

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

In the Matter of:

Ordinance that allows for emergency shelters for)
homeless persons or others in need, consistent)
with California Government Code Section 65583)

Ordinance No. 610

WHEREAS, Senate Bill 2 (SB 2), adopted in 2007, amended California Government Code Section 65583 and requires that each local government in California identify, in its General Plan Housing Element, adequate sites for housing, including emergency shelters, as defined by Government Code Section 65583, and make adequate provision for the existing and projected needs of all economic segments of the community;

WHEREAS, with regard to emergency shelters, the housing assessment and inventory in the General Plan Housing Element must include the identification of at least one zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, provided they comply with objective development and management standards established by the City;

WHEREAS, the City also wishes to ensure that emergency shelters provided pursuant to Government Code Section 65583 are allowed in a manner that protects the health, safety, and general welfare of nearby residents and businesses;

WHEREAS, the City Council finds that the permit processing, development, and management standards that will be set forth in Lafayette Municipal Code Chapter 6-35 pursuant to the adoption of the Ordinance attached to this Ordinance as Exhibit A ("Emergency Shelters Ordinance") are objective and will facilitate the development of, or conversion to, emergency shelters because City's housing element evaluated the needs for establishing these small facilities, in terms of the facility size and potential sites to support them, and found that they should easily be accommodated within the C-1 zoning district. The Emergency Shelters Ordinance allows emergency shelters by right in the C-1 zoning district subject to objective development and management standards and does not treat emergency shelters differently than other residential and commercial uses in this district. The standards set forth in the ordinance are intended to benefit the shelter residents towards obtaining more permanent housing while protecting the surrounding uses. The City Council finds that these standards encourage development or conversion of safe and successful shelters with flexible parking standards that account for the needs of the use.

WHEREAS, the City Council finds that in accordance with Government Code Section 65583, emergency shelters allowed pursuant to Chapter 6-35 will be subject only to: (1) development and management standards that apply to residential or commercial development within the zoning district in which emergency shelters are being permitted as of right; and (2) additional written, objective standards set forth in Chapter 6-35, as permitted by Government Code Section 65538;

WHEREAS, on July 2, 2012, the Planning Commission of the City of Lafayette ("Planning Commission") conducted a duly noticed public hearing and adopted Resolution 2012-15 recommending approval of the Emergency Shelters Ordinance to the City Council with the request to discuss the parking requirements further;

WHEREAS, on July 23, 2012, the City Council of the City of Lafayette ("City Council") conducted a duly noticed public hearing to introduce Ordinance 610, and all interested persons had the opportunity to appear and be heard. The City Council requested a modification to the shelter capacity allowing the City Council the option to set a maximum number of beds for all shelters in Lafayette by resolution, provided it met the unmet needs of the homeless. The City Council referred the matter back to the Planning Commission to consider this modification and continued it for a second reading and adoption;

WHEREAS, on August 6, 2012, the Planning Commission conducted a public hearing to consider the modification to Ordinance 610 and recommended approval of the Emergency Shelters Ordinance to the City Council;

WHEREAS, all other legal and procedural prerequisites relating to the adoption of this Emergency Shelters Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1. Emergency Shelters Ordinance. Based on the entire record before the City Council, including all written and oral evidence presented to the City Council at the public hearing on this matter, and the findings made in this Ordinance, the City Council recommends that the City Council of the City of Lafayette adopt the Emergency Shelters Ordinance attached as Exhibit "A" to this Ordinance.

Section 2. Incorporation of Recitals & Findings. Pursuant to Lafayette Municipal Code Section 6-213 and based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council hereby incorporates the recitals as listed above and makes and adopts the following findings:

A. The Emergency Shelters Ordinance is compatible with the General Plan and all elements therein because it will implement General Plan Program H-3.6.1 by allowing emergency shelters as a permitted use in the General Commercial Zoning District 1 (C-1) subject to development and management standards pursuant to General Plan Policy H-3.6.

B. The community needs are best served by the Emergency Shelters Ordinance because it will facilitate temporary housing for homeless persons and others in need.

Section 3. CEQA. The City Council hereby finds that the adoption of this Ordinance is exempt from CEQA review pursuant to State CEQA Guidelines Section 15061(b)3 because the project is the implementation of General Plan Housing Chapter program H-3.6.1 and the environmental impact report prepared for the General Plan determined that there were no significant impacts of the General Plan related to housing.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs,

sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 4. Notice of Exemption. The City Council directs staff to prepare and file a Notice of Exemption no more than five (5) working days after adoption of this Ordinance.

Section 5. Publication. The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, including the names of the city council members voting for and against its passage, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption, including the names of the city council members who voted for and against its passage.

Section 6. Effective Date. This Ordinance becomes effective thirty (30) days after its adoption

The foregoing Ordinance was introduced by the City Council of the City of Lafayette at a regular meeting of the City Council held on July 23, 2012, and was adopted by the City Council of the City of Lafayette at a regular meeting of the City Council held on September 10, 2012, by the following vote:

AYES: Federighi, M. Anderson, B. Andersson, Anduri and Tatzin

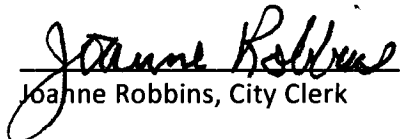
NOES: None

ABSENT: None

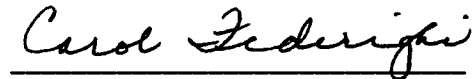
ABSTAIN: None

ATTEST:

APPROVED:



Joanne Robbins, City Clerk



Carol Federighi, Mayor

EXHIBIT "A"

EMERGENCY SHELTERS CHAPTER 6-35

[Attached behind this page]

**“Chapter 6-35”
EMERGENCY SHELTERS**

6-3501 Purpose.

The purpose of this chapter is to provide temporary shelter for homeless persons or others in need in a manner that protects the health, safety, and general welfare of nearby residents and businesses, consistent with California Government Code §65583, which requires all California cities to identify in their General Plan Housing Element at least one zone where emergency shelters are permitted by right without requiring discretionary permits or action, provided they comply with objective operating standards established by the City.

6-3502 Definition of emergency shelter.

In this chapter, unless the context otherwise requires:

“Emergency shelter” means housing with minimal supportive services that is designed for and occupied by homeless persons for no more than six-months in a consecutive 12-month period. No individual or household may be denied emergency shelter because of an inability to pay.

6-3503 Permit Required.

An emergency shelter that complies with the provisions of this chapter shall be permitted within the General Commercial District 1 (C-1), pursuant to an emergency shelter permit.

6-3504 Emergency Shelter Permit; Application and Issuance.

(a) An application for an emergency shelter permit shall be filed with the zoning administrator on a form approved by the city together with a fee fixed by resolution of the city council. The zoning administrator shall approve an application that meets the development standards set forth in Section 6-3505 without discretionary review or a public hearing, as soon as practicable, and in no event more than thirty (30) days after the application has been deemed complete.

(b) Pursuant to §6-250 of the Lafayette Municipal Code, this approval shall expire one year from the approval date unless a building permit has been issued for the project. The zoning administrator may extend the period to exercise the permit for up to one additional year upon a showing of good cause, if such request is received in writing prior to the expiration date.

6-3505 Development and Management Standards.

(a) Development Standards. An emergency shelter shall conform to the development standards set forth below, as well as all development standards of the C-1 zoning district set forth in Title 6, Part 3, chapter 6-9 of this code, including the requirement for design review for any building constructed or altered to affect the exterior appearance. If there is a conflict between the C-1 development standards set forth in Title 6, Part 3, chapter 6-9 of this code and the standards set forth below, the standards set forth below shall be controlling:

- (1) Proximity to Other Shelters. No emergency shelter shall be closer than three hundred (300) feet to another emergency shelter.

(2) **Vehicle Parking.** An emergency shelter shall provide one parking space for every four beds and one parking space for every employee.

(3) **Bicycle Parking.** An emergency shelter shall provide at least one bicycle space for every five beds.

(4) **Shelter Capacity.** No emergency shelter shall contain more than 30 beds. The city council may establish a maximum number of beds to be allowed in all emergency shelters in the city by resolution. The maximum number of beds in all emergency shelters in the city shall not be less than the number of unsheltered homeless persons in Lafayette as determined in the bi-annual homeless count conducted by the Contra Costa Homeless Program.

(5) **Length of Stay.** The length of stay per individual in an emergency shelter shall not exceed six (6) months in a consecutive 12-month period.

(6) **Screening of Outdoor Uses.** An emergency shelter shall not allow or include any of the following to occur in front of an emergency shelter or in any other location incidental to the shelter that is visible from adjoining properties or the public right-of-way, unless the same is entirely screened from public view:

- (a) designated outdoor smoking area;
- (b) outdoor waiting and client intake area;
- (c) outdoor public telephones; and
- (d) outdoor refuse area.

(7) **Exterior Lighting.** Lighting in or on an emergency shelter shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is consistent with existing lighting in the neighborhood in which the shelter is located.

(8) **Laundry Facilities.** An emergency shelter shall provide laundry facilities to serve the number of residents.

(9) **Personal Property Storage.** An emergency shelter shall provide secure areas for temporary storage of personal property of the persons residing in the emergency shelter.

(b) **Management Standards.** An emergency shelter shall conform to the management standards set forth below:

(1) **Emergency Shelter Management Plan.** The operator of an emergency shelter shall prepare and submit a management plan to the zoning administrator that includes, as applicable, the following: established staff training program to meet the needs of emergency shelter residents; adequate security measures to protect emergency shelter residents and the neighboring land uses; a list of services provided to assist emergency shelter residents with obtaining permanent shelter and income; and a method of screening emergency shelter residents to ensure compatibility with services provided at or through the emergency shelter prior to admittance to the shelter.

(2) **On-Site Management and Security Plan.** Security measures shall be sufficient to protect clients and neighboring land uses. On-site management and on-site security shall be provided during the hours when the emergency shelter is in operation and at all times that clients are present on-site.

An on-site staff person shall be designated as a neighborhood liaison to respond to, and address, any questions or concerns from surrounding residents regarding facility operations. Clients shall be screened for compatibility with shelter resources and for compliance with applicable State and Federal laws prior to admittance to the emergency shelter.

6-3506 Appeals.

An appeal of a decision made pursuant to this chapter shall be brought and governed as set forth in section 6-232 of this code.

Contra Costa Times

PO Box 4147
Walnut Creek, CA 94596
(925) 935-2525

Lafayette, City Of
Accounts Payable, 3675 Mt. Diablo Blvd., #210
Lafayette CA 94549-3793

PROOF OF PUBLICATION

FILE NO. Ord 610

In the matter of

Contra Costa Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the Contra Costa Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

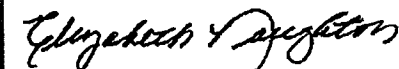
And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of October 22, 1934. Case Number 19764.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

7/17/2012

certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 14th day of August, 2012.



Signature

Legal No. 0004502138

NOTICE AND SUMMARY OF PROPOSED AMENDMENTS TO THE LAFAYETTE MUNICIPAL CODE CONSISTING OF ORDINANCE 610 ESTABLISHING A NEW CHAPTER 6-35 "EMERGENCY SHELTERS"

Notice is hereby given that on Monday, July 23, 2012, the City Council of the City of Lafayette will introduce and conduct a Public Hearing commencing at 7:00 p.m. in the Community Hall at the Lafayette Library & Learning Center, 3491 Mt. Diablo Blvd. The Planning Commission considered the application on July 2, 2012 and adopted Resolution 2012-15 forwarded a recommendation of approval to the City Council for the adoption of the Emergency Shelters ordinance.

Ordinance 610 (ZT02-12), if adopted, will amend Title 6 of the Lafayette Municipal Code establishing a new chapter, 6-35 entitled "Emergency Shelters". The following is a summary of the Ordinance:

- Establishes emergency shelters as a permitted use in the C-1 zoning district provided it complies with development and management standards
- Establishes objective development and management standards for emergency shelters, which include the following:

Maximum of 30 beds per shelter

Maximum length of stay of 6 months per calendar year

Minimum of 1 parking space for every 4 beds and 1 space per employee

Minimum of 1 bicycle parking space for every 5 beds

Requirement for laundry and personal storage areas for residents

Screened or not along the project frontage for outdoor uses, including smoking areas, intake areas, public telephones, and refuse areas

Shielded fixed exterior lighting directed away from adjacent properties

Requirement for an management plan

Requirement for an on-site security plan

Buffer distance of 300 ft. between shelters

Note: The above is a summary of the major highlights of the Ordinance. To obtain a full understanding of the Ordinance it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Publish Date: July 17, 2012
Joanne Robbins, City Clerk
CCT# 4502138 July 17, 2012

Contra Costa Times

PO Box 4147
Walnut Creek, CA 94596
(925) 935-2525

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE, 3675 MT. DIABLO BLVD.,
#210
LAFAYETTE CA 94549-3793

PROOF OF PUBLICATION

FILE NO. Ord 610

In the matter of

Contra Costa Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the Contra Costa Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of October 22, 1934. Case Number 19764.

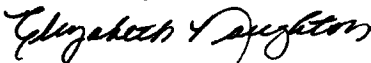
The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

9/5/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.

On this 15th day of October, 2012.



Signature

Legal No.

0004600051

**NOTICE AND SUMMARY OF PROPOSED
ORDINANCE 610
AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LAFAYETTE
ADDING CHAPTER 6-35 "EMERGENCY
SHELTERS" TO THE
LAFAYETTE MUNICIPAL CODE**

Notice is hereby given that on Monday, September 10, 2012, at 7:00 p.m. in the Community Hall at the Lafayette Library & Learning Center, 3491 Mount Diablo Boulevard, the City Council of the City of Lafayette will conduct a Public Hearing and second reading of Ordinance 610 and consider adopting the Ordinance. The Planning Commission reviewed the Ordinance on August 6, 2012 and adopted Resolution 2012-17 recommending that the City Council adopt the Ordinance 610, for the reasons set forth in Resolution 2012-17.

If adopted, Ordinance 610 will amend Title 6 of the Lafayette Municipal Code establishing a new chapter, 6-35 entitled "Emergency Shelters". The following is a summary of the Ordinance:

- Establishes emergency shelters as a permitted use in the C-1 zoning district provided it complies with development and management standards
- Establishes objective development and management standards for emergency shelters, which include the following:

- Maximum of 30 beds per shelter (with the option to cap the total number of beds in the City by City Council Resolution)
- Maximum length of stay of 6 months per calendar year
- Minimum of 1 parking space for every 4 beds and 1 space per employee
- Minimum of 1 bicycle parking space for every 5 beds
- Requirement for laundry and personal storage areas for residents
- Requirement for screening along the project frontage for outdoor uses, including smoking areas, intake areas, public telephones, and refuse areas
- Shielded fixed exterior lighting directed away from adjacent properties
- Requirement for a management plan
- Requirement for an on-site security plan
- Buffer distance of 300 ft. between shelters

The regular 7:00 p.m. start time of a council meeting can be varied by the city manager with the concurrence of the mayor to commence earlier depending upon the volume of business for the council to consider at any given meeting, provided the city clerk gives written notice of the adjusted start time to the press and public, in accordance with California law.

Note: The above is a summary of the major highlights of the Ordinance. To obtain a full understanding of the Ordinance it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Publish Date: September 5, 2012
Joanne Robbins, City Clerk
CCT# 4600051 Sept. 5, 2012

Contra Costa Times

PO Box 4147
Walnut Creek, CA 94596
(925) 935-2525

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE, 3675 MT. DIABLO BLVD.,
#210
LAFAYETTE CA 94549-3793

PROOF OF PUBLICATION

FILE NO. Ord 610

In the matter of

Contra Costa Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the Contra Costa Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

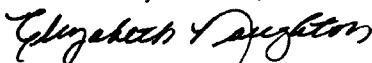
And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of October 22, 1934. Case Number 19764.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

9/15/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 16th day of October, 2012.



Signature

Legal No. 0004623287

NOTICE AND SUMMARY OF ADOPTED ORDINANCE 610 ADDING CHAPTER 6-35 "EMER- GENCY SHELTERS" TO THE LAFAYETTE MUNICIPAL CODE

Notice is hereby given that on Monday, September 10, 2012, the City Council of the City of Lafayette adopted Ordinance No. 610 adding Chapter 6-35 entitled "Emergency Shelters" to the Lafayette Municipal Code. The following is a summary of the Ordinance:

- Establishes emergency shelters as a permitted use in the C-1 zoning district provided it complies with development and management standards
- Establishes objective development and management standards for emergency shelters, which include the following:
 - Maximum of 30 beds per shelter (with the option to cap the total number of beds in the City by City Council Resolution)
 - Maximum length of stay of 6 months per calendar year
 - Minimum of 1 parking space for every 4 beds and 1 space per employee
 - Minimum of 1 bicycle parking space for every 5 beds
 - Requirement for laundry and personal storage areas for residents
 - Requirement for screening along the project frontage for outdoor uses, including smoking areas, intake areas, public telephones, and refuse areas
 - Shielded fixed exterior lighting directed away from adjacent properties
 - Requirement for an management plan
 - Requirement for an on-site security plan
 - Buffer distance of 300 ft. between shelters

The recorded vote of the city council was as follows:
Ayes: Federighi, M. Anderson, B. Andersson, Anduri, Tatzin
Noes: None
Abstain: None
Absent: None

Note: The above is a summary of the major highlights of the Ordinance. To obtain a full understanding of the Ordinance it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Date: September 15, 2012
Joanne Robbins
City Clerk

CCT# 4623287 Sept. 15, 2012



*mailed
9-11-12*

City Council

Carol Federighi, Mayor
Mike Anderson, Vice Mayor
Brandt Andersson, Council Member
Carl Anduri, Council Member
Don Tatzin, Council Member

NOTICE OF EXEMPTION

TO: County Clerk
County of Contra Costa
P.O. Box 350
Martinez, CA 94553

FROM: City of Lafayette
Planning Services Division
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

Project Title: Ordinance 610

Project Location: Lafayette, Contra Costa County (City-Wide)

Description of Nature, Purpose, and Beneficiaries of Project:

ORDINANCE 610 - ZT02-12 CITY OF LAFAYETTE (APPLICANT): City-initiated zoning text amendment to create a new Chapter 6-35 of the Lafayette Municipal Code, entitled Emergency Shelters, allowing emergency shelters as permitted uses in the C-1 zoning district provided they comply with development and management standards established by the City, consistent with California Government Code §65583.

Name of Public Agency Approving Project: City of Lafayette

Name of Person or Agency Carrying Out Project: City of Lafayette

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption (Class __) (Sec. __)
- Previously adopted EIR for the 2002 General Plan Project - State Clearinghouse No. 2002042035 Not Subject to CEQA (Sec. 15060(2), 15060(c)(3), and 15378)
- Project Not Approved by Agency (Sec. 21080(b)(5); 15270(a))

Reasons why project is exempt: The project is the implementation of General Plan Housing Chapter program H-3.6.1 and the environmental impact report prepared for the General Plan determined that there were no significant impacts of the General Plan related to housing.

Contact Person: Lindy Chan, Senior Planner **Telephone:** (925) 299-3210

Signature: *Lindy Chan* **Date:** September 12, 2012 **Title:** Senior Planner

- Signed by Lead Agency
- Signed by Applicant