

ORDINANCE NO. 976 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE TO ESTABLISH
CHAPTER 21.21, SECTION 21.21.150 – EMERGENCY HOMELESS SHELTERS
(CODE AMENDMENT 11-002)

WHEREAS, in 2007 the State legislature enacted SB 2 which requires local jurisdictions to incorporate policies into their General Plan - Housing Elements to allow establishment of Emergency Homeless Shelters, Transitional and Supportive Housing “by right” in specified zoning districts and to amend their zoning ordinances to implement such policies; and

WHEREAS, the City Council adopted a General Plan - Housing Element Update in June 2011, which includes Action Item 9, which calls for the City to adopt an ordinance to implement SB 2 to provide that emergency homeless shelters may be permitted by right (without a conditional use permit) in the Riverside Corridor (RC) zoning district in the Uptown/Town Centre Specific Plan and in the Planned Industrial (PM) zoning district at Sherwood Industrial Park, to provide that emergency homeless shelters shall be only subject to the same development and management standards that apply to other permitted uses within these zoning districts, and to provide that transitional and supportive housing are a residential use subject to only those restrictions that apply to other residential uses of the same type in the same zoning district; and

WHEREAS, SB 2 requires that where Emergency Homeless Shelters are to be permitted “by right”, they shall not be subject to more stringent development standards than standards applicable to other permitted land uses in the same zoning district(s) where they are permitted; and

WHEREAS, in compliance with SB 2 and the 2011 Housing Element, Transitional and Supportive Housing are proposed to be incorporated into the Zoning Code “by right” in all residential districts; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared, and it was determined that this project could not result in significant environmental impacts. Therefore, a draft Negative Declaration was adopted for this project; and

WHEREAS, at its meeting on October 25, 2011, the Planning Commission conducted a public hearing on the proposed Code Amendment and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. In accordance with CEQA, recommended the City Council adopt a Negative Declaration for the proposed ordinance;
- d. Recommended that the City Council adopt the proposed ordinance, with modifications to Section 21.21.60 B. Applicability, eliminating item (b). to not permit homeless shelters in the Uptown/Town Center Specific Plan in the T-3N, T-3F, T-4N and T-4F districts with approval of a Conditional Use Permit; and modifications to Section 21.21.60 B. Site Development Standards item (4) Parking, to require one parking space per five (5) beds per facility; and

WHEREAS, at its meeting on November 15, 2011, the City Council conducted a public hearing on the proposed Code Amendment and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Considered the recommendation of the Planning Commission regarding this ordinance and concurred with the Planning Commission’s recommendation to not include homeless shelters in the Uptown/Town Center Specific Plan in the T-3N, T-3F, T-4N and T-4F districts with an approved Conditional Use Permit, and to also require one parking space per five (5) beds per facility;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- d. Based on its independent judgment and in accordance with CEQA, the City Council adopted a Negative Declaration for this ordinance.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, hereby finds as follows:

1. The above stated facts of this ordinance are true and correct.

2. This ordinance is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 21.08 Definitions of the El Paso de Robles Zoning Code is hereby amended to incorporate the following definitions:

- a. 21.08.247 – Emergency Homeless Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of 180 day per calendar year or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e).
- b. 21.08.426 – Supportive Housing. Housing with no limit on length of stay, that is occupied by the clients of social services, such as persons with medical or mental health conditions, and that is linked to on- or off-site services that assist 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. (Health and Safety Code 50675.14(b). This definition excludes housing for half-way houses intended for occupancy by parolees or convicted persons and living groups.
- c. 21.08.446 – Transitional Housing/Transitional Housing Development. Buildings configured as rental housing developments, but operated under program requirements (per Health and Safety Code 50675.2(h) that call per for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (Health and Safety Code 50675.2(h). This definition excludes housing for half-way houses intended for occupancy by parolees or convicted persons and living groups.

SECTION 2: Table 21.16.200, Subsection B. Residential, is hereby amended to read as shown in Exhibit A.

SECTION 3: Section 21.21.150, Emergency Homeless Shelters, is hereby established, to read as follows:
Section: 21.21.160

- A. Purpose. The purpose and intent of this section is to identify zones where emergency homeless shelters may be permitted “by right”, and zones where they may be established with approval of a Conditional Use Permit, in compliance with Senate Bill 2 (Statutes of 2007) and the General Plan - Housing Element. For applicable zoning and permit requirements, see Chapter 21.16, Table 21.16.200 of this Title, and the Uptown/Town Center Specific Plan, Chapter 5 Development Code, Table 5.3.1.
- B. Applicability.
 1. Within the Uptown/Town Center Specific Plan in the Riverside Corridor (RC) District, emergency shelters shall be subject to approval of a Site Plan in accordance with Section 21.23B.030.B.
 2. Elsewhere in the City in the PM District on Commerce Way, Sherwood Road, Fontana Road, and Linne Road, emergency homeless shelters shall be subject to approval of a Site Plan in accordance with Section 21.23B.030.B.
- C. Site Development Standards
 1. Maximum Number of Persons/Beds. Emergency homeless shelters may have a maximum of 50 beds/persons for overnight occupants per facility.
 2. Operator.
 - a. Each shelter shall be operated by a responsible agency or organization, with experience in managing and/or providing social services.
 - b. Staff and services shall be provided to assist residents to obtain permanent shelter and provide referral information and/or services for health or mental health services, educational opportunities, job training/employment and life skills training.
 - c. There shall be at least one on-site supervisor per 25 persons during the hours of operation.
 - d. Operators shall maintain a log of occupants which may be reviewed by the City at any time to assure compliance with Subsection B.7.

3. Concentration of Use. No emergency homeless shelters shall be established within 300 feet of another emergency shelter.
4. Parking. One vehicle parking space and one secured bicycle parking space per 5 beds shall be provided on-site.
5. Outdoor Use Area. Outdoor intake and outdoor recreation areas may only be used between 4 pm and 7 pm. Loitering shall not be permitted on the shelter site or on sidewalks, streets, or adjacent to, or in the vicinity of, the shelter.
6. Hours of Operation. Occupants shall be permitted entry beginning at 4 pm (except children may enter at 3 pm for study hours if provided by shelter services). Occupants shall leave the premises by 8 am the following morning.
7. Length of Stay. Individuals and families may not stay at an emergency homeless shelter for more than a total of 180 days per calendar year.
8. Lighting. Exterior lighting may be installed for security purposes. Lighting shall be directed away from adjacent properties, and shall be shielded and downcast consistent with Section 21.21.040 (H).
9. Outdoor Cleanliness. The outdoor areas (yards) of shelters and surrounding areas shall be kept clean and free of debris, litter, and storage personal effects shall not be stored outdoors.
10. Security. Security systems shall be installed prior to issuance of certificate of occupancy. Security systems shall include an alarm system to detect unrecorded or unauthorized entry or exiting of a facility, and a camera surveillance system which shall be installed in locations to the satisfaction of the Police Chief.
11. Uptown/Town Center Specific Plan. Emergency homeless shelters proposed in the Riverside Corridor (RC) zone shall comply with site development standards of the RC zone, Section 5.5.8 in the Uptown/Town Center Specific Plan, except for parking requirements, which shall be provided in compliance with subsection (C) (4), above.

SECTION 4: Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with section 36933 of the Government Code.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 6. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 7. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on November 15, 2011, and passed and adopted by the City Council of the City of El Paso de Robles on the 6th day of December, 2011 by the following roll call vote, to wit:

AYES: Strong, Hamon, Gilman, Steinbeck, Picanco
 NOES:
 ABSTAIN:
 ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

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10. Security. Security systems shall be installed prior to issuance of certificate of occupancy. Security systems shall include an alarm system to detect unrecorded or unauthorized entry or exiting of a facility, and a camera surveillance system which shall be installed in locations to the satisfaction of the Police Chief.
11. Uptown/Town Center Specific Plan. Emergency homeless shelters proposed in the Riverside Corridor (RC) zone shall comply with site development standards of the RC zone, Section 5.5.8 in the Uptown/Town Center Specific Plan, except for parking requirements, which shall be provided in compliance with subsection (C) (4), above.

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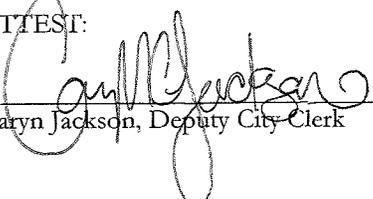
ATTEST:

 Caryn Jackson, Deputy City Clerk

EXHIBIT A

Excerpt from TABLE 21.16.200
(Subsection B – Residential Uses)

NOTES:

1. Additions are shown in **bold text**; deletions are shown in ~~strike through text~~.
2. Land uses have been re-ordered alphabetically from previous versions.

ZONING DISTRICT																			
LAND USE	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
...																			
B. Residential																			
1. Boardinghouse, roominghouse	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N
2. Caretaker residence accessory to a business																			
a. one per business	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P
b. more than one per business	C	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	C	C	C
3. Convalescent care facilities/nursing homes	N	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
4. Detached accessory buildings:																			
a. Second units for related senior citizens per Chapter 21.16D (accessory to single family only)	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	P
b. Guest house without kitchen facilities (accessory to single family only)	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	P
c. Non-dwelling accessory buildings (garages, storage sheds, etc.) as primary uses on a lot. Exception: a common lot with accessory structures may be created for condominium development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
d. Recreational Vehicle Shelters within interior side yard or rear yard setback and/or within building separation per Section 21.20.240	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N
5. Domestic violence center	N	N	N	P	P	N	P	P	N	N	N	N	N	N	N	N	N	N	N

ZONING DISTRICT

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
6. Emergency Shelters (as defined by Section 21.08.247)																			
* Only in Commerce properties facing Sherwood Road, Commerce Way, Fontana Road, and Linne Road	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N	P*	N	N	N
7. Employee Housing as described, defined, and regulated by the State Employee Housing Act (California Health and Safety Code Sections 17000 et seq. and subject to issuance of an Employee Housing Permit by the California Department of Housing and Community Development, Codes and Standards Division.																			
a. Employee Housing per Section 17021.5 of the California Health and Safety Code for 6 or fewer employees.																			
* Employee Housing is not permitted on properties within the Airport Land Use Plan.	P *	P *	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N	N
b. Employee Housing per Section 17021.6 of the California Health and Safety Code consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.																			
* Employee Housing is not permitted on properties within the Airport Land Use Plan.	P *	P *	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
8. Group Care Homes (as defined by Section 21.08.217)	N	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N	N
9. Home occupation business per Section 21.23.070	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

ZONING DISTRICT

	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
LAND USE																		
10. Living Groups (as defined by Section 21.08.265)	N	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
11. Mobile homes (1 per lot):																		
a. As permanent dwellings	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. As temporary caretaker units during construction of a permanent building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
12. Mobile home parks	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	N	N	N
13. Multiple family (2 or more residential units per lot as a primary land use)																		
* C in the area between 18th and 24th Streets and between Highway 101 and railroad.	N	N	N	P	P [*] P	P	P	P	C	N	N	N	N	N	N	N	N	N
14. Residential care facilities (for elderly, handicapped, etc.):																		
a. 6 and fewer residents	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	P
b. More than 6 residents	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
15. Single family dwelling (detached, attached, condominium/townhouse unit) DRC approval required (See Section 21.18.090) ** C if lot less than 1 acre (See Section 21.16F.020)	P	P	P	P	P	P	P	P	P*	N	N	N	N	N	N	N	N	P**
16. Supportive housing (as defined in Section 21.08.426)	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N
17. Transitional housing (as defined in Section 21.08.446)	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N
...																		