

ORDINANCE NO. XX-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND ADDING SECTION 9.1.1218 OF ARTICLE 12 OF CHAPTER 1 OF TITLE 9 OF THE OAKLEY MUNICIPAL CODE REGARDING SINGLE ROOM OCCUPANCY UNITS

The City Council of the City of Oakley does ordain as follows:

SECTION 1. Findings.

The City Council hereby finds and determines as follows:

- A. The State Department of Housing and Community Development recognizes that Single Room Occupancy units can provide a valuable form of affordable private housing for lower- income individuals, seniors, and persons with disabilities; and
- B. The Oakley 2020 General Plan Housing Element identified this as Policy Action Program 4.9; and
- C. The proposed Section 9.1.1218 of Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code will complete Policy Action 4.9 of the Housing Element of the Oakley 2020 General Plan. Specifically, the new section of the Zoning Ordinance will provide a definition of a Single Room Occupancy land use as well as provide development standards and a permitting process; and
- D. The proposed Section 9.1.1218 of Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code is consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Policy Actions necessary through the 2007-2014 Housing element planning period.

SECTION 2. Code Amendments

Section 9.1.1218 of Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code is hereby added as follows:

“9.1.1218 Single Room Occupancy.

a. It is the purpose and intent of this section to regulate the development and operation of Single Room Occupancy land uses. Single Room Occupancy unit’s provided housing opportunities for lower-income individuals, persons with disabilities, the elderly and formerly homeless individuals.

b. The following definition shall apply to this Section 9.1.1218.

i. “Single-Room Occupancy” shall mean a facility providing dwelling units where each unit has a minimum floor area of 150 square feet and a maximum floor area of 220

square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

c. Single Room Occupancy units as defined in Section 9.1.1218(b)(i) shall be:

i. Located exclusively in the General Commercial (C) Zone District with the approval of a Conditional Use Permit in accordance with Section 9.1.1602. An application pursuant to this section shall be processed concurrently with any other application(s) required for housing development. Final approval or disapproval of an application shall be made by the City Council.

d. The following development standards shall be used in conjunction with the General Commercial (C) Zone District standards for any Single Room Occupancy development. In addition, the application for a Single Room Occupancy project shall also comply with Section 9.1.1604.

i. Unit size. The minimum size of a unit shall be 150 square feet and the maximum size shall be 350 square feet which may include bathroom and/or kitchen facilities.

ii. Occupancy. An SRO unit shall accommodate a maximum of two persons.

iii. Common area. A minimum of 10 square feet for each unit or 250 square feet, whichever is greater, shall be provided for a common area. All common area shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the Community Development Director may be considered common areas. Shared bathrooms, kitchens, janitorial storage, laundry facilities, and common hallways shall not be considered as common areas.

iv. Kitchen facilities. An SRO is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one kitchen per floor.

v. Bathroom facilities. For each unit a private toilet and sink in an enclosed compartment with a door shall be provided. This compartment shall be a minimum of 15 square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences with at least one full bathroom per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.

vi. Closet. Each SRO shall have a separate closet.

vii. Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 10 units, with at least one washer and dryer per floor.

viii. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor.

ix. Code Compliance. SRO units shall comply with all requirements of the California Building Code.

xiii. Accessibility. All SRO units shall comply with all applicable ADA accessibility and adaptability requirements. All Common areas shall be fully accessible.

x. Tenancy. Tenancy of an SRO shall be a minimum of 30 days.

xi. Management. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the City Council. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance. A 24-hour resident manager shall be provided for any single-room occupancy use with 10 or more units. An on-site managers office shall be provided for any SRO facility with 9 or less units.

xii. Parking. Parking shall be provided for a SRO facility at a rate of one parking space per unit plus an additional two spaces for the resident manager."

SECTION 3. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

SECTION 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 5. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on September 14, 2010 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Pat Anderson, Mayor

ATTEST:

Nancy Ortenblad, City Clerk

Date