

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA, STATE OF CALIFORNIA, REVISING VARIOUS SECTIONS OF TITLE 11 (ZONING) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE, INCLUDING:

- **SECTION 11-02-050 (PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT, USE MATRIX); AND**
- **SECTION 11-29-010 (DEFINITIONS);**

BOTH FOR THE PURPOSE OF IMPLEMENTING THE SAN JUAN BAUTISTA GENERAL PLAN HOUSING ELEMENT

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 3.6 (Transitional Housing, Supportive Housing, Emergency Shelters, and Special Needs and Developmental Disability Groups), calls for the amendment of the San Juan Bautista Municipal Code to better accommodate transitional, supportive, and emergency housing, per Senate Bill 2 of 2007, and allow these housing types by right in all zoning districts that allow residential uses; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 4.4 (Accessory Dwelling Unit Ordinance Program), also calls for the amendment of the San Juan Bautista Municipal Code to replace its definition of “second dwelling unit” with a definition of “accessory dwelling unit;” and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an initial study was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to Title 11 (Zoning), to be less than significant, with mitigation; and

WHEREAS, the City Council adopted the Initial Study and Mitigated Negative Declaration at its October 8, 2019 meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Section 11-02-050 (Permitted and Conditional Uses By Zoning District, Use Matrix), of Chapter 11-02 (Zoning Districts) of Title 11 (Zoning) of the San Juan Bautista Municipal Code is revised to include new and revised information in the first of the three tables contained in this section, as shown below. The other two tables remain unchanged.

11-02-050 Permitted and conditional uses by zoning district, use matrix.

Use (Residential)	R-1	R-2	R-3	C	MU	I	P	PF	A
Accessory buildings	P, S	P, S	P, S						P, S
Co-housing/shared housing			C		C				
Day care facilities, large		P, S	P, S	C	C			C	
Day care facilities, small	P, S	P, S	P, S	C	C			C	P, S
Duplexes/duets		P, S	P, S						
Emergency shelters, <u>homeless shelters</u>	C	C	C		C, P			G, P	
Farmworker housing		P, S	P, S						P, S
Home occupations	P	P	P		C				P
Hostels			C	C	P				
Manufactured homes	P, S	P, S							P, S
Mobile home parks			P, S						
Multiple-family dwellings		P, S	P, S		P, S				
Residential care facilities – Small 1-6	P, S	P, S	P, S						
Residential care facilities – Large 7+			P, S						
Residential located above commercial			C	P					
Rooming and boarding		C	C						
<u>Secondary Accessory Dwelling units</u>	P, S	P, S	P, S		C				P, S
Single-family dwellings	P, S	P, S							P, S
Transitional housing, <u>homeless shelters</u> <u>supportive housing</u>	P, S	P, S	P, S	P	P, C			P, C	P, S

P – Permitted Use; C – Conditional Use; S – Site Review

SECTION 3. REVISIONS. Section 11-29-010 (Definitions), of Chapter 11-29 (Definitions) of Title 11 (Zoning) of the San Juan Bautista Municipal Code is revised to include new and revised definitions as follows:

11-29-010 Definitions.

...

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Emergency Homeless shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Homeless shelters shall be subject to the provisions of Chapter 11-18. "Homeless shelter" means the same as "Emergency shelter."

"Existing Structure" (for the purposes of defining an allowable space that can be converted to an ADU) means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

...

~~"Homeless shelter" means the same as "Emergency shelter." See definition for "Emergency shelter."~~

...

"Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

...

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

...

"Supportive Housing" means housing with no limit on length of stay, that is occupied by low income persons and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive Housing is permitted as a residential use and is only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Therefore, it is permitted in all zones allowing residential uses and is not subject to any restrictions (e.g., occupancy limit) that are not imposed on similar dwellings (e.g., single-family home, apartments) in the same zone in which the supportive housing is located. Supportive housing shall be subject to the provisions of Chapter 11-18.

"Transitional Housing" means housing with supportive services for up to twenty-four (24) months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing. Transitional Housing is permitted as a residential use and is only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Therefore, it is permitted in all zones allowing residential uses and is not subject to any restrictions (e.g., occupancy limit) that are not imposed on similar dwellings (e.g., single-family home, apartments) in the same zone in which the transitional housing is located. Transitional housing shall be subject to the provisions of Chapter 11-18.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force 30 days after its adoption and shall be published as required by law.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of October 2019, and was passed and adopted at a regular meeting of the San Juan Bautista City Council on the 19th day of November 2019.

AYES: Flores, Edge, Freeman, DeVries, Jordan

NOES: None

ABSENT: None

ABSTAIN: None



Mayor César Flores

ATTEST:



Laura Cent, City Clerk