

## ORDINANCE NO. 1733-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING TITLE 9, CHAPTER 4, ARTICLE 2, SECTION 9-4.202 DEFINITIONS, ARTICLE 21, SECTIONS 9-4.2104 PERMITTED USE MATRIX - RESIDENTIAL ZONES, 9-4.2104.5 PERMITTED USE MATRIX - MIXED-USE ZONES AND MIXED-USE OVERLAY ZONES, AND 9-4.2105 PERMITTED USE MATRIX-NON-RESIDENTIAL ZONES, AND ARTICLE 25, SECTIONS 9-4.2525 EMERGENCY SHELTERS, AND 9-4.2527 TRANSITIONAL AND SUPPORTIVE HOUSING, AND TITLE 9, CHAPTER 10, ARTICLE 5, DENSITY BONUS PROGRAM; OF THE THOUSAND OAKS MUNICIPAL CODE TO IMPLEMENT THE 2021-2029 HOUSING ELEMENT PROGRAM 8 FOR ZONING CODE AMENDMENTS ADDRESSING STATE HOUSING AND LAND USE MANDATES RELATED TO MANUFACTURED HOMES, DENSITY BONUS, EMERGENCY SHELTERS, RESIDENTIAL CARE FACILITIES, AND TRANSITIONAL, SUPPORTIVE, FARMWORKER AND EMPLOYEE HOUSING (MCA 2024-70003)

The City Council of the City of Thousand Oaks does hereby ordain as follows:

### **Part 1**

**Title 9, Chapter 4, Article 2, Section 9-4.202 Definitions is hereby amended for the definitions of “Dwelling Unit,” “Dwelling, One-Family,” “Farmworker Dwelling Unit,” “Farmworker Housing Complex,” “Residential care facilities, large,” “Residential care facilities, small,” and “Supportive Housing” as follows:**

“Dwelling, one-family” “one-family dwelling” also known as “single-family dwelling,” shall mean a dwelling unit on a lot that is not part of a condominium project, which is detached from any other dwelling unit on the lot except an accessory dwelling unit which is fixed on a permanent foundation including a manufactured home, as defined in section 18007 of the Health and Safety Code.

“Dwelling unit” shall mean a building or rooms inside a building that are used as a domicile by one family, and contain common interior access and permanent living, sleeping, eating, cooking and sanitation facilities which is fixed on a

permanent foundation including a manufactured home, as defined in section 18007 of the Health and Safety Code.

“Farmworker Dwelling Unit” shall mean a dwelling unit occupied by one or more farmworkers, employed full-time and working on-site where the dwelling unit is located, or employed on other land that is under the same ownership or lease as the subject lot pursuant to Section 17021.5 of the Health and Safety Code. Farmworkers who are principally employed offsite in activities associated with agricultural packing and storage facilities, and transportation of agricultural products to the market may not occupy a farmworker dwelling unit. Members of the farmworker’s household may also occupy said dwelling unit.

“Farmworker Housing Complex” shall mean a residential development distinct from a farmworker dwelling unit where the units are rented to persons who are principally employed within the City of Thousand Oaks for activities associated with agriculture. Farmworker housing complexes may include studios, one-, two-, or three-bedroom units within the complex. Members of the farmworker’s household may also occupy said unit within the complex. Objective development standards must be met as detailed in section 17021.8 of the Health and Safety Code.

"Residential care facilities, large" shall mean licensed or unlicensed facilities that provide 24-hour-a-day, non-medical care and supervision for seven (7) or more physically, mentally and/or developmentally disabled persons in need of assistance essential for sustaining the basic activities of daily living, such as bathing, dressing, eating, transferring and toileting. An unlicensed facility also means that the owners, possessors, occupiers, managers, and tenants are exempt from federal or State licensing requirements for the uses being conducted and managed at said facility.

“Residential care facilities, small” shall mean licensed or unlicensed residential facilities. An unlicensed facility also means that the owners, possessors, occupiers, managers, and tenants are exempt from federal or State licensing requirements for the uses being conducted and managed at said facility. Small residential care facilities are required by law to be treated as residential uses for zoning purposes, including the following facilities serving six (6) or fewer persons:

(1) Residential care facilities for the elderly as set forth in Health and Safety Code Sec. 1569.85;

(2) Residential facilities (family homes, group care facilities for 24-hour-a-day non-medical 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) as set forth in Health and Safety Code Sec. 1502 (a) (1) and 1566.3;

(3) Alcoholism or drug abuse recovery or treatment facilities as set forth in Health and Safety Code Sec. 11834.02 and 11834.23;

(4) Residential care facilities for persons with chronic life-threatening illnesses as set forth in Health and Safety Code Sec. 1568.0831;

(5) Intermediate care facilities for the developmentally disabled habilitative, intermediate care facility/developmentally disabled-nursing and congregate health living facilities as set forth in Health and Safety Code Sec. 1267.8, 1267.9 and 1267.16;

(6) Pediatric day health and respite care facilities as set forth in Health and Safety Code Sec. 1760.2 and 1760.4;

(7) Family care homes, foster homes and group homes providing care on a 24 hour basis for mentally disordered or otherwise handicapped persons or dependent and neglected children as set forth in Welfare & Institutions Code Sec. 5115 and 5116.

“Supportive housing” shall mean a residential care facility with no limit on length of stay that is occupied by the target population as defined in California Health and Safety Code Sec. 50675.14 and that is linked to onsite or offsite services that assist the supportive housing resident in retaining housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

## **Part 2**

**Title 9, Chapter 4, Article 21, Section 9-4.2104 Permitted use matrix-Residential zones is hereby amended to add “Supportive Housing” and “Farmworker Dwelling” and “Farmworker Housing Complex” uses as follows:**

Land Use Category	Residential Zoning Classifications										
	R-A	R-E	R-O	R-1	R-2	R-3	RPD	RPD-SFD	HPD	HPD-SFD	TPD
<b>Community Care Uses</b>											
Supportive Housing developments with 50 units or less					P	P	P				
Supportive Housing developments with more than 50 units					SUP	SUP	SUP				

Residential Uses											
Farmworker dwelling (6 or fewer)	P	P									
Farmworker Housing Complex (up to 12 units and 36 beds)	SUP	SUP									

### **Part 3**

**Title 9, Chapter 4, Article 21, Section 9-4.2104.5 Permitted use matrix- Mixed-Use zones and Mixed-Use Overlay zones is hereby amended to add “Supportive Housing” uses as follows:**

Land Use Category	Zoning Classification
	MU/MUOZ
Community Care Uses	
Supportive housing developments with 50 units or less	P
Supportive housing developments with more than 50 units subject to limitations of Sec.9-4.2527	SUP

### **Part 4**

**Title 9, Chapter 4, Article 21, Section 9-4.2105. Permitted use matrix - Non-residential zones is hereby amended to add “Farmworker Dwelling” and “Farmworker Housing Complex” uses as follows:**

	Non-Residential Zoning Classifications									
Land Use Category	C-O	C-1	C-2	C-3	C-4	C-2/A M	M-1	M-2	P-L	O-S
Agricultural and Extractive Uses										
Farmworker Dwelling (6 or fewer)				P	P		P			
Farmworker Housing Complex (up to 12 units and 36 beds)				SUP	SUP		SUP			

## **Part 5**

**Title 9, Chapter 4, Article 25, Sec. 9-4.2525. Emergency Shelters of the Thousand Oaks Municipal Code, is hereby amended as follows:**

### **Sec. 9-4.2525. Emergency Shelters.**

Emergency shelters shall be subject to the following special standards:

- (a) One off-street automobile parking space shall be provided per staff person during the largest shift.

...

- (e) Each emergency shelter shall provide on-site management at all times while the shelter remains open, consisting of a minimum of one staff person per fifteen (15) clients that enforces and complies with the following requirements:

...

- (9) Management shall remove any litter in the vicinity attributable to use of the shelter within 48 hours.

...

## **Part 6**

**Title 9, Chapter 4, Article 25, Sec. 9-4.2527. Transitional and Supportive Housing of the Thousand Oaks Municipal Code, is hereby amended as follows:**

### **Sec. 9-4.2527. Transitional and Supportive Housing**

Transitional and supportive housing shall be considered a residential use of property and be subject only to the restrictions that apply to other residential dwellings of the same type in the same zone.

Pursuant to Government Code Sections 65650 through 65656, Supportive housing shall be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development satisfies all of the following requirements:

- (a) Units within the development are subject to a recorded affordability restriction for 55 years.
- (b) One hundred percent of the units, excluding managers' units, within the development are restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower

- income Californians. For purposes of this paragraph, “lower income households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.
- (c) At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers’ units, in the development shall be restricted to residents in supportive housing.
  - (d) The developer provides the planning agency with the information required by Government Code Section 65652.
  - (e) Nonresidential floor area shall be used for onsite supportive services in the following amounts:
    - (1) For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
    - (2) For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
  - (f) The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Government Code Section 65915.
  - (g) Units within the development, excluding managers’ units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

## **Part 7**

**Title 9, Chapter 10, Article 5 Density Bonus Program of the Thousand Oaks Municipal Code, is hereby amended as follows:**

### **Article 5. Density Bonus Program**

#### **Sec. 9-10.501. Purpose and intent.**

This article implements the requirements placed upon the City by California Government Code Section 65915 et. seq., as may be amended from time to time (the "Density Bonus Law"), and furthers the provision of affordable housing pursuant to the Housing Element of the General Plan. Unless an exception or modification applies as set forth in this Article, any person seeking a density bonus, concession, or waiver under the Density Bonus Law shall comply with the California Government Code requirements.

#### **Sec. 9-10.502. General Density Bonus Program Provisions.**

(a) Application. Any person that desires a density bonus, concession, or waiver under the Density Bonus Law must make an application on a form approved by the Director at the time of submitting an entitlement application for the housing development for which a density bonus, concession, or waiver is requested pursuant to the Density Bonus Law.

(b) City's discretion in granting density bonus. Nothing in this chapter will be construed to prohibit the planning commission or city council from granting a density bonus greater than what is described in this chapter or the Density Bonus Law for a development that meets the requirements of this chapter or the Density Bonus Law , or from granting a proportionately lower density bonus than what is required by this chapter or the Density Bonus Law for developments that do not meet the requirements of this chapter or the Density Bonus Law .

(c) City Financial Participation not Required. Nothing in this Section requires the City or other public agency to provide direct financial incentives for the residential development, such as but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City at its sole discretion may choose to provide such direct financial incentives. Any such incentives may require payment of prevailing wages by the residential development if required by State law.

**Sec. 9-10.503. City review and approval of density bonus plan.**

(a) Density Bonus Plan Review. The density bonus plan, including any request for a density bonus or incentives, shall be processed, reviewed, and approved or denied as part of the discretionary application(s) required for the residential development. Prior to the decision-making body taking any action on a residential development involving a request for density bonus, the Community Development Director shall have determined that the density bonus application is complete and conforms to the provisions of by the Density Bonus Law.

(b) Findings for Denial of Incentives. The approval body shall approve the density bonus plan unless the decision-making body makes the requisite findings for denial allowed by the Density Bonus Law.

(c) A request for a minor change to an approved density bonus plan may be processed as a minor modification to the project's entitlement and be granted if the modification is substantially in compliance with the original density bonus plan and other conditions of approval of the project's entitlement(s). More substantial proposed changes to the density bonus plan shall be processed as a major modification to the project's entitlement. The Community Development Director shall select the type of modification process in the Director's sole discretion.

**Sec. 9-10.504. General requirements for density bonus affordable units.**

Except as otherwise stated herein, affordable units qualifying a residential development for a density bonus shall be subject to the requirements of Section 9-10.305 (Standards for Inclusionary Units), and Section 9-10.308 (General requirements for inclusionary units).

**Part 8**  
(Uncodified)  
Severability

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.



**Part 9**  
(Uncodified)  
Effective Date

This Ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED this 3rd day of December, 2024, by the following vote:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Al Adam, Mayor  
City of Thousand Oaks, California

ATTEST/CERTIFY:

\_\_\_\_\_  
Laura B. Maguire, City Clerk

Date Attested: \_\_\_\_\_

APPROVED AS TO FORM  
Office of the City Attorney

\_\_\_\_\_  
Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

\_\_\_\_\_  
Andrew P. Powers, City Manager

Introduced: November 19, 2024  
Published: November 26, 2024 and XXX, 2024  
Ordinance No.: 1733-NS

*The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.*