 50079.5 and 50093, respectively, of the California Health and Safety Code, as these sections now exist or may hereafter be amended or restated.~~

#### **10802 - Secondary housing units.**

- A. Applicability. Secondary housing units shall be permitted on all property with an underlying zone classification of R-1 (single-family) subject to issuance of a Ministerial Permit pursuant to Section 10354. Secondary housing units situated in the R-1 (single-family) zone located within the City's Coastal Zone shall be processed as a ministerial permit which does not require a public hearing pursuant to Section 10356(C)(2)(a)(2) and 10356(C)(3).
- B. Standards. Only one secondary housing unit shall be allowed on a single legal lot of record, provided, further, that a Ministerial Permit for such shall only be granted if all of the following conditions are met:

1. The lot on which the primary housing unit and proposed secondary housing unit are located must be located in an R-1 Zone on a lot containing six thousand (6,000) square feet. Only one secondary housing unit shall be permitted on any one lot.
2. A legal, conforming primary housing unit shall exist on the lot where the secondary housing unit is proposed. Establishment of a secondary housing unit shall not add to, increase or create a nonconforming use or structure. Any building code violations existing in the primary dwelling unit shall be corrected prior to the occupancy of the secondary housing unit.
3. The secondary housing unit shall be attached to the primary housing unit by sharing a common wall, floor or ceiling or be created within the primary dwelling unit. The secondary housing unit cannot be attached to the primary housing unit by a breezeway porch. No detached Secondary Housing Units shall be permitted.
4. The secondary housing unit shall contain no more than six hundred forty (640) square feet of gross floor area, excluding carports or garages and must be constructed upon a permanent foundation.
5. The secondary housing unit shall conform to the height, setback, lot coverage and other development standards applicable to construction of primary dwelling units in the R-1 Zone.
6. The architectural treatment and exterior composition of the secondary housing unit must be of the same materials, colors and architectural styling of the primary housing unit to which it is attached, or the entire structure remodeled in a single style. In addition, the secondary housing unit shall conform to the R-1 requirements of Section 10403(I) of this Chapter.
7. If the secondary housing unit has a separate entrance from the primary housing unit, the entrance of the secondary housing unit cannot face the front property line or must otherwise be oriented so as to be clearly subordinate to the primary entrance of the primary housing unit.
8. One covered or uncovered off-street parking space, in addition to any required for the primary housing unit, shall be provided. The parking space shall meet the access, paving and other applicable requirements contained in Section 10301 of Chapter 3. Where off-street parking for the primary housing unit does not meet the requirements of Chapter 3, the provisions of Section 10301 (D) (3) (a) (3) shall not apply and all required off-street parking for the primary housing unit shall be provided.

9. Either the primary housing unit or the secondary housing unit shall be occupied by the property owner. This ownership may be verified ~~certified~~ annually by the City.
10. No more than two (2) persons shall occupy the secondary housing unit.
11. The secondary housing unit shall not be sold separately from the primary housing unit.
12. The secondary housing unit shall conform to all other building, housing and zoning requirements stipulated in the Municipal Code.
13. The secondary housing unit must have adequate public utility facilities to serve it, including, but not limited to, sewer, water and streets, as certified by the Public Works Director.
14. The property owner shall file with the County Recorder upon approval by the City Attorney as to form and content, a deed restriction covenant containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The secondary housing unit shall not be sold from the primary dwelling unit;
  - b. The secondary housing unit is restricted to the approved site;
  - c. The Ministerial Permit for the secondary housing unit shall be in effect so long as either the primary housing unit or the secondary housing unit is occupied by the owner of the lot on which the secondary housing unit is located, except for bona fide temporary absences. The Use Permit shall remain valid if disability or infirmity require the institutionalization of the owner;
  - d. The Ministerial Permit, and any standards imposed by such permit, shall lapse upon removal of the secondary housing unit;
  - e. There shall be no more than two (2) inhabitants in any secondary housing unit;
  - f. The above declarations are binding upon any successors in ownership of the property.
15. It shall be unlawful for any person to occupy any property which fails to comply with the provisions of this Section. In addition to all other remedies such noncompliance may result in the revocation of the Administrative Permit.

E. Specific Requirements.

1. Senior Citizen Housing Requirements.

- a. Senior citizen housing development projects shall have a minimum of 35 units and shall meet the requirements described in Section 51.3 of the California Civil Code or any successor statute or regulation.
- b. Mobile home parks shall limit residency based on age requirements for housing for older persons pursuant to Section 798.76 of 799.5 of the Civil Code, or any successor statute or regulation.

2. Land Donation Requirements. An applicant for a tentative map, parcel map or any other discretionary approval required to construct a residential development in the City shall receive a 15 percent density bonus for the residential development when the applicant donates land to the City as provided in this Section. This 15 percent bonus shall be in addition to any other density bonus provided for in this Section, up to a total combined density bonus of 35 percent. Applicants are eligible for the 15 percent land donation density bonus if all of the following conditions are met:

- a. The developer shall donate and transfer land to the City prior to approval of the final map or other discretionary approval required for the residential development.
- b. The transferred land shall have the appropriate acreage and General Plan and Zoning designation to permit development of affordable housing for very low income households.
- c. The transferred land shall be at least one acre or of sufficient size to permit development of at least 40 residential units.
- d. The transferred land shall be served by adequate public facilities and infrastructure.
- e. The transferred land and the very low income units constructed shall have a deed restriction recorded with the County Recorder, to ensure continued affordability of the units. The deed restriction shall be recorded on the property at the time of dedication.
- f. The transferred land shall be conveyed in fee simple to the City or to a housing developer approved by the City.
- g. The transferred land shall be within the boundary of the proposed residential development, or no more than approximately one-quarter mile from the boundary of the qualified project, if the City so approves.



h. No later than the date of approval of the final map or other discretionary approval required for the residential development the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land.

3. Child Care Facility Requirements.

a. The City shall grant either of the following to a density bonus project that includes a child care facility located on the premises, or adjacent to, the project:

i. An additional density bonus in an amount equivalent to the square footage of the childcare facility; or

ii. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

b. In order to receive the additional child care density bonus, the project shall comply with the following requirements:

i. The child care facility shall remain in operation for a period of time that is as long as, or longer, than the period of time during which the density bonus units are required to remain affordable.

ii. Of the children who attend the child care facility, the percentage of children of very low income, low income, or moderate income households shall be equal to, or greater than, the percentage of affordable units.

c. Notwithstanding any requirement of this Section, the City shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

F. Standards. A density bonus shall only be granted in conjunction with a Development or Administrative Permit and shall only be granted if all of the following conditions are met: A density bonus shall only apply to property with a planned development overlay and Note: old sec numbers from here on: fix if you use these pages then, only for those projects described in subsection A of this section for which a density bonus is requested by the developer. A density bonus may only be granted in conjunction with a Development or Administrative Permit and shall only be granted if all of the following conditions are met:

1. The housing costs of units made available to qualifying households must not exceed the limits of affordability established pursuant to Section 50052.5 and

50053 of the California Health and Safety Code. Determinations of affordability for housing made available for sale or rent to qualifying households shall be governed by the regulations set forth in Title 25, Section 6910 et seq., of the California Code of Regulations. At least twenty (20) percent of the housing units in the development shall be provided for lower income households, or ten (10) percent of the total housing units for very low income households, or fifty (50) percent of the total housing units for senior citizens, as defined in Section 51.2 of the California Civil Code.

2. The housing costs of units made available to qualifying households must not exceed the limits of affordability established pursuant to Section 50052.5 of the California Health and Safety Code. Determinations of affordability for housing made available for sale or rent to qualifying households shall be governed by the regulations set forth in Title 25, Section 6910 et seq., of the California Code of Regulations.
  3. Housing units made available to qualifying households must remain available to such households, at affordable rates, for a minimum of thirty (30) years, or such longer period of time specified in loan agreements or subsidy programs associated with the development project. Deed restrictions, in form and content acceptable to the City to ensure unit affordability, must be recorded on the property prior to project commencement to assure compliance with the affordability requirements of this section.
  4. The developer shall verify income data for each qualifying household for the purpose of establishing eligibility and affordable housing costs. The criteria and methods used in verifying income shall conform to the standards prescribed for the Section 8 Existing Housing Payments Program and administered by the Port Hueneme Housing Authority. In determining eligibility, the income schedule (then in effect) adopted pursuant to Title 25, Section 6932 of the California Code of Regulations, shall be used at the time each unit is initially occupied by a qualifying household.
  5. Housing units which are made available to qualifying households shall be constructed so as to resemble and be compatible with all other units in the same development and shall be dispersed throughout the project. Affordable units shall be constructed concurrently with the market-rate units and be dispersed throughout the project, unless both the City Council and developer agree to an alternative construction schedule and distribution pattern.
- G. Incentives. All developers qualifying for a density bonus under this section may be entitled to at least one of the following incentives, provided, further, that the exact type and number of incentives so granted shall be determined at the City's sole discretion in conjunction with issuance of a Development or Administrative Permit; according to the following schedule:

<u>Target Group</u>	<u>Target Units</u>		
<u>Very Low Income</u>	<u>5%</u>	<u>10%</u>	<u>15%</u>
<u>Lower Income</u>	<u>10%</u>	<u>20%</u>	<u>30%</u>
<u>Moderate Income (Common Interest Development Only)</u>	<u>10%</u>	<u>20%</u>	<u>30%</u>
<u>Incentives *</u>	<u>1</u>	<u>2</u>	<u>3</u>
<i>Child care facility: When a qualified project includes a child care facility, the applicant shall receive one additional incentive.</i>			

1. The City Council shall may approve the requested incentives for a proposed project if the applicant provides a written financial statement detailing that the incentive(s) is necessary to make the housing units economically feasible and will sufficiently reduce the cost of the housing development. The City Council may deny one or more of the requested incentives if, based on substantial evidence, it makes either one of the following written findings:
  - a. The incentive is not required to ensure housing costs meet the affordability standards, as defined in Health & Safety Code § 50052.5, or any successor statute or regulation, or to ensure rents in the affordable units meet the requirements of this Article.
  - b. The incentive would have a specific adverse impact, as defined in Government Code § 65589.5(d)(2), upon:
    - i. Public health and safety; or
    - ii. Physical environment; or
    - iii. Any real property that is listed in the California Register of Historical Resources; or
    - iv. Resource protection policies of the Local Coastal Program; and
    - v. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
2. Menu of Incentives.
  - a. Relaxation or other modification of zoning standards regulating such items as setbacks height limitations, distances between buildings, required parking, parking development standards, projections into yards, and the like. No separate variance application will be required for any modification of standards. However, the approved plans and application shall identify the zoning standards modifications which have been incorporated into the project.
  - b. Modification of architectural regulations ordinarily applied to a residential development project.

## Section 10803 – Density Bonus.

- A. Purpose. The purpose of this section is to implement the incentive programs provided in the State density bonus regulations (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Port Hueneme. The intent of the following regulations is to ensure that, to the maximum extent feasible, the provisions of Government Code Sections 65915 through 65918 are implemented (1) in a manner that is consistent with the policies of the Port Hueneme General Plan, and (2) in the Coastal Zone, in a manner that is consistent with the certified local Coastal Program land use policies and zoning ordinance provisions.
- B. Applicability. This section applies to any residential development of five or more units, or 35 or more units for a senior housing project, when an applicant proposes a density increase above the maximum residential density. In exchange for the density, a portion of the units shall be reserved for lower income households, senior households, or moderate income households (in a common interest development) as provided in this section. ~~The density bonus provisions of this section shall apply to all development involving the construction or conversion of five (5) or more residential dwellings.~~ All such projects shall be subject to development review requirements of Chapter 3, including the Coastal Development Permit requirements.
- C. Protection of Coastal Resources. Within the Coastal Zone, any housing development approved pursuant to Government Code Section 65915 (as modified to include a density bonus, incentives, or concessions) shall be consistent with all applicable certified Local Coastal Program policies and development standards. Further, the City shall grant the incentive or concession to accommodate the density increase in compliance with this section unless the requested incentive or concession will have an adverse effect on coastal resources. If, however, the City determines that the requested incentive or concession will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible alternative incentives and concessions and their effects on coastal resources. The City shall grant one or more of those alternatives that avoids adverse impacts to coastal resources to the extent feasible.
- D. Determination of Density Bonus. Qualified projects that meet the eligibility requirements set forth in this section shall be granted a density bonus as outlined below.
1. In all density calculations, fractional units shall be rounded to the next whole number.
  2. The density bonus shall not be included when determining the percentage of affordable units.

3. The developer can request a lesser density bonus than the project is entitled to, but no reduction shall be permitted in the number of required affordable units.
4. Unless otherwise specified, each residential development is entitled to only one density bonus, and density bonuses from more than one category may not be combined.
5. The granting of a density bonus and its subsequent incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, zone change, or other discretionary approval.
6. Condominium/apartment conversions are not eligible for a density bonus if the original residential development received a density bonus, or other incentive, pursuant to this article.

<u>Income Group</u>	<u>Minimum Set-Aside of Affordable Units</u>	<u>Bonus Granted</u>	<u>Each Additional 1% adds:</u>	<u>Maximum Bonus under State Law</u>	<u>% Affordable Units Needed to Reach Maximum Bonus</u>
<u>Very Low Income</u>	<u>5%</u>	<u>20%</u>	<u>2.5%</u>	<u>35%</u>	<u>11%</u>
<u>Lower Income</u>	<u>10%</u>	<u>20%</u>	<u>1.5%</u>	<u>35%</u>	<u>20%</u>
<u>Moderate Income (Common Interest Development Only)</u>	<u>10%</u>	<u>5%</u>	<u>1.0%</u>	<u>35%</u>	<u>40%</u>
<u>Senior Citizen Housing Development</u>	<u>100% (35-unit minimum project size)</u>	<u>20%</u>	<u>--</u>	<u>20%</u>	<u>NA</u>
<u>Land Donation (very low income projects only)</u>	<u>10%</u>	<u>15%</u>	<u>1%</u>	<u>35%</u>	<u>30%</u>
<u>Condominium/Apartment Conversions</u>	<u>33% low-to-moderate income</u> <u>15% very low income</u>	<u>25%</u>	<u>NA</u>	<u>25%</u>	<u>NA</u>

### Example Calculation of a Density Bonus

	<u>Very Low Income</u>	<u>Lower Income</u>	<u>Moderate Income</u>	<u>Senior Housing</u>
<u>Initial Project Size</u>	<u>20 units</u>	<u>20 units</u>	<u>20 units</u>	<u>35 units</u>
<u>Affordable Units</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>100%</u>
<u>Density Bonus Qualified</u>	<u>20%</u>	<u>20%</u>	<u>5%</u>	<u>20%</u>
<u>Total Project Units</u>	<u>24 units</u>	<u>24 units</u>	<u>21 units</u>	<u>42 units</u>
<u>Distribution of Project Units</u>	<u>1 Very Low Income</u> <u>23 Market-Rate</u>	<u>2 Lower Income</u> <u>22 Market-Rate</u>	<u>2 Moderate Income</u> <u>19 Market-Rate</u>	<u>42 units</u>

- c. Shared participation in public improvements, environmental documentation and impact mitigation, and similar costs associated with project development.
  - d. Regulatory concessions resulting in identifiable cost reductions including, but not limited to, fee waivers, expedited permit processing and reduction of off-site improvements.
  - e. Additional density bonus which is greater than twenty five (25) percent over the otherwise maximum allowable residential density; above the bonus incentives as required by Section 65915(b)(1) of the Government Code, as long as the overall bonus received for the project does not exceed 110 percent for SRO or one-bedroom units and 50 percent for two-bedroom and above units.
  - f. The assignment of Section 8 housing assistance payments, as available, to the applicants for the targeted housing units.
  - g. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable project cost reductions.
- H. Project Review Procedures. All project applications for which a density bonus is being requested shall be subject to the issuance of a Development or Administrative Permit pursuant to Chapter 3 of this Article; provided, further, that the following additional project review procedures shall be imposed:
- 1. A pre-application shall be made by the project applicant pursuant to Section 10352(B) of this Article. The purpose of the meeting will be to review any preliminary development plans prepared by the developer and to discuss the additional project incentives sought by the developer.
  - 2. In the event the developer requests a waiver or modification of zoning standards pursuant to subsection ~~(E)(2)(C)(1)~~ of this section of this Chapter, the developer shall be required to show that the waiver or modification is necessary to make the housing units economically feasible.
  - 3. No special application for density bonus shall be required. However, in the project record, the Planning Agency shall note that a density bonus has been granted, and the approved plans and application shall identify concessions granted and any special conditions imposed on the project to ensure unit affordability.

SECTION 13: General Plan Consistency: The Ordinance is consistent with General Plan Goals, Objectives and Policies related to the Housing Element of the General Plan. Specifically, the amendment is consistent with Housing Element Goals, Objectives and Policies that include Goal 4.0 to Remove Governmental Constraints on Housing; Policy 4.1 to continue to implement the

State-mandated density bonus law; and Policy 4.2 to address governmental constraints to the provision of housing for persons with special needs, including seniors, disabled, female-headed households, large households, farm workers, homeless, and military families.

SECTION 14: Coastal Plan Consistency:

A. Port Hueneme Municipal Code Section 10006 provides that any amendment to adopted development and use standards or boundary change to land situated within the California Coastal Zone constitutes an amendment of the City's Local Coastal Plan (LCP) and cannot become final until approval or certification is granted by the California Coastal Commission. On April 18, 2011, and April 2, 2012, the City Council conducted public hearings to consider this Ordinance and its previous version to amend the Implementing Component of the LCP (commonly referred to as Article X "Zoning Ordinance"), which involves Chapters 1, 2, 3, 4, 5, and 6 of Zoning. The City Council considered all public testimony, both written and oral, received in conjunction with the public hearings. The City's Planning Agency constitutes the City Council. Accordingly, the proposed LCP amendment is initiated by the City Council of the City of Port Hueneme acting for itself and as the local planning agency.

B. Written notice of the availability of LCP public review draft documents pertaining to the proposed Ordinance amendment together with public hearing dates before the City Council was mailed to all governmental agencies and persons known to be interested in LCP matters. In addition, copies of the review draft documents were made available for public perusal at the Port Hueneme Civic Center, Ray D. Prueter Library, and South Central Coast Area Office of the Coastal Commission. Both notice and draft documents were mailed or delivered on January 27, 2011, a minimum of forty-five (45) days before the City Council's first action on the proposal. In addition, written notice of the proposal's public hearing before the City Council of the City of Port Hueneme was mailed to all governmental agencies and persons who were known to be interested in LCP matters and to all persons who have filed written request for such notice, which Notice was mailed not later than ten (10) calendar days before the date of the first hearing and a 1/8 page display advertisement was published in a legal section of a newspaper of general circulation a minimum of ten (10) calendar days before the date of the first hearing with proposed response to comments supplied to commenting agencies a minimum of ten (10) calendar days prior to said Public Hearing.

C. Port Hueneme Local Coastal Program Amendment Application No. 1-11 regarding City Ordinance No. 706 was received by the South Central Coast Office on May 6, 2011, for review and consideration by the California Coastal Commission.

D. City staff received a comment letter from Coastal staff dated May 20, 2011, regarding Local Coastal Program Amendment No. 1-11, which was responded to by City staff on May 27, 2011. This response was subsequently followed by a second comment letter dated June 13, 2011, and meeting among Coastal staff and City staff whereby City staff agreed to withdraw Local Coastal Program Amendment Application No. 1-11 to allow time to prepare additional information and proposed revised amendment language as suggested by Coastal staff to obtain a recommendation for a minor Local Coastal Program Amendment determination.

E. On October 25, 2011, City staff provided Coastal staff a revised amendment as suggested by Coastal staff for review. On March 1, 2012, Coastal staff provided additional suggested changes that included legal division comments. This proposed ordinance incorporates all of Coastal staff's suggested changes.

F. Written notice of subsequent public hearing on April 2, 2012, before the City Council of the City of Port Hueneme was mailed to all governmental agencies and persons who were known to be interested in LCP matters and to all persons who have filed written request for such notice, which Notice was mailed not later than ten (10) calendar days before the date of said hearing and a 1/8 page display advertisement was published in a legal section of a newspaper of general circulation a minimum of ten (10) calendar days before the date of said hearing with proposed response to comments supplied to commenting agencies a minimum of ten (10) calendar days prior to said Public Hearing.

G. The California Coastal Act is intended to protect natural and scenic resources; promote the public safety, health, and welfare; and protect public and private property, wildlife, marine fisheries, other ocean resources, and the natural environment and that California Coastal Commission Regulations establish the standards by which proposed land developments or other activities are evaluated to ensure consistency with the Act. Following are evaluations of the proposed Amendment with respect to relevant policies of Chapter 3 of the Coastal Act. On the basis of evidence presented below, the proposed Project is deemed fully consistent with and furthers the objectives of the California Coastal Act of 1976:

## 1. DEVELOPMENT

a.1. Coastal Act Section 30250: New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources:



a.2. Consistency Statement: In the interest of the public health, safety, and welfare, it is deemed necessary to amend the City's Zoning Regulations to comply with Senate Bill 2 (Chapter 633, Statutes of 2007) that amended housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act (Government Code Section 65583 et seq.). In addition, the Ordinance amends the City's density bonus section, including updating the specific incentives and regulatory concessions offered by the City consistent with current State Density Bonus law (California Government Code Section 65915); its amends the definition of "family"; and, it amends the City's permitted and conditions uses in its residential zones consistent with the current State Child Family Day Care Home Program (California Health and Safety Code Section 1597.30 et seq.).

The land to which the Ordinance applies is fully urbanized contiguous with existing developed areas with adequate public services and where it is not expected to have significant adverse effects, either individually or cumulatively, on coastal resources. The Ordinance amends Article X, Chapters 1, 3, 4, and 6 of the City's Zoning Regulations to generally accomplishing the following:

- Adds and updates definitions for emergency shelter, supporting housing, transitional housing, family, large family day care home, small family day care home, group quarters supportive housing, group quarters transitional housing, and single room occupancy (Ordinance Sections 7, 8, 9,10,11, and 12);
- Adds a new ministerial permit process to allow large family day care homes (7-12 children) in R-1 Single-Family Zones subject to minimum performance standards for noise, parking, loading, lighting, concentration, and safety provisions (Ordinance Section 13);
- Updates the off-street parking requirements to include standards for emergency shelters and single-room occupancy housing (Ordinance Section 14);
- Allows large family day care, supportive housing, and transitional housing as permitted uses in the R-1 Single-Family Zone and distinguishes small family day care homes from other small community care facilities (Ordinance Section 15);
- Clarifies that large community care facilities (7 or more persons) proposed in an R-1 Single-Family Zone, R-2 Limited Multifamily Zone, or R-3 Multiple Family Zone are subject to issuance of a City conditional use permit and minimum development standards (Ordinance Sections 16, 18, and 20);

- Allows supportive housing and transitional housing as permitted uses in the R-2 Limited Multifamily Zone, R-3 Multiple Family Zone, R-4 Mixed Use Residential Zone, and R-5 Transitional Residential/Coastal Related Industry Zone and distinguishes small family day care homes from other small community care facilities (Ordinance Sections 17, 19, 21, and 22);
- Allows single room occupancy housing in R-3 zones by City conditional use permit with minimum development standards regarding 24-hour management, off-street parking, common area, and refuse (Ordinance Section 20);
- Allows emergency shelters as a permitted use (versus conditional use) in the M-1 Light Industrial Zone subject to minimum development standards for space, off-street parking, outdoor activities, management, concentration, occupancy, lighting, security, refuse, support services, and ministerial application (Ordinance Sections 23, 24, and 25); and,
- Adds new definitions and revises the City's Density Bonus provisions to meet State law encompassing qualifications, bonus calculation, affordability covenants, and other incentives (Ordinance Sections 26 and 27).
- Moves the City's Reasonable Accommodations provisions from Article II, Chapter 10, Administration to Article X, Chapter 5, Zoning Enforcement (Ordinance Section 2).

Approval of reasonable accommodations will not require a fundamental alteration of the zoning or building laws, policies and/or other procedures of the City including those implementing the City's Local Coastal Program (see Ordinance §§10702.E. and 10702.F.).

Within the Coastal Zone, any housing development approved pursuant to Government Code Section 65915 (as modified to include a density bonus, incentives, or concessions) shall be consistent with all applicable certified Local Coastal Program policies and development standards. Further, the City shall grant the incentive or concession to accommodate the density increase unless the requested incentive or concession will have an adverse effect on coastal resources. If, however, the City determines that the requested incentive or concession will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible alternative incentives and concessions and their effects on coastal resources. The City shall grant one or more of those alternatives that avoids adverse impacts to coastal resources to the extent feasible (see Ordinance §10803.C.).

With regard to housing, specific housing policies for coastal areas are included in the California Government Code Article 10.7, Section 65590. As a result, the City's LCP does not discuss coastal housing issues.

#### H. APPROVAL.

1. The proposed ordinance is consistent with and furthers the objectives and policies of the City's General Plan, Zoning Ordinance, and Local Coastal Program and provides for the orderly growth, development, and use of properties and activities in the City of Port Hueneme.
2. Pursuant to Public Resources Code § 30510, the City Council of the City of Port Hueneme hereby reiterates its intent to implement the Local Coastal Program and amendments thereto in a manner fully consistent with the California Coastal Act and to issue coastal development permits for the total area included in the City's certified LCP.
3. The City's Director of Community Development is authorized to file documents with the California Coastal Commission and to provide such additional documents and information with appropriate governmental agencies as may be required to implement this Ordinance and that the LCP amendment shall take effect after approval by the California Coastal Commission and acceptance by adoption of the ordinance by the City Council consistent with 14 California Code of Regulations Section 13551(b)(2).

SECTION 15: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end; the provisions of this Ordinance are severable.

SECTION 16: Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record. The findings and determinations constitute the independent findings and determinations of the city council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 17: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Port Hueneme's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 18. Environmental Determination: The city council determines that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines") as it involves ministerial projects,

adoption of an ordinance establishing a permitting process for family day care homes, and involves minor alterations and clarifications to existing land use limitations and regulations, and specification of procedures related to housing and will not have the effect of substantially changing regulatory standards or findings required therefore. Accordingly, this Ordinance does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt in accordance with CEQA Guidelines §15268, §15274, and §15305

SECTION 19: Effectiveness: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption following approval and acceptance by the California Coastal Commission.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
DOUGLAS A. BREEZE  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHELLE ASCENCION, CMC  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
MARK D. HENSLEY  
CITY ATTORNEY

\_\_\_\_\_  
DAVID J. NORMAN  
CITY MANAGER