

ORDINANCE NO. 2018-006

**AN EMERGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA,
PERMITTING USE OF RECREATIONAL
VEHICLES ON PRIVATE PROPERTY FOR
TEMPORARY HOUSING AND USE OF
STORAGE CONTAINERS FOR
TEMPORARY ON-SITE STORAGE IN THE
AREA IMPACTED BY THE THOMAS FIRE**

Case No. OA-2-18-44001

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Title.

This Ordinance shall be known as the “Thomas Fire Recreational Vehicle and On-site Storage Emergency Ordinance.”

Section 2. Emergency Findings.

This emergency ordinance is adopted pursuant to the San Buenaventura City Charter Section 706 and shall take effect immediately upon its approval by at least a four-fifths vote of the City Council, except if less than all seven members are present, a unanimous vote shall be required. The City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

- A. Conditions of extreme peril to the safety of persons and property within the City of San Buenaventura were caused by fast-moving and widespread fires, referred

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to as the Thomas Fire, commencing on or about 10:00 pm on the fourth day of December 2017 at which time the City Council of the City of San Buenaventura was not in session.

- B. California Government Code section 8630 and San Buenaventura Municipal Code section 2.370.050 empower the City Manager to proclaim the existence of a local emergency when the City is affected or likely to be affected by a public calamity, subject to ratification by the City Council within seven days thereafter.
- C. On December 4, 2017, the City Manager of the City of San Buenaventura proclaimed the existence of a local emergency within the City of San Buenaventura.
- D. On December 5, 2017, the Governor of the State of California proclaimed a State of Emergency in Ventura County and ordered that the Office of Emergency Services provide local government assistance to Ventura County and that the California National Guard be mobilized to support disaster response and relief efforts.
- E. On December 5, 2017, the State of California submitted a request to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for a Fire Management Assistance Declaration for the Thomas Fire. The state's request was approved on December 5, 2017, at 5:05 am EST, and was designated as FEMA-5224-FM-CA.
- F. On December 11, 2017, the City Council adopted Resolution No. 2017-055 ratifying the City Manager's proclamation of the existence of a local emergency within the City of San Buenaventura.

- G. On December 11, 2017, the City Council adopted Resolution No. 2017-056 ratifying the proclamation of the Public Health Officer for the County of Ventura's declaration of a local public health emergency within the City of San Buenaventura.
- H. On December 18, 2017, the City Council adopted Resolution No. 2017-057 re-confirming the City Manager's proclamation of the existence of a local emergency within the City of San Buenaventura and re-confirming the proclamation of the Public Health Officer for the County of Ventura's declaration of a local public health emergency.
- I. On January 2, 2018, the President of the United States of America declared the existence of a major disaster in the State of California and ordered Federal aid to supplement state and local recovery efforts in the areas affected by wildfires, including the Thomas Fire, beginning on December 4, 2017, and continuing.
- J. On January 8, 2018, the City Council adopted Resolution No. 2018-001 re-confirming the City Manager's proclamation of the existence of a local emergency within the City of San Buenaventura and re-confirming the proclamation of the Public Health Officer for the County of Ventura's declaration of a local public health emergency.
- K. On January 8, 2018, the City Council adopted Resolution No. 2018-002 establishing local standards and procedures for cleanup of debris generated by the Thomas Fire, and authorizing abatement of public nuisances following issuance of an inspection and abatement warrant.

- L. On January 22, 2018, the City Council adopted Resolution No. 2018-002 re-confirming the City Manager's proclamation of the existence of a local emergency within the City of San Buenaventura and re-confirming the proclamation of the Public Health Officer for the County of Ventura's declaration of a local public health emergency.
- M. On February 12, 2018, the City Council adopted Resolution No. 2018-005 re-confirming the City Manager's proclamation of the existence of a local emergency within the City of San Buenaventura and re-confirming the proclamation of the Public Health Officer for the County of Ventura's declaration of a local public health emergency.
- N. The Thomas Fire consumed 281,893 acres and has led to the damaging and/or destruction of 1,063 residences in the County of Ventura and County of Santa Barbara, of those 644 are located within the City of San Buenaventura.
- O. The City of San Buenaventura is experiencing a housing crisis. Even prior to the Thomas Fire, there existed throughout the City a severe lack of rental housing that is affordable to lower and moderate income residents.
- P. The County of Ventura apartment rental market continues to be plagued by exceptionally low vacancy rates under 3 percent, significantly contributing to record high rents.
- Q. The housing units destroyed by the Thomas Fire increased this rental housing shortage by several

orders of magnitude and also severely reduced the number of owner-occupied housing units in the City.

- R. Destruction of housing units in the nearby Ojai community of Ventura County and Santa Barbara County further exacerbates the ability of persons who live and work in the City of San Buenaventura and have been displaced by the Thomas Fire to relocate to other housing.
- S. It is essential that this Ordinance become immediately effective in order to mitigate the current housing crisis aggravated by the Thomas Fire.

Section 3. Thomas Fire Recreational Vehicle Emergency Ordinance.

- 1) **Definitions.** For purposes of this Ordinance:
 - a) “Blackwater” shall mean wastewater from toilets.
 - b) “City” shall mean the City of San Buenaventura.
 - c) “City Council” shall mean the City Council of the City of San Buenaventura.
 - d) “Director” shall mean the City’s Director of Community Development or his or her designee.
 - e) “Displaced Person(s)” means a City of San Buenaventura resident or residents who resided in a Qualifying Fire Damaged Structure and cannot occupy the structure. Displaced Person(s) may be required to provide verification to the City to substantiate their eligibility for uses, permits and/or approvals described in this chapter. Evidence may consist of verification by Federal Emergency

Management Agency (FEMA) registration or damage assessment, and/or a driver's license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel impacted by the Thomas Fire, as determined by the City. Such determination may be made by the Director or other City personnel.

- f) "Graywater" shall mean wastewater from household use other than toilets.
- g) "Qualifying Fire Damaged Structure" means any structure damaged by the Thomas Fire that is classified by the Cal Fire Office of the State Fire Marshall in the Thomas Incident Damage Inspection Report as moderate damage (26% to 50% loss), major damage (51% to 75% loss) or destroyed (76% to 100% loss).
- h) "Recreational Vehicle" shall mean a motor home, travel trailer, truck camper or camping trailer that is (1) self-contained and designed for human habitation for recreational or emergency occupancy; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle; or a similar vehicle or structure as determined by the Director.
- i) "Thomas Fire" means the fires that swept Ventura County and Santa Barbara County beginning on December 4, 2017, as referenced in the City Council's Resolution Number 2017-055, adopted December 11, 2017, and which were the subject of the Proclamation of a State of Emergency by Governor Edmund J. Brown and the Major Disaster Proclamation for California issued by President Donald J. Trump.

2) Term of this Ordinance.

This Ordinance shall take effect immediately upon adoption and shall remain in effect until December 4, 2020.

3) Recreational Vehicles for reconstruction or repair of damaged dwellings.

a) The use of Recreational Vehicles in any R-1, R-2, R-3, and RPD residential zoning district during the term of this ordinance shall be allowed, subject to City approval and issuance of a permit by the Planning Division, for use by Displaced Persons who are repairing or reconstructing a fire-damaged dwelling on the same or another parcel, subject to the standards in this section.

b) All applicants shall provide the following information in the application for the permit:

- (1) The applicant's name.
- (2) The year, make, model and license plate number of the Recreational Vehicle to be used as a temporary residence.
- (3) Identify the location where the Recreational Vehicle will be used as a temporary residence.
- (4) State whether the applicant is the owner of the property where the Recreational Vehicle will be used as a temporary residence, and if not the owner of the property, provide written consent to reside in the Recreational Vehicle on said property.

- (5) Identify deed restrictions or Conditions, Covenants & Restrictions (“CC&R’s”) which would prohibit the placement of a Recreational Vehicle at the property where the applicant intends to reside in the recreation vehicle.

4) **Standards.**

Other than as provided in this section, all residential use of Recreational Vehicles shall meet the following standards:

- a) The property owner or the property owner's authorized agent shall obtain a City temporary permit. Written consent of the property owner is required in all cases.
- b) Residential use of Recreational Vehicles is limited to vehicles not on a permanent foundation and used to house Displaced Persons during the effective period set forth in the “Term of this Ordinance” above.
- c) Residential use of Recreational Vehicles is limited to a single vehicle for habitation per lot.
- d) The Recreational Vehicle shall be connected to an approved source of water meeting the following criteria:
 - (1) Public water supply by way of a temporary hose bib with check valve; a Building & Safety Division issued plumbing permit and inspection is required.
- e) The Recreational Vehicle shall be connected to an approved sewage disposal system meeting the following criteria:

- (1) All wastewater from toilets within the Recreational Vehicle shall be stored in a Blackwater tank either within the Recreational Vehicle or an external tank which shall be serviced by a licensed wastewater disposal service.
- (2) All wastewater from any sources within the recreational vehicle other than toilets shall be stored in either a Blackwater tank or Graywater tank either within the Recreational Vehicle or an external tank which shall be serviced by a licensed wastewater disposal service.
- (3) As a condition of receiving a City temporary permit under this section, applicants must present to the City at the time of submitting the application for a permit to utilize a Recreational Vehicle as a temporary residence, proof in the form of a contract for the removal of wastewater from the Recreational Vehicle's wastewater tank system; or identify the business name, address and phone number of a local wastewater disposal service where the Recreational Vehicle will be serviced for wastewater removal.
- (4) The wastewater tank(s) shall be serviced by a licensed wastewater disposal service for the entirety of the time the Recreational Vehicle is utilized as a temporary residence under this section.
- (5) Composting toilets cannot substitute for toilets connected to a Blackwater tank.

- f) The Recreational Vehicle shall be connected to an approved source of electricity.
- g) Residential use of Recreational Vehicles under this ordinance shall not be allowed on any street.
- h) Residential use of Recreational Vehicles shall be located outside the boundaries of any recorded easements.
- i) Recreational Vehicles for residential use on fire-affected sites shall meet the following additional standards:
 - (1) Residential use of Recreational Vehicles on fire-affected sites shall be permitted only on parcels on which a permitted or legally established residence was destroyed, or damaged and rendered uninhabitable as determined by the Director as a result of the Thomas Fire. Proof that a destroyed or damaged residence was permitted or legally established shall be verified by the Director based on prior final building permit or assessor's records, or other documentation satisfactory to the Director.
 - (2) Except as provided herein, no City approval or permit for residential use of a Recreational Vehicle shall be issued until the site has been issued a CalRecycle Certification of debris removal or property cleanup completion certification through the City.
 - (3) Recreational Vehicles may be located within Zoning Ordinance setback areas such that placement of the Recreational Vehicle will allow for unobstructed reconstruction on the

site. Recreational Vehicles may be moved about the site during reconstruction.

- k) Recreational Vehicles for residential use on lots not affected by the Thomas Fire shall obtain written authorization from the property owner and shall comply with all Zoning Ordinance setback requirements, except for parking and / or lot coverage requirements.

5) **Display of permit.**

Any permit for use of a Recreational Vehicle as a temporary residence shall be displayed on the front windshield of the Recreational Vehicle and shall be visible from outside the Recreational Vehicle at all times the vehicle is stationary and being used as temporary housing.

6) **Duration of permit.**

Any permit for use of a Recreational Vehicle as a temporary residence shall be valid for a period of 18 months from date of issuance. The permit may be extended one additional period of 18 months.

7) **Cessation of use of Recreational Vehicle for temporary housing.**

Within 45 days of occupancy of the primary residence or additional dwelling unit, the Recreational Vehicle must cease being used as a temporary residence under this ordinance and storage of the Recreational Vehicle shall comply with applicable City ordinances.

Section 4. Temporary On-site Storage Emergency Ordinance.

1) **Definitions.** For purposes of this Ordinance:

- a) “City” shall mean the City of San Buenaventura.
- b) “City Council” shall mean the City Council of the City of San Buenaventura.
- c) “Director” shall mean the City’s Director of Community Development or his or her designee.
- d) “Displaced Person(s)” means a City of San Buenaventura resident or residents who resided in a Qualifying Fire Damaged Structure and cannot occupy the structure. Displaced Person(s) may be required to provide verification to the City to substantiate their eligibility for uses, permits and/or approvals described in this chapter. Evidence may consist of verification by Federal Emergency Management Agency (FEMA) registration or damage assessment, and/or a driver's license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel impacted by the Thomas Fire, as determined by the City. Such determination may be made by the Director or other City personnel.
- e) “Qualifying Fire Damaged Structure” means any structure damaged by the Thomas Fire that is classified by the Cal Fire Office of the State Fire Marshall in the Thomas Incident Damage Inspection Report as moderate damage (26% to 50% loss), major damage (51% to 75% loss) or destroyed (76% to 100% loss).
- f) “Thomas Fire” means the fires that swept Ventura County and Santa Barbara County beginning on December 4, 2017, as referenced in the City Council’s resolution number 2017-055, adopted December 11, 2017, and which were the subject of the Proclamation of a State of Emergency by

Governor Edmund J. Brown and the Major Disaster Proclamation for California issued by President Donald J. Trump.

2) **Term of this Ordinance.**

This Ordinance shall take effect immediately upon adoption and shall remain in effect until December 4, 2022.

3) **Temporary On-site Storage.**

- a) The use of storage units on property with a Qualifying Fire Damaged Structure during the term of this ordinance shall be allowed, subject to City approval and issuance of a permit, for use by Displaced Persons who are repairing or reconstructing a fire-damaged dwelling on the same parcel, subject to the standards in this section.

4) **Standards.**

Other than as provided in this section, all storage units on property with a Qualifying Fire Damaged Structure shall meet the following standards:

- a) A maximum of 2 storage units may be placed on property with a Qualifying Fire Damaged Structure.
- b) Temporary storage unit(s) will be allowed upon the issuance of a Thomas Fire Temporary Storage permit from the City's Planning Division.
- c) Each storage unit shall not exceed 120 gross square feet.
- d) Storage unit(s) may be located within Zoning Ordinance setback areas such that placement of the storage unit(s) will allow for unobstructed

reconstruction on the site and may be moved about the site during reconstruction.

5) **Duration of permit.**

Any permit for temporary on-site storage shall be valid for a period of 18 months from date of issuance. The permit may be extended one additional period of 18 months.

6) **Cessation of use of temporary on-site storage.**

Within 45 days of occupancy of the primary residence or additional dwelling unit, the temporary storage unit must cease being used and removed from the property with a Qualifying Fire Damaged Structure.

Section 5. CEQA Compliance.

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.

Section 6. Severability Clause.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have

passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 7. Effective Date.

This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths or greater vote. A fair and accurate summary of this Ordinance shall be published once before the expiration of 15 days after said passage, with the names of the City Councilmembers voting for or against the same, in a newspaper of general circulation.

PASSED and ADOPTED this 26th day of February 2018.



NEAL ANDREWS, MAYOR

ATTEST:



ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: 

DIRK DEGENNA
Assistant City Attorney

2-27-18

Date

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Emergency Ordinance No. 2018-006 that was introduced and adopted by said City Council at a regular meeting held February 26, 2018, by the following vote:

AYES: Councilmembers Nasarenko, Weir, Tracy, Heitmann, Deputy Mayor LaVere and Mayor Andrews

NOES: None

ABSENT: Councilmember Monahan

I further certify that said Ordinance No. 2018-006 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.

Antoinette M. Mann
Antoinette M. Mann, MMC, CRM
City Clerk
City of San Buenaventura, California

February 28, 2018
Date Attested

