




TOWN OF FAIRFAX

STAFF REPORT

February 3, 2016

TO: Mayor and Town Council

FROM: Michele Gardner, Town Clerk 

SUBJECT: Second reading by title only and adoption of an Ordinance Amending Section 17.138.010 ("Emergency Homeless Shelter Standards") of Title 17 ("Zoning") of the Fairfax Town Code, amending on-site management provisions

RECOMMENDATION

Waive second reading and read by title only and adopt Ordinance No. 799 an Ordinance of the Town Council of the Town of Fairfax Amending Section 17.138.010 ("Emergency Homeless Shelter Standards") of Title 17 ("Zoning") of the Fairfax Town Code.

BACKGROUND

On January 13, 2016, at a duly-noticed public hearing, the Town Council held the introduction and first reading by title only of Ordinance No. 799. Tonight is the second the reading and adoption. If adopted, the ordinance will take effect in 30 days.

The Planning Commission has recommended that the Town Council adopt the Ordinance (Planning Commission Resolution No. 15-39).

CEQA REVIEW

The adoption of the ordinance is exempt from the California Environmental Quality Act per 14 C.C.R. §15301(b)(3), because the amendment of on-site management provisions will have no impact on the environment.

FISCAL IMPACT

None at this time.

ATTACHMENT

Ordinance

ORDINANCE NO. 799

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
AMENDING SECTION 17.138.010 ('EMERGENCY HOMELESS SHELTER
STANDARDS') OF TITLE 17 ('ZONING') OF THE FAIRFAX TOWN CODE**

WHEREAS, California Government Code Section 65583(a)(4)(A) sets forth the scope of development and management standards that local governments may impose in regulating emergency shelters for the homeless; and

WHEREAS, according to the State Department of Housing and Community Development, “[a]ppropriate management standards are reasonable and limited to ensure the operation and maintenance of the property,” and

WHEREAS, the Town of Fairfax regulates emergency homeless shelters through its Town Code Section 17.138.010; and

WHEREAS, the City Council wishes to amend Section 17.138.010 to modify the on-site management standards provided therein.

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: Subsection ‘D’ (‘On-site management’) of Section 17.138.010 (‘Emergency Homeless Shelter Standards’) of Chapter 17.138 (‘Regulations Applying in Multiple Zoning Districts’) of Title 17 (‘Zoning’) of the Fairfax Town Code is hereby amended to read as follows:

“(D) On-site management. In order to ensure the operation and maintenance of the property upon which an emergency shelter is operated, the operator of an emergency homeless shelter shall submit a management plan to the Planning Director that includes the following information: the operator’s qualifications to operate the emergency shelter; the identification of the on-site staff person designated as a neighborhood liaison to respond to, and address, any questions or concerns from surrounding residents regarding facility operations; the operator’s security measures to protect shelter residents and neighboring land uses (which measures must be objectively sufficient to provide such security); a list of services offered by the shelter to assist emergency shelter residents with obtaining permanent shelter; and a method of screening emergency shelter residents to ensure compatibility with services provided at or through the emergency shelter prior to admittance to the shelter.”

The remainder of Section 17.138.010 shall remain unchanged.

SECTION 2: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section,

subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3: This Ordinance is exempt from the requirements of the California Environmental Quality Act (codified at California Public Resources Code §§ 21000, *et seq.*, and as further governed by 14 California Code of Regulations §§ 15000, *et seq.*, collectively, “CEQA”) because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Here, the amendment of the on-site management provisions pertaining to emergency shelter operation have no potential to cause a significant effect on the environment and is thus not subject to CEQA.

SECTION 4: This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit:

1. Bulletin Board, Town Hall Offices, located at 142 Bolinas Road, Fairfax;
2. Bulletin Board, Fairfax Post Office, located at 773 Center Boulevard, Fairfax; and
3. Bulletin Board, Fairfax Women's Club building, located at 46 Park Road, Fairfax.

The foregoing Ordinance was introduced at a meeting of the Town Council on the 13th day of January 2016, and duly adopted at the next regular meeting of the Town Council on the __ day of _____ 2016, by the following vote, to wit:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

Renée Goddard, Mayor

Attest:

Michele Gardner, Town Clerk

Date