CITY OF HUGHSON
PLANNING COMMISSION MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

AGENDA
TUESDAY, JULY 7, 2015 – 6:00 P.M.

CALL TO ORDER: Chair Julie Ann Strain

ROLL CALL: Chair Julie Ann Strain
Vice Chair Mark Fontana
Commissioner Sanjay Patel
Commissioner Karen Minyard
Commissioner Ken Sartain

Staff Present: Jaylen French, Community Development Director
Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Julie Ann Strain

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1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

3.1: Approve the Minutes of the Regular Meeting of May 19, 2015.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

4.1: Recommend that the City Council adopt Ordinance 2015-XX, an Ordinance of the City Council of the City of Hughson, adding a new

Chapter to the Hughson Municipal Code (HMC), Chapter 17.03.062 – Reasonable Accommodation.

4.2 Recommend that the City Council adopt Ordinance 2015-XX, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapter 17 – Zoning, regarding Transitional and Supportive Housing.

4.3 Recommend that the City Council adopt Ordinance 2015-XX Amending Municipal Code Chapters 8.08.010 - Definitions, 8.08.035 – Animals as a nuisance, 8.026.020 – Definitions, 8.26.050 – Property maintenance standards and unlawful conditions, 10.32.290 – Commercial vehicle parking, 17.02.008 – Residential zones, 17.02.012 – Commercial zones, 17.02.020 – Public use zones

5. INFORMATIONAL ITEMS: NONE.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

City Clerk:

City Attorney:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

July 9	▪ Hughson Farmer's Market, Downtown Hughson, Charles St, 4:00-8:00 p.m.
July 13	▪ City Council Meeting. City Hall Chambers, 7:00 p.m
July 23	▪ Hughson Farmer's Market, Downtown Hughson, Charles St, 4:00-8:00 p.m.
July 27	▪ City Council Meeting. City Hall Chambers, 7:00 p.m
August 4	▪ National Night Out
August 10	▪ City Council Meeting. City Hall Chambers, 7:00 p.m

AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT NOTIFICATION FOR THE CITY OF HUGHSON

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a Planning Commission meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

RULES FOR ADDRESSING PLANNING COMMISSION

Members of the audience who wish to address the Planning Commission are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

AFFIDAVIT OF POSTING

DATE: July 1, 2015 **TIME:** 6:00pm

NAME: Marilyn Castaneda **TITLE:** Management Intern

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Planning Commission shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson Planning Commission meets in the Council Chambers on the *third Tuesday* of each month at 6:00 p.m., unless otherwise noticed.

PC Agendas: The Planning Commission Agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054

CITY OF HUGHSON
PLANNING COMMISSION MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

MINUTES
TUESDAY, MAY 19, 2015 – 6:00 P.M.

CALL TO ORDER: Chair Julie Ann Strain

ROLL CALL:

Present: Chair Julie Ann Strain
Vice Chair Mark Fontana
Commissioner Karen Minyard
Commissioner Ken Sartain

Absent: Commissioner Sanjay Patel

Staff Present: Jaylen French, Community Development Director
Dominique Spinale Romo, Asst. to the CM/City Clerk
Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Julie Ann Strain

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1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

No Public Comments.

2. PRESENTATIONS: **NONE.**

3. NEW BUSINESS:

3.1: Approve the Minutes of the Regular Meeting of March 19, 2015.

SARTAIN/STRAIN 4-0 (PATEL-Absent) motion passes to approve the Minutes.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

4.1: Recommend that the Planning Commission adopted Resolution No. PC 2015-04, Approving a Conditional Use Permit with the Specified Conditions.

Director French presented this item to the Commission. Nancy Juarez from Kids First Learning Center and Day Care was present at the meeting to answer any questions the Commission had on this item.

Director French outlined the reasons for staff's recommendation to approve a conditional use permit to allow a non-residential day care facility in the C-2, General Commercial zone. Staff addressed the Commission's questions about potential traffic, parking and state required licensing.

FONTANA/MINYARD 4-0 (PATEL-Absent) motion passes to adopt Resolution No. PC 2015-04, Approving a Conditional Use Permit with the Specified Conditions.

4.2: Recommend that the City Council adopt Ordinance No. 2015-XX, an Ordinance of the City Council of the City of Hughson amending the Development Agreement relating to the development known as Feathers Glen.

Director French presented this item to the Commission. Randy Bling from Florsheim Homes was present at the meeting to answer any questions the Commission had on this item.

Director French provided background on the Feathers Glen development, the original Development Agreement in 2006 and the first amendment in 2008. He further provided information on the assumed benefits of extending the timeframe of the Development Agreement.

FONTANA/SARTAIN 3-0 (PATEL-Absent; MINYARD-Abstained) motion passes to recommend that the Hughson City Council adopt Ordinance No. 2015-XX, amending the Development Agreement relating to the development know as Feathers Glen.

4.3: Adopt Resolution No. PC 2015-05, a Resolution of the Planning Commission of the City of Hughson approving Design Review for the Feathers Glen Residential Subdivision.

Director French presented this item to the Commission. Randy Bling from Florsheim Homes was present at the meeting to answer any questions the Commission had on this item.

Director French provided an overview of the intent of the design review process and the findings required the commission would need to make for approval. The specifics of the design were shared with the Commmission, including additional features that would be provided. Staff and Mr. Bling addressed the Commission's questions regarding energy efficiency in units and xeriscaping.

SARTAIN/FONTANA 3-0 (PATEL-Absent; MINYARD-Abstained) motion passed to adopt Resolution No. PC 2015-05, approving Design Review for the Feathers Glen Residential Subdivision.

4.4: Determine that Vacating Right-of-Way on Fourth Street Between Hughson Avenue and Charo Street conforms to the Hughson General Plan and Recommend that the City Council Vacate said Right-of-Way

Director French presented this item to the Commission and explained that this was a reboot of an action that the Commission took in November of 2014. The City and the Developer desire to repeal the prior resolution and adopt a new resolution with new conditions, including paying the cost to install public improvements at the intersection of 4th Street and Hughson Avenue as well as on 4th Street.

SARTAIN/MINYARD 4-0 (PATEL-Absent) motion passes to determine that vacating right-of-way on Fourth Street between Hughson Avenue and Charo Street conforms to the Hughson General Plan and recommend that the City Council vacate said Right-of-Way.

5. INFORMATIONAL ITEMS: NONE.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director: None.

City Clerk: None.

City Attorney: None.

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

Chair Strain adjourned this meeting at 6:48 P.M.

_____
JULIE STRAIN, Chair

_____
DOMINIQUE SPINALE ROMO, City Clerk

PLANNING COMMISSION
AGENDA ITEM NO. 4.1
SECTION 4: PUBLIC HEARING

Meeting Date: **July 7, 2015**
Subject: **Recommend that the City Council Adopt Ordinance No. 2015-XX Amending Municipal Code Chapter 17 – Zoning**
Enclosures: **Draft Ordinance 2015-XX**
Presented By: **Jaylen French, Community Development Director**

Recommendation:

Recommend that the City Council adopt Ordinance 2015-XX, an Ordinance of the City Council of the City of Hughson, adding a new Chapter to the Hughson Municipal Code (HMC), Chapter 17.03.062 – Reasonable Accommodation.

Background and Overview:

The federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act ("Acts") prohibit discrimination against individuals with disabilities and require that cities take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities.

In regards to Reasonable Accommodations, the Acts require that cities seek to provide a procedure for individuals with disabilities, or their representatives, to request reasonable accommodation in seeking equal access to housing in the application of zoning laws and other land use regulations, policies and procedures.

The City of Hughson 2009 Housing Element, includes Policy 1-8, "Ensure housing is available for persons with disabilities", and includes Program 1-8-3, "Develop and formalize a general process that a person with disabilities will need to go through in order to make a reasonable accommodation request in order to accommodate the needs to persons with disabilities and streamline the permit review process." However, this policy was never codified in the HMC.

Discussion:

This item seeks a recommendation from the Planning Commission to the City Council to adopt the attached ordinance to add a new Chapter to the HMC to provide a procedure to request reasonable accommodation, in an effort to reflect

the City’s intention to encourage fair and equitable housing for the disabled and to simplify the land use review process.

The attached Ordinance provides all included language.

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015 - XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON ADDING A NEW CHAPTER TO THE HUGHSON MUNICIPAL CODE 17.03.062 – REASONABLE ACCOMMODATION

WHEREAS, the City Council of the City of Hughson previously added Chapter 17, referred as the Zoning Ordinance, to the Hughson Municipal Code, pertaining to the provision of Zoning; and

WHEREAS, the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "fair housing laws") seek to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing in the application of zoning laws and other land use regulations, policies and procedures; and

WHEREAS, the City of Hughson desires to amend its Zoning Ordinance within the municipal code to address compliance with the fair housing laws; and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under the Public Resources Code section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to ensure that a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 17.03.062, Reasonable Accommodation, is added to read as follows:

Sections:
17.116.010 Purpose
17.116.020 Applicability
17.116.030 Procedure
17.116.040 Approval findings
17.116.050 Conditions of approval

17.116.010 Purpose

The purpose of this Chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to

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housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter “Acts”) in the application of zoning laws and other land use regulations, policies, and procedures.

17.116.020 Applicability

A. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a “person with a disability” is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

D. A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

17.116.030 Procedure

A. A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department or in the form of a letter to the Director of Community Development Department, and shall contain the following information:

1. The applicant’s name, address, and telephone number;
2. Address of the property for which the request is being made;
3. The current use of the property;
4. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;
5. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and
6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.

C. A request for reasonable accommodation shall be reviewed by the Director of Community Development Department or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within 45 days of the application being

deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

D. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

17.116.040 Approval findings
The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

A. Whether the housing in the request will be used by a person with a disability under the Acts;

B. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;

C. Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the City;

D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Other reasonable accommodations that may provide an equivalent level of benefit.

17.116.050 Conditions of approval
In granting a request for reasonable accommodation, the Director of Community Development Department or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

17.116.060 Appeals
A. Any person dissatisfied with any action of the Director of the Community Development Department pertaining to this Chapter may appeal to the Planning Commission within 10 days after written notice of the Director's decision is sent to the applicant. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.

B. Any person dissatisfied with any action of the Planning Commission pertaining to this Chapter may appeal to the City Council within 10 days after the rendition of the decision of the Planning Commission. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.

C. The City Council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed has been paid.

D. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the complaint is made shall be deemed to have been waived.

E. After filing an appeal, the appropriate hearing body shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least ten days prior to the hearing.

F. The Planning Commission or City Council shall review de novo, i.e. without reference to the conclusions or assumptions from the prior body, the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

G. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.

Section 5. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 7. This ordinance shall become effective thirty (30) days after its final passage.

Section 8. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on June 22, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson_____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 7, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

_____

MATT BEEKMAN, Mayor

ATTEST:

_____

DOMINIQUE SPINALE, City Clerk

PLANNING COMMISSION
AGENDA ITEM NO. 4.2
SECTION 4: PUBLIC HEARING

Meeting Date:	**July 7, 2015**
Subject:	**Recommend that the City Council Adopt Ordinance No. 2015-XX Amending Municipal Code Chapter 17 – Zoning**
Enclosures:	**Draft Ordinance 2015-XX**
Presented By:	**Jaylen French, Community Development Director**

Recommendation:

Recommend that the City Council adopt Ordinance 2015-XX, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapter 17 – Zoning, regarding Transitional and Supportive Housing.

Background and Overview:

Pursuant to Senate Bill 2 (SB 2), the City must explicitly allow both supportive and transitional housing types in all zones that allow residential development. Transitional and supportive housing provides temporary housing, often with supportive services to formerly homeless persons for a period that is typically between six (6) months and 24 months. The supportive services, such as job training, rehabilitation and counseling help individuals gain life skills necessary for independent living.

The City's Zoning Ordinance defines Transitional Housing as:

> "housing with supportive services that is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goals 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."

Currently, Transitional Housing is allowed, by right, in the High Density Residential, R-3 zone and with a conditional use permit (CUP) in the Industrial zone.

The City's Zoning Ordinance does not currently define Supportive Housing. Although this issue was noted in the 2009 Housing Element (Program 1-7-2) to address compliance with State law, this was never carried through by amendment to the Municipal Code.

The intent of this item is to comply with SB 2 and to update the Municipal Code to reflect this requirement. Additionally, complying with this law will provide the City the opportunity to utilize the State Department of Housing and Community Development's (HCD) Streamlined Review Process for the upcoming Housing Element Update.

Discussion:

This item will ensure that transitional and supportive housing is allowed by right (i.e. a permitted use) in all zones in which residential uses are allowed and subject to only the same restrictions as residential uses contained in the same type of structure. In essence, a jurisdiction cannot make the development of this housing type more difficult to obtain approval than residential housing.

Under this amendment, the City will:

1) Update the transitional housing element in Table 17.02.032.1, Allowed Uses in Zoning Districts; and
2) Revise the definition of Transitional Housing to state it is allowed in all residential zones; and
3) Add a definition for Supportive Housing, as well as a definition for Target Population which accompanies Supportive Housing

The attached Ordinance provides all included or revised language.

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015 - XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON AMENDING MUNICIPAL CODE CHAPTER 17 – ZONING

WHEREAS, the City Council of the City of Hughson previously added Chapter 17, referred as the Zoning Ordinance, to the Hughson Municipal Code, pertaining to the provision of Zoning; and

WHEREAS, Chapter 17.02 – Zoning Districts, specifically addresses the establishment and designation of zones, as well as the general requirements and allowed uses in each zone; and

WHEREAS, Senate Bill 2 (SB 2), which became effective on January 1, 2008 and is codified in the California Government Code Section 65580 *et seq.*, clarifies and strengthens housing element law to ensure zoning encourages and facilitates transitional and supportive housing as well as limits the denial of transitional and supportive housing under the Housing Accountability Act. The law facilitates efforts to address critical needs of homeless populations and persons with special needs throughout all communities in California. Generally, SB 2 amends housing element law regarding planning and approval for transitional and supportive housing to ensure these uses are considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone; and

WHEREAS, the City of Hughson desires to amend its Zoning Ordinance within the municipal code to address compliance with SB 2.

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to ensure that transitional and supportive housing is allowed by right in all zones in which residential uses are allowed and subject to only the same restrictions as residential uses contained in the same type of structure in the same zone.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Section 17.01.090(T)(3) is amended to read as follows:

"'Transitional housing' means rental housing operated under the California Multifamily Housing 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 (6) months. Transitional housing units are residential uses permitted in all zones allowing residential uses of the same type in the same zone."

Section 2. Section 17.01.090 is amended to add subsection (S)(32) which read as follows:

"'Supportive housing' means housing with no limits on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses permitted in all zones allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone."

Section 3. Section 17.01.090(T) is amended to read as follows:

1. "Target unit" means a dwelling unit within a housing development which will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very-low-, low-, or moderate-income households, or is a unit in a senior citizen housing development.

2. "'Target population' means persons with low income who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people."

3. "Temporary tract office" means a temporary sales office located on the site of a new development, usually in a model home, and operated until sales are completed.

4. "Transitional housing" means housing with supportive services that is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goals 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.

5. "Tree" means a woody perennial plant characterized by having a main stem or trunk, or a multistemmed trunk system with a more or less definitely formed crown. It is usually over 10 feet high at maturity. This definition shall not include trees planted, grown and held for sale by licensed nurseries or the first removal or transplanting of such trees pursuant to and as part of the operation of a licensed nursery business.

6. "Tree removal" means the elimination of a tree by cutting to the ground, complete extraction, or killing by spraying, girdling, or any other means.

7. Tree, Significant. "Significant tree" means any tree which measures three inches or more in diameter at breast height (DBH) (four and one-half feet above natural grade) or immediately below the lowest branch, whichever is lower.

Section 4. Table 17.02.032.1, Allowed Uses in Zoning Districts, is updated to allow 'Transitional housing' in Residential Zoning Districts.

Allowed Uses in Zoning Districts

	R-1	R-2	R-3	R-A	C-1	C-2	C-3	I	P	O-S	S-P	Related Regulations
Residential												
Single-family dwellings	P	P	P	P	–	–	–	–	–	–	*	
Duplexes	P	P	P	–	–	–	–	–	–	–	*	17.02.008
Multiple-family dwellings	–	P	P	–	–	C	–	–	–	–	*	17.02.008
Secondary dwelling unit	P	P	P	P	–	–	–	–	–	–	*	17.03.072
Guest houses	C	C	C	C	–	–	–	–	–	–	*	17.03.004
Boarding and rooming houses	–	–	C	–	–	C	–	–	–	–	*	
Emergency housing	–	–	P	–	–	–	–	C	–	–	*	
Transitional housing	P	P	P	P	–	–	–	C	–	–	*	

Section 5. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 7. This ordinance shall become effective thirty (30) days after its final passage.

Section 8. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on June 22, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson_____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 7, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

_____

MATT BEEKMAN, Mayor

ATTEST:

_____

DOMINIQUE SPINALE, City Clerk

PLANNING COMMISSION
AGENDA ITEM NO. 4.3
SECTION 4: PUBLIC HEARING

Meeting Date:	**July 7, 2015**
Subject:	**Recommend that the City Council Adopt Ordinance No. 2015-XX Amending Municipal Code Chapters 8.08.010 – Definitions, 8.08.035 – Animals as a nuisance, 17.02.008 – Residential zones, 17.02.012 – Commercial Zones, 17.02.020 – Public use zones, 8.26.020 – Definitions, 8.26.050 – Property maintenance standards and unlawful conditions, 10.32.290 – Commercial vehicle parking**
Enclosures:	**Draft Ordinance 2015-XX**
Presented By:	**Stefanie Voortman, Code Enforcement Officer**

Recommendation:

Recommend that the City Council adopt Ordinance 2015-XX, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapters 8.08.010 – Definitions, 8.08.035 – Animals as a nuisance, 8.26.020 – Definitions, 8.26.050 – Property maintenance standards and unlawful conditions, 10.32.290 – Commercial vehicle parking, 17.02.008 – Residential zones, 17.02.012 – Commercial zones, and 17.02.020 – Public use zones.

Background and Overview:

During City staff's review of the HMC, in response to citizen and/or staff questions, staff discovered sections of the HMC which should be updated to benefit the City.

Upon the City's adoption of Ordinance 2013-04, the definition of Household pets was inadvertently removed from the HMC and redundant references to the definition's old location in the code remained. Staff discovered that language, in Chapter 8.26.050 restricts the ability to promote a healthy and safe environment for the public. Staff believes that changing the language to provide more detailed guidelines and limits on the accumulation and keeping of junk and non-operational vehicles would enable the City to more effectively enforce property maintenance standards. It was also found that language in Chapter 10.32.290 inhibits the City from enforcing commercial vehicle parking in residential zones.

The intent of this item is to seek a recommendation from the Planning Commission, onto the City Council, to modify the language in the HMC to address these issues.

Discussion:

HMC Title 8 – Health and Safety, pertains to the establishment of criteria, standards and limits that protect the health and well-being of the public. The raising and keeping of animals is covered under Chapter 8.08 and citywide property maintenance standards are covered under Chapter 8.26. Review of these chapters found a need for clarification and expansion to cover the growing and changing dynamics of the City. The requested changes to HMC Chapter 17.02 serve to realign the connection between the keeping of animals and its referenced location in the HMC.

Item 1 – Animals as a nuisance

HMC Section 8.08.035 – Animals as a nuisance, states, "No person, whether as owner or occupant, shall permit animals, except household pets as defined in Chapter 6.08 HMC to reside, be placed on, located on or in structures which are residential in nature. Animals which are not household pets as defined in Chapter 6.08 HMC and which are located in or on such residential property or structures in the city threaten the health, welfare and safety of the citizens of the city as a sanitation hazard and therefore are a public nuisance and may be abated as provided in this chapter."

Chapter 6.08 of the HMC currently provides the definitions that pertain to animals and the Stanislaus Animal Services Agency (SASA). Prior to the adoption of Ordinance 2013-04, this chapter also included a definition of Household pets which stated, ""Household pets" means animals permitted in the house and kept for company or pleasure such as: dogs, cats, domesticated small animals such as hamsters and guinea pigs, and birds, not including a sufficient number to constitute a kennel, as defined in this chapter. Household pets shall not include cows, horses, goats, hogs, sheep, chickens, or other farm or exotic animals."

As Ordinance 2013-04 was written using a universal format, designed to be adopted by the city member partners of SASA, definition 6.08.065 was removed. This definition was specific to the HMC and was therefore not included in the new version of Chapter 6.08. This definition however is important for the understanding of the guidelines established in HMC Sections 8.08.035, 17.02.008, 17.02.012, and 17.02.020 as they pertain to the keeping of animals in different zones.

It is the City's intention to add the term "Household pets" to Section 8.08.10 of the HMC and remove or replace the redundant references to Chapter 6.08 from HMC Sections 8.08.035, 17.02.008, 17.02.012, and 17.02.020.

Item 2 – Property maintenance standards and unlawful conditions

HMC Section 8.26 details the City's "Property Maintenance" standards. The intent of this section is to "promote the public health, safety and welfare" by preventing "social, economic and physical deterioration" and enhancing "the physical condition of real property".

HMC Section 8.26.020 – Definitions, includes the words "Debris" and "Junk". "Debris" is defined as "the same as junk" and "Junk" is defined as "any cast-off, damaged, discarded, junked, salvaged, scrapped, worn out or wrecked object, thing or material including, but not limited to, those composed in whole or in part of asphalt, brick, carbon, cement, cardboard, plastic or other synthetic substance, fiber, glass, plaster, plaster of paris, rubber, terra cotta, wool, cotton cloth, canvas, wood, metal, sand, organic matter (excluding compost not in public view) or other substance." These terms, however, do not address the storage of recyclables or non-operational/non-registered vehicles, both of which are considered to be attractants for pests, vermin and other animals. Adjusting the definitions of "Debris" and "Junk" will help clarify the City's meaning for members of the public and will add coverage for recyclable materials. Additionally, adding a definition for the term "Rubbish" and "Vehicle storage yard" will add clarification for the proposed changes to HMC Section 8.26.050.

Section 8.26.050 – Property maintenance standards and unlawful conditions, states, "It is unlawful, and a public nuisance, for any responsible person to maintain or allow to be maintained, permit or cause the property, including adjacent parkways, sidewalks or streets to be maintained with any of the following conditions which are visible from the street, sidewalk or public right-of-way". As it is currently worded, this subsection does not allow for enforcement within any fenced, out-of-view areas such as a backyard.

In consideration of the promotion of public health, staff believes that standards relating to conditions which are likely to harbor rats or vermin or allow access of flies, rodents and other animals should also be enforced in fenced in areas of public and private property. As these types of animals follow food and water sources and seek hidden places to nest and reproduce, the accumulation of junk, salvage material, weeds and even non-operational vehicles provide homes for animals and insects regardless of their location in a front or back yard. As such, the accumulation of these things should also be prohibited in the non-visible, outdoor areas of a parcel.

When regulating the "accumulation" of something it is helpful to provide specific guidelines so that members of the public can determine if they are within limits and/or how much of something is allowed. Staff believes that placing a limit of 120 square feet of outdoor space for the storage of junk, salvage materials, recyclables and other similar items will reduce the amount of space used by rodents, vermin and other animals for nesting and breeding. Additionally, limiting the number of non-operational/non-registered vehicles that can be stored on a parcel to 2 will also reduce available nesting and breeding spaces. Language would be added to provide exceptions for uses specifically permitted under HMC Chapter 17.02 – Zoning Districts.

Item 3 – Commercial vehicle parking

HMC Section 10.32.290 – Commercial vehicle parking, covers the locations and duration where a commercial tractor and/or trailer can be parked. The code offers specific language for determining what qualifies as a commercial vehicle as well as the dollar amount of infraction fines. The vehicles specified in this code section are not allowed to park in residential zones, whether on public or private property. While on public property, the specific dollar fines are applicable as they pertain to law enforcement traffic citations. To enforce parking on private property however, law enforcement must meet certain standards. These standards include that signs have previously been posted “giving notice of removal” or a “Property Trespass Violation” order has been filed with law enforcement.

Adding a penalty for owners of residentially zoned property will continue to enable law enforcement to issue traffic citations for commercial vehicles parked on the street. However, this will also enable authorized City personnel to issue Administrative Citations for vehicles that have been parked on private property where no signs have been posted and no order has been filed with law enforcement.

As stated in the proposed Recommendation, it is the intent of the City to promote the health, safety and welfare of the public and enhance the physical condition of real property by modifying the language in the HMC to address these inconsistencies and limitations.

CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015 - XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON AMENDING MUNICIPAL CODE CHAPTER 8 – HEALTH AND SAFETY, CHAPTER 10 – VEHICLES AND TRAFFIC AND CHAPTER 17 – ZONING

WHEREAS, the City Council of the City of Hughson previously added Chapter 8, pertaining to the provision of health and safety for the public, Chapter 10, pertaining to the movement of traffic through the city, and Chapter 17, pertaining to the provision of Zoning, to the Hughson Municipal Code; and

WHEREAS, the City of Hughson desires to amend Chapter 8 and Chapter 17 to reinstate the definition of household pets and correct references made obsolete by the adoption of Ordinance 2013-04; and

WHEREAS, the City of Hughson desires to amend Chapter 8.26 – Property Maintenance, to include new terms and quantity limitations and expand compliance area on a property in order to provide for the health and welfare of the public and prevent economic deterioration; and

WHEREAS, the City of Hughson desires to amend Chapter 10 to revise verbiage pertaining to penalties associated with violations of the commercial vehicle parking section; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to promote the health, safety and welfare of the citizens of the city.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 8.08.010 – Definitions, is amended to add subsection (D) which reads as follows:

D. “Household pets” means animals permitted in the house and kept for company or pleasure such as: dogs, cats, domesticated small animals such as hamsters and guinea pigs, and birds, not including a sufficient number to constitute a kennel, as defined in Section 6.08.080. Household pets shall not include cows, horses, goats, hogs, sheep, chickens, or other farm or exotic animals.

Section 2. Chapter 8.08.035 – Animals as a nuisance, is amended to read as follows:

“8.08.035 Animals as a nuisance. No person, whether as owner or occupant, shall permit animals, except household pets as defined in this chapter, to reside, be placed on, located on or in structures which are residential in nature. Animals which are not household pets as defined in this chapter and which are located in or on such residential property or structures in the city threaten the health, welfare and safety of the citizens of the city as a sanitation hazard and therefore are a public nuisance and may be abated as provided in this chapter.”

Section 3. Chapter 17.02.008 – Residential zones, is amended to read as follows:

“(A)(3). Animals. No person, whether owner or occupant, shall permit animals, except as allowed in this chapter, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section.”

Section 4. Chapter 17.02.012 – Commercial zones, is amended to read as follows:

“(A)(3). Animals. No person, whether owner or occupant, shall permit animals, except household pets as defined in Chapter 8.08 HMC, to reside, be placed on, located on property or in structures which are subject to this title.”

Section 5. Chapter 17.02.020 – Public use zones, is amended to read as follows:

“(A)(2). Animals. No person, whether owner or occupant, shall permit animals, except household pets as defined in Chapter 8.08 HMC, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section.”

Section 6. Chapter 8.26.020 – Definitions, is amended to read as follows:

““Debris” means the same as rubbish or refuse.”

““Junk” means any cast-off, damaged, discarded, junked, salvaged, scrapped, worn out or wrecked object, thing or material including, but not limited to, those composed in whole or in part of asphalt, brick, carbon, cement, cardboard, plastic or other synthetic substance, fiber, glass, plaster, plaster of paris, rubber, terra cotta, wool, cotton cloth, canvas, wood metal, sand, organic matter (excluding compost not in public view), recyclable material, including, but not limited to, metals, glass or plastic, or other item with a redemption value, or any other item or material requiring reconditioning or rebuilding in order to be used for a new or original purpose.”

““Rubbish” means nonputrescible waste or any discarded or abandoned material, including but not limited to, ashes, tires, glass, paper, cardboard, rugs, plastic and construction debris.”

““Vehicle storage yard” means any location consisting of parcel(s) or lot(s) where two or more vehicles (as defined by Section 670 CVC and excluding those of historical or special interest value as defined under Sections 5004 and 5051 CVC), or vessels (as defined bv Section 651 of the Harbors and Navigation Code), or combinations of both, which are disabled, under repair or restoration, and/or vehicles or vessels which are not currently registered with the State Department of Motor Vehicles are stored. For purposes of this section, a vessel and a trailer designed to carry a vessel that are used together as one unit shall count as one vehicle or vessel.”

Section 7. Chapter 8.26.050 – Property maintenance standards and unlawful conditions, is amended to read as follows:

“8.26.050 Property maintenance standards and unlawful conditions.
It is unlawful, and a public nuisance, for any responsible person to maintain or allow to be maintained, permit or cause the property, including adjacent parkways, sidewalks or streets to be maintained with any of the following conditions:

A. The exterior accumulation of weeds as defined in Chapter 8.08 HMC, or dirt on the property to such an extent that it constitutes visual blight .

B. The exterior accumulation of refuse, as defined in Chapter 8.12 HMC, rubbish or debris.

C. The exterior accumulation of more than one hundred twenty square feet of junk, except as otherwise provided under Chapter 17.02 HMC, provided that no junk shall be visible from the street, sidewalk or public right of way.

D. Neglected or inadequately maintained landscaping, trees, hedges, lawns, shrubs, plants or other vegetation which:

1. Is dead, decayed, diseased, debris laden, weed infested, overgrown or dying as a result of physical damage, disease, pest infestation or lack of water
2. Is overgrown as to be blighted or likely to harbor rats or vermin;
3. Could create a fire hazard or is otherwise dangerous to the public health, safety and welfare;
4. Interferes with or impedes the flow of traffic, whether vehicular or pedestrian or obstructs visibility on streets, intersections, sidewalks, or other public rights-of-way; or
5. Creates a blighted appearance due to lack of water, provided, however, that the provision as to dead or dying vegetation due to lack of water shall not be enforced during a drought, as determined by the city. For purposes of this subdivision, a lawn

area shall be deemed overgrown if 50 percent or more of its area exceeds six inches in height.

E. The removal or failure to maintain in good condition any fencing required as a condition of any permit or development approval or included in the project plans or application, as approved by the city, including, but not limited to, those fences which abut major thoroughfares, sound walls or those fences required by a use permit. In addition, any required fence must be maintained consistent with and/or match the materials used when the fence was originally constructed.

F. Buildings, windows, walls, fences, trash enclosures, parking areas, or other structures, which are:

1. Significantly cracked or broken, fallen, decayed, dry rotted, warped, deteriorated, defective, defaced, in disrepair or missing components, or which either (a) threaten structural integrity, or (b) results in a dilapidated, decaying, disfigured, or partially ruined appearance to such an extent that they contribute to blight or threaten the public health, safety or welfare;

2. Fences which are leaning or listing more than 15 degrees from perpendicular or are in danger of collapse due to the elements, pest infestation, dry rot, lack of maintenance, or other damage;

3. Poorly maintained so as to become so defective, blighted, or in such condition of deterioration of disrepair that the same causes depreciation of the values of surrounding property or is materially detrimental to nearby properties and improvements.

G. The existence of indoor plumbing fixtures (including, but not limited to toilets or sinks), appliances or furniture, excluding lawn and patio furniture.

H. Attractive nuisances dangerous to children, including, but not limited to:

1. Abandoned and broken equipment, vehicles, furniture, appliances, or neglected machinery;

2. Improperly fenced, unsanitary or otherwise hazardous pools, ponds and excavations.

I. Lumber or other building materials which have been present on the property for more than 180 days, (excluding firewood that has been stacked out of public view or materials for a construction project on the property with a current valid permit) or other salvage materials (including, but not limited to, auto parts, pipe, scrap metals, tires, concrete, bricks, cans, bottles and plastic materials).

J. Broken windows or missing doors constituting blighted or hazardous conditions or which invite trespassers and malicious mischief.

K. Property otherwise maintained in such a blighted condition, or in such condition of deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding properties or is materially detrimental to proximal properties and improvements.

L. The existence of a vehicle storage yard, except as otherwise provided under Chapter 17.02 HMC.

In addition to any other remedy provided by law, the provisions of this section may be enforced in accordance with any of the procedures set forth in this code or state law."

Section 8. Chapter 10.32.290 – Commercial vehicle parking, is amended to read as follows:

"A. For the purposes of this section, "commercial vehicle" means and includes any vehicle designed to be used as a tractor, which has two or more axles, and has a fifth wheel, and a manufacturer's gross vehicle weight of 10,000 pounds or more, and any trailer or semitrailer designed to be drawn by such vehicle.

B. The following prohibitions apply:

1. No person, whether as owner or occupant, shall permit any commercial vehicle to be stopped, parked or left standing, within any residential zoning district, on private property, at any time.
2. No commercial vehicle shall be stopped, parked or left standing, within any residential zoning district, on any street or public property, at any time .
3. No commercial vehicle shall be stopped, parked or left standing, within any nonresidential zoning district, on any street, for longer than one hour total within any 24-hour period.

C. Any commercial vehicle stopped, parked or left standing in violation of this section, when signs are posted giving notice of removal, may be removed and stored at said vehicle owner's expense. The removal and storage of any commercial vehicle stopped, parked or left standing in violation of this section shall be carried out pursuant to Section 22850 et seq. of the Vehicle Code.

D. Any owner of real property in a residential zone, who violates the provisions of this section, shall be guilty of an infraction and is punishable pursuant to Chapter 1.12 HMC.

E. Any person, whether owner or operator of a commercial vehicle, who violates the provisions of this section, shall be guilty of an infraction and shall be subject to the following:

1. A fine of $105.00 for a first violation;
2. A fine of $205.00 for a second violation occurring within one year of the first violation which resulted in a conviction;
3. A fine of $255.00 for a third or any subsequent violations occurring within one year of two or more prior violations which resulted in convictions.

F. The application of the provisions of subsection D and E of this section shall not be held to prevent the removal of a commercial vehicle pursuant to subsection C of this section.

G. The provisions of this section shall not apply to vehicles of a public utility when such vehicles are being used in connection with the operation, maintenance or repair of facilities of the public utility or being used in connection with providing public utility service, or to any commercial vehicle making pickups or deliveries of

goods, wares or merchandise from or to a building or structure located on a restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a restricted street for which a building permit has previously been obtained."

Section 9. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 10. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 11. This ordinance shall become effective thirty (30) days after its final passage.

Section 12. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on July 13, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson_____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 7, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

_____

MATT BEEKMAN, Mayor

ATTEST:

_____

DOMINIQUE SPINALE, City Clerk