

ORDINANCE NO. 2017-07

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING THE AMERICAN CANYON MUNICIPAL CODE TO REVISE SECTION 19.05.040, REVISE SECTION 19.10.040, AND ADOPT A NEW SECTION 19.10.160, SINGLE ROOM OCCUPANCY, CONSISTENT WITH CURRENT STATE LAW

WHEREAS, Municipal Code section 19.05.040 provides regulations to address definitions of residential use classifications in the City of American Canyon; and

WHEREAS, Municipal Code section 19.10.040 provides a table that regulates the permitted and conditionally permitted uses of residential districts in the City of American Canyon; and

WHEREAS, on March 26, 2015, the City adopted a revised Housing Element in the General Plan that identified policies that the City needed to implement to be consistent with the State of California regarding small group homes, employee housing, and single room occupancy residences; and

WHEREAS, the proposed ordinance adds a new Chapter 19.10.160 that addresses Single Room Occupancy (SRO's) in a manner consistent with current State Law; and

WHEREAS, the Planning Commission conducted a public hearing on September 12, 2017 and unanimously recommended approval of the ordinance; and

WHEREAS, the City Council considered all of the written and oral testimony presented at a public hearing on October 3, 2017 in making its decision;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 19.05.040 Residential Classifications is amended as follows:

Residential uses include living accommodations on a wholly or primarily nontransient basis, but exclude institutional living arrangements providing twenty-four-hour skilled nursing or medical care and those providing forced residence, such as detention facilities.

Congregate living facility: an establishment offering lodging on a monthly basis or longer, along with common eating arrangements and other services such as recreational, social and cultural activities and transportation, but excluding medical care.

Employee housing: Housing for six or fewer employees in a single-family dwelling shall be deemed a single-family use and shall be treated the same as any single-family dwelling in districts where single-family dwellings are allowed. Employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory or other similar term that implies the employee housing differs in any way from a family dwelling and shall not constitute a change in occupancy for purposes of local building codes. It shall not be subject to any fees to which other family dwellings of the same type in the same zone are not likewise subject.

Farm employee housing: living quarters provided on agriculture district property for the use of workers employed in agricultural activities.

Garden apartments: a multifamily development of one or more two- or three-story structures containing up to twenty units each that has units located one over the other, with integrated off-street parking, open space and recreation.

Mobilehome: a factory-built, single-family structure that meets the National Manufactured Housing Construction and Safety Standards Act of 1974.

Mobilehome park: a site developed for the long-term placement of mobilehomes.

Multifamily residential: three or more dwelling units on a lot. Multifamily residential units may share one or more common walls and include townhomes and garden apartments.

Residential care home: provision of twenty-four-hour nonmedical care of six or fewer persons in need of personal services, supervision, protection or assistance essential for sustaining the activities of daily living, or twenty-four-hour care for six or fewer foster children. This classification includes only those services and facilities licensed by the state for such purposes. Small group homes without personal services shall have the same standards and processing as Residential Care Homes.

Second residential unit: a second dwelling unit located on a lot with an existing principal dwelling unit.

Single-family residential, detached: a dwelling unit located on a separate lot which has no common walls with any other dwelling unit. Detached single-family residential include mobilehomes placed on a permanent foundation.

Single-family residential, semidetached: a one family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

Single Room Occupancy (SRO): Single Room Occupancy means a type of group residential use where there are at least five single rooms with no more than two occupants in each unit that complies with the regulations in Section 19.10.160 of this title. The single rooms are habitable rooms that may have a bathroom and/or limited cooking facilities, and are intended for combined living and dining purposes.

Supportive housing: permanent rental housing that provides a range of support services designed to enable residents to maintain stable housing, improve his or her health status, lead fuller lives, and when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zoning district.

Townhouse: a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Transitional housing: a type of supportive housing used to facilitate the movement of homeless individuals and families to permanent housing. A homeless person may live in a transitional dwelling for no less than six months while receiving supportive services that enable independent living. Transitional

housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zoning district. (Ord. 2014-06 § 1, 2014; Ord. 2001-02 § 1, 2001)

SECTION 2: Table 19.10.040 Residential Classifications is amended as follows:

Table 19.10.040

**PERMITTED AND CONDITIONALLY PERMITTED USES
RESIDENTIAL DISTRICTS¹**

RESIDENTIAL DISTRICT Use Classifications	ZONING DISTRICTS						Related Provisions
	RRH	RE	RR	RS	RM	RH	
Residential							
Congregate living facility	-	-	-	-	P	P	
Cottage food operations	P	P	P	P	P	P	
Employee Housing (1 to 6 occupants)	P	P	P	P	-	-	
Garden apartments	-	-	-	-	P	P	
Mobilehome	-	C	C	C	-	-	
Mobilehome park	-	-	-	-	C	C	Chapter 19.10
Multifamily residential	-	-	-	-	P	P	
Residential care home	-	P	P	P	P	P	
Second residential unit	P	P	P	P	P	-	Section 19.10.120
Single Room Occupancy (SRO)	-	-	-	-	-	P	Section 19.10.160
Single-family residential		-	-	-	-	-	
- Detached	P	P	P	P	p ²	p ²	² GP Policy 1.8.3
- Semidetached	-	-	p ³	p ⁴	P	P	³ GP Policy 1.7.1 ⁴ GP Policy 1.7.2
Townhouses	-	-	-	-	P	P	

SECTION 3: Chapter 19.10.160 Single Residency Occupancy is amended as follows:

- A. Purpose. The purpose of these regulations are to assure well managed and maintained single room occupancy (SRO) developments. SROs are a type of group residential use. The following provisions shall apply specifically to SROs and may provide guidance for other group residential projects.
- B. General Provisions.
 - 1. Density. Given that these are small individual housing rooms, to equate SRO projects with General Plan housing unit densities, the city shall apply a factor of 2 to the density range. That is, a General Plan density range of 10 to 20 units per acre shall equate to an SRO project

density range of 20 to 40 rooms/acre. Density bonuses may also be applied to qualifying SRO projects.

2. Any SRO project must also meet the following standards:
 - a. Proposed new construction, or exterior alterations to the existing buildings are compatible with the design and scale of the surrounding neighborhood;
 - b. SRO sizes shall range from 150 to 450 square feet;
 - c. A preliminary management plan shall be submitted as part of a design permit application and shall be reviewed and approved by the Community Development Director prior to the application being deemed complete. A final management plan shall be approved by the Community Development Department prior to issuance of a building permit, and recorded at the Napa County Recorder's office;
 - d. An on-site 24-hour manager is required;
 - e. Tenancy of a SRO shall not be less than 30 days.

SECTION 4: Compliance with California Environmental Quality Act. The City Council of the City of American Canyon finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA"). The proposed municipal code amendment is exempt from the requirement for environmental review under CEQA because the zoning for small group homes, employee housing, and single room occupancy regulations effectively took place on January 1, 2012 by virtue of the state's adoption of new statutes that pre-empt any inconsistent local ordinance. Thus, the city's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Instead, the city's action is to amend the residential classification ordinance to match the new requirements of state law. Consequently, and in accordance with CEQA Section 21084 and both Section 15002(i)(1) – lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the ordinance adoption is exempt from CEQA review.

SECTION 5: Effective Date. This ordinance shall become effective thirty (30) days following adoption.

SECTION 6: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity or constitutionality 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 or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7: Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

SECTION 8: Restatement of Existing Law. Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this


ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City related to the same subject matter or relating to the enumeration of permitted uses under the City's zoning code, shall be construed as restatements and continuations, and not as new enactments.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 3rd day of October, 2017, by the following vote:

AYES: Council Members Aboudamous, Leary, Oro, Vice Mayor Joseph and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None


The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 17th day of October, 2017, by the following vote:

AYES: Council Members Aboudamous, Leary, Oro, Vice Mayor Joseph, and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



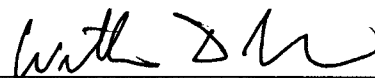
Leon Garcia, Mayor

ATTEST:



Suellen Johnston, CMC, City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney