ORDINANCE NO. 1223

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO AMENDING TITLE 10 TO AMEND THE ZONING MAP TO ADD AN EMERGENCY SHELTER (-ES) OVERLAY ZONE, AMEND TABLE 10.12-2 TO PROVIDE FOR THE EMERGENCY SHELTER OVERLAY ZONE AND THE –ES DESIGNATOR, AMENDING TITLE 10 OF THE SAUSALITO MUNICIPAL CODE TO ADD SMC SECTION 10.28.080 ESTABLISHING DEVELOPMENT AND MANAGEMENT STANDARDS FOR EMERGENCY SHELTERS IN THE EMERGENCY SHELTER OVERLAY ZONE, MODIFYING SMC TABLE 10.22-1 TO ALLOW TRANSITIONAL AND SUPPORTIVE HOUSING AS AN ALLOWED USE IN THE R-1, R-2, PR AND R-3 ZONING DISTRICTS, MODIFYING SMC TABLE 10.24-1 TO ALLOW TRANSITIONAL AND SUPPORTIVE HOUSING AS A PRINCIPALLY PERMITTED AND CONDITIONALLY PERMITTED USE IN THE R-1, R-2, PR, R-3, CC, CR AND CN-1 ZONING DISTRICTS, MODIFYING SMC TABLE 10.24-1 TO ALLOW SINGLE ROOM OCCUPANCY UNITS IN THE CC, CR AND CN-1 ZONING DISTRICTS AS A CONDITIONAL USE, AND MODIFYING SMC CHAPTER 10.88 TO ADD DEFINITIONS RELATED TO SPECIAL NEEDS HOUSING
ZOA 14-007

WHEREAS, Government Code Sections 65582, 65583 and 65589.5 require local jurisdictions to adopt provisions for special needs housing, including emergency shelters, supportive and transitional housing and single room occupancy units; and

WHEREAS, on October 9, 2012 the Housing Element was adopted by the City Council; and

WHEREAS, On November 7, 2012 the California Department of Housing and Community Development certified the adopted Housing Element to be in conditional compliance with Housing Element Law; and

WHEREAS, the adopted Housing Element contains Program 21 Zoning Text Amendments for Special Needs Housing; and

WHEREAS, Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, from January 2014-June 2014 a subcommittee of the City Council and Planning Commission held seven public meetings regarding the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, on March 15, 2014 a publicly-noticed Community Workshop was held to discuss the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, on May 21, 2014 the Planning Commission conducted a duly-noticed public hearing regarding the special needs housing amendments at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on May 21, 2014 the Planning Commission adopted Planning Commission Resolution Nos. 2014-13 and 2014-14, which recommended City Council adoption of an Ordinance regarding Emergency Shelters and a resolution amending the Marinship Specific Plan to allow for the Emergency Shelter use and continued the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing to the June 18, 2014 Planning Commission meeting; and

WHEREAS, on June 18, 2014 the Planning Commission continued the discussion on the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing Ordinance to the July 2, 2014 meeting; and

WHEREAS, on June 24, 2014 the City Council conducted a duly-noticed public hearing regarding the Emergency Shelter Zoning Ordinance Amendment and Specific Plan Amendment at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on June 24, 2014 the City Council directed that the Planning Commission to provide a recommendation on a modified Emergency Shelters Ordinance which would allow for an Emergency Shelter Overlay to include only Public Institutional sites which are owned by the City of Sausalito or the Sausalito School District; and

WHEREAS, the two Public Institutional sites in the Marinship Specific Plan area are not owned by the City of Sausalito or the Sausalito School District, therefore a Marinship Specific Plan amendment is not required; and

WHEREAS, on July 2, 2014 the Planning Commission continued the hearing on the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing Ordinance to a special meeting on July 9, 2014; and

WHEREAS, on July 9, 2014 the Planning Commission conducted a duly-noticed public hearing regarding the special needs housing amendments at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on July 9, 2014 the Planning Commission adopted Planning Commission Resolution No. 2014-22, which rescinded Planning Commission Resolution Nos. 2014-13 and 2014-14 and recommended City Council adoption of an Ordinance regarding the Special Needs Housing Ordinance, which included recommendation of an Emergency Shelter Overlay to include only Public Institutional sites which are owned by the City of Sausalito or the Sausalito School District with the exception of the Spencer Fire Station No. 2 parcel; and

WHEREAS, on July 15, 2014 and July 22, 2014 City Council conducted a duly-noticed public hearings at which time all interested persons were given an opportunity to be heard; and

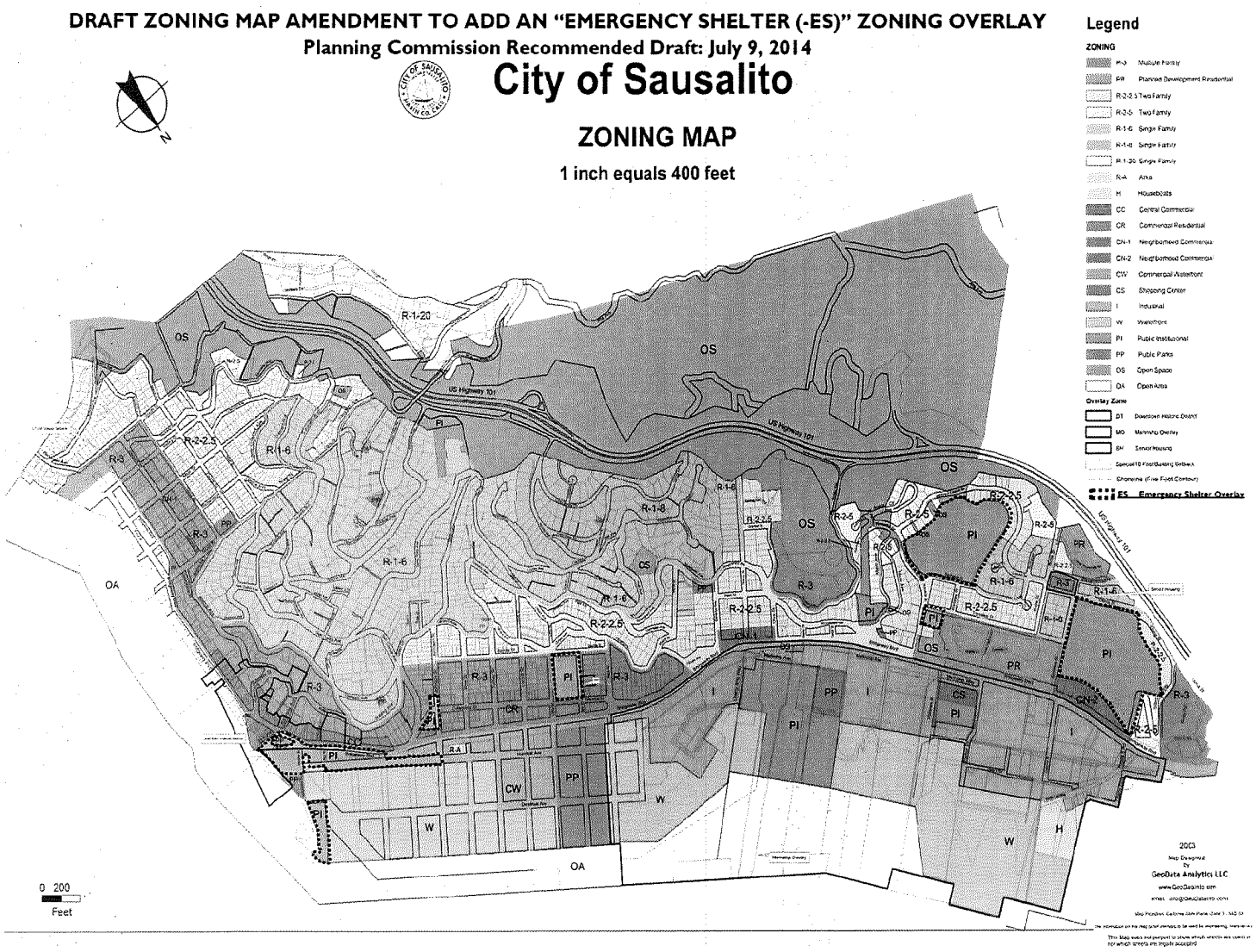
WHEREAS, the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density and Section 15061.b.3 of the CEQA Guidelines because adoption of the zoning ordinance amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

WHEREAS, adoption of the Special Needs Housing Ordinance is consistent with the General Plan Program 21 of the Housing Element regarding special needs housing and Housing Element Policy HE-4.5 regarding zoning for special needs, Housing Element Policy HE-5.4 regarding housing for persons with disabilities and Land Use Policy HE-4.5 regarding zoning for special needs.

THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS FOLLOWS:

(continued on next page)

Section 1. The Zoning Map is hereby amended as follows[a]:



[a] The text to be added is printed <u>underlined</u> and the –ES Overlay Zone is designated by a dotted line.

Section 2. Table 10.12-2 (Overlay District Designations) is hereby amended as follows[b]:

Table 10.12-2 OVERLAY DISTRICT DESIGNATIONS		
Designator	Overlay Zoning District	Regulations in Section
-H	Historic	10.28.040 and Chapter 10.46 (Historic Overlay District and Landmarks)
-M	Marinship	10.28.050
-Pd	Planned Development	10.28.060
-Sh	Senior Housing	10.28.070 and Section 10.44.120 (Senior Housing Projects)
-Es	Emergency Shelter	10.28.080

Section 3. Table 10.22-1 (Land Uses Allowed in Residential Districts) is hereby amended as follows[c,d]:

Table 10.22-1 LAND USES ALLOWED IN RESIDENTIAL DISTRICTS*

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
Residential Uses							
Supportive Housing *1*	P	P	P	P			SMC 10.88.040 (Definitions)
Transitional Housing *1*	P	P	P	P			SMC 10.88.040 (Definitions)

* Zoning permit required for all uses — Chapter 10.52 SMC
P Permitted use
MUP Minor use permit required — Chapter 10.58 SMC
CUP Conditional use permit required — Chapter 10.60 SMC

1 Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district. For example, such housing structured as single-family is permitted in the R-1, R-2, PR and R-3 residential zoning districts, whereas transitional and supportive housing structured as multi-family is limited to the PR and R-3 residential zoning districts.

(continued on next page)

[b] The text to be added is printed double-underlined.
[c] Only the pertinent sections of Table 10.22-1 have been shown. The remainder of Table 10.22-1 remains unchanged.
[d] The text to be added is printed double-underlined.

Section 4. Table 10.24-1 (Land Uses Allowed in Commercial Districts) is hereby amended as follows[e,f]:

Table 10.24-1 LAND USES ALLOWED IN COMMERCIAL DISTRICTS*1*

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Residential Uses								
Single Room Occupancy Housing	CUP	CUP	CUP					SMC 10.88.040 (Definitions)
Supportive Housing, levels above first (street or ground) only *8*	P	P or CUP	P*4*					SMC 10.88.040 (Definitions)
Transitional Housing, levels above first (street or ground) only *8*	P	P or CUP	P*4*					SMC 10.88.040 (Definitions)
P Permitted use MUP Minor use permit required CUP Conditional use permit required								Chapter 10.58 Chapter 10.60

1 Zoning Permit required for all uses. (See Chapter 10.52.)

2 Tax-exempt yacht clubs only, subject to restrictions in the Marinship Specific Plan.

3 No new houseboats are allowed. Existing houseboats may be legalized with a Conditional Use Permit.

4 Residential Uses are permitted above the ground floor in the CN zoning districts located in the Second and Main Street area and the Bridgeway and Spring Street area. Residential uses are not permitted in the CN zoning district located along Brideway between Coloma Street and Ebbtide Avenue.

5 Other than beer and wine for on-site consumption as an accessory use.

6 Not to exceed twenty (20) seats.

7 Marine service harbors only.

8 Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district.

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Section 5. A new Section 10.28.080 (Emergency Shelters (-Es)) is hereby added to the Sausalito Municipal Code to read as follows:

10.28.080 Emergency Shelters (-Es)

A. Purpose and Intent. In addition to the general purposes of this chapter, the purpose of this section establishing the Emergency Shelter (-Es) Overlay district is to allow the provision of shelter for homeless persons or others in need of a temporary (six months or less) shelter, while ensuring the shelter is operated in a manner that is compatible with surrounding areas. The purpose of this chapter is also to comply with Government Code Section 65583 relating to emergency shelters.

[e] Only the pertinent sections of Table 10.24-1 have been shown. The remainder of Table 10.24-1 remains unchanged.

[f] The text to be added is printed double-underlined

B. Zoning Map Indicator and Applicability. The Emergency Shelter Overlay district may be applied to those areas which are designated as Public Institutional (PI) and shown on the zoning map. The –Es Overly district shall be shown on the zoning map by adding an "-Es" designator to the base district designation.

C. Land Uses. Emergency shelters shall be a permitted use on parcels within the Emergency Shelter Overlay district.

D. Development Standards. The following development standards shall apply to emergency shelters:
    1. Property Development Standards. The shelter shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.
    2. Shelter Capacity. An emergency shelter for homeless persons shall contain no more than twenty (20) beds and shall serve no more than twenty (20) persons nightly. The physical size of the shelter shall not be larger than necessary for the number of persons the shelter serves.
    3. Parking. On-site parking for residents shall be based on one space for every four beds, and staff parking shall be based on one space for each on-site staff, employees and/or independent contractors on the maximum staffed shift.
    4. Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and designed, arranged and installed so as to confine direct rays onto the premises and to direct light away from adjacent structures and public rights-of-way. External lighting shall be of an intensity compatible with the neighborhood.
    5. On-site Waiting and Intake Areas. An interior waiting and intake area shall be provided which contains a minimum of 200 square feet. Waiting and intake areas may be used for other purposes (excluding sleeping) as needed during operations of the shelter.

E. Common Facilities. The development may provide one or more of the following specific common facilities for exclusive use of the residents and staff, provided that such facilities do not substantially increase the overall size of the shelter facility:
    1. Central cooking and dining room.
    2. Recreation room.
    3. Laundry facilities to serve the number of occupants at the shelter.
    4. Other uses that are considered ancillary to the primary use such as office and storage, not to exceed 10% of the total floor area of the shelter facility, exclusive of items 1, 2, and 3 above.

F. On-site Staff. At least one manager shall be on-site during all hours of operation of the facility. Such manager must be an individual who does not utilize the shelter's beds or other services and who resides off-site. The manager must be accompanied by one supporting staff member for every fifteen (15) beds occupied in the facility.

G. Security. Security personnel shall be provided during operational hours whenever clients are on the site. A security plan shall be submitted to the City prior to issuance of a certificate of occupancy.

H. Concentration of Uses. No more than one emergency shelter shall be permitted within a radius of 300 feet of another emergency shelter.

I. Emergency Shelter Operations. The agency or organization operating the emergency shelter shall comply with the following requirements:
   1. Hours of Operation. Clients shall only be on site and admitted to the facility between 5:00 p.m. and 8:00 a.m.
   2. Length of stay. Each emergency shelter resident shall stay for no more than 90 days (cumulative) in a 365 day period. Extensions up to a total stay of 180 days in a 365-day period may be granted by the shelter provider if no alternative housing is available. Conditions upon which an extension may be granted include, but are not limited to: the emergency shelter resident having a medical emergency, the emergency shelter resident having secured a job, the emergency shelter resident negotiating a lease for permanent housing, and the emergency shelter resident having been accepted into a residential treatment program for which a program date has not arrived.
   3. Management Plan. Prior to commencing operation, the shelter operator shall provide a written management plan to the Director for approval. The management plan shall address: hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment, maintenance plans, residency and guest rules and procedures, and staffing needs.
   4. Annual report. The provider shall provide an annual report of the use of the facility and determination of compliance with the City's development standards for the use.

Section 6. Section 10.44.080 of the Sausalito Municipal Code is hereby amended to add the following definitions:

Emergency shelter. 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. (Health and Safety Code Section 50801(e))

Single Room Occupancy Housing (SRO). Refers to a residential facility where individual secure rooms are rented to a one or two person household. Rooms are generally 150 to 375 square feet in size and include a sink, closet and toilet, with shower and kitchen facilities typically shared. SRO units are rented to tenants on a weekly or monthly basis.

Supportive housing. Permanent affordable housing with no limit on length of stay that is occupied by the target population as defined in the Health & Safety Code Section 53260(d), 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 Section 50675.14(b))

Target population. 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.

Transitional housing and transitional housing development. Buildings configured as rental housing developments, but operated under program requirements that call 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 Section 50675.2(h)). The housing may take several forms such as group housing and multi-family units and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

Section 7. The adoption of this ordinance is exempt from the application of the California Environmental Quality Act (CEQA), Public Resources Code section 21000, *et seq.,* in accordance with Section 15061.b.3 of the CEQA Guidelines.

Section 8. If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 9. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City Council on the 15th day of July, 2014, and was adopted at a regular meeting of the City Council on the 22nd day of July, 2014 by the following vote:

AYES:	COUNCILMEMBER:	Leone, Theodores, Weiner, Mayor Withy
NOES:	COUNCILMEMBER:	Pfeifer
ABSTAIN:	COUNCILMEMBER:	None
ABSENT:	COUNCILMEMBER:	None

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK