

ORDINANCE NO. 1004

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING AND ADDING DEFINITIONS IN CHAPTER 16.04 [DEFINITIONS] OF TITLE 16 [ZONING] OF THE MENLO PARK MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1: The City Council of the City of Menlo Park hereby finds and declares as follows:

- a. The City desires to amend and add definitions in Chapter 16.04 [Definitions] of Title 16 [Zoning] to fulfill implementing program H3.B in the City's current 2007-2014 Housing Element, which includes amending zones to specifically allow residential care facilities and transitional and supportive housing as required by State Law.
- b. State Law requires transitional and supportive housing to be considered a residential use subject to only those restrictions that apply to other residential dwellings of the same type in the same zone. Similarly, small residential care facilities must be permitted as a residential use.
- c. The Planning Commission held duly a noticed public hearing on March 10, 2014 to review and consider the proposed amendments and additions to Chapter 16.04 [Definitions] of Title 16 [Zoning], at which all interested persons had the opportunity to appear and comment.
- d. The City Council held a duly noticed public hearing on April 1, 2014 to review and consider the amendments and additions to Chapter 16.04 [Definitions] of Title 16 [Zoning], at which all interested persons had the opportunity to appear and comment.
- e. After due consideration of the proposed amendments and additions to Chapter 16.04 [Definitions] of Title 16 [Zoning], public testimony, staff reports, and the Planning Commission recommendation, the City Council finds that the proposed ordinance is appropriate.

SECTION 2: Section 16.04.220 [Convalescent Home] of Chapter 16.04 [Definitions] of Title 16 [Zoning] is hereby amended to include large residential care facilities and other comparable licensed care facilities and to read as follows:

16.04.220 Convalescent home. "Convalescent home" means a large residential care facility or any structure occupied or intended to be occupied, for compensation, by persons recovering from injury or illness, or suffering from the infirmities of old age, and any comparable licensed care facility.

SECTION 3: Section 16.04.240 [Dwelling] of Chapter 16.04 [Definitions] of Title 16 [Zoning] is hereby amended to comply with State Law regarding residential care facilities and transitional and supportive housing and to read as follows:

16.04.240 Dwelling. “Dwelling” means a building or a portion thereof designed and used exclusively for residential occupancy, including one family, two family dwellings and multiple family dwellings, small residential care facility, transitional and supportive housing, but not including hotels, motels or boardinghouses.

SECTION 4: Section 16.04.554 [Residential Care Facility, Large] is hereby added to Chapter 16.04 [Definitions] of Title 16 [Zoning] to differentiate between small residential care facilities, which are permitted uses and regulated more similarly to residential uses, and large residential care facilities, which are not subject to the same allowances under State law and may be subject to different regulations and to read as follows:

16.04.554 Residential care facility, large. “Large residential care facility” means any facility, place, or building that is maintained and operated to provide twenty-four (24)-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual and licensed by the state of California for occupation by seven (7) or more persons.

SECTION 5: Section 16.04.555 [Residential Care Facility, Small] is hereby added to Chapter 16.04 [Definitions] of Title 16 [Zoning] to differentiate between small residential care facilities, which are permitted uses and regulated more similarly to residential uses, and large residential care facilities, which are not subject to the same allowances under State law and may be subject to different regulations and to read as follows:

16.04.555 Residential care facility, small. “Small residential care facility” means any facility, place, or building that is maintained and operated to provide twenty-four (24)-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual and licensed by the state of California for occupation by six (6) or fewer persons.

SECTION 6: Section 16.04.662 [Supportive Housing] is hereby added to Chapter 16.04 [Definitions] of Title 16 [Zoning] to comply with State Law and demonstrate that supportive housing is permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone and to read as follows:

16.04.662 Supportive housing. “Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists 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.

SECTION 7: Section 16.04.665 [Transitional Housing] is hereby added to Chapter 16.04 [Definitions] of Title 16 [Zoning] to comply with State Law and demonstrate that transitional housing is permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone and to read as follows:

16.04.665 Transitional housing. “Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.

SECTION 8: A Negative Declaration was prepared that considered the environmental impacts of the changes necessary to bring the City’s Zoning Ordinance into compliance with State Law relative to residential care facilities and transitional and supportive housing and determined that any potential environmental impacts were less than significant.

SECTION 9: If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 10: This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

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INTRODUCED on the 1st day of April, 2014.


PASSED AND ADOPTED as an Ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the 29th day of April, 2014, by the following vote:

AYES: Carlton, Cline, Keith, Ohtaki, Mueller

NOES: None

ABSENT: None

ABSTAIN: None



Ray Mueller
Mayor

ATTEST:



Pamela Aguilar
City Clerk