ORDINANCE 622-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDNG NEEDLES MUNICIPAL CODE (NMC) ARTICLE XII SECTION 112.06 ADDING "EMERGENCY SHELTERS AND SUPPORTIVE AND TRANSITIONAL HOUSING" AND SECTION 96.01 "TABLE OF PERMISSIBLE USES"

WHEREAS, it is the intent of the City to implement federal and state housing laws and the policies and programs contained in the City of Needles' General Plan, including the Housing Element; and

WHEREAS, the City seeks to be in compliance with the State of California regulations for the allowance of emergency shelters as required by State Senate Bill 2 (SB2), effective January 1, 2008, and codified in California Government Code Section 65583; and

WHEREAS, SB2 stipulates that supportive housing and transitional housing shall be considered residential uses, only subject to those restrictions that apply to other residential uses of the same type in the same zone; and

WHEREAS, The State Office of Housing and Community Development (HCD) requires implementation of emergency shelters and supportive and transitional housing prior to certification of the City's Housing Element; and

WHEREAS, A State-approved Housing Element is required for eligibility for certain grants; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019; and

WHEREAS, on June 19, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to **RESOLUTION 06-19-2019-7** PC recommending City Council approval on the Needles Municipal Code (NMC) change; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019; and posted in two conspicuous locations; and

WHEREAS, on July 9, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment to the Needles Municipal Code (NMC); and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination:

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that this activity is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Section §§ 15060 (c)(2), the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment

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SECTION 2. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code (NMC), attached as "Exhibit "A".

SECTION 3. The City Council HEREBY APPROVES Ordinance 622-AC for an amendment to the Needles Municipal Code (NMC) attached as Exhibit "A".

SECTION 4. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Needles, California, approves an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

AYES: Councilmembers Gudmundson, Terral, Paget, Belt and Longacre
NOES None
ABSENT Councilmember Hazlewood
ABSTAIN None

_____
Mayor

Attest: _____
City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of August, 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor

(Seal) Attest: _____
City Clerk

Approved as to form:

_____
City Attorney

EXHIBIT "A"

EMERGENCY SHELTERS AND SUPPORTIVE AND TRANSITIONAL HOUSING

Add to Article XII:

Section 112.06 Emergency Shelters and Supportive and Transitional Housing.

(a) Definitions

Emergency shelter: means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (as defined by California Health and Safety Code Section 50801(e)).

Supportive housing: means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite service that assists 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 (as defined by Government Code Section 65582) Supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Target population: means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people (as defined by Government Code Section 65582).

Transitional housing: means a building or buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance (as defined by Section 50675.2 of the Health and Safety Code). Transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Transitional housing does not include state licensed residential care facilities.

(b) Emergency shelters.

(1) Purpose and Intent. It is the purpose of this section to facilitate and encourage the provision of emergency shelters for homeless persons and households

by allowing permanent year-round emergency shelters without a conditional use permit or other discretionary action in the zones identified in the "Table of Permissible Uses" zoning districts, subject only to the same development standards that apply to other permitted uses in the same zones, except for the following requirements unique to emergency shelters, as authorized by Government Code Section 65583(a)(4).

(2) Permit requirements.

(a) Emergency shelter facilities shall comply with all federal and California State licensing requirements.

(b) Emergency shelter facilities shall comply with all applicable Uniform Building Codes, Plumbing Codes and Fire Codes, including maximum occupancy restrictions.

(3) Minimum site design and development standards. An emergency shelter is subject to all property development standards of the zoning district in which it is located except as modified by the following standards:

(a) The maximum number of beds or persons to be served nightly by an emergency shelter shall be thirty-four (34).

(b) Off-street parking shall include one (1) vehicle parking space per three (3) beds and one (1) space per employee on the largest shift. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

(c) Exterior lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of- way, and of an intensity compatible with the neighborhood.

(d) Security shall be provided for residents, visitors and employees during the hours that the emergency shelter is in operation.

(e) On-site management shall be provided. The agency or organization operating the shelter shall comply with the following requirements:

(1) Temporary shelters shall be available to residents for no more than six (6) months within a twelve (12) month period. The days of stay need not be consecutive.

(2) Staff and services shall be provided to assist residents to obtain permanent shelter and income.

(3) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling and treatment programs for residents.

(f). Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided.

(g) Laundry facilities or services shall be provided that are adequate for the number of residents.

(h) Emergency shelter facilities shall provide a refuse storage area that is completely enclosed with masonry walls not less than five (5) feet high with a solid-gated opening that is large enough to accommodate standard-sized trash and recycling bins, or other enclosures as approved by the Director of Community Development. The refuse enclosure shall be accessible to refuse collection vehicles.

(i) The facility may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

(1) Central cooking and dining room(s).

(2) Recreation room.

(3) Counseling center.

(4) Child care facilities.

(5) Other supportive services.

(j) Organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m. for noise abatement purposes.

(k) An emergency shelter shall not be located within three hundred (300) feet of another emergency shelter, kindergarten through 12th grade curriculum school, child care center, or park as measured from the closest property line.

(l) No individual or household shall be denied emergency shelter because of an inability to pay.

Amend Section 96.01, "Table of Permissible Uses" adding 2.65 "Supportive Housing"; 2.70 "Transitional Housing, 2.75 "Emergency Shelters'.

	Use Description	Zones									
		R1	R2	R3	CR	C1	C2	C3	M1	M2	P
1.00	**RESIDENTIAL**										
1.20	Single-Family, one du/lot	Z	Z	Z	Z	Z					
1.30	Single-Family, two du/lot (separate buildings)		S	S	Z						
1.40	Primary with accessory apartment	S	Z	Z	Z						
1.50	Duplex		Z	Z	Z		S				
1.60	Multifamily apartments			Z	C		S				
1.70	Multifamily townhomes			S	C						
1.75	Multifamily condos			S	C						
1.80	Mobilehome parks		C	C	S						
1.85	R.V. parks		C	C	S			C			
1.90	Planned residential development		C	C	C						

	Use Description	Zones									
		R1	R2	R3	CR	C1	C2	C3	M1	M2	P
2.00	**RESIDENTIAL/COMMERCIAL**										
2.10	Homes for handicapped	C	C	S	C	C	C				
2.20	Nursing care	C	C	S	C	C	C				
2.30	Adult/child care (residence)	C	S	S	S	C	S				
2.40	Halfway home			C	C	C					
2.50	Boarding house	C	C	C	C	C	C				
2.55	Bed and breakfast	C	S	S	Z	S	S	S			
2.60	Hotels, Motels				C	S	Z	Z	C		
2.65	**Supportive Housing**	Z	Z	Z	Z						
2.70	**Transitional Housing**	Z	Z	Z	Z						
2.75	**Emergency Shelters**								Z	Z	