ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OAKLEY ADDING SECTION 9.1.1222 TO ARTICLE 12 OF TITLE 9
OF THE OAKLEY MUNICIPAL CODE, DEALING
WITH PAROLE/PROBATIONER HOMES

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

Section 1. Section 9.1.1222 is hereby added to Article 12 of Title 9 of the Oakley Municipal Code, to read as follows:

9.1.1222 Parole/Probationer Homes.

a. The purpose of regulating parole/probationer homes is to ensure compatibility of such uses with surrounding uses and properties and to avoid or minimize any adverse impacts associated with such uses.

b. "Parole/Probationer Home" means any residential structure or unit, including any hotel or motel except as provided herein, whether owned and/or operated by an individual or for-profit or non-profit entity, that houses two or more parolees/probationers, unrelated by blood or marriage, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee/probationer and/or any individual or public/private entity on behalf of the parolee/probationer, excluding parolees/probationers who reside in an alcohol and/or drug-free recovery home. Notwithstanding this definition or any other provision of the Oakley Municipal Code, hotels and motels with fourteen rooms or less cannot provide transient lodging services or accommodations to more than three parolees during any thirty consecutive-day period regardless of the length of their respective stays; and hotels and motels with fifteen rooms or more cannot provide transient lodging services or accommodation to more than five parolees during any thirty consecutive-day period regardless of the length of their respective stays.

"Parolee/Probationer" means an individual as follows:

1) Convicted of a federal crime, sentenced to a United states federal prison, and received conditional and revocable release in the community under the supervision of a federal probation/parole officer; or
2) Serving a period of supervised community custody as defined by State Penal Code Section 3000 following a term of imprisonment in a State prison or County jail, and is under the jurisdiction of the California Department of Corrections, Division of Adult Parole Operations; or

3) An adult or juvenile sentenced to a term in the California Youth Authority and received conditional and revocable release in the community under the supervision of a Youth Authority parole officer; or

4) An adult or juvenile offender released from County jail or State prison after October 1, 2011 on Post Release Community Supervision.

c. Applications for a required Conditional Use Permit to operate a Parolee/Probationer Home shall include at least the following information:

1) Client profile (the subgroup of the population that the facility is intended to serve, i.e. single men, families, etc.;

2) Maximum number of occupants and hours of facility operation;

3) Term of client stay;

4) Support services to be provided on-site and projected staffing levels; and

5) Rules of conduct and/or management plan.

d. Site location standards for issuance of the required permit shall be as follows:

1) The use shall be permitted only in the M-9 and M-12 zoning districts;

2) The use shall be generally compatible with surrounding uses;

3) Establishment of the facility is not likely to result in harm to the health, safety or general welfare of the surrounding neighborhood;

4) The facility is located along or near a major arterial with ready access to public transportation;

5) The facility will be accessible to necessary support services;

6) To avoid over-concentration of parolee/probationer homes, there shall be a 5,000-foot separation between such homes as measured from the nearest outside building walls between the subject use and any other parolee/probationer housing.

7) A parolee/probationer home shall not be located within 1,000 feet of any other group housing, assisting living facility, a public or private school (pre-school through twelfth grade), day care home, public park, library, business licensed for on- or off-site sales of alcoholic beverages, emergency shelter, supportive housing or transitional housing as measured from any point on the outside walls of the parolee/probationer housing.

e. Operation and Development Standards shall be as follows:

1) Sufficient on-site parking shall be provided. The precise number of parking spaces required will be determined based on the operating characteristics of the specific proposal. Attention shall be directed to whether clients are driving and the rules pertaining to visitation.

2) Both indoor and outdoor common areas shall be provided on site.

3) All setback standards of the underlying zone shall be met.

4) On-site staff supervision shall be required during all hours of facility operation.

5) Individual client stays shall not exceed 180 consecutive days.

6) The facility's management shall participate in any residential crime prevention program provided by the City and as required under the permit.

7) A list of client names, on a continuous basis as clients are received, shall be provided to the Chief of Police. The Chief of Police may determine to reject any client being allowed in the home if the client represents an unreasonable risk to public safety.

f. Any parolee/probationer home existing prior to the adoption of this Section shall be required to obtain a Conditional Use Permit.

g. Permits shall pertain to each specific location and operator. Any change of ownership of a facility shall require a new permit. A facility which discontinues operations for any period of time shall require a new permit before recommencing operations.

h. Notice of the application for a Conditional Use Permit shall be provided as required in the Conditional Use Permit ordinance, and application fees therefore shall be as established in said ordinance.

i. The ordinances of this Code relating to the regulation of smoking tobacco and other products shall apply to parolee/probationer homes.

j. Any Conditional Use Permit issued for a parolee/probationer home may be revoked by the City Council for violations of this Section or for otherwise creating a public nuisance. Owners and operators of parolee/probationer homes are also subject to the issuance of administrative citations and the collection of fines for violations, although the absence of an administrative citation does not preclude the remedy of revocation of a Conditional Use Permit.

Section 2. 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 3. Severability.

In the event any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Effective Date and Publication.

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 office 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 _____, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Randy Pope, Mayor

ATTEST:

_____   _____
Libby Vreonis, City Clerk   Date