

ORDINANCE NO. NS-2848

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE TO ADOPT THE CITY'S REGULATION OF EMERGENCY SHELTER AND TRANSITIONAL AND SUPPORTIVE HOUSING

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. That the City of Santa Ana seeks to be in compliance with the State of California's regulations for the allowance of emergency homeless shelters as required by State Senate Bill 2 (SB2).
- B. That the State of California Legislature passed SB2 (effective January 1, 2008) modifying State Housing Element law to require local planning and zoning regulations to facilitate homeless shelters. Specifically, SB2 requires all cities and counties to provide at least one zoning category in which emergency shelters can be located without discretionary approval from the local government. The zoning category must be identified in the locality's housing element, and include sites with sufficient capacity to meet the local need for emergency shelter.
- C. That after a thorough period of research and public involvement the following standards have been developed in order to allow emergency homeless shelters as required, while maintaining those regulations necessary to provide for public health, safety and welfare.
- D. The Request for Council Action for this ordinance dated August 5, 2013 shall by this reference be incorporated herein, and together with this ordinance, any amendments or supplements and the oral testimony before the City Council at this meeting, shall additionally constitute the necessary findings for this ordinance.
- E. All provisions of the Santa Ana Municipal Code which are repeated herein are repeated solely in order to comply with the provisions of Section 418 of the City Charter. Any such restatement of existing provisions of the Code is not intended, nor shall it be interpreted, as constituting a new action or decision of the City Council, but rather such provisions are repeated for tracking purposes only in conformance with the Charter.

Section 2. Pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to 14 California Code of Regulations section 15061(b)(3), and a Notice of Exemption will be filed upon adoption of this ordinance.

Section 3. Section 41-55 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-55. Emergency Shelter for Homeless.

Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, where no individual or household may be denied emergency shelter because of an inability to pay; as defined and used in Section 50801(e) of the California Health and Safety Code.

Section 4. Section 41-123 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-123. Multiservice Center for Homeless.

A site which is operated under the auspices of a government or non-profit agency, for the purposes of bringing together essential services to meet the needs and development of homeless clients. Limited to occupancy of six months or less by a homeless person. A Multiservice Center shall include intake, assessment, and individualized case management services for homeless clients. Services provided shall address basic and immediate necessities, such as overnight shelter, showers, food, medical attention and mental health services, as well as higher level needs, including, but not limited to, computer access, job training and placement, life skills coaching and legal assistance.

Section 5. Section 41-158.5 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-158.5. Supportive Housing.

Housing with no limit on length of stay, that is occupied by persons and families who were homeless when approved for tenancy in the supportive housing project in which they currently reside, and that is linked to onsite or offsite 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; as defined by Section 50675.14 of the Health and Safety Code.

Section 6. Section 41-163 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-163. Transitional Housing.

A building or 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; as defined in Section 50675.2 of the Health and Safety Code. Transitional Housing does not include state licensed residential care facilities, also referred to as care homes.

Section 7. Section 41-681.5 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-681.5. Rehabilitation of Emergency Shelters for Homeless.

Rehabilitation of a nonconforming building which is an Emergency Shelter for Homeless, including structural alteration and/or enlargement, is permitted subject to the following limitations:

(1) An existing Emergency Shelter for Homeless with a minimum of 35 beds may expand to up to 75 beds.

(2) The rehabilitated Emergency Shelter for Homeless must conform with all signage, building setback, architectural standards, and landscaping requirements of the underlying zone, as well as all Emergency Shelter for Homeless standards, except separation criteria, found in this chapter.

(3) There shall be no enlargement which would result in a new nonconformity with the requirements of this chapter.

Section 8. Section 41-1200 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Article XIII – Homeless Shelters

Sec. 41-1200. Homeless Shelters--Zones.

An Emergency Shelter for Homeless or Multiservice Center for Homeless shall be a permitted use on any parcel within the M1 (Light Industrial) or M2 (Heavy Industrial) or Industrial Specific Development (SD) zones. Each facility shall comply with all of the required development and operational standards of the zone in which it is located.

Section 9. Section 41-1201 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-1201. Same—Standards.

Where permitted, any Emergency Shelter for Homeless or Multiservice Center for Homeless shall comply with the following:

(1) *Occupancy.* A maximum of 30 beds or persons may be served nightly, with associated support service not open to the public. One Multiservice Center may be permitted in the City of Santa Ana, allowing a minimum of 150 beds or persons may be served nightly and maximum of 200 beds. Any Emergency Shelter for Homeless with greater than 30 beds, but less than 150 beds, shall be subject to approval of a Conditional Use Permit consistent with Article V of this chapter.

(2) *Separation Criteria.* Said uses are to be located at least 500 feet from any residential use or residentially zoned property, park, child care center, or kindergarten through 12th grade curriculum school, as measured from the closest property line. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses; such as a freeway, railroad right of way, or like features. In addition, at least 300 feet shall be maintained from any other Emergency Shelter for Homeless or Multiservice Center for Homeless, as measured from the closest property line. Said uses shall be located within ½-mile of a transit stop.

(3) *Parking.* One (1) vehicle parking space shall be provided per 5 beds. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

(4) *Waiting and Intake Area.* A client waiting and intake area shall be provided and contain a minimum of ten (10) square feet per bed provided at the facility. The client waiting and intake area shall be screened from the public right of way by a solid wall of at least six (6) feet in height, and shall be sufficient in size to accommodate all persons waiting to enter the facility.

(5) *Support Services.* Emergency Shelters shall allocate sufficient areas on site, outside of any required landscape areas, to provide the following minimal support services:

- a. Food preparation and dining areas.
- b. Laundry facilities.
- c. Restrooms and showers
- d. Areas to secure and store client belongings.

- e. Indoor and outdoor recreational facilities and/or open space
- f. A private area for providing referral services to assist shelter clients in entering programs aimed at obtaining permanent shelter and income. Referral services refers to the initial assessment of a homeless client to identify the areas in which assistance is needed, and connecting clients with appropriate off-site programs and services depending on their need.

Multiservice Center or Emergency Shelters for Homeless with capacity for 150 or more beds shall provide a kitchen and essential services to meet the needs and development of homeless clients to facilitate homeless persons to obtain transitional and permanent housing solutions.

(6) *Hours of Operation.* A Multiservice Center for Homeless with a capacity of 150 beds shall be open 24 hours a day. Emergency Shelters for Homeless providing less than 150 beds are not required to be open 24 hours a day. Clients for Multiservice Centers or Emergency Shelters for Homeless shall have a specified check out time as detailed in the Management and Operation Plan, but may remain on the premises to utilize onsite services offered.

(7) *Length of Stay.* The length of stay of an individual client shall not exceed six (6) months within a twelve (12) month period; days of stay need not be consecutive.

(8) *Management and Operation Plan.* The applicant or operator shall submit a Management and Operation Plan for the Emergency Shelter and/or Multi-Service Center for review and approval by the Planning Manager in consultation with the Chief of Police at the time the project is proposed, prior to issuance of permits. If Site Plan Review applies, then the Management and Operational Plan should be submitted and reviewed concurrently with those applications. The Plan shall remain active throughout the life of the facility, with any changes subject to review and approval by City Planning Manager in consultation with the Chief of Police. The Plan shall be based on "Best Practices" and include, but not be limited to, a security plan, procedures, list of services, staff training, "good neighbor" communication plan, client transport and active transportation plan, ratio of staff to clients, client eligibility and intake and check out process, detailed hours of operation, ongoing outreach plan to Santa Ana homeless population, and participation in data collection for the Orange County region's Homeless Management Information Services. The City may inspect the facility at any time for compliance with the facility's Operational Plan and other applicable laws and standards.

(9) *Restrooms.* The number of toilet and showers shall comply with applicable Building Codes and Plumbing Codes.

(10) *Trash Enclosure and Loading Zone.* Each facility shall have a trash enclosure and loading zone as provided in section 41-623 of this chapter.

(11) *Staff / Security.* A 24 hour emergency contact person shall be designated. Staff and/or Security shall be on the premises at all times for Multiservice Centers or Homeless Shelters open 24 hours a day, as detailed and approved in the Management and Operation Plan.

(12) *Applicable Laws.* The facility shall comply with all other laws, rules and regulations that apply, including Building and Fire codes and shall be subject to City inspections prior to Operational Plan approval. In addition, the facility is to be consistent with City Airport Land Use Environs Element policies, particularly as it relates to protecting sensitive uses from airport related noise levels.

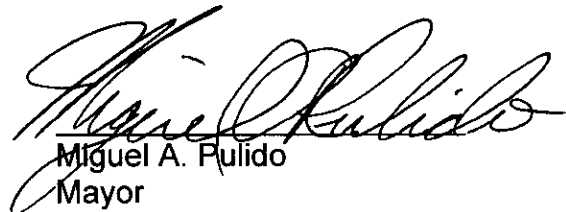
Section 10. Section 41-1202 of Chapter 41 of the Santa Ana Municipal Code is hereby added to read as follows:

Sec. 41-1202. Transitional and Supportive Housing--Zones.

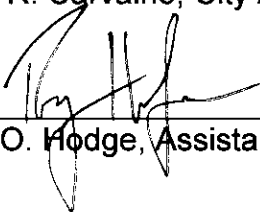
Transitional Housing and Supportive Housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Section 11. If any section, subsection, sentence, clause, phrase or portion 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 this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 3rd day of September, 2013.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: 
Ryan O. Hodge, Assistant City Attorney

AYES: Councilmembers: Amezcuca, Benavides, Pulido, Reyna, Sarmiento, Tinajero (6)


NOES: Councilmembers: Martinez (1)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2848 to be the original ordinance adopted by the City Council of the City of Santa Ana on September 3, 2013 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 9/5/2013 
Clerk of the Council
City of Santa Ana