

DRAFT EMERGENCY SHELTER ORDINANCE

August 2, 2023

Language that is proposed to be added is denoted by underline.

Language that is proposed to be removed is denoted by ~~strikethrough~~.

Usage of “. . .” indicates entire paragraphs that have been omitted because the language in the omitted paragraphs is not being amended.

ORDINANCE CCO-23-XX

**AN ORDINANCE OF THE CITY OF MT. SHASTA
AMENDING TITLE 18 OF THE MT. SHASTA MUNICIPAL CODE
FOR THE REGULATION OF EMERGENCY SHELTERS**

WHEREAS, Senate Bill 2 (SB 2) became law on January 1, 2008 and Assembly Bill 2339 (AB 2339) became law on January 1, 2023, amending Section 65583 of the California Government Code mandating certain approaches to the local regulation of emergency shelter for persons experiencing homelessness; and

WHEREAS, State Housing Element law requires local planning and zoning regulations facilitate emergency shelters, and in particular, SB 2 requires all cities and counties to provide at least one zone in which emergency shelters can be located without discretionary approval from the local government; and

WHEREAS, the City of Mt. Shasta's adopted Housing Element for the period of 2014-2019 has a program, HO-2.5.2, that calls for amending the zoning code to ensure consistency with State and law and internal consistency related to regulations for specific residential uses, including...emergency shelters; and

WHEREAS, it is the intent of the City to implement federal and state housing laws and policies contained in the City of Mt. Shasta's General Plan, including the Housing Element, in a manner that is consistent with applicable laws, including affirmatively furthering fair housing, and the City of Mt. Shasta seeks to be in compliance with the State of California mandated regulations for the local regulation of emergency shelter for persons experiencing homelessness; and

WHEREAS, on August 18, 2023, the Planning Commission of the City of Mt. Shasta held a duly noticed public hearing as prescribed by law to consider the proposed zoning text amendments. After consideration of all applicable staff reports and all public testimony and evidence presented at the public hearing, the PC recommended that the City Council adopt the proposed amendments to chapters 18.08, 18.16, and 18.98 of Title 18 of the Mt. Shasta Municipal Code, also cited as the Land Development Code; and

WHEREAS, on _____, 2023, the City Council of the City of Mt. Shasta held a duly noticed public hearing as prescribed by law to consider the proposed text amendments to the Land Development Code, and heard testimony regarding the proposed amendments. After consideration of all applicable staff reports and all public testimony and evidence presented at the public hearing; and

WHEREAS, the City Council does hereby make the following findings regarding the amendments to chapters 18.08, 18.16, and 18.98 of the Land Development Code as set forth in this ordinance; and

WHEREAS, the City Council finds and determines the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) per the State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed zoning text amendments will not have an impact on the environment because they do not directly facilitate new development, or changes in the type and intensity of land use.

WHEREAS, the proposed amendments are consistent with the Mt. Shasta General Plan; and

WHEREAS, the proposed amendments are internally consistent with other applicable provisions of the Mt. Shasta Land Development Code; and

WHEREAS, the City Council has determined that the public health, safety and welfare of the residents of the City will be promoted and improved through compliance with State law regarding the regulation of emergency shelters; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MT. SHASTA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Municipal Code Amendments

That chapters 18.08, 18.16, and 18.98 of Title 18 of the Mt. Shasta Municipal Code (MSMC) are hereby amended with language that is added denoted by underline, and language that is removed denoted by ~~strikethrough~~. Usage of four ellipses, , indicates entire paragraphs have been omitted because the language in the omitted paragraphs is not being amended.

Chapter 18.08

DEFINITIONS

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18.08.352 Emergency shelter.

“Emergency shelter” means temporary housing with minimal supportive services for persons experiencing homelessness, which ~~that~~ is limited to occupancy of ~~up to~~ six (6) months or less, and is operated by a government agency or private non-profit organization. Emergency shelters may be in the form of dormitory or congregate housing, or individual shelters. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation, and job/life skills training in addition to food, and showers. Emergency shelters shall include interim housing interventions including but not limited to a navigation center, bridge housing, and respite or recuperative care. No individual or household may be denied housing and shelter because of inability to pay. Emergency shelters are intended to be used by homeless persons, victims of domestic violence, persons requiring temporary housing, and other individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.)

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Chapter 18.16
DISTRICT REGULATIONS

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18.16.020 Establishment of regulations.

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Table 7 – High Density Residential (R-3)

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7.5 Permitted Uses

The following uses are permitted in the R-3 district upon issuance of a building permit, business license, or other required permit:

- A. Single-family dwelling (attached or detached), one per each 4,500 square feet of gross land area.
- B. Duplex, one two-unit structure per 6,000 square feet of lot area.
- C. Triplex, one three-unit structure per 8,000 square feet of lot area.
- D. Multiple-family dwellings (no more than four units), one unit per each 2,000 square feet of lot area.
- E. Model home, including a sales office.
- F. Professional office not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.
- G. Supportive housing.
- H. Transitional housing.
- I. Emergency shelters.

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Table 8 – Downtown Commercial (C-1)

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8.5 Permitted Uses

The following uses are permitted in the C-1 district:

- A. A store, motel, office, bank, theater, restaurant or similar use, primarily conducted within a building, and not involving the use of significant amounts of hazardous substances, and not exceeding 10,000 square feet in floor area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- B. Residential uses consistent with the R-3 zone district.
- C. Residential uses within a commercial building.
- D. Outdoor sales consistent with Chapter 18.23 MSMC.
- E. Emergency shelters.

Table 9 – General Commercial (C-2)

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9.5 Permitted Uses

The following uses are permitted in the C-2 district:

- A. All permitted uses in the C-1 zone.
- B. Retail business establishments within a building, conducting the following use: automobile body and paint shops, commercial recreation, creameries, dry cleaning plants, heavy equipment sales and service, laundry, locker plants, plumbing shops.
- C. Land uses which conform to the purpose of the district, and which in the judgment of the Planner are consistent with the purpose of the district.
- D. Emergency shelters.

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Chapter 18.98

EMERGENCY SHELTERS

18.98.010 Purpose.

The purpose of these standards is to ensure the development of emergency shelters does not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing for the housing needs of people in need of shelter. The following performance standards shall apply to emergency shelters. This section establishes standards for emergency shelters in order to comply with the requirements of State law under Cal. Gov't Code Sections 65582 and 65583.

18.98.020 Location of Emergency Shelters

Emergency shelters shall be a use permitted in the High Density Residential (R-3), Downtown Commercial (C-1), and General Commercial (C-2) zones without a conditional use or other discretionary permit and subject only to development and management standards that apply to residential or commercial development in the same zone.

18.98.030 Standards for emergency shelters.

In addition to the standards set forth in here and below, emergency shelters shall also be required to comply with the California Building Code and California Fire Code in effect at the time of building permit application. (Ord. CCO-10-03 § 3, 2010) In addition to the development standards in the underlying zoning district, emergency shelters shall comply with the standards set forth in this section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

(A) Physical Characteristics.

- (1) Compliance with applicable California and local Uniform Housing Code and Building Code, and California Fire Code requirements in effect at the time of the building permit application.
- (2) Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall be stationary, full cut-off downward facing hooded lighting and directed away from adjacent properties and public rights-of-way.
- (3) Facilities shall provide secure areas for residents' personal property. Outdoor storage facilities for residents' personal property shall be located outside yard setbacks and shall be screen from public view by a decorative wall or fence.
- (4) Separation. An emergency shelter may be located no closer than three hundred (300) from another emergency shelter.
- (5) Maximum number of beds per facility. Emergency shelters shall not have more than 60 beds per facility.

(B) Limited Terms of Stay. The maximum term of staying at an emergency shelter is six (6) months.

(C) The agency or organization operating the emergency shelters shall provide on-site security for residents, visitors, and employees during all hours when the shelter is in operation.

(D) Emergency Shelter Management. The agency or organization operating the emergency shelter shall provide on-site management during all hours when the shelter is in operation.

(E) Onsite parking. The emergency shelter shall provide on-site parking as determined by the Planning Director, or their designee, based on demonstrated need for onsite parking but not more than the parking required for other residential and commercial uses within the same zone.

18.98.040 Waiting and intake area.

If client intake occurs onsite, an enclosed or screened waiting and intake area must be provided on the property to prevent queuing in the public right-of-way. The area must be at least ten (10) percent of the total square footage of the shelter and be located outside of the yard setbacks.

~~18.98.030 Health and safety standards.~~

~~The shelter for the homeless must comply with all standards set forth in Cal. Health and Safety Code § 50800 et seq. (Ord. CCO-10-03 § 3, 2010)~~

~~18.98.040 Management plan.~~

~~Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be approved by the Planning Commission. The management plan must include, but is not limited to, provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, temporary storage of residents' personal belongings, safety and security, screening of residents to ensure compatibility with services provided at the facility, and training, counseling and social service programs for residents, as applicable. (Ord. CCO-10-03 § 3, 2010)~~

~~18.98.050 Occupancy load and bathroom facilities.~~

~~Each resident shall be provided a minimum of 50 gross square feet of personal living space per person, not including space for common areas. In no case shall occupancy exceed 60 residents at any one time. Bathing facilities shall be provided in quantity and location as required in the California Plumbing Code (Title 24, Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24, Part 2). (Ord. CCO-10-03 § 3, 2010)~~

~~18.98.060~~050 Common facilities and services.****

The emergency shelter facility may provide one or more of the following specific facilities and services for clients, including but not limited to:

- (A) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;
- (B) Dining area;
- (C) Laundry;
- (D) Recreation room;
- (E) Support services (e.g., training, counseling);
- (F) Child care facilities. (Ord. CCO-10-03 § 3, 2010)

~~18.98.070 Lighting.~~

~~Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, full cut-off downward facing hooded lighting and directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. (Ord. CCO-10-03 § 3, 2010)~~

~~18.98.080 Outdoor activities.~~

Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility. Conducting such activities either at a back entrance or inner courtyard is encouraged. For the purposes of noise abatement in residential districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.

~~18.98.090 Shelter location, and concentration of uses.~~

Emergency shelters must be sited within the R-3 zone. No more than one emergency shelter is permitted within a radius of 1,000 feet from another emergency shelter.

~~18.98.100 Design standards.~~

To assure that new and renovated buildings are compatible with the existing character and scale of the surrounding commercial environment, new and infill buildings must be consistent with the Mt. Shasta Architectural Design Guidelines. (Ord. CCO-10-03 § 3, 2010)

~~18.98.110~~ 18.98.11060 Emergency Shelter provider.

The agency or organization operating the shelter shall comply with the following requirements:

~~(A) Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.~~

~~(B) Staff and services shall may be provided to assist residents to obtain permanent shelter and income. If such Such services shall be are available, they shall be provided at no cost to all residents of a provider's shelter or shelters.~~

~~(C) The provider shall not discriminate in any services provided.~~

~~(D) The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility. (Ord. CCO-10-03 § 3, 2010)~~