Action Item
Agenda Item No. 9

Report to the Auburn City Council

City Manager's Approval

To:	Mayor and City Council Members
From:	Reg Murray, Senior Planner
Date:	April 8, 2013
Subject:	Ordinance Amendment – Emergency Shelters and Transitional and Supportive Housing (File 301.3(bb))

The Issue

Should the City Council adopt an Ordinance to amend the Auburn Municipal Code to allow to allow Emergency Shelters in the Industrial (M-2) zone district and Supportive and Transitional Housing in the Medium Density Multiple-family Residential (R-3) zone district?

Recommended Motion (Approval)

The Planning Commission held a public hearing to receive testimony and consider the Ordinance to allow Emergency Shelters and Supportive and Transitional Housing on March 5, 2013. The Planning Commission unanimously recommended that the City Council take the following actions:

A. By Motion, adopt a Statutory Exemption prepared for the Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;

B. By Motion, adopt the following Findings of Fact for approval of the Ordinance for Emergency Shelters and Transitional and Supportive Housing:

1. The Ordinance implements State law;
2. The Ordinance is consistent with the Auburn General Plan Housing Element;
3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.

A. By Motion, introduce and hold a first reading, by title only, of the Ordinance for Emergency Shelters and Transitional and Supportive Housing (Exhibit A).

Background

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583, requiring that jurisdictions plan for and accommodate emergency shelters in their Housing Element (Element) of the General Plan. In particular, jurisdictions must identify at least

one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit). An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.

In addition to the requirements for emergency shelters, SB 2 also mandated that local jurisdictions amend their codes to permit "transitional housing" and "supportive housing;" with such transitional and supportive housing projects being treated the same as any other residential use property (i.e. as a use permitted by right). In general, transitional housing means buildings configured as rental housing, but operated under program requirements that call for the termination of assistance and the recirculation of the unit to another eligible program recipient at some predetermined point in the future which shall be no less than six months; while supportive housing means housing with no limit on the length of stay that is occupied by a particular target population (generally, low income and disabled persons).

The Housing Element is a comprehensive statement by the City of Auburn of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The Element includes specific goals, policies, objectives, and programs to meet these objectives. Based on the requirements of SB 2 (above), the City's Housing Element adopted in 2008 included Program N (below), addressing the requirements for Emergency Shelters, Transitional Housing, and Supportive Housing.

N. Implement the mandates of SB 2 as it relates to the siting and development of transitional and supportive housing and emergency shelters. To facilitate SB 2, City staff anticipates the City Council may approve the M-2 Industrial District Zone for emergency shelter use by right and without any discretionary action. If another zone, other than the M-2 Industrial District, is approved the City shall comply with the requirements of SB 2 and ensure sufficient capacity for the City's homeless. The City will, as required by SB 2, recognize transitional and supportive housing as a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zone and without any discretionary action.

In order to implement Program N from the Housing Element, the City must amend the zoning ordinance of the Auburn Municipal Code (Chapter 159). The proposed ordinance (see Exhibit A) addresses the code amendments for Emergency Shelters for the homeless, Transitional Housing, and Supportive Housing. The primary provisions of the ordinance amendments are summarized in Attachment 1 and include the following:

- Permanent emergency shelters for the homeless would be permitted by-right in the Industrial (M-2) zone, subject to certain operational standards.
- Temporary emergency shelters would be permitted as part of an institutional use, subject to certain operational standards.
- Transitional and Supportive Housing would be permitted by right in the City's multi-family residential zone (R-3).

Planning Commission Review

The Planning Commission considered the proposed code amendments on March 5, 2013 and took comments from the public. Three individuals addressed the Commission with the comments below. The approved minutes from the meeting are provided as Attachment 2.

- Mike Mapes (Legal Services) – Legal Services indicated their general support of efforts which improve housing services for the homeless.
- Suzi deFosset (The Gathering Inn) – Ms. deFosset suggested several modifications to the provisions for emergency shelters, including:
  - Increase the allowed occupancy for permanent shelters from 30 to 60 individuals.
  - Increase the allowed occupancy for temporary shelters from 60 to 75 individuals.
  - Relax the parking standards by reducing the requirements for shelter participants.
  - Require the provision of shower facilities.
  - Allow shelters in more than just the Industrial zone district.
- Joseph Tucciarone (business owner) – Mr. Tucciarone recognized the mandate to provide for emergency shelters, but suggested that the City only adopt the minimum standard necessary to comply with the State's requirement in an effort to avoid attracting additional homeless persons to the community.

The Planning Commission recommended several changes to the proposed code amendments based on public comment and the Commission's deliberation. The changes include the following:

1. Occupancy for temporary shelters was increased from 60 individuals to 75 individuals.
2. Parking requirements were relaxed by reducing the number of spaces required for shelter participants from one parking space for every four participants to one parking space for every 10 participants.
3. The separation distance between emergency shelters and property in the Single-family Residential (R-1) zone was increase from 300' to 500'.
4. A new separation standard was added requiring a minimum separation of 500' between emergency shelters and schools, parks, or libraries, subject to review by the City Attorney.

Analysis

With the designation of any zone district, the City needs to insure that there are a reasonable number of sites that can be provided to serve the needs of the homeless community. The draft ordinance presented to the Planning Commission identified the Industrial (M-2) zone district. The M-2 zone district occurs at several locations in town in proximity to the Union Pacific Railroad, with three primary locations: the M-2 zone along Borland Avenue and Lincoln Way, between Hwy 49 and Gossonia; the M-2 zone on Sacramento Street between Railhead Park and Auburn Folsom Road; and, the M-2 zone on the west side of Nevada Street between I-80 and Blocker Drive.

The two revisions proposed by the Planning Commission (Items 3 and 4 above) raise a few issues that warrant additional discussion as well as modification of the ordinance.

- Method of Measurement – In evaluation of the Commission's proposed revisions, staff has determined that the measurement method provided in the draft ordinance restricts the City's ability to provide a suitable number of sites. Under the current method, the measurement is taken from the nearest property boundary for the emergency shelter to the nearest boundary of the R-1 zone district (i.e. a "boundary to boundary" measurement). While several of the M-2 properties have multiple possible sites for shelters, the properties are typically larger and uniquely shaped (since several are associated with UPRR properties). As such, many sites on a lot can be removed from consideration because the separation measurement clips only a small corner of the M-2 zone district. In reconsideration of the current measurement standard by staff, the draft standard of 300' when measured from boundary-to-boundary resulted in the removal of several locations at both the Borland Avenue and Sacramento Street locations, resulting in just a handful of sites at one general location in town (i.e. the Borland/Lincoln area). Since a suitable number of locations must be provided within the community, and since this measurement standard unduly restricts the number of available locations, staff has determined that the measurement method should be revised to increase the number of available locations. The proposed revision is:

    - "The distance separation requirements shall be measured in a straight line, without regard to intervening structures or objects, from the nearest ~~property line of the property on which~~ point of the shelter ~~is located,~~ to the boundary of the zone described above."

  The revision noted above will insure at least two different locations in the City (Sacramento Street and Borland/Lincoln areas), with multiple possible alternatives at each location; and, would open up an additional site on Gum Lane.

- Commission Item 3 (above) – The Commission recommended that the separation to R-1 zoned property be increased from 300 feet to 500 feet. Using the boundary-to-boundary measurement method from the current draft, the Commission proposal would eliminate all M-2 zoned properties from consideration, meaning that the City would not be providing any appropriate sites. Under the revised measurement system recommended by staff (above), the increased separation standard could eliminate a site at the Sacramento Street location, and would eliminate the Gum Lane location and several sites from the Borland/Lincoln area. It is staff's opinion that the resulting number of sites would not be sufficient to satisfy the City's obligation. As such, staff recommends that the separation standard between shelters and R-1 zoned property not increase to 500', and instead remain at 300'.

- Commission Item 4 (above) – The Commission added new a standard requiring a minimum separation of 500' between emergency shelters and schools, parks, or libraries. Staff informed the Commission during the hearing that the City Attorney had advised staff that it would not be advisable to include this standard. The Commission elected to add this standard, subject to further review by staff and the City Attorney.

  Staff reviewed the impact the new standard would have on the availability of locations in the M-2 zone. While the addition of the new standard requiring separation from parks, schools, and libraries will not affect sites in the Borland industrial area, it does eliminate

the Sacramento Street area in its entirety. This would leave the Borland area as the only location with possible sites, thereby restricting the number of available locations in the City.

The City Attorney also reviewed the Commission's recommendation and provided the following comments:

> "According to the City Attorney's office, creating a distance requirement for homeless shelters is not prohibited, so long as the restriction does not effectively force shelters into places that are unsuitable. Suitable locations would be reasonably close to public transit, grocery stores, or other necessary services. (See *Hoffmaster v. City of San Diego* (1997) 55 Cal.App.4th 1098.) Taking everything into account, so long as there are locations where a shelter can open up that are near necessary services, have appropriate parking to meet the City's requirements, and are otherwise truly practical options, the City will be in compliance with the relevant provisions of the Government Code.
>
> However, as the distance requirements increase, or as the number of distance requirements the City considers increases, so too does the risk that a court will find practical barriers to locating a homeless shelter within the City, and therefore a violation of Government Code section 65583. In addition, there may be some risk of legal challenge under other state and federal statutes, including the California Fair Employment and Housing Act, the Americans with Disabilities Act, and federal civil rights legislation such as 42 U.S.C. 1983. In short, every additional restriction on locations of homeless shelters brings with it an increased risk that it will be found invalid by a court.
>
> The City Attorney's office considers the 300-foot distance requirement from single-family residence zones to be relatively low risk, given the number of possible locations where a homeless shelter can be developed, but does not recommend a greater distance than that. Additionally, the City Attorney's office considers distance requirements from schools, parks, and libraries to involve a higher degree of risk which increases as the permissible locations for emergency shelters decrease."

Based on comments from the City Attorney, as well as the limitation that would be imposed as a result of the new standard, staff recommends that the City Council eliminate the proposed separation standard from parks, schools, and libraries.

Additional Public Comment

Following the Planning Commission's hearing on March 5th, the City has received additional comment from the public. The correspondence received as of the publication of this staff report is provided for the Council's consideration (see Attachments 3&4).

- Attachment 3 (Charles Beckett) – Expresses concern about the type of shelters that could be provided and suggests the City reconsider the proposed ordinance. Staff spoke with Mr. Beckett about his concern regarding the type of shelters that could be provided at a facility

(i.e. the proposed code (Section 159.382(A)(5)) references a permanent "premises" and the concern is that tents might still be able to be provided at a facility). To eliminate any potential concern, the word "premises" can be replaced with "building" to clarify the intent of the requirement. Staff has no objections to this amendment.

- Attachment 4 (Suzi deFosset) – Requests that the occupancy for a permanent shelter increase from 30 individuals to 60 individuals. This standard was proposed to the Planning Commission during the hearing; however, the Commission's action did not include this suggested change.

Summary

Based on the information above, staff recommends that the City Council amend the proposed Ordinance (Exhibit A) as follows:

1. Section 159.382(A)(3)(b) – amend the separation standard between shelters and the R-1 zone from 500' to 300'.
2. Section 159.382(A)(3)(c) – delete the separation standard between shelters and parks, schools, and libraries.
3. Section 159.382(A)(3) – amend the method of measurement such that the measurement is from the emergency shelter building to the zone boundary.
4. Section 159.382(A)(5) – replace the word "premises" with "building."

Environmental Determination

In accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Auburn Community Development Department reviewed this project as required by CEQA and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

Alternatives Available; Implications of Alternatives

1. Adopt the Ordinance adding provisions for Emergency Shelters and Transitional and Supportive Housing as presented, or as amended by the City Council.

2. Do not adopt the Ordinance for Emergency Shelters and Transitional and Supportive Housing and provide further direction to staff.

Fiscal Impact

Minimal fiscal impact associated with preparation of the draft ordinance by Community Development staff in consultation with the City Attorney.

Attachments:

1. Planning Commission Staff Report – March 5, 2013
2. Planning Commission Minutes – March 5, 2013
3. Letter from Charles Beckett received March 11, 2013
4. Letter from Suzi deFosset received March 20, 2013

Exhibits:

A. Ordinance – Emergency Shelters and Transitional and Supportive Housing

CITY OF AUBURN

Planning Commission – Staff Report
Meeting Date: March 5, 2013

Prepared by: Reg Murray, Senior Planner

ITEM NO. IV-B

ATTACHMENT 1

ITEM IV-B: ORDINANCE AMENDMENT - EMERGENCY SHELTERS AND TRANSITIONAL & SUPPORTIVE HOUSING (FILE 301.3(bb)).

REQUEST: The City of Auburn proposes to amend the Auburn Municipal Code to allow Emergency Shelters in the Industrial (M-2) zone district and Supportive and Transitional Housing in the Medium Density Multiple-family Residential zone district (R-3).

RECOMMENDED MOTION:

A. Move to adopt Planning Commission **Resolution 13-03** recommending that the Auburn City Council adopt the Emergency Shelters Ordinance as presented, or as amended by the Planning Commission.

BACKGROUND:

In 2007, the State enacted Senate Bill 2 (SB 2) which amended California Government Code Section 65583 to require that jurisdictions plan for and accommodate emergency shelters in their Housing Element (Element) of the General Plan. In particular, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit). An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.

In addition to the requirements for emergency shelters, SB 2 also mandated that local jurisdictions amend their codes to permit "transitional housing" and "supportive housing;" with such transitional and supportive housing projects being treated the same as any other residential use property (i.e. as a use permitted by right). In general, transitional housing means buildings configured as rental housing, but operated under program requirements that call for the termination of assistance and the recirculation of the unit to another eligible program recipient at some predetermined point in the future which shall be no less than six months; while supportive housing means housing with no limit on the length of stay that is occupied by a particular target population (generally, low income and disabled persons).

The Housing Element is a comprehensive statement by the City of Auburn of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The Element includes specific goals, policies, objectives, and programs to meet these objectives. Based on the requirements of SB 2 (above), the City's Housing Element must address Emergency Shelters, Transitional Housing, and Supportive Housing. The City's current

Element, adopted in 2008, includes a specific program that satisfies these requirements (see Program N below).

N. Implement the mandates of SB 2 as it relates to the siting and development of transitional and supportive housing and emergency shelters. To facilitate SB 2, City staff anticipates the City Council may approve the M-2 Industrial District Zone for emergency shelter use by right and without any discretionary action. If another zone, other than the M-2 Industrial District, is approved the City shall comply with the requirements of SB 2 and ensure sufficient capacity for the City's homeless. The City will, as required by SB 2, recognize transitional and supportive housing as a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zone and without any discretionary action.

ANALYSIS:

In order to implement Program N from the Housing Element, the City must amend the zoning ordinance of the Auburn Municipal Code (Chapter 159). The proposed amendments are included in the draft ordinance attached to the Planning Commission Resolution (Exhibit A). Provided below is a summary of the proposed changes:

1. **Definitions** – The proposed ordinance provides several definitions, including ones for "Emergency Shelter", "Supportive Housing", and "Transitional Housing" (see above). The ordinance also includes a revised definition for "Family" to be consistent with current law.

   FAMILY. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit ~~occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. *FAMILY* shall be deemed to include the necessary servants and may include up to 5 persons not related by blood or marriage.~~

2. **Zoning - Supportive & Transitional Housing** – Consistent with the requirements of Program N, staff is proposing to amend the zoning code to include Transitional Housing and Supportive Housing in the Medium Density Multiple-family Residential (R-3) zone district. Both uses would be permitted "by right" in the R-3 zone district, with no requirement for a use permit or other discretionary approval (as required by SB 2).

3. **Zoning - Emergency Shelters** – As required by Program N, the proposed code will provide for Emergency Shelters. Staff has identified the Industrial (M-2) zone as the appropriate zone district. As required by law, Emergency Shelters would be a use permitted in the M-1 zone district, with no requirements for a use permit or other discretionary approval; the proposed code reflects this requirement.

   For comparison purposes, provided below is a summary of other jurisdictions and their use requirements. Emergency Shelters are permitted unless otherwise stated:

Jurisdiction	Standard
Calabasas	CL – Commercial, Limited
Citrus Heights	GC – General Commercial
Folsom	Religious facilities (in conjunction with) R3 – Neighborhood Apartment R4 – General Apartment M1 – Light Industrial (Use Permit) M2 – General Industrial (Use Permit) ML – Limited Manufacturing (Use Permit)
Placer County	RM (Multi-family) – Permitted (over 60 – CUP) C1 (Neighborhood Commercial) - MUP HS (Highway Service Commercial) - MUP RES (Resort) – MUP C2 (General Commercial) – CUP CPD (Commercial Planned Development) – CUP
Redding	HC - Heavy Commercial
Rocklin	M-1; M-2; PD for M-1/M-2 - Permitted
Roseville	Permitted MP – Industrial Business Park Conditional Use Permit GC (gen com); HC (hwy com); CMU (com mix use) M1 (light ind); M2 (gen ind); MMU (ind mix use)
Sacramento, City of	Permitted if in compliance w/ standards (CUP otherwise) C4 - Heavy Commercial M1/M1(S) – Light Industrial M2/M2(S) – Heavy Industrial

4. **Development and Management Standards** – The Government Code provides that the City may apply development standards to emergency shelters, but only in specific categories. The draft ordinance includes Development and Management Standards (see Section 159.382) that are consistent with the limitations provided by law. Several of the standards are reviewed below and include comparative standards from several other surveyed jurisdictions:

   a. Occupancy – Permanent emergency shelters would be allowed up to thirty (30) occupants at any one time.

Jurisdiction	Standard
Calabasas	20
Citrus Heights	75
Folsom	40; 20 for religious facilities
Placer County	---
Redding	24
Rocklin	60
Roseville	40
Sacramento, City of	24

b. Parking Requirements - Emergency shelters will be required to provide one parking space for each staff member plus one parking space for every four residents at the shelter.

Jurisdiction	Standard
Calabasas	1/250 s.f.
Citrus Heights	---
Folsom	1/6 residents + 2/staff
Placer County	Demonstrated need + 1/staff
Redding	1/bed + 1/staff
Rocklin	---
Roseville	1/10 residents + 1/staff
Sacramento, City of	1/4 beds + 1 for manager

c. Distance Separation Requirements - The ordinance establishes a separation requirement between emergency shelters of 300 feet. The Government Code limits the maximum separation between shelters to no more than 300'; therefore, this standard may not be increased. The ordinance also includes a separation standard of 300' between shelters and property situated in the Single-family Residential (R-1) zone; this standard is not regulated by the Government Code and could be amended.

Jurisdiction	Standard
Calabasas	1000' between shelters
Citrus Heights	• 300' between shelters • 1,000' of schools, library, park • ½ mile of transit facilities or demonstrate that the facility provides connection to transit • Excluded adjacent to SFR
Folsom	300' between shelters
Placer County	• 300' between shelters • 500' of schools (Minor UP required) • ½ mile of transit facilities or demonstrate that the facility provides connection to transit
Redding	• 300' between shelters unless separated by hwy or railroad • 500' to residential, schools, park
Rocklin	• 1,000' between shelters • 500' of schools • ½ mile of transit facilities
Roseville	250' between shelters
Sacramento, City of	• 1000' between shelters • 500' of park, schools, churches, and SFR • ½ mile of transit facilities or demonstrate that the facility provides connection to transit

d. Management – The Government Code allows for the provision of on-site management. The draft ordinance requires the provision of onsite management and security at all times when clients are present; it also requires that hours of operation are clearly posted at the facility. These basic standards are consistent with other jurisdictions.

e. Operations Plan – The ordinance includes a requirement that the shelter provide the City with a plan for the operation of the shelter. This "operations plan" would address such issues as operational issues (e.g. security; safety; screening), management experience, good neighbor issues, transportation, client supervision, client services, and food services, and would be reviewed and approved by the Community Development Department and Police Department prior to operation of the emergency shelter.

f. Facilities – The proposed ordinance specifies that shelters provide certain minimum facilities. These include an intake/waiting area, secure areas for personal belongings, accessibility to telephones, and adequate lighting. Facilities not included in the City's ordinance, but observed in other jurisdictions, include laundry facilities, commons area space, and showers.

5. **Temporary Shelters** – As required by the State, the proposed code identifies Emergency Shelters as a permitted use type in at least one zone (Section 159.381(A)). If a jurisdiction complies with this basic requirement, it is not restricted from including additional use standards. Accordingly, staff is proposing Section 159.381(B) which provides for temporary emergency shelters. With this section, temporary emergency shelters would be allowed in conjunction with institutional uses (i.e. a use associated with places of worship, hospitals, educational facilities, and community service organizations). A definition for Institutional Uses is included in Section One of the ordinance.

This section is provided to address the existing efforts of The Gathering Inn in assisting the homeless. The Gathering Inn currently coordinates the operation of temporary homeless shelters throughout Placer County, including the City of Auburn (e.g. the Salvation Army on Sutter Street). With their operation, The Gathering Inn collects the homeless at different locations in the County and takes them to different temporary facilities, rotating the operations between various participating providers (e.g. they could provide for the homeless at a facility in Roseville one day, Rocklin the next, then Auburn, and so on). Including this provision for temporary shelters insures that the City does not make an existing operation non-compliant with the new code. Staff supports this measure since the Gathering Inn has operated in Auburn for several years with little-to-no problem.

Based on the recommended standards, temporary facilities would comply with the same basic standards as permanent facilities, but with a few exceptions. Temporary shelters could have up to 60 occupants (as compared to 30 occupants at permanent facilities); the distance separation requirement from property zoned for Single-family Residential uses would not apply; the temporary shelter could not operate at any one location more than four nights per week; and the shelters would not be able to operate more than 12 hours per day. The operations at the Gathering Inn are consistent with these modified standards.

The Planning Commission is a recommending body for this ordinance amendment. All comments and recommendations from the Commission will be forwarded to the Auburn City Council for their consideration.

ENVIRONMENTAL SUMMARY:

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3).

EXHIBITS

A. Resolution 13-3 with Emergency Shelters and Supportive & Transitional Housing Ordinance attached

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PLANNING COMMISSION RESOLUTION NO. 13-03

ORDINANCE AMENDMENT – EMERGENCY SHELTERS, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING (ADMIN FILE# 301.3(bb))

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of March 5, 2013, to consider a recommendation to the City Council to amend the Auburn Municipal Code to allow Emergency Shelters in the Industrial (M-2) zone district and Supportive and Transitional Housing in the Medium Density Multiple-family Residential zone district (R-3).

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the March 5, 2013, meeting.
2. The draft ordinance for Emergency Shelters and Transitional & Supportive Housing (attached).
3. Staff presentation at the public hearing held on March 5, 2013.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the foregoing evidence, the City of Auburn Planning Commission recommends the following:

1. The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Statutorily Exempt from the provisions of CEQA per §15061(b)(3);
2. The Ordinance is consistent with the General Plan Housing Element; and,
3. The Ordinance is consistent with State law and is the minimum necessary to protect the health, safety and general welfare.

Section 4. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby recommends adoption of the Statutory Exemption and recommends that the City Council approve the Emergency Shelters and Transitional & Supportive Housing Ordinance (attached), as carried by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND RECOMMENDED this 5th day of March, 2013.

_____
Chairman, Planning Commission
of the City of Auburn, California

ATTEST:_____
Community Development Department

ORDINANCE NO. 13 - _____

AN ORDINANCE OF THE CITY OF AUBURN
ADDING EMERGENCY SHELTERS AND
SUPPORTIVE AND TRANSITIONAL HOUSING
TO THE AUBURN MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

A. Whereas the City seeks to comply with the provisions of the Federal Fair Housing Act and the California Fair Employment and Housing Act to provide disabled persons reasonable accommodation as necessary to ensure equal access to dwellings and/or places of business; and,

B. Whereas California Government Code Section 65583(c)(3) requires the City's General Plan Housing Element to include a program to remove governmental constraints for persons with disabilities; and

C. Whereas the Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons, including potential amendments to the City's Zoning Ordinance; and,

D. Whereas the Zoning Ordinance of the Auburn Municipal Code currently contains provisions which, if amended, would promote equal housing opportunities and partially satisfy the City's obligations under the state and federal statutes identified above.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of ***FAMILY*** and add definitions for ***EMERGENCY SHELTER, INSTITUTIONAL USE, SUPPORTIVE HOUSING*** and ***TRANSITIONAL HOUSING*** to read as follows:

EMERGENCY SHELTER. Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

FAMILY. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

INSTITUTIONAL USE. Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

SUPPORTIVE HOUSING. Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

COMMISSION DRAFT

TRANSITIONAL HOUSING. Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

(A)(4) Supportive Housing
(A)(5) Transitional Housing

Section Three: Amend Section 159.037 (Industrial District) of Title XV of the City of Auburn Municipal Code by adding the following:

(A)(14) Emergency Shelters, subject to the provisions of Section 159.380 *et seq*.

Section Four: Amend Chapter 159 of Title XV of the City of Auburn Municipal Code by adding Sections 159.380 through 159.382 (Emergency Shelters) as follows:

EMERGENCY SHELTERS

159.380 PURPOSE.

The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the development or, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

159.381 PERMIT REQUIREMENTS

(A) Permanent emergency shelters are a permitted use in the Industrial District (M-2) as identified in Section 159.037, and subject to the development standards identified in Section 159.382.

(B) Temporary emergency shelters are permitted as part of an institutional use subject to the following:

1. Temporary emergency shelters shall conform to the development standards identified in Section 159.382, except as modified below.
2. The maximum number of occupants shall not exceed sixty (60).
3. Temporary emergency shelters are not subject to the distance separation requirements from properties located in the single-family residential (R-1) zone.
4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
5. The shelter shall not operate more than 12 hours per day.

COMMISSION DRAFT

159.382 DEVELOPMENT AND MANAGEMENT STANDARDS

(A) Emergency Shelters shall comply with the following:

1. **Occupancy.** The maximum number of occupants to be served shall not exceed thirty (30).

2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member plus one parking space for every four residents.

3. **Distance Separation Requirements.** No emergency shelter shall be located:

   a. Within 300 feet of any other emergency shelter.
   b. Within 300 feet of property in the Single-family Residential (R-1) zone.

   The distance separation requirements shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the property on which the shelter is located, to the boundary of the zone described above.

4. **Management.** The following management standards shall apply:

   a. On-site management shall be provided by at least one emergency shelter staff member at all times while clients are present at the shelter.
   b. Security personnel shall be provided on-site during hours of operation.
   c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.

5. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:

   a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
   b. Secure areas shall be provided for personal property.
   c. Adequate interior and exterior lighting shall be provided.
   d. Telephones shall be provided for use by clients.

6. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:

COMMISSION DRAFT

a. A floor plan demonstrating compliance with the physical standards of this chapter.

b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.

c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.

d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.

e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.

f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.

g. Adequate and effective screening. Identify the admittance eligibility of clients.

h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.

i. Name(s) and telephone number(s) of a responsible party(ies) to contact.

7. Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.

8. The facility shall comply with all applicable state and local housing, building, and fire code requirements.

9. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Six: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Seven: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

COMMISSION DRAFT

DATED: _____, 2013

_____
Kevin Hanley, Mayor

ATTEST:

_____
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the _____ day of _____ 2013 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Stephanie L. Snyder, City Clerk

COMMISSION DRAFT

Commissioner Willick **SECONDED** the motion.

AYES:	Luebkeman, Willick, & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas, Worthington

The motion was **APPROVED**.

B. ORDINANCE AMENDMENT – EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING (File 301.3(bb). The City of Auburn proposes to amend the Auburn Municipal Code to allow Emergency Shelters in the Industrial (M-2) zone district and Supportive and Transitional Housing in the Medium Density Multiple-family Residential zone district (R-3).

Planner Murray presented the Emergency Shelters, Transitional and Supportive Housing Ordinance and explained that the ordinance fulfills obligations made with the last Housing Element and met SB 2 as required by the State.

In compliance with SB 2 the ordinance permits by right, the location of Emergency Shelters, Transitional and Supportive Housing in the Industrial (M-2) Zone. Planner Murray noted that the Government Code allows standards to be imposed and discussed the standards.

Planner Murray also noted that the Ordinance permitted Supportive and Transitional Housing in the Medium Density Multiple-family Residential Zone District (R-3).

Planner Murray noted that the Emergency Shelters Ordinance, in compliance with State Law, is required to identify at least one zone that permits Emergency Shelters by right. The Planning Commission can recommend which zone Emergency Shelters should go but cannot preclude them all together. Also, if there are standards such as parking that the Commission would like to modify, then that would be under the discretion of the Planning Commission.

Planner Murray discussed the various sections of the ordinance.

Planner Murray noted that there are different provisions for permanent facilities and temporary facilities.

Commissioner Luebkeman asked if there are current facilities in the residential zone?

Planner Murray noted that the permanent facilities would be permitted in the Industrial Zone and temporary facilities would not have a limitation and would be

allowed as institutional uses (i.e. Church or hospital) in the zones which allow such uses.

Commissioner Willick asked about a description of the M-2 Zone.

Planner Murray described the uses permitted in the M-2 Zone.

Commissioner Willick asked about what is considered as Transitional Housing and Supportive Housing?

Planner Murray described the types of housing accommodations that would qualify as Transitional Housing and Supportive Housing.

Chairman Spokely inquired about the separation requirements between other uses.

Planner Murray discussed the differences between Emergency Shelters, Transitional Housing and Supportive Housing.

Chairman Spokely asked about the separation from schools.

Planner Murray replied that there are no separation from schools or parks based upon advice from the City Attorney.

Chairman Spokely asked who might be staying in a Transitional Housing situation?

Planner Murray replied that persons needing housing for a limited duration or persons needing life skills training would be candidates for Transitional Housing facilities.

Commissioner Willick noted they could be parolees or drug rehabilitation persons.

Planner Murray replied yes it could include either of those groups.

Chairman Spokely noted that he attended a public hearing in another jurisdiction where a neighborhood was being terrorized by such a facility. Chairman Spokely noted that he understands that the City needs to accommodate such facilities in compliance with State Law, but questions whether the multi-family zone was the appropriate zone for such facilities.

Chairman Spokely noted the benefit of such facilities, but questioned the appropriate zone for such facilities.

Commissioner Willick acknowledged the concern from a law enforcement perspective but also noted that the State law preempts local jurisdictions in various types of housing types such those being considered.

Considering the State law requirements, Commissioner Willick inquired what the options where for these types of uses?

Planner Murray described the different zones within the City and the types of uses within the respective zones.

Chairman Spokely opened the public hearing.

Suzi Defosset, resident of Auburn, at 165 Village Lane addressed the Commission. Ms. Defosset is also the Executive Director of the Gathering Inn, which provides services to homeless persons.

Ms. Defosset noted that typically Industrial areas offer very little service such as transportation and persons using such facilities are often in need of such services. Also industrial areas typically do not have sidewalks and are less pedestrian friendly to get to the public transportation.

A by-right shelter with a maximum occupancy of 30 persons as drafted, does not make fiscal sense. Generally, a shelter would need to accommodate up to 60 persons to be financially solvent.

Ms. Defosset notes that on any given night there are there are upwards of 75 people living on the streets after all the other facilities are occupied. Opening a shelter and only allowing 30 people to be housed is not a viable shelter from a financial standpoint.

Ms. Defosset also noted that the parking spaces should be reduced as homeless persons typically do not have a car. In an existing facility with 60 beds, there are never more than 4 cars in the parking lot. So the parking standards proposed are more stringent than they should be.

Ms. Defosset again noted that she would like to see a different zoning designation be considered than Industrial as the Industrial zone does not typically provide the amenities that homeless persons need.

Chairman Spokely asked for clarification on the types of facilities which would be located in the Industrial zone.

Planner Murray explained the types of facilities that would be permitted in the Industrial zone.

Chairman Spokely noted that in comparison to other jurisdictions, the 30 persons maximum seemed to be consistent with other jurisdictions.

Joseph Tucciarone owner of 205 Fairgate Street addressed the Commission. Mr. Tucciarone noted that he acknowledges that the City is following a State law

mandate to help homeless persons; however, Mr. Tucciarone also noted that the city should do the minimum to comply with State law.

Mike Mapes, Legal Services of Northern CA Staff Attorney, addressed the Commission and supported any efforts to help the homelessness in Auburn.

Chairman Spokely closed the public hearing.

Commissioner Luebkeman noted that an increase in the number of patrons for Emergency Shelters from 60 to 75.

Chairman Spokely asked if any of the Commissioners had any concerns with the proposed parking requirements.

Planner Murray explained the options for parking.

Commissioner Willick noted that one parking space for every worker seemed appropriate.

Chairman Spokely noted based upon the testimony provided tonight, he agrees that a reduced parking ratio is in order. Chairman Spokely noted that 1 parking space per 10 patrons seems reasonable.

Chairman Spokely also inquired about the distance separation between other uses taking into account the 300 foot separation requirement.

Planner Murray noted that the distance requirement is for permanent Emergency Shelters.

Planner Murray discussed the separation distance requirements from other uses and the City Attorney's recommendations on the proposed ordinance.

Chairman Spokely noted that he would like to see a 500 foot separation from single family uses, schools, parks and libraries.

Commissioner Willick **MOVED** to recommend approval of the Emergency Shelters Transitional Housing and Supportive Housing with the following amendments:

1. Occupancy for temporary shelters was increased from 60 individuals to 75 individuals;
2. Parking requirements were relaxed by reducing the number of spaces required for shelter participants from one parking space for every four participants to one parking space for every 10 participants;
3. The separation distance between emergency shelters and property in the Single-family Residential (R-1) zone was increased from 300 feet to 500 feet;

4. A new separation standard was added requiring a minimum separation of 500 feet between emergency shelters and schools, parks, or libraries, subject to review by the City Attorney.

Commissioner Luebkeman **SECONDED** the motion.

AYES:	Luebkeman, Willick & Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	Vitas & Worthington

The motion was **APPROVED**.

C. **ORDINANCE AMENDMENT – RESIDENTIAL CARE FACILITIES (File 301.3(cc)).** The City of Auburn proposes to amend the Auburn zoning ordinance relating to residential care facilities. The proposal would amend the Auburn Municipal Code relating to the definitions for Residential Care facilities and the permitting of large residential care facilities in the Medium Density Multiple-family Residential zone district (R-3) and the Central Business District (C-2).

Planner Murray presented the Residential Care Facilities Ordinance Amendment and discussed the components of the ordinance.

Commissioner Luebkeman asked if there was a maximum number of persons in a Residential Care Facility?

Planner Murray replied that there are no maximum occupancy requirements; however, a Use Permit is required and each site will be looked at on an individual basis as to what a maximum occupancy should be.

Planner Murray described the different types of residential care facilities based upon the number of persons.

Chairman Spokely opened the public hearing.

Chairman Spokely closed the public hearing.

Chairman Spokely noted that the Residential Care Ordinance Amendment seemed to be relaxing the current provisions.

Planner Murray described the change in the proposed ordinance and noted that Residential Care Facilities with 6 persons or less are treated the same as Single Family Dwellings per State law.

Commissioner Luebkeman **MOVED** to recommend approval of the Residential Care Facilities Ordinance Amendment as presented.

Auburn's Emergency Homeless Shelters???

The front page article in the Auburn Journal on 3/8/13 did not make sense to me, or anyone else I spoke with who had read it. While quickly scrutinizing the story and the accompanying map, I saw that my business was right smack dab in the middle of a highlighted industrial zone. However, the road that my business and several others are on is not even shown on the map! I realize that this article is nothing more than a convoluted deception, designed to hide a very bad proposal which might bring our city into compliance with a state law passed in 2007. This proposal would allow disenfranchised or homeless people to create their own permanent emergency "shelters" (meaning tents and or camps) with minimal services provided by the city (i.e.: port-a-potties?). This would occur right alongside our residential, retail, commercial and industrial businesses in two designated areas near the Southern Pacific right-of-way. These are the most dangerous areas in our community! Keep in mind that alcohol, drugs and machinery don't mix!

We must also look out for the safety and wellbeing of these people, as well as our own. As the crime goes up, so will our cost of insurance, as we would be located right next to (or in) 'HOBO Junction'. In addition, our new legal and permanent neighbors' appearances and housekeeping would have a negative effect on the City of Auburn's "Historic Gateway on Highway 49", with its new streetscapes, tourist attractions, and only minimal services.

I know that some may see this letter as subversive or non-compassionate, but it's really not. It's just truthful! The City of Auburn can do better than this ill conceived proposal. Perhaps we can start to take better care of our needy (whatever their illnesses are) by having our local government open a blog to the general public to ask for ideas on how to better help our whole community solve this social and fiscal problem. We also would like the city to publicly retract this very bad proposal and start over!

Charles A. Beckett
Business Owner

Charles Beckett

RECEIVED

MAR 21 2013

Name: [signature]

Cc: Auburn Journal
Auburn City Counsel
Auburn Chamber of Commerce
Auburn Planning Dept.
Southern Pacific Railroad

Signature:

	Business Owner	Resident
Roberta Smith	X	X
Mark [illegible]	X	
M. Foster	X	X
Sarah Nolan	X	
Robert Cruickshank	X	

Auburn's Emergency Homeless Shelters???

Signature:

Business Owner / Residen

[illegible]		
[illegible]	LONE WOLF CYCLE SHOP	
Janet L Rose		
[illegible]	Apple Creek Top Soil	Bussiness Owner 530 906-6559
[illegible]	Mountain Air Heating & Cooling	888-78
Bob Young	Business owner & resident, Auburn, C	
[illegible]	Resident of Auburn CA [illegible]	
[illegible]	RESIDENT	
[illegible]		Resident
[illegible]	Business Owner	Offroad Addiction
[illegible]	Worker	offroad Addiction
[illegible]	Snap On Tools	owner 530 362-0744
[illegible]	Business Owner	Auburn Imports 823-6665
[illegible]	Bussiness Owner	James Mace 305-4570
Ron Reeves	Live in home	162 Team Track Rd 530-368-323
[illegible]	Business Owner	530 217-8546 Royal Flush
[illegible]		164 team track Rd 530 401
[illegible]		
[illegible]		
Barbara [illegible]	CPA	125 Pet Monte Way 530 887-06
Michelle Fish	Social Service Director	twofish4lesus@yaho
Debra Shepley	- Employed out of Team Track Rd. business	
Maggie Britt		Auburn resident
[illegible]	Business Owner	Heart 2 Heart Transpor

Auburn's Emergency Homeless Shelters???

Signature:

Business Owner / Resident

NO - [illegible]	MONKEYCAT	888 8492
[illegible]		X
Karin Koons		887-8787
Margareta Swann	The Golden Swann Jewelers	823-7739
[illegible]	Auburn Jewelry [illegible]	885-9219
[illegible]	KM Construction	Y Y
Olaf R Sorensen		V V

the gathering inn
Physical: 201 Berkeley Ave., Roseville, CA 95678 | Mailing: P.O. Box 297, Roseville, CA 95678
ph. (916) 791-9355 | fax (916) 791-1916

RECEIVED
MAR 20 2013
COMMUNITY DEVELOPMENT
CITY OF AUBURN

ATTACHMENT 4

March 20, 2013

City Council Auburn

Re:SB2 By Right Shelter and planning recommendations

Dear Council,

On Tuesday March 5, 2013 the Planning Commission met to discuss their recommendations concerning SB2. I attended that meeting to give input as to some of the limitations being recommended. Since I was one of the only people at the meeting with a background in shelters and the homeless population, the commission used this time to obtain some education concerning the homeless need and shelter operation.

During my time in public comment one suggestion made to the commission was they consider raising the restricted number of persons allowed in the Emergency Shelter from 30 persons to 60 persons. The Commission agreed upon many items we discussed and were amenable to others including raising the limit of 30 persons to 60 allowed in the emergency shelter. Once it was to be voted on this detail was not included in the vote.

I am requesting of the City Council to consider raising the limit from 30 to 60 for the following reasons:

- On any given night in Placer County 275 people sleep on the streets or other places that are not intended for residency. Placer County and surrounding cities need all the beds they can get their hands on.
- Building a shelter for 30 people does not "pencil out" fiscally. The amount of monies needed to build this structure will be more viable if 60 persons are allowed to use the shelter
- With the number of homeless raising in the Auburn area due to the Public Safety Realignment Act – AB109 a shelter with only 30 beds would not accommodate that need.

Thank you for your time in the matter.

Respectfully submitted,

Suzi deFosset, MA
Executive Director

EXHIBIT A

ORDINANCE NO. 13 - _____

AN ORDINANCE OF THE CITY OF AUBURN
ADDING EMERGENCY SHELTERS AND
SUPPORTIVE AND TRANSITIONAL HOUSING
TO THE AUBURN MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

A. Whereas the City seeks to comply with the provisions of the Federal Fair Housing Act and the California Fair Employment and Housing Act to provide disabled persons reasonable accommodation as necessary to ensure equal access to dwellings and/or places of business; and,

B. Whereas California Government Code Section 65583(c)(3) requires the City's General Plan Housing Element to include a program to remove governmental constraints for persons with disabilities; and

C. Whereas the Auburn General Plan Housing Element identifies implementation programs to promote equal housing opportunities for all persons, including potential amendments to the City's Zoning Ordinance; and,

D. Whereas the Zoning Ordinance of the Auburn Municipal Code currently contains provisions which, if amended, would promote equal housing opportunities and partially satisfy the City's obligations under the state and federal statutes identified above.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to revise the definition of ***FAMILY*** and add definitions for ***EMERGENCY SHELTER, INSTITUTIONAL USE, SUPPORTIVE HOUSING*** and ***TRANSITIONAL HOUSING*** to read as follows:

EMERGENCY SHELTER. Shall have the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

FAMILY. One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

INSTITUTIONAL USE. Shall include premises associated with, but not limited to, places of worship, hospitals, educational facilities, and community service organizations.

SUPPORTIVE HOUSING. Shall have the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.

TRANSITIONAL HOUSING. Shall have the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

Section Two: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3) of Title XV of the City of Auburn Municipal Code by adding the following permitted uses:

(A)(4) Supportive Housing
(A)(5) Transitional Housing

Section Three: Amend Section 159.037 (Industrial District) of Title XV of the City of Auburn Municipal Code by adding the following:

(A)(14) Emergency Shelters, subject to the provisions of Section 159.380 *et seq.*

Section Four: Amend Chapter 159 of Title XV of the City of Auburn Municipal Code by adding Sections 159.380 through 159.382 (Emergency Shelters) as follows:

EMERGENCY SHELTERS

159.380 PURPOSE.

The provisions of this subchapter are adopted to provide regulations which encourage and facilitate the development or, or conversion to, emergency shelters in accordance with state law and the city's adopted housing element.

159.381 PERMIT REQUIREMENTS

(A) Permanent emergency shelters are a permitted use in the Industrial District (M-2) as identified in Section 159.037, and subject to the development standards identified in Section 159.382.

(B) Temporary emergency shelters are permitted as part of an institutional use subject to the following:

1. Temporary emergency shelters shall conform to the development standards identified in Section 159.382, except as modified below.
2. The maximum number of occupants shall not exceed ~~sixty (60)~~ seventy-five (75).
3. Temporary emergency shelters are not subject to the distance separation requirements from properties located in the single-family residential (R-1) zone.
4. Emergency shelters shall not operate at the same premises more than four (4) nights per week.
5. The shelter shall not operate more than 12 hours per day.

159.382 DEVELOPMENT AND MANAGEMENT STANDARDS

(A) Emergency Shelters shall comply with the following:

1. **Occupancy.** The maximum number of occupants to be served shall not exceed thirty (30).

2. **Parking Requirements.** Emergency shelters shall provide one parking space for every staff member present plus one parking space for every ten (10) ~~four~~ residents.

3. **Distance Separation Requirements.** No emergency shelter shall be located:

   a. Within 300 feet of any other emergency shelter.
   b. Within ~~300~~ 500 feet of property in the Single-family Residential (R-1) zone.
   c. Within 500 feet of a school, library, or park.

   The distance separation requirements shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the property on which the shelter is located, to the boundary of the zone described above.

4. **Management.** The following management standards shall apply:

   a. On-site management shall be provided by at least one emergency shelter staff member at all times while clients are present at the shelter.
   b. Security personnel shall be provided on-site during hours of operation.
   c. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge, which must be prominently posted on-site.

5. **Facilities.** Shelters shall be situated in permanent premises and shall provide the following facilities:

   a. An intake/waiting area shall be provided so that clients are not required to wait on sidewalks or any other public rights-of-way.
   b. Secure areas shall be provided for personal property.
   c. Adequate interior and exterior lighting shall be provided.
   d. Telephones shall be provided for use by clients.

6. **Operations Plan.** An operations plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. The plan shall be submitted to and approved by the Community Development Department and Police Department prior to operation of the emergency shelter. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, the plan shall include:

a. A floor plan demonstrating compliance with the physical standards of this chapter.
b. Security and safety. Address both on- and off-site needs, including provisions to insure the security and separation of male and female sleeping areas, as well as any family areas within the facility.
c. Loitering/noise control. Include specific measures regarding operation controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site and/or services are not provided.
d. Management of outdoor areas. Include a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize negative impacts to adjacent property.
e. Staff training. Insure adequate knowledge and skills to assist clients in obtaining permanent shelter.
f. Communication and outreach. Provide objectives to maintain effective, ongoing communication and response to operation issues which may arise within the neighborhood as may be identified by the general public or City staff.
g. Adequate and effective screening. Identify the admittance eligibility of clients.
h. Litter control. Provide for the regular daily removal of litter attributable to clients within the vicinity of the facility.
i. Name(s) and telephone number(s) of a responsible party(ies) to contact.

7. Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.

8. The facility shall comply with all applicable state and local housing, building, and fire code requirements.

9. The facility shall comply with all applicable state and local licensing as required for any program incidental to the emergency shelter.

Section Five: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Six: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Seven: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: _____, 2013

_____
Kevin Hanley, Mayor

ATTEST:

_____
Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the _____ day of _____ 2013 by the following vote on roll call:

Ayes:
Noes:
Absent:

_____
Stephanie L. Snyder, City Clerk